

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.

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PUBLIC SPACE AND THE LAW

SAME STORY, DIFFERENT PACKAGE

Before Dec. 2014, sex workers could be prosecuted for communicating anywhere in public view for the purpose of selling sexual services.

Sex workers can still be prosecuted for communicating in public IF they are near certain areas (see below).

Remember: Your client can be prosecuted for purchasing sexual services no matter the location (see *Clients and the Law*).



THE OFFENCES

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

Sections 213(1) (a) and (b) do not require verbal communication. Sex workers in public can be prosecuted if, for the purpose of selling sexual services, they:

- **stop or attempt to stop a vehicle; or**
- **block the circulation of pedestrians, vehicles, or the entrance/exit to a place.**

IMPACTS

- Sex workers who work on the street are still targeted by police.
- Sex workers working in public continue to experience uncertainty and fear of arrest and exclusion from public space.
- Sex workers are still displaced into more isolated and therefore unsafe areas, because they are avoiding numerous parks, playgrounds and daycares in urban settings.
- Hostility towards sex workers is encouraged, notably through the idea that sex workers are a threat to children.
- Resulting criminal records greatly reduce sex workers' options for housing and employment.



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

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.



If you are charged with a criminal offence, the Crown (govt. lawyer) must show evidence to convince the judge or jury that you committed it. **No matter where you are or what legal exceptions may apply, any time you speak to police you are making a statement.** This statement is evidence that can be used to charge and prosecute you or other people (e.g., people you live with, dealer/seller, client, partner, members of community or family). It could be used in your trial, in someone else's trial, or to influence someone to plead guilty or to provide information.

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CONTACT US FOR MORE INFORMATION OR SUPPORT

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