

COMMUNICATION AND THE LAW

By and for sex workers
Living and working in safety
and dignity



This document should not be taken as legal advice. This is a tool offered to sex workers so that we may improve living and working conditions. This information is not intended to influence anyone to commit illegal acts.

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SAME STORY, DIFFERENT PACKAGE

The old law criminalized sex workers who communicated anywhere in public, or in public view, for the purpose of selling sexual services.

The new law criminalizes sex workers who communicate in public for the purpose of selling sexual services, but specifies the areas where sex workers are not allowed to communicate.

Remember: Under the new law your client is always criminalized, on the street or anywhere else (see *Clients and the Law*).



THE NEW LAW

Section 213(1.1): Sex workers can only be prosecuted for communicating for the purpose of selling sexual services if the communication takes place in public, or in public view, next to:

- A daycare centre
- A school ground
- A playground

The law doesn't say what "next to" means, nor does it define "school ground" or "playground".

Third Parties can also be prosecuted for this offence if they communicate in these areas, for the purpose of providing someone else's sexual services.



Sections 213(1)(a) and (b) of the law are still in effect.

These criminal charges do not require verbal communication. They criminalize every sex worker who is in public, or in public view, and for the purpose of selling sexual services for consideration:

- stops or attempts to stop a vehicle; or
- blocks the circulation of pedestrians, vehicles, or the entrance/exit to a place.

Note: "For consideration" means in exchange for something: money, drugs, goods, etc.

IMPACTS

- Sex workers who work on the street are still criminalized and targeted by police.
- The areas where sex workers can and can't work are very unclear and sex workers still experience uncertainty and fear of arrest.
- Sex workers are still displaced into more isolated and therefore unsafe areas, because they are avoiding numerous parks, playground and daycares in urban settings.
- Resulting criminal records greatly reduce sex workers' options for housing and employment.



ENFORCEMENT OF THE LAW

The criminal laws related to prostitution are the same all across Canada. However, the prosecutor's powers depend on provincial authorities, while police guidelines and policies depend on municipal or regional authorities. **Enforcement of prostitution laws can vary from one city or region to another.**

POSSIBLE SENTENCE

These charges are all summary offences.

The maximum sentence is 6 months in prison or a \$5,000 fine. Sentencing depends on the specifics of the case and on factors such as the accused's prior criminal record, their current situation, and the context of the offence and of their arrest.



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