

This card explains a sex work-specific criminal offence to help you understand when you are involved in criminal activity. This may help inform your decisions and capacity to work safely.

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. It is not intended to influence anyone to commit illegal acts.

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CLIENTS AND THE LAW

Before Dec. 2014, clients could be prosecuted for communicating in public and for being found in an indoor location where sex work takes place ("bawdy house").

Now, clients can be prosecuted for purchasing OR communicating for the purpose of purchasing sexual services, in ALL contexts.

PURCHASING: the offence

Section 286.1(1) makes it a criminal offence to, in any place and at any time:

- Communicate with anyone for the purpose of obtaining sexual services for consideration; and/or
- Obtain sexual services for consideration.



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

In other words, a client can be prosecuted:

- for having communicated about purchasing sexual services, even if they did not receive the service. This includes communications in public or private, and by any means, e.g. in person, online, by phone, by text.
- for having purchased/obtained sexual services anywhere: in public or in private.

IMPACTS

When clients fear detection by police, they may avoid visible areas, avoid explicit communication about terms and conditions of sexual services and rush the initial communication.

Because of this, sex workers:

- Work in isolated and unfamiliar areas where they are more vulnerable to violence.
- Are unable to properly screen potential clients.
- Work longer hours and more often to generate the same income.
- Provide services they would not otherwise be prepared to.

These impacts negatively affect sex workers' safety and increase possible tensions with other community members.



In all sectors of the sex industry, fear of criminalization prevents clients from sharing information that some sex workers want before meeting. This means that sex workers are less able to properly screen clients, create safety measures, and control their services and work environment.

ENFORCEMENT OF THE LAW

The criminal laws related to sex work 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 sex work laws can vary from one city or region to another.



POSSIBLE SENTENCE

Sentencing depends on the specific case and on many factors. For example, the accused's prior criminal record, their current situation, the context of the offence and of their arrest, if they are charged with a summary or indictable offence, and whether they have been previously charged for obtaining sexual services.

The sentence can be a fine or prison time:

A prison sentence can vary from 18 months to 5 years.

A fine can vary from \$500 to \$4,000.

It is doubled if the client is arrested near a park, school ground, religious institution or any other place where minors "can reasonably be expected to be present."

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CONTACT US FOR MORE INFORMATION OR SUPPORT

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