[Français](http://www.ontario.ca/fr/lois/loi/17p12)

Prevention of and Remedies for Human Trafficking Act, 2017

Note: On a day to be named by proclamation of the Lieutenant Governor, the title of the Act is repealed and the following substituted: (See: 2023, c. 16, s. 2 (1))

Prevention of, Remedies for and Measures to Support Recovery from Human Trafficking Act, 2017

[S.o.](https://www.ontario.ca/laws/statute/s17012" \l "BK4) 2017, chapter 12  
Schedule 2

**Consolidation Period:** From December 4, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 16, s. 2](http://www.ontario.ca/laws/statute/S23016" \l "s2s1).

Legislative History: [2021, c. 21, Sched. 4](http://www.ontario.ca/laws/statute/S21021" \l "sched4s1); [2023, c. 16, s. 2](http://www.ontario.ca/laws/statute/S23016" \l "s2s1).

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[PART I](#Sched20)  
INTERPRETATION

Definition

**1** In this Act,

Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by striking out “this Act” in the portion before the definition of “human trafficking” and substituting “Parts II and III”. (See: 2023, c. 16, s. 2 (2))

“human trafficking” means conduct described in section 279.01, 279.011, 279.02 or 279.03 of the Criminal Code (Canada), taking into account any evidentiary or other rules set out in those sections respecting the determination of the conduct but not requiring a charge or conviction under any of those sections.

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (2)](http://www.ontario.ca/laws/statute/S23016" \l "s2s2) - not in force

[PART II](#Sched22)  
RESTRAINING ORDER, HUMAN TRAFFICKING

Definitions

**2** In this Part,

“child” means a person under the age of 18 years; (“enfant”)

“court” means the Ontario Court of Justice; (“tribunal”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Part; (“règlements”)

“victim” means a victim of human trafficking and includes a person who may be a victim of human trafficking. (“victime”)

Application for restraining order

**3** (1)  The following persons may apply to the court, in accordance with the regulations, for a restraining order under section 4 against a respondent:

1. A victim.

2. A person with lawful custody of a victim who is a child.

3. A person acting on behalf of a person referred to in paragraph 1 or 2 who gives his or her consent to the application in the prescribed form. 2017, c. 12, Sched. 2, s. 3 (1).

4. Any other person who is prescribed.

Same, customary care

(1.1)  For the purposes of this Part, paragraph 2 of subsection (1) applies with respect to a person caring for a child under customary care as defined in the Child, Youth and Family Services Act, 2017, regardless of whether the customary care constitutes lawful custody of the child. 2021, c. 21, Sched. 4, s. 1.

Parties

(2)  The parties to an application under subsection (1) are the applicant, the victim if he or she is not the applicant, and the respondent. 2017, c. 12, Sched. 2, s. 3 (2)

**Section Amendments with date in force (d/m/y)**

[2021, c. 21, Sched. 4, s. 1](http://www.ontario.ca/laws/statute/S21021" \l "sched4s1) - 03/06/2021

Restraining order

Definition

**4** (1)  In this section,

“visual recording” includes a photographic, film or video recording made by any means. 2017, c. 12, Sched. 2, s. 4 (1).

Order

(2)  The court may, on application under section 3, make a restraining order against the respondent if the court determines, on reasonable grounds, that the respondent has engaged or may engage in the human trafficking of the victim. 2017, c. 12, Sched. 2, s. 4 (2).

Factors

(3)  In determining whether to make a restraining order under subsection (2), the court may consider the following and any other relevant factors:

1. The respective ages of the victim and the respondent.

2. The victim’s immigration status.

3. Whether the victim has a physical or mental disability.

4. The nature of the relationship between the victim and the respondent.

5. Whether the respondent is in a position of trust, power or authority in relation to the victim.

6. The use of threats or other forms of intimidation by the respondent against the victim or a person known to the victim.

7. The use of force by the respondent against the victim or a person known to the victim, or against another person in the victim’s presence.

8. The use of deception, fraud or other forms of coercion by the respondent in relation to the victim.

9. The provision to the victim of alcohol or of a controlled substance, as defined in the Controlled Drugs and Substances Act (Canada), by the respondent, in order to cause or compel the victim to provide labour or services.

10. The respondent’s control, including withholding, or threatened control of the victim’s access to alcohol or to a controlled substance referred to in paragraph 9.

11. The respondent’s control or threatened control of the victim’s finances, including withholding money.

12. The respondent’s control, including withholding, destruction, concealment or removal, or threatened control of any of the victim’s personal effects or documents, such as a passport, driver’s licence, health card or other form of identification.

13. The possession, making, transmission, making available, selling, advertising or distribution, by the respondent, of any visual recording of the victim in which the victim is nude, is exposing his or her genital organs, anal region or breasts, or is engaged in or depicted as being engaged in explicit sexual activity. 2017, c. 12, Sched. 2, s. 4 (3).

Provisions of order

(4)  A restraining order made under subsection (2) may contain any reasonable condition that the court considers necessary or advisable for the protection of the victim and, if applicable, any other person, including,

(a) prohibiting the respondent from, directly or indirectly, communicating with or contacting the victim or any specified person;

(b) prohibiting the respondent from attending at or within a specified distance from any place that the victim or a specified person attends regularly, which may include a school, shelter, youth facility, place of residence, place of worship, place of employment or any other place where the victim or specified person is reasonably known by the respondent to be;

(c) requiring the respondent to return specified personal effects or documents belonging to the victim, such as a passport, driver’s licence, health card or other form of identification, in the manner specified in the order;

(d) requiring the respondent to return to the victim the original and any copies of any visual recording of the victim; and

(e) prohibiting the respondent from possessing, making, transmitting, making available, selling, advertising or distributing any visual recording of the victim. 2017, c. 12, Sched. 2, s. 4 (4); 2021, c. 21, Sched. 4, s. 2 (1).

Same, weapon

(5)  If, in making a restraining order under subsection (2), the court determines that it is necessary or advisable for the protection of the victim or any other person to prohibit the respondent from possessing any weapon, as defined in section 2 of the Criminal Code (Canada), the court shall include the prohibition as a condition in the order and shall specify,

(a) the period during which the condition applies; and

(b) the manner in which the weapon and any related authorizations, licences or certifications that are held by the respondent shall be surrendered, disposed of, detained, stored or otherwise dealt with. 2017, c. 12, Sched. 2, s. 4 (5); 2021, c. 21, Sched. 4, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2021, c. 21, Sched. 4, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S21021" \l "sched4s2s1) - 03/06/2021

Expiry and extension

Expiry

**5** (1)  In making a restraining order under section 4, the court shall specify a date on which the order ceases to have effect, which shall be no later than the third anniversary of the day on which the order is made. 2017, c. 12, Sched. 2, s. 5 (1).

Extension

(2)  The court may, on application in accordance with the regulations before the expiry of a restraining order, extend the expiry date of the order for a period of up to three years, if the court determines that there is a continuing need for the order. 2017, c. 12, Sched. 2, s. 5 (2).

Compliance not determinative

(3)  For the purposes of subsection (2), the respondent’s compliance with the restraining order does not in itself mean that there is no continuing need for the order. 2017, c. 12, Sched. 2, s. 5 (3).

Multiple extensions

(4)  The expiry date of a restraining order may be extended under subsection (2) more than once. 2017, c. 12, Sched. 2, s. 5 (4).

Extension pending determination

(5)  If an application is made under subsection (2) and the restraining order is set to expire before the application is determined, the expiry date of the order is deemed to be extended until the determination of the application, unless the court orders otherwise. 2017, c. 12, Sched. 2, s. 5 (5).

Longer periods of application

(6)  Despite subsections (1) and (2), a restraining order may be made or extended for a period of longer than three years, as specified by the court, if the court is satisfied that the longer period is necessary for the protection of any person that the order is intended to protect. 2021, c. 21, Sched. 4, s. 3.

Transition

(7)  For greater certainty, subsection (6) applies with respect to the extension of a restraining order even if the order was made before the day section 3 of Schedule 4 to the Combating Human Trafficking Act, 2021 came into force. 2021, c. 21, Sched. 4, s. 3.

**Section Amendments with date in force (d/m/y)**

[2021, c. 21, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S21021" \l "sched4s3) - 03/06/2021

Application without notice, immediate or imminent danger

**6** (1)  A restraining order may be made under section 4 on an application that is brought without notice in accordance with the regulations, if the court determines that, in addition to the circumstances set out in subsection 4 (2) applying, the victim is in immediate or imminent danger from the respondent.

Order without notice not effective before service

(2)  A restraining order made on application without notice is not effective against the respondent until he or she is served with the order in accordance with the regulations.

Setting aside, varying order without notice

(3)  If a restraining order is made on application without notice, any party who was not given notice of the application may apply to the court, in accordance with the regulations, to have the order set aside or varied.

Same

(4)  In an application under subsection (3),

(a) the onus is on the person who applied for the restraining order to prove that that the order should continue without variation; and

(b) the court may consider any evidence that was submitted on the application for the restraining order.

No stay

(5)  An application under subsection (3) does not operate as a stay of the restraining order, unless the court orders otherwise.

Material change in circumstances

**7** (1)  The court may, on application in accordance with the regulations, set aside or vary a restraining order made under section 4 if the court is satisfied that there has been a material change in circumstances.

No stay

(2)  An application under subsection (1) does not operate as a stay of the restraining order, unless the court orders otherwise.

Evidence

**8** (1)  In an application under this Part, a court may receive and base decisions on evidence considered by the court to be trustworthy in the circumstances.

Application of special rules of evidence

(2)  Sections 18.3 to 18.6 of the Evidence Act apply in respect of a witness in an application under this Part regardless of his or her age.

If party is a child

**9** (1)  An application under this Part may be commenced, continued or responded to by a party who is a child without any legal representation or a litigation guardian, and the child is deemed to have capacity to retain and instruct counsel.

Legal representation

(2)  If a child who is a party to an application under this Part does not have legal representation, the court shall, at the first reasonable opportunity after the commencement of the application, determine whether legal representation is desirable to protect the child’s interests, and may make such a determination at any later stage.

Deemed to be in the child’s best interest

(3)  If the child is a victim who is not the applicant in an application under section 3, and the court is of the opinion that there is a difference of views between the child and the applicant, legal representation of the child is deemed to be desirable to protect the child’s interests unless the court is satisfied, taking into account the child’s views and wishes if they can be reasonably ascertained, that the child’s interests are otherwise adequately protected.

Direction by court

(4)  If the court determines that legal representation is desirable to protect the child’s interests, the court shall direct a person or entity prescribed for the purposes of this section to arrange for legal representation to be provided for the child.

Order restricting publication, etc.

Person who is a child

**10** (1)  If a party to or witness in an application under this Part is a child, the court shall make an order directing that any information that could identify the child shall not be published in any document or broadcast or transmitted in any way.

Person who is not a child

(2)  If a victim or witness in an application under this Part is not a child, the court may, on application in accordance with the regulations, make an order directing that any information that could identify the person shall not be published in any document or broadcast or transmitted in any way, if the court is satisfied that the order is necessary for the proper administration of justice.

Duty to inform

(3)  If the victim or witness is not a child, the court shall, at the first reasonable opportunity after the commencement of an application under this Part, inform the applicant, the victim if he or she is not the applicant, and any witnesses that the court may make an order under subsection (2).

Conditions

(4)  An order made under this section may be subject to any conditions that the court thinks fit.

Appeals

Superior Court of Justice

**11** (1)  An order made under this Part may be appealed to the Superior Court of Justice in accordance with the regulations.

Timing

(2)  An appeal under subsection (1) must be brought no later than 30 days after the order being appealed from is made, or such later time as the Superior Court of Justice may specify.

Court of Appeal

(3)  A judgment of the Superior Court of Justice on an appeal under subsection (1) may be appealed to the Court of Appeal in accordance with the regulations, with leave of a judge of that Court in accordance with the regulations, on any question that is not a question of fact alone.

Grounds for leave

(4)  Leave may not be granted under subsection (3) unless the judge determines that, in the particular circumstances of the case, it is essential in the public interest or for the due administration of justice that leave be granted.

No appeal, review re leave

(5)  No appeal or review lies from a decision on a motion for leave to appeal under subsection (3).

No stay

(6)  An appeal under this section does not operate as a stay of proceedings under this Part or of the operation of a restraining order made under section 4, unless the court hearing the appeal orders otherwise.

Extension of expiry

(7)  The court hearing an appeal may extend the expiry date of a restraining order made under section 4 until the determination of the appeal or such other date as the court may specify.

*Courts of Justice Act*

**12** In the event of a conflict between this Part and the Courts of Justice Act, this Part prevails to the extent of the conflict.

Rules of court

**13** The rules of court do not apply to an application or appeal under this Part, except as may be provided by the regulations.

No court fees payable

**14** No fees are payable under the Administration of Justice Act with respect to an application or appeal under this Part, unless otherwise provided by the regulations.

Regulations

**15** (1)  The Minister responsible for the administration of this Act may make regulations,

(a) respecting anything that, under this Part, may or must be prescribed or done by regulation;

(b) governing procedures respecting applications and appeals under this Part, including procedures in relation to,

(i) the mode and conduct of applications, including requiring the filing of documents,

(ii) the commencement of applications, representation of parties and service of documents in or outside Ontario,

(iii) pleadings,

(iv) the use of documents and other evidence in applications, including discovery and other forms of disclosure,

(v) the examination of witnesses,

(vi) appeals and motions for appeal, including their mode and conduct,

(vii) the mode and conduct of hearings,

(viii) the disposition of applications, appeals and motions for appeal without a hearing and its effect.

Same

(2)  Regulations made under clause (1) (b) may provide,

(a) that any of the rules of court apply to an application or appeal under this Part, with such changes as the regulations may specify;

(b) that an application under this Part may be made by way of a motion or other process, as specified by the regulations; and

(c) that, in the event of a failure to comply with any of the prescribed procedures, the court may grant relief regardless, set aside any procedural step in whole or in part, or exercise any other power specified by the regulations with respect to the failure to comply, in such circumstances or with such limitations or conditions as may be specified by the regulations.

[PART III](#Sched217)  
TORT OF HUMAN TRAFFICKING

Action

**16** (1)  A victim of human trafficking may bring an action against any person who engaged in the human trafficking.

Proof of damage not required

(2)  The action may be brought without proof of damage.

Standard of proof

(3)  Findings of fact in an action under this section shall be made on the balance of probabilities.

Powers of court

**17** (1)  In an action under section 16, the court may,

(a) award damages to the plaintiff, including general, special, aggravated and punitive damages;

(b) order the defendant to account to the plaintiff for any profits that have accrued to the defendant as a result of the human trafficking;

(c) issue an injunction on such terms and with such conditions as the court determines appropriate in the circumstances; and

(d) make any other order that the court considers reasonable in the circumstances.

Considerations

(2)  In awarding damages under clause (1) (a), the court shall have regard to all of the circumstances of the case, including,

(a) any particular vulnerabilities of the plaintiff;

(b) all aspects of the defendant’s conduct; and

(c) the nature of any existing relationship between the plaintiff and the defendant.

Accounting not relevant to damages

(3)  The court shall not take into account any order made under clause (1) (b) when awarding damages.

No double compensation

(4)  When assessing damages or any other compensation in an action under section 16 respecting conduct that is the subject of another civil proceeding, the court shall take into account any damages or compensation awarded in the other proceeding in respect of the same conduct.

18 Omitted (provides for coming into force of provisions of this Act).

19Omitted (enacts short title of this Act).

Note: On a day to be named by proclamation of the Lieutenant Governor, Part IV of the Act is repealed and the following substituted: (See: 2023, c. 16, s. 2 (3))

PART IV  
COERCED DEBTS INCURRED IN RELATION TO HUMAN TRAFFICKING

Interpretation, “coerced debt”

**18** Subject to the regulations, a debt is a coerced debt for the purposes of this Part if the debt was incurred as a result of the debtor being subjected to human trafficking. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

Prohibition on collection of debts

**19** Despite any other Act, no person or entity shall, through any means whatsoever, knowingly collect or attempt to collect a coerced debt. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

Debt not to be considered

**20** Where the existence of a coerced debt has been established, no person or entity who is determining whether to provide a debtor who has been subjected to human trafficking with credit services or products shall take the existence of the coerced debt into consideration when making that determination. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

Application to prescribed individual or group of individuals

**21** (1)  Subject to subsection (2), in the case of a disagreement as to the application of this Part to a debt, the debtor or creditor may apply to a prescribed individual or group of individuals for a determination as to whether the debt is a coerced debt. 2023, c. 16, s. 2 (3).

Same

(2)  An application by a debtor must be accompanied by a letter from an organization that satisfies the prescribed criteria, setting out prescribed information in support of the application. 2023, c. 16, s. 2 (3).

Determination

(3)  After affording the debtor and creditor an opportunity to be heard, the prescribed individual or group of individuals shall,

(a) make a determination as to whether the debt, or some part of it, is a coerced debt and, if applicable, the amount of the coerced debt; and

(b) notify the debtor and creditor of the determination in writing. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

Regulations

**22** The Minister responsible for the administration of this Act may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part and, without limiting the generality of the foregoing, may make regulations,

(a) respecting anything that, under this Part, may or must be prescribed or done by regulation;

(b) prescribing types of debts that are not coerced debts for the purposes of this Part;

(c) prescribing criteria that must be satisfied in order for a coerced debt to be established;

(d) governing applications made under section 21, including governing the application of the Statutory Powers Procedure Act or any of its provisions. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

Crown bound

**23** This Part binds the Crown. 2023, c. 16, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2023, c. 16, s. 2 (3)](http://www.ontario.ca/laws/statute/S23016" \l "s2s3) - not in force

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