

**Brief submitted to the**  
**House of Commons Standing Committee on Justice and Human Rights,**  
**review of the *Protection of Communities and Exploited Persons Act* (PCEPA)**

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## Introduction

As academics who study sex work and human trafficking in Canada, we are pleased to share our collective insights on the *Protection of Communities and Exploited Persons Act* (PCEPA). Combined, we have been engaged in scholarly work in this area for over 35 years. Based on our own empirical research and that of others in this growing field, we can express with full confidence that PCEPA has not achieved its intended objectives of “protecting those who sell their sexual services from exploitation; protecting communities from the harms caused by prostitution; and reducing the demand for sexual services.”

Instead, the scholarly evidence is clear that since the implementation of PCEPA in 2014, sex workers have continued to face violence and ostracization as a result of the criminalization of their activities, and in some cases PCEPA has in fact led to an increase in discrimination and harassment. We therefore recommend that PCEPA be fully repealed, that sex work be decriminalized in Canada, and that occupational health and safety mechanisms be developed in conjunction with sex work organizations to ensure labour improvements for those who provide sexual services. Indeed, as sex work researchers, sex worker rights advocates, and many others have expressed since the introduction of PCEPA, Canada’s current legislative framework has precipitated various forms of harm on sex workers and third parties who may provide support and protection. Our submission will thus focus primarily on the issue of exploitation, and correspondingly human trafficking, because sex work has been conflated with these in PCEPA’s preamble, in Canadian law, and in policing practice.

## Understanding ‘Exploitation’

Following the so-called Swedish model, PCEPA has intensified the criminalization of clients and third party actors in the sex trade. And while it has been suggested that PCEPA provides a measure of protection for women and girls who experience or who are at risk of experiencing human trafficking, our research has found that this is fundamentally untrue. In effect, PCEPA aligns sex work laws with anti-human trafficking provisions that are supposed to identify and address various forms of labour, sexual, and other exploitation, yet in practice are applied almost exclusively to the sex trade.

Since PCEPA’s implementation, the number of arrests and prosecutions related to trafficking have grown significantly. However, rather than uncovering a new form of criminal activity, trafficking charges are being laid in instances that, previous to *Bedford v Canada*, would have been categorized under procuring or other sex work-related laws, thus subjecting the same activities to more serious charges and/or double charging.<sup>1</sup> The majority of the criminal charges for trafficking since 2014 have been withdrawn or stayed by a Crown or acquitted by a judge, which, in part, suggests the overzealous targeting of the sex trade.<sup>2</sup>

As research demonstrates, sex workers experience more harm, exploitation, and danger as a result of the criminalization of the sex trade through PCEPA than they do in the sexual labour that they provide.<sup>3</sup> For example, PCEPA has compromised sex workers’ ability to screen clients;

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<sup>1</sup> Millar, H. & T. O’Doherty. 2020. Racialized, Gendered, and Sensationalized: An Examination of Canadian Anti-Trafficking Laws, their Enforcement and Their (Re)presentation. *Canadian Journal of Law and Society*, 35(1): 23-44; Roots, K. 2018. *The Human Trafficking Matrix: Law, Policy and Anti-Trafficking Practices in the Canadian Criminal Justice System*. Ph.D. Dissertation. York University. Toronto, ON.

<sup>2</sup> Roots 2018, *supra* 1; Millar & O’Doherty 2020, *supra* 1

<sup>3</sup> McBride, B., K. Shannon, B. Bingham, M. Braschel, S. Strathdee, and S. M. Goldenberg. 2020. Underreporting of Violence to Police among Women Sex Workers in Canada: Amplified Inequities for Im/migrant and In-Call

to receive support from third parties on whom they may rely for resources, skills, and knowledge; to set out their own working conditions; to access health care and social safety nets without discrimination; to demand improved labour standards and protections; and to report violent incidents to police.

Sex workers' personal and professional relationships, labour practices, and livelihoods continue to be unjustly scrutinized and criminalized despite PCEPA's stated resolve to "protect[] those who sell their sexual services from exploitation." The existence of laws that criminalize sex workers' consensual labour activities and interactions with others leads to a unique form of surveillance, with those who have various relationships with sex workers made into criminals by virtue of their involvement. As one sex worker described in research conducted by Kara Gillies and Chris Bruckert: "If I was a nurse and I lived with a boyfriend who had no job, and he was just kind of sponging off me, there's no law for that. He's considered an asshole. But he's not considered a criminal."<sup>4</sup>

The material benefits (s. 286.2) and procuring (s. 286.3) provisions of the *Criminal Code* are intended to criminalize those who exploit sex workers rather than all third parties. Yet, those who benefit from the sexual labour of others are typically portrayed as parasitic, exploitative, and misogynistic. Such depictions tap into a deeply rooted stereotype of the third party manager as 'the pimp' – an often racialized image of a predatory male who exploits women and girls in the sex trade.<sup>5</sup> This stereotyped image has resulted in the targeted charging of racialized (often Black) men with human trafficking.<sup>6</sup> Despite the depictions, empirical research shows that the role of third

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Workers Prior to and Following End-Demand Legislation. *Health and Human Rights Journal*, 22(2): 257-270; McBride, B., S. Goldenberg, A. Murphy, S. Wu, M. Mo, K. Shannon, A. Krusi. 2022. Protection or Police Harassment? Impacts of Punitive Policing, Discrimination, and Racial Profiling Under End-Demand Laws Among Im/migrant Sex Workers in Metro Vancouver. *Qualitative Research in Health*, 2, DOI: <https://doi.org/10.1016/j.ssmqr.2022.100048>; Crago, A., C. Bruckert, M. Brascel, K. Shannon. 2021. Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement Under an "End Demand" Criminalization Model: A Five City Study in Canada. *Social Sciences*, 10(1), DOI: <https://doi.org/10.3390/socsci10010013>; Butterfly – Asian and Migration Sex Workers Support Network. 2018. Stop the Harm from Anti-Trafficking Policies & Campaigns: Support Sex Workers' Rights, Justice and Dignity, <https://www.butterflysw.org/harm-of-anti-trafficking-campaign>; Canadian HIV/AIDS Legal Network. 2019. *The Perils of "Protection": Sex Workers' Experience of Law Enforcement in Ontario*. <https://www.hivlegalnetwork.ca/site/the-perils-of-protection/?lang=en>;

<sup>4</sup> Gilles, K., & C. Bruckert. 2018. Pimps, Partners and Procurers: Criminalizing Street-Based Sex Workers' Relationships with Partners and Third Parties (pp. 82-93), in *Red Light Labour: Sex Work Regulation, Agency and Resistance*. Edited by E. Durisin, E. van der Meulen, & C. Bruckert. UBC Press. P. 85.

<sup>5</sup> Bruckert, C., & T. Law. 2013. Beyond Pimps, Procurers and Parasites: Mapping Third Parties in the In Call/Out Call Sex Industry. *Rethinking Management in the Adult Sex Industry Project*, [https://www.nswp.org/sites/nswp.org/files/ManagementResearch%20\(4\).pdf](https://www.nswp.org/sites/nswp.org/files/ManagementResearch%20(4).pdf); Bruckert, C. 2018a. Introduction: Revisioning Third Parties in the Sex Industry (pp. 3-18), in *Getting Past the 'Pimp': Management in the Sex Industry*. Edited by C. Bruckert & C. Parent. University of Toronto Press; Bruckert, C. 2018b. Who Are Third Parties? Pathways In and Out of Third Party Work (pp. 36-55), in *Getting Past the 'Pimp': Management in the Sex Industry*. Edited by C. Bruckert & C. Parent. University of Toronto Press; Jeffrey, L. A., & G. MacDonald. 2006. *Sex Workers in the Maritimes Talk Back*. UBC Press; van der Meulen, E. 2011. Illegal Lives, Loves, and Work: How the Criminalization of Procuring Affects Sex Workers in Canada. *Wagadu: A Journal of Transnational Women's and Gender Studies*, 8: 217-240.

<sup>6</sup> Millar & O'Doherty 2020, *supra* 1; Roots 2018, *supra* 1; Bernstein, E. 2012. Carceral Politics as Gender Justice? The 'Traffic in Women' and Neoliberal Circuits of Crime, Sex and Rights. *Theoretical Sociology*, 41: 233-259; Horning, A., & A. Marcus. 2017. Introduction: In Search of Pimps and Other Varieties in Third Party Sex Work and Pimps in the Age of Anti-Trafficking. *Springer International Publishings*.

party managers is much more versatile and nuanced, and that the roles between sex workers and third parties may and often do overlap and alternate.<sup>7</sup>

Research by Chris Bruckert, for example, found that third party managers are predominantly women (64% in their sample of 75 individuals), and carry out roles and functions similar to third party managers in any mainstream enterprise.<sup>8</sup> As Bruckert notes, “it is more appropriate to think about a spectrum of relationships between sex workers and the individuals who supervise, control, facilitate and/or coordinate their labour process and/or parties.”<sup>9</sup>

### **Empirical Research on the Policing of Exploitation in Sex Work**

Over and over, sex work research has shown that myriad harms result from the criminalization of sex work, including during police investigations into exploitation and human trafficking in the sex trade. Indeed, scholars have found that police frequently disenfranchise sex workers in various ways, for example by overcharging and combining sex work charges with various others; by verbally abusing and publicly shaming sex workers; by engaging in physical and sexual violence against sex workers; and by neglecting their duty to assist sex workers.<sup>10</sup>

Recent studies have pointed to the harms of increased policing of the sex trade following the enactment of PCEPA. For some sex workers, their biggest safety concern is the police themselves, not their clients or third party managers.<sup>11</sup> Accordingly, many sex workers are reluctant to report instances of violence or exploitation to police services. A study by Bronwyn McBride and colleagues, for example, found that only 38% of all women sex workers and 12.7% of migrant sex workers informed the police about the violence they experienced.<sup>12</sup> This reluctance to report is critical “given that Canadian end-demand legislation centers on the protection of vulnerable communities, represents sex workers as victims needing protection, and explicitly purports to encourage sex workers to seek police protections.”<sup>13</sup>

Similar findings were reported by Julie Ham in a study of Chinese sex workers located in Toronto, Ontario and Vancouver, British Columbia. In that study, 95% of the women disclosed that they would not turn to law enforcement for assistance<sup>14</sup>. Research by Butterfly: Asian and Migrant Sex Workers Support Network in Toronto confirms this finding in relation to young people, noting that PCEPA does nothing to protect young people engaged in sex work as they are

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<sup>7</sup> Bruckert 2018a, *supra* 5; Bruckert 2018b, *supra* 5; Bruckert, C., & S. Hannem. 2013. To Serve and Protect? Structural Stigma, Social Profiling, and the Abuse of Police Power in Ottawa (pp. 297-313), in *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*. Edited by E. van der Meulen, E. Durisin, & V. Love. UBC Press; Horning & Marcus 2017, *supra* 5; Mensah, M. N. 2018. The Representation of the ‘Pimp’: A Barrier to Understanding the Work of Third Parties in the Adult Canadian Sex Industry (pp. 19-35), in *Getting Past the ‘Pimp’: Management in the Sex Industry*. Edited by C. Bruckert & C. Parent. University of Toronto Press; van der Meulen 2011, *supra* 4; Zheng, T. 2010. Anti-Trafficking Campaign and the Sex Industry in Urban China (pp. 84-101), in *Sex Trafficking, Human Rights and Social Justice*. Edited by T. Zheng. Routledge.

<sup>8</sup> Bruckert 2018b, *supra* 5

<sup>9</sup> Bruckert 2018b, *supra* 5, p. 37

<sup>10</sup> Bruckert & Hannem 2013, *supra* 7, p. 7

<sup>11</sup> Butterfly 2018, *supra* 3; Bruckert & Hannem 2013, *supra* 7; Lam, E., E. Shih, K. Chin, & K. Zen. 2021. The Double-Edged Sword of Health and Safety: COVID-19 and the Policing and Exclusion of Migrant Asian Massage Workers in North America. *Social Sciences*, 10(5): 157, DOI: <https://doi.org/10.3390/socsci10050157>.

<sup>12</sup> McBride et al. 2020, *supra* 3

<sup>13</sup> McBride et al. 2020, *supra* 3

<sup>14</sup> Ham, J. 2015. *Chinese Sex Workers in Toronto and Vancouver*. Zi Teng and Supporting Women’s Alternatives Network (SWAN Vancouver): <https://www.swanvancouver.ca/swan-publications>

likely to experience violence at the hands of police themselves, not clients or other third party actors:

A significant percentage of violence experienced by youth in sex trades is not perpetrated by johns but by police officers, according to several studies with street-based youth in sex trades from the Young Women’s Empowerment Project, Streetwise and Safe, and interviews with members of the Native Youth Sexual Health Network.<sup>15</sup>

The HIV Legal Network, an organization that promotes the human rights of people living with or affected by HIV or AIDS, considers the harms of legal and policing interventions and notes that:

Since the passage of the Protection of Communities and Exploited Persons Act in 2014, and the implementation of new provisions regarding the sex trade, the simplistic and inaccurate equation of all selling of sexual services with human trafficking has enabled law enforcement to intensify police surveillance and other policing initiatives. This has not resulted in more protection or safety for trafficked persons. Rather, the increase in policing initiatives related to trafficking has contributed to greater surveillance of migrant and Indigenous women who leave their communities and has undermined their relationships with family members or others who may offer safety or support to them, including in circumstances where they may be selling sex.<sup>16</sup>

Indeed, PCEPA’s continued criminalization of sex work inevitably contributes to the lack of trust that exists between people who trade or sell sex and the police.<sup>17</sup>

### **Impacts of Anti-Trafficking Police Raids**

The enactment of PCEPA and the conflation of sex work with trafficking has brought much government funding, criminal justice intervention, and police attention to sex work under the guise of finding and rescuing victims of trafficking. Policing of trafficking has been prioritized by all levels of government with significant financial contributions to these efforts.<sup>18</sup> In response, police across Canada carry out multijurisdictional raid-and-rescue operations, targeting bawdy-houses, in-call apartments used for sex work, and other locations of varying interest in an effort to find

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<sup>15</sup> Butterfly 2018, *supra* 3

<sup>16</sup> HIV Legal Network. 2016. *Submission for the Expert Meeting on Human Trafficking, Ontario Women’s Directorate*.

<sup>17</sup> Benoit, C., M. Smith, M. Jansson, S. Magnus, N. Ouellet, C. Atchinson, L. Casey, R. Phillips, B. Reimer, D. Reist, & F. Shaver. 2016. Lack of Confidence in Police Creates a “Blue Ceiling” for Sex Workers’ Safety. *Canadian Public Policy*, 42(4): 456-468; Bruckert & Hannem 2013, *supra* 7; Butterfly 2018, *supra* 3; Roots 2018, *supra* 1

<sup>18</sup> In 2012, for example, the federal government launched the first National Action Plan to Combat Human Trafficking, which allocated \$25 million to human trafficking activities over four years, with nearly \$5.4 million of the annual budget dedicated to efforts led by RCMP and/or CBSA (Public Safety Canada. 2012. National Action Plan to Combat Human Trafficking. Government of Canada, p. 9, 10, 12: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx>). The most recent national anti-trafficking strategy (2019-2024) invests \$75 million over six years (Public Safety Canada. 2019. National Strategy to Combat Human Trafficking 2019-2024, p. 6: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strty-hmnn-trffc/index-en.aspx>).

victims of trafficking.<sup>19</sup> The majority of these raids fail to uncover trafficking activity. Instead, they target the purchasers of sexual services, sex workers, and non-exploitative third parties, thereby pushing the sex trade further underground.<sup>20</sup>

According to SWAN Vancouver, “police catfish and carry out indiscriminate raids on sex workers, which increase adversarial relationships between sex workers and police and contribute to the under-reporting of violence perpetrated against sex workers.”<sup>21</sup> Kimberly Walters explains that such forced rescue operations can violate the human rights of those suggestively needing rescue and can result in their emotional and physical harm, including extended detainment and detention, lack of contact with family and friends, and for non-citizens, deportation orders.<sup>22</sup> Indeed, increased raids of sex work spaces in the name of anti-trafficking has intensified police harassment, criminalization, and insecurity for migrant and other sex workers.<sup>23</sup>

According to Elene Lam and colleagues, public attention on human trafficking has led to an increase of police focus on Asian massage parlors, sometimes resulting in the criminalization and deportation of migrant women:

For many migrant workers, police represent the violence of the criminal legal system, not the liberation from traffickers and exploitation espoused by law enforcement. Yet, despite the disruption, injuries, and casualties wreaked on Asian massage workers, local politicians and police forces have expanded their anti-trafficking initiatives.... turning to the two-pronged approach of: (1) amplifying police surveillance and crackdowns on Asian massage businesses, while (2) offering civilians erroneous and racist trainings on “how to spot human trafficking” in public spaces like local libraries [and] encouraging public discrimination against massage parlor workers through the spread of disinformation...<sup>24</sup>

When police enter massage parlours and unsuccessfully attempt to locate trafficking victims, sex workers are left with persistent levels of stress and fear, which can *de facto* encourage them to transition their work into more clandestine spaces.<sup>25</sup> McBride and colleague’s recently published

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<sup>19</sup> *CBC News*. 31 Arrested, 300 Charges in Multi-Provincial Sex-Trafficking Operation Based in Ontario. October 16, 2019: <https://www.cbc.ca/news/canada/toronto/human-trafficking-investigation-york-regional-police-project-1.5321794>; Zangouei, A. 6 York Region Residents Charged as Police Dismantle Sex Trade Organization. *Toronto.com*. July 20, 2020: <https://www.toronto.com/news-story/10078956-6-york-region-residents-charged-as-police-dismantle-sex-trade-organization>; Roots, K., & De Shalit, A. 2015. Evidence That Evidence Doesn’t Matter: The Case of Human Trafficking in Canada. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 37.2(1): 65-80.

<sup>20</sup> Butterfly 2018, *supra* 3; Hill, A. 2016. How to Stage a Raid: Police, Media and the Master Narrative of Trafficking. *Anti-Trafficking Review*, 7: 39-55; Millar, H., & T. O’Doherty. 2020. *Canadian Human Trafficking Prosecutions and Principles of Fundamental Justice: A Contradiction in Terms?* <https://icclr.org/publications/canadian-human-trafficking-prosecutions-and-principles-of-fundamental-justice-a-contradiction-in-terms/>; Roots & De Shalit 2015, *supra* 18

<sup>21</sup> SWAN Vancouver. 2019. <https://www.swanvancouver.ca/northern-spotlight>

<sup>22</sup> Walters, K. 2017. Beyond ‘Raid and Rescue’: Time to Acknowledge the Damage Being Done. *Open Democracy*: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/beyond-raid-and-rescue-time-to-acknowledge-damage-being-done/>; Butterfly 2018, *supra* 3

<sup>23</sup> HIV/AIDS Legal Network 2019, *supra* 3; Butterfly 2018, *supra* 3

<sup>24</sup> Lam et. al 2021, *supra* 13; Bernstein, E. 2018. *Brokered Subjects: Sex Trafficking & the Politics of Freedom*. The University of Chicago Press; Shih, E. 2021. The Trafficking Deportation Pipeline: Asian Massage Work and the Auxiliary Policing of Racialized Poverty. *Feminist Formations*, 33: 56–73.

<sup>25</sup> Butterfly 2018, *supra* 3

study contends that PCEPA depicts “im/migrant sex worker as vulnerable and victimized women not to protect them, but to justify targeted repressive policing that severely undermines sex workers’ occupational safety.”<sup>26</sup>

Research by Katrin Roots similarly shows that police script sex workers’ stories, sometimes under the threat of criminal charges and/or other consequences, pressuring them to identify as a victim of trafficking despite sex workers’ rejection of this label.<sup>27</sup> In the case of *R.v. Salmon and Foster (2020)*, for example, the Ontario Court of Justice found that the police had violated the sex working individual’s Charter rights (s. 10) by detaining and questioning her without advising her of her right to counsel.<sup>28</sup> The court found that the individual was “told by the police officers that Foster was her ‘pimp’” and “that she had to do whatever the police officers told her to do. She felt that she had to accompany the officers and answer their questions.”<sup>29</sup>

### **Expansion of Anti-Trafficking Interventions**

In order to expand their reach, police have begun enlisting the help of various service sectors, including the hospitality and travel industries. Police train flight attendants and hotel staff, amongst others, to be on the lookout for signs of trafficking. These supposed signs are not only broad and imprecise but can include generic factors such as a young woman wearing excessive make-up or certain types of clothing, having several cell phones or an attentive boyfriend, and even mixed race families simply traveling together.<sup>30</sup> The public is also enlisted through anti-trafficking awareness campaigns that encourage people to keep a lookout for a very broad array of signs.<sup>31</sup> The citizenry is encouraged to report their suspicions to Canada’s Human Trafficking Hotline, which has the effect of expanding police surveillance capabilities, particularly in relation to the sex trade. Much of this has been made possible due to the conflation of sex work and trafficking that has been advanced by PCEPA, and the corresponding millions of dollars allocated to a range of interventions (see footnote 17).

Social service and health care workers have also become involved in efforts to identify exploitation in the sex trade under the guise of anti-trafficking. Ann De Shalit’s research with NGOs in Ontario that are funded to support victims of trafficking found that some organizations take a strong anti-sex work stance, and even deny services to sex workers who state that they are not interested in ceasing their work. For example, an organization explained about its potential clients: “one of the criteria that we have is that they do have a desire to leave the sex trade...if they’re not wanting to do that then this would not be a good fit for them.”<sup>32</sup> De Shalit also discovered that some NGOs are relabelling and redefining their existing programs, such as

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<sup>26</sup> McBride et al. 2020, *supra* 3, no page (online)

<sup>27</sup> Roots 2018, *supra* 1; Musto, J. 2016. *Control and Protect: Collaboration, Carceral Protection, and Domestic Sex Trafficking in the United States*. University of California Press.

<sup>28</sup> *R. v. Salmon and Foster 2020 ONSC 786*

<sup>29</sup> *R. v. Salmon and Foster 2020 ONSC 786* at paras 28 and 38

<sup>30</sup> De Shalit, A. 2021. *Neoliberal Paternalism and Displaced Culpability: Examining the Governing Relations of the Human Trafficking Problem*. PhD Dissertation. Ryerson University; Millar and O’Doherty 2020, *supra* 1; Roots 2018, *supra* 1; Musto 2016, *supra* 26; Mark, J. (2021, Nov 8). A Southwest Flight Attendant Suspected Human Trafficking. *Washington Post*: <https://www.washingtonpost.com/nation/2021/11/08/southwest-human-trafficking-suspicions-mary-macCarthy/>

<sup>31</sup> De Shalit 2021, *supra* 29; Roots, K., & Lockhart, E. 2021. To Protect and Responsibilize: Examining the Narratives of Youth in Human Trafficking Trials. *Canadian Journal of Women and the Law*, 33(1): 58–83.

<sup>32</sup> De Shalit 2021, *supra* 29

outreach, shelter/housing, and counselling, as human trafficking services. In doing so, sex workers who were already receiving supports from these agencies were *de facto* relabelled as trafficking victims. This in turn affects community-based statistics on trafficking as organizations document their service users as ‘trafficking victims’ regardless as to how those individuals identify themselves.

### **Concluding Recommendations**

PCEPA’s criminalization of sex work and its conflation of sex work with exploitation and human trafficking does not protect sex workers or those who are deemed at risk of exploitation, harm, or violence. Instead, our research, as well as studies conducted by a range of scholars and advocacy organizations across Canada, has revealed that since the implementation of PCEPA, sex workers have continued to experience violence and stigma. The safety of sex workers continues to be jeopardized through laws that criminalize clients and third party actors – the latter of which may otherwise be able to provide support, assistance, and protection to sex workers. PCEPA’s promise of police protection for sex workers also remains unfulfilled. As research finds, sex workers’ greatest fear is not their clients or third party actors, but rather the police who have ramped up their surveillance of the sex trade industry under the guise of finding victims of trafficking.

PCEPA has exacerbated the conflation of human trafficking and sex work by framing sex work as inherently exploitative. This framing has led anti-trafficking raid-and-rescue operations to be focused solely on the sex industry, resulting in unwelcome interventions and harassment, as well as the criminalization (and possible deportation) of sex workers. Surveillance has expanded beyond policing to include social service and health care workers, the travel and hospitality industries, and the general public, all in the name of identifying and rescuing trafficking victims.

In light of these challenges and inadequacies, we recommend the following:

- 1) The *Protection of Communities and Exploited Persons Act* should be repealed in full, as it is not meeting its stated objective of protecting sex workers. Instead, PCEPA is causing harm to people who provide sexual services and to the non-exploitative third party actors who may provide protections and services to them. Repealing PCEPA will also help to end the problematic and inappropriate conflation of sex work with human trafficking.
- 2) All anti-sex work provisions in the *Criminal Code* should be removed for consenting adults. This will bring an end to unwarranted and unjustified policing practices, including raids, surveillance, and the deportation of sex workers, all of which contribute to harm. Ending the heavy handed policing of the sex trade may lead to improved relations between police and the sex working community and could increase sex workers’ willingness to contact the police when needed.
- 3) In place of the criminal laws, occupational health and safety standards as designed in direct consultation with sex work organizations across the country should be implemented to support sex workers’ rights to fair labour practices. Possible instances of labour exploitation can accordingly be dealt with via labour law.



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