The Toolbox:
What Works for Sex Workers

An expanded toolkit of information, strategies and tips
for service providers working with sex workers.

Edited by Frederique Chabot for:

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INTRODUCTION:
POWER, Sex Worker Rights and an Expanded Toolkit for Service Providers

The following pages were compiled by POWER (Prostitutes of Ottawa-Gatineau Work, Educate and Resist), in collaboration with the *AIDS Committee of Ottawa* and with the support of the *Ontario HIV/AIDS Treatment Network (OHTN)*. This booklet is intended as a resource for frontline health and social service providers, media, the general public, police, sex workers, and anyone who wants to be an ally to sex workers. It aims to provide an overview of the challenges confronting sex workers in Ontario, speak to the diversity within the industry and present strategies for change.

POWER, the National Capital's first sex worker rights organization, was founded on February 17th, 2008. Envisioning a society in which sex workers of all genders practice their profession free of legal and social discrimination, harassment and violence, POWER engages in public education campaigns, fights for legal, social and human rights of sex workers, supports health promotion efforts and participates in research projects. In 2010, POWER released a report called *Challenges: Ottawa Area Sex Workers Speak Out*, which was the product of a community-based research project that interviewed Ottawa sex workers.

The Toolkit: Ottawa Area Sex Workers Speak Out, an offshoot of the Challenges report, emphasized the challenges faced by Ottawa sex workers and offered resources and tools for service providers and other publics, with the intention of fostering better service delivery, advocacy and community building. In 2011, the *Toolkit* was awarded the OHTN's Jay Browne Living Legacy award for innovative HIV prevention, which gave us the opportunity to expand this resource and work with partners from across Ontario to offer diverse perspectives and an expanded set of tools.

The creation of the new and improved *Toolbox: What Works for Sex Workers* would not have been possible without the invaluable contributions of Maggie's, The Native Youth Sexual Health Network, ACAS (Asian Community AIDS Services), Sex Professionals of Canada (SPOC), Big Susie's, Students for Sex Worker Rights, SWAG (Sex Worker Action Group—Kingston), HIV/AIDS Regional Services (HARS), as well as the input and work of the dedicated individuals who participated in a consultation process, partnered with POWER to edit the Toolkit, and then took the lead in the creation of additional sections: Emily Van der Meulen, Cheryl Auger, Elya M. Durisin, Keisha Scott, Phoenix McKee, Monica Forrester, Viviane Namaste, Jamie-Lee Hamilton, Mirha-Soleil Ross, Deb Kinder, Naomi Sayers, Trisha S., Ayla Baby, Cole Gately, Joni Aikens, River Redwood, Chanelle Gallant, Erin Konsmo, Nengeh Mensah, Jessica Danforth Yee, Tuulia Law, Valerie Scott, Robyn Maynard, Chris Bruckert, Emily Symons and Lindsay Blewett.

A special thank you to Lara Purvis who took the lead in developing the original *Toolkit* and whose contributions are evident throughout the *Toolbox* as well.
Join us in the fight for sex workers' rights, in educating and resisting until sex workers are able to work with dignity, equal rights and full access to services in Ontario and across Canada.

Nothing about us, without us!

MYTHS AND FACTS

Lara Purvis, Emily Symons, Chris Bruckert and Fred Chabot

MYTH: *All sex workers are the same and share the same experiences.*

FACT: Everybody's circumstances are unique. It is crucial to recognize that we have many communities we belong to and that this informs our experiences, the support we get, how criminalized we may be, and what resources we are able to access. Some of us refer to ourselves as 'sex workers' while some of us do not. Our experiences in the sex industry vary greatly. For some of us, sex work is just a job. For others it may include violence, coercion, survival, getting by, empowerment, a source of pride, and everything in between.

MYTH: *Violence is part of the job.*

FACT: We refuse to accept that violence is a part of our job. While Canadian sex workers experience disproportionately high levels of violence, this is not inherent to our work. Vulnerability to violence can be attributed to criminalization and stigma. The criminal laws in Canada inhibit sex workers' ability to work in safety. For example, many of us do not feel comfortable reporting violence against us to the police because we fear that drawing attention to ourselves may result in a criminal charge. The stigmatized nature of sex work means that violence against us is often not taken seriously. Sex workers are vulnerable to predators who target us. We can reduce violence against sex workers by challenging stigma and decriminalizing sex work.

MYTH: *Sex workers are victims who need to be saved.*

FACT: People often regard sex workers as victims, despite the fact that many current and former sex workers consider themselves to be nothing of the sort. Not only does this reinforce the notion that we are incapable of making and taking responsibility for our own decisions, it also invisibilizes the context in which our choices are made. Such a paternalistic view denies the agency of sex workers. When people are doing sex work when they'd rather not be, the problem is the lack of options, not sex work itself. Painting sex workers as victims is detrimental to improving our working conditions and it furthers stigma and marginalization. We demand rights, not rescue.

MYTH: *All sex workers are survivors of childhood sexual abuse and sexual assault.*

FACT: One in three women, and one in six men will experience sexual assault at some point in their lifetime, often before age 16. Like many people, some sex workers have experiences of sexual violence. The majority of people who experience sexual abuse or assault do not become sex workers. Sex workers often express frustration when service providers draw links to past or current experiences and sexual violence. We are the experts of our own lives, and if there is a connection, that is up to us to define.

MYTH: *Sex workers are drug addicts.*

FACT: Relationships to drugs vary with each individual. Some sex workers use drugs occasionally, some may identify as being dependent, and others choose to abstain completely. Some sex workers will tell you that there is no correlation between their work and drug use and that if they stop using, they will continue their work.

Others will tell you that they engage in sex work primarily to buy drugs and if they cease using, they will choose to no longer do sex work. For those of us who use drugs, the criminalization of our work restricts our access to resources and harm reduction services. For example, most needle exchange programs are located in areas that are inaccessible to sex workers who are given boundary restrictions when they get arrested.

MYTH: *Sex work is degrading.*

FACT: Degrading is a relative concept. Let us name our own experiences; we are the experts of our own lives. As artist and sex worker Sadie Lune says, "Stop punishing me, just because you may not be able to imagine being me."

MYTH: *Sex work is easy money.*

FACT: Different aspects of sex work demand different skills including interpersonal skills, business management skills, and technical skills. These skills are often not recognized. Sex work can also pose numerous challenges in terms of personal relationships, financial instability, negotiating stigma, and dealing with the stress of possible criminal charges. The lack of recognition afforded to the work and the skills we use and develop in the course of our work is a challenge if/when we transition into another line of work.

MYTH: *Sex workers lack the education and skills for other job opportunities.*

FACT: Sex workers come from all socio-demographic backgrounds. Many sex workers choose to work in the sex industry because it offers a relatively high level of income while affording us a flexible schedule. Regardless of a person's reasons for doing sex work, we are worthy of the same human and labour rights as everyone else.

MYTH: *Street-based sex workers want to leave the street.*

FACT: Research shows that working indoors is safer and some of the most marginalized sex workers work on the street because they do not have access to the Internet, a secure home, or a telephone that would allow them to work indoors. That said, not all street-based sex workers are hyper-disadvantaged; some of us prefer the flexibility, autonomy, and unstructured nature of this sector.

MYTH: *Arresting sex workers will get us out of the industry and/or connect us with resources.*

FACT: Arresting sex workers creates bad relationships with police and others involved. A sex worker with a criminal record may have difficulty securing different employment, should they choose to transition into another line of work. Additionally, jail time disconnects us from our community, our support networks, and social services, and it may also threaten our housing.

MYTH: *Sex workers are responsible for the spread of HIV and other STIs.*

FACT: Sex workers use safer sex supplies such as condoms at a higher rate than the general population. Criminalization increases our vulnerability to HIV and other STIs. For example, when sex workers are given drug and paraphernalia conditions upon arrest they can be charged for carrying clean needles or other harm reduction equipment. When condoms are unofficially used as evidence of sex work, there is a

disincentive to carrying barrier protection. In order to maximize the health of sex workers as well as the general population, we must support harm reduction and decriminalization.

MYTH: *The clients of sex workers hold negative attitudes towards women.*

FACT: Sex work does not happen in a vacuum where misogyny and sexism automatically disappear. That said, a client is someone who seeks out a sex worker for any number of reasons including adventure, loneliness, sexual insecurity, companionship, kink play, or gender/sexual orientation exploration. Many sex workers have meaningful relationships with clients. Predators may or may not present themselves as clients but their intention is to inflict harm—not to purchase a service. They may seek out sex workers specifically because they perceive us to be easy targets due to criminalization and stigma; we are less likely to report an assault to the police, and if we do, we are less likely to be taken seriously.

MYTH: *Sex workers suffer from low self-esteem.*

FACT: Engaging in sex work is not an inherent barrier to a healthy self-esteem. Like any other occupational category, sex workers have varying levels of self-esteem. For some sex workers, the ability to be financially compensated for sexual services is a source of pride, while others find it challenging to maintain a healthy sense of self-worth in the face of the rejection and judgment we experience because of our work.

MYTH: *Targeting and arresting clients will help fight violence and exploitation.*

FACT: Clients are already criminalized under the Criminal Code of Canada. When clients are targeted and arrested, sex workers are further marginalized. For example, many of us who work indoors rely on information given by our clients such as their names, phone numbers, or a reference provided by another sex worker in order to increase our safety. When clients are targeted by the criminal justice system, it is challenging to ask for and access that information. Those of us who work on the street protect ourselves by working in well-lit and well-populated areas, working with others, and taking time to assess clients before getting into their vehicle. When clients are targeted by the legal system, they are less likely to access the services of sex workers who implement these safety strategies as it may increase their visibility and likelihood of being arrested.

MYTH: *Fighting sex work will help to reduce human trafficking.*

FACT: Many people confuse human trafficking with sex work. Policy makers, police services, and media sometimes use the two terms interchangeably. Sex work involves the consensual exchange of sexual labour for money or other goods. Human trafficking involves coerced or forced labour that may or may not involve sex. Even though trafficking into non-sex industry sectors arguably accounts for a bigger proportion of trafficking activity worldwide, anti-trafficking laws and policies have focused on the sex industry. Groups who have anti-prostitution or anti-immigration agendas sometimes use the umbrella of 'human trafficking' to garner support, ignoring the realities of sex work. Anti-trafficking laws and policies often harm sex workers and lead to the deportation of migrant sex workers. Clients and sex workers may be aware of instances of human trafficking and can be key allies. In order to fight human trafficking, we need to work with sex workers and their clients, not against them.

MYTH: *Sex workers are under the control of pimps.*

FACT: The majority of sex workers, including street-based workers, work independently. Research has shown that there is a vast diversity of arrangements sex workers may have with third parties. Some choose to associate with colleagues to share resources, such as a workplace. Others prefer working for employers who can offer valuable services including equipment, protection, health and safety measures, contacts, advertisement, a workplace, and information. Some sex workers who work independently choose to hire third parties such as drivers, security, and photographers. However, in a criminalized and invisible industry, we lack the protections afforded to other workers in Canada such as the Labour Code. The procuring law criminalizes a wide range of our personal, business, romantic and sexual relationships and does little to protect us against violence and exploitation.

LAWS IMPACTING SEX WORKERS IN ONTARIO

Cheryl Auger, Elya M. Durisin, and Emily van der Meulen

Selling sexual services is not illegal in Canada. However, there are a diversity of laws and policies that make it difficult for sex workers to work without breaking municipal, provincial, or federal regulations.

The Current Context

In September 2010, the Ontario Superior Court of Justice struck down parts of three *Criminal Code* laws related to sex work in a ruling that deemed the provisions against communicating for the purposes of prostitution, living on the avails, and operating a common bawdy-house as unconstitutional.

The decision was appealed by the federal government and, in March 2012, the Ontario Court of Appeal released a decision upholding the law against communicating, modifying the law against living off the avails, and striking down the law against operating a common bawdy-house, which was stayed until March 2013, giving the government time to draft new legislation regarding indoor sex work. The law modifying the living on the avails provision means that, as soon as April 25, 2012, sex workers may be able to hire staff, such as a receptionist or security person, to help with their business.

In 2007, a constitutional challenge against the prostitution laws was initiated in British Columbia. The challenge was delayed in court over the issue of whether those bringing the challenge forward, a former sex worker and a sex worker organization, have public interest standing needed to proceed with the case. On September 21st 2012, the SCC rendered a groundbreaking and unanimous decision, granting public interest standing to Sheryl Kiselbach and SWUAV, and opening the door to more Charter challenges from marginalized groups.

Federal Laws Related to Sex Work

Four *Criminal Code* statutes related to prostitution make it difficult for sex workers to work without coming into contact with law enforcement.

(1) Section 210 (the 'bawdy-house' provision) criminalizes owners, managers, and workers in establishments regularly used for prostitution.

(2) A part of the bawdy-house laws, Section 211 criminalizes anyone who takes, transports, or directs a person to a bawdy-house, such as a driver or security personnel. Many sex workers doing out calls rely on drivers and other individuals for their safety.

(3) Section 212 criminalizes anyone who lives on the avails of sex work or manages a sex worker; this means anyone who benefits from and/or exercises control over another person's sex work. This provision potentially criminalizes spouses, family members, security, and professional relationships. The 2012 Court of Appeal decision modified this provision so living on the avails will only be considered illegal if it's 'exploitative'. We do not know how the courts will define what exploitation is.

(4) Section 213 says communicating for the purposes of prostitution in a public place, including one's car, is a criminal offence. The vast majority of prostitution-related charges are made under this section and street-based sex workers are the most affected.

There are additionally two laws related to trafficking in persons that may bring sex workers in contact with law enforcement. Prostitution offences can also be used to prosecute cases where trafficking cannot be established.

(1) Section 279 (01-03) of the *Criminal Code* targets trafficking within Canada, which includes the recruiting, transferring, concealing, harbouring, or controlling the movement of persons for the purpose of exploitation.

(2) Section 118 of the *Immigration and Refugee Protection Act* contains provisions that target international trafficking. The Act makes it illegal to organize the entry into Canada of anyone by means of abduction, force, threat, or fraud.

Provincial Legislation Related to Sex Work

The provinces' current role in regulating sex work is limited because Canada's Constitution says that the federal government is responsible for criminal law. But the provinces do have legislation that can affect sex workers.

Provinces have legislation to protect employees, including occupational health and safety, workers' compensation for on-the-job injuries, and minimum standards in employment. Most sex workers do not qualify for many of the benefits of these programs because they are considered self-employed or independent contractors and not employees.

The Ontario Superior Court ruling discussed above raises some important questions about the types of health and safety regulations sex workers need and how the employment standards legislation would be applied to the sex trades.

Though sex workers currently receive little occupational health and safety protections, they may be able to receive compensation for assault or criminal acts committed against them through the *Compensation for Victims of Crime Act* in Ontario. If a crime committed against a sex worker causes a disability, he or she may be eligible for state funded benefits. But the Act contains a clause that excludes anyone who is thought to have contributed to his or her own injuries. This clause has been used to deny benefits to sex workers.

Provincial highway and traffic legislation can be used to control sex workers' behaviour. The *Ontario Highway and Traffic Act* prohibits anyone from stopping a motor vehicle in order to sell any type of commodity or service to anyone in the vehicle. In Alberta, Manitoba, and Saskatchewan, highway and traffic legislation allows police to seize and impound vehicles used in prostitution related offenses. Vehicles are only returned if the accused is found not guilty or attends a 'john school.'

Municipal Regulation

Municipalities have various bylaws to control and limit local sex establishments; exactly what this looks like varies city by city. Zoning and licensing bylaws are the two most common regulatory schemes.

Cities are divided into different kinds of zones (residential, industrial, commercial etc.), which determine the types of businesses that can be located within them. Some cities have passed bylaws that prevent sex establishments, like massage parlours or escort agencies, from operating within certain zones. Zoning bylaws are often used by cities to push 'undesirable' sex businesses far from residential areas. This can cause problems for sex workers who may want to work in a municipally regulated establishment, but are not able or willing to commute to an industrial zone that is not easily accessible by public transit.

There are two types of licenses relevant to the sex industry: those for business owners, managers and operators, and those for individual sex workers.

In most cities, the owner or operator of a city regulated sex business (i.e. a massage parlour, strip club, or escort agency) will require a license. Cities can deny an application for a license if the owner has a criminal record. Each city has different rules and regulations about what the owner/operator can and cannot do in the establishment so it is important to check with your local municipal licensing office. The fee to apply for a business license also varies by city, and is usually much more expensive than for other licenses. City regulated sex industry establishments are also subject to more bylaws (both in number and severity) than most other businesses.

In addition to business licenses, in some cities sex workers are expected to get a license, depending on the work they do. For example, Niagara Falls requires licenses for escorts, whereas both Toronto and Ottawa do not. Although it is uncommon for municipalities in Ontario to license escorts, licenses for dancers and erotic massage providers are common. City bylaws dictate that sex workers must apply for and receive licenses for each municipality in which they want to work. Annual license fees can also be very high, for example the independent escort license in Edmonton is just over $1500. Some municipalities have included mandatory medical examinations as part of the licensing process. When sex workers are licensed, it opens the door to police involvement in their workplaces. Police are legally allowed to go in at any time and demand to see all workers' licenses.

LEGISLATIVE MODELS: Definitions and Implications

Chris Bruckert

Policy models around prostitution, though varying widely, can be broadly classified as Full or Partial Criminalization (the latter is also known as the Swedish or Nordic model) Legalization and Decriminalization. While each of the approaches is informed by distinct philosophies, all, with the notable exception of decriminalization, are premised on stereotypical tropes about sex work being socially harmful (variably understood as harm to morality, to women, to the 'community') and assumptions about sex workers (as risky or at risk, dirty, diseased, immoral and/or disruptive).

Criminalization: Full

In some criminalized regimes (i.e many states in the United States) the exchange of sexual services for financial or other compensation is against the law. In others, such as Canada, sex work related activities (i.e. communicating in public, being found in a bawdy-house, living on the avails) are against the law which effectively also criminalizes the individuals associated with sex work (sex workers, clients, managers, drivers, security guards). As is noted in many places in this Toolbox, the criminalization of sex work burdens sex workers with criminal records, denies them access to human rights and labour law, undermines their ability to turn to the police for protection or criminal justice redress and exacerbates their vulnerability to violence by obliging them to work in less secure ways to decrease the likelihood of coming to the attention of the police.

Criminalization: Partial

The Swedish model, like criminalization, is a prohibitionist approach to sex work. This 'end-demand' model endeavours to eliminate prostitution though the criminalization of clients, managers, landlords and anyone else who works with or for a sex worker (i.e. security, driver, receptionist) on the principle that prostitution is violence against women. The law, premised on the need to 'save' and support sex workers as they exit the industry, does not directly criminalize sex workers. In practice however, because one cannot work legally in a criminalized industry, sex workers who do not (for whatever reason) leave the industry experience the same negative repercussions as in any other criminalized regime. In Sweden (where the end-demand model has been implemented since the Sex Purchase Act came into effect in 1999) researchers (Jordan 2012; Wallace 2011; Kulick 2004; Agustin 2010), Norwegian government investigators (Norwegian working group 2004) and Swedish sex workers (Jakobsson 2010; Rosinha 2001) have found significant evidence of increased violence as well as greater social and civic exclusion. For example, street-based sex workers in Sweden are not only working in dark and isolated areas (since clients will not risk approaching sex workers where there are witnesses) but workers are not taking time to properly assess potential clients; sex workers are at risk of losing housing since landlords are now vulnerable to sanction; and the police's interpretation of possession of condoms as evidence of sex work is a significant disincentive to using barrier protection. Perhaps most explicitly speaking to the imperviousness of criminalization, sex workers are videotaped and followed by police and required to testify against their clients; those who refuse to comply are criminally charged (for obstruction) (Wallace 2011; Kulick 2004; Dodillet and Östergren 2011).

Legalization

Legalization is often mistakenly conflated with decriminalization (see for example CLES 2008; Farley 2004; Lakeman et al. 2004) however they are very different. While decriminalization is oriented to preserving the rights of sex workers, those who promote a legalized approach (i.e. Netherlands, Germany and Nevada USA) are motivated to minimize the harms that they believe accompany this unfortunate, albeit inevitable, social practice (Shaver 2012). It is assumed that prostitution is disorderly, affiliated with organized crime, requires police surveillance and that sex workers are vectors of disease. Rather than prohibit though criminalization (as in Canada and Sweden), legalized systems endeavour to 'manage' these risks through layers of administrative, municipal, state and health regulations that establish who can, and who cannot, be a sex worker and the conditions under which prostitution may occur (including where and when). For example, in Nevada, in addition to the mandatory health certificate required for licensing, individuals must also consent to be fingerprinted. Prostitution and soliciting are permitted only in licensed brothels; any sex work that takes place outside of this context is criminalized. This means that sex workers are prohibited from working independently and results in a significant loss of revenue in the form of the brothel owner's percentage, inflated costs of room and board and sometimes mandatory 'tips' to support staff (Brents and Hausbeck 2001) at the same time as they are considered to be outside of the protection afforded by employment standards and labour laws. Moreover, while a legalized system allows some sex workers to work without contravening the criminal law, legalization creates a criminalized (and even more repressed) sector (see Sullivan 2010). Workers who cannot work within the confines of the legalized regime (i.e. they do not meet the criteria for licenses, have a criminal record, or are irregular migrants) or do not want to do so (i.e. they wish to work independently, or do not want the enduring traces of their participation in the sex industry that are the inevitable outcome of licensing) are criminalized and subject to the same repression as any criminalized system, including Canada's.

Decriminalization

Decriminalization removes the spectre of the criminal law and is the only policy approach that transcends stigmatic assumptions, prioritizes sex workers' health and safety over moralistic concerns and creates conditions conducive to protecting the human and civic rights of sex workers. For example, since 2003 New Zealand permits the commercial sale of sex by individuals over the age of 18 (Abel, Fitzgerald & Brunton 2009). Sex workers in New Zealand are able to call on the criminal justice system when they are victims of crime, can receive customers in their own small secure establishments, are empowered to oblige clients to use condoms, and can draw on labour laws to negotiate working conditions with brothel managers (Abel 2010; Prostitution Law Review Committee 2008). Moreover sex workers are empowered to refuse service to a client when they are concerned about their safety, and if they are victimized, sex workers in New Zealand are now more likely to report to police and seek assistance (Prostitution Law Review Committee 2008; Abel 2010). At the very least, sex workers in New Zealand are now protected under law from discrimination on the basis of their occupation—they have the same rights as any other worker and their occupation cannot be used to justify differential treatment by social service or government agencies, or private citizens.

SEX WORKERS MOBILIZING FOR CHANGE

Tuulia Law, with thanks to Valerie Scott and Deb Kinder

Although sex workers have long worked together for safety and a sense of community, contemporary sex worker activism began in the 1970s. Fed up with whorephobia, Margo St. James founded COYOTE (Call Off Your Old Tired Ethics) in San Francisco in 1973, a sex workers' and allies' organization that has been promoting safer sex and fighting stigma ever since. Shortly thereafter, sex workers staged a strike at a church in Lyons against repressive laws and police harassment in France in 1975.

Importantly, sex worker activism is far from being a movement by 'privileged' sex workers in the 'First World'. Organizations like Empower in Thailand, which has been providing peer education since 1985 and runs a cooperative bar, and the Durbar Mahila Samanwaya Committee (DMSC), a sex worker organization promoting rights and sexual health in India since 1995, have tens of thousands of members. These groups have also spoken out about the harms of misguided anti-trafficking efforts.

In Canada, there are (and have been) many sex worker-run organizations; what follows is a brief history of some of the most influential among them. The Canadian Organization for the Rights of Prostitutes (CORP) was formed in Toronto in 1983 after Peggie Miller was arrested by an undercover police officer for keeping a common bawdy-house. After updating their name to the Sex Professionals of Canada (SPOC) in 2001, the organization continued to educate about and advocate for the decriminalization of prostitution. Three of SPOC's members are the appellants in the *Bedford v Canada* constitutional challenge for decriminalization: Valerie Scott, Terri-Jean Bedford and Amy Lebovitch, the only active sex worker amongst the three without whom the challenge could not have gone forward. Recognizing the need for social support in addition to political advocacy, another Toronto sex worker organization, Maggie's, has had a strong presence in the community, facilitating the safety, dignity, and autonomy of sex workers of all persuasions since 1986. In recent years Maggie's has developed the Aboriginal Sex Work Education and Outreach Project, which is the first by-and-for Aboriginal sex workers' group in Canada. Along with POWER, Maggie's is now an intervener in the *Bedford* challenge. Similarly, Stella, a Montreal sex worker organization established in 1995, does advocacy and sexual health promotion, hosts drop-ins for sex workers and compiles a bad date list. These three organizations have also developed meaningful allyship with the LGBT community.

The ground broken by these organizations, as well as pressing local concerns, have led to sex workers organizing across the country. To wit, sex workers in Hamilton formed Big Susie's in 2009 in response to acute stigma against street-based workers. In the face of violence against sex workers in Vancouver, a sex worker policy consortium called the BC Coalition of Experiential Communities (BCCEC) formed in 2005, and a group of street-based sex workers called the Downtown Eastside Sex Workers United Against Violence (SWUAV) began a constitutional challenge for decriminalization comparable to the *Bedford* case, in 2007. And of course, POWER's start in 2008 came about in response to community needs in Ottawa.

Other groups in Canada are composed of sex workers and allies. POWER's neighbour Students for Sex Worker Rights, for example, was founded by student sex workers and allies in 2010 to educate against prohibitionist sentiments at the University of Ottawa. In Kingston, the Sex Workers' Action Group (SWAG), a group of social workers and sex workers that began in 2010, is similarly involved in public education and has spoken up about stigma against street-based workers, and also provides services to sex workers.

Feminist ally coalitions such as FIRST in BC, and more recently the Alliance Féministe Solidaire (AFS) in Quebec, have also bravely undertaken what can often be an uphill battle in defence of decriminalization and sex worker rights. Working in contexts such as academia, social work and feminist organizing, their focus is on public education and building solidarity. Like other kinds of groups, they also engage regularly with the media to counter prevailing myths and stereotypes about the sex industry.

Spanning a variety of forms, locations and strategies, sex worker, ally and joint organizations share the common goals of ending criminalization and stigma, through public visibility and education, and political advocacy. In this respect the sex workers' rights movement can be seen as an international struggle for human rights, and against gender, race and class discrimination. This struggle has yielded significant results: the Australian state of New South Wales decriminalized prostitution in 1995, followed by New Zealand in 2003. In Canada, sex worker activists and allies continue to work collectively and individually on different fronts towards a future in which a safe, healthy, inclusive, and decriminalized sex industry is accepted as part of Canadian society.

A BRIEF HISTORY OF SEX WORK IN CANADA: Important Dates

1839—92: Prostitution laws were first enacted in 1839. They were then added to the Indian Act in 1879, repealed and replaced in 1880 and again in 1884. In 1884, bawdy-house provisions were included in the Indian Act for "keepers of houses of prostitution", which criminalized any Indigenous woman or man keeping, frequenting, or found in a disorderly home (Boyer 2009: 77-9).

This measure was added to the first Criminal Code in 1892, along with vagrancy and procuring provisions. These provisions were to remain essentially unchanged for 80 years (Boyer 2009: 77-9).

1970—72: In 1970, the Report of the *Royal Commission on the Status of Women* recommended the repeal of the vagrancy provision. At that time, regulation of the street-based industry fell under the reach of the Vagrancy 'C' provision, according to which "a common prostitute or nightwalker found in a public place and who does not, when required, give a good account of herself" is guilty of vagrancy. Under this provision, women could be socially profiled as sex workers, and charged without having committed any overt act, the usual foundation of criminal liability.

In 1972, the Vagrancy 'C' provision was replaced by section 195.1, which read: "Every person who solicits any person in a public place for the purpose of prostitution is guilty of an offence punishable on summary conviction".

1985: In 1985, Bill C 49 was introduced at the insistence of communities who felt that the very presence of sex workers in their neighbourhoods undermined their quality of life. They argued that the then-current soliciting law (section 195.1) did not address these concerns because it only punished an overt and distinct, yet undefined, act—solicitation—and was thus difficult to enforce. Now section 213 of the *Criminal Code of Canada*, which prohibits 'communicating in public for the purpose of prostitution', the new law sought to remove "street prostitutes and their customers from downtown neighbourhoods". To this day, the communication law is the most commonly enforced prostitution-related law and represents up to 95% of all prostitution charges in Canada.

The Fraser report: In June 1983, the Minister of Justice established a special committee to enquire into the issues of prostitution and pornography. In 1985, the Fraser Committee produced a report, which, most significantly, addressed economic and social reforms that might alleviate the causes of prostitution. The report's recommendations aimed at improving the lives of both sex workers and the communities where sex work takes place. The committee proposed to amend the current contradictory legal framework, in which adult prostitution per se is legal, although most activities related to it are illegal. The Committee concluded that prostitution is a social problem that requires both legal and social reforms. The federal government of the day chose not to act on the Fraser Committee's recommendations.

1990: The new *Criminal Code* section (213) was to be reviewed after three years. Section 213 was commended by authorities despite findings suggesting that it did not reduce street-based sex work. Critics claimed it merely displaced and endangered sex workers, and gave the police and court too much discretionary power.

Section 213 was challenged unsuccessfully in the Supreme Court in 1990 (the *Prostitution Reference*). The Court ruled that prohibiting communicating for the purpose of prostitution was indeed in violation of the right to freedom of expression. However, it could be justified under section 1 of the Charter* and so it was upheld. While both women judges dissented, the majority of the judges' panel found that the purpose of eliminating prostitution was a valid goal and that the provision was rationally connected and proportional to that goal.

* Section 1 serves as a means of determining whether it is permissible to allow a right to be infringed in pursuit of other collective goals.

2007—now: In 2007, sex workers from Vancouver's Downtown Eastside launched a Charter challenge to the laws surrounding adult prostitution. Pivot Legal Society brought the challenge forward on behalf of former sex worker Sheryl Kiselbach, who had worked on the streets for 30 years, and the Downtown Eastside Sex Workers United Against Violence Society (SWUAV), an organization run by and for street-based sex workers. The Federal Government argued that the plaintiffs did not have the right to challenge the laws because neither the organization (SWUAV) nor Ms. Kiselbach (a *former* sex worker) were directly impacted by them. In a decision rendered in October 2010, the BC Court of Appeal upheld the right of Kiselbach and SWUAV to challenge the laws. The federal government appealed the Court of Appeal's decision and the Supreme Court of Canada heard the case in January 2012. On September 21st 2012, the SCC rendered a groundbreaking and unanimous decision, granting public interest standing to Sheryl Kiselbach and SWUAV, and opening the door to more Charter challenges from marginalized groups.

A parallel constitutional challenge to three of Canada's prostitution-related laws (sections 210, 212.1j and 213.1c) was filed in Ontario Superior Court in March 2007 (*Bedford v Canada*). In a landmark decision handed down by Madam Justice Susan Himel in the Ontario Superior Court of Justice on September 28, 2010, all three sections being challenged were declared invalid. The decision was stayed and an appeal was heard in June 2011. In March 2012, the Appeal court came to a decision that partly upheld two of the three decisions made by the Ontario Superior Court. At this time, the case is still being fought in the courts as both parties appealed the Court of Appeal's decision.

THE SEX INDUSTRY IN ONTARIO

In Ontario, most sex workers do 'out-call' work (providing services in the homes or hotel rooms of their clients) or 'in-call' work (providing services to clients who come to the worker's home or place of business). That said, the dominant image of a sex worker is the street-based sex worker (a woman soliciting customers in a public space), and while street-based workers are disproportionately targeted in *Criminal Code* charges, they only make up about 5 to 20% of the industry (Canada 2006: 5).

Because street-based sex workers are historically the most visible, they have faced the heaviest regulation and policing, in addition to restricted access to services. This, combined with criminalization and poverty, puts street-based workers in a more vulnerable position where they bear the brunt of community discrimination. Despite what is portrayed in the media, sex workers are a diverse group, not only in terms of sectors but also in terms of race, gender, class, sexual orientation and/or ability. For example, among those that go overlooked, male workers constitute 20 to 25% of the industry (please see section 'Diversity in the Sex Industry' p. __)

To get a good grasp of the dynamics of the sex trade in Ontario, it is important to be mindful of the differences between city centres, smaller communities and the North. As we will see below, various factors can shape the realities and challenges faced by sex workers, which in turn can impact their access to services.

Gentrification

In city centres, big or small, the processes of gentrification are closely connected to the discourses of 'cleaning up the streets', to the targeting of public sex work, and to the portraying of sex workers as 'deviant', 'diseased' and 'disposable'.

Across Ontario, downtown cores have been subject to various efforts to 'clean up' the streets, with measures ranging from 'street sweeps', to social profiling in the enforcement of bylaws, to introducing 24-hour video surveillance, to increased police presence, to legal and illegal evictions to make way for businesses and/or refurbished residential properties. As developers move in, people living in poverty, who have long resided in targeted neighborhoods, are being forced out.

This discourse around neighbourhood 'cleansing' has heavily targeted sex workers who, along with other perceived threats like panhandlers, drug users and loiterers, are framed as barriers to thriving downtown economies and 'safe' communities, and excluded from processes of urban renewal. In many communities, propaganda campaigns against sex workers and other 'illegitimate' users of public space have contributed to legislative solutions such as anti-loitering bylaws, red zones or other boundary restrictions, building code crackdowns, and police sweeps against sex workers and panhandlers. In short, in many cities in the throes of gentrification, "original residents who did not represent the ideal of the suitable neighbor were forced out, usually under the guise of safety concerns" (Fagan 2010: 1)

It is important to keep these dynamics in mind when we seek to support sex workers and/or provide options to marginalized community members with whom we might come into contact. Anti-poverty strategies and advocacy can play a central role in countering discourses and policies that treat such individuals as 'disposable' and adversely affect their health and social inclusion.

Sex Work in Mid-sized Cities, Rural Areas and More Isolated Communities

Joni Aikens, SWAG Kingston

The Sex Worker Action Group (SWAG) is a sex positive group run by sex workers, people with lived experience, allies, and agency members who strive to improve the lives of sex workers in Kingston and the surrounding area.

As sex workers, we often face widespread stigma and discrimination. This may lead us to trying to keep many aspects of our work and personal lives a secret, which can cause great stress. In the context of criminalization and stigma, this constant micro-management of information is often necessary to keep ourselves as safe as possible in regards to our relationships with immigration authorities, landlords, parents, extended family, spouses, intimate partners, children, colleagues, employers, friends, church/faith communities, Children's Aid Society, Ontario Disability Support Program, Ontario Works, (subsidized) housing, Revenue Canada, the general public, the media, the police and many others. The challenges of navigating secrecy can be exacerbated when we live in smaller communities where it is harder to go unnoticed, remain anonymous when accessing services, or have our service providers respect our confidentiality.

Stigma and criminalization, together with living in smaller, more tightly knit communities, also contribute to our potential vulnerability to serious threats. We can face extortion if/when we seek to leave the business, switch employers, or become an independent worker; we can face blackmail or be threatened by spouses in the context of custody battles, separations or domestic violence situations.

Considering these realities, many health, social, and public service agencies (and organizations) currently lack the capacity, education, and community engagement strategies to effectively respond to the needs of sex working individuals and their loved ones, including our dependents. Power relationships are deeply entrenched since, whether as youth or in our adulthood, a disproportionate number of us have been mandated clients; that is, forced into contact with services such as Children's Aid Society, probation, mental health counseling, or drug treatment.

In smaller and more isolated communities, there are fewer service organizations and agencies available to provide support and resources, and an increasing emphasis on a 'circle of care approach' (information sharing across agencies). If and when we remain in our respective communities, this can mean that we might not access the services we need at all—too damn risky!

Urban centres are likely to have policies ensuring a base amount of shelter bed access for sex workers, as well as exemptions so that our colleagues who have been working all night can get their needed sleep during the day. The majority of smaller and mid-size communities in Ontario do not have these equity-based policies. In many cases, there is only one shelter, which affects not only the availability of beds, but also options for length of stay and timely access to supports, including appropriate, affordable housing and meaningful safety planning. Even when one is considered eligible for a shelter spot, shelter curfews (e.g. 10-10:30 pm on weekdays is common) may affect our ability to work and earn money.

Best practices (as supported by the research literature in the health and social science fields) clearly indicate the widespread and ongoing need for harm reduction outreach services, and in particular, community-based services focused on the

meaningful engagement of peers. Small and mid-size cities DO have street-based sex work economies (e.g. Kinston, Sault Ste-Marie, Sudbury, etc.) and the expertise of those who work in the sex industry should inform service delivery.

Some sex workers may need access to specialized resources, especially in areas of town that we frequent, and at times of day that work for us (late evening and early morning). This may include dependable drop-ins with access to advocacy supports, meals, Internet, private meeting spaces, shower facilities, mobile response and regularly scheduled clinics staffed by peers and health professionals to provide respectful, attentive care and referrals. Also essential are harm reduction materials and resources such as: sex health education seminars, options for confidential AND anonymous STI testing, needle exchange, safer drug kits, condoms, lube, confidential bad date reporting and access to bad date books/databases. All of this CAN be done, even in smaller centres. In moving forward, the focus needs to be on health promotion, direct community involvement, and building positive, respectful relationships with local service practitioners, agencies and community groups.

Those of us working with SWAG have identified some recurrent tensions and problems with regard to accessing anonymous STI testing, as well as aftercare follow-up should workers need it. Currently, if someone requests anonymous testing and requires follow-up care in their community, there is little to no duplication of services in smaller communities. This can make disclosure of name, occupation and reported sexual partners complicated. Maintaining and protecting our confidentiality is of utmost importance.

There is some headway being made in the province with respect to representatives from our broader community being called on to provide trainings and seminars for police, health and social service providers. On the other hand, it is often colleagues from urban centres who are traveling to our communities to do the educating, and in the long-term, this reinforces our geographic disenfranchisement. It is important to build leadership within our own communities and respect people's expertise and experiences on a local level as well as prioritize relationship building and knowledge exchange (as opposed to delivering 'content' or attaining expert certifications).

That said, it is important to be mindful that while being in urban centres allows for power in numbers when it comes to social organizing and infrastructure, being from rural, smaller and mid-size centres makes it difficult for us to openly engage in grassroots coalition work and to make specific policy and service demands in our own voices. These challenges require a substantive commitment on the part of townships, municipalities, and respective community groups to commit and rustle up the resources necessary to build community capacity.

Cultural life and arts education are all too often overlooked when it comes to planning community interventions that aim to increase our quality of life. We have many creative talents (it takes artistry, humour, patience, and a quick wit to do the work we do), our oral histories are inspiring and diverse, and we have important perspectives to share with the broader community of which we are a part. Most of all, we want to celebrate and have fun too! Health and other community service professionals carry their own stereotypes, and often come into contact with sex working individuals during distressing moments. Meaningfully involving us in the local cultural scene is a great way to build community pride and to raise public awareness about our presence and our personhood.

Sex Work in Northern Ontario

Naomi Sayers

Naomi Sayers is a Three Fires First Nations woman. She grew up in a Northern Ontario community called Garden River First Nation. Presently, she lives in London ON and is enrolled in the honours specialization in the criminology program at the University of Western Ontario. Most recently, she was acclaimed as the VP—Women's Representative, for the Aboriginal People's Commission for the Liberal Party of Canada.

In this piece, she speaks to resource extraction and how opportunities for work and money, and discourses of domestic trafficking intersect and how it may impact Indigenous women and sex workers in the North.

A recent issue identified by the RCMP and Canadian Federal Government is the increase in human trafficking. Discourses and legislation surrounding human trafficking are troubling for sex workers in Northern Ontario, including Aboriginal sex workers. One of the key issues across various reports is the definition of human trafficking itself (Sikka 2009: 4; RCMP 2010: 8).

The RCMP uses a two-part definition stemming from two different pieces of legislation, the *Immigration and Refugee Protection Act (IRPA)*, and the *Criminal Code of Canada (CCC)* (RCMP 2010: 6). The key difference between these pieces of legislation is how they attempt to identify human trafficking victims themselves. On one hand, the IRPA understands trafficking to involve the crossing of an international border (RCMP 2010: 8). On the other hand, the *CCC* identifies human trafficking victims as being "uniquely Canadian" and unique to "vulnerable, economically challenged and socially dislocated sectors of the Canadian population" (RCMP 2010: 8).

The use of the *CCC* definition is an attempt to target those populations in socially dislocated regions. These specific regions are characterized as regions with excessive resource development, specifically northern First Nations (Campbell 2008: 66). In addition to the *CCC* definition targeting specific regions and populations within Canada, a victim does not have to be consensual or non-consensual in the elements that surround human trafficking to be identified as such (RCMP 2010: 43); agency is thereby removed from the victim. In "Human Trafficking in Canada," the RCMP suggests that human trafficking victims and perpetrators may share the same ethnic background (RCMP 2010: 1). Therefore, the *CCC* definition potentially criminalizes relationships between a sex worker and their family members. For example, family members of similar ethnic background to sex workers who also share the same residence or who are also receiving material benefit (food/clothing/shelter) from the sex worker's income might be subjected to charges under section 279.01 (1) and 279.02 of the *CCC*.

The RCMP has also stated that sex workers may not identify themselves as victims of human trafficking (RCMP 2010: 38). Therefore, it is the criminal justice system and its definition that decide who is the victim (or the perpetrator). Even if a sex worker does not agree with the label of being a victim or being trafficked, he/she may be forced to see her/himself as a victim in order to access adequate health services. Definitions of domestic human trafficking limit sex workers' freedom of choice, and potentially criminalize their personal/familial relationships. This type of oppressive legislation removes agency from sex workers by applying the label of human trafficking victim even before all the alleged elements of human trafficking are met, and targets sex workers in the North, specifically Aboriginal sex workers.

CHALLENGES REPORT: A SUMMARY

Lara Purvis, Chris Bruckert and Fred Chabot

> *The pariah status has to end. You have all these agencies trying to make an appreciable difference in sex workers' lives without questioning the structure in which we exist and in which this work takes place—which is that it is criminalized. How can it be anything else than giving them warm socks and hot lunches? In the long run, it does not make a huge difference if it does not happen simultaneously with a fight for the decriminalization. Basically, you are a criminal at all times of the day and you have your rights stepped on at all times of the day. How can you have self-esteem if you are a social pariah constantly under threat of being thrown in jail? Can we really break the stigma around sex work if we are still criminals? Decriminalizing sex work is definitely the first step to take.* (Michael, escort)

In 2010, POWER undertook a survey of Ottawa area sex workers; *Challenges: Ottawa Area Sex Workers Speak Out* was the result of that research. In the following pages, we present a summary of the key challenges, issues and needs identified by the diverse group of sex workers who participated in interviews for the project. The Challenges report came to the following main conclusions:

- That viewing sex work as an occupational category was a much needed step to highlight the diversity of labour as well as open up the discourse of labour rights and recourse;
- That sex workers actively seek to minimize the risks they encounter;
- One of the resources that sex workers do not access is the criminal justice system;
- That Ottawa-area sex workers are at risk of social profiling by police and community members; and,
- That criminalization and stigma are the significant challenges that undermine sex workers' ability to safeguard our health, safety and well-being.

Criminalization and stigma impact where sex workers work, how we work and the security measures and resources available to us. In the following pages, the issues of workplace challenges, the police and justice system, community stigma and intersecting marginalizations are addressed. For more detail or information please refer to *Challenges: Ottawa Area Sex Workers Speak Out*, available on the POWER website (**powerottawa.ca**).

Workplace Challenges

The sex industry is characterized by diversity. In our study, there were individuals who offer lap-dances, massage with 'happy endings', phone sex, domination services, full sexual services or oral release only. Some met their clients on the street, some on the Internet or through an agent. In short there is no 'typical sex worker'; sex work is an occupational category rather than a job description or identity.

Management
As with other labour sectors, sex workers can choose to work for themselves or for someone else (an establishment manager, agency or street-level manager). Working for a third party means that advertisements, marketing, photos, websites, screening clients and security measures can be the responsibility of somebody else. For some this is desirable, while for others independent work is more appealing.

For many, this arrangement is about security. Lori (street-based worker) explains:

> *It's hard to do our job. It's mostly around the safety issue. I think a lady should have someone to look out for her safety […] Because I worked in an agency before. I know how such a structured environment makes our job easier. It's a lot safer to have all those measures put in place. They have all the client's information, they know where he lives, most of the time it's a clean environment, clean men.*

Whether sex workers prefer to work with management or independently, working in a criminalized sector without labour regulation leaves them vulnerable to unsafe situations and abuses of power.

> *There are a lot of fuckers out there! When you force anything underground, like the sex industry, you open the floodgates to the exploiters, the mother-fuckers, the sleaze-bags that fuck people over, and it's partly our responsibility as individuals to inform ourselves. But if things were a bit more protected, we wouldn't have to. Why isn't there a certain code of ethics for this industry? Because nobody is there to police it!* (Samantha, massage parlour worker)

As Samantha indicates, the invisibilization of the industry leads to marginalization, isolation and vulnerability to violence and exploitation. For some sex workers, this can mean coercive relationships with 'pimps', abusive partners or unethical managers.

Working under Criminalization
In addition to denying them the occupational recognition that could grant them income security, access to statutory protection and the legal recourses normally associated with employment, there are many other ways in which criminalization can impact sex workers. Most significantly, criminalization exacerbates the risks sex workers face.

To avoid getting charged, communication is shifted to less populated, less residential areas. Sex workers "*have to go to certain places, certain areas, at certain times that are not necessarily the safest but where you are less likely to get arrested. You get yourself in situations where you are less likely to be safe and protected*" (Mallory, street-based worker).

Working in isolation means there is a reduced chance of assistance and fewer witnesses if a sex worker is attacked or abducted. Shannon (street-based worker) shares her experience: "*This other guy handcuffed me, strangled me. He was going to kill me. He had me on my stomach in his car. […] He was parked on a side road; it was about five in the morning. Thank god, a lady happened to walk by and heard me scream. She called the cops*."

Although some sex workers would like to work in the company of another worker as a safety measure, several women working together are more likely to attract police attention. Lauren (street-based worker) tells us: "*I work alone and I work in areas where there are not a bunch of girls [...] People are not seeing me. I don't have another girl watching me. I can't do that.*"

Another measure sex workers take to avoid drawing police attention is altering their appearance, or 'normalizing' their behaviour: "*I try to do it earlier in the night, when it's still light out, so I can still look like I'm waiting for the bus or for a friend. I dress so I don't look like a sex worker*" (Britney, street-based worker). This strategy may have the unintended consequence of escalating conflict with the community, as potential clients may approach women who are not involved in the sex industry because they may find it more difficult to distinguish sex workers from them.

The law against communicating for the purposes of prostitution also affects sex workers' ability to negotiate frankly with their clients. Not being able to be forthright can lead to miscommunication and conflict between sex workers and clients. "*It is set up as a legitimate massage business and some people get very aggressive in a sexual way right away. Some people expect sexual services that I don't necessarily provide*" (Simon, masseur).

Street-based sex workers are more vulnerable to both violence and Criminal Code charges than their counterparts who work indoors; a familiar space means knowing available exits and the location of telephones in case of an emergency. Unfortunately, sex workers who work in their own homes or in establishments risk being charged under the bawdy-house laws or evicted. Isabelle (escort) explains: "*The law means that you can't work out of your own house which would mean being able to work on your own turf where you can implement whatever security measures you want. The only legal way to work is to go to clients' house so you're on their turf. It can be a lot more dangerous.*"

The Police and the Criminal Justice System

The report demonstrates that criminalization makes Ottawa sex workers fear the police as it creates an adversarial relationship, meaning they are less likely to call for help when they are in need. Sex workers also speak of the lack of credibility they are afforded when reporting a crime, making a statement or when testifying in court. At times, they are not believed solely because of the work they do. In fact, sex workers are often told that they somehow 'asked for it' when they report a sexual assault or are simply considered to be 'un-rapeable'. As a result, they are more vulnerable to violence as predators target them with virtual impunity.

Issues of safety and physical wellbeing were a consistent theme in the interviews, particularly with street-based workers.

> *I've been raped twice. This one time, I was just coming out of an alley. I had just been raped. I had been hit over my head with a brick. My head was gushing blood. I flagged a cop and he told me to call my own fucking ambulance. He called me a fucking crack whore and told me he had no time for me. Then he left. After you have been told you are a piece of shit you don't try a second time [...] They didn't give a shit. I couldn't walk even. I ended up just sticking my piece of gum in the*

> *hole in my head. I wasn't going to go to the hospital either; they don't treat me well there. I took care of myself. I did what I had to do.* (Beth, street-based worker)

When asked to identify their main challenge during the interviews for *Challenges*, the greatest preoccupation for street-based workers was their fear of, and profound powerlessness in the face of, the police. "*The police and the violence. Put the two together and this is my biggest concern*" (Brooke, street-based worker).

Two assumptions around sex work and citizenship may impact the way in which society in general, and the police in particular, treat workers: the first assumption is that sex work is illegal which leads to the second assumption that sex workers are criminals, without entitlement to ordinary rights.

In the experience of Ottawa sex workers, "*once you're labeled, you're screwed. You can't even go to the grocery store. They stop you. They pull you right over, tell you to get off the street*" (Lucy, street-based worker).

Sex workers report that even when they are not working they are subject to being searched in public, being detained and called to account and 'outed' to company.

Call-outs

Ottawa sex workers also speak of uniformed police officers calling them out in public spaces. Through this action, sex workers are cued that they are under surveillance at the same time as they are publically identified as a person known to police. As Holly (street-based worker) describes, "*They harass me all the time, even when I'm not working. Even like, if I'm at a restaurant eating, they'll come right in saying, 'Whatcha doing, Holly?'*".

Public space is communal space. Unless constrained by release or bail conditions, everyone has the right to be present and move in public areas free from interference by police officers. When police breach this right through call-outs or harassment, they impact a sex worker's personal and private life.

Since this practice is not restricted to the street where police could presume workers are 'communicating for the purposes of prostitution,' it raises the question whether call-outs are actually about law enforcement or whether they are, in fact, a form of 'public shaming'.

> *They make sure to harass me every time they see me even if I'm not working. They try to empty my pockets all the time. Once they found an empty condom wrapper in my pocket. They bugged me because of it. They did that in front of people at the bus stop with the lights flashing and everything.* (Janette, street-based worker)

Social Profiling

> *Just because of how I dress, I get stopped. I get very insulted. They keep watching me, they ask rude questions. They bug me all the time. I asked for badge numbers, they had no reason to stop me; I don't have to tell anybody who I am and what I'm doing.* (Julie, street-based worker)

Julie is well aware that police may stop and question individuals (a form of detention) if they have objective 'reasonable grounds.' But when police officers call suspected

sex workers to account without reasonable grounds, they are conceptualizing sex work not as an activity, but as an indicator of a particular deviant and criminal status.

When police question individuals based on where they are standing, the way in which they are interacting or their manner of dress, they are engaging in social profiling. Social profiling has been recognized as discriminatory and in contravention of the *Quebec Charter of Human Rights and Freedoms* and by the *Commission des Droits de la Personne et des Droits de la Jeunesse*. The Commission found that social profiling, like racial profiling, is a form of discrimination: "*In the case of racial profiling, skin colour is the factor that triggers police intervention, in the case of social profiling, the trigger is more likely to be the visible signs of poverty or marginality*" (CDPDJ, 2009a).

According to interviewees, police officers are assessing individuals on the basis of visible signs such as appearance, behaviors and attitude, and those that 'read' as sex workers are subject to intense monitoring, 'call-outs' and 'calling to account'.

Destruction of Property
Many sex workers speak of police destruction of their harm reduction supplies, in particular crack pipes and syringes (distributed through community organizations). These losses can be devastating because of the potential health risk that sex workers are exposed to as a result. This troubling and immediate threat to sex workers' health furthers marginalization and vulnerability.

> *I get searched a lot. They would dump my purse on Montreal Road. There is this one cop, [name withheld] who has a hard-on about smashing people's crack pipes. He did that to me a few times. And then he looks and laughs at us, "What are you going to do now?* (Charlotte street-based worker)

Boundary Restrictions (Red Zones)
The imposition of 'red zones' can also restrict sex workers' access to safer or healthier choices. This release condition is a precisely delimited area (defined by four streets) from which an individual is prohibited from entering. Failing to comply is considered a breach of probation, for which the worker can be charged and immediately sent to jail.

When determining the red zone area, the individual's location at the time of arrest is taken into account. Given that sex workers tend to reside, shop, socialize and access health and other services in the same areas they work, this sanction can be disruptive, even dangerous.

In Ottawa, the four commonly designated red zones (Hintonburg-Centretown-Gladstone; Vanier; Lowertown; ByWard Market) are all areas in which the majority of Ottawa's emergency services are located. These include food banks; emergency shelters; drop-ins; methadone, health, and needle-exchange clinics; addictions counseling and most of the Ottawa area's social housing. Loss of housing due to incarceration because of a breach of one's red zone is a shocking example of the consequences of this release condition. Red zones put sex workers at risk by denying them access to these crucial services.

> *The red zones affect my life tremendously. I do a lot of volunteer work at the Shepherd and then I can't go to any of the places I go, like 454 or the Shepherd. When you don't have any money, that's where you go to eat. But the cops, they are just waiting for you to go down that street. Then you go to jail. […] My red zone was from Gladstone right down to the Market for a whole year. I couldn't go to the food bank or to any agencies for a whole year. I wasn't allowed to go to the community centre on Bell Street.* (Maud, street-based worker)

For many sex workers, red zones are also essentially zones of social exclusion. Beyond health services, they deny contact with social workers, family members, friends and community.

Excessive Use of Force

Criminalization taints the relationship sex workers have with police and the justice system, and with their communities, legitimizing their exclusion from the very communities in which they reside.

The *Criminal Code of Canada* section 25 (3-5) authorizes police to use force only if required to arrest someone who is fleeing, resisting, or for the "self preservation" of the person or those in the immediate environment. Use of force is a constrained right which police are obliged to use in a judicious way. However, when sex workers are arrested for breaching their conditions, or infringing on any of the four laws they have to navigate, they are vulnerable to excessive use of force.

Jamie, an Aboriginal street-based worker, shares her experience:

> *What happened is that a friend of mine was panhandling at the liquor store and they were harassing him. He wasn't even drunk so I stood in the middle. The next thing I knew I was getting arrested. It was the second time I was seeing this one cop harassing this Native man at the liquor store so I stood up for him. While I was in the car I heard him on the radio telling the other cops I spit on him, which I hadn't; then that I was aggressive, which I wasn't! I was scared to get out the car at Elgin Street, so the cop tasered me then, then a second time in my cell. I wanted my phone call, I wasn't guilty of anything and then I don't remember anything but he tasered me again.*

Some sex workers have also described illegal confinement, 'starlight tours' and strip searches in public spaces.

Stigma, Social Judgment and Whorephobia

It was French activists, Maitresse Nikita and Thierry Schaffauser that coined the term 'whorephobia' naming "*the discrimination we face as prostitutes*".

They wrote:

> *Whorephobia is one of the most widespread discriminations in our Western cultures, so much so that it goes unnamed. […] There are many rationales underlying the whorephobic sentiment. The two main ones are defining prostitutes as 1) victims, too dim-witted to know what is good for them […] 2) delinquents, vectors of disease and epidemics,*

> *whose main visibility is a nuisance. In both cases, whorephobes act with the will to feel superior. Consciously or not, they get the feeling of either being saviors or policemen at the service of humanity. These two rationales, victims or delinquents can intersect and are not necessarily contradictory in the minds of whorephobes.* (Nikita and Schaffauser, 2007: 24)

At the root of whorephobia is stigma. Based on misconceptions rather than empirical evidence, widely-perpetuated myths become 'common knowledge' that in turn transforms a physical trait, a behaviour, an illness or, in this case, a job, into a definitive and stigmatized identity. Stigma is about discrediting and 'marking' people as '*other*'—as being, in some very significant way, 'not like us'. It is also the presumption of difference that 'justifies' discrimination, sanction, neglect and the denial of rights and privileges, including the right to protection and criminal justice redress.

Common stigmatic assumptions include that sex workers are 'dirty', 'immoral', 'hyper-sexualized' and 'home-wreckers', 'coerced', 'victims' and 'not workers': "*Everybody has this idea that we are so dirty*" (Fiona, street-based worker). These stigmatic assumptions are based on a number of stereotypes that connect, intersect and affirm each other. Together, the strands justify exclusion and marginalization, having a profound impact on sex workers' lives.

Discrimination, the enactment of stigma, becomes a barrier to sex workers' ability to realize their essential crucial needs. For instance, many workers are hesitant to disclose their labour activity when accessing health services, fearful that they will not receive necessary care: "*I don't want to be treated differently because of the work I do so I don't tell anyone*" (Angela, street-based worker). This reserve is based on workers' experience of discrimination: "*If you go to the hospital, they look down on junkies and hookers. They treat you badly, you're just a hooker. The way they look at you—they judge you*" (Shannon, street-based worker).

Others find that their ability to access social services is undermined:

> *Once, I had to go to a battered women's shelter because I was living domestic violence and I wanted to leave my partner. I told them at the shelter that I was a sex worker. When he beat me up, I asked them for help but they told me that, because I was a hooker and because I use drugs, that it wasn't the place for me. They denied me a service I was entitled to.* [translation ours] (Veronique, escort)

In addition, stigma affects their personal and social lives. Sex workers speak of being rejected by friends and family.

> *I have nothing to do with my family. My family looks down on me. When they would see me on the street, they would walk right past me without seeing me, without acknowledging me. My sister laughed at me when I got HIV, told me that I deserved to have HIV. That led to a depression. They always put me down.* (Dustin, street-based worker)

While all workers are vulnerable to being confronted with stigmatic assumptions and seek to manage the implications of the stigma, those who internalize the discourse must contend with the shame and self-loathing that accompanies the acceptance that one is 'justifiably' despised.

In short, for sex workers, negotiating stigma is a significant challenge. In much the same way that closeting one's sexual orientation can be arduous, hiding one's labour location/profession requires continual vigilance and self-monitoring:

> *Social stigma definitely creates a rift. When someone asks you about your work, you leave out one of your jobs and you notice in the back of your mind that you're leaving it out and, at first, it's not a big deal but you notice that you are continually doing it. It's having to separate parts of your life and keep on top of that.* (Paul, escort)

Whorephobia reduces a sex worker to her/his occupation and thereby ignores the rest of an individual's life and denigrates the relationship, business and erotic skills acquired through sex work. It delegitimizes the individual and has a negative impact on sex workers' ability to access health care, taints relationships with family and friends and, when internalized, can lead to low self-esteem, depression and isolation.

Summary of Challenges

Workplace

- The conflation of sectors of the sex industry in the public eye obscures the specific and unique challenges faced by those working in particular labour sites (street vs. indoor, independent vs. third party management).
- While third party management can allow for a safer working environment, the *Criminal Code* sections 210 and 212 make it difficult to access standard worker protections and in some cases facilitates exploitation and abuse.
- "Living on the avails" criminalizes a wide range of sex workers' personal, business, romantic and sexual relationships.
- Criminalization of communication with clients creates challenges for maintaining interpersonal boundaries and limits sex workers' ability to negotiate their services and expectations.
- Stigma encourages and legitimizes disrespect and discrimination against sex workers, and at the same time prevents their work from being acknowledged and valued.

Safety, Security and Wellbeing

- The criminalized and stigmatized nature of sex work can make it difficult for workers to mitigate the health risks of their work.
- Ottawa-area sex workers sometimes experience situational and predatory violence on the job at the hands of community members, clients, and aggressors preying on sex workers, whose vulnerability is exacerbated by stigma and the law.
- Street-based workers seem to be at higher risk of violence.
- Bawdy-house provisions criminalize working in a safe space familiar to, and controlled by, a worker.
- While indoor workers can and do take measures to protect themselves, criminalization of communicating and living on the avails makes these measures illegal, making workers more vulnerable to violence.

- Criminalization forces street-based workers to balance the risk of violence with the risk of arrest, forcing them to curtail client screening and service negotiation, and to work in isolated, dimly-lit places such as clients' cars or alleyways, rendering them more vulnerable to violence.

- Criminalization makes it difficult for workers to access police services for protection from violence, and the criminal justice system for redress when they are victimized.

Police

- While generally recognizing that the job of the police is to enforce the law, workers (especially street-based workers) highlighted the police as a major challenge.

- Workers reported being publicly harassed and outed even when not working, verbally abused, stereotyped, physically and sexually assaulted by police.

- Police abuses of authority also include public strip-searches, strip-searches by opposite-sex officers, illegal confinement, confiscation or destruction of property, and 'starlight tours'.

- The combination of criminalization with police discretionary powers creates conditions ripe for abuse.

The Law and Criminal Justice

- Criminalization forces workers to make decisions that may render them unsafe in order to comply with the law or at least reduce their risk of arrest.

- Criminalization reinforces whorephobia, making it easier for communities to justify the stigmatization and exclusion sex workers. 'Whorephobia' refers to the stigma faced by sex workers, including conceptions of them as dirty, immoral, hyper-sexualized and vectors of disease.

- Criminal charges related to sex work mean that sex workers are at risk of being limited by criminal records and onerous release conditions such as 'red zones' that restrict them from community connections, needed health and social services, sometimes their homes or shelters, and of course the ability to work.

- Criminal conviction of sex work-related charges makes it more difficult for workers to obtain housing or employment outside of the sex industry, and reinforces the stigma and discrimination they already face at the hands of the community and police.

Stigma, Social Judgment and Whorephobia

- Widespread whorephobia and criminalization reinforce each other, stigmatizing and isolating sex workers from their social circles and communities.

- Institutionalized whorephobia can be seen in policing policies in Ottawa and other communities that refer to 'cleaning up the neighbourhood' through 'street sweeps', creating an official discourse of sex workers as 'dirt' and as bad for the community.

- Whorephobia essentially reduces a sex worker to her/his occupation, completely overlooking the rest of his/her life and denigrating the relationship, business and erotic skills acquired and used by workers on the job.

- Whorephobia has a negative impact on the ability of sex workers to access health care, including sex work positive health care services.
- Whorephobia taints the relationships workers have with family, friends and the community at large, contributing to their isolation.
- When workers internalize the stigma they experience, this can lead to low self-esteem. To manage this stigma, workers often are not open about the work they do, which contributes to their isolation.

DIVERSITY IN THE SEX INDUSTRY

Sex work is complex. Sex workers come from many different walks of life and their reasons for engaging in sex work vary significantly. Some sex workers must negotiate intersecting and layered systems of oppression and privilege, such as race, ethnicity, sexual orientation, citizenship, gender identity and class.

The next section aims to provide an opportunity to speak to some of this diversity as sex workers may have different needs as individuals and as members of diverse communities. Different people face different realities, barriers and challenges that can impact their access to resources and appropriate services.

We warmly thank the many partners who collaborated to this section in order to strengthen service providers' responses when working with sex workers. Contributors were asked what service providers should be mindful of in terms of access to services, service delivery, resources available and other important factors impacting their relationships with sex workers when working with particular populations.

Sex Work and People of Colour

Robyn Maynard

People of colour are criminalized at much higher rate than many others in society, and are for more likely to experience police harassment, arrest, as well as higher rates of incarceration than the general population. This is a result of racial profiling by police and the justice system. This affects sex workers of colours perceived ability to report violence that may be perpetuated towards them. Racism is an endemic part of our society, and sex workers' of colour have to deal with both the criminalization of their lives and work due to their chosen occupation, but also face discrimination at many levels of society because of the colour of their skin. Remember that as a service provider it is your job not to re-produce any kind of racial discrimination, instead you should be dismantling barriers for all, including sex workers of colour to access services. Service providers are certainly not exempt from perpetuating societal racism—think about the ways that different racial stereotypes might affect the way that you would think about or treat someone coming to see you. Many people hold internalized age-old racist stereotypes about black women being hypersexual, or view Asian women as inherently submissive. Others apply xenophobic stereotypes to what they perceive to be "backwards immigrant cultures" and hold the belief that people of colour with migrant backgrounds are more likely to abuse their children. This can affect some service providers' judgement on who is flagged to be an 'unfit parent', for example. It is important that you look at your own assumptions about different races and cultures and where they come from and remember to assess peoples needs based on their actual situation and behaviours, and not according to your perception of their racial or cultural identity. Just as we continue to assert that sex workers are worthy of equal treatment at every level of society, remember that this also applies to sex workers of colour. Sex workers face a lot of stigma already and often do not want to out themselves to their service providers, and sex workers of colour even more so as they face even more presumptions about their lives.

Indigenous Peoples

The scope of the *Challenges* report allows us to address the experiences of some

Ottawa-based Aboriginal sex workers. In this case, the Aboriginal individuals interviewed were street-based workers, which may speak to the fact that Canada's Indigenous peoples disproportionately bear the burden of poverty. This poverty is clearly implicated in these sex workers' decisions to work in the industry. Alice (street-based worker) explains:

> *As an Aboriginal woman, I am automatically nothing but trash, you know, I don't like being considered that way... I have to live you know. My welfare is 200 dollars a month, it doesn't work. I have to get toiletries, food, so I have to do what I do and I won't ask them [estranged family] for it.*

In addition to stigmatization and marginalization experienced when they engage in sex work, Aboriginal peoples are systematically over-policed. A 2006 Department of Justice report asserts that Aboriginal people experience "systematic discrimination every time they come into contact with the justice system. Systematic discrimination is the norm and affects offenders and victims indiscriminately. It is pervasive and endemic." (Chartrand and McKay, 2006:43).

The Aboriginal sex workers in the *Challenges* report described the scarcity of culturally relevant support networks, increased physical violence, police abuse of power and community exclusion.

Sex Work and Indigenous Peoples

Erin Konsmo, Native Youth Sexual Health Network
www.nativeyouthsexualhealth.com

The Native Youth Sexual Health Network (NYSHN) is an organization by and for Indigenous youth that works within the full spectrum of sexual and reproductive health, rights, and justice across the United States and Canada.

The reclamation and revitalization of traditional knowledge about people's fundamental human rights over their bodies and spaces, intersected with present-day realities, is fundamental to our work.

Within this spectrum we embrace Indigenous perspectives around the sex trade and how people choose to identify with what they do, including: sex work, sex industry, street economy, and more. We support meeting people where they are at within all of the work we do, which may intersect with things like harm reduction, Two-Spirit and LGBTQ rights, HIV prevention, advocacy, support, and human rights. Jessica Danforth, Executive Director of the Native Youth Sexual Health Network, says that:

> We recognize that violence and patriarchy have long been used as tools to subjugate, disempower and undermine Indigenous people's autonomy over our own bodies. The very creation of Canada and the United States was achieved through state sanctioned sexual violence and the imposition of hetero-patriarchy. Responses to violence against Indigenous people in the sex trade today must be aware of these histories and, as such, should be led by Indigenous people themselves. Further, such responses must be aware of the recolonizing effect of so-called 'helping' Indigenous people and 'rescuing' sex workers. Most importantly, non-Indigenous peoples

and organizations must respect and learn from the many ways in which Indigenous communities have already been and continue to work to end violence.

How can we strengthen culturally and community based responses working with Indigenous people in the sex trade/sex industry/street economy?

1. Create a culturally safe place for Indigenous Peoples in the sex trade and Two-Spirit people. A culturally safe space could take into account things like Indigenous ceremonies, histories of colonization, and traditional roles of Two-Spirit people. More information about cultural safety can be found here: **www.naho.ca/documents/naho/english/Culturalsafetyfactsheet.pdf**

2. Centering cultural safety means remembering that everyone has their own diverse experiences and identities as an Indigenous person (i.e. urban, reserve, rural). Indigenous Peoples' experiences and engagement with their own cultures vary; some may have predominately urban experiences while other may be long distances away from their home communities.

3. Indigenous versus Western knowledge: it is important to support different sets of knowledge and cultures in order to be more aware and inclusive of lived experiences, as well as how people identify *themselves* in terms of who they are and what they do (i.e. not everyone sees themselves as a 'sex worker').

4. Consider connected, overlapping issues/ways of knowing and viewing when working with people. For example, how are spirituality and culture connected to the ways Indigenous Peoples in the sex trade understand their own sexuality?

5. The criminalization of our bodies by the criminal (in)justice system is directly related to a larger system of colonization of our lands and territories. The criminalization of Indigenous Peoples in the sex trade must be understood as linked to the historical basis of a legal system that has constantly put our incarceration rates at disproportionately higher numbers than those of non-Indigenous Peoples.

6. Foster relationships and partnerships with existing Indigenous organizations and initiatives that support harm reduction and meeting people where they are at. Working with and taking leadership from these Indigenous organizations that already exist, and are already doing the work, means supporting the work of Indigenous Peoples who know our histories and can provide or share culturally safe approaches. Creating meaningful partnerships with Indigenous organizations/initiatives allows for the response to be based in Indigenous Peoples' experiences, knowledge and self-determination.

Examples of self-determination in action:

Our friends and partners at the *Young Women's Empowerment Project (YWEP)* in Chicago, a social justice project that is led by and for young people of colour who have current or former experience in the sex trade and street economies, recently released "*Bad Encounter Line: Denied Help!*" a participatory action research project on "*How Youth in the Sex Trade & Street Economy are Turned Away from Systems Meant to Help Us & What We are Doing to Fight Back*". This was the second community-based participatory action research project they completed about their own realities and experiences.

> *YWEP's values vary and run deep in all of our work, daily and annual alike. From self-care to harm reduction, to popular education, and empowerment theory—our model is based around the idea that we believe girls are the experts in their own lives… Being empowered means that girls are active in the decisions they make about their lives.* (Torres and Paz 2012: 6)
>
> *We recognize that girls have knowledge and expertise in matters relating to our own lives that no one else will have.* ***We are not the problem—we are the solution.*** (Torres and Paz 2012: 8)

You can find more information about the Young Women's Empowerment Project at: **http://ywepchicago.wordpress.com**

Sex Work and Sexual Orientation

Chris Boodram

The historic criminalization, marginalization and exclusion of gay, lesbian, and bisexual people are well documented. LGB communities continue to experience social exclusion, discrimination and violence in a society characterized by persistent heterosexism and homophobia.

The experiences of sexual minorities in the sex industry vary. For some, entry into the industry is prompted by their 'coming out.' This was Paul's (escort) experience: "*When I hit 18, I lived on the street because my parents confronted me about being gay*." For LGB youth who are rejected by their families, denied social and financial support, or even made to leave their homes upon coming out, sex work can sometimes be the most viable and lucrative way to support themselves.

Other LGB people enter the sex industry for the same reasons as other sex workers: the need to earn money, an interest in providing sexual services, or some combination of these two factors.

Some LGB sex workers experience whorephobia as being very similar to homophobia. As a result, their involvement in sex work can compound their marginalization as LGB persons, making it even more difficult to be open with friends and family about their lives and work, develop and maintain supportive social networks, and access LGB-positive and sex work positive health and social services. At the same time, some LGB sex workers can draw on mechanisms they have developed to deal with homophobia to help them cope with whorephobia.

Some gender-specific differences exist for LGB sex workers. For example, Simon (masseur) describes how he is exposed to additional risk because he provides services for men:

> *It always will be in this type of work because you never know who will show up, what their reactions will be. Seventy-five percent of my clients are married men, a lot of them who are engaging in MSM contact for the first time, so their reaction can be hard to predict. They could freak out, be in denial, could become aggressive and physical. What is behind that is homophobia.*

Being a lesbian or bisexual woman can make some aspects of providing sexual

services to men easier, resolving any awkwardness or ambiguity in the client-service provider relationship by taking it outside of traditional heterosexual scripts.

> *As a bi-dyke, living outside of the charmed circle ... of heterosexuality means that I don't wind up feeling like I have to play by its rules. Sex can be in the air and I don't have that little voice in my head telling me that I'm supposed to give men 'what they want' for free, and consider it a compliment that they want it.* (Estelle, model)

At the same time, lesbian or bisexual female sex workers who provide services to men can sometimes have their sexual orientation questioned or experience rejection from their community on account of their work. *"Don't assume that a woman who does sex work is also heterosexual, or that sleeping with guys as a job means that a queer chick is "really" heterosexual"* (Estelle, model).

Men and Sex Work

River Redwood

The following piece was written in part by River Redwood, a male sex worker and a member of Big Susie's, with contributions by Chris Boodram, a male former sex worker and member of POWER.

Big Susie's is a working group by and for sex workers in Hamilton and the surrounding areas. Their purpose is to fight back against the stigma and silence that degrades, devalues and dehumanizes sex workers and their work. Big Susie's is a sex-positive and sex worker-positive organization that advocates for the total decriminalization of sex work to allow sex workers self-determination of their own bodies. For more information: **http://www.bigsusies.com**.

The 2006 Report of the House of Commons Subcommittee on Solicitation Laws estimated that about a quarter of persons involved in the sex industry in Canada were men. Like female workers, male sex workers come from a range of different socio-economic, cultural, ethnic and racial backgrounds, and enter the industry for many reasons. Some work part time, some work full time, some work for agencies and studios, some work independently, and some work on the street, while others work indoors. Male sex workers work in all segments of the industry, including stripping, erotic massage, modeling, porn, web-camming, and escorting.

While male sex workers are criminalized, stigmatized and marginalized in many of the same ways as women in the industry, some notable differences exist in the way they may experience their work. These can range from male sex workers being rendered invisible in conversations about sex work, to encountering homophobia (both internalized and societal), to earning significantly less money than women (the sex industry is one of the few in which this is the norm). These factors can lead to male sex workers experiencing marginalization and exclusion from within the sex worker rights movement, the queer community if they are part of it, and from society as a whole.

While a few male sex workers have female clients, the vast majority of male sex work tends to involve male clients. While this can be fairly straightforward for gay or bisexual male workers, not all men in the industry who have sex with other men in the context of their work identify as gay or bisexual. The sexuality of both male sex workers and their clients, as well as how they choose to identify, can vary greatly.

This can be difficult to communicate to others and difficult for support networks and service providers to understand. However, failing to respect self-identification can exacerbate the stigma these men already face as male sex workers. The fear and shame they may feel about being labeled as a sex worker, but also as gay or bisexual when they do not identify that way, may prevent men from accessing the services they need, and may further impede their ability to be open and honest about their work with their peers, loved ones, and service providers.

Not all men who provide sexual services identify or relate to their work as sex work. This may be especially the case for men who do not work for money. Some men may exchange sexual services for other considerations, such as a night of drinking, a place to stay, or drugs. Some men may become involved in 'sugar daddy' relationships with more economically advantaged men—these relationships can be very intimate, while not always involving sex. Apart from any sexual component to the relationship, 'sugar daddies' may also value the companionship and emotional acceptance of such a relationship, or the opportunity to mentor a younger man.

Like female workers, male workers can develop strong and intimate relationships with clients within the context of their work, which can sometimes make work/life balance challenging.

> *I worked with a lot of men from out of town who were married or in relationships, who really looked forward to their appointments with me when they came into town. It's really funny how even when you don't know very much about someone else, the very personal services you are providing to them, and for some of them helping them through the challenges they are facing around their desire to have sex with another man, sometimes create a very close bond very quickly. I met some really sexy and really nice guys, but it was hardest sometimes to stay professional with them. Nice problem to have, I guess.* (Dave, masseur)

To avoid this or in response to it, some male workers report intentionally creating very clear boundaries in terms of their sexual labour and emotional involvement. For example Ed (escort) "*decided very early on that I was going to use an alias, and I wasn't willing to get fucked when working. That was really important for helping me keep my distance*".

Some male workers, like Dave (masseur), report less concern about their safety than female workers typically have:

> *When I started working, I read all the advice online directed at female prostitutes—things like working with a friend, checking the hotel room closet to make sure no one is there, writing down where you are going, etc. I have to say, I never felt like any of that was necessary—sure, I'd keep my eyes open and leave if the guy seemed weird or tried to push my boundaries—but I never thought about danger the way a lot of female workers I know do. I think that's because I'm a guy, and guys simply don't have to worry about this stuff as much.*

At the same time, social constructs of masculinity can make seeking and obtaining support difficult for those who do experience sexual assault or other forms of

violence at the hands of predators posing as clients, strangers or intimate partners. Male survivors of sexual assault sometimes feel that the assault is a result of their own 'flawed' masculinity, a belief that feeds a deep sense of shame and isolation. When male survivors of assault do seek help, homophobia and the idea that sex workers cannot be sexually assaulted can inform how service providers respond to such situations. This effectively creates barriers to male sex workers accessing support and/or health services in the case of sexual assault. Male survivors of sexual assault may also avoid accessing support from the police, health services and sexual assault support centres because of their fear, often based in past experiences, or in their own perceptions regarding the openness of these service providers, that they might be stigmatized, re-victimized, or further mistreated if they do.

Michael (escort) talks about the difficulty gay or bisexual male workers face in accessing support in the event of sexual assault or other forms of violence at the hands of a client:

> *It's a disincentive to go to the police because, one, you're gay and the police don't take that very seriously, and then you are a sex worker and on top of not taking sex workers seriously, a lot of cops think sex workers can't get raped.*

Male sex workers may have many different groups of partners, friends and acquaintances. These circles of people or support networks can be kept distinct from their sex working networks or the non-work sexual and/or romantic relationships that they may engage in with other men or women. In different situations and with different people, male sex workers may describe both their sexuality and their relationships quite differently. Keeping different social spheres separate can be crucial in terms of balancing distinct relationships, of maintaining their personal wellbeing, or of their survival. For this reason, preserving confidentiality and ensuring non-disclosure is crucial to working with male sex workers. Social and health service providers and the media should never assume that because a male sex worker is open with them about their involvement in sex work, that they are also 'out' about this in other areas of their lives.

Many service providers still fail to create spaces where all forms of male sexuality and sex positivity are visible and celebrated, may they involve sexual services in exchange for money or not. It is an unfortunate reality that few social or health service providers, police services, media or policy makers, are sensitive to or acquainted with the specific needs of men who have sex with men. In some cases, service providers may not have male sex work on their radar, may perceive male sex work as too challenging to tackle or do not see the needs of male sex workers as being worth addressing. This sends out the message that male sex workers' life experiences, safety and needs are unimportant. This invisibility results in isolation and a lack of support for male workers.

When working with male sex workers, it is very important not to allow stereotypes or preconceived judgments to colour what the workers themselves say about the services they are seeking either in the context of their work or their personal lives. Be respectful of their relationships and sensitive to the complexities, nuances and subtleties of their social networks.

Trans Sex Workers

Trans people face discrimination and violence as a result of transphobia (discrimination against gender ambiguity). According to the Queen's University Human Rights Office, "*when there is some ambiguity in gender cues [...] typical responses range from embarrassed silence to violent assaults*" (Trans Accessibility Project date?). The systematic treatment of people who stray from the rigid gender expectations of our society includes: being denied housing, employment, medical care or legal protections; as well as harassment and violence.

Kayla, a transgender woman and sex worker, speaks about the situational violence she endured from clients that led to the difficult decision to present as a man in public:

> *When I was passing, I had breasts, I was wearing makeup, I had long hair and all, I was always scared and needed to drink to go out there and work. Now, I just don't give a shit. I just go out and do it. It's not a concern anymore, I don't care anymore. I got stabbed, I got shot, I got smashed over the head with a fucking brick, I got robbed, I got raped. All that because people got confused by who I was and because I am a hooker. I got shot and cut, everything. Now I don't care anymore.*

Working with Trans Sex Workers

Cole Gately, Big Susie's

For many trans people, systemic discrimination and violence are a daily reality. Because of transphobia and stigma, we are more often unemployed, homeless, precariously housed in unsafe or unaffordable housing, socially isolated, and face barriers to health care, legal supports, education and social services. The Human Rights Tribunal of Canada recently ruled that trans people are no longer required to have had sex reassignment surgery (SRS) to have their ID altered to reflect their preferred gender. And, at the time of writing, Bill 33, or Toby's Act[1]—to amend the *Human Rights Code* with respect to gender identity and gender expression—has passed a second reading in the House of Commons. These two decisions represent progress in the fight for trans human rights. However, normative attitudes reinforced by the media and other institutions that privilege the gender binary (male-female/man-woman) and punish transgressors, are not easily changed.

It is not uncommon to read testimonials of trans people who have lost their jobs or have been unable to find work because of discrimination. Sex work is, to many trans individuals, especially women, a solution to systemic barriers to employment. There are many positive aspects of sex work as a trans person such as decent money and the trans niche in the market. Some trans sex workers report that the knowledge that they are desirable helps increase self-esteem. That said, for outdoor sex workers, the risk to physical and emotional safety is very real. The threat of arrest for communication, a long history of discrimination by police, the resultant lack of protection from violence, along with transphobic and homophobic attitudes among clients struggling with their sexuality, mean that trans sex workers, especially those women working outdoors, are vulnerable despite recent gains.

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[1] NDP MPP for Parkdale-High Park, Cheri DiNovo, has tabled versions of this Bill several times over the past few years. It passed second reading in the Legislative Assembly of Ontario on May 10, 2012. It has now been referred to the Standing Committee on Social Policy. The contents of Toby's Act can be found at URL: **http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=2574**

Service providers working with trans sex workers need to understand the systemic and institutional conditions that perpetuate and reinforce transphobia. Because we live in a patriarchal society that rigidly enforces gender norms, where heterosexual masculine men and feminine women are celebrated, and transgressors are punished for threatening the status quo, it is of utmost importance that services used by trans individuals recognize these inequities and proactively stand in solidarity with trans people in general, and trans sex workers in particular, by challenging discrimination whenever it occurs. Work with the trans community and sex workers to examine and amend policies that affect their experience at your organization. Educate yourself about the challenges and realities of being trans in Canada today. Reaching out to work in solidarity with trans sex workers in your community will send a strong message that your mission and values apply to everyone who accesses the organization.

Statement for Social Service Agencies and Transsexual/Transgendered Organizations on Service Delivery to Transsexual and Transvestite Prostitutes
Monica Forrester, Jamie-Lee Hamilton, Viviane Namaste and Mirha-Soleil Ross
The following is the statement prepared by the National Committee on Prostitution, Transsexuality, and HIV, Vancouver, March 2001.

We are a group of transsexuals with a history in prostitution who have been involved in a national meeting on issues related to transsexuality, prostitution, and HIV. Since the mid-1990s, we have all been active in setting up, developing, and evaluating community-based programs for transsexual and transvestite prostitutes.

Through our work we have identified several areas of concern related to the administration and orientation of programs for transsexual prostitutes. We feel these problems exist both in agencies that have transsexual-specific programs as well as organizations that have a significant transsexual clientele, but no formal transsexual programming.

Attitudes towards prostitution make up the first problem. The second problem has to do with agencies using transsexual and transvestite prostitution as a way of promoting their own expansion.

There is a prevalent conception of prostitution—within transsexual organizations and social service agencies—as being inherently negative. Prostitution is seen as a 'last resort' for individuals who have addictions, who have low self esteem, people who were sexually abused as children, and stigmatized as gender variant youth. Specifically with regards to transsexuals, prostitution is seen as the only occupation available to transsexuals because of social marginalization. For example, social service workers will make a statement such as "Transsexuals are forced to work on the street to pay for their surgery." Without always knowing it, social service workers are constantly trying to "save" transsexuals and transvestites from prostitution whether in the short or the long term. Exit programs and "job retraining" programs for prostitutes represent attempts to get transsexuals and transvestites out of prostitution in the short term. Efforts to remove transsexuals and transvestites from prostitution in the long term are often more subtle: for example, transsexual organizations accept prostitutes in "theory," but often hope that transsexuals will get out of prostitution and go back to school. They do not currently support transsexuals and transvestites who work as prostitutes: in practical terms, while these organizations may have workshops on transsexuals and employment, they do

not organize activities for transsexuals who work as prostitutes that would speak to their working conditions. These transsexual organizations will often invite lawyers to speak about legal questions concerning transition on the job, but will not invite lawyers to speak about prostitution and the law.

We as a committee see prostitution as a valid form of employment and an integral part of many transsexuals' cultural identity. We deplore any attempt to "save" transsexuals from the "evil" of prostitution. We find these attitudes actually contribute to the marginalization of prostitutes from society, as well as the problems transsexuals have with self-esteem, addictions, the high prevalence of HIV amongst transsexual prostitutes, and isolation. We find it especially ironic that non-prostitute transsexuals espouse such negative attitudes towards transsexual prostitutes when we consider that a history of transsexuality is a history of prostitution. Transsexuality and prostitution have been welded together in many cultural and class contexts. Historically, transsexual prostitutes engaged in personal, political, and community struggles, which have created a social climate in which individuals can change sex more easily. Yet this history has either been forgotten, has not been reclaimed, or has even been silenced. Currently, transsexual prostitutes engage in intimate and sexual relations with tens of thousands of men in this country. This activity contributes to greater openness, appreciation, and understanding of transsexuals in a huge segment of the population. Yet this political contribution to changing social attitudes is unacknowledged and vilified. Non-prostitute transgendered people are too busy celebrating recent passage of human rights legislation to recognize the labour of transsexual and transvestite prostitutes.

These negative attitudes towards prostitutes have dramatic ramifications in relation to the second issue we identify, namely that social service agencies have the potential to use transsexual and transvestite prostitutes for their own expansion. At the present time, there is both documentation and common knowledge of some of the problems transsexuals and transvestites, and even more specifically street involved transsexuals/transvestites, face in accessing health care and social services. Since the mid-1990s, certain agencies have applied this knowledge in a concrete way, designing programs targeting this population. We do applaud these initiatives, but we see social services as businesses, which like all businesses, think in terms of money and administration: expansion, getting grants, creating jobs. In some instances, this drive has the potential to be primarily motivated by administration and money, not necessarily the needs of the transsexuals and transvestites designated to be "clients" of the agency. For example, there have been many attempts at starting transsexual specific programs without proper evaluation. The rapid development of transsexual/transvestite specific services over the last 5 years has also meant that as transsexual/transvestite prostitutes, we have not had a chance yet to sit down as a community and evaluate where we've been, where we are and where we need to go. A lot of social workers and social service agencies, with overly excited non-prostitute transgendered activists and community workers, jump on any opportunity to start anything, anytime at any cost.

To address these problems, we think that a thorough consultation with transsexual and transvestite prostitutes is in order, as opposed to a "broad based" consultation with transgendered people. The latter rarely put transsexual prostitutes at the centre of the endeavor, and inevitably result in the misrepresentation of the issues of transsexual and transvestite prostitutes and an overrepresentation of

the concerns of transsexuals who are on computer listserves. Furthermore, such work needs to ensure that people who currently work as prostitutes are consulted, not just individuals who are ex-prostitutes, or "rehabilitated" prostitutes. If this consultation contacts a wide diversity of transsexual/transvestite prostitutes, the information will be gathered from prostitutes who are not primarily white and who may not have English as a mother tongue: these are the majority of transsexual/transvestite prostitutes, especially in Canada's three largest cities: Toronto, Montréal, and Vancouver. If such individuals do not make up the majority of the people contacted, the consultation is unacceptable.

With respect to negative attitudes concerning prostitution, we would like to reiterate that transgendered and non-transgendered community organizers and social service workers should start investing their money and energies in priorities deemed relevant by prostitutes' rights activists. They need to listen to what prostitutes rights activists in Canada have articulated for over two decades now. Organizations and workers should prioritize:

- The recognition and validation of prostitution as a legitimate form of employment
- Supporting and lobbying for the decriminalization of prostitution, including the repeal of the pimping laws, which are regularly used to stigmatize and criminalize the personal relationships of prostitutes
- The condemnation of laws that criminalize youth of whatever age involved in prostitution
- Supporting people who want to work as prostitutes; to provide them with the resources needed to work safely and go where they work to offer these services
- In service delivery settings, counseling, street outreach or referrals: having the courage to include full discussions on the working conditions of prostitutes. This would include prices, hours and places to work, specific working conditions, work options (different places to work, taking a break from prostitution), harm reduction strategies, etc.

Conclusion

We have outlined two problems in terms of service delivery for transsexual/transvestite prostitutes—negative attitudes towards prostitution and the potential for agency expansion using trans issues. We have also given some concrete suggestions for workers and agencies to counter the negative attitudes and practices towards prostitution. We hope you will incorporate these reflections as part of a broader commitment to progressive programming and policy development related to transsexual and transvestite prostitutes.

Sex Work and Youth

Phoenix McKee

Phoenix is an advocate for sex workers' rights, a community service worker, a mother and a sex worker based in Toronto. She currently works at Maggies: The Toronto Sex Workers Action Project, and Sistering A Woman Place. She began trading sex for money when she was 14 and has experience in various sectors of the industry including street-based work.

Youth who trade sex for money or basic necessities (i.e. housing, drugs, food) usually do not identify as sex workers. Instead, they will often use casual language such as "having sex for money" or "making money". It is important to be aware that not all youth are exploited or abused and that many decide to trade sex because other means of obtaining money are not always ideal (i.e. working at minimum wage, panhandling or government assistance).

In Toronto, the majority of youth who trade sex for the necessities of life are LGBTQ2 male or currently identifying as male, trans youth of colour and female. Youth will mainly engage in street prostitution, find clients online through Internet chat rooms, or benefit financially from casual relationships they may have with their peers or older men because the age of consent laws pose a barrier to obtaining employment with agencies, strip clubs, or massage parlours. In addition, for the most part, youth might begin to work as independents and eventually move on to working with third parties to feel safer, avoid the authorities, and increase the amount of money they are making. A third party individual can be a manager, madam, pimp, or friend. Often, youth have to rely on third party individuals in order to work efficiently because their access to the information needed to work, such as where to find clients, how to advertise, where to work and what to charge, is limited.

The stigma and current laws surrounding youth sex work create significant barriers for youth who wish to access services. Besides facing criminalization and violence from the authorities, youth are constantly in fear of child protective services. Due to their involvement in sex work, many youth are placed in the care of the Children's Aid Society, which removes them from their home, family and support networks. In Canada, 'child prostitution' is illegal and seen as a form of child abuse. Although the Child and Family Services Act only requires social service workers to report youth who are 16 and under, the law applies to youth 18 years of age and under, and in many provinces any youth up to age 18 will be handed over to the authorities.

In addition, youth are predominantly seen as victims who lack the ability to make conscious choices for themselves. Many youth live independently, and whether that means they are living on the streets, with friends/partners, or on their own in housing, youth deserve the same access to non judgmental services as adults. There is a strong Western belief that youth do not need to work and that any youth who is making money by offering sexual services is forced or exploited, which is not always the case. Youth who are homeless or taking care of themselves have to deal with 'grown up' issues every day. It is an ageist assumption that 'adults' know what is best for youth and it is this belief that leaves many youth silenced and cut off from the kinds of support and services they need most. Many times, youth will reach out for help with housing, income support, or college applications, and will be met with concern from workers who direct the conversation towards their sex work instead of offering support for the requested services.

Criminalization and the stigma youth face limits their ability to access the tools they need to work safely and efficiently, including supplies such as condoms, as well as information about how to conduct financial negotiation, how to use online venues, where to work, or how to find and screen clients. In addition, youth specific services and sex work spaces where peers could meet and exchange knowledge and support as well as access relevant services are almost non-existent.

What is also missing is a space for youth amongst most sex worker rights organizations. Youth have long been silenced within the movement for sex workers' rights and this is due to the laws and the stigma surrounding sex work. The procuring laws, which make it illegal to influence or encourage anyone to engage in sex work, make it almost impossible for sex workers or sex worker rights organizations to speak to youth about sex work, or give them the information they need to continue to work independently without facing charges or other harms.

As a service provider, an ally, a supporter or a friend to youth who trade sex for money, or hustle, there are several things you can do:

- Don't make sex work the issue if it isn't one for the youth you are supporting. Help us with what is being asked for, like finding a straight job or accessing housing. Often, other life issues need to be addressed as opposed to our current source of income or occupation.
- Discuss sex work in ways that minimize stigma rather than create or further perpetuate it.
- Provide non judgmental and unconditional support to sex workers, especially youth, with whatever decision they need to make (this can include making sure youth are aware of the risk without imposing your own preconceptions and judgment on the interaction).
- Find ways to talk about sex work and contribute to a movement that does not dismiss our struggles, silence us or appropriate the voices of sex workers.
- Advocate for sex workers' voices to be heard within academia, in the media and in policy-making settings.
- Educate yourself with sex work-positive materials.
- Protest anti-sex work panels/forums/conferences and challenge the anti-sex worker rights movement.
- Most importantly, listen and learn from those who have life experience as sex workers.

Migrant Sex Workers

Robyn Maynard

A Few Notes on Working With Migrant Sex Workers

Sex workers, in general, are marginalized because they have a very real fear of criminalization and the negative effects this could have on their lives. Migrant sex workers who do not have their full status live not only in fear of criminalization, but also of the fear of being deported if they do get arrested on sex-work based charges. For many refugees and for people living in Canada illegally or with precarious status, perceived lack of, or actual lack of access to healthcare, shelters, and other crucial resources is a major issue.

Here a few things to keep in mind:

- Because of the legal status of their work, sex workers who are not Canadian citizens can be wary of health and social service bureaucracies . Because of this, it is important to be open-minded, assure confidentiality, and remain non-judgemental to build a trusting relationship.
- It is important to offer, or else create or tighten a reference partnership with anonymous health services that don't require people to have health-cards.
- Offer or have a close reference partnership with an organization that offers accurate and up-to-date information surrounding immigration law, legal support and advocacy.
- Remember that many people are here with their families, who may or may not be at different stages of citizenship levels and have varying access to health services. Having a good and trusting relationship can help you open corridors towards putting larger communities in touch with health services in the long-term.
- Migrants new to Canada who are here illegally often do not have access to most health services. This can lead to more complicated health problems and untreated health issues.
- Major cuts have just taken place to refugee's access to healthcare (Interim Federal Health Program), cutting refugees access to health-care, and in many cases putting their lives at risks by denying them access to basic medical necessities such as insulin. Many service providers across the country are signing onto a "we refuse to co-operate" campaign in order to continue to provide essential health services to refugees. It's important to educate yourself on the issue and adapt your services accordingly.
- Having sex work positive literature readily visible might make migrant sex workers more likely to feel comfortable opening up to you.

People Who Use Drugs

Chris Bruckert and Fred Chabot

One of the stereotypes around sex work is the assumption that most or all workers are habitual drug users. POWER's research revealed that, consistent with what one finds in the general public, there is a range of relationships to both illicit and legal intoxicants.

Some sex workers include substances in their lives in a recreational way, while others abstain or use more frequently.

> *I smoke pot and I drink wine. But I never smoke or drink before work because I need to keep my wits. I use it to unwind. It doesn't feel like I use that as a crutch. I smoked pot and drank wine way before I started working in the adult industry.* (Samantha, massage parlour worker)

> *I made the conscious decision to not drink any alcohol at work or in my personal life. It is hard sometimes to maintain that go-go-go attitude so I used to drink energy drinks [...] When I was diagnosed with anxiety disorder, I gave those up and I have to say, it is harder now. I work earlier shifts now and I make less money.* (Sophie, erotic dancer)

While Samantha cannot work if she is intoxicated and Sophie chooses to abstain, some workers find it easier to work if they consume moderate amounts of drugs or alcohol. "*I'm a tough girl and I've been out there my whole life. And I drink, I call it liquid courage*" (Holly, street-based worker).

Some sex workers do make explicit links between their substance use and their work. For most of these individuals, sex work is an income-generating activity that allows them to manage their drug use. "*It supplies my drug addiction. But I don't do drugs because of the sex work—it's the other way around. I do sex work because of my drug addiction*" (Zoe, street-based worker).

When drug use is an addiction, sex workers are vulnerable because their addiction impacts the choices around their work. It may limit their options for transitioning out of the industry, and sometimes puts pressure on sex workers to work longer hours or face unsafe options in order to manage their addiction. Sex workers who use drugs also face increased discrimination based on drug phobia, and risk increased harassment from the police.

"*The Canadian Human Rights Act defines substance addiction as a disability, stating that disability includes being 'dependent on alcohol or a drug. The courts have held that [...] drug dependence includes dependence on illegal drugs*" (Pivot 2002: 15). In Ontario however, there is little evidence of any consideration, protection and/or recognition of rights that should be afforded to people living with a disability. Indeed the sex workers who are substance users face the social stigma of 'crack-whore,' and as such are treated as unwanted individuals who are denied equal access to protection or social services.

Bianca's (street-based worker) painfully clear statement, "*I live on the street and I am alone working. I use*", powerfully speaks to living in the intersections of these stigmatic identities.

Class, Poverty and Gender

Chris Bruckert and Fred Chabot

Class and privilege also impact how sex workers experience their work and their place in the world. While only 5 to 20% of the sex industry is street-based (Canada 2006: 5), and not all street-based workers are marginalized, there is a population of particularly socially disadvantaged and disenfranchised sex workers who are precariously housed, may be substance users and are often socially isolated.

Asked if they had enough money to meet their basic needs, many sex workers in the *Challenges* report answered no. "*I never do. Thank god for drop-ins and food banks*" (Alice, street-based sex worker).

This population of hyper-marginalized sex workers is not poor because they are sex workers—they are poor individuals who are sex workers. As such, they are making decisions within a limited range of available options. Thus, opting for sex work as an income generating activity should be regarded as a decision made by a person with agency, in a particular context of individual, social and community struggles.

The implications of the intersection of poverty and sex work include: insecure housing (for example sex workers may find themselves working for days on the street because they cannot find a bed at a shelter); limited opportunities and challenges when wanting to transfer to a different sector within the sex industry due to isolation, lack of contacts or limited Internet access; increased exposure to over-policing and arrests; heightened stigma and harassment; and trouble accessing harm reduction and social services.

Furthermore, criminalization traps people in cycles of poverty. People like Lucy, with her "*163 trespassing tickets*"; like Jamie, whose criminal record undermined her ability to keep a 'straight' job; like Rachel, who "*would like to go back to waitressing at night, but I have a criminal record.*"

Reflecting on the Intersections of Criminalization, Stigmatization and Marginalization

Chris Bruckert and Fred Chabot

It is within the intersections of race, class, sexual orientation, gender and poverty that stigmatization, criminalization and marginalization intersect for sex workers. We see exclusion from meaningful participation in social and economic life when sex workers are denied housing, are evicted, or are unable to secure financing because they cannot prove income. We see this when workers cannot transition out of the industry because of a criminal record or because their skills are not transferable, or because they are unwilling to disclose for fear of rejection. We see it when sex workers are silenced by researchers who speak over and for them and by courts that dismiss them as 'unreliable witnesses.'

We see it when sex workers' rights are denied, because structural barriers undermine their ability to advocate for themselves, because exercising those rights engenders vulnerability to criminalization and stigma or because their truths are dismissed. We see this in the way sex workers are vulnerable to victimization because aggressors target them with virtual impunity, because they are pushed to dark and isolated areas and because law enforcement polices but does not protect.

When criminalization, stigmatization and marginalization are intertwined we come full circle: the challenges identified in these pages are not inherent to sex work, rather they are engendered by regulation informed by stigmatic assumptions. Ultimately, these processes culminate in profound marginalization and social exclusion that have a significant impact on sex workers' private and professional lives.

INDIGENOUS PEOPLES IN THE SEX TRADE: 'SPEAKING FOR OURSELVES'

Native Youth Sexual Health Network, June 9th, 2011

We as Indigenous peoples who have current and/or former life experience in the sex trade and sex industries met on unceded Coast Salish Territory in Vancouver on Monday April 11th 2011. In a talking circle organized by the Native Youth Sexual Health Network we wish to share the following points about our collective discussion so that we may speak FOR ourselves and life experiences:

- We recognize that many of us have multiple identities and communities that we belong to—some of us take up the title of "sex worker" while others do not see themselves this way. We have a myriad of experiences in the sex trade, everything from violence, coercion, to survival, getting by, empowerment, and everything in between. We want to give voice to these issues so that those who are CURRENTLY involved in sex work and the sex industries feel supported and are the primary place where decisions surrounding our lives are made. We should not be made to feel judged, blamed, or shunned from ANY of the communities we belong to or are coming from. We are the best deciders of what we want our lives to be.

- Despite the heightened statistics of the many realities we face as Indigenous peoples, we are not significantly represented in the leadership or decision making tables of sex worker organizations and other social justice groups alike. By this we do not mean solely having one Indigenous coordinator or a few outreach workers—we mean meaningful, non-tokenizing, multiple positions and visible leadership roles across organizations, groups, collectives, and at any place where the sex trade is discussed. We are not interested in being included after the fact or having to continuously take a seat at a table we had to fight to be at in the first place—we want to be the centre in which all decisions about our lives are coming from.

- We collectively and steadfastly resist the so-called 'rescuing' and 'saving' approaches to the issues going on in our lives that come from the (in)justice system, social service agencies, prohibitionist groups, and many other areas. What we are asking for is not to be saved or rescued or consistently painted as victims—we come from generations of peoples who have resisted this approach for the last 500+ years so we could be here today. We are asking for support that is unconditional and meets us where we are at.

- We are living through legacies of colonialism and genocide—which are extremely present today. When various individuals and organizations say things like "we are all oppressed in the same way" or refuse to take a stance on colonialism—this directly silences and further oppresses us. Just because we as Indigenous peoples may be involved in the sex trade as well does not mean that we are all oppressed in the same way as other peoples who are involved in the sex trade or even within our own communities. We demand the right to self-determination about what is specifically true for us as individuals and we refuse to be constantly grouped in the 'other' or 'unknown' categories—whether from well-intentioned allies or those who have never even considered our realities as Indigenous peoples.

- We want to address the rampant amount of homophobia, transphobia, cissexism, and hetero-patriarchy that we witness from Indigenous and allied people alike. Many of us are proud to be Two Spirit, trans, gender non-conforming, and many other identities that the English language cannot contain. We hold both our Indigenous community members and allies accountable to respect who we are and understand that these identities for many of us prior to colonization were honoured and respected—and we take this seriously as we seek to reclaim who we are.

- While it is true that we may experience violence on bad dates, on the street, and in other places where we are, we want to state that VIOLENCE SHOULD NOT INHERENTLY BE PART OF THE SEX TRADE. What remains unchallenged and inadequately criticized are the role and actions of the state, the police, and social service agencies that create and allow the conditions that create violent situations for us to begin with. The very creation of Canada and the United States is based off of the genocide and land theft of our peoples and fast forward to 2011 this is still happening. It is now sanctioned through the law, in the court system, and other organizations wishing to further control and exploit us by continuing to remove us from our homelands, or our communities of choice, or warehousing us in jails and prisons.

- There is a severe lack of resources and support for those of us on reserves, in northern territories, and in rural and remote areas. So much of the dialogue about the sex trade is urban- and metropolitan-focused when so many of our rural and remote communities have the evidence to prove the urgency of shifting the dialogue to listen and support what is going on in the North and on the reserves. Where can sex workers go when there are no supports in their own communities? Why should they always have to come to the city?

- While the criminalization of the sex trade is indeed harmful to us and we consistently resist the regulations forced onto us by a colonial white law and order system, we want to move beyond just discussing criminalization and decriminalization. There are many other factors that contribute to the realities of our lives specifically as Indigenous peoples that are being largely ignored because of these kinds of debates constantly happening.

- At public events or in the media, supposed 'experts' or 'allies' often focus exclusively on violence and victimization, over-representation and exiting strategies. While these issues are important, we want to move the dialogue beyond this focus on 'being saved' and instead hear from sex workers themselves about all the complex realities and needs they face. Why is it that in public forums the only voices we hear are those who want to save sex workers from violence, rather than sex workers themselves? Sex workers should be invited to speak to their own issues, representing a diversity of perspectives and experiences. For example, sex work is often seen as an exclusively urban issue. In reality, lots of people in rural areas are trading sex for money, rides, clothes, and many other reasons—but because of shame and silence, this aspect of sex work remains invisible. Expanding our understanding of Indigenous involvement in sex work will entail including a diversity of perspectives, allowing these voices to inform policy and programs.

- Sex workers and those involved in the sex trade are part of our communities—all of the things we are advocating for in terms of Indigenous rights and land sovereignty sex workers need to be part of as well. Internationally sanctioned Indigenous rights are determined by states—so how do we see our own rights in our own territories within the sex trade? We aren't going to have only one approach—Indigenous peoples have never only had one approach. There are multiple nations, multiple viewpoints, and multiple ways of dealing with things—Indigenous peoples are not one homogenized group and we need to move forward being accountable to all of these differences.

- There exists an extreme amount of stereotypes surrounding Indigenous sexuality and our bodies that have been used to legitimize violence against us and make the settlement of our territories by the colonizers possible. Distancing ourselves from stereotyping has in many cases also meant distancing ourselves from sexuality and ultimately from sex workers. This is just not about our own individual stories—we need to look at how are we treating all our relations and that especially means people who are most pushed aside by those in our communities.

- We want to move forward to a place where we can discuss sex work and sex trade sovereignty—having autonomy of our bodies, our spaces, and the right to govern ourselves. We want to talk about our humanity instead of talking over people who are involved in the sex trade. We are more than just the numbers or statistics coming from the realities in our lives. We have voices, we are Indigenous peoples involved in the sex trade and sex industries, and we need to be heard.

Written by the *Native Youth Sexual Health Network* and co-signed by:
Sarah Hunt, Kwakwaka'wakw
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Lyn Highway

INTERVENTION TIPS: BEING PART OF THE SOLUTION

Nengeh Mensah and Chris Bruckert

People who do sex work need:

- to be recognized as full citizens;
- to be listened to, and to be heard, without judgement;
- to have access to public, health and judicial services without discrimination;
- to be able to participate fully in the community;
- to have the abuse, exploitation and violence taken seriously;
- to have our human, civic and social rights recognized, respected and protected.

Strategies and Reflections

Become informed

Becoming educated about sex workers' realities and needs is the first step to being part of the solution. Knowledge is power.

Remain mindful of your own preconceptions

Be conscious of your own assumptions, prejudices and beliefs and seek to understand the motivation behind them. Do not project your values onto someone else. If your values interfere with meeting an individual's needs, refer them to someone else.

Reflect upon the stereotypes and do not reproduce them

There are many common misconceptions about sex work/workers: do not assume that we have low self-esteem, or are victims, bad parents or drug addicts. This also means that you should not assume it is appropriate to involve the police or Children's Aid Society solely based on our participation in the sex industry. Assess the specific risks and respond accordingly.

Be aware of sex worker diversity

Sex workers are men, women, trans, gay, straight, white, racialized, single, married, hyper-marginalized, very privileged, etc. How we work, what services we offer, why we work and our relationship to our work, is also diverse. Do not assume that you will know who is, or who is not, a sex worker. Do not assume you know the nature of the experiences of the sex workers you meet.

Focus on the person, not on the work they do

When supporting a sex worker, it is important to consider his or her life as a whole and to avoid focusing the intervention on the work they perform. Respond to the needs identified which may have to do with housing, childcare, domestic abuse, etc. Recognize that, like everyone else, we have physical, emotional, social, health and psychological needs. Take a global approach in addressing these and do not assume that all of our concerns are necessarily related to our work.

Respect sex workers' life choices

Support—do not endeavour to 'save'. Do not assume that our involvement in the sex industry is a problem and/or that our immediate or even ultimate goal is to exit the industry.

Acknowledge sex workers' knowledge
Recognize sex workers' expertise, skills and competencies. For example we are safe sex professionals and know how to protect ourselves physically and sexually at work.

Listen and hear
Sex workers are the experts of their own lives. Watch, listen, and ask questions to get a sense of our frames of reference and our experiences. Validate and focus on our needs and expectations, then work to resolve the issues we identify. Respecting our rhythm of progression and letting us name our own experiences will facilitate trust.

Be vigilant about respecting confidentiality
Remember, unlike other workers, sex workers' labour is criminalized. It is imperative to respect the professional codes of conduct to which you are bound; be especially vigilant in guarding the confidential information provided by sex workers. Be cognizant that you may be 'outing' us just by signaling your acquaintance.

Appreciate that trust must be earned
Sex workers have a long history of being in an adversarial relationship with the criminal justice system and its agents, and being forcefully (and against our will) 'saved' by well-intentioned social reformers. Do not expect us to trust you immediately. Trust takes time to develop and must be nurtured.

Provide information
Inform the sex worker of available services and of his or her rights. Consider creating a resource bank.

Create a sex worker friendly space
Make your workplace sex worker friendly. Be aware of systemic barriers that may make your services inaccessible. Hours of operation, location, and the attitudes of staff and other clients can all make a space or service unwelcoming for workers in the industry. Consider putting up a "sex work is work" poster to signal your respect.

Speak up, but speak carefully
If you are silent, you are complicit. Speak up if you see colleagues being disrespectful or misusing their authority. Be cognizant of the significance of language. What we say and how we say it can be hurtful. It is not appropriate to laugh or make jokes at sex workers' expense.

Consider the implications of policies and practices
Criminalization restricts sex workers' options, undermines harm reduction strategies, and jeopardizes our ability to participate fully in social and community life. Criminalizing us does not save us—it makes us less secure and more isolated.

Becoming informed and being cognizant of sex workers' needs is the first step to being part of the solution. In addition there are some specific things for different professionals to bear in mind. In the coming pages we offer tips and strategies for different groups working with sex workers in Ontario.

Tips for Social Service and Community Workers

- When supporting a sex worker, it is important to consider his or her life as a whole and to avoid focusing the intervention on the work they perform. Respond to the needs identified by that sex worker which may have to do with housing, childcare, domestic abuse, etc. It would be incorrect to assume their problem is their involvement in the sex trade and/or that their immediate or ultimate goal is to leave it.

- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. If your values interfere with meeting the individual's needs, refer them to someone else.

- Work to make your resource sex worker friendly. Be aware of systemic barriers to sex workers accessing your services. Such things as hours of operation, attitude of staff and location can all contribute to making a space or service unwelcoming or inaccessible for workers in the industry.

- Do not assume it is appropriate to involve the police or Children's Aid Society solely based on an individual's participation in the sex industry. Assess the specific risks and respond accordingly.

- Adopt an open-minded attitude. Watch, listen and ask questions to understand the individual's frames of reference and their experiences.

- Be cognizant about sex work/worker stereotypes. For example, do not assume that sex workers have pimps, struggle with low self-esteem, want to exit the industry, are poor parents or are drug addicts.

- Validate and focus on the individual's needs and expectations: reassure them and consider them, above all, as a person like any other.

- Respect the person's rhythm of progression and let them name their own experiences—this will facilitate the creation of trust.

- Inform the worker of the services available and their rights.

- Work with the individual to meet their needs or direct them towards a more appropriate resource.

- Create a resource bank in your organization that will address sex workers' specific needs.

- Support the fight against the stigmatization of sex workers.

Tips for Health Care Professionals

- When providing services to a sex worker, avoid focusing on the work they perform. Recognize that sex workers have physical, emotional, social and psychological health needs. Take a global approach in addressing their concerns—do not assume that all their health concerns are related to their work.

- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. If your values interfere with meeting the individual's needs, refer them to someone else.

- Work to make your workplace sex worker friendly. Be aware of systemic barriers to sex workers accessing your services. Such things as hours of operation, attitude of staff and location can all contribute to making a space or service unwelcoming or inaccessible for workers in the industry.
- Create a resource bank in your organization that will address sex workers' specific needs.
- Be cognizant of sex work/worker stereotypes. For example, do not assume that sex workers have low self-esteem, want to exit the industry, are poor parents or are drug addicts.
- Recognize sex workers' expertise; sex workers are safer sex professionals and know how to protect themselves physically and sexually at work.
- When doing a sexual history intake, remember to ask questions about personal relationships rather than focusing on work relations. Indeed, while sex workers may practice safer sex consistently with their clients, personal relationships are where individuals may expose themselves to risks.
- Validate and focus on the individual's needs and expectations: reassure them and consider them, above all, as a person like any other.
- Inform the individual of health care services available, and do so in a nonjudgmental way.
- Be especially vigilant in guarding the confidential information provided by sex workers. Remember: unlike other workers, sex workers' labour is criminalized, making it imperative to respect the professional codes of conduct to which you are bound.
- Remember that the occupational health and safety needs of sex workers are not restricted to sexual health; there is a range of work-related physical health concerns and vulnerabilities which vary according to sex industry sector.
- Support the fight against the stigmatization of sex workers.

Tips for Police Officers

- Remember that, although sex workers may be in conflict with the law when they engage in their work (for example when they communicate for the purposes of prostitution), it is not against the law to be a sex worker.
- Be cognizant of sex work/worker stereotypes. For example, do not assume that sex workers have pimps, want to exit the industry, are poor parents or are drug addicts.
- Keep an open mind: sex workers are not all the same. Do not assume that all sex workers are street-based, or women, or socially marginalized, or people who use drugs even if this may be characteristic of the sex workers you (knowingly) encounter.
- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. It is necessary to take the time and make a conscientious effort when doing this.

- Male, female and trans sex workers are sometimes the victims of sexual and physical assault—acknowledge the violence they have experienced and treat them with sensitivity. Remember that sex workers are not responsible for their victimization.
- Treat sex workers with the same respect and dignity as any other citizen whom you have sworn to serve and protect. Sex workers are members of the community and are entitled to the same consideration as any other community member.
- Inform the worker of resources available and facilitate their access.
- Do not discredit sex workers' accounts and assume they are unreliable witnesses because of their occupation.
- Avoid over-policing by enforcing municipal by-laws, provincial and federal laws against sex workers that you would not use against any other member of the general public.
- Be sensitive to your position as an officer of the law and the implications of your actions. For example greeting a sex worker by name will publicly identify her or him as the kind of person who is known to police.
- Consider the implications for the sex worker of the informal and formal sanctions you impose. For example, because street-based sex workers often reside, shop, socialize and access services in the same areas as they work, the implications of receiving a boundary restriction as part of a 'promise to appear' condition can have very significant consequences.
- Sex workers have a long history of being in an adversarial relationship with police—do not expect sex workers to trust you. Trust takes time to develop and must be nurtured.
- Arresting an individual does not save them; it takes them away from their friends and family, burdens them with a criminal record, engenders costs and ultimately reduces their ability to transition out of the industry if/when they choose to do so.
- If you are silent, you are complicit. Speak up if you see fellow officers misusing their authority.
- Be cognizant of the significance of language. What we say and how we say it can be hurtful. It is not appropriate for a police officer to laugh or make jokes at the expense of any citizen, including sex workers.
- Develop strategies to allow sex workers to provide information without risking arrest and jeopardizing their freedom.

Tips for Media Professionals

- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. It is necessary to take the time and make a conscientious effort when doing this.
- Be cognizant of sex work/worker stereotypes. For example, do not assume that sex workers have pimps, are women, are victimized, are poor parents or are drug addicts.
- Remember that sex workers have lives, friends, families and interests just like everyone else—do not represent them as one-dimensional and focus only on their work.
- Be cognizant of the significance of language. Familiarize yourself with the appropriate terms and use them conscientiously and respectfully and avoid derogatory words or images.
- Educate yourself about the issues and be accurate in your reporting. For example, decriminalization is not the same thing as legalization, and human trafficking is not the same thing as sex work.
- Include sex workers' perspectives in your stories but do so in a manner that is respectful and non-exploitative rather than titillating.
- Be prepared to offer sex workers anonymity.
- Do not position sex workers as less reliable than other informants such as other community members and police officers.
- Be conscious of the way your representations reproduce and reinforce stigmatic assumptions. For example many community members are ambivalent, oblivious or supportive of sex workers, however the media tends to reproduce an antagonistic relationship between sex workers and community members and ignore that sex workers also live in the community.
- Starting from the perspective of sex workers can provide a fresh angle to examine an issue.
- Respect the limits of the sex worker informant—the fact that someone sells sexual services does not preclude them imposing limits on what they are prepared to talk about, nor does it entitle you to publish any information or images without their consent.
- Sex workers are the experts of their own lives and the industry. By-and-for sex worker organizations have a wealth of knowledge. Draw on this resource.
- Beware of stock footage. The individuals captured on the camera may not have consented to their images being broadcast. Sex work is a stigmatized occupation—the implications of being publicly 'outed' can be very significant.

Tips for Criminal Justice Personnel

- Be careful about over-generalizations and avoid merging individuals with the stereotypes surrounding them.
- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. It is necessary to take the time and make a conscientious effort when doing this.
- Be cognizant of sex work/worker stereotypes and keep an open mind. For example do not assume all sex workers are street-based, or women, or socially marginalized, or drug users.
- Male, female and trans sex workers are sometimes the victims of sexual and physical assault—acknowledge the violence they have experienced and treat them with sensitivity. Remember that sex workers are not responsible for their victimization.
- Treat sex workers with the same respect and dignity as any other citizen.
- Inform the worker of the resources available and facilitate access.
- Do not discredit sex workers' accounts and assume they are unreliable witnesses because of their occupation.
- Consider the implications of sanctions. For example, because street-based sex workers often reside, shop, socialize and access services in the same areas as they work, the implications of receiving a boundary restriction can have very significant consequences.
- Sex workers have a long history of being in an adversarial relationship with the criminal justice system and officers of the court—do not expect sex workers to trust you. Trust takes time to develop and must be nurtured.
- Incarcerating an individual does not save them; it takes them away from their friends and family, burdens them with a criminal record, engenders costs and ultimately reduces their ability to transition out of the industry when they choose to do so.
- Make the effort to educate yourself about sex workers' realities and experiences.
- Facilitate the development of strategies to allow sex workers to provide information without risking arrest and jeopardizing their freedom.

Tips for Policy Makers

- Be conscious of your own values, prejudices, attitudes and behaviour, and then seek to understand the motivation behind them. It is necessary to take the time and make a conscientious effort when doing this.
- Regardless of your own position on the issue of commercialized sex, respect that others may feel differently; moreover remember that morality is not under provincial or municipal jurisdiction, and that the sex industry is a significant part of the economy.

- Include sex workers in a meaningful way in any policy decisions that will affect them.
- Be mindful of the consequences of apparently neutral policies on the health, security and dignity of sex workers.
- Critically reflect on the stigmatic assumptions embedded in laws and public policies, for example the assumption that sex workers require salvation or that sex work is necessarily exploitation. Work to eliminate these.
- Be aware that existing laws and policies—for example against kidnapping, extortion, assault and workplace harassment—can be used to help sex workers, just as they would any other citizen.
- Avoid confirming and supporting discriminatory discourses and public opinion.
- Renounce the violation of human rights and develop strategies to rectify and redress the situation.
- Develop public policies and programs that are accessible and do not exclude sex workers. Be mindful of systemic barriers to inclusion, such as an institutionally verifiable work history.
- Contact nations, states and cities where sex work has been decriminalized to learn about the process of decriminalization and models of reform.
- Recognize that sex workers are marginalized citizens because of stigmatic discourses, laws and policies that disregard their agency.
- Provide funding opportunities to sex worker groups and associations.

COMMUNITY DEVELOPMENT: FOOD FOR THOUGHT

Community Development is the planned growth of all aspects of a community's well-being. This means that economic, social, environmental and cultural factors need to be considered when initiating such a process. This is a crucial component to creating spaces for community members to come together to take collective action and generate solutions to common problems or unmet needs. Regardless of the nature of a specific project or its scope, effective community development needs to be: a long term operation, well-planned, inclusive and equitable, holistic and integrated into the bigger picture, initiated and supported by community members, of benefit to the community and grounded in experience that leads to best practices.

With regard to sex work, one thing to keep in mind is that the current regulatory frameworks (at all levels) in Canada prohibit the true participatory involvement of sex workers. One important step towards remedying this is to examine the extent to which the different voices that inhabit a specific community are actually heard. It is also important to look at what facilitates or gets in the way of some people's participation in order to craft structures that support the real and meaningful inclusion of various groups.

Understanding the complexities of community development might make it easier to reframe what are often perceived or portrayed as irreconcilable interests. We also need to make sure the process of disentangling competing interests becomes inclusive in nature. In order to do this we need to:

1. **Be respectful of and VALUE all differences and contributions.** Experiential knowledge about the sex industry is of immense worth when discussing issues touching on sex work or impacting sex workers. Sex workers' voices are often muted by service providers, academics, law enforcement officials and media who endeavour to speak for, about and over workers. Do not reproduce this violating act and monitor the partners involved in the process.

2. **Remember that the process is as important as the result.** A process that fails to be inclusive is not good community development, regardless of the results. A community forum on issues of interest for women would necessarily include women at the table, however sex workers are seldom offered the same consideration. Make sure your community partners are also held accountable in terms of who they invite to meetings and discussions.

3. **Examine structures and identify barriers to the participation of sex workers.** For example: if you are working with community partners who have a close relationship with law enforcement and/or are outspoken advocates for displacing sex workers out of neighbourhoods, be aware that the space may seem alienating and intimidating to sex workers who risk criminalization.

4. **Remember that sex workers' fear of being outed is based on a REAL concern** for potential consequences which can range from losing custody of children to being evicted. Work on implementing measures to address these fears in order to help foster the meaningful inclusion of all parties. These measures could include confidentiality agreements, having representatives of sex workers' rights groups invited along with individual sex workers, moderated online forums, or anonymous question and comment boxes.

5. **Look for areas of agreement between parties and reframe arguments accordingly.** Strategizing for 'safer streets' could be transformed from engaging in banishing tactics to lobbying for more social housing, or a day care centre, or more resources for vulnerable groups. There is power in numbers and in varied networks; imagine a community group allying with sex workers, health and social service providers and unions, and all of them advocating for the same solution to a common problem. Sounds like a pretty powerful team!

6. **Break down barriers to communication such as the use of jargon and stereotypes.** There are a great number of misconceptions and myths surrounding sex work. Challenge the stereotypes that exist in your community. Don't assume to know what people or organizations think and/or that none of the people you are speaking with are sex workers themselves. Always enforce respectful dialogue and language. The term 'sex work' is usually preferred—unlike the term 'prostitution' it is not as morally charged and also helps draw a distinction between a person's economic activity and the their identity.

7. **Provide a variety of opportunities for participation:** if certain people are sceptical about participating or don't wish to participate, keep them informed, look for new ways to involve them, conduct innovative needs assessments and make sure you keep the door open.

8. **Create educational opportunities**, trainings, lunch-and-learns or workshops, to address common myths that exist around sex work both for staff and for community partners on a regular basis. Incorporate a sex work component in other educational opportunities your agency provides.

9. **Create and maintain a friendly and safe space for sex workers** by proclaiming your commitment to sex workers' rights and your recognition that they matter. Put up some posters and materials that can be provided by sex workers' rights groups, have some sex work specific resources available or include sex work related information in your newsletter. Be public about your support for the fight against the stigmatization, marginalization and criminalization of sex workers, endorse position statements and/or provide resources.

10. **Foster the growth of leaders from within the sex working community.** Offer learning opportunities, workshops, mentoring and coaching, etc. Help create awareness around people's power to act. Develop strategies to support individuals while they learn to apply their skills and knowledge in new ways. For example, remember that individuals who work and live on the street possess, develop and employ a range of skills in order to navigate systems, negotiate, survive, access resources and/or make ends meet on very small budgets.

11. **Implement innovative conflict resolution strategies.** Disagreement and conflict are part of any dynamic and participatory process. Don't be afraid of them. Develop agreed-upon strategies for managing disagreement and conflict at the beginning of the process. Work on identifying the issue or problem, look at options and alternatives, help individuals understand the views of others, break the impasse if discussions get bogged down, manage conflict when it occurs and help find common ground. Be upfront about the fact that community development involves change. Anticipate where this change will occur and talk

about it with those who will be affected (such as groups who have always spoken on behalf of sex workers, or groups who discount sex work experiences or view sex workers as threats to safety, moral fabric or gentrification). Develop an open dialogue so that those who are resistant to change know what is happening and why. For example, you can bring the group back to the importance of identifying the cause of the problem, not the symptoms (i.e. lack of housing options, lack of treatment centres, a shrinking social net or the systemic nature of poverty versus simply relying on cracking down on drug addicted or street involved community members). This might make it easier to rally around some key issues that can be tackled by the community.

All of this hard work will contribute to the building of stronger community relationships and lead to healthier people, caring families and safer, welcoming communities for everyone, including those of us who are sex workers!

Please contact POWER or other sex worker rights groups for material, information and/or workshops.

TEN REASONS TO FIGHT FOR THE DECRIMINALIZATION OF SEX WORK

Nengeh Mensah and Chris Bruckert

Canadian laws currently criminalize sex workers as well as their clients, their drivers and the owners and managers of the agencies or establishments where they work. This situation pushes the industry into the shadows and weakens our ability to combat coercion, exploitive labour conditions and violence against sex workers.

1. **Criminalization fuels and fosters violence against women, men and trans sex workers!**

- When sex work is criminalized, sex workers are vulnerable to violence and obliged to "choose between their liberty interest and their right to security of the person" (Justice Himel in Bedford v Canada).

- The Canadian Criminal Code (CCC s. 210) makes it illegal for sex workers to work in their own homes or in establishments—the very places where they are safest because they can have security measures in place (i.e. cameras, neighbours, known exits).

- The Canadian Criminal Code (CCC s. 210, 211, 212) makes it illegal for individuals to provide support or security to sex workers by criminalizing drivers, agency personnel and establishment owners.

- Street-based sex workers are often charged under Canadian Criminal Code s. 213. In order to avoid coming to the attention of the police, street-based sex workers abandon safety strategies such as working in pairs, soliciting in well-lit, populated areas, and taking the time to carefully assess a client prior to entering a vehicle.

2. **Criminalization undermines sex workers' access to justice!**

- Criminalization creates an adversarial relationship between police and sex workers. As a result sex workers do not feel comfortable turning to the police when they are in need.

- Sex workers are hesitant to report domestic violence knowing that they themselves may be 'outed' as a sex worker if, for example, their partner is charged with "living on the avails of prostitution" (CCC s. 212). Knowing that they, their employer and colleagues may be criminally charged or arrested, sex workers are reluctant to report abuse, violence or exploitation against them or someone else at work.

- Sex workers deplore the lack of credibility they are afforded when reporting a crime, making a statement or when testifying in court. At times, their statements are not believed solely because of the work they do. In fact, sex workers are often told that they somehow 'asked for it' when they report a sexual assault.

- Sex workers are over-policed but under-protected. As a result, they are hyper-vulnerable to violence, and predators target them with virtual impunity.

3. **Criminaliation hinders the ability to maintain physical and sexual health!**

- Sex workers' ability to communicate openly and clearly with clients—including their ability to negotiate safer sex practices—is restricted by laws that prohibit "communicating for the purposes of prostitution" (CCC s. 213).

- Social judgment of sex work is a significant barrier to sex workers' access to health services. Not only do sex workers face abusive and disrespectful attitudes from healthcare providers, but these prejudices taint the ability of health professionals to adequately assess the situation and respond appropriately. As a result sex workers may not receive the health services they require and do not feel that they can be forthright without being the object of discrimination.

- Street-based sex workers who receive boundary restrictions (red-zones) from the courts or from the police, as a probation condition and/or as a 'promise to appear' condition, are denied access to the community and health services located in those areas.

- The police's informal use of condoms as 'proof of prostitution' or to pressure sex workers to self-incriminate creates a powerful disincentive to carrying, and therefore using, the most effective protection available against HIV and other sexually transmitted infections. Moreover establishments seeking to protect themselves from charges of "keeping a common bawdy-house" (CCC s. 210) may not provide condoms and other safer sex equipment.

4. **Criminalization denies sex workers the protection of labour laws!**

- Unlike other workers, sex workers are excluded from federal and provincial Employment Standards Legislation. As a result sex workers do not have health benefits, parental or family leave, retirement plans or vacation pay. Nor do they have recourse when they are wrongfully dismissed or discriminated against at work.

- Sex workers are not protected by provincial legislation such as the *Occupational Health and Safety Act* or the *Industrial Accidents and Occupational Diseases Act* in Ontario, and the *Loi sur la santé et la sécurité du travail* or the *Loi sur les accidents du travail et les maladies professionnelles* in Quebec. This means that sex workers do not have basic work protections such as injury compensation.

- Sex workers cannot organize into labour unions through which they could address labour site exploitation, bargain for better working conditions, or collectively negotiate wages.

5. **Criminalization limits workers' options!**

- Sex workers who have been criminally convicted find themselves permanently labeled and many employers will not hire a former sex worker. In addition, many jobs are not available to persons with a criminal record.

- Sex workers acquire many competencies in the course of their work including interpersonal, business, administrative and problem-solving skills. These competencies and skills are not recognized by employers or by community agencies providing employment assistance.

- Criminalization positions sex work as an illegal activity and pushes it into the shadows. This context dramatically reduces the options of workers who labour in those conditions. The hidden nature of the industry means that unscrupulous individuals can act aggressively and exploitatively with virtual impunity.

6. Criminaliaztion takes away the right to sexual autonomy!

- Adult women, men and trans persons freely consent to exchange sex for many different reasons including physical satisfaction, emotional reward, self-validation and financial benefit. There exists a continuum of socio-economic sexual exchanges from gifts to payment. The commercial aspect does not justify a criminal justice response.

- All persons have the right to choose what they do with their bodies—they have the right to have a baby or have an abortion; to have sex for pleasure, for profit or both.

- In the 21st century, criminalizing consensual sex between adults is outdated. Laws should reflect the mores and values of the society—this is why the Canadian laws that criminalized homosexuality were struck down more than 40 years ago.

7. Criminalization marginalizes and isolates sex workers!

- Sex workers are members of our communities. They are our mothers, fathers, sons, daughters, neighbours and friends. Criminalization undermines the ability of these citizens to be fully integrated into society.

- Partners, family members and others who are regularly in the company of a sex worker, are vulnerable to being charged under the reverse onus crime of "living on the avails of prostitution" (CCC s. 212). In effect, the law criminalizes personal relationships and therefore undermines the social integration of sex workers.

- Street-based sex workers are particularly vulnerable to being alienated, ostracized and excluded from the communities in which they live and work. At times these workers are the objects of concerted efforts by vigilante community groups to displace them.

- It is difficult for sex workers to provide proof of their income. Without an institutionally recognized record of earnings it is very challenging to get credit for things like a mortgage or a car loan; even renting an apartment can be problematic.

8. Criminalization is unnecessary to address harms!

- The prostitution laws are redundant. There are ample provisions in the Canadian criminal code to sanction those who harm, abuse or exploit sex workers.

- There are laws to protect all citizens from criminal acts, including the prohibition of trafficking in persons and forcible confinement (CCC s. 279), organized crime (CCC s. 467.11—467.13), physical assault (CCC s. 265, 267, 268); sexual assault (sections 271, 272, 273), intimidation (CCC s. 423), extortion (CCC s. 346); theft (CCC s. 322), and harassment (CCC s. 264).

- Ironically laws ostensibly put in place to protect sex workers criminalize the very people deemed vulnerable and in need of protection.

9. Criminalization legitimates discrimination!

- The very existence of 'prostitution' laws positions sex workers (and their partners, employers, drivers, etc.) as inherently different from 'normal' citizens and in the process reaffirms and legitimates that perceived difference. Discrimination against sex workers appears justified.

- In current legal discourse, the identity of people who work in the sex industry is confused with the work they do. All other aspects of those individuals are negated and all their behaviours and relationships are evaluated through the lens of this one activity. This is precisely what stigmatization is.

- The idea that sex workers are powerless victims in need of salvation is often used to justify criminalization. This delegitimizes and silences sex workers at the same time as it renders their diversity, engagement and agency invisible.

10. Criminalizing clients is not the solution!

- In Canada, sex workers' clients are already criminalized. Changing the laws so that only the purchasing (but not the selling) of sexual services is illegal will maintain or even exacerbate current repression. Criminalization is criminalization.

- When clients are targeted, sex workers' customer base is eroded and they are more likely to take risks with new or unknown clients and/or provide services they would not otherwise be prepared to offer. They may also reduce the fees they charge which in turn means they must work longer and more often to generate the same income.

- When clients are criminalized they are unlikely to provide information to police when, for example, they encounter a worker who is being coerced or a person who is underage.

- The criminalization of clients perpetuates human rights violations. In Sweden those sex workers who continue to work on the street are harassed and abused by police (e.g. videotaped, strip searched and searched for condoms). Moreover because sex workers are implicated in a criminal act they are required to appear in court to provide evidence against clients.

- The criminalization of clients will not eliminate prostitution nor will it put an end to violence. In Sweden, sex workers have been displaced and are more likely to work under third-party control and/or organized crime.

Decriminalization is the only answer!

The criminalization of commercial and consensual sexual activity is not only unnecessary, it fosters and fuels violence, undermines sex workers' access to justice, weakens their ability to maintain health, denies the protection of labour laws, limits their options, takes away the right to sexual autonomy, marginalizes, isolates, and legitimates discrimination in Canada.

In New Zealand, where sex work was decriminalized in 2003, sex workers are now able to call on the criminal justice system when they are victims of crime, can receive customers in their own small secure establishments, are empowered to oblige clients to use condoms and can draw on labour law to negotiate working conditions. Decriminalizing sex work is the only answer to improve the lives of

thousands of people in Canada and to ensure sex workers are respected and have access to the same rights and protections as every other citizen.

Decriminalization means repealing the criminal laws that make consensual adult sex work criminal in Canada:

CCC s. 210: keeping or being found in a 'common bawdy-house', a place that is kept or occupied for the purpose of prostitution or the practice of acts of indecency

CCC s. 211: taking or offering to take someone to a common bawdy-house

CCC s. 212: procuring someone into becoming a prostitute or living wholly or in part on the avails of prostitution

CCC s. 213: communicating or attempting to communicate with any person in a public place or in any place open to public view for the purpose of engaging in prostitution.

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KEY RESOURCES

AIDS Committee of Ottawa (Ottawa)
www.aco-cso.ca

Asian Community HIV/AIDS Services (Toronto)
www.acas.org

Big Susie's (Hamilton)
www.bigsusies.com

Canadian HIV/AIDS Legal Network
www.aidslaw.ca

HIV/AIDS Regional Services (Kingston)
www.hars.ca

Maggie's (Toronto)
www.maggiestoronto.ca

Native Youth Sexual Health Network
www.nativeyouthsexualhealth.com

Pivot Legal Society (Vancouver)
www.pivotlegal.org

POWER Ottawa (Prostitutes of Ottawa/Gatineau – Work Educate Resist)
www.powerottawa.ca • www.facebook.com/groups/25239492838

SPOC (Sex Professionals of Canada) (Toronto)
www.spoc.ca • www.facebook.com/groups/2422902273

Stella, L'amie de Maimie
www.chezstella.ca

Students for Sex Worker Rights/ Étudiants pour les droits des travailleuses et travailleurs du sexe.
Ottawa: Student Federation of the University of Ottawa.
www.facebook.com/groups/114063211992183

SWAG (Kingston) Sex Workers' Action Group
www.swagkingston.com

SWUAV (Downtown Eastside Sex Workers United Against Violence) (Vancouver)