

## **BRIEF SUBMISSION TO THE HOUSE OF COMMONS ON JUSTICE AND HUMAN RIGHTS: REVIEW OF THE PROTECTIONS OF COMMUNITIES AND EXPLOITED PERSONS ACT**

My name is Nyema Reiz and I am a registered social worker at the Canadian Mental Health Association Thames Valley Addiction Services. I have been working with community members providing mental health and addiction care for approximately eight months. Alongside my career, for the past three years, I have been a coordinator at Safespace which is the only non-profit sex work organization in London, Ontario. I started Safespace as a student in 2018 and stayed with the organization ever since. I graduated in 2021 with my Bachelor of Social Work (“BSW”) with a major in Social Justice and Peace Studies. At Safespace, I support sex workers by assessing individual needs and responding accordingly. Over the past three years, I have built a diverse background of skills and experiences working with populations that often experience various forms of systemic oppression.

I am writing to request that you consider a legislative repeal of the Protection of Communities and Exploited Persons Act (“PCEPA”) to expand sex workers’ legal protection and abilities to use their rights for workplace safety and justice by decriminalizing sex work. Sex work is one of the oldest occupations dating back to 2400 BCE in the Sumerian Records that allows people to explore their creativity, sexuality, and desires in safe ways (Procon.org, 2013). Sex work is a legitimate form of work that is separate from human trafficking and deserves to be recognized. As the saying goes, “Sex work is real work.”

PCEPA has an end-demand model, which allows sex workers to sell their services legally but criminalizes their clients at the same time. PCEPA states its main concerns are, “about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it,” however, its end-demand model has resulted in sex workers facing an increased amount of harm by creating a criminalized environment around their job that results in them being viewed as less worthy of dignity, safety, and respect. PCEPA has demonstrated that it is unconstitutional by:

1. Sex workers working in darker, less populated areas that are more susceptible to violence;

2. Increasing the number of sex workers taking risks by engaging in work with clients who are being displaced;
3. Sex workers having less time to sufficiently screen potential clients,
4. Sex workers having less time to negotiate the terms of their service (Canadian Alliance For Sex Work Law Reform, 2015).

PCEPA has not reduced the demand for sexual services despite its initial intentions (Canadian Alliance For Sex Work Law Reform, 2015). It is a myth to believe that there is not a good enough reason to go into sex work. Millions of people from all types of different intersectionalities engage in sex work for a variety of personal, social, and economic reasons (Urban Justice Centre, 2021). Each reason to engage in sex work is valid and should be respected. I look forward to our Canadian leaders shifting the power back into the hands of sex workers, the ones who these policies affect the most, and decriminalizing sex work.

A consequence of PCEPA is that sex workers are increasingly being displaced in isolated locations that are secluded, darker, and do not have access to surveillance (Canadian Alliance For Sex Work Law Reform, 2015). Everyone should have the right to work in safe conditions. However, because of PCEPA, people are forced to work in an environment that is proliferating violence against sex workers (Canadian Alliance For Sex Work Law Reform, 2015). When law enforcement officers are given directions to patrol for potential clients of sex workers it snowballs into people working in underground systems away from surveillance that weakens safety support networks (Canadian Alliance For Sex Work Law Reform, 2015). Different types of informal safety support networks include communication between sex workers warning each other about bad dates. These are acts of violence that may include behaviours such as theft, refusal of payments, threats, rudeness, harassment, coercion, or aggression by clients (Canadian Alliance For Sex Work Law Reform, 2015). On the flipside, PCEPA creates significant barriers to sex workers using formal networks of support such as law enforcement or other social services if they choose to do so (Canadian Alliance For Sex Work Law Reform, 2015). When people report bad date experiences to law enforcement they have to self-identify as sex workers which may result in responses of scrutiny, harassment, and fear of being arrested with charges related to PCEPA (Canadian Alliance For Sex Workers Law Reform, 2015). Sex workers fear this response from a law enforcement system that does not engage in the trauma-informed care principles

which would allow sex workers to feel safe and have trust, choices, collaboration, and empowerment. Sex workers and law enforcement need to start the process of restorative justice to then work meaningfully together, however, PCEPA stops that process from happening altogether. As you can see, PCEPA is a perfect storm that makes sex workers physically and emotionally vulnerable which creates barriers to receiving vital support.

Sex workers are taking greater risks by engaging with clients who are also forced into underground environments (Canadian Alliance For Sex Work Law Reform, 2015). Sex workers need time to sufficiently screen clients and negotiate the terms of their service. Screening and negotiation of service include posing questions such as usage of condoms, types of services people feel comfortable doing, and taking in information to understand their level of risk by engaging with that client. PCEPA has created an atmosphere where sex workers do not have the time to screen or negotiate with their clients and are engaging in greater risks by working with people who are fearful of law enforcement presence because of their risk of arrest (Canadian Alliance For Sex Workers Law Reform, 2015). Sex workers are also working longer hours in these remote locations to generate the same amount of income which decreases individual safety (Canadian Alliance For Sex Work Law Reform, 2015). PCEPA has placed sex workers in increasingly vulnerable positions more susceptible to violence by changing where and how people engage in their work.

The way sex work is viewed and treated is a key indicator of the level of violence sex workers may experience (Hall, 2020). It is vital to look at legislation related to sex workers to gain a better understanding of where we can go from here to achieve a more just Canadian society. Altogether it is clear that people are facing dangers caused by the criminalization of sex work. These dangers include individual rights not being upheld which are working safely, freedom of their expression, cruel/inhumane treatments, security of persons, and non-discrimination (Canadian Alliance For Sex Work Law Reform, 2017). To move towards a more just and equitable society our Canadian leaders need to hear the voices of sex workers and create an atmosphere where sex work is decriminalized.

Decriminalization will allow sex workers to have more autonomy over their working conditions and is necessary for restoring the safety of who these policies affect the most (Canadian Alliance For Sex Work Law Reform, 2015). The decriminalization of sex work would set the occupational safety boundaries that specifically aim to remove the dangers that PCEPA causes.

Decriminalizing sex work in practice means removing all criminal provisions against sex workers, such as

1. Stopping or impeding traffic and communicating to provide sexual services;
2. Obtaining sexual services for consideration;
3. Material benefit from sexual services;
4. Procuring;
5. And advertising (Canadian Alliance For Sex Work Law Reform, 2017).

Repealing these laws will empower sex workers to work with both safety and dignity which is a core value of human rights.

Canada has already established protections regarding instances of violence that apply to the general public which includes sex workers (Open Foundations Society, 2015). These laws include examples of human trafficking, materially benefitting from human trafficking, and physical and sexual assault (Canadian Alliance For Sex Work Law Reform, 2017). These laws already address instances of violence and exploitation that are deemed unacceptable. Sex workers should not be further criminalized and forced into dangerous working conditions when instances of exploitation are already addressed within the Criminal Code of Canada. Sex workers should have rights that address their safety, dignity, and security by enacting a model of decriminalization. Evidenced-based research studies indicated ninety percent of sex workers believed that decriminalization has restored their rights in legal, safety, and health sectors (Crichton, 2015).

In areas that have decriminalized these provisions, such as New Zealand, it has allowed sex workers to increase their abilities to sufficiently screen potential clients, work in safer environments, utilize law enforcement and other social support networks as a resource (Open Foundations Society, 2015). Decriminalization allows sex workers time to fully discuss safer sex practices with potential clients, which in turn reduces risks of HIV and other sexually transmitted

illnesses (Open Foundations Society, 2015). The decriminalization of sex work is proven to reduce forty-six percent of new HIV infections for females within the next decade alone (Open Foundations Society, 2015). Sex workers are given time to have increased autonomy and empowerment over their bodies by sufficiently screening potential clients without the fears that PCEPA causes. Research studies have found that sixty-four percent of sex workers in New Zealand reported that they are better able to turn away clients when they are working under models of decriminalization (Crichton, 2015). When working under PCEPA, sex workers do not have the same security to turn away clients when they are actively being criminalized and fear detection. Within the same study, fifty-seven percent of sex workers reported positive changes in law enforcement attitudes which in turn allows for a sense of security and safety when reporting incidences of violence (Crichton, 2015). Increasing law enforcement training did not give sex workers their sense of rights, security, or safety when using them as a resource. It was specifically the decriminalization of sex work that flourished a sense of restorative justice and allowed improved access to use law enforcement as a resource (Open Foundations Society, 2015). The decriminalization has allowed New Zealand to establish specific Health and Safety Employment Acts specifically for sex workers to uphold their rights (Open Foundations Society, 2015). These acts should include employment regulation standards that all other workers in Canada have available to them such as rest breaks, minimum wages, unfair employment practices, and to reduce unsafe work (Canadian Alliance For Sex Work Law Reform, 2015). New Zealand has enacted these Health and Safety Employment Act and sees sex workers reporting unsafe and exploitative working conditions (Canadian Alliance For Sex Work Law Reform, 2015). A sex worker in New Zealand has been able to report sexual harassment in the workplace to Health and Safety Employment boards in 2014 (Canadian Alliance For Sex Work Law Reform, 2015). The outcome of this example was that the sex worker was awarded damages that would not have been possible to report and investigate if PCEPA was enacted (Canadian Alliance For Sex Work Law Reform, 2015). Decriminalization and implementation of sex work Health and Safety Boards actively target PCEPA goals of reducing the risk of violence but in a meaningful way. Decriminalization emphasizes that it is an holistic and evidence-based practice that best supports people who are sex workers.

PCEPA has proven through evidence that it has caused instrumental harm to sex workers, which these policies affect the most. The intersectional experiences of sex workers are not being protected while PCEPA is in effect. While having reviews regarding PCEPA effects is vital, it is equally as important to recognize the voices of sex workers who are demanding a more just and equitable society through decriminalization. Sex workers are valuable members of our community and deserve to have agency over their work. We need to move beyond performative allyship to listening, learning, and having our Canadian leaders show up in ways that matter by decriminalizing sex work.

Thank you for taking the time to read this brief submission,

**Nyema Reiz BSW RSW**

*(she/her/hers)*

Crisis Counsellor

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