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Canada's new sex-work laws ramp up risk for workers

by Gail Johnson on December 10th, 2014 at 10:46 AM



Dr. Kate Shannon slams the Conservative government for ignoring a previous Supreme Court of Canada decision concerning the human rights of sex workers.

Bill C-36 came into effect on December 6, and already sex-work advocates and researchers are seeing negative effects on sex workers' health and safety. They say the federal Protection of Communities and Exploited Persons Act, which criminalizes the buying of sex, is eroding sex workers' access to safer working conditions.

“What we’re seeing at these very early stages is that the focus has shifted from health and safety to ways to circumvent the new law,” says Alison Clancey, executive director of Supporting Women’s Alternatives Network (SWAN), which aims to make indoor sex work safer. She says not all sex workers have heightened fears related to the new law, but those who do are especially vulnerable.



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“As one example, over the past 10 years we’ve worked very hard to build relationships with women working in indoor sites, primarily massage parlours. With the law, there’s been some hesitancy to allow us access into those same sites. In a sense, women are thinking that inviting us in is almost incriminating themselves...and at a more basic level, there’s been more hesitancy to accept harm-reduction supplies, mainly condoms, from us. They fear condoms are going to be used as evidence. That is very concerning for us.”

The legislation will drive sex work further underground, Clancey adds.

“Women in massage parlours appreciate the safety a massage parlour provides. There’s a receptionist and a manager; they’re working with others,” she says. “So, say violence occurs: there is someone around....But now, with increasing fear of police, when violence actually does occur, they’re not going to be very inclined to report that to police. Whether or not you agree with sex work, I think we can all agree that not reporting violence against sex workers is something everyone in the community should be concerned about.

“We weren’t in favour of the bill, but just the speed of the impacts and the heightened anxiety and fear before the law had even come into effect has really negatively affected our work,” she adds. “It’s so disheartening, because there has been an incredible amount of work done in the city of Vancouver...to protect the health and safety and well-being of individuals in the sex-work sector, and this really takes us backward.”

Ever since Bill C-36 was signed into law in November, health, legal, community, and sex-work experts have voiced strong opposition, saying research shows that the criminalization of sex work hinders access to security and protection and increases the risks to the human rights and health of sex workers. Earlier this year, the Supreme Court of Canada heard from a coalition consisting of the B.C. Centre for Excellence in HIV/AIDS (BC-CfE), the Canadian HIV/AIDS Legal Network, and



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the HIV and AIDS Legal Clinic Ontario, which shared evidence to support this view.

“C-36 will not only fail to protect sex workers but goes many steps further towards exacerbating the negative effects of criminalization on sex workers’ health, safety, and human rights,” Dr. Kate Shannon, director of the [Gender and Sexual Health Initiative at BC-CfE](#) and associate professor of medicine at UBC, tells the *Georgia Straight*. “Vancouver’s recent enforcement-policy approach targeting clients but not sex workers has already provided a clear cautionary tale of the continued harms of a policy approach criminalizing the purchase of sex on sex workers’ safety and health. As shown in our evaluation of this approach, rates of physical violence and rape of sex workers went unchanged following this policy.”

The new law comes on the heels of a unanimous Supreme Court of Canada decision in December 2013 to strike down the country’s current antiprostitution laws, purportedly to protect sex workers’ access to safer working conditions. Shannon says that the law causes sex workers to have to rush or forgo screening of prospective clients and negotiating the terms of transactions, including the use of condoms, before having to jump in a car. Her team’s research was published in the *BMJ Open* and presented to the current government in May of this year.

“C-36 means sex workers will be forced to continue to operate in clandestine areas to avoid police and will severely limit sex workers’ access to critical police, health, and social services,” Shannon says.

“Unfortunately, the Conservative government continues to blatantly disregard evidence and a unanimous decision by our highest court. After decades of missing and murdered women, C-36 is a devastating policy disaster and a complete disregard of human rights of some of the most marginalized women, men, and transgender individuals in our society.”

If condom use is compromised, the bill could result in

increased spread of HIV and other sexually transmitted infections. According to a November 2014 working paper by Cecilia Benoit and other researchers with the Canadian Institutes of Health Research's Institute of Gender and Health, "buyers are reluctant to inform police when they see a sex worker being harmed, managers cannot easily make condoms available in managed sex environments due to fear of being charged with running a bawdy house, intimate partners of sex workers find it difficult to enhance their partner's safety for fear of being charged with contributing to prostitution...health and social service organizations find it difficult to reach many sex workers who prefer to remain hidden for fear of being...belittled."

Benoit's research also found that almost 40 percent of sex workers say their health-care needs were not met in the past year, compared with about 12 percent of the general population. Twenty-nine percent of participants said they feared being judged.

Andrew Sorfleet, a former sex worker and the executive director of the Vancouver-based [Triple X Workers' Solidarity Association of B.C.](#)—the first legally registered labour-focused sex-worker organization in the country—is also concerned about the bill's effects.

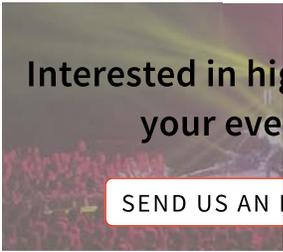
"We should not be fooled: Bill C-36 does not have a thing to do with protecting the rights of sex workers or the health and safety of sex workers," Sorfleet says by phone. "Any laws which prohibit sex for pay, either buying or selling, force sex workers into an environment of crime where their rights cannot be protected. There is lots of documented research about the negative impacts on health and safety from social exclusion, and this law is all about social exclusion."

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