

*The Protection of Communities and Exploited Persons Act (PCEPA):
Findings from the Gender, Work, and Health Study
By Dr Kate Shannon and Dr Chris Bruckert*

Bios

Dr Kate Shannon is a professor of social medicine at the University of British Columbia and current executive director of the Centre for Gender and Sexual Health Equity. Over the last 15 years, she has spent considerable time on research evaluating the impact of laws and policies on sex workers' safety, health and human rights. She was lead author in *Lancet Sex Work and HIV Special Series* in 2014 and 2018 that demonstrated the critical evidence-based need to decriminalize all aspects of sex work across diverse settings of Canada, Kenya, and India, and was the original/founding principal investigator (PI) (2010-2020) of a long-standing community-based mixed methods research project among street and indoor sex workers in BC.

Dr Chris Bruckert is a professor in the department of criminology at the University of Ottawa. Over the past 25 years she has devoted much of her energy to examining diverse sectors of the sex industry; to that end she has undertaken qualitative research into street-based sex work, erotic dance, in-call and out-call sex work, clients, male sex workers and management in the sex industry. She is the co-editor of *Red Light Labour* (2018), *Getting Past the Pimp* (2018), and *Sex Work: Rethinking the Job, Respecting the Workers* (2013).

The Gender, Work, and Health Study

We are two members of the *Gender, Work, and Health* project.¹ In 2016 our project received a \$150,000 Social Science and Humanities (SSHRC) grant to examine the impact of the “end demand” criminalization framework ushered in by the *PCEPA*. To that end we designed an extensive survey comprised of 17 sections (each with a series of open and closed questions) that assessed the impact of *PCEPA* on sex workers in five cities (Ottawa, Toronto, Montréal, Sudbury, and Surrey); surveys were administered by eleven research assistants. Participants were recruited through flyers distributed by community-based sex worker organizations and through the personal and social contacts of interviewers and community advisory members. Participants were given a \$50 honorarium, and all gave their informed consent prior to participating in the study. The study was conducted in accordance with the Declaration of Helsinki, and the protocol was approved by the Ethics Committees of the University of British Columbia (F15-05715) and the University of Ottawa (09-17-22).

¹ The full title of the project is *Building a Partnership in Gender, Work and Health in the Sex Industry: Impacts of Criminalization Under an 'End Demand' Model on Safety, Health and Human Rights of Sex Workers*. Dr. Kate Shannon is the Principal Investigator on the project; see Crago, A.L., Bruckert, C., Braschel, M. and Shannon, K. 2021. “Sex workers access to police protection in safety emergencies and means of escape from situation of violence and confinement under and “end demand” criminalization model: A five city study in Canada” *Social Sciences*.10(1), 13.

Given that the vulnerable sex workers have consistently been shown to be the most profoundly impacted by the laws and policing our sample purposefully drew from the most vulnerable sex workers: those meeting clients on the street; using drugs by injection or inhalation (crack and meth specifically); and Indigenous sex workers. In our sample of 200 sex workers, 63 (31.5%) were Indigenous, 20 (10.0%) were Black, 3 (1.5%) were Indigenous and Black, 98 (49.0%) were White, and 16 (8.0%) were otherwise racialized. As for gender identity, 38 (19.0%) respondents were transgender, non-binary and/or Two-Spirit whereas 162 (81.0%) were cisgender of which 145 (89.5%) were cis women and 17 (10.5%) were cis men. The median age of the sample was 34. Our sample had very high levels of drug use; 72 (36.0%) respondents had injected drugs in the past 12 months and 108 (54.0%) had inhaled meth or crack in the past 12 months. In terms of working context, 95 (47.5%) worked solely or primarily outdoors or somewhat equally both outdoors and indoors, whereas 105 (52.5%) worked solely or primarily indoors; 36 (18.0%) reported working for a third party.

Key findings from the *Gender and Health Study*

1. **Most sex workers say violence is the same or worse as it was under the under prior laws**

80.2%² of sex workers reported that work-related violence has increased or stayed the same compared to violence under the previous laws. Notably, street-based sex workers report more violence than indoor workers and Indigenous sex workers report more violence than non-Indigenous sex workers.

It is important to note that there is currently no publicly available data on *workplace* homicides of sex workers. The 2021 Statistics Canada Report (Rotenberg and Allen 2021³) looks at homicides of sex workers over all – both related to the victim’s sex work and not related at all. It is not possible from that data to discern if there is any kind of trend homicides linked to sex work, let alone if such a trend begins with *PCECA*

2. **Street-based and Indigenous sex workers are more likely to report that violence is worse under *PCEPA***

More Indigenous than non-Indigenous sex workers reported that violence was worse since *PCEPA* (25.0% versus 19.6%).

3. **The data shows the *PCEPA* inhibits sex workers’ ability to call 911 in emergencies – particularly for Indigenous sex workers**

A third (31.0%) of sex workers reported being unable to call 911 if they or another sex worker was in a safety emergency (due to fear of police detection of themselves, their colleagues, or third parties). Indigenous sex workers were more than *twice* as likely to report being unable to call 911 in a safety emergency due to fear of police detection of

² Percentages are rounded up to the first decimal point.

³ Alen, M. and C, Rotenberg. 2021. “Crimes related to the sex trade: Before and after legislative changes in Canada.” Statistics Canada, Ottawa. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm>

themselves, their colleagues, or third parties. 87.4% of sex workers reported it was harder or the same to get help in an emergency under *PCEPA* than under the previous laws.

4. *PCEPA* fosters working conditions statistically associated with violence

In multivariate statistical analysis, a reported inability to call 911 due to sex workers' fear of police detection of themselves, their colleagues, or third parties in the past 12 months is associated with experiencing workplace violence in the same time period. An inability to screen clients due to sex workers' or clients' fear of police detection was also associated with experiencing workplace violence.

5. Sex workers are profiled and experience high levels of police harassment under *PCEPA*; this creates a significant barrier to calling 911

59.7 % of sex workers experienced police harassment (being carded or asked for identification documents, followed by police, or detained without arrest) in the past 12 months. Importantly, 55.56% of sex worker who experienced harassment by police in the prior 12 months reported police calling them a sex work-related slur (e.g., “whore” or “ho”). One Indigenous outdoors sex worker from Toronto recalled police calling her a “squaw ho”.

Sex workers who experienced police harassment in the past 12 months were more than *5 times* more likely to report being unable to call 911 in a safety emergency.

6. Police harassment of sex workers is associated with police harassment of clients (or policing of clients)

Almost all sex workers (90.3%) who indicated that they had been with clients who were harassed by police also indicated that they had experienced police harassment themselves. Though clients are ostensibly the targets of criminalization efforts, the enforcement of anti-client end-demand laws is statistically associated with police harassment of sex workers in bivariate analysis.

7. Very few sex workers reported having “been forced to do sex work under threat to [their] safety or the safety of people [they] know” in the past 12 months

Sex workers were asked if they had been “forced to do sex work under threat to your safety or the safety of people you know” (the legal definition of trafficking) in the past 12 months. In total, 2.5% (5) respondents said they had. All were cis women injection drug users. Three worked outdoors and four were Indigenous.

Speaking to the pervasiveness and impact of police harassment, three (60.0%) of the sex workers who had been trafficked in the prior 12 months experienced police harassment during the same time period, one woman (20.0%) experienced police violence, and two women (40.0%) experienced police arrest.

8. Very few sex workers report violence or confinement to police under *PCEPA*

Of sex workers who had experienced violence or confinement at work in the past 12 months, only 16.5% reported the incident to police. Of these, only two sex workers (less than a third) had a positive experience.

9. Those most likely to help sex workers escape a situation of violence or confinement are criminalized under *PCEPA* and risk charges if they call 911 for assistance

Amongst the sex workers who escaped a situation of violence or confinement at work or in their personal life with assistance in the past 12 months, the most frequently reported source of help was other sex workers (40.5%), in particular other sex workers with whom they shared expenses (35.1%). This was followed by “friends/ family/lovers/ partners” (29.7%), clients (24.3%), security/ spotters (13.5%), a person in drug venue (10.8%) and a boss/manager (10.8%). Only two sex workers (5.4%) reported being assisted by police to escape violence or confinement in the past 12 months.

Many of those most likely to help sex workers escape situations of violence and confinement are criminalized under laws against third parties and buying sex; these individuals therefore risk criminal charges if they call 911 to help a sex worker in a situation of violence and confinement. Furthermore, this means that *PCEPA* criminalizes the very work arrangements in which sex workers have more protection against violence and confinement.

10. The *PCEPA* criminalization framework means that many sex workers face eviction under anti-crime or anti-sex work housing policies – this fuels vulnerability to violence

Due to anti-crime and anti-sex work housing policies connected to *PCEPA* sex workers report being evicted due to their sex work activities or after calling police for help when they were attacked. Many multi-unit housing residences have “anti-crime” provisions that make eviction legal if a tenant has guests or visitors who commit crimes (e.g., clients purchasing sex under *PCEPA*).

In multivariate analysis living somewhere with anti-sex work policies or having been evicted in the past 12 months for one’s sex work were statistically associated with experiencing workplace violence.