

**Moving Beyond End-Demand Legislation: Understanding  
the impact of client criminalization on sex worker health  
and safety and policy alternatives to end-demand  
approaches to sex work**

by

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## **Abstract**

This project explores the role of client criminalization in shaping the health, safety and human rights of sex workers and evaluates potential policy options to improve the occupational health and safety of sex workers in Canada. As part of a longstanding community-based study (An Evaluation of Sex Workers' Health Access; AESHA) this capstone draws on 47 in-depth qualitative interviews with sex workers and third parties in indoor venues between 2017-2018, as well as a literature review on client criminalization and previously adopted policy interventions in various settings. A range of policy options were identified to address sex workers' occupational health and safety, including decriminalization, legalization and the elimination of unrequested police involvement in sex work, and were evaluated against selected criteria. Findings suggest that decriminalization is expected to have the greatest impact on improving sex workers' health and safety. Notably however, anti-sex work opposition remains a significant barrier in implementing decriminalization in Canada. Considering the time, effort and political will required to create an appropriate decriminalization model, the recommendations of this analysis are two-fold: (1) immediately eliminate unrequested police involvement in the sex industry and implement a Good Samaritan law to provide sex workers with the space to define a decriminalization model without the threat of punitive policing; (2) take the time to directly include and consult with the sex work community to establish a decriminalization framework that meets the needs of Canadian sex workers.

**Keywords:** sex work; end-demand criminalization; client criminalization; occupational health and safety; decriminalization

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## Glossary

**Criminalization:** Any environment where some or all aspects of selling sex, buying sex and/or organizing for the aforementioned objectives are criminalized.

**Decriminalization:** A model wherein criminal penalties for sex work are removed and sex work is regulated under existing laws and processes, rather than through exceptional measures. This model currently exists in New Zealand and New South Wales, Australia.

**End-demand criminalization (aka the Nordic model):** A model wherein the purchase of sex and anyone who commercially profits from the proceeds of sex work (e.g. receptionists, drivers, managers, etc.) are criminalized. This has been implemented in various settings including Sweden, Norway, Canada and France.

**Legalization:** A model wherein sex work as well as sex workers are offered limited legal status based on various structural identities, including immigration status, age, and geographic location. Regulatory models to govern sex work have been implemented in diverse settings including in the Netherlands, Germany, Guatemala, Switzerland, parts of Australia, Mexico and Senegal.

**Sex work:** The consensual provision of sexual services for money or goods between adults.

**Sex worker:** Includes all people who receive money or goods in exchange for sexual services, and who consciously define those activities as income generating even if they do not consider sex work as their occupation.

**Third parties:** People who play ancillary roles in commercial sex. This includes arranging meetings between sex workers and clients and/or providing resources and services. These roles vary from place to place and in terms of influence and power over commercial sex and sex workers.

## Executive Summary

In Canada, after a Supreme Court of Canada decision striking down punitive provisions of past sex work laws as unconstitutional, new sex work legislation was passed in Canada in 2014 that recriminalizes sex work under a paradigm known as ‘end-demand’ criminalization. This approach to the regulation of sex work criminalizes the purchase of sex and anyone who commercially profits from the proceeds of sex work (e.g. receptionists, drivers, managers, etc.). Originating in Sweden, various iterations of end-demand have been implemented in a number of countries over the past two decades, including, Norway, Iceland, and France. End-demand laws are purported to abolish sex trafficking, promote gender equality, and eradicate sex work by ending the demand for paid sex. In effect however, end-demand laws have been found to recreate the harms of previous punitive approaches to sex work, while introducing new restrictions that put sex workers in precarious legal positions. This capstone explores the ways that the criminalization of sex workers’ clients shapes sex workers’ health, safety, and experiences in the industry, and identifies and evaluates policy alternatives that better support the occupational health and safety of sex workers in Canada.

As part of a longstanding, community-based study (An Evaluation of Sex Workers’ Health Access; AESHA) this capstone draws on 47 in-depth qualitative interviews with sex workers and third parties in in-call venues between 2017-2018. A literature review focusing on client criminalization in Canada and previously adopted policy interventions in various settings was also conducted in order to better understand the impacts of client criminalization and to assist in the conceptualization and development of policy options. Informed by an intersectional lens including a structural determinants of health framework, this multi-level analysis highlights the role of macro-structural factors, including policy reforms, in shaping the everyday experiences and occupational health and safety of sex workers.

Findings demonstrate the pervasive role of client criminalization in informing sex workers’ work, suggesting that Canada’s prohibitive sex work laws undermine sex workers’ safe working conditions and access to services. Participants pointed to the significant relationship between client criminalization, sex industry stigma, and higher rates of violence, and discussed how broad structural factors influence their working environments and interpersonal relationships with clients. Collectively, this evidence indicates a need to move beyond criminalization and punitive, enforcement-based approaches to sex work and stresses the importance of sex worker involvement in the creation of policies governing sex work.

Based on participant narratives and the literature review, three policy options to improve the occupational health and safety of sex workers were identified, including: full decriminalization of sex work; legalization of sex work; and the elimination of the unrequested involvement of police in the sex industry. Policies were compared and evaluated in terms of their ability to advance security and protection, equity and fairness, and freedom and liberty. The administrative complexity and stakeholder acceptance of policy options were also considered in the analysis.

Through this evaluation, the strengths and weaknesses of each policy option were outlined. Legalization was shown to be the least effective policy approach in supporting sex workers. While legalization may improve working conditions and health and safety standards within licensed indoor environments, sex workers who are unable or unwilling to comply with state-imposed regulatory requirements are expected to be put into more vulnerable positions, negatively shaping their occupational health and safety. In contrast, the elimination of police involvement in the sex industry was expected to have a positive impact on sex workers' occupational health and safety by mitigating client and sex worker fear of police targeting and intervention, and would be relatively easy to introduce. Despite this, this option may face pushback from carceral feminists, and wouldn't address all of the harms – including the aim to eradicate sex work – embedded in end-demand frameworks. Decriminalization was shown to be the most effective policy option in reducing experiences of violence and stigma and protecting sex workers' rights. In establishing decriminalization in Canada however, it is critical that governments work collaboratively with sex workers to create policy guidelines that reflect the needs of the community.

Considering the time, effort and political will required to create an appropriate decriminalization model in Canada the recommendations of this analysis are two-fold: (1) immediately eliminate unrequested police involvement in the sex industry and implement a Good Samaritan law to provide sex workers with the space to define a decriminalization model without the threat of punitive policing; (2) directly include and consult with the sex work community to establish a decriminalization framework that meets the needs of sex workers in Canada.

# Chapter 1.

## Introduction

After a Supreme Court of Canada decision striking down punitive provisions of past sex work laws as unconstitutional, new sex work legislation was passed in Canada in 2014 that recriminalizes sex work under a paradigm known as ‘end-demand’ criminalization. This approach to the regulation of sex work criminalizes clients (i.e. anyone who purchases sex services) and third parties (i.e. anyone who commercially profits from the proceeds of sex work, including receptionists, managers, website providers etc.). While the selling of sex is legal under some restricted circumstances (i.e. in private spaces), Canada's end-demand approach also retains measures that explicitly target and criminalize sex workers, upholding sweeping criminalization of the industry. This includes prohibitions on sex workers who are not permanent residents from being able to work legally, and restrictions on communicating in public in certain areas or advertising services (Krüsi et al., 2014; Protection of Communities and Exploited Persons Act of 2014; Belak & Bennett, 2016; Machat et al., 2019). For those working indoors, client criminalization also effectively prevents any business offering sexual services from selling services legally, significantly hampering indoor working environments (Bungay & Guta, 2018). This capstone has two primary objectives: (1) examine the effects of client criminalization on client behaviour from the perspective of in-call (e.g. massage parlour, brothel, informal indoor space, etc.) sex workers and third parties; (2) expand on the narratives of indoor sex workers and third parties to conceptualize and evaluate policy alternatives and make policy recommendation(s) that support the occupational health and safety of sex workers working in Canada.

Originating in Sweden, various iterations of end-demand criminalization have been implemented in a number of countries over the past two decades, including, Norway, Iceland, and France. The ultimate goals of end-demand laws are to abolish sex trafficking, promote gender equality, and eradicate sex work by ending the demand for paid sex (NSWP, 2011; NSWP 2018; McBride et al., 2020). In effect however, these laws perpetually place sex workers within a complex duality of criminality and victimization, reinforce moralistic concerns about the commodification of sexual activity, and undermine sex workers' occupational health, safety and human rights (Canadian HIV/AIDS Legal Network, 2019; Platt et al., 2018; Belak & Bennett, 2016).

End-demand policies are motivated by arguments that "Gender equality will remain unattainable so long as men buy, sell, and exploit women" (p. 2, Brents et al., 2020). Embedded within end-demand legislative approaches therefore is a radical feminist ideology that conceptualizes all sex workers categorically as women and as 'at risk' of exploitation and gendered sexual violence, in need of rescue, and all clients as men who are perpetrators of violence, coercion, and exploitation (Bruckert & Hannem, 2013; Bruckert, 2014; Krüsi et al., 2016). As a result, end-demand criminalization legally enshrines sex workers as victims, and clients as predators, invalidating the labour of sex work and the rights and autonomy of people who sell or trade sexual services (Benoit et al., 2017; Canadian HIV/AIDS Legal Network, 2019).

By conceptualizing all clients homogenously as predatory men, the laws reduce the relationship between workers and clients to one of violence and exploitation, and ignore the fact that clients pay for sex for a number of different reasons and exist along a broad spectrum of socio-economic status, race, ethnicity, age, ability, and gender (Brents 2020; Birch 2015; Lowman and Atchison, 2006; Atchison, 2010; O'Doherty 2015). Research focusing on clients in Canada highlights the varied socio-demographics and motivations for purchasing sexual services among clients, complicating the application of a singular identity to those that procure sexual services as deviant or violent. For example, a project that engaged over 250 clients found that in addition to sex the majority sought sexual services for companionship and conversation (Benoit et al., 2014); a similar study that surveyed over 800 sex buyers revealed that respondent demographics paralleled the diversity of the general public, varying in terms of age, education and income level, gender, sexuality, and marital status (Atchison, 2010); while research examining online sex work review forums found that clients' identities were multifaceted, with most clients describing themselves as "ordinary citizens" (p. 293 Sterling & van der Meulen, 2018). Despite this work, client perspectives have been traditionally ignored by researchers and legislators. This is problematic as proponents of end-demand legislation are often characterizing clients and their behaviour based on moralistic, heteronormative assumptions about buying sex rather than on empirical evidence, leading to poorly conceived policy interventions that continue to put sex workers and their clients at risk of violence and ill health (Atchison, 2010; Lowman and Atchison, 2006; Machat et al., 2019).

The consequences of this rigid, deviance-focused portrayal of clients are evidenced in Canada's end-demand approach to sex work. Here, client criminalization has resulted in the continued, widespread criminalization of the sex industry. Quantitative evidence has shown that end-

demand legislation threatens the health and security of sex workers by making their work less visible, and reproduces the same risks and harms of previous prohibitive legislative frameworks whereby targeting clients still leads to increased incidences of violence, theft, rushed transactions and improper screening, and limits access to police protections (Argento et al., 2020; Machat et al., 2019; McBride et al., 2020; O'Doherty, 2015; NSWP 2011; Belak & Bennett, 2016). Client criminalization has also made some workers more hesitant to call the police for assistance out of fear that they may be criminalized themselves, or that police presence might intensify an already violent situation, with this knowledge leaving some clients more emboldened to take advantage of workers (Manning & Bungay, 2017; Bungay & Guta, 2018; Krüsi, et al., 2014, Le Bail et al., 2019; Crago et al., 2021).

## **Current Study**

While existing research has shown that prohibitive sex work laws undermine safe working conditions and restrict sex workers' access to health and institutional supports due to concerns of criminalization, violence, and stigma, the majority of this work focuses on quantitative analyses and street-based sex workers. Currently, there is limited understanding of how client criminalization shapes the occupational health and safety of sex workers working in in-call venues from the perspective of sex workers and third parties in Canada.

More specifically, despite the fact that roughly 80% of sex workers work in indoor settings, much of what is known about client criminalization concerns sex workers situated within street-based settings (O'Doherty, 2015; Bungay & Guta, 2018, Krüsi et al., 2014). While this is important, sex workers' experiences with clients and client criminalization in this highly visible context generally differs from those working in indoor or online environments. Based on this, there is a need to qualitatively explore the experiences of sex workers working in off-street venues.

Similarly, little research has been done on the impact that client criminalization has on clients. While work by Lowman and Atchinson (2006), Atchinson (2010), and Benoit et al., (2015) has explored the heterogenous nature of this group and the relationships that develop between sex workers and clients, there remains a lack of understanding around how client criminalization shapes client behaviour and subsequently impacts indoor sex workers.

Further, while research has shown the positive impact that third parties have in improving sex worker safety (Anderson et al., 2015; McBride et al., 2020) few studies document the

perspectives of third parties themselves. Additionally, limited research has explored how client criminalization impacts the ability of third parties to support sex workers in indoor settings.

Considering all of this, this project aims to bridge a fundamental gap in the literature by exploring the ways that the explicit targeting of clients shapes the lived experiences of sex workers working in indoor environments and builds on these findings to identify and evaluate policy reforms.

This project draws on intersectionality, which recognizes the multi-level interacting social locations, forces, factors and power structures that inform and influence sex workers' lives. Intersectionality promotes an understanding of human beings as shaped by the interaction of different social locations (e.g., race/ethnicity, gender, class, sexuality, geography, age, disability/ability, migration status, religion, etc.) and provides additional context regarding the role of power and structural forces (Gkiouleka et al., 2018; Hankivsky & Cormier, 2009; Crenshaw, 1995). Included within this intersectional analysis is a structural determinants of health framework, which moves beyond individually focused approaches to understanding sex workers' health and wellbeing, to consider the complex and overlapping social structures and economic systems that are responsible for health and social inequities. This includes structural and societal factors, such as cultural norms, policies, institutions, social and physical environment, etc. (Shannon et al., 2014). Through the lens of intersectionality, including a structural determinants of health framework, the two central aims of this project are: (1) to disentangle the complex and dynamic ways that client criminalization operates to shape the occupational health and safety of sex workers at the micro, meso and macro environment level; (2) identify and evaluate policy alternatives that better support the occupational health and safety of sex workers in Canada.

## Chapter 2.

### Methods

To better understand the ways that the criminalization of sex workers' clients adversely impacts the occupational health and safety of indoor sex workers, and to inform and evaluate potential policy responses, data from 47 in-depth qualitative interviews with sex workers and third parties (i.e. anyone who commercially profits from the proceeds of sex work) working in indoor environments across Metro Vancouver between 2017-2018 were utilized. This work is part of the AESHA (An Evaluation of Sex Workers' Health Access) project, a community-based longitudinal, cohort and qualitative study which investigates the impact of social and structural factors on sex workers safety, health, and human rights. This particular project was conceptualized and developed by myself, and AESHA's qualitative research team.

Building on the strong ties AESHA has in community, recruitment for qualitative interviews was facilitated by the AESHA outreach team. Eligibility criteria included currently working in an in-call venue (as a sex worker or third party), and being 18 or older. Many of the study participants already had longstanding relationships with the project through regular contact with myself and other AESHA outreach workers. The research team purposively invited participants to include a diverse array of experiences and perspectives (i.e. gender, race, sexuality, im/migration status, venue type, etc.) and also relied on snowball sampling within larger venues, as participants invited their co-workers to participate.

The 47 semi-structured interviews were conducted by three experienced qualitative interviewers in English, Mandarin, and Cantonese, and were facilitated by an interview guide encouraging broad discussions of end-demand criminalization, working with third parties, access to health and social services, and experiences as an im/migrant sex worker and/or third party. It was critical that interviewers were able to speak Mandarin or Cantonese, or have lived experience working in indoor environments in order to engage participants. Considering this, I did not conduct any of the qualitative interviews used in this analysis. The interview guide was developed based on the existing knowledge of the qualitative research team and in collaboration with our community partners. Interviews took place at various locations across Metro Vancouver as decided by the participant. Interviews lasted between 25 and 148 minutes, were audio recorded, and transcribed verbatim. All participants provided informed consent

and were remunerated with a \$30 honorarium for their time. This study holds ethics approval by the UBC/Providence Research Ethics Board.

Data analysis included inductive and deductive approaches (Bradley et al., 2007). Drawing on a structural determinants framework, and based on key themes reflected in the interview guide broad, deductive codes were initially applied to the transcripts in NVivo. This initial coding, in tandem with regular meetings with the research and outreach team, informed the development of my coding framework (Appendix). Using inductive and deductive methods to further refine the themes of the initial analysis I applied a second-round of codes to give focus to how the criminalization of clients shaped participants' experiences of occupational health and safety, and to evaluate and conceptualize potential policy options.

An intersectional lens (Gkiouleka et al., 2018; Hankivsky & Cormier, 2009; Crenshaw, 1995) was applied to my analytical process, which was operationalized through constant comparison of participants' narratives based on social locations (e.g. race, gender, ability, etc.). Consistently, a structural determinants of health framework (Shannon et al., 2014) was adopted to organize the findings using a multi-level approach that is split into three distinct sections: micro, meso, and macro environments. This analysis allowed us to demonstrate how interacting processes and structures of power inform the lived-experiences of indoor sex workers and their clients, and give focus to how social and structural conditions shape sex workers' occupational health and safety.

In addition to the qualitative analysis, a literature review, as well as background research on previously adopted policy interventions was conducted to better understand the broader impact of client criminalization on the occupational health and safety of sex workers and to assist in the conceptualization and development of policy alternatives. The literature review and background research provided further context around the policy issue, and offered relevant areas of consideration when identifying and analyzing potential policy options.

## Chapter 3.

### Literature Review

#### Client Criminalization in Canada

Canada's sex work laws are built on the foundational assumption that all sex workers are at risk of exploitation, coercion, or gendered sexual violence, and in need of protection from predatory clients (Bruckert, 2015; McBride, 2019). Despite the intention of these laws, Belak and Bennett (2016) document that client criminalization legislation in Canada actually puts sex workers at increased risk of harm. Particularly, client criminalization has resulted in sweeping criminalization of the sex industry, threatening the physical and economic security of sex workers (Belak & Bennett, 2016; Canadian HIV/AIDS Legal Network, 2019). This has notable impacts on sex workers' health and well-being and has been shown to diminish sex workers' access to health care, social services, justice, and housing (Platt et al., 2018; Krüsi et al., 2014; Argento et al., 2019; Benoit et al, 2016; NSWP, 2018).

Although the intention of end-demand legislation was to improve sex worker safety, research by Machat et al. (2019) found that 26.4% of Vancouver sex workers reported negative changes in their working conditions with the implementation of this new legislation, while 72.2% reported no changes. In line with this, research by Krüsi et al. (2014) saw that end-demand laws led to continued police enforcement and surveillance of clients. This was found to impact the safety strategies employed by workers due to client fear of police detection, including reducing their ability to properly screen clients, and further reinforced workers' mistrust of the police. Laws criminalizing clients have also been shown to inculcate sex work stigma, infringing on workers' ability to access police supports, health, and social services out of fear of being 'outed' or discriminated against (NSWP, 2018; Crago et al., 2021). In some cases, client knowledge that workers are reluctant to call the police exacerbates incidences of violence (Manning & Bungay, 2017; Bungay & Guta, 2018; Krüsi, et al., 2014), with im/migrant workers being most impacted due to the criminalization of their migration status, fear of police detection and deportation, or being stigmatized by their community (Chu & Glass, 2013; McBride et al., 2020; Goldenberg et al., 2017).

Notably, these negative impacts have also been observed in countries outside of Canada that criminalize clients. Sex workers in France and Sweden reported that the introduction of client

criminalization has resulted in their working environments being targeted by the police, forcing many underground. This move has resulted in lost wages, increased incidences of violence, and negative health outcomes (Le Bail et al., 2019; NSWP, 2011).

## **Client Demographics, Behaviour and the Impact of Criminalization on Clients**

In a Canadian study made up of 861 clients, Atchison (2010) found that client characteristics were comparable to the general public, demonstrating that sex buyers come from all ages, education levels, genders, and occupations. These findings are in line with work done in Australia with a cohort of 309 clients. Similarly to Atchison's work, this client sample was made up of a diverse group of participants who varied in terms of age, race, ethnicity, income level, occupation, and marital status (Birch, 2015).

Studies that compare non-sex buying men to clients suggest that there are no significant differences between the groups on attitudes towards violence (Lowman, Atchison & Fraser 1997; Monto, 2004). In fact, recent work by Brents et al. (2020) saw that off-street clients actually had more egalitarian attitudes toward women's gender roles than the general population. Consistent with this, Lowman and Atchison (2006) found that while violence in the sex industry certainly exists, a minority of clients commit acts of violence against sex workers, with a small proportion of sex buyers accounting for most of the violence. Their survey results showed that 80.3% (n=61) of clients reported that they had not committed any violent offences (including robbery and coercion), while only 2.6% (n=2) indicated that they had ever been physically violent towards a commercial or non-commercial partner.

Further research indicates that clients procure sex for different reasons, including companionship, to help their marriage, to explore their sexuality, and for intimacy and sexual pleasure and have unique relationships with workers (O'Doherty, 2015).

With respect to the law, client criminalization has forced clients underground in order to avoid being stigmatized or detected for buying sex (Krüsi et al., 2014; Sterling & van der Meulen, 2018; Belak & Bennett, 2016). Research that engaged over 250 clients from across Canada found that the majority of sex buyers are concerned about stigma. 90% of buyers said that they actively hide their sex purchases, and over 50% said that friends and family would see sex buying as a moral failure (Benoit et al., 2014).

Since the implementation of client criminalization, clients have been found to be increasingly anxious about police surveillance and arrest (Belak & Bennett, 2016). In order to accommodate clients' fear of police, workers are forced to work in more hidden working environments (Krüsi, et al., 2014). In tandem with this, clients' concern around maintaining anonymity means that they are less likely to give workers personal details (Sterling & van der Meulen, 2018). Crucial information such as clients' full name is generally not provided, limiting workers' ability to screen clients and protect themselves (Krüsi et al., 2014; Sterling & van der Meulen, 2018).

## **Indoor Sex Workers and Client Criminalization**

It is estimated that roughly 80% of sex workers work in indoor settings (Bungay & Guta, 2018; Handlovsky et al., 2012). Considering the high percentage of workers who work in off-street environments, it is unsurprising that there is significant heterogeneity amongst this population with respect to work location and other social factors such as migration, gender, race, and socio-economic status (Bungay et al., 2011; O'Doherty 2015; McBride et al., 2020).

Off-street sex workers tend to experience lower rates of victimization in comparison to street-based workers (Bungay & Guta, 2018; O'Doherty, 2015). Notably however, emerging research indicates that the prevalence of violence among indoor workers since the implementation of client criminalization is still between 25% and 66% (Bungay & Guta, 2018). These experiences have prompted indoor workers to employ safety strategies to reduce the risk of violence, including, creating a relaxing atmosphere to reduce client anxiety, building trust, requiring payment up front, hiding personal belongings, and negotiating terms beforehand (Bungay & Guta, 2018).

Im/migrant sex workers make up a large portion of the indoor sex work community. Restrictive immigration policies, which explicitly criminalizes sex work amongst temporary residents and im/migrants, in tandem with anti-trafficking discourses shapes migrant sex workers experiences in the industry (Platt et al., 2011; O'Doherty, 2015; McBride et al., 2020). Fear of deportation, stigma, and privacy concerns create significant barriers in accessing police supports, placing these workers at increased risk of client violence and exploitation (McBride et al., 2020; Goldenberg et al., 2017).

## Chapter 4.

### Regulatory Frameworks

The regulation of sex work can be broadly grouped into three different categories: Criminalization (full, partial, and end-demand); legalization; and decriminalization.

#### Criminalization

There are multiple forms of criminalization (i.e. full, partial, and end-demand) in which different individuals are disproportionately criminalized.

Full criminalization is the most punitive model and involves criminalizing all behaviours surrounding sex work, including purchasing and selling sexual services (McCarthy et al., 2012). According to Vanwesenbeeck (2017), the arguments in favour of full criminalization "... starts from a strong moral rejection of sex-for-pay and from the idea that casting the practice as illegal will ultimately get rid of it altogether" (P. 1631). In tandem, full criminalization has been justified as a way to eradicate human trafficking, and protect women from abuse and violence (Vanwesenbeeck, 2017). Despite evidence indicating that full criminalization actually poses a significant threat to sex workers' well-being (Bruckert & Hannem, 2013), it remains the most practiced approach to legislating sex work globally (McCarthy et al., 2012).

Partial criminalization models involve prohibiting the activities surrounding the sale and purchase of sexual services while not explicitly banning selling or purchasing. Although this approach doesn't directly criminalize sex workers or their clients, it makes it virtually impossible to engage in sex work without violating the law (Belak & Bennett, 2016). Currently, this model is implemented in various jurisdictions including the UK and India. Proponents of partial criminalization suggest this model supports governmental response towards reducing activity within the commercial sex industry and protects workers who have experienced trafficking or coercion. In the UK in particular, partial criminalization was adopted after a 2008 report found "growing concerns about the levels of exploitation and trafficking within prostitution markets" (Home Office, 2008, p. 5). Despite this, research findings suggest that only 6% of women working in the commercial sex industry in the UK "felt that they had been deceived and forced into selling sex" (Mai, 2009, p. 4).

End-demand criminalization is a form of prohibition that criminalizes the purchase and third-party facilitation of sexual services, while the selling of sex remains legal under some restricted circumstances. Originating in Sweden, end-demand has more recently been adopted in a number of countries, including Canada, Sweden, Norway, Iceland, France, and Northern Ireland. The primary objective of this framework is to eradicate sex work by eliminating demand through criminal sanctions targeting sex buyers and third parties (Belak & Bennett, 2016; NSWP 2011; NSWP, 2018).

Advocates in support of end-demand suggest that this approach increases the safety and autonomy of sex workers in three notable ways: (1) encourages workers to report violent incidents to the police by placing an emphasis on criminalizing clients and third parties, rather than sex workers; (2) ends the demand that supports sex trafficking through carceral interventions and client criminalization; (3) removes the barriers to services that help sex workers exit the industry (McCarthy et al., 2012; Argento et al., 2019). A ten year evaluation of the law in Sweden, known as the Skarhed report, found that the prevalence of sex work and human trafficking had decreased since the implementation of end-demand legislation, encouraging other countries to adopt end-demand (Kingston & Thomas, 2019). Critically, it is now widely understood that sex work in Sweden has not decreased – rather end-demand has pushed sex work further underground and hidden it from public view (NSWP, 2011). Despite this, proponents of end-demand, politicians, and police continue to point the Skarhed report as a marker of end-demand's success (Kingston & Thomas, 2019).

Significantly, increasing evidence indicates that this model has resulted in the continued violations of sex workers' human rights and access to safe working conditions (Machat et al., 2019; Belak & Bennett, 2016; Le Bail et al., 2019; NSWP, 2018).

## **Legalization**

Legalization involves the introduction of laws and administrative prohibitions that allow sex workers to legally provide sexual services within a set of state-designated parameters (O'Doherty, 2015). Under this model, the legal status of sex work is predicated on the ability and willingness of workers to adhere to sex industry specific regulations, which may include mandated health and STI checks, curfews, rules for operation, and public registration. (Bruckert & Hannem, 2013; McCarthy et al., 2012).

While this framework takes a different approach than other prohibitionist regimes, it remains predicated on similar moralistic principles that treat sex work as distinct from mainstream industries, and involves higher rates of government control and oversight (Bruckert & Hannem, 2013; NSWP, 2014). Regulatory models have been implemented in diverse settings, including in the Netherlands, Nevada, Germany, parts of Australia, Mexico and Senegal (NSWP, 2014).

Despite offering labour protections for some workers, there are often barriers to meeting the regulatory requirements enforced by legalization, including having full citizenship, a permanent address, and the ability to pay expensive licensing fees and health checks. Workers who are unable to fulfill these bureaucratic responsibilities are prohibited from legally working in the industry, pushing their work further underground (NSWP, 2014). Disproportionately, sex workers who are already marginalized, such as im/migrant or low-income workers, are generally put into more difficult positions under legalized models (Bruckert & Hannem, 2013).

## **Decriminalization**

Decriminalization refers to the removal of all sex work specific criminal and administrative prohibitions and penalties (McCarthy et al., 2012; NSWP, 2014). Under this model, sex work is regulated through existing labour laws and processes rather than through exceptional measures, as is the case in legalized settings. Currently, New Zealand and New South Wales, Australia are the only jurisdictions that have implemented decriminalization (Bruckert & Hannem, 2013).

Significantly, various global human rights and policy bodies such as the WHO, UNAIDS, and Amnesty International have reinforced the need to decriminalize sex work. By prioritizing workers' well-being over moralistic concerns, decriminalization has positive impacts on sex workers' occupational health and safety (Bruckert & Hannem, 2013, McCarthy, 2012; Amnesty International, 2016). A critical benefit of decriminalization is that it allows all sex workers, regardless of social location or whether they meet various regulatory requirements, to bring forward employment and working condition complaints (McCarthy et al., 2012). It also provides the opportunity for all sex workers to work in indoor shared spaces, employ critical safety strategies, access supports, and makes possible the creation of workplace health and safety regulations (Abel et al., 2014). Although the decriminalization of sex work is by no means guaranteed to resolve all negative perceptions of sex work, there is significant research to

suggest that decriminalization facilitates improved working conditions for sex workers in all segments of the industry (Bruckert & Hannem, 2013).

## **Chapter 5.**

### **Results**

Using concepts of intersectionality (Gkiouleka et al., 2018; Hankivsky & Cormier, 2009; Crenshaw, 1995), including a structural determinants of health framework (Shannon, 2014), the results of our qualitative findings are organized by micro, meso, and macro environmental influences. This multi-level analysis highlights the interconnectedness of broad social, political, and legal forces, and elucidates the complex interrelationships between multiple social positionings such as racialization and gender subordination. This analysis especially aims to draw attention to the ways in which macro-structural factors such as criminalization, stigma, racism, and cultural perceptions about buying sex, intersect and collectively influence clients' behaviour, significantly impacting sex workers' occupational health and safety.

The adoption of an intersectional lens also contributes to a fuller understanding of the pervasive role that policy reforms play in shaping the everyday experiences and occupational health and well-being of sex workers, and are used to inform the evaluation of potential policy options.

With respect to the qualitative findings, the micro section focuses predominately on client characteristics, interactions between workers and clients, and interpersonal dynamics; the meso section considers working environments, venue policies and type, municipal regulations and institutions that affect client and sex worker health and safety; and the macro section looks at broader structural factors, including the intersections between, criminalization, culture, stigma, and the sociopolitical context. A final section, policy recommendations, highlights the policy options identified by participants to improve sex worker health and safety.

#### **Micro**

In line with previous research (Brents, 2020; Birch, 2015; Lowman & Atchison, 2006; Atchison, 2010), the majority of participants reported that clients were non-predatory, non-violent, "average" people. However almost all acknowledged that, similar to other service industry work environments, they sometimes encounter "bad clients", who may be rude, coercive, threatening, and in some cases, physically aggressive. Despite this, many workers and third parties pointed out that the assumptions made by law-makers about their clients, including

that *all* clients are predatory, exploitative, or social pariahs, were not consistent with their experiences.

*"For most people, their understanding of what a client is, is very far from what we know a client to be. People that are square [do not work in sex work], for them they're all perverted, predators, just horrible men." Sex Worker, Racialized, Im/migrant, Cisgender Woman.*

Participants' narratives emphasized that there is not just one type of client. Instead most described their clients as existing along a broad spectrum of socio-economic status, race, ethnicity, age, ability, and gender.

*"And, [clients] could be men or women. And I think that by criminalizing it [...] you're changing the persona of the person who is [buying sex]." Sex worker, White, Canadian Born, Cisgender Woman.*

*"Clients are, anyone, with any type of job. That could be the wealthier guy that wants to do this every other day or it could be the guy who saved up for it. It hasn't changed [since the implementation of end-demand legislation]. Not for me at least." Sex Worker, Racialized, Canadian Born, Cisgender Woman.*

Participants described clients as people who desired physical contact or touch. This included single, widowed or divorced clients, clients living with disabilities, clients with demanding work, and clients with partners who are no longer able or willing to provide physical affection, or engage in a specific sexual act. As described by one participant, workers' role in fulfilling their clients' need for sex or intimacy generally has positive outcomes:

*"Actually we save many marriages. When one is not happy in their marriage, they go out to see girls and go home to live a happy life. Some clients are single. They need women. This job can help others. This is good work." Sex Worker/Manager, Racialized, Im/Migrant, Cisgender Woman.*

Another manager/owner and former sex worker described this integral aspect of her job, suggesting it is often overlooked by policymakers who exist outside of the industry: *"We're counsellors. Sometimes we're sex therapists. We're friends. We're a shoulder and an ear. Sometimes we're even words of advice."* Considering the important physical and mental health supports provided by workers, many viewed their services as being essential to their clients' wellbeing.

Although most participants discussed their relationship with clients as positive, several noted that punitive end-demand laws can affect clients' attitudes and behaviours, and even shift the type of clients seeking out sex workers. A number of sex workers made a direct link between

client criminalization, and an increase in the number of “irresponsible” people seeking their services. For example, some workers described the law as making it so that they were increasingly seeing clients who were less concerned with being detected by police, and that these people tended to be more reckless and violent.

In contrast, many workers noted how criminalization heightened their clients' concern around being 'outed' to their family, friends, and community. These discussions spoke to the way that client criminalization shapes the social construction of clients and exacerbates clients' feelings of shame, impacting client-worker relationships. Both sex workers and third parties described this experience:

*“Some of them know people living here or used to live in this neighbourhood. In that case, they would be extremely careful or they try not to visit as often. They are mostly concerned that their family and friends will find out.”* Sex Worker/Manager, Racialized, Im/Migrant, Cisgender Woman.

*“Um it's the married guys. They're a lot more scared now I guess, more than ever before.”* Sex Worker, Racialized, Canadian Born, Cisgender Woman.

There were a number of important discussions suggesting that clients experienced the laws differently depending on their race and previous engagement with the industry. Racialized clients were described as being more fearful of criminalization, which may be due, at least in part, to the hyper-surveillance and overrepresentation of BIPOC communities within the criminal justice system in Canada (Maynard, 2017). New clients were also described as being more concerned about the laws, with participants suggesting this may be connected to their inexperience within these spaces.

## **Meso**

On a meso level, participants noted that the criminalization of clients impacted the way that venues – ranging from unlicensed spaces to massage parlours – operated. Many venues shifted to accepting mostly cash payments to help protect their clients' privacy after they became explicitly targeted under the new legislation. Notably, the increased cash flow placed venues at a heightened risk for robbery and assault.

*“When he pulled out the gun, he pointed it at the girl who didn't know much English. He asked for money but the girl didn't understand him. [...] The girl was at the front desk at the time pointed to the drawer and said the money is in here, and the guy went to rummage through the drawer while the girl ran away [...]. There was a client*

*there at the time and told us we need to call the police. We were all so scared that if the police come, he is going to take down our personal information."* Sex Worker, Racialized, Im/Migrant, Cisgender Woman.

In tandem, clients' concern around maintaining anonymity constrained venues' ability to adequately screen clients adding an additional safety risk. Since the introduction of client criminalization, participants described how clients have generally been much less likely to share personal information in order to protect their identity, making it more difficult for workers to screen clients and subsequently keep themselves and their work environment safe.

*"If clients are nervous about giving away their personal information, then it makes me not as safe because I don't have as much about their background. When, I first started out there wasn't much talk about criminalization around sex work so people felt comfortable giving me their full first and last names and phone number and now I think people would be a lot more cautious emailing me their last name."* Sex Worker, Racialized, Canadian Born, Gender Queer.

Other participants suggested that the criminalization of third parties impacted the way that their venue operated, placing full responsibility for client negotiations and collecting fees for services on the sex worker. This forced workers to provide services while facing the risk that the client may defraud them by not paying fully for their services. In addition, some workers suggested feeling apprehensive discussing the type of services and pricing with unfamiliar clients out of concern that they may react aggressively or try to take advantage of workers physically or financially. Together, this had clear negative implications for workers income security and psychological well-being.

With respect to venue type, several participants indicated that sex buyers preferred a more discrete and less visible venue, including hotels, or unlicensed spaces, following end-demand legislation due to their fear of being 'outed' or prosecuted. Notably, some workers described working alone in these environments as being better as they were able to screen clients themselves, have more autonomy and control over the space, and didn't have to deal with social pressures that can characterize the work environment in massage parlours. Other workers suggested that clients' preference for such venues made them feel isolated, and less safe at work.

*"Now that it's become even more iffy they're not as willing to come into places like this [massage parlour]. They're probably much more interested in having someone come into their hotel or their house – if you have to go into a hotel you have no idea what they've got set up back there and, there's a lot more danger."* Sex Worker, White, Canadian Born, Cisgender Woman.

Considering clients' desire to remain anonymous and undetected, participants discussed the ways that prohibitive municipal bylaws in Metro Vancouver increased workers' risk of violence and conflict with clients in parlours by making clients more visible and subsequently anxious about police surveillance, raids, or being 'outed'. For example, city bylaws require parlours to have unobstructed windows and doors into the massage rooms, and for front doors to remain unlocked (Anderson et al., 2016). Participants suggested that this generates significant stress, fear of exposure, and lack of privacy for clients, sometimes worsening clients' aggression, and undermines workers capacity to manage their work environment and maintain safety within their venue.

While a few participants felt that end-demand laws increased their power in negotiating services as they were able to instrumentally use the threat of calling the police in moments of disagreement, for most, client criminalization presented a significant barrier to contacting police for assistance. While participants indicated that the polices' general prejudicial attitudes and poor treatment of sex workers made it so they could not rely on their services regardless of client criminalization, many indicated that end-demand legislation further constrained police access and heightened participants' sense that they were unable to rely on the police for support. Particularly, participants were deterred from calling the police in aggressive situations due to fear of escalation, stigma and discrimination, or facing criminalization themselves, even when threatened with life-endangering violence. These experiences were described in detail by workers and third parties:

*"I had this one instance where me and my friend were working. And we got assaulted by the guy [client] [...] And, that was scary! And my friend was on the patio calling the police. And all of us were like, no. Lock the doors. Hide. We don't want this because what if we get in trouble? So we hid. They're knocking at the door. We didn't say anything because we were too scared to. And what are we going to say? I don't know if the stigma, or, the laws, but something didn't feel right." Sex Worker, White, Canadian Born, Cisgender Woman.*

*"Even if [robbery or assault] happens, I would not dare call the police. Sorry, it's because of my job." Sex Worker, Owner/Manager, Phone Handler, Racialized, Im/Migrant, Cisgender Woman.*

A number of participants emphasized that knowledge that workers were reluctant to call the police exacerbated incidences of violence, placing workers in an extremely vulnerable position. This was discussed by several participants, including one racialized, Canadian born sex worker: *"And it's like if they know that it's illegal, and they know that you're afraid to call the police then [clients] feel like they can get away with whatever."*

Racialized and im/migrant workers with precarious immigration status were especially avoidant of the police. These participants discussed the different forms of criminalization, stigmatization and surveillance they encounter, including the criminalization of their migration status, work environment, and clients, and the ways that this exacerbates fear around police intervention. This was succinctly described by a number of participants, including one racialized, im/migrant sex worker: *“As foreigner you know sometimes we are afraid [to call the police], because of that people could just like, send you home [deport you] and I don’t wanna go back.”*

These experiences were generally more pronounced for im/migrant third parties who often held dual roles as current or former sex workers, and were criminalized both for their work as a third party and for their involvement in the sex industry as an im/migrant with precarious status. Here, intersecting structural vulnerabilities, such as third party and migrant criminalization, xenophobia, and racism, exacerbate third party anxiety around accessing the police. The inability to rely on police support had long term impacts on venue safety, as discussed by a racialized, im/migrant third party participant: *“When we did have the odd incident happen, [the police] wasn’t even notified. Which, in the long run puts us in a higher level of danger cause now people think, they can get away with things.”* In this context, criminalization and discrimination impeded on third parties – and by extension the sex workers they work with – security and safety, emboldening some clients to commit violent acts.

In order to reduce clients' anxiety around police surveillance or intervention, some workers described 'coaching' clients about what to say or do in the case of a police raid, or if they were stopped by police upon leaving a venue. This helped to ease clients' fear of law enforcement, and in turn made workers feel safer by alleviating some of the nerves that may be misdirected back onto them.

*“And the ones that were bringing [end-demand legislation] up with me, I told them, 'I will always protect you.' I started telling [clients] what to say. 'We just hooked up. I met you online.' I started physically telling them what to say [...] I will go the full nine yards for my clients to protect these individuals who are my bread and butter.”*  
Sex Worker, Racialized, Im/Migrant, Cisgender Woman.

Importantly, the care that this participant expresses for her clients' well-being further complicates the negative way that clients are conceptualized through end-demand laws, and reinforces the above-mentioned finding that not all clients are predatory or exploitative.

## Macro

Participants' narratives emphasized how criminalization reinforces negative societal notions by vilifying paying for sex, which had enduring and damaging consequences for both sex workers and clients. The law's prioritization of moralistic, heteronormative concerns around gender, sex and sexuality over workers' health and safety, contributes to the stigmatic assumptions and ascription of victim/exploiter to sex workers and their clients. This ultimately reinforces the harmful actions done onto workers. The impacts of this kind of morality within the law was described by several sex workers and third parties.

*"To criminalize all the men [clients]. As an excuse to criminalize them. You're creating monsters. You're creating people who think that sex is dirty and that sex workers are dirty and, that you can hurt them."* Sex Worker, Racialized, Im/Migrant, Cisgender Woman.

In line with past research (Machat et al., 2019; Goldenberg et al., 2017; McBride et al., 2019; Krüsi et al., 2014; Belak & Bennett, 2016) participants noted that client criminalization led to sweeping criminalization of the sex industry, which intensified client and worker fear of being incriminated, and placed workers in a precarious legal position. This forced workers to also act discretely, including avoiding police and working in less visible environments, in order to be able to do their work. Frustration around the ways that end-demand laws recriminalize sex work and undermine sex worker safety was described by several participants, including a im/migrant, third party participant: *"If you don't legalize it, [...] you're forced to become criminal. You act like a criminal, it's for no reason."*

Participants suggested that experiences of stigma are pervasive in the sex industry and brought on by negative social reactions to paying for sex, which inform and are reinforced by the way sex workers and clients are conceptualized through the current laws. Participants felt that clients often internalized the societal stigma associated with paying for sex, which led to heightened paranoia. The impacts of stigma were discussed extensively by sex workers:

*"So for whatever reason, a man comes into a place and he gets caught and he's now considered a deviant and it will affect everything in his life. [...] I think that, the stigma for if anybody gets caught being paying for sex is a very bad thing."* Sex Worker, White, Canadian Born, Cisgender Woman.

*"They are very paranoid [...] because in some ways I think the stigma that they bear is worse than ours. They can't tell anybody."* Sex Worker, White, Canadian Born, Cisgender Woman.

In line with this, other workers noted how clients' fear of being incriminated or stigmatized increased the violence directed towards them. This was explained by several participants who spoke about sex buyers' anxiety around being targeted or harassed by police, and outlined how this impacted their personal safety.

*"...the problem with these laws seems to be that [...] if someone's a law-abiding citizen who is not gonna mistreat you they're not gonna go and see you anymore. But if someone's already committing a crime by seeing you, then [...] what stops them from, stealing your money or hurting you, because they're already gonna get in trouble or go to jail. So what's two crimes? I might as well steal from her or I might as well beat her up a little bit."* Sex Worker, White, Canadian Born, Cisgender Woman.

Because end-demand legislation understands sex workers as being 'at risk' of exploitation and sexual violence (Belak & Bennett, 2016), some workers identified feeling disempowered, and reluctant to share their negative encounters with clients (e.g. with friends and family) out of concern that it would confirm biases about their work. This is consistent with the meso findings, whereby workers are apprehensive to call the police for support out of fear that they will be treated poorly or targeted because of their work.

Similarly, participants suggested that clients' conceptualization through the law as 'predatory' and 'exploitative' led some clients to embody this identity, and subsequently reaffirm widespread stereotypes about clients. As highlighted by several sex workers and third parties, this had significant consequences for workers' safety.

*"I also think that people do sometimes heinous acts out of fear and out of being scared. If you put the fear of [criminalization] into a man [client] who's probably already in a powerful situation over a woman [sex worker], his actions [...] could be the result of him being triggered by fear and he could show aggression through that."* Sex Worker, White, Canadian Born, Cisgender Woman.

*"In my experience, especially since this new legislation, the clients are being victimized – [and] so are women [sex workers] now, because we have angry, pissed-off clients."* Owner/Manager, White, Canadian Born, Cisgender Woman.

In contrast to the experiences presented in the meso section, outlining that some sex workers tactfully used client criminalization for the benefit of their security, participants also spoke to the need to address the power imbalance inherent in end-demand legislation, which often places workers in more vulnerable positions. Instead of "protecting" workers, a few participants felt that these "self-contradictory" laws actually gave more power to clients. With clients now taking on the majority of the risk in the transaction, workers described feeling forced to meet clients'

demands in order to be able to do their work. The dangers reinforced by this power imbalance was articulated by several participants, including one sex worker:

*“Now that only one party can take the fall for it any precautions that women [sex workers] wanna take, is pushed aside because the men [clients] are like well I’m taking all the risk. It’s all on me now [...] it doesn’t matter if you screen my number or, you don’t need any other information, things like that because it’s only me who’s gonna get in trouble.”* Sex Worker, White, Canadian Born, Cisgender Woman.

Notably, this account contradicts the claims made by some end-demand supporters that the law reduces abuse and improves the safety of sex workers (NSWP 2011; NSWP, 2018). While sex workers themselves are not criminalized in Canada, it is clear that the risks associated with client criminalization makes it difficult for workers and third parties to enact meaningful safety strategies.

## Policy Alternatives

Participants repeatedly suggested that broad, macro-structural interventions, including policy reforms, are needed in order to meaningfully address the threat that client criminalization poses to workers and clients. In these discussions, participants offered specific ideas around policy alternatives that would work to improve their occupational health and safety.

Decriminalization in particular was touted as being the best policy option towards improving sex workers’ working conditions. Both sex workers and third parties suggested that decriminalization maximized their labour and health protections, allowed workers to press for safer workplaces, and made it possible to use the justice system to seek redress for violence.

*“Now, it’s put women [sex workers] in danger [...] because we have angry clients running around. They’re on edge. You gotta think, if you’re telling a client if we catch you doing this you could potentially get a minimum, mandatory 4-5-year sentence. He’s gonna take you out, before he loses his life [...] So, we are in such a level of danger now due to this new legislation, they need to change it. They need to decrim everything.”* Owner/Manager, White, Canadian Born, Cisgender Woman.

*“If we were decriminalized, we could call the police, we could keep [ourselves safe].”* Owner/Manager, racialized, Im/migrant, cisgender woman.

Legalization was also discussed as a potential policy option, however there were differing views regarding this model’s strengths. A number of participants expressed a rejection of legalized approaches because they involve a high level of government control and surveillance.

Additionally, participants suggested that legalization creates a restrictive, hierarchical system wherein workers who are unable to comply with licensing requirements are subject to more violence and police targeting, while more privileged workers (e.g. higher-income, Canadian born, etc.) have better access to legalized spaces.

In contrast, other participants suggested that legalization regulates working environments in a way that benefits and protects all workers and third parties.

*“I think it should be all legalized. It’s easy to regulate and will not generate big conflicts [...] the government can standardize the regulation. That also ensures safety. Once legalized, both clients and girls can relax without fear.”*  
Owner/Manager, Racialized, Im/migrant, Cisgender Woman.

In the absence of decriminalization or legalization, several participants discussed a desire to move away from the current enforcement-based approach to sex work. As described extensively in the meso section, police targeting and surveillance has had a negative impact on sex workers’ occupational health and safety.

Sex workers and third parties frequently suggested that their safety and well-being would improve without the threat of police intervention, which often contributes to client anxiety and stress. This perspective was succinctly described by a number of participants, including one Canadian born, sex worker: *“[policing] evokes a bit of anxiety and fear in clients which can cause them to act out if they feel like they’re in a vulnerable position.”*

Collectively, these narratives highlight that policies that end the criminalization of sex work, and create an environment in which workers and clients do not have to be fearful of police, would improve sex workers’ working conditions.

## **Discussion**

The empirical evidence presented here illustrates the risks and harms that prohibitive sex work laws pose to sex workers. Our findings move beyond individually focused approaches to understanding clients' engagement within the sex industry, and highlight how large-scale forces such as laws, stigma, social location, cultural perceptions of purchasing sex, and carceral interventions intersect and jointly shape clients' behaviour, significantly impacting sex workers' occupational health and safety.

Evidence in both Canada and globally has demonstrated clear ties between end-demand legislation and sex workers' experiences of client and police violence (Platt et al., 2018; O'Doherty, 2015; Goldenberg et al., 2017; Machat et al., 2019; Le Bail et al., 2019; Bungay & Guta, 2018; Manning & Bungay, 2017; Crago et al., 2021). Building on this previous work, our analysis illustrates that the violent decisions made by some clients are largely the result of macro-structural factors, including criminalization, social conditions, and cultural norms around purchasing sex, that shape institutional responses to the sex industry, work environments, and interpersonal dynamics between sex workers and clients.

While end-demand legislation is based on social representations of predatory clients (Bruckert, 2015) our findings are consistent with past research (Birch, 2015; Atchison, 2010; Milrod and Weitzer, 2012; Sterling & van der Meulen, 2018; Benoit et al., 2014; Benoit & Shumka, 2015) demonstrating that client characteristics are diverse, and tend to parallel those of the general public. Despite being a heterogeneous group, participants indicated that end-demand's unilateral conceptualization of sex buyers as dangerous, made it challenging for them to manage their work environments and intensified negative experiences with clients. Particularly, in a criminalized context, it was difficult for workers to adequately screen clients or negotiate the terms of the transaction.

Client criminalization also expanded policing practices that target sex workers, leading to widespread sex industry harm and inculcating sex work stigma (Krüsi et al., 2014; Belak & Bennett, 2016). Our results especially indicate that racialized and im/migrant workers and clients face greater barriers to accessing police, highlighting the way that criminalization intersects with other macro-structural forces, such as racism and xenophobia, to shape experiences in the industry. Fear of loss of immigration status and criminalization, in tandem with discriminatory, gendered, and racialized experiences with law enforcement, often discouraged racialized and im/migrant participants' and clients from reporting crimes. This affirms the findings of previous studies indicating that the harms embedded within client criminalization, including the reliance on carceral interventions and punitive policing, disproportionately impacts the occupational health and safety of racialized and im/migrant workers (Bungay et al., 2012, Goldenberg et al., 2017; Machat et al., 2019; McBride et al., 2020).

In sum, our findings indicate that the explicit targeting of clients under the current legislation has a considerable impact on client behaviour, and undermines the occupational health and safety

of indoor sex workers. Our analysis points to the significant relationship between client criminalization, sex industry stigma, and higher rates of violence, and demonstrates how broader macro-structural conditions influence the working environments and interpersonal relationships between sex workers and clients. Collectively, this evidence acknowledges the critical need to implement policy interventions that address the structural conditions that harm sex workers by moving away from criminalization and enforcement-based approaches to sex work. In particular, our findings highlight the importance of removing laws, policies, and practices that seek to criminalize and police clients.

## **Limitations**

These findings should be interpreted in light of the following limitations. The lived experiences of participants represented in this study reflect those working in indoor environments and may not be representative of the experiences of sex workers in other segments of the industry, including sex workers who primarily solicit clients in street-based settings or online. Further, although this work highlights the impacts of client criminalization and the involvement of clients in the sex industry from the viewpoint of sex workers and third parties, client perspectives are not included. Finally, the majority of participants in this qualitative study are cis or trans women. Greater research is needed to understand the way that client-criminalization impacts men, non-binary, and gender diverse sex workers.

## Chapter 6.

### Evaluation Framework

#### Policy Criteria

To determine an appropriate policy response to address the harms of client criminalization on sex workers' occupational health and safety, a range of potential policy options are evaluated against eight criteria categories. The criteria and measures were developed and selected based on findings from the literature review, and analysis of interviews with indoor sex workers and third parties. To assess the strengths and limitations of policy options, each option is scored on a scale of low, medium and high and given a rating on a corresponding heat map in relation to each criterion.

**Table 1: Summary of Criteria and Measures**

| Objective                                       | Criterion  | Measure  |
|---|--|--|
| <b>Key Objective 1: Security and Protection</b> | Experiences of violence  | Extent to which the policy reduces risk of violence amongst sex workers at a micro, meso, and macro level            |
|   | Experiences of stigma  | Extent to which the policy reduces broad, macro-structural sex industry stigma                                       |
| <b>Key Objective 2: Equity and Fairness</b>     | Equal opportunity to access health, justice, and other institutional supports                          | Extent to which policy improves sex workers' access to health, justice, and other institutional supports             |
|   | Effectiveness of the policy intervention across sex work settings (indoor, street-based, online, etc.) | Extent to which the policy uniformly supports sex workers regardless of physical or social location                  |
| <b>Freedom</b>                                  | Freedom to access various working environments   | Extent to which the policy supports the ability to engage in consensual sexual acts in different working environment |
| <b>Administrative Complexity</b>                | Interjurisdictional cooperation  | Extent to which the policy limits the need for interjurisdictional collaboration                                     |

| Objective              | Criterion                           | Measure  |
|------------------------|-------------------------------------|--|
| Stakeholder Acceptance | Sex worker support of policy option | Extent to which the policy is accepted and endorsed by the sex work community      |
|                        | Stakeholder opposition              | Extent to which key anti-sex work advocacy groups oppose the proposed intervention |

**Table 2: Heat Map Legend**

| Measure  | Colour  |
|----------|---|
| Low      |    |
| Med-Low  |    |
| Medium   |   |
| Med-High |  |
| High     |  |

**Key objective 1: Security and Protection**

**Experiences of Violence**

The central factor taken into account when evaluating policy options against this criteria is whether the intervention is likely to reduce experiences of violence amongst sex workers. This is a key objective as client criminalization has been shown to exacerbate violence and negatively impact sex workers' occupational health and safety.

In line with our analysis, violence is broken down into micro, meso, and macro categories. Micro violence involves interpersonal violence experienced by workers, including physical,

sexual, and verbal violence. Meso violence considers violence within institutions and working environments. Critical considerations include sex workers' access to services that support occupational health and safety, and ability to safely manage their work environments. Macro violence involves structural violence that reinforces sex worker harm, including policies that exacerbate sex worker oppression and negatively shape public perceptions of sex work.

For a policy to be considered effective, it must reduce experiences of violence on a micro, meso, or macro level. If the intervention is expected to address violence on fewer than three of these levels, it is given a 'medium' rating with a corresponding yellow block on the heat map. If the option addresses all three of these levels, it is given a 'high' rating with a corresponding green block on the heat map. If the intervention does not reduce violence according to this criteria it is given a 'low' rating with a corresponding red block on the heat map.

### **Experiences of Stigma**

Macro-structural factors such as laws that criminalize sex work, social conditions and moralistic, cultural perceptions about sex and sexuality typically inform sex industry stigma, and reinforce negative societal notions around paying for sex. This is significant as emerging evidence suggests that much of what has been identified as harmful in sex work is a product of broad stigmatization (Krüsi et al., 2016; Bruckert & Hannem, 2013; Abel et al., 2010). In line with this, our findings highlight the critical influence of structural stigma in shaping sex workers' occupational health and safety.

Prefaced on the understanding that no policy intervention will completely eradicate stigma, this criterion measures the extent to which the proposed policy option mitigates structural sex industry stigma. For a policy to be considered effective it must not uphold stigmatic assumptions about sex work, and should aim to normalize sex workers' labour.

If an intervention is expected to somewhat reduce sex industry stigma, especially on an institutional or interpersonal level, it will be given a 'medium' rating with a corresponding yellow block on the heat map. If an intervention is expected to mitigate broad, macro-structural sex industry stigma, it will be given a 'high' rating with a corresponding green block on the heat map. If an intervention does not address sex industry stigma it will be given a 'low' rating with a corresponding red block.

## **Key objective 2: Equity and Fairness**

### **Equal Opportunity to Access Health, Justice and Other Institutional Supports**

Through our analysis and literature review, equity emerged as another key objective. Sex workers and clients repeatedly suggested that they faced difficulty accessing support services due to their involvement in the sex industry. This is a significant finding as ensuring that sex workers have equitable and judgement-free access to health, justice, and other services is an essential part of improving sex workers' working conditions, health, and safety.

This criterion measures the extent to which the policy improves sex worker and client access to health, justice, and other institutional supports. For a policy to be considered effective, it must ensure that these services meet the needs of sex workers and reduce barriers to access. Special consideration will be given to policing and healthcare due to the impact these institutions have on workers' occupational health and safety.

If an intervention is expected to improve access to supports it will be given a 'medium' rating with a corresponding yellow block on the heat map. If an intervention is expected to significantly reduce barriers to support access and address the structural conditions associated with limited access (e.g. stigma, discrimination, criminalization) it will be given a 'high' rating with a corresponding green block on the heat map. If an intervention does not improve access to supports it will be given a 'low' rating with a corresponding red block.

### **Effectiveness of the Policy Intervention across Sex Work Settings**

A second equity issue that emerged is the different ways that sex workers experience the law based on their work environment and social location. Particularly, our findings highlight that street-based, racialized and im/migrant workers with precarious status are more negatively affected by prohibitive, enforcement-based approaches to sex work. Considering this, this criteria aims to measure the inclusivity and effectiveness of the policy intervention across the sex work community.

If a policy alternative is expected to improve the working conditions and occupational health and safety of some workers, especially those who have been disproportionately harmed under end-demand laws, the intervention will be given a 'medium' rating with a corresponding yellow block on the heat map. If a policy alternative is expected to uniformly improve the working conditions and occupational health and safety of all sex workers it will be given a 'high' rating with a

corresponding green block on the heat map. If the policy alternative is expected to minimally improve the working conditions and occupational health and safety for workers or largely reproduce the same risks as other prohibitive approaches, it will be given a 'low' rating with a corresponding red block on the heat map.

## **Freedom**

### **Freedom to Access Working Environments**

Client criminalization has had a considerable impact on clients and their ability to procure sexual services, impeding clients' freedom to engage in consensual sexual acts with sex workers. This is notable as criminalization pushes clients and workers underground in order to avoid police detection, and reinforces widespread sex work stigma (Krüsi et al., 2014; Sterling & van der Meulen, 2018; Belak & Bennett, 2016).

This criterion measures the extent to which the policy improves clients' freedom to access various working environments and engage in consensual sexual acts. For a policy to be considered effective, it must mitigate client fear of surveillance, detection, or arrest, and uphold clients' autonomy.

If an intervention is expected to improve clients' access to some working environments by reducing police presence it will be given a 'medium' score with a corresponding yellow block on the heat map. If the intervention is expected to eliminate the threat of incrimination, and support clients' ability to freely and safely access various working environments it will be given a 'high' rating with a corresponding green block on the heat map. If the intervention maintains the status quo it will be given a 'low' rating with a corresponding red block on the heat map.

## **Administrative Complexity**

### **Interjurisdictional Cooperation**

Considering that interjurisdictional collaboration can be extremely challenging, this criterion measures the extent to which the policy limits the need for interjurisdictional coordination at a municipal, provincial, and federal level.

If an intervention is expected to mitigate interjurisdictional collaboration somewhat it will receive a 'medium' rating with a corresponding yellow block on the heat map. If the option is expected to

significantly lessen the need for interjurisdictional collaboration it will receive a 'high' rating with a corresponding green block on the heat map. If the option is expected to increase interjurisdictional collaboration it will receive a 'low' rating with a corresponding red block on the heat map.

## **Stakeholder Acceptance**

### **Sex Workers**

This criterion is intended to measure if the proposed policy option will be accepted by the Canadian sex work community. Given the importance of sex worker involvement in sex work policy development and buy-in, it is imperative that sex workers' perspectives are prioritized. Acknowledging that there are inherent limitations in measuring the views of the sex work community as if it is homogenous, policy options will be evaluated to ensure diverse sex worker experiences are represented.

If an intervention is expected to be accepted by a minority of the sex work community it will receive a 'medium' rating with a corresponding yellow block on the heat map. If the option is expected to be accepted by a majority of the sex work community it will receive a 'high' rating with a corresponding green block on the heat map. If the option is expected to be accepted by very few or no members of the sex work community it will receive a 'low' rating with a corresponding red block on the heat map.

### **Stakeholder Opposition**

This criterion measures the extent to which the policy option is expected to face opposition from relevant stakeholders, with a special focus on anti-sex work advocates. Considering the power and fervent stance held by many anti-sex work groups, this criterion aims to ensure that these voices and perspectives are included in our analysis.

If there is evidence that the policy option may face opposition from a minority of anti-sex work advocates, it will receive a 'medium' rating with a corresponding yellow block on the heat map. If the policy option has overwhelming anti-sex work support it will receive a 'high' rating with a corresponding green block on the heat map. If the majority of anti-sex work advocates oppose the proposed policy alternative, it will receive a 'low' rating with a corresponding red block on the heat map.

## **Chapter 7.**

### **Policy Options**

The following policy alternatives have been developed from the information collected through our qualitative analysis and literature review, as well as background research on previously adopted policy interventions. Findings highlight the pervasive role of client criminalization in shaping the occupational health and safety of sex workers, suggesting that Canada's prohibitive sex work laws undermine sex workers' safe working conditions and access to protective and health services. Collectively, this work indicates a need to move beyond criminalization and punitive, enforcement-based approaches to sex work and stresses the importance of sex industry involvement in the creation of policies governing sex work.

Based on these results, three potential policy options were identified: (1) full decriminalization of sex work; (2) legalization of sex work; and (3) implementation of a Good Samaritan law and informal police agreement to eliminate the targeting of various working environments. In this section, the fundamental components of each policy alternative are presented.

#### **Decriminalization**

The first policy option is the decriminalization of sex work. This approach involves the removal of all criminal sanctions surrounding the sale, purchase, and support of sexual services, leaving sex work to be regulated under existing labour and public health laws and processes. This option is modelled after New Zealand which became the first country in the world to decriminalize sex work in 2003 with the introduction of the Prostitution Reform Act (PRA). The PRA was developed with significant input from New Zealand's sex work community with the goal of enhancing the working conditions and health and safety of sex workers.

The PRA allows people over the age of 18 to sell sex from their own homes, in brothels, and from the street and other unregulated spaces; it also allows up to four workers to sell services from a shared space without requiring a brothel license. Those working with more than four individuals, or for a third party, must have a license to operate. Beyond this, the PRA regulates the sex industry in the following key ways: (1) significant responsibility for regulating sex work, including zoning, licensing and advertising, is placed in the hands of local governments; (2) the same laws regulating businesses are applied to the sex industry; (3) standard employment laws

apply to sex work which outline the obligations of workers and managers; (4) occupational health and safety codes are expanded to include sex work; (5) there are explicit laws distinguishing "forced" from "voluntary" sex work.

Despite these gains, migrant sex workers in New Zealand remain criminalized, and still suffer many of the harms perpetuated in criminalized settings. This is notable as our findings highlight the significant barriers that im/migrant workers with precarious status face in accessing services. Considering this, this proposed model would also decriminalize sex work for im/migrant sex workers, including under the Immigration and Refugee Protection Regulations.

## **Legalization**

The second policy option involves legalizing sex work. Under this framework, the sale of sexual services is legal only if certain sex industry specific, regulatory conditions are met. Because legalized models have been implemented in a number of distinct jurisdictions, this proposed policy alternative is a hybrid of approaches adopted in the Netherlands (under Article 273f of the Dutch Criminal Code) and Victoria, Australia (under the Sex Work Act). The Netherlands and Victoria were selected because: (1) they are well-researched legalized environments and (2) they demonstrate a relatively representative overview of the legalization landscape.

Similarly to both the Netherlands and Victoria, indoor working environments under this model require that all businesses (e.g. massage parlours, brothels, escort agencies, etc.), obtain a license to operate, which must be renewed annually. Individual workers, regardless of the type of establishment they are working within, need to register with the government for tax purposes, however to protect anonymity they are not required to provide their legal name, only an address and phone number. Beyond this, this proposed legalized model regulates the sex industry in the following key ways: (1) legalization occurs at the federal level, however municipalities are responsible for developing their own policies around the sex industry. This may include restricting the location and number of venues, conducting criminal background checks on prospective owners/managers, and limiting who and how many employees work within a given indoor environment; (2) sex workers are hired as independent contractors when working in licensed spaces; (3) the police, health department, and city government are responsible for the monitoring and inspection of indoor working environments; (4) there is no ban on third party involvement in sex work, however street-based sex work remains criminalized; (5) there are

explicit laws distinguishing "forced" from "voluntary" sex work; (6) the conditions for obtaining a license include a guarantee of sex workers' health and safety.

Like in New Zealand, im/migrant workers with precarious status are not legally permitted to work in the Netherlands or Victoria. Because legalization requires the implementation of a complex set of regulations, rather than simply decriminalizing laws and provisions prohibiting sex work, providing legal protections to im/migrant workers under this model would require a complex set of policy changes at many different levels, including within immigration and refugee and labour laws. This type of systemic change is not possible given the scope of this analysis and therefore is not included under this policy model.

### **End the Unrequested Involvement of Police in Sex Work and Implement a Good Samaritan Law**

The third policy option involves the creation of a Canada-wide informal agreement between workers and the police to eliminate policing that targets and surveils working environments, and allows workers, clients and third parties to call for police assistance without the threat of arrest. This policy option exists alongside Canada's current end-demand framework and is prefaced on the assumption that a rights-based legal framework for sex work is not yet politically feasible.

In 2013, the Vancouver Police Department (VPD) committed to prioritizing the safety, dignity, and rights of sex workers, especially when responding to calls for assistance. As outlined in the VPD's Sex Work Enforcement Guidelines, officers are expected to uphold the security of sex workers, before enforcing end-demand laws (McCann et al., 2013). This policy alternative involves expanding a version of this model across the country in a way that ensures the police are accountable to the sex work community and are only involved in the sex industry if explicitly requested.

The central tenets of this proposed intervention include: (1) the creation of a set of federal sex work enforcement guidelines that can be applied within municipalities across Canada. These guidelines should be designed collaboratively with the sex work community and be malleable to the needs of a given jurisdiction; (2) an explicit agreement made by the local police force stating that they will not target, surveil or harass sex workers, sex buyers or sex workers' working environment without consent.; (3) in line with a recommendation made by Crago et al. (2021), implement a "Good Samaritan" law that shield individuals involved in the sex industry from

arrests on sex work, drug or im/migration related charges as a result of calling police to assist in a safety emergency.

It is important to note, that because of the historic and continued violence perpetrated by law enforcement, for many sex workers, calling the police may never be a preferred or safe option. This is particularly true for sex workers who face intersecting social and structural inequities, including Indigenous, racialized im/migrant, and gender non-binary sex workers, sex workers who use drugs and those living in poverty. Despite this, reducing the targeting and surveillance of sex workers and clients, eliminating the risk of police arrest and harassment, and providing workers with the opportunity to choose when and how police are involved in their work, may have an immediate and positive impact on workers' occupational health and safety.

Critically however, this is only a first step. Moving forward, divesting resources from police and implementing alternatives to policing, including scaling-up support for community-led safety and support strategies, is necessary to ensure adequate support for sex workers who experience violence and other human rights violations.

## **Chapter 8.**

### **Analysis of Policy Options**

In this section the decriminalization of sex work, legalization of sex work, and implementation of a Good Samaritan law and elimination of the police in the sex industry are assessed in relation to the eight previously specified criteria. Each option is scored on a scale of low, medium and high and given a rating on a corresponding heat map.

#### **Decriminalization**

##### **Experiences of Violence**

Decriminalizing the sex industry would be expected to reduce experiences of violence against all sex workers at the micro, meso and macro level. On a micro level, by decriminalizing the purchase of sexual services, as well as the activities surrounding the provision of sexual services, sex workers are better able to engage in safety enhancing strategies resulting in lower rates of victimization (Krüsi et al., 2014; Abel et al., 2010). The removal of criminal prohibitions surrounding sex work would also work to ease clients' fear of arrest, improving client behaviour and sex worker and client interactions. From a meso perspective, sex workers experience a significant amount of police intimidation which contributes to their inability to rely on the polices' protective services (Crago et al., 2021). Decriminalization would be expected to provide workers with more protections under the law, lessening their vulnerability to police violence. Moreover, decriminalization has been shown to provide workers with more agency to manage their working environments, positively shaping workers' occupational health and safety (Abel et al., 2010). On a macro-structural level, decriminalizing the sex industry would provide significant benefits to individuals working in all sectors of the industry, including indoor and street-based workers, by providing protections under the law which safeguard their human rights.

Rating: Med-high

##### **Experiences of Stigma**

As discussed in our analysis, legislative models that prohibit the selling or purchasing of sex are informed by, and reinforce, pervasive sex industry stigma. Decriminalization avoids the stigmatic assumptions made under criminalized approaches to sex work (i.e. that sex workers are either

'risky' or 'at risk', and clients are violent), positioning sex workers as legitimate workers (Bruckert & Hannem, 2013). Given the intersection between regulatory approaches and sex work related stigma, the implementation of a decriminalized model would be expected to reduce the pervasive structural stigma sex workers and their clients are confronted with, and legitimize the work of sex workers (Krüsi et al., 2016). Although sexual morality continues to influence perceptions around sex work in New Zealand even after sex work was decriminalized, (Abel et al., 2009), decriminalization is the first legislative step towards disrupting the dangerous societal assumptions surrounding sex work.

Rating: Med-high

### **Equitable Access to Institutional Supports**

Our findings build on prior research indicating that laws criminalizing clients diminish sex workers' and clients' access to health, justice, and other institutional supports (Platt et al., 2018; Krüsi et al., 2014; Argento et al., 2019; Benoit et al, 2016; Atchison, 2010; Birch, 2015). The frustration around not being able to access appropriate services was emphasized by one Canadian born, sex worker participant: *"we're worth [...] making illegal, but we're not worth ensuring we're healthy."*

Decriminalization has been shown to remove barriers to service access. For example, after New Zealand reformed its laws in 2003, many sex workers reported that they could turn to the police for help without fear (Abel, 2014). Similarly, further evidence from New Zealand indicates that decriminalization has improved accessible and respectful health access to sex workers, and has provided greater financial support to health services that cater to sex workers' needs (Harcourt et al., 2010).

While this is very promising, service provision remains largely up to the discretion of individual service providers. Because of this, it is difficult to ensure that decriminalization will uniformly improve service accessibility and remove all of the barriers that sex workers and clients face in health, justice, and social service settings.

Rating: Medium

### **Effectiveness of the policy intervention across sex work settings**

Decriminalization treats sex workers as full citizens with rights and responsibilities. Under this model, sex work is handled in the same manner as any other business, by regulating its

commercial practice through standard employment health and safety regulations. All sex workers, including street-based and im/migrant workers with precarious status, are able to sell services without fear that they, or their clients, will face arrest. In this way, the law is applied uniformly to all sex workers regardless of work environment or social location, improving the working conditions and occupational health and safety of all workers.

Despite this, because significant responsibility for regulating sex work is placed in the hands of local governments, there is the possibility that municipalities may enact zoning or advertising bylaws that impede on sex workers ability to work freely.

Rating: Med-high

### **Freedom to Access Working Environments**

A number of participants discussed the frustration that they and their clients felt around not being able to engage in consensual sexual acts under end-demand legislation. This sentiment was emphasized by one Canadian born sex worker/third party participant: *"How can you condemn two consenting adults for what they choose to do? You are not allowed to come to my home and tell me what I'm cooking for dinner, so why are you telling me and [a client] what we can do?"*

Decriminalization would greatly improve clients' level of freedom to purchase sexual services without risking prosecution. In tandem, it would also establish a model that permits a multitude of legal workspaces, increasing clients' freedom in deciding where and how they engage with workers.

Rating: High

### **Interjurisdictional cooperation**

Under this model, sex work would be decriminalized on a federal level and regulated through existing labour and occupational health and safety laws. Because these laws are governed almost entirely by provinces and territories, it may be difficult to ensure that laws are uniformly applied throughout the country.

Adding another layer of complexity, significant responsibility for regulating sex work, including zoning, licensing and advertising is placed in the hands of municipalities. As seen in New Zealand, some municipalities may enforce slightly different restrictions making it difficult for sex

workers to navigate (McCarthy et al., 2012). Given the relatively high level of collaboration required between each level of government under this model, implementing decriminalization may be complicated.

Rating: Med-low

### **Sex Worker Support**

The majority of participants in our analysis cited decriminalization as their preferred policy option. This was emphasized by several workers, including one Canadian born, sex worker: *“It shouldn’t be illegal for anybody because at the end of the day, this is a consensual act.”* Consistently, Canadian sex workers overwhelmingly call for the decriminalization of sex work as a means of guaranteeing sex worker rights (Canadian Alliance for Sex Work Law Reform, 2017).

One of the main benefits of this approach is that decriminalization facilitates mechanisms through which sex workers can bring forward employment complaints by treating sex work like other forms of mainstream work (McCarthy et al., 2012). It also allows sex workers to choose their work environments, thereby improving the level of control they have over their occupational health and safety (Belak & Bennett, 2016; McCarthy et al., 2012).

Rating: High

### **Stakeholder Opposition**

Despite being supported by 55% of Canadians (Simpson, 2020), decriminalization continues to face a significant amount of stakeholder opposition. Based ideologically on radical feminist theory and conservatism, opponents of decriminalization view sex work as a form of exploitation against women. Proponents of this view hold that that decriminalizing the sex industry will impede gender equality arguing it will normalize violence against women, and economically incentivize “profiteers” to keep women stuck in sex work (Benedet et al., 2020).

Further, these stakeholders generally feel that decriminalizing the sex industry will promote the trafficking of women. According to them, laws criminalizing sex work are necessary in order to curb this type of criminal activity (Coalition against Trafficking in Women, 2017).

This point of view is held by a significant number of prominent political figures, especially Conservative politicians and voters, as well as powerful abolitionist and neo-abolitionist

advocacy coalitions (Coalition against Trafficking in Women, 2017). The morally-based arguments and vocal activism of these groups appeals to the traditionalist beliefs of many Canadians, and continues to block the advancement of sex work policy (Sabatier, 1999).

Rating: Low

**Table 3: Summary of Evaluation**

| Security and Protection          |                                | Equity and Fairness                       |   | Freedom                                | Administrative Complexity       | Stakeholder Acceptance |                        |
|----------------------------------|--------------------------------|---|---|--|---------------------------------|------------------------|------------------------|
| Mitigate experiences of violence | Mitigate experiences of Stigma | Equitable access to institutional support | Effectiveness of the policy intervention across sex work settings | Access to various working environments | Interjurisdictional Cooperation | Sex worker support     | Stakeholder opposition |
| Med-High                         | Med-High                       | Medium                                    | Med-High  | High                                   | Med-Low                         | High                   | Low                    |

## **Legalization**

### **Experiences of Violence**

Legalizing sex work after this model would decrease the risk of violent victimization for many sex workers. On a micro level, sex workers working within licensed venues would have more power and control in their relationship with clients, making it possible to refuse clients, screen potential clients, and build trust and rapport with clients (Weitzer, 2012). Access to legalized indoor spaces may also reduce clients' fear of being criminalized or stigmatized, lessening the likelihood of clients acting out in erratic or violent ways. From a meso perspective, legalization would mandate employers to institute occupational health and safety requirements, and make it possible for sex workers to work with others, improving workplace safety (Bruckert & Hannem, 2013). Further, similarly to the decriminalization model, legalization would improve access to police protections for registered workers. Because police are responsible for venue monitoring and inspection however, there would continue to be regular police presence within these spaces, which may make workers more vulnerable to police harassment (Lewis & Maticka-Tyndale, 2000). On a macro level, the removal of a purely prohibitive approach to sex work may lessen widespread sex industry stigma, and improve the human rights and occupational health and safety of some indoor sex workers.

While this policy alternative would reduce experiences of violence for workers who are registered and working in licensed venues, there are significant negative consequences to establishing a licensing system for those who are unable to comply with the regulatory requirements. Particularly, this approach recreates the harms of previous punitive models for unlicensed workers, while introducing new restrictions that put these workers in precarious legal positions. As an example, workers who are unable to fulfill the bureaucratic responsibilities are pushed further underground where they are at a higher risk of experiencing violent victimization. Disproportionately, sex workers who are already marginalized, such as im/migrant workers with precarious status or low-income workers, are generally put into more difficult positions under legalized models (Bruckert & Hannem, 2013).

Rating: Medium

## **Experiences of Stigma**

While legalized settings were lauded by a few of our participants for contrasting purely prohibition-based approaches, under this model, the legal status of sex work is predicated on the ability and willingness of workers to adhere to exceptional sex industry specific regulations. Workers who are unable or do not want to work within the confines of the legalized regime are criminalized and subject to the same stigma imposed by other criminalized systems (Bruckert & Hannem, 2013).

Considering all of this, although the legalization of sex work reduces some macro-structural stigma by taking a different form than other criminalized regimes, it reproduces stigma in two notable ways: (1) it is predicated on similar moralistic principals that treat sex work as distinct from the mainstream service industry; (2) it creates an environment where some workers are protected, while other workers are made illegitimate and subject to significant stigmatization.

Rating: Medium

## **Equitable Access to Institutional Supports**

Legalization would likely help to improve access to health, justice, and other institutional supports for those workers that can access legal workspaces. Venue owners under this model must prove that they are able to guarantee sex workers' health and safety before obtaining a license. This means that workers are provided access to some health services through their workplace. Beyond this, government funded mobile health services exclusively serving sex workers emerged in the Netherlands after legalization, providing free health care (Weitzer, 2012). This has greatly improved sex workers' access to relevant health care services, and could be established in Canada following legalization.

As already discussed, without the fear of arrest, legalization may also empower some workers and clients to call the police for assistance in moments of need. Notably however, critics have suggested that licensing makes venues more accessible to police, facilitating police targeting and harassment (Lewis & Maticka-Tyndale, 2000).

Workers who fall outside of this legalized model continue to be criminalized, and therefore have limited access to supports. This has a notable negative impact on these workers' occupational health and safety, and highlights the way that legalization contributes to the growing inequity between sex workers with and without legal protection.

Rating: Med-low

### **Effectiveness of the policy intervention across sex work settings**

This policy approach restricts the occupational autonomy of sex workers, including where and when they can work, and who receives protections under the law. Particularly, with all workers being required to register and work in a licensed venue, legalization offers little agency to sex workers in negotiating the specifics of their work conditions or environments. This is notable as several participants suggested that working in informal settings actually improved their occupational health and safety as they were able to have more control over their space.

Beyond this, legalized schemes exist alongside criminal laws, facilitating the victimization of sex workers – especially marginalized workers – that cannot access the legal market (McCarthy et al., 2012; O’Doherty, 2015). Those workers who are unable to meet the regulatory requirements imposed by the state are criminalized, pushing their work underground (NSWP, 2014). Notably, as described by one third party participant, the restrictions imposed by legalization may also be difficult for many workers to meet: *“If you tell them to get registered, nobody would do that because they don’t want other people to find out they are in this industry. That would stay on your record forever and that’s not what they want.”*

While this policy alternative would increase access to labour rights and improve working conditions for legal sex workers, this model would have a negative impact on the safety and well-being of workers who are unable or uninterested in working in a regulated venue, or who work in street-based settings.

Rating: Med-low

### **Freedom to Access Working Environments**

Legalizing sex work after this model would provide clients with the freedom to access licensed indoor working environments. While this would be an improvement from Canada's current legislative approach, legalization remains highly regulated and restricts where, how and with whom clients are able to seek services. Importantly, our analysis revealed that many clients prefer to connect with sex workers in informal settings, which would continue to be prohibited under this model.

Further, although clients are able to legally purchase sexual services within licensed venues, as previously noted, this does not necessarily eliminate police surveillance or harassment.

Persistent police presence around licensed, indoor environments may continue to be threatening for some clients. The impacts of this was explained by a im/migrant, third party participant: *“Licensed parlours [...] are supposed to be the safest. Those unlicensed places are illegal. However, [clients] feel that the police only go after the legal parlours rather than unlicensed places, so they go there.”*

Rating: Med-high

### **Interjurisdictional Cooperation**

Establishing a licensing authority and implementing a set of sex industry specific regulations involves a significant amount of collaboration between all levels of government. While the federal government would specify the broad terms of legalization, provinces and territories would oversee municipalities, and establish sex work specific health and occupational standards. Significant responsibility for the development of sex industry policy would be placed in the hands of municipalities, meaning that sex work regulation and licensing guidelines may vary drastically between cities.

In order to develop, implement and enforce a set of sex industry specific regulations, there would need to be significant communication between municipal, provincial and federal governments. Given the high level of intergovernmental collaboration required, establishing a legalized framework would be difficult.

Rating: Low

### **Sex Worker Support**

While some participants noted that legalized settings would provide gains in terms of sex worker rights (e.g. provide some labour protections), the accompanying consequences (e.g. increased government control) are not acceptable to many working in the sex industry (Belak & Bennett, 2016; Canadian HIV/AIDS Legal Network, 2019; Bruckert & Hannem, 2013). As such, the majority of Canadian sex workers, including participants in our qualitative study, do not endorse legalization as a viable policy alternative, suggesting instead that it may actually impede on the occupational health and safety of a significant sub-population of workers – especially including im/migrant workers with precarious status, low-income, and street based workers.

Rating: Medium

## **Stakeholder Opposition**

Similarly to decriminalization, legalization faces the same criticism from powerful and well organized abolitionist and neo-abolitionist groups due to their moralistic view that sex work is built on the exploitation and victimization of vulnerable women. Because these advocacy organizations hold that the commercial sex industry must be eradicated in order to achieve gender equality, they will likely oppose any legalized framework (Coalition against Trafficking in Women, 2017).

Despite this, there are several reasons as to why legalization may appeal to some stakeholders – especially Conservative MP's, MLA's and voters – who are opposed to decriminalization. These include: (1) Legalization places the responsibility of sex worker safety onto licensed, venue owners. This enables the state to hold owners responsible for regulatory compliance; (2) the industry would be highly regulated, with municipalities developing their own restrictions. Individual community members would have a say as to how sex work is regulated in their jurisdiction; (3) this approach ensures the collection of licensing fees and taxes from individual workers and venues, economically benefiting the government.

Rating: Med-low

**Table 4: Summary of Evaluation**

| Security and Protection          |                                | Equity and Fairness                       |   | Freedom                                | Administrative Complexity       | Stakeholder Acceptance |                        |
|----------------------------------|--------------------------------|---|---|--|---------------------------------|------------------------|------------------------|
| Mitigate experiences of violence | Mitigate experiences of Stigma | Equitable access to institutional support | Effectiveness of the policy intervention across sex work settings | Access to various working environments | Interjurisdictional Cooperation | Sex worker support     | Stakeholder opposition |
| Medium                           | Medium                         | Med-Low                                   | Med-Low   | Med-High                               | Low                             | Medium                 | Med-Low                |

## **End the Unrequested Involvement of Police in Sex Work and Implement a Good Samaritan Law**

### **Experiences of Violence**

Emerging evidence suggests that increasing police enforcement in the sex industry will not reduce sex worker victimization but instead negatively impact sex worker safety, especially amongst im/migrant, racialized and street-based workers (Krüsi et al., 2014, Crago et al., 2021, Lam, 2018).

Considering this, this policy option would have some beneficial impacts in reducing sex workers' experience of violence. On a micro level, similarly to decriminalization and legalization models, removing the risk of criminalization would be expected to have a positive effect on client behaviour, improving worker and client interactions. Further, removing the threat of police surveillance would provide workers with more opportunity to enact safety strategies, such as client screening, which may help to reduce experiences of violence (Krüsi et al., 2014). On a meso level, participants repeatedly indicated that they experienced significant violence from the police. The harassment indoor workers endure, and the desire to eradicate police presence, was described by one im/migrant, sex worker participant *"...I'd actually feel safer if [the police] left us alone and stopped knocking on my door."* The implementation of this policy option would likely help to lessen some of the police abuse workers experience. Importantly however, because it is impossible to control the actions of all officers, sex workers will likely continue to face police violence. On a macro level, this approach would do little to resolve structural violence against sex workers due to the continued criminalization of the sex industry.

Rating: Medium

### **Experiences of Stigma**

Eliminating the unrequested involvement of law enforcement and enacting a Good Samaritan law is expected to reduce the stigma sex workers and their clients experience from the police. This is significant as enforcement-based approaches to sex work have been shown to inculcate sex work stigma, infringing on workers' ability to confidently access police supports (Belak & Bennett, 2016). As noted in our qualitative analysis, anxiety around police stigma puts many workers in a position where they prioritize avoiding detection over safety. This has been shown

to be especially true for im/migrant workers who often don't access protective services out of fear that police may be discriminatory, demeaning, or 'out' their sex work to their community (Goldenberg et al., 2017; McBride et al., 2019; Machat et al., 2019).

While this policy option does not improve broad, societal perceptions of sex workers and clients, it is effective in reducing experiences of police stigma, which may have a positive impact on sex workers' occupational health and safety, and eliminate client and worker fear that police will not maintain their anonymity.

Rating: Medium

### **Equitable Access to Institutional Supports**

The implementation of a Good Samaritan law may have a positive impact in improving sex workers' ability to access the police. A recent study by Crago et al. (2021) noted that 31% of sex workers in Canada reported being unable to call 911 if they were in a safety emergency due to fear of police detection, arrest, fine, etc. By removing this threat, both sex workers and clients may feel empowered to seek out protective services when necessary. Beyond facilitating police access, this policy intervention would not improve sex worker or client access to other institutional supports.

Critically however, for many sex workers, calling the police may never be a preferred or safe option. Fear and mistrust of the police is shaped by decades of police apathy, systemic racism, a culture of mistrust, and a lack of recourse and response to violence, particularly for sex workers who face intersecting social and structural inequities, including Indigenous, racialized im/migrant and gender non-binary sex workers, and sex workers who use drugs.

Rating: Med-low

### **Effectiveness of the policy intervention across sex work settings**

Although this policy approach would not alter any of the broad, structural conditions that impede on sex workers' occupational health and safety, it would uniformly alter the role of police in the sex industry by allowing all workers to choose when, how, or if the police are involved in their work. Broadly, reducing the risk that police will target or harass working environments would help to lessen worker and client anxiety around police intervention and encourage workers and clients to contact 911 when necessary (Crago et al., 2021). This is especially true for workers who face multiple and intersecting forms of criminalization (e.g. workers who use

drugs, workers with precarious migration status, etc.) who repeatedly noted in our qualitative interviews that they felt that they could not rely on police support. Overall, this policy alternative is expected to have a positive impact on the occupational health and safety of all sex workers.

Rating: Med-high

### **Freedom to Access Working Environments**

Our analysis highlights that, since the implementation of end-demand legislation, clients, especially racialized and first time clients, are increasingly anxious about police surveillance and arrest making them wary of accessing sexual services in visible venues. This experience was especially highlighted by one im/migrant, third party participant: "*[Clients] knew that they were illegal. They were afraid to come but went to unlicensed places because the police didn't go to them.*" Notably, these findings build on prior research demonstrating that the explicit targeting of clients under the law pushes clients underground, forcing workers into more hidden working environments (NSWP, 2011; NSWP, 2018; Krüsi, et al., 2014; Belak & Bennett, 2016).

Removing the threat of police intervention would improve clients' ability to access venues, regardless of visibility. Although clients would remain criminalized under the law, this proposed policy intervention would reduce the risk of police involvement, effectively improving clients' freedom to access sexual services.

Rating: High

### **Interjurisdictional Cooperation**

This policy intervention would involve relatively low levels of interjurisdictional cooperation. While a Canada-wide agreement to end the targeting and harassment of sex workers by police and enact a Good Samaritan law would require federal guidelines, the intervention would occur predominately at a municipal level. Particularly, municipalities would facilitate federal directives, ensuring that municipal police forces and RCMP do not target or surveil various working environments, and uphold the Good Samaritan law. Municipalities and sex workers would be able to shape these arrangements so that they best fit with the needs of the sex work community.

Rating: Medium

### **Sex Worker Support**

Police harassment was consistently cited by participants as infringing on their ability to maintain

safe working conditions. This is in line with past research demonstrating that punitive policing approaches have a negative impact on the health and safety of sex workers, especially sex workers who face intersecting social and structural inequities, including im/migrant, racialized, and Indigenous sex workers, and sex worker who use drugs or who live in poverty (Bungay et al., 2012, Goldenberg et al., 2017; Machat et al., 2019; Krüsi et al. 2014; Crago et al., 2021). Participants described being unfairly targeted by police or discredited when reporting violence, making it difficult to rely on law enforcement.

Considering the poor police treatment that many Canadian sex workers have had to endure, most are in favour of decreasing or eliminating police involvement in the industry, and creating a system wherein workers can access protective services without the fear that they, or their clients, will be targeted or discriminated against (Canadian HIV/AIDS Legal Network, 2019).

Notably however, while this policy option would likely garner support from the sex work community, full decriminalization remains the preferred approach.

Rating: Med-high

### **Stakeholder Opposition**

Similarly to decriminalization, this model faces significant opposition from Conservative MP's, MLA's and voters, as well as abolitionist advocacy organizations. These groups are proponents of punitive, carceral feminist approaches to sex work, and argue that reduced police enforcement will tell society that it is okay for men to exploit women (Benedet et al., 2020). Many advocates in support of eradicating the sex industry feel that clients need to be arrested in order to increase the likelihood that they will stop purchasing sexual services (Comte, 2013).

Further, anti-sex work advocates argue that lessening police involvement in the sex industry will promote organized crime and increase the number of women being trafficked, suggesting that more punitive criminalization measures are needed to curb trafficking (Dodillet & Östergren, 2011).

Ultimately, while this approach would maintain end-demand laws satisfying some of these stakeholders' concerns, ending police targeting and implementing a Good Samaritan law is still expected to face significant opposition from anti-sex work groups.

Rating: Med-low

**Table 5: Summary of Evaluation**

| Security and Protection          |                                | Equity and Fairness                       |   | Freedom                                | Administrative Complexity       | Stakeholder Acceptance |                        |
|----------------------------------|--------------------------------|---|---|--|---------------------------------|------------------------|------------------------|
| Mitigate experiences of violence | Mitigate experiences of Stigma | Equitable access to institutional support | Effectiveness of the policy intervention across sex work settings | Access to various working environments | Interjurisdictional Cooperation | Sex worker support     | Stakeholder opposition |
| Medium                           | Medium                         | Med-Low                                   | Med-High  | High                                   | Medium                          | Med-High               | Med-Low                |

**Table 6: Summary of Policy Analysis**

|   | Decriminalization of sex work | Legalization of sex work | End the unrequested involvement of police in sex work and implement a Good Samaritan law |
|---|-------------------------------|--------------------------|--|
| Mitigate experiences of violence (2x)                             | Med-High                      | Medium                   | Medium   |
| Mitigate experiences of stigma                                    | Med-High                      | Medium                   | Medium   |
| Equitable access to institutional supports                        | Medium                        | Med-Low                  | Med-Low  |
| Effectiveness of the policy intervention across sex work settings | Med-High                      | Med-Low                  | Med-High   |
| Access to various working environments                            | High                          | Med-High                 | High   |
| Interjurisdictional cooperation                                   | Med-Low                       | Low                      | Medium   |
| Sex worker support (2x)   | Med-High                      | Medium                   | Med-High   |
| Stakeholder Opposition (2x)                                       | Low                           | Medium                   | Med-Low  |

## Chapter 9.

### Recommendations

Findings of this study highlight the pervasive roles of client criminalization and intersecting concerns of stigma and discrimination in shaping the occupational health, safety, and wellbeing of sex workers. Our research illustrates how large-scale forces such as criminalization, and punitive, enforcement-based approaches to sex work inform sex worker and client experiences in the industry, and highlights the structural vulnerability experienced by many sex workers and clients. Improving client access to various working environments would have a positive effect on clients' as well as sex workers' well-being.

To ensure a more equitable policy framework in the long term that benefits both sex workers and their clients, a broad, macro-structural policy intervention is required. Particularly, our evaluation indicates that decriminalization would be the best policy approach towards improving the occupational health and safety of indoor sex workers. Although decriminalization is by no means a panacea as societal concerns around sexual morality will likely persist, there is significant evidence to suggest that in New Zealand and New South Wales decriminalization has created many benefits, including recognizing sex work as work and protecting the rights of sex workers through labor law, and workplace health and safety regulations.

In establishing decriminalization in Canada however, it is critical that governments work collaboratively with sex workers to create policy guidelines that reflect the needs of the community. Importantly, with input from Canadian sex workers, Canada's approach to decriminalization may take time to implement and vary slightly from the framework proposed in this capstone.

Considering the time, effort and political will required to create an appropriate decriminalization model in Canada the recommendations of this analysis are two-fold: (1) end the unrequested involvement of police in the sex industry and implement a Good Samaritan law; (2) directly include and consult with the sex work community to establish a decriminalization framework that meets the needs of Canadian sex workers.

### **Policy Recommendation 1: End the Unrequested Involvement of Police in the Sex Industry and Implement a Good Samaritan Law**

The first part of this policy recommendation is a short-term actionable item that can be completed quickly because of its ability to be implemented across jurisdictions with relative ease and with slightly less stakeholder opposition. Our findings indicated that, rather than reducing violence, police involvement in the sex industry increases the risk of harm to sex workers, third parties, and clients. This points to the necessity of abolishing unrequested police involvement in the sex industry and ensuring sex workers are able to report incidents that threaten their safety. Implementing this policy approach would reduce the detrimental effects that police enforcement has on sex workers, and improve sex worker, third party and client safety (Belak & Bennett, 2016; Canadian HIV/AIDS Legal Network, 2019; Goldenberg et al., 2017; Krüsi et al., 2014; Crago et al., 2021).

Significantly however, because this option does not address the harms – including the aim to eradicate sex work – embedded in end-demand frameworks, this policy option alone would not be sufficient in improving the occupational health and safety of all sex workers. Despite this, reducing the reliance on carceral interventions does provide sex work communities, governments and relevant stakeholders with the space to define a decriminalization model that meets the needs of Canadian sex workers, while alleviating the threat of punitive policing.

### **Policy Recommendation 2: Decriminalization**

This analysis points to the clear need for law-reform towards the decriminalization of sex work. Decriminalization emerged as the preferred policy option as it has been shown to have positive impacts on the health, safety, and human rights of sex workers. Particularly, in this analysis, decriminalization was shown to be the best option towards reducing experiences of violence and sex industry stigma. Evidence from decriminalized settings firmly indicates that this approach supports access to better working conditions and increases the occupational health and safety of sex workers (Canadian HIV/AIDS legal network, 2019; Abel, 2014). It is critical however, that this policy approach is created in tandem with sex work communities in order to ensure that a model of decriminalization is implemented that responds to the needs of all Canadian sex workers.

Despite the proven benefits of decriminalization, vocal and powerful anti-sex work activists remain staunchly opposed to decriminalized models making it difficult to implement. Significantly however, a recent public opinion poll found that 55% of Canadians support the decriminalization

of sex work (Simpson, 2020), suggesting that decriminalization may be more politically feasible than previous assessments have indicated.

### **Next Steps**

Moving forward, there is a critical need to include the narratives and lived-experiences of sex workers in evidence-informed policy making. Greater effort is required on the part of governments and policy makers to meaningfully work with sex workers to adopt policy reforms that reflect the experiences of those involved in the sex industry. With growing public support for decriminalization, this engagement is especially necessary now in order to ensure that any policy reform reflects the needs of the Canadian sex work community. Further, while the qualitative research presented here focuses on the narratives of indoor sex workers and third parties in Vancouver, work is needed to compile the research conducted in different settings to highlight the impacts of client criminalization across the sex industry, and provide cohesive evidence demonstrating the benefits of decriminalization.

In addition, COVID-19 has altered the sex work landscape in Canada. A number of in-call sex workers have moved online in order to reduce their in-person interactions, while others, who previously had no engagement with the industry, are choosing to work online for the first time due to lost work or a reduction in wages (McBride & Pearson, 2021). Moreover, sex workers who face existing structural exclusion from occupational protections and high levels of marginalization (e.g. street-based and im/migrant workers) have been blocked from financial and labour supports during COVID and are faced with heightened police surveillance, pushing many to work longer hours in more isolated areas. The pandemic crisis has reduced access to supports and negatively shaped the occupational health and safety of these workers, making them more vulnerable to violence (McBride & Pearson, 2021). Considering the effect that COVID-19 has had across working environments, it is necessary that governments further examine the impact of COVID-19 in the sex industry and the structural conditions that have made workers more vulnerable as a result of the pandemic, and offer labour protections and financial supports for all workers, including online, indoor, and street-based sex workers.

Finally, additional exploration is also needed into the perspectives and experiences of clients. Including clients in sex work related research could provide important insight for policy development. Because of the stigma associated with purchasing sex, there is currently limited information around how clients are impacted by sex work laws in a Canadian context. The

involvement of clients may help to inform how decriminalized models could best support clients as well as sex workers and third parties.

## Chapter 10.

### Conclusion

Intersecting regimes of criminalization, policing and stigmatization shape sex workers' occupational health and safety and experiences of violence. The evidence presented here demonstrates a growing consensus among sex workers, third parties, advocates, and academics for the implementation of structural interventions that moves beyond carceral approaches that criminalize and surveil those involved in the sex industry.

More specifically, this capstone points to the need for the removal of police in the sex industry towards decriminalization. Both the qualitative and policy analysis highlights the multi-layered influence of end-demand legislation on the occupational health and safety of sex workers, demonstrating that client criminalization and resulting enforcement practices are contributing to ongoing and severe labour and human rights violations against sex workers. Legislative reforms which enhance sex workers' rights, rather than limiting their freedoms under the guise of protection, are urgently needed to enable safer working conditions.

In the short term, it is recommended that a Good Samaritan law is implemented and that unrequested police involvement in the sex industry is eliminated. As already outlined, this policy option can be introduced relatively easily, and provides sex workers with the space to define a decriminalization model that meets their needs, while alleviating the threat of punitive policing. In the long term, decriminalization, as conceptualized by sex workers in Canada, is a critical intervention to begin to improve sex workers' occupational health and safety, and support the well-being and human rights of those involved in the Canadian sex industry.

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# Appendix.

## Coding Framework

### Clients:

**Change in Client Behaviour Following PCEPA:** Includes explicit narratives about a change in the way clients interact with workers/third parties (may be positive or negative). This may include discussions of client paranoia, a change in the type of client workers are seeing, a change in the way clients interact with the venue, a change in preferred type of venue, or any other mentions of how client behavior has changed since the implementation of PCEPA.

**No Change in Client Behaviour Following PCEPA:** Includes explicit narratives about how client behavior has not change the way clients interact with workers/third parties following PCEPA.

**Client Characteristics:** Includes any description of clients in any context, with a focus on demographics. May include details such as who clients are, what they look like, where they work, how old they are, where they live, or any other relevant details.

**Client Communication amongst each other to Avoid Police Presence:** Includes discussions of clients working together to warn others about which parlours have or haven't been visited or monitored by the police or by-law officers. Participant may speak to the lack of clients visiting licensed parlours, and their preference for unlicensed venues.

**Client Fear of Being Outed:** Includes narratives of clients being afraid that their identity as a client may be disclosed, and discussions of how this fear shapes transactions. Includes any change in client, sex worker, or third-party behavior in order to maintain client anonymity, client paranoia, or client/participant burden of keeping client activity a secret.

**Client Fear of Criminalization:** Includes narratives of clients being afraid that they will be arrested, fined, or detained by the police and how this fear shapes transactions. Includes any change in client, sex worker, or third-party behavior in order to avoid criminalization, client paranoia, or client/worker burden of keeping their activity a secret.

**Client Shame and/or Stigma:** Includes narratives of societal stigma towards clients and the psychological impact that client criminalization has on clients. This includes any comments about the burden of criminalization on client's mental health, perceptions of what others might think of them, and any discussion of internalized stigma, and with a focus on how this shapes transactions with, and the safety of, sex workers/third parties.

**Quote Gem – Clients:** Specific quotes related to clients or client criminalization which are powerful and may be useful for manuscripts.

**Client Screening:** Includes narratives related to clients being screened by workers or third parties. May include discussions of a change in the way clients are screened, client opinions or reactions to screening, and how client screening impacts worker safety.

**Negotiating Services with Clients:** Any discussion involving the negotiation of services between clients and participants (including third parties). This may include discussions of services workers feel comfortable or uncomfortable providing for clients, but does not include any discussion or pricing.

**Client Coercion and Services:** Feeling pressured to provide extra or unsafe (i.e. without a condom) services, or services that the participant is uncomfortable with because a client is being intimidating, violent, manipulative, or withholding payment.

**Bad Dates:** Any mention of physical, sexual or verbal violence by clients. This includes narratives about workers being ripped off or robbed by clients, threatened or manipulated by clients, or any mention of physical force, verbal threats, or perceived threat of violence (i.e. pressured by clients to deliver services out of fear of violence).

**Negotiating Condom Use with Clients:** Any discussion involving the negotiation of condom use between clients and workers.

**Positive Encounters with Clients:** Includes narratives about positive relationships between participants and clients in any context. Includes broad comments about participants generally getting along with clients, or mentions of specific relationships or supports.

**Negative Encounters with Clients:** Includes narratives about negative relationships between participants and clients in any context. Includes broad comments about participants having difficulty, or not getting along with clients.

**Client Services:** Includes any discussion of the types of services clients ask for in any context. Includes any physical, emotional, or support services provided by workers and/or third parties.

**Strategies to Deal with Bad Clients:** Includes any discussions of how workers or third parties deal with bad clients. This may include narratives around maintaining a 'bad client' list, de-escalation tactics, working with workers or third parties to get rid of a bad client, maintaining distance from known bad clients, or any other way that participants work to protect themselves, minimize bad client interaction, or get out of a negative situation

### **Occupational Health and Safety:**

**Unlicensed Venues and/or Less Visible Working Environments:** Includes any discussion of clients preferring unlicensed venues as a way to maintain anonymity and/or avoid police/criminalization. Includes narratives about participants being unable to work with others, being pushed into underground or more isolated settings, preferring to work alone, or adjusting to working in less visible venues.

### **Police:**

**Calls to the Police:** Includes mention of worker, third parties or clients calling the police for any reason, with a focus on narratives of participants/clients willingness to call the police or not. May involve positive, negative or neutral responses by police, and positive, negative or neutral perceptions of the police by workers, third parties, or clients.

**Encounters between Workers and Police:** This includes any narratives about the police interacting with sex workers, with a focus on how this impacts transactions and/or relationships

with clients. This may include discussions of police stigmatizing or belittling workers, trying to 'save' workers, threatening or intimidating workers, coercing workers, purposefully trying to reduce business, physically assaulting, detaining or fining workers, or any neutral or positive remarks about police.

**Encounters between Third Parties and Police:** This includes any narratives about the police interacting with third parties, with a focus on how this impacts transactions and/or relationships with clients. This may include discussions of police stigmatizing or belittling third parties, threatening or intimidating third parties, coercing third parties, purposefully trying to reduce business, physically assaulting, detaining or fining third-parties, or any neutral or positive remarks about police.

**Positive Encounters with the Police:** Includes narratives about positive relationships between participants and police in any context with a focus on how this impacts transactions and/or relationships with clients. Includes broad comments about how police are more supportive of workers post PCEPA, or any mention of specific relationships or supports.

**Client Interactions with the Police:** Includes narratives about clients' interactions with the police. May include discussions of positive relationships between clients and police (i.e. clients viewing police as protecting them and their rights) or negative relationships between clients and police (i.e. police criminalizing clients, or infringing on their ability to access workers).

**Police Reinforcing Client Stigma or Shame:** Includes discussions of police belittling, threatening, or discouraging clients from visiting workers. This includes any discussion of police using derogatory language towards clients, making clients feel uncomfortable or exposed, or manipulating clients.

**Police Presence Impacting Business:** Includes narratives about how police activity in any context has had negative or positive economic consequences on workers. This may include discussions of police targeting or searching venues, undercover police in venues, police threats, police presence outside of venues, police working with workers/venue owners, or any other way the police shape client flow, or economic outcomes.

#### **Payment and Income:**

**Payment Type:** Includes narratives about how clients are paying for services (i.e. with cash, card, e-transfer, etc.). May include discussions about how payment type has evolved over time and/or how payment type impacts the safety of workers.

**Negotiating Pricing or Payment with Clients:** Any discussion involving the negotiation of prices between clients and participants (may be third party or sex worker). These discussions may be positive or negative, and includes any mention of clients offering money in exchange for services, or the way participants are collecting/would like to be collecting payment.

#### **Current laws:**

**Client Understanding of PCEPA:** Includes discussions of clients understanding what is legal or illegal, and any comments on how they perceive the current laws, with a focus on how these understandings shape transactions.

**Impact of PCEPA on Business:** This includes narratives about how PCEPA has positively or

negatively affected business. Focus on how the PCEPA wants to see this law reduce reliance on the industry.

**Impact of PCEPA on Pricing or Income:** Includes narratives about the effect of client criminalization on individual or venue pricing/income, client volume, or any mention of overall economic impacts of client criminalization.

**Macro-Economic Impacts of PCEPA:** Includes any discussion of how broader economic climate impacts client's ability to pay and/or see workers.

**Policy:**

**Policy Recommendations:** Includes any discussion of how policy should change in order to improve conditions for sex workers and third-parties. This may include recommendations at the municipal, provincial and federal level, and may also include discussions of what changes wouldn't work.