

This card explains sex work-specific criminal offences 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.

revised March 2023

## OUR FRIENDS, FAMILY, AND THE LAW

As sex workers we are often concerned that the people close to us are at risk of being criminalized because they associate with us. Our friends and family may be at risk of arrest and prosecution because the police and Crown prosecutors have collected evidence to accuse them of a following criminal offence:

1. Procuring sexual services
2. Advertising sexual services
3. Receiving a material benefit from sexual services
4. Selling sexual services in public
5. Participating in the purchase of sexual services

See *Third Parties and the Law*, *Advertising and the Law*, and *Public Space and The Law*.

## LOVERS, PARTNERS, BOYFRIENDS, GIRLFRIENDS, SPOUSES:

The people in our lives may be at risk of prosecution for these offences because they book our hotel rooms, solicit and communicate with clients, take our pictures and post our ads, because we support them financially, etc.

Their level of risk may depend on many factors, such as our relationship with them, their existing relationship with legal systems, the context in which we work, the extent to which we are profiled and targeted by police, and whether or not we are also involved in other criminal activities.

1. **“PROCURING”**: The definition is extremely broad. If the Crown can prove that your friend, lover, partner, etc. helps you organize your work and facilitate the purchase of your services, they could be prosecuted for procuring. This can include evidence that they communicated and set up meetings with clients, booked your rooms or travel, etc. For more, see *Third Parties and the Law*.
2. **“ADVERTISING”**: If the Crown can prove that they advertised your sexual services, they could be prosecuted for advertising. This could include evidence that they created and uploaded your ads, paid for your ads, hosted your ads, etc. For more, see *Advertising and the Law*.

### CONTACT US FOR MORE INFORMATION OR SUPPORT

2065 Parthenais Street (North of Ontario Street)  
Suite 404, Montreal (QC) H2K 3T1  
Frontenac Metro  
www.chezstella.org  
Phone : (514) 285 - 8889

For collect calls from women detained in the Montreal area: (514) 285 - 1145



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| I. ADVERTISING AND THE LAW          | VI. ARREST AND DETENTION                 |
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3. **“RECEIVING A MATERIAL BENEFIT”**: Depending on the context, they could be prosecuted for receiving a “material benefit” from your sexual services. **There are some “exceptions” to this offence:**

- if you are in a “legitimate living arrangement”. Yet the law does not define “legitimate living arrangement” and prosecutors and judges use their own personal values and experiences to define this.
- if the “benefit” results from a “moral or legal obligation”. This could include everyone who is legally under your care (e.g., minor under 18 yrs., family/community member over 18 for whom we are legally responsible). Yet parents who are also sex workers face discrimination and stigma from many institutions (daycares, schools, health and social services, etc.) which can result in problems with Youth Protection Services or custody cases.

**BUT these exceptions do NOT apply in the contexts described in the next box!**

**“Exceptions” to the “material benefit” offence do NOT apply to anyone who:**

- “engaged in conduct that would constitute a procuring offence”; OR
- worked in a “commercial enterprise that offers sexual services for consideration”; OR
- provided alcohol/drugs for the purpose of aiding you to provide sexual services.

If your friend, lover, etc. works as a third party in the sex industry as a driver, booker, security, etc., **they can be excluded from the “exceptions” and prosecuted if the Crown can produce evidence that:**

- they facilitated the purchase of your services, OR
- they received a profit from your services, OR
- they provided you with drugs/alcohol in the context of your work.

See *Third Parties and the Law*.

## THE “PRESUMPTION”

One of the reasons we are concerned that our friends and lovers are criminalized is because of the “presumption” that is still in the law. The law states:

“Evidence that a person lives with or is habitually in the company of (a sex worker) is, in the absence of evidence to the contrary, proof that the person received a financial or other benefit from the sex workers’ services.”

With most criminal offences the prosecutor has to prove that the accused committed the crime that they are accused of. But in this case, it’s the accused who has to prove that they did not commit the “crime” (receive a material benefit). The prosecutor simply has to prove that this person lives with you or is habitually in your company.

If your friend, lover, partner, etc. is also a sex worker who **only profits from their own services and does not work as a third party** for you or another sex worker, they should not be at risk of prosecution unless they solicit their clients in public. (See *Public Space and The Law*).

Sex work criminalization and stigma can also come into play when our relationships end or get complicated, such as in family court, in intimate partner violence situations or when one of us is arrested for other crimes. Seek appropriate legal information if you are concerned about any of those situations.