



**POLICY BRIEF 2024**

# **Model for Collaboration to Address the Safety and Rights of Sex Workers Prioritizing Their Voices**

*Hope Eduan Alica*

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the *xʷməθkʷə́yəm* (Musqueam), *Sḵwxwú7mesh* (Squamish) & *səlilwətaʔ* (Tsleil-Waututh) Coast Salish peoples.

#### GRAPHIC DESIGN

And Also Too

#### COVER ILLUSTRATION

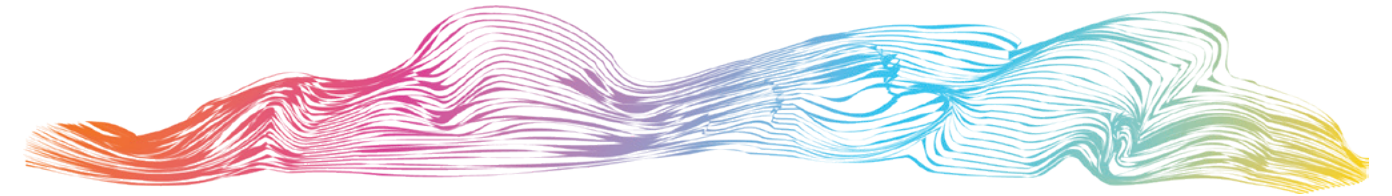
semillites hernández velasco

#### HEADSHOT PHOTOGRAPHY

Naybu Taw Photography

## Contents

3	About the LEVEL Initiative
4	Biography
5	Executive Summary
6	Background
8	Proposal
9	Conclusion
10	Endnotes
10	Bibliography
11	Acknowledgements



# About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

### LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL BIPOC Granting

### About the LEVEL Youth Policy Program (LEVEL YPP)

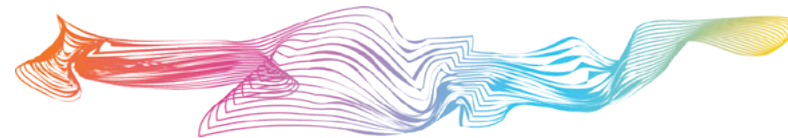
The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized newcomer youth are dispropor-

tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.<sup>1</sup> As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the *hə́ŋq* 'əmin 'ərn-speaking Musqueam peoples, of the Halkomelem-speaking Tsleil-Waututh peoples, and of the *sníchim*-speaking *Sḵwx\_wú7mesh* (Squamish) peoples.

1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

# Biography

## Hope Eduan Alica



Hope (she/her) is an immigrant settler born and raised in Uganda. She took the opportunity to start her post-graduate education on the unceded lands of the Lheidli T'enneh. She is in her final semester towards a BA in Sociology and a Certificate in Social Justice at Simon Fraser University (SFU), which is located in Musqueam, Squamish, and Tsleil-Waututh territories.

Hope previously served as Co-Chair of the SFU Black Caucus, where she collaborated, and pushed for, the Black community's visibility and fiscal support by SFU through the Caucus. She currently seeks to explore meaningful ways to advocate for policy changes that acknowledge the intersectionality of experiences. She is interested in advocating for policy through community-engaged approaches. Hope is passionate about racial and gender equity and is an ally for sex workers' rights. When not working or studying, Hope enjoys the company of her family and friends, taking walks, reading, painting, and dancing.

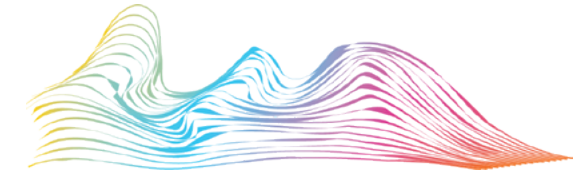
# Executive Summary

*Sex Work is one of the oldest occupations in the world. In Canada, discourse on constitutional rights and the legal standing of Sex Work came to the forefront in December, 2013.*

This occurred when the Supreme Court of Canada made its ruling on the case of *Canada v. Bedford*,<sup>1</sup> where the court struck down the criminal code provisions that restricted sex workers in three ways. These unconstitutional sections involved:

1. Prohibiting sex workers from communicating with clients in public,
2. Working from fixed locations and,
3. Prohibited others from receiving sex workers' earnings.<sup>2</sup>

To this day, sex workers in Canada are still fighting for their labour to be recognized. They are also fighting for the rights associated with the recognition that this labour should be supported nationwide. When the Supreme Court struck down the three sections that were unconstitutional, and not in line with the Charter of Freedom Rights for sex workers, most organizations supporting the decriminalization of Sex Work hoped the next step would be decriminalization. Organizations that were of this view included Amnesty International and Pivot Legal Society, among others.<sup>3</sup>



**To this day, sex workers in Canada are still fighting for their labour to be recognized.**

Unfortunately, striking these unconstitutional sections paved the way for the creation of the *Protection of Communities and Exploited Persons Act (PCEPA)*, which, according to Pivot Legal Society, "...replicates the pre-Bedford conditions by stripping sex workers of the opportunity to create supportive work environments where they can expect fair labour practices[141]."<sup>4</sup> This policy brief provides context on what has transpired in Canada and in other countries with similar systems and recommendations for the future. The challenges for sex workers persist, and this is why it is important to establish policies to establish a background for safe Sex Work.

# Background

*Canada v. Bedford's 2013 ruling was a win in that it helped strike down unconstitutional aspects of the previous laws on Sex Work.*

However, according to the Canadian Alliance for Sex Work Reform (CASWLR), the establishment of the PCEPA has created further constitutional challenges. According to Cape Breton Spectator "...[the] PCEPA represented a Canadian version of the so-called "Nordic Model" of prostitution regulation, which criminalizes those buying rather than those selling sexual services..."<sup>5</sup> The Nordic Model is one that ostensibly aims to eliminate prostitution by making it illegal without punishing sex workers themselves who are ultimately considered the victims of prostitution.<sup>6</sup> According to CASWLR in 2022, "...the government considers sex work to be inherently exploitative, PCEPA's overarching and ultimate objective is to "end demand" for Sex Work. The government also argues that there is insufficient evidence of the harm that PCEPA causes, and that the legis-

lation is useful for police as an investigative tool allowing them to find and help providers when they are in need of assistance."<sup>7</sup> Whereas there are issues when it comes to exploitation and/or trafficking, the generalizations created by PCEPA makes the conflation of Sex Work with these challenges and an understanding among the public that all sex work is survival Sex Work.<sup>7</sup> Survival Sex Work is defined as exchanging sex for basic needs such as food and shelter in situations where there are few other options.<sup>8</sup> It creates a savior complex within the execution of these laws. CASWLR states that "...[d]ecriminalization is one part of our larger struggle for the recognition and actualization of sex workers' rights—including the rights to autonomy and self-determination, security of the person, freedom of expression and association, equality and non-discrimination, self-determination, work



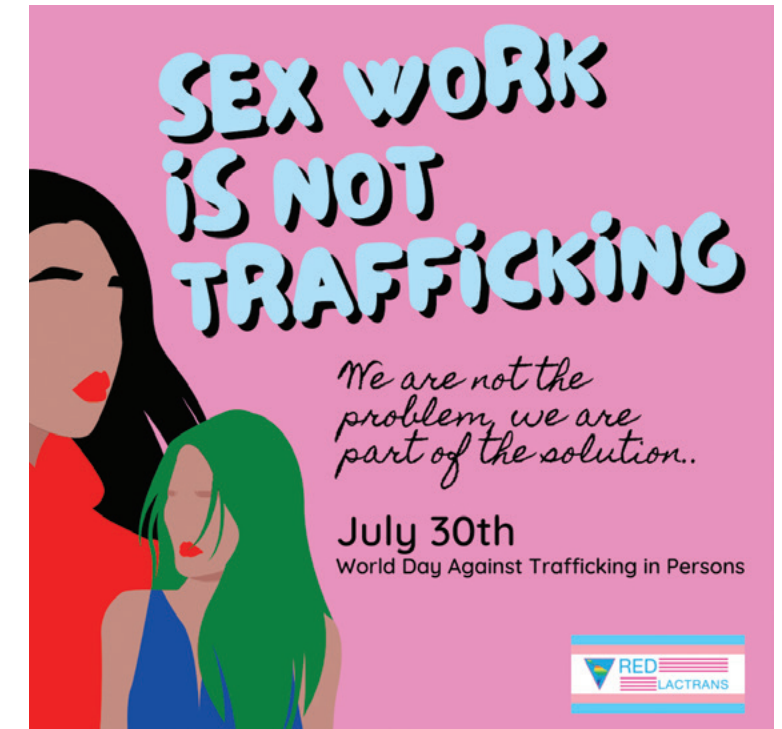
**Structural inequalities must be taken into consideration and addressed through policy to improve the livelihood and workspaces for sex workers.**



**Whereas there are issues when it comes to exploitation and/or trafficking, the generalizations created by Protection of Communities and Exploited Persons Act (PCEPA) makes the conflation of Sex Work with these challenges and an understanding among the public that all sex work is survival Sex Work.**

(and safe, healthy, just, working conditions), health, and dignity."<sup>9</sup> A recent qualitative study of sex workers across Canada, that spanned previous and current sex work laws, found that the rate at which indoor sex workers experienced violence had much more to do with pre-existing structural inequalities they experienced, such as poverty, racism, and mental illness, than engagement in sex work (O'Doherty 276, 2015).<sup>10</sup>

Therefore, I argue that these structural inequalities must be taken into consideration and addressed through policy to improve the livelihood and workspaces for sex workers. In 2003, New Zealand took the decriminalization approach in order to address the unsafe working conditions for sex workers." The role of the police in New Zealand is to work with the community to make it safe—and sex workers are part of the community. In other words, under The New Zealand Model, sex workers have the same recourse to justice as anyone else."<sup>11</sup> This approach is evident in the work that police departments across British Columbia (BC) have taken in creating policies regarding their approach to Sex Work. For example, the first policy was created by the Vancouver Police Department (VPD). A unified approach to address harm to sex workers was done via *The Sex Work Enforcement Guidelines*



and Principles by the BC Chiefs of Police, (New Westminster Police Department ((NWPD) 2023) and adopted by the Sex Work Enforcement Policy OB185.<sup>12</sup> All these policies aim to address the harms experienced by sex workers without revictimization. These enforcement and protection measures can vary by region, reflecting local priorities and resources. This difference in enforcement is the reason it is important to have additional policies to alleviate any further challenges that may expose sex workers to the harm they face.

Sex work is not trafficking. Image by redlactrans, Wikimedia Commons.

# Proposal

The challenge in creating policies regarding Sex Work arise from stigma, because of society's views of Sex Work, which is not as a form of labour, but as a by-product of moral failures.

For policies that align and improve safety for sex workers to be implemented, such as the ones created by police departments in BC, sex workers must be consulted through the creation of these additional policies. The majority of the challenges to Sex Work stem from the PCEA, which was established after the Canada v. Bedford ruling.

The following are recommendations that can align with the goal of improving the working conditions and rights of sex workers:

## 1 Recognize sex work as labour.

By allowing for unionization, if they so choose, and giving recognition to WorkSafe BC so they can receive support for physical or mental-health injuries. This can ensure that sex workers are entitled to ergonomically safe equipment, and protected from racism, deportation, and imprisonment threats.

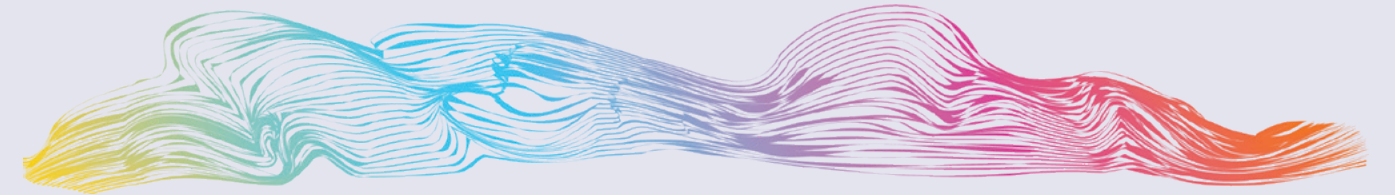
## 2 Consultation with sex workers and organizations.

Consultation to establish policies regarding how and when sex workers are afraid to make a claim against an employer for fear of arrest, scrutiny, deportation, and loss of income. Currently, they cannot access the legal remedies available to other groups of workers and are rendered vulnerable to labour exploitation and unsafe working conditions.

## 3 Addressing structural inequalities created by PCEPA.

In line with CASWRL, addressing, procuring this provision reproduces the harms of s. 212(1)(j) "living on the avails" that was struck down in Bedford. It perpetuates social isolation and increases the risk of violence against and exploitation of sex workers, who face fewer options for safe workplaces and fewer opportunities to choose among the people they work with.<sup>13</sup>

# Conclusion



Sex workers are members of our community, many of whom may choose to live a dual lifestyle because of the harm being recognized can potentially cause. Some people may participate in Sex Work in order to supplement an income, or what O'Doherty (2015)<sup>14</sup> defines as a "square job," while others, according to Pivot Legal Society, may engage in it for gender or sexual exploration.<sup>15</sup> Much of the discourse regarding Sex Work is framed around victimhood, which minimizes the agency that sex workers have. The Nordic Model contributes vastly to this mindset by playing into the trope of feminist universalism. Smart (1995) and O'Doherty's (308, 2015) "... assertion that feminist universalism is flawed and that we ought to take great care in arguing for expansive criminalization in the name of protectionism. Sex workers' demands to choose the conditions in which they have sex echo the core tenets of feminism. Furthermore, O'Doherty asserts that through her research "[n]inety percent of the interviewees concluded that the adult sex industry ought to be decriminalized.

**Whereas various people participate in Sex Work for various reasons, it is important to stay away from generalized victimization discourse.**

They asserted that the criminal code contains many other provisions that address violence; sex workers are no different from other Canadians and seek equal treatment under the law."<sup>16</sup>

Whereas various people participate in Sex Work for various reasons, it is important to stay away from generalized victimization discourse. It is better to move towards addressing other challenges such as poverty, mental-health challenges, immigration, addictions, and homelessness. Addressing these societal issues is critical to criminal justice policy reform. This can work hand-in-hand by improving the rights and conditions under which sex workers operate to reduce any harm that comes to them.

## ENDNOTES

1. Canada (Attorney General) v. Bedford (2013).
2. Pivot Legal Society Handbook. 2016.
3. Pivot Legal Society Handbook 2016.
4. Pivot Legal Society Handbook 2016.
5. <https://capebretonspectator.com/2023/05/10/pcepa-sex-work-constitution/>
6. Pivot Legal Society Handbook 2016.
7. CASWLR. <https://sexworklawreform.com/>
8. Prostitution Law Reform in Canada (2008).
9. CASWLR. <https://sexworklawreform.com/>
10. Tamara O'Doherty, "Victimization in the Canadian Off-street Sex Industry."
11. <https://www.nzpc.org.nz/The-New-Zealand-Model>
12. NWPD Response to the Calls for Justice Listening and Learning Through Respect and Understanding.
13. CASWLR. Executive Summary 2017.
14. Tamara O'Doherty, "Victimization in the Canadian Off-street Sex Industry."
15. Pivot Legal Society Handbook 2016.
16. Tamara O'Doherty, "Victimization in the Canadian Off-street Sex Industry."

## BIBLIOGRAPHY

Canada (Attorney General) v. Bedford, 2013 SCC 72, [2013] 3 S.C.R. 1101. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/13389/index.do>

Cape Breton Spectator. "So, How's That 'Nordic Model' Working Out?" Mary Campbell, May 10, 2023. <https://capebretonspectator.com/2023/05/10/pcepa-sex-work-constitution/>

CASWLR. <https://sexworklawreform.com/>

CASWLR Info Sheet EN—FINAL September 26<sup>th</sup>, 2022. <https://sexworklawreform.com/wp-content/uploads/2022/09/Infosheet-ENG.pdf>

CASWLR Executive Summary 2017. <https://sexworklawreform.com/wp-content/uploads/2017/05/Executive-Summary.pdf>

NWPD Response to the Calls for Justice Listening and Learning Through Respect and Understanding. <https://www.nwpolice.org/wp-content/uploads/NWPD-Response-to-the-Calls-for-Justice-Listening-and-Learning-Through-Respect-and-Understanding.pdf>

Pivot Legal Society. "Evaluating Canada's Sex Work Laws: A Case For Repeal." Brenda Belak, Darcie Bennett, 2016.

Pivot Legal Society. <https://www.pivotlegal.org/>

Prostitution Law Reform in Canada (2008).

The New Zealand Model. <https://www.nzpc.org.nz/The-New-Zealand-Model>

Vancouver Police Department Sex Work Enforcement Guidelines. <https://vpd.ca/wp-content/uploads/2021/06/sex-work-enforcement-guidelines.pdf>

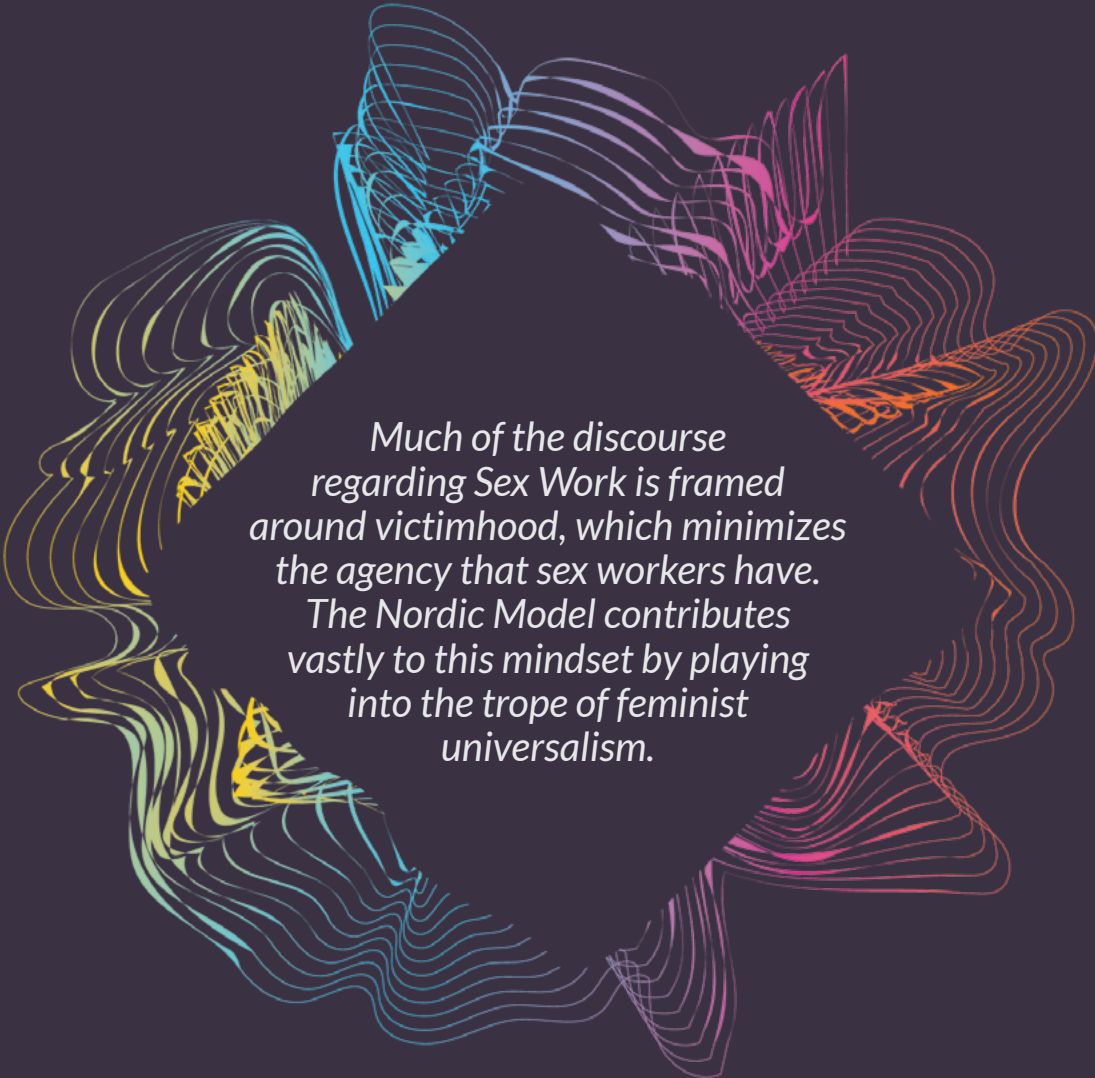
"Victimization in the Canadian Off-street Sex Industry." Tamara O'Doherty, 2015. [https://summit-sfu-ca.proxy.lib.sfu.ca/\\_flysystem/fedora/sfu\\_migrate/16216/etd9276\\_TO%27Doherty.pdf](https://summit-sfu-ca.proxy.lib.sfu.ca/_flysystem/fedora/sfu_migrate/16216/etd9276_TO%27Doherty.pdf)

## ACKNOWLEDGEMENTS

I want to acknowledge that this policy brief was written on the unceded and un-surrendered land of the Halkomelem-speaking peoples and Qayqat First Nations. I also want to acknowledge the territories that were a part of my journey in this program, the unceded and continuously occupied territories of the Songhees and Esquimalt First Nations. I am grateful to these Nations for allowing me to live, work, and play on their territories as an uninvited guest. I hope this policy brief can help to advance reconciliation and justice for Indigenous peoples across Canada and around the world.

As a recent immigrant to these lands, I feel it is my responsibility to be part of the solution and fight alongside the Indigenous people here. I also want to thank everyone who contributed to and helped me

throughout the process of dreaming, thinking, and writing this policy brief. To my fellow cohort participants: Thank you for holding my hand and giving me hope for the future. To Vancouver Foundation's LEVEL YPP team: Thank you for believing in me and empowering me to make the changes I want to see in the world. To my mentor, Kevin Huang, and my fellow mentees: Thank you for making this process so much easier. To the people, the LEVEL YPP team who shared their knowledge, and all of the faculty that participated in the course: Thank you for giving young people the building blocks we need to keep the work going. To Elder Deb: Thank you from the bottom of my heart for the wisdom and knowledge. To everyone: Thank you for being a part of this LEVEL YPP journey and being a part of my life on this journey.



*Much of the discourse  
regarding Sex Work is framed  
around victimhood, which minimizes  
the agency that sex workers have.  
The Nordic Model contributes  
vastly to this mindset by playing  
into the trope of feminist  
universalism.*

Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

200-475 W. Georgia Street  
Vancouver, BC, V6B 4M9

[ypp@vancouverfoundation.ca](mailto:ypp@vancouverfoundation.ca) [www.levelvf.ca](http://www.levelvf.ca) 604.688.2204

[f @LEVELVF](https://www.facebook.com/LEVELVF) [t @LEVEL\\_VF](https://twitter.com/LEVEL_VF) [@ LEVEL\\_VF](https://www.instagram.com/LEVEL_VF)



AN INITIATIVE OF

vansou<sup>o</sup>ver  
foundation