

# The Toolkit: Ottawa area sex workers speak out

A Toolkit of information, strategies and tips for service providers working with sex workers by Lara Purvis, Chris Bruckert and Frédérique Chabot in collaboration with





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## **INTRODUCTION:**

### ***POWER, sex worker rights and the Challenges Report***

The following pages were created by POWER (Prostitutes of Ottawa-Gatineau Work, Educate and Resist) in collaboration with the AIDS Committee of Ottawa, for frontline health and social service providers, media, the general public, police and sex workers and allies. This booklet aims to provide a realistic account of the conditions experienced by sex workers in Ottawa and Gatineau and strategies to implement change within the community.

POWER, the National Capital's first sex worker rights organization, was founded on February 17, 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 undertook a survey of Ottawa area sex workers —*Challenges: Ottawa area sex workers speak out* was the result of that research.

Emphasizing the challenges faced by Ottawa sex workers, this handbook offers resources and tools for service providers and other publics with the intention of fostering better service delivery, advocacy and community building. 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 Ottawa and across Canada.

*Nothing about us, without us!*

## MYTHS AND REALITIES AROUND SEX WORK IN CANADA

**MYTH:** *Sex workers set themselves up for violence.*

**FACT:** Nobody asks to be assaulted. Violence is not inherent to the sex industry, however Canadian sex workers do experience extremely high rates of physical, sexual and economic exploitation and violence because our work is criminalized and stigmatized. For example, many sex workers are hesitant to report acts of violence against them, and perpetrators know this. To hold sex workers responsible for violence is victim-blaming and plays into anxieties around women's sexuality and the sexuality of men who have sex with men.

**MYTH:** *Sex workers are victims.*

**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 kind. This reinforces the notion that we are incapable of making and taking responsibility for our own decisions, and renders the context in which our choices are made, invisible.

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

**FACT:** One out of three women, and one in six men, will be sexually assaulted in their lifetime, often before the age of 16. Like many people, some sex workers have been the victims of a sexual assault during childhood. However, some of us have not been sexually abused. The majority of sexual abuse survivors do not work in the sex industry.

**MYTH:** *Sex workers are drug addicts.*

**FACT:** Sex work is an occupational category and drug use varies according to the individual. For those sex workers who use drugs, the criminalization of their work restricts their access to resources and harm reduction services. For example, most needle exchange programs are found in areas that are inaccessible to sex workers who are given boundary restrictions upon arrest.

**MYTH:** *Sex work is degrading.*

**FACT:** Let people name their own experiences. We are all the experts in 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 an easy way to make lots of money.*

**FACT:** Sex work demands a complex combination of skills—interpersonal, marketing, administration and business, as well as considerable diplomacy. The lack of recognition afforded to the work and the skills required is a challenge if/when we transition out of the industry.

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

**FACT:** Research shows that working indoors is safer and some of the most marginal 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 workers prefer the flexibility, autonomy and unstructured nature of this sector.

**MYTH:** *Arresting sex workers will get them out of the industry.*

**FACT:** Criminal records reduce our options in transitioning within sectors, or out of the industry. Encumbering us with stiff fines is an additional financial burden.

**MYTH:** *Sex workers spread HIV and other STIs to the general public.*

**FACT:** Sex workers are safer sex experts and use safer sex supplies at rates that are much higher than the general public, though criminal justice interventions sometimes restrict our access to harm reduction strategies. When sex workers are automatically given drug and paraphernalia conditions upon arrest, and can then be arrested for carrying clean needles and other equipment, or when condoms are unofficially used as evidence of sex work, we become more vulnerable to STIs and HIV.

**MYTH:** *Clients are misogynists, and use prostitution as a way to express their hatred of women.*

**FACT:** Sex work does not happen in a vacuum where all sexism and misogyny 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 and gender and 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 as the criminalization of sex work reflects and reinforces our stigmatization and marginalization, limit our choices, often forcing us to work on the margins of society, thereby increasing our vulnerability to violence.

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

**FACT:** The ability to be financially compensated for the sexual and/or interpersonal services you provide is not an inherent barrier to a healthy self-esteem. Like any other population group, sex workers have varying levels of self-confidence and self-esteem. That said, some workers do 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. It is not that individuals with low self-esteem enter the sex industry, but the stigma, both external and internalized, that erodes the self-esteem of some sex workers

## **A BRIEF HISTORY OF SEX WORK IN OTTAWA**

The following pages provide a summary of the main conclusions of *Challenges: Ottawa area sex workers speak out*, a 2010 study undertaken by POWER. In the fight for sex workers' rights, this report brought to light the injustices experienced by local sex workers, highlighting criminalization and stigmatization as the gravest threats.

In Ottawa, most 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 sex workers are disproportionately targeted in criminal code charges, this kind of activity actually represents only 5 to 20% of the industry (Canada, 2006:5). Often overlooked, male workers constitute 20 to 25% of the industry. Indeed, sex workers are a diverse group not only in terms of sectors but also in terms of race, gender, class, sexual orientation and ability.

### ***Street-based sex workers in ByWard Market***

Street-based workers have recently received much attention from the media and the criminal justice system in Ottawa. But for over 150 years, street-based workers peacefully co-existed with the working class inhabitants of ByWard Market. Tension became evident in the 1980s when, during a process of urban renewal, property became increasingly valuable and attracted higher-income residents. With new cultural, political and economic influences, "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).

### ***Street-based sex workers***

Because street-based sex workers are the most visible historically in Ottawa, they have been the ones facing 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.

### ***Current strolls***

There are four main prostitution strolls in Ottawa—ByWard Market/Lowertown, Vanier, Hintonburg and Gladstone/Centretown. Each area is unique and characterized by its own rhythms and pay scales which are affected by a range of variables including personal need, community groups and policing.

# LAWS IMPACTING OTTAWA SEX WORKERS

The selling of sex or sexual services is not, and never has been, illegal in Canada. Four criminal code statutes do, however, make it difficult for sex workers to work without breaking the law.

1. Section 210 of the Canadian Criminal Code (the 'bawdy house' provision) impacts owners, managers and workers in establishments. It states:

*Every one who (a) is an inmate of a common bawdy-house, (b) is found, without lawful excuse, in a common bawdy-house, or (c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house is guilty of an offence punishable on summary conviction.*

The impact of the 'bawdy house' provision extends to punish landlords, people working from their own homes and those that provide safe workspaces. This means women risk eviction if publicly identified as sex workers.

2. A part of the bawdy house laws, section 211 of the Canadian Criminal Code criminalizes the drivers and security of sex workers doing 'out-calls'. It states:

*Every one who knowingly takes, transports, directs, or offers to take, transport or direct, any other person to a common bawdy-house is guilty of an offence punishable on summary conviction.*

Many sex workers doing out calls rely on drivers to be their security. This person might take their phone call indicating they have arrived safely, might wait for them outside the venue or might ring the doorbell if the sex worker has not left at the agreed time. This law forces sex workers to work without the increased security of this presence.

3. Section 212 of the Canadian Criminal Code potentially criminalizes anyone who lives on the avails or manages a sex worker. Because the law casts the net too wide, this puts spouses, family members, security and professional relationships at risk leading to isolation and vulnerability to violence. It states:

*Every one who (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada, ... (h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally... is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.*

4. Section 213 (1) of the Canadian Criminal Code was introduced in 1985. Approximately 95% of Criminal Code charges relating to sex work are laid under this law which decrees that communicating for the purposes of prostitution is a criminal offence. It reads:

Any person who in a public place or in any place open to public view (a) stops or attempts to stop any motor vehicle, (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction.

### ***The Bedford Ruling***

On September 28, 2010 the Superior Court of Justice's Susan Himel struck down key parts of three laws related to sex work in the Criminal Code. In a 131-page document she stated that the laws against communicating for the purposes of prostitution, living on the avails and operating a common bawdy house were unconstitutional and placed sex workers at risk.

In Justice Himel's words, the current laws forced "prostitutes to choose between their liberty interest and their right to security of the person as protected under the Canadian Charter of Rights and Freedoms."

The landmark Charter rights decision was stayed for 30 days, but on Dec 2, 2010 Justice Marc Rosenberg extended the stay until April 29, 2011. At the time of this report, Justice Himel's decision was being appealed by the provincial and federal government.

## CHALLENGES

*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)*

The 2010 *Challenges* report by POWER was the first of its kind in Ottawa; a response to the lack of support and services available to sex workers, as well as a lack of awareness of sex workers' needs and the challenges they face. The report included a diverse group of Ottawa's sex workers and 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 most significant challenges that undermine sex workers' ability to safeguard their health, safety and well-being.

Criminalization and stigma impact where sex workers work, how they work and the security measures and resources available to them. In the following pages, the issues of labour site 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](http://powerottawa.ca)).

## LABOUR SITE CHALLENGES

The sex industry is characterized by diversity. Within the Ottawa study, there were those that 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. There is no 'typical sex worker.' In short, 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). For some this is desirable while, for others, independent work is more appealing. Working for a third party means that advertisements, marketing, photos, websites, screening clients and taking security measures can be the responsibility of somebody else.

For many, this arrangement is about security. Street-based worker, Lori 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 the grey zone of the labour market without labour regulation leaves sex workers 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 flood gates 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*

Without occupational recognition, sex workers are denied income security, access to statutory protection and the legal recourses normally associated with employment. In addition, criminalization exacerbates the risks and increases sex workers' vulnerability:

1. To avoid getting charged, solicitation 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).
2. Working in isolation means there is a reduced chance of assistance if a sex worker is attacked and fewer witnesses if a sex worker is 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."*
3. Some sex workers would like to take measures to increase safety such as working in the company of another worker. Unfortunately, several women working together are more likely to come to the attention of the police. 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."*
4. Another measure taken to avoid attracting the attention of police is altering appearance or 'normalizing' behavior: *"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 find it increasingly difficult to distinguish sex workers from those women who are not involved in the industry this means that they are more likely to mistakenly approach the latter.
5. The law against communicating for the purposes of prostitution 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)
6. Street-based sex workers are more vulnerable to both violence and criminal code charges than their counterparts who labour indoors; a familiar space means knowing available exits, the location of telephones and the ability to take measures in the case of an emergency or assault. Unfortunately, sex workers who do work in their own homes or in establishments risk being charged by the bawdy house laws or losing their housing through eviction. 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' houses so you're on their turf. It can be a lot more dangerous."*

## THE POLICE AND THE JUSTICE SYSTEM

Issues of safety and physical well-being 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 have 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 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 the police.

*"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?'"* (Holly, street-based worker).

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 by the Commission des Droits de la Personne et des Droits de la Jeunesse in 2009. 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 interviews, 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**

Police practices can have a direct impact on the choices that sex workers may make around their health. Harm reduction is a public health philosophy and practice that seeks to reduce the physical, mental, emotional, financial and/or social harm to individuals and communities caused by risky activities by offering options, information and tools, rather than imposing an ineffective blanket prohibition of drug use or sexual activities.

Many sex workers speak of the destruction of their harm reduction drug paraphernalia—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, something 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 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, four commonly designated red zones, (Hintonburg; Gladstone/Centretown; Vanier; ByWard Market/Lowertown) are all also locations of the majority of Ottawa’s emergency services including food banks, emergency shelters, drop-ins, methadone clinics, health clinics, needle-exchange clinics, addiction counseling and most of the Ottawa area’s social housing. Loss of housing due to incarceration because of the 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 and putting their housing at risk.

*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 center 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, members of their family, their friends and their community.

### ***Excessive Use of Force***

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

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. The Canadian Criminal Code Section 25 (3-5) authorizes police to use force only should it be 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.

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 transform 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 the 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 reticence 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 ignoring the rest of an individual's life and denigrating the relationship, business and erotic skills acquired. 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.

## INTERSECTING MARGINALIZATIONS

Some sex workers must negotiate intersecting and layered systems of oppression and privilege, such as ethnicity, sexual orientation, gender identity and class.

### *Sex Work and Ethnicity*

The scope of the Challenges report allows us to address the experiences of some Ottawa-based Aboriginal workers. In this case, the Aboriginal individuals interviewed were street-based workers, which may speak to the fact that Canada's indigenous people disproportionately bear the burden of poverty. This poverty is clearly implicated in these sex worker's 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 as a sex worker, Aboriginal people 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 Sexual Orientation*

The historic marginalization, criminalization and exclusion of gay, lesbian and bisexual people is already well-documented. The social exclusion, discrimination and violence experienced by the LGBT communities continues as a result of persistent heterosexist bias and homophobia.

Being queer in the sex industry intersects in various ways. For some, entry into the industry was prompted by their 'coming out.' "When I hit 18, I lived on the street because my parents confronted me about being gay." (Paul, escort)

For others, marginalization as a result of sexual orientation is not unlike the marginalization experienced as a sex worker. Some sex workers are able to draw on coping mechanisms they developed functioning in a heteronormative world, but for others being a sex worker and gay layers marginalization and social exclusion.

Simon (masseur) explains that he is exposed to additional risks 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.”*

Michael (escort) adds, *“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.”*

### **Trans Sex Workers**

Trans people face discrimination and violence as a result of transphobia and reactions to gender ambiguity. According to Queens University Human Rights Office, *“when there is some ambiguity in gender cues [...] typical responses range from embarrassed silence to violent assaults”* (Trans Accessibility Project). 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; harassment and violence.

Kayla, a transgender woman and sex worker speaks on 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.”*

### **Sex Work and Substance Use**

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 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 consumed 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 in the way that their addiction impacts the choices around their work. It may limit other options for transitioning out of the industry and sometimes put pressure on sex workers to work longer hours, facing unsafe options in order to manage their addiction. Sex workers who use drugs also face increased discrimination based on drug phobia and risk of 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). That said, here in Ottawa, there is limited evidence of the consideration, protection and/or rights that should be afforded to people living with a disability. Indeed the sex workers who are substance users face the societal stigma of 'crack-whore,' an unwanted individual without equal access to protection or social services.

Bianca's painfully clear statement: *"I live on the street and I am alone working. I use"* powerfully speaks to living in the intersectional crevices.

### ***Class, Poverty and Gender***

Class and privilege also impacts 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 the particularly restricted options available. This could mean regarding opting for sex work as an occupation as a decision that was made by a person with agency while also recognizing the context in which such a choice occurs, namely one that includes broader struggles individuals and communities face in our society.

The implications of the intersection of poverty and sex work include: insecure housing, 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 industry due to isolation, lack of contacts or limited internet access; increased exposure to over-policing and arrests; heightened stigma and societal harassment; and trouble accessing social services and harm reduction services.

Furthermore, criminalization traps individuals in cycles of poverty. Individuals 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."*

### ***Criminalization, Stigmatization and Marginalization***

It is within the intersections of race, class, sexual orientation, gender and poverty that the stigmatization, criminalization and marginalization intersect for sex workers. We see exclusion from meaningful participation in social 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 who dismiss them as 'unreliable witnesses.'

We see it when sex workers are denied their rights, because structural barriers undermine their ability to advocate on their behalf, or because exercising those rights engenders vulnerability to criminalization and stigmatization or because their truths are dismissed and they are simply not believed. We see this when sex workers are vulnerable to victimization because aggressors target them with virtual impunity or because they are pushed to dark and isolated areas or 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 it is engendered by the way our society chooses to regulate the trade, which is then legitimized by the law and informed by stigmatic assumptions. Ultimately, these processes culminate in a profound marginalization and social exclusion that has a significant impact on sex workers' private and professional lives.

## **INTERVENTION TIPS:** ***Being part of the solution***<sup>1</sup>

### ***People who do sex work need:***

- to be recognized as full citizens.
- to be listened to without being judged.
- to be taken seriously.
- to be integrated into the community without fear of being ostracized.
- to have our human and civil rights recognized and respected.
- to have access to public, health and judicial services without discrimination.
- to have access to the rights and protection afforded workers under provincial labour laws.
- to have our work decriminalized and recognized as work.
- to have our realities understood and not to be discriminated against on the basis of stigmatic assumptions.

*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 Ottawa sex workers.*

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<sup>1</sup> *Intervention tips: Being part of the solution* has been adapted from the work of Mensah and Bruckert undertaken as part of a SSHRC-funded *Sensibilisation XXX Awareness Project*.

## *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, your prejudices, your attitudes and your 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 make a space or service unwelcoming 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 frame of references and their experiences.
- Be cognizant about 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.
- 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 people 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, if necessary.
- Create a resource bank in your organization that will address sex workers' specific needs.
- Support the fight against the stigmatization of sex workers.

## *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, your prejudices, your attitudes and your behavior, 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 make a space or service unwelcoming 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 safe 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 the individual may expose themselves to risk.
- 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 are a range of work-related physical health concerns and vulnerabilities which vary according to sex work sector.
- Support the fight against the stigmatization of sex workers.

## *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 low self-esteem, want to exit the industry, are poor parents or are drug addicts.
- 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 people who use drugs even if this may be characteristic of the sex workers you (knowingly) encounter.
- Be conscious of your own values, your prejudices, your attitudes and your behavior, 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, provincial and federal by-laws/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, 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.
- 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.

## *Media professionals*

- Be conscious of your own values, your prejudices, your attitudes and your behavior, 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 low self-esteem, want to exit the industry, are poor parents or are drug addicts.
- Remember that sex workers have lives, friends, families and interests just like everyone else—do not present 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 issue and be accurate in your reporting. For example decriminalization is not the same thing as legalization.
- 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 presentations 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 from imposing limits on what they are prepared to talk about.
- Sex workers are the experts of their own lives and the industry. For-and-by 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 transmitted. Sex work is a stigmatized occupation—the implications of being publicly 'outed' can be very significant.

## *Criminal Justice Personnel*

- Be careful about over-generalizations and avoid blending individuals with the stereotypes surrounding them.
- Be conscious of your own values, your prejudices, your attitudes and your behavior, 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, 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.

## *Policy makers*

- Be conscious of your own values, your prejudices, your attitudes and your behavior, 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 sexual commerce, respect that others may feel differently; moreover remember that morality is not under provincial or municipal jurisdiction.
- 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.
- 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 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 they refuse to accept the identity of victim or deviant.
- 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 all of these things: 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. (source: [http://www.servicecanada.gc.ca/eng/epb/sid/cia/comm\\_deve/cdhbooke.pdf](http://www.servicecanada.gc.ca/eng/epb/sid/cia/comm_deve/cdhbooke.pdf))

One thing to be mindful of in this particular context is that the current governmental regimes (at all levels) within Canada prohibit true 'participatory' involvement of sex workers. One important step to take 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.

Obviously, community development needs to be understood in all its complexity. To keep this in mind might make it easier to reframe what is often perceived or portrayed as irreconcilable interests. We need to work on making sure the process of disentangling competing interests becomes inclusive in nature:

1. 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. 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.
2. 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.
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 of 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 correcting the situation by implementing measures to counteract these barriers \* in order to help foster the meaningful inclusion of all parties. These measures could include confidentiality agreements, having representatives of sex workers' rights group invited along with individual sex workers, moderated online forums, or anonymous questions and comments boxes.
5. Look for areas of agreement between parties and reframe arguments accordingly. Strategizing for 'safer streets' could go from engaging in banishing tactics to lobbying for more social housing or a day center or more resources for vulnerable groups. There is power in numbers and in varied networks. For example, a community group allying with sex workers allying with health and social service providers allying with 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. Sex work is an area of great misconceptions and myths. 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 as it is not as morally charged as well as it helps draw a distinction between the economic activity and the person's 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 add sex work related information in your newsletter. Be public about your support for the fight against the stigmatization, the marginalization and the 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 need great skills in order to navigate systems, negotiate, survive, make ends meet on very small budgets and/or find available resources.

11. Implement innovative conflict resolution strategies. Disagreement and conflict are part of any dynamic and participatory process. Don't be afraid of it. Develop agreed-upon processes 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 either safety, moral fabric or gentrification processes). Develop an open dialogue so that those who are resistant to change know what is happening and why. For example, you can bring back the group to the importance of identifying the cause of the problem, not the symptoms (i.e. lack of housing options, lack of treatment centers, a shrinking social net or the systemic nature of poverty versus simply relying on cracking down on drug addicted individuals or street involved community members). This might make it easier to rally around some key issues that can be tackled by the community itself.

All of this hard work will be contributing to the building of stronger community relationships and leading 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<sup>2</sup>

*Canadian laws currently criminalize sex workers as well as their clients, the owners and managers at the agencies or establishments in which they work, and the drivers who chauffeur them. This situation pushes the industry into the shadows and makes it harder to combat child exploitation, coercion, exploitative labour conditions and violence against sex workers.*

1. Because 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).
  - Canadian Criminal Code section 210 makes it illegal for sex workers to work in their own homes or in establishments—the very places where sex workers are safest because they have security measures in place (i.e. cameras, neighbors, known exits).
  - Under Canadian Criminal Code sections 210, 211 and 212, it is illegal for individuals to provide support or security to sex workers (including drivers, agency personnel and establishment owners).
  - 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. Because 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(j)).
  - Sex workers are reluctant to report abuse, violence or exploitation against themselves or someone else knowing they may be criminally charged or arrested.
  - Sex workers are over-policed but under-protected—as a result, predators target them with virtual impunity.

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<sup>2</sup> *10 reasons to fight for the decriminalization of sex work* was reproduced with the kind permission of Mensah and Bruckert (2011). The document was produced as part of a SSHRC-funded *Sensibilisation XXX Awareness Project*.

3. Because criminalization undermines sex workers' ability to maintain their physical and sexual health!
  - 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).
  - Sex workers face social judgment and therefore do not always feel that they can be forthright with their healthcare providers. As a result they may not receive the services they require.
  - Street-based sex workers who receive boundary restrictions (red-zones) from the courts as a probation condition and/or from the police as a 'promise to appear condition' are denied access to the community and health services in that area.
  - Establishments seeking to protect themselves from charges of 'keeping a bawdy house' may not provide condoms and other safer sex equipment.
  - Police officers searching for condoms and using them to pressure sex workers to self-incriminate, as well as the courts acceptance of condoms as supporting evidence, are powerful disincentives to carrying, and therefore using, the most effective protection available against HIV and other sexually transmitted infections.
  
4. Because 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, 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" in Ontario ("Loi sur la santé et la sécurité du travail" in Quebec) or the "Industrial Accidents and Occupational Diseases Act" ("Loi sur les accidents du travail et les maladies professionnelles" in Quebec). This means that sex workers do not have basic protections, such as compensation, when they are injured.
  - Sex workers cannot organize into labour unions through which they can address labour site exploitation, bargain for better working conditions, or collectively negotiate wages.
  
5. Because criminalization limits sex workers' options!
  - Sex workers who have been criminally convicted find themselves permanently labeled. Many employers will not hire a former sex worker. In addition, a criminal record for sex work closes off a number of job options.
  - Sex workers acquire many competencies in the course of their work including interpersonal, business, administration and problem-solving skills. These competencies and skills are not recognized by employers and/or by community agencies providing employment assistance.

- Criminalization positions sex work as an illegal activity and pushes it into the shadows. The ‘hidden’ nature of the industry means that unscrupulous individuals can act aggressively and/or exploitatively with virtual impunity. This context dramatically reduces options for workers who labour in those conditions.
6. Because criminalization takes away sex workers’ right to sexual autonomy!
- Canadians have long supported the sentiment famously expressed by Pierre Elliott Trudeau in 1967 that “the state has no place in the bedrooms of the nation.”
  - People freely consent to exchange sex for many different reasons including physical satisfaction, emotional reward, self-validation and financial benefit. There exists a continuum of sexual-economic exchanges from donation to payment. The commercial element does not justify a criminal justice response.
  - Women (and men) 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 or for profit or for both.
  - Criminalizing consensual sex between adults is outdated. Laws should reflect the mores and values of the society—this is why the laws that criminalized homosexuality were struck down.
7. Because criminalization marginalizes and isolates sex workers!
- Sex workers are members of our communities, they are our mothers, fathers, sons, daughters, neighbors 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(j)). In effect, the law criminalizes personal relationships and therefore undermines the social integration of sex workers.
  - Street-based workers are particularly vulnerable to being alienated, ostracized and excluded from the communities in which they live and work. At times, these workers are even the objects of concerted efforts by vigilante community groups to displace them.
  - It is difficult for sex workers to declare 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. Because criminalization is unnecessary to address harms!
- In the Canadian Criminal Code there are provisions to protect all citizens including sex workers from criminal acts, including: trafficking in persons and forcible confinement (section 279); organized crime (sections 467.11–467.13); physical assault (sections 265, 267, 268); sexual assault (sections 271, 272, 273); intimidation (section 423); extortion (section 346); theft (section 322); and harassment (section 264).

- The Canadian Criminal Code also includes provisions to protect children from sexual harm and exploitation (sections 151–153, 155, 170–172). In addition every province has child protection legislation.
- Provincial statutes and municipal by-laws address behaviors community members sometimes find problematic. Moreover, causing a disturbance and loitering are prohibited under section 175 of the Canadian Criminal Code.
- Laws put in place to protect sex workers are criminalizing the very people deemed vulnerable and in need of protection.

9. Because criminalization legitimates discrimination against sex workers!

- 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.
- In current legal discourse, sex work is something someone is, as opposed to something a person does. All other aspects of that individual are negated and all behaviors and relationships 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 discourse delegitimizes and silences sex workers at the same time as it renders their diversity, engagement and agency invisible.

10. Because 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 service is illegal will exacerbate repression and negatively affect sex workers. 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 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 (videotaped, strip searched and searched for condoms). Moreover, because sex workers are considered 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. In Sweden sex workers were displaced (from outdoors to indoors) and are more likely to work under third-party control and/or organized crime.

***BECAUSE DECRIMINALIZATION IS THE ONLY ANSWER!***

The criminalization of consensual commercial sexual activity is not only unnecessary, but actually contributes to the violence and marginalization experienced by sex workers in Canada. In New Zealand, where sex work was decriminalized in 2003, sex workers are, among other things, 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. Decriminalization, repealing all the criminal code statutes and not replacing them with new ones, is the only solution to ensure sex workers are respected and have access to the same human, social, and labour rights and protections as every other citizen.

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## KEY RESOURCES

Maggies is a Toronto-based organization that is run for and by sex workers providing legal advocacy, health info, safer drug use supplies and counselling. <http://maggiestoronto.ca/>

Stella is a Montreal-based organization that provides support and information for both sex workers and the public in the fight for decriminalization. <http://www.chestella.org/>

Sex Professionals of Canada has headed up the legal battle for decriminalization and also provide sex workers, clients and the public with resources. <http://www.spoc.ca/>

POWER (Prostitutes of Ottawa/Gatineau Work Educate and Resist) is an Ottawa-based non-profit, voluntary organization run by and for current and former sex workers of all genders and all sectors and allies who share their vision. POWER focuses on advocacy and provides resources to both sex workers and the public in the fight for decriminalization. <http://powerottawa.ca>

Students for sex workers' rights is a student group based out of the University of Ottawa led by current and former sex workers and their allies who focus on public education and the fight for decriminalization. [https://www.facebook.com/profile.php?id=734825306#!/home.php?sk=group\\_114063211992183&ap=1](https://www.facebook.com/profile.php?id=734825306#!/home.php?sk=group_114063211992183&ap=1)



