

Sex work laws and reform: The voices of Canadian sex workers

What you need to know:

Sex work regulation is controversial in many countries. Sex workers are typically left out of decision- and policy-making, despite their in-depth knowledge based on personal experiences that can inform the laws that significantly impact their livelihoods. This research shows that a criminalization framework presents many challenges for sex workers and that decriminalization is favoured by most of the study participants, however, some also see personal financial drawbacks in regulating their industry.

What is this research about?

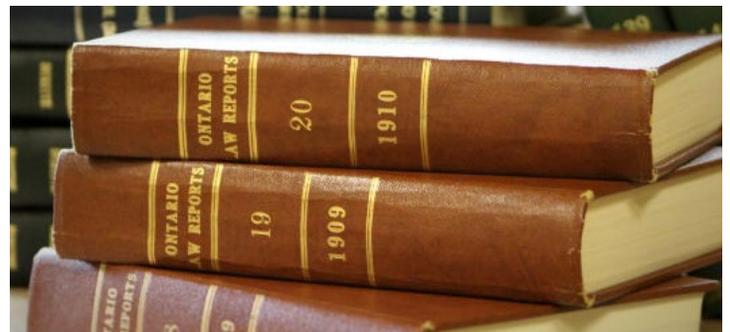
Typically, sex work is regulated in three ways: criminalization, legalization, and decriminalization. Historically, the exchange of money for sexual services has never been illegal in Canada. However, rules surrounding prostitution made it difficult to conduct sex work without breaking laws. In 2010, three former sex workers fought prostitution laws and argued that existing prostitution-related violations in the Criminal Code disregarded their basic human rights. The Supreme Court of Canada ruled in their favour in 2013 and opened a door for new regulations to normalize sex work and reduce stigma, and improve sex workers' health, safety, and social inclusion. However, this opening instead led to the creation of the Protection of

Communities and Exploited Persons Act, which continues to stigmatize and criminalize key components of sex work, and fails to take sex workers' experiences and outlooks into consideration.

What did the researchers do?

The researchers examined the perspectives and experiences of five groups in the sex industry: sex workers; sex workers' intimate partners; sex purchasers; managers of sex workers; and police and other service providers. This study focuses on Canadian sex workers' views on the laws prior to the implementation of the Protection of Communities and Exploited Persons Act and their recommendations for changes to legislation.

The researchers collaborated with sex worker-led organizations, outreach agencies, and public health/human rights groups to design the study, recruit participants, and support interpretation of the findings. The researchers collected information from a group of 218 sex workers via questionnaires and interviews. The researchers recruited participants from six cities across the country to include a diverse range of sex workers in the study.



Sex workers are typically excluded from decision-making that impacts their industry (Photo credit: publicdomainstockphotos | [Stock Free Images](#)).



What did the researchers find?

Three main themes emerged from the participants' opinions:

- The challenges criminalization posed to sex workers
- Suggestions for legal reform
- Potential issues with legal reform

Sex workers often conduct their work in a state of uncertainty and have antagonistic relationships with the police due to the criminalization of sex work and unclear laws. They are less likely to access protective services and health resources due to fears of being ridiculed, arrested or victimized by police.

Many participants advocated for removing laws that make sex work illegal. Some suggested regulating sex work like other low-prestige jobs. Participants also highlighted the importance of understanding the difference between consensual sex work and forced sex work and human trafficking. However, not all of the participants were in favour of decriminalization or other forms of legal reform as they believe regulation would result in more people entering the industry and decreasing their personal incomes.

How can you use this research?

This research contributes to a small base of existing research that examines sex workers' views on legal reform relating to the sex industry. It can provide other researchers with a framework to conduct further research on the lived experiences of sex workers that can potentially inform future policies and decision-making. The researchers will use the findings as they continue on to a second phase of research with sex workers.

About the researchers

Cecilia Benoit is a Scientist at the Canadian Institute for Substance Use Research (CISUR) and a Professor Emeritus in the Department of Sociology at the University of Victoria.

Mikael Jansson is a Scientist at CISUR and an Adjunct Assistant Professor in the Department of Sociology at the University Of Victoria.

Michaela Smith is a Research Coordinator at CISUR

Jackson Flagg is a Research Assistant at CISUR.

Keywords

Sex workers; criminalization; decriminalization; regulation; prostitution; Canada

Citation

Benoit, C., Jansson, M., Smith, M., & Flagg, J. (2017). "Well, it should be changed for one, because it's our bodies": Sex workers' views on Canada's punitive approach towards sex work. *Social Sciences*, 6(2), 52-68.
doi:10.3390/socsci6020052

Content for this Research Snapshot was co-created by [UVic's Research Partnerships and Knowledge Mobilization unit](#) and CISUR Scientist, Dr. Cecelia Benoit.