

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 41

An Act to amend the Consumer Reporting Act and the Prevention of and Remedies for Human Trafficking Act, 2017 with respect to certain debts incurred in relation to human trafficking

Co-sponsors:

Mrs. L. Collard

Mr. C. Glover

Mr. M. Schreiner

Ms L. Scott

Private Members' Bill

1st Reading November 16, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Consumer Reporting Act* and the *Prevention of and Remedies for Human Trafficking Act, 2017*. The *Consumer Reporting Act* is amended to prohibit the inclusion in consumer reports of unfavourable information about a consumer that resulted from human trafficking. The *Prevention of and Remedies for Human Trafficking Act, 2017* is amended to add a new Part IV, which provides for the concept of a coerced debt, that being a debt incurred under a credit facility while the debtor was subjected to human trafficking. The provisions of this new Part prohibit the collection of coerced debts and prohibit persons or entities from taking them into consideration when determining whether to provide services or products to the debtor. In the case of a dispute between a creditor and a debtor as to whether a debt is a coerced debt, either may apply to a Tribunal for a determination.

**An Act to amend the Consumer Reporting Act and the
Prevention of and Remedies for Human Trafficking Act, 2017
with respect to certain debts incurred in relation to human trafficking**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Consumer Reporting Act

1 Subsection 9 (3) of the *Consumer Reporting Act* is amended by adding the following clause:

- (b.1) any unfavourable personal information about a consumer having resulted from human trafficking as defined in section 1 of the *Prevention of, Remedies for and Measures to Support Recovery from Human Trafficking Act, 2017*;

Prevention of and Remedies for Human Trafficking Act, 2017

2 (1) The title of the *Prevention of and Remedies for Human Trafficking Act, 2017* is repealed and the following substituted:

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

(2) 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”.

(3) Part IV of the Act is repealed and the following substituted:

**PART IV
COERCED DEBTS INCURRED IN RELATION TO HUMAN TRAFFICKING**

Interpretation

18 A debt is a coerced debt for the purposes of this Part if,

- (a) the debt was incurred under a credit facility; and
- (b) the debt was incurred while the debtor was being subjected to human trafficking.

Prohibition on collection of debts

19 Despite any other Act, no person or entity shall, through any means whatsoever, collect or attempt to collect a coerced debt.

Debt not to be considered by creditor or others

20 No person or entity, including a creditor who is owed a coerced debt, shall take the existence of a coerced debt into consideration when determining whether to provide the debtor with any services or products offered by the person or entity.

Application to Tribunal

21 (1) In the case of a disagreement as to the application of this Part to a debt, the debtor or creditor may apply to the Tribunal for a determination as to whether the debt is a coerced debt.

Determination of Tribunal

- (2) After affording the debtor and creditor an opportunity to be heard, the Tribunal 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 its determination.

Definition

(3) In this section,

“Tribunal” means the tribunal prescribed for the purposes of this section by the regulations made under this Part.

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) prescribing a tribunal for the purposes of section 21;
- (b) governing applications made to the Tribunal, including governing the application of the *Statutory Powers Procedure Act* or any of its provisions.

Crown bound

23 This Part binds the Crown.

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Protection from Coerced Debts Incurred in relation to Human Trafficking Act, 2022*.