

# POLICY PERSPECTIVES



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## THE EASE OF DOING HIDDEN BUSINESS IN CANADA AND B.C.

### HIGHLIGHTS

- British Columbia's shadow economy – hidden economic activity, both legal and illegal – appears to be thriving. B.C.'s shadow economy is the third largest in Canada and it has expanded sharply since the return to the provincial sales tax a few years ago.
  - Statistics Canada's data is incomplete. It ignores most illegal activities on the assumption that they are a small and steady share of the overall economy. However, the experience of cannabis legalization has seriously undermined that assumption. This raises questions about whether Canada's official GDP – and thereby good public policy decisions – are distorted by the lack of measurement of illegal economic activities that should be, in principle, estimated and included in GDP.
  - The shadow economy harms law-abiding households and businesses who must shoulder a greater tax burden to pay for public services.
- Canadians are paying about \$540 per taxpayer annually – \$1.50 per day – to cover the cost of their fellow citizens' non-compliance with personal income and goods and services taxes.
- The shadow economy also distorts competition, since non-compliant businesses face lower costs than competitors who play by the rules. It undermines public trust in the tax system and erodes social norms that promote voluntary compliance. Networks of non-compliant businesses can also hide and enable illegal activities that cause insidious social harm.
  - Tax, regulatory and criminal justice systems must be intelligently designed to discourage, detect and sanction hidden economic activity. Current capabilities do not appear commensurate with the challenge. Greater national and provincial leadership is needed to address the shadow economy problem.

### INTRODUCTION

British Columbia's shadow economy – hidden and unreported economic activity, both legal and illegal – appears to be thriving. Hidden activities range from unreported business income, off-the-books work and undeclared tips, to illegal activities such as drug trafficking and money laundering. Statistics Canada's measure of the shadow

economy is incomplete because it misses most illegal activities. Even so, the agency's data shows that B.C.'s shadow economy is both large and growing faster than the official economy.

At its extreme, the ease of doing hidden business in Canada was celebrated in the recent New York trial of notorious drug baron [Joaquín Guzmán](#) (“El Chapo”). Guzmán ran

the [Sinaloa cartel's](#) massive drug-distribution and organized crime network for several decades. The U.S. Drug Enforcement Agency (DEA) was shocked by the Sinaloa cartel's “deep infiltration” in Canada, according to former DEA agent Andrew Horgan, and “in terms of profit, Chapo was doing more cocaine business in Canada than in the United States.”<sup>1</sup> As reported by [Global News](#), the DEA claims that

<sup>1</sup> The observations are detailed in *Hunting El Chapo* by former DEA agent Andrew Horgan and Canadian writer Douglas Century.

TABLE 1: **EXAMPLES OF SHADOW ECONOMY ACTIVITIES**

Activity	Examples
<b>Unregistered businesses</b>	Businesses that do not register with the tax administration for income tax, sales tax or capital gains tax. They may still register with other agencies or service providers.
<b>Under-reporting of business income ("skimming")</b>	Legal businesses that fail to declare a fraction of their receipts on their tax returns. Under-reporting can range from businesses or sole traders that skim off some cash sales to large scale fraud.
<b>Inflation of costs</b>	Those who inflate tax deductible expenses, e.g. using false receipts or invoices or collusion with others.
<b>Identity fraud</b>	Use of fake identities to avoid tax liabilities or to claim refunds due to others. Fake identities are also commonly used to continue to claim benefits while working.
<b>Phoenix companies</b>	Companies that are created with the intention of becoming insolvent before paying tax and other bills (with the business being transferred but not the debts). Similarly, companies may strip assets and disappear prior to paying tax due.
<b>Moonlighters</b>	People registered with the tax administration for some employment but not for all, e.g. someone with a part-time job paid by cash on top of regular employment.
<b>Ghosts</b>	Those unknown to the tax administration, never having registered for tax. E.g. informal market traders, day or seasonal labourers, providers of domestic services, and serious criminals.
<b>Cross-border fraud</b>	Those who carry out activities across border with the aim of exploiting gaps and being able to hide out of reach of another tax administration.
<b>Employer fraud</b>	Not registering workers with the tax administration or requiring such registration as a condition of employment; not complying with requirements to withhold tax or social security liabilities; employing illegal workers – e.g. those without a permit or underage; not carrying out identity checks; paying less than required minimum wages etc.
<b>GST fraud</b>	Claiming refunds or deductions for goods and services tax (GST) that has not been paid by the supplier, including through organized cross-border fraud.
<b>Distance selling</b>	Evading the payment of GST by selling into one country from another online without registration.
<b>Money laundering</b>	Bringing money from illegal activity into a legal business to make its origin appear legal.
<b>Illicit trafficking</b>	Smuggling of goods on which duty has not be paid or which are fake for sale informally or through established businesses.
<b>Other illegal activities</b>	Production and distribution of illegal goods (e.g. drugs) and services (e.g. prostitution), unlicensed activities (e.g. gambling), counterfeiting, fencing (resale) of stolen goods, bribery.
Source: Based on <a href="#">OECD 2017</a> .	

“the Sinaloa cartel targeted Canada because of its weak national policing and was making almost \$3 million a day from selling cocaine and heroin in major Canadian cities.”

Canada’s seeming appeal to international crime syndicates is striking when juxtaposed with growing concerns in Canada’s law-abiding [business community](#) about the cost and difficulties of doing business. Canada has dropped from 4th globally in 2006 to 22nd in 2019 on the World Bank’s [Ease of Doing Business](#) overall score. Canada ranks 53rd globally for its “burden of government regulation” and 44th for the “distortive effect of taxes and subsidies on competition,” according to the [World Economic Forum](#). Is Canada burdening law-abiding businesses and households while “turning a blind eye” to non-compliant operators?

## WHAT IS THE SHADOW ECONOMY?

There are a variety of terms and definitions used to describe the shadow economy.<sup>2</sup> The [OECD \(2017\)](#) defines it as follows:

*The shadow economy includes “[e]conomic activities, whether legal or illegal, which are required by law to be fully reported to the tax administration, but which are not reported, and which therefore go untaxed unlike activities which are so reported.”*

The shadow economy includes economic activities that are:

### 1. **Legal, hidden and unreported**

- e.g., unreported construction work on new homes and renovations paid in cash,

“skimming” of receipts by business owners, off-the-books employment, undeclared tips and unreported rental income.

### 2. **Illegal, hidden and unreported**

- e.g. the production and distribution of illegal goods (e.g. drugs) and services (e.g. prostitution), unlicensed activities (e.g. gambling), counterfeiting, smuggling, fencing of stolen goods, bribery and money laundering.

Our discussion will follow the [OECD \(2017\)](#) definition in principle. We will also highlight where, in practice, the available data (such as Statistics Canada’s) does not conform to this definition. **Table 1** provides examples of shadow economic activities that fall under the OECD’s definition.

## HOW DOES THE SHADOW ECONOMY HARM BRITISH COLUMBIANS?

A sizable and thriving shadow economy is bad news for British Columbians because:

- Law-abiding households and businesses must shoulder a greater tax burden to pay for public services used by everyone;
- It attracts labour, entrepreneurial talent and capital into parts of the economy that dodge taxes and regulations (legal and illegal hidden activities);
- Law-abiding businesses and workers are at a competitive disadvantage compared to the dodgers. The competitive playing field is not level and is unfair;
- It undermines social norms that encourage *voluntary* compliance

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with taxes, laws and regulations. Enforcement costs rise;

- It damages public trust in institutions;
- It undermines contractual and labour protections for businesses and workers;
- It puts consumers and other businesses at greater risk of credit, insurance and health and safety risks failures; and
- It can support wider illegal economic activity such as [human trafficking](#), money laundering and illicit drug production and distribution.

The Canada Revenue Agency (CRA) has produced partial estimates of the national tax revenue forgone due to non-compliance, known as the “[tax gap](#)”. In 2014, non-compliance with personal income tax and GST was \$14.6 billion. **This partial estimate of the tax gap works out to about \$540 per taxpayer annually or \$10 per week. In other words, Canadian taxpayers must each pay an extra \$1.50 every day to cover the cost of tax dodging by their fellow citizens.**

However, these estimates about Canada’s tax gap are only a lower bound because they do not address *corporate* tax non-compliance. The CRA has promised to provide

<sup>2</sup> The shadow economy is also referred to as the underground economy, unobserved economy, hidden economy, cash economy and informal economy ([OECD 2017](#)).

an estimate of the domestic and international business tax gap in 2019. Taken together with the personal income tax and GST tax gap, the CRA will then have a complete estimate of Canada’s overall tax gap. **Canada has hitherto lacked a complete estimate of the missing revenue from tax non-compliance.**

**STATISTICS CANADA’S  
(INCOMPLETE)  
MEASUREMENT APPROACH**

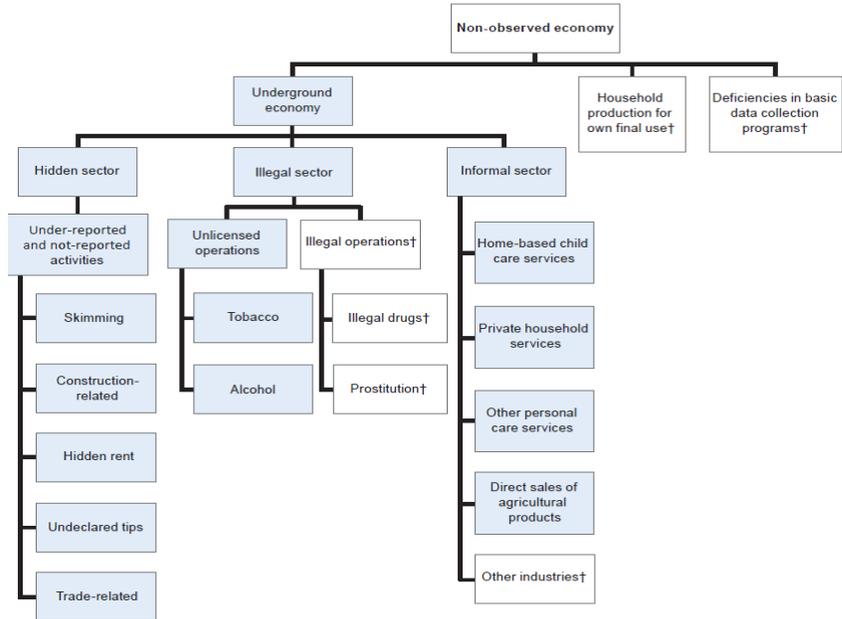
**Official GDP**

Statistics Canada considers that, in principle, all legal and illegal market-based economic activities should be included in Canada’s national accounts. However, in practice, its measure of official GDP excludes most illegal activities. Statistics Canada relies on a long-standing working assumption that illegal activities are a small and steady share of the overall economy. Thus, the agency has assumed that ignoring them has no real consequences for assessing developments in the overall economy.

The validity of that assumption has been seriously undermined by the legalization of cannabis in October 2018. Prior to legalization, Canada’s official GDP only included production, distribution and consumption of legal cannabis (i.e. medicinal cannabis). Since legalization, Statistics Canada has had to develop estimates of the size of both the legal and illegal cannabis industry to avoid creating a structural break in the official GDP series.

The exercise showed that the total cannabis industry is sizable and variable over time:

**FIGURE 1: STATISTICS CANADA’S FRAMEWORK FOR MEASURING THE “UNDERGROUND ECONOMY” (SHADED)**



Notes: Statistics Canada defines the “underground economy” as including three of the five non-observed economy sectors: the hidden, the illegal, and the informal sectors. In practice, categories marked with a dagger (†) are not included: household production for own final use, deficiencies in basic data collection programs, illegal operations, illegal drugs, prostitution, and other industries. Recent updates of the underground economy now include estimates for the illegal cannabis industry. However, illegal drugs other than cannabis remain excluded. Other illegal activities also remain excluded, such as money laundering, counterfeiting, bribery, fencing of stolen goods and unlicensed gambling (none of these activities are depicted in the figure).

Source: [Statistics Canada 2014](#).

- Legal and illegal activities related to cannabis totaled \$8.6 billion in 2018Q4, or about 0.4% of Canada’s official GDP (see [Statistics Canada 2019a](#)).
- Cannabis-related GDP accelerated in late 2018 as the rest of the economy decelerated. Cannabis GDP grew at an annualized rate of 10.7% in 2018Q4, up from 6.2% in 2018Q3; overall GDP growth slowed to an annualized rate of 0.1%, down from 0.8% in 2018Q3.
- A large illegal industry existed prior to legalization. Illegal cannabis was the lion’s share – almost two-thirds – of total cannabis supply and use in 2018Q4.
- Roughly 4.6 million people, or 15% of Canadians aged 15 and older, reported using cannabis in 2018Q4. Nearly 20% think they will use cannabis in the next 3 months (see [Statistics Canada 2019b](#));
- On average, about 17% of British Columbians aged 15 and over used cannabis during each quarter of 2018.

The corollary is that Statistics Canada’s working assumption that illegal activities are a trivial and

steady share of the Canadian economy has been undermined by new evidence on cannabis GDP. Cannabis is (or was) only one of many illicit drugs, among many types of illegal economic activities (see **Table 1**). **The evidence raises questions as to whether Canada’s official GDP – and thereby public policy decisions – are being distorted by the lack of measurement of illegal economic activities that should be, in principle, estimated and counted as part of GDP.**<sup>3</sup>

**The shadow economy**

Statistics Canada provides a measure of the shadow economy that is similar in principle but different in practice from the [OECD’s \(2017\)](#). Statistics Canada uses the terminology, “underground economy,” [defined](#) as:

*“The underground economy can be defined as consisting of market-based economic activities, whether legal or illegal, that escape measurement because of their hidden, illegal or informal nature.”*

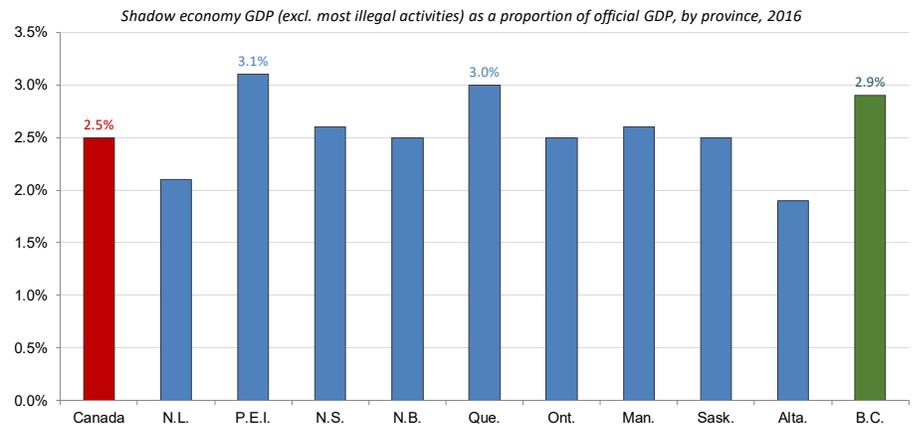
In practice, Statistics Canada’s measure includes hidden legal activities, informal activities and, in recent updates, the illegal cannabis industry (see **Figure 1**).<sup>4,5</sup> **However, most other illegal economic activities are still excluded, even though in principle they should be included.**

**WHAT DOES THE DATA SAY?**

**B.C. has a large shadow economy**

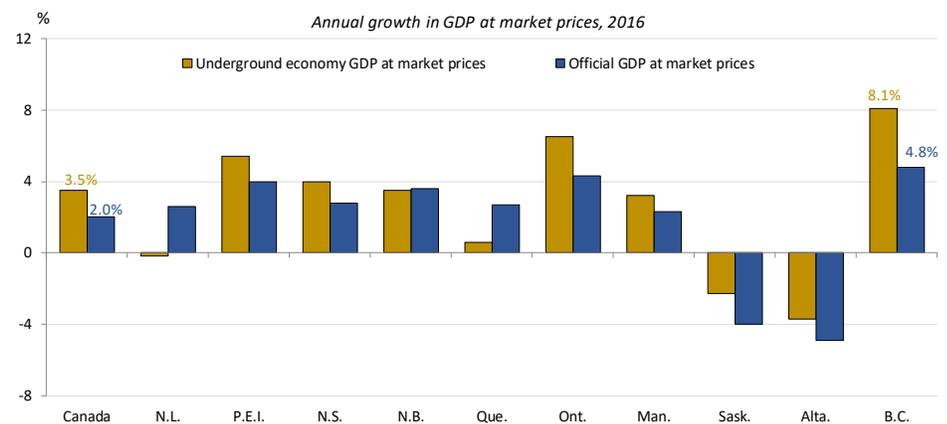
Statistics Canada [data](#) shows that B.C.’s shadow economy – using an incomplete measure that includes hidden and informal activities but *excludes most illegal activities* – is larger and growing faster than the

FIGURE 2: **B.C. HAS THE 3<sup>RD</sup> LARGEST SHADOW ECONOMY IN CANADA**



Source: Statistics Canada.

FIGURE 3: **B.C.’S SHADOW ECONOMY GDP\* GROWTH OUTPACES OFFICIAL GDP GROWTH**



\* excluding most illegal activities

Source: Statistics Canada.

Canadian average (**Figure 2**):

- B.C.’s shadow economy was 2.9% of official GDP in 2016.
- B.C. has the third largest shadow economy among the provinces, trailing only Prince Edward Island (3.1%) and Quebec (3.0%).
- B.C.’s shadow economy is larger than the national average (2.5%).

**B.C.’s shadow economy is growing much faster than official GDP**

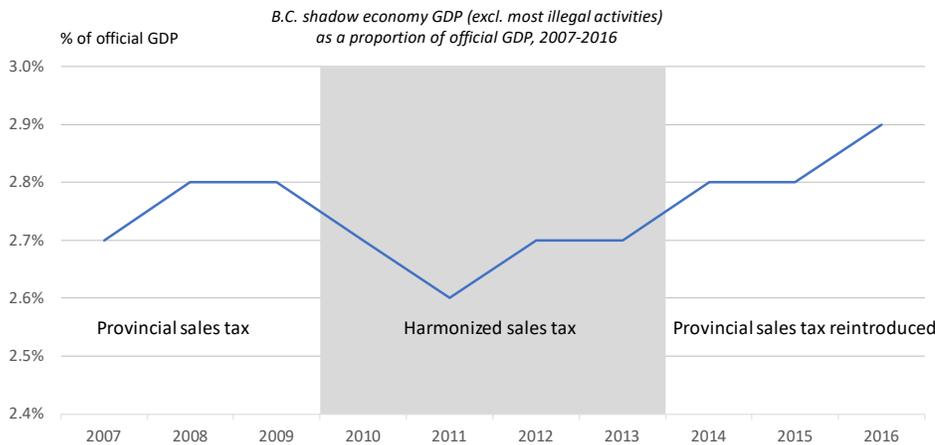
B.C.’s shadow economy grew faster than any other province in 2016 (**Figure 3**). It grew considerably faster than B.C.’s official GDP in 2016 (8.1% versus 4.8%, before inflation). It grew more than twice as fast as Canada’s shadow economy. And it grew at four times the rate of Canada’s official GDP.

<sup>3</sup> For discussions of direct and indirect statistical approaches to measuring the shadow economy, see [Schneider and Buehn \(2018\)](#) and [Schneider \(2017\)](#).

<sup>4</sup> Examples of informal activities include child-care in the home, private household services, other personal care services and direct sales of agricultural products.

<sup>5</sup> See [Morissette \(2014\)](#) and [Finlayson and Peacock \(2014\)](#) for discussion.

FIGURE 4: **B.C.'S SHADOW ECONOMY HAS SURGED SINCE THE REINTRODUCTION OF PST**



Note: HST replaced PST in British Columbia from 1 July 2010 to 1 April 2013.

Source: Statistics Canada.

**B.C.'s shadow economy surged after the PST was reintroduced**

B.C. replaced its provincial sales tax (PST) with a harmonized sales tax (HST) on 1 July 2010, but then reverted to the PST on 1 April 2013. PST is a sales tax on a narrow range of goods and only a few services. Firms do not receive a credit for taxes paid on inputs, so the effect of the tax cascades and compounds throughout the production process. The PST also has very high compliance costs.

The HST and the GST are value-added consumption taxes. These taxes apply only once on final sales of a broad range of goods and services. Firms receive a credit for sales taxes paid on inputs. Compliance costs are relatively low. A value-added consumption tax discourages hidden legal and illegal economic activities:

- firms engaging in hidden legal and illegal economic activity are penalized by not being able to receive input tax credits. This makes them less competitive relative to tax-compliant firms;

- firms are more likely to register for tax purposes; and
- firms are more likely to fully declare final sales transactions (i.e. reduced “skimming”).

B.C.'s shadow economy has expanded since the reintroduction of the PST. It reached a decade-low in 2011 and a decade-high in 2016. The data suggest that the return to PST has reduced tax compliance and weakened the resiliency of the tax system. (see [Williams 2019](#))

**If all illegal activities were included, estimates of the shadow economy would be larger!**

As noted above, Statistics Canada’s measure of the shadow economy is incomplete and is at best a lower bound. Its estimates *exclude* most illegal activities related to the production and distribution of illegal goods (e.g. drugs) and services (e.g. prostitution), unlicensed activities (e.g. gambling), counterfeiting, smuggling, fencing (resale) of stolen goods, bribery and money laundering. If all illegal activities were included,

estimates of the size of the shadow economy would be considerably higher.

**WHY IS THE SHADOW ECONOMY LARGER IN B.C. THAN IN OTHER PARTS OF CANADA?**

There are good reasons to believe that the shadow economy (properly measured) is larger in B.C. than in other parts of Canada due to the province’s economic structure and geographical location. Effective tax system design, and monitoring, investigation and enforcement capabilities can mitigate the associated shadow economy risks. But at present, federal and provincial government attention and resources to this issue do not appear commensurate with the challenge.

**B.C.'s surfeit of tiny companies invites a sizable shadow economy**

B.C.'s economy is heavily skewed toward self-employment and (very) small unincorporated businesses, where unreported transactions and under-reported income are more common.

- Of B.C.'s 404,000 registered companies, only 7,900 employ more than 50 paid employees. Another 188,100 companies have 1-49 staff.
- The rest - 208,000 companies, making up just over half (51%) of all firms in the province - are self-employed or have no paid employees.
- [BCBC](#) has previously shown that there are sound economic reasons for ensuring that policy settings do not disincentivize companies from scaling up. Larger companies are

responsible for the lion's share of (official) private sector GDP, have higher productivity, pay higher wages, participate more in export markets, and spend more intensely on research and development.

- Large firms tend to be subject to greater reporting and scrutiny than small firms, including by independent auditors, tax authorities, regulators, the media, financial markets and legislators. Large firms are also more likely to have regulatory compliance systems than small firms.

Arguably, to the extent that B.C.'s policy settings support an economy featuring high levels of self-employment and lots of tiny companies that stay small, they invite a sizable shadow economy.

### **B.C.'s economy has become increasingly geared toward real estate activities**

Activities tied to real estate are a bigger share of economic activity in B.C. than in other parts of the country. Residential construction is by far the top contributor to (Statistics Canada's measure of) the shadow economy. Residential construction accounted for 27% of shadow economic activity in Canada in 2016. This is more than the next two sectors combined: retail trade (14%) and accommodation and food service (12%).

Activities tied to real estate have been booming in B.C. for several years (until recently). Activity responds to prices. Rapidly rising established house prices incentivize trading, financing, insuring, building, renovating and furnishing real estate. BCBC estimates that activities tied to real estate contributed about one-third of growth

### **B.C. has acquired global notoriety as a regional hub for transnational organized crime and money laundering.**

in (official) B.C. economic activity in the period 2014-2017.

### **B.C.'s illegal drug and money laundering industries appear to be thriving**

B.C.'s illicit drug trade involves billions of dollars of cash transactions every year. This cash requires laundering through placement, layering and integration with the legal economy.<sup>6</sup> The drug trade is partly a function of geography, since B.C. is Canada's transport gateway to the Pacific North West, China and the rest of Asia. Chapter 3 of [German \(2018\)](#) outlines the history, structure and features of transnational organized crime and the illegal drug trade that has taken root in B.C.

B.C. has acquired global notoriety as a regional hub for transnational organized crime and money laundering. Professor John Langdale of Australia's Macquarie University, a noted criminology expert, presented the "[Vancouver Model of Money Laundering](#)" as "Case Study #4" at an international policing conference in November 2017. He concludes by warning Australian police of the risk that Sydney could follow down Vancouver's path.

A contributing factor is that Canada is seen as a "weak link" among peer nations in combatting money laundering. [Meunier \(2018\)](#) describes Canada as a "pawn in the global game of money laundering," due to its allowance of hidden beneficial

ownership and control of companies and trusts. In March 2019, the U.S. State Department designated Canada as a "[major money laundering jurisdiction in 2018](#)" citing major regulatory flaws and feeble enforcement and prosecutorial capabilities. Similarly, [German 2019](#) found there are currently no dedicated federal RCMP officers in B.C. investigating criminal money laundering.

According to the [Financial Action Task Force \(FATF\)](#), Canada has an advanced anti-money laundering and combating terrorist financing regime (AML/CTF), **but with some major technical gaps and low levels of actual enforcement that are not in line with the risks Canada faces.**

**Canada is rated as only partially compliant or not compliant with about one quarter of global best practice technical recommendations on AML/CTF. Also, more than half of Canada's AML/CTF regime areas are rated as having only moderate effectiveness or low effectiveness.**

### **CONCLUSION (HOUSTON, WE'VE HAD A PROBLEM!)**

B.C.'s shadow economy (using a measure that ignores most illegal activities and hence fails to capture its true size) is large and has expanded since the return to the PST. B.C.'s shadow economy grew at *four times* the rate of Canada's official GDP in 2016.

However, Statistics Canada's published data on the shadow economy shows only the tip of the iceberg. It is troubling that Statistics Canada has little idea about the size and scope of most

<sup>6</sup> [Rogoff \(2019\)](#) describes cash as "rocket fuel" for criminals.

illegal economic activities in the country. The legalization of cannabis has uncovered that that industry alone is worth \$8.6 billion, or 0.4% of Canada's GDP. About two-thirds of the industry was illegal (non-medicinal) prior to legalization. Cannabis is (or was) only one illegal drug among many illegal activities. The issue is a rather large blind spot in Canada's national accounts, on which good public policy relies. Developing complete estimates for the shadow economy should be a priority.

There are reasons to believe that risks from the shadow economy (properly measured) may be inherently greater in B.C. than in other parts of Canada, due to the province's economic structure and gateway location. These include: [B.C.'s plethora of tiny registered companies](#); the Lower Mainland economy's heavy involvement in real estate activities where [unreported transactions are more common](#) than in other sectors; and Vancouver being a [globally-recognized regional hub](#) for illicit drug trafficking and money laundering. With respect to the latter, it does not help that Canada is seen as a [weak link](#) among peer nations in [combatting money laundering](#).

The existence and growth of the shadow economy harms law-abiding households and businesses who must shoulder a greater tax burden to pay for public services. Competition becomes distorted and unfair, as non-compliant businesses face lower costs than competitors who play by the rules. Public trust in the tax system falls. Social norms that promote *voluntary* compliance suffer. Networks of non-compliant businesses can be used to hide and enable illegal activities that cause insidious and diffuse social harm.

BCBC believes that productivity-driven economic growth and the rule of law are fundamental to improving the living standards of all British Columbians. It is imperative that tax and regulatory systems be intelligently designed to discourage, detect and sanction hidden economic activity. Current tax and regulatory policy design, monitoring, investigation and enforcement capabilities do not

appear commensurate with the challenge. Stronger national and provincial leadership is needed to address the apparent ease of doing hidden business in Canada and B.C.

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## AUTHORED BY

**David Williams, DPhil**  
Vice President of Policy

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