

# *The Perils of “Protection”:* Sex workers’ experiences of law enforcement in Ontario

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# Background & Project

- 2014: *Protection of Communities and Exploited Persons Act* (PCEPA) passed, legally enshrining all sex workers as victims and widening net of criminal prohibitions against sex work.
- The law immunizes some sex workers from prosecution, **but sex workers continue to be criminalized and to experience human rights abuses perpetuated by law enforcement while they work.**
- 2018: interviewed 22 sex workers in Ontario about their experiences of law enforcement in the context of work since PCEPA became law. Workplaces included strip clubs, massage parlours, street, hotels, spas/body rub parlours, and personal residences; half worked independently and remainder with other sex workers and/or third parties. 6 key informants also interviewed.



# Key Findings: Aggressive surveillance & law enforcement abuses

Sex workers described **pervasive, unsought and disproportionate surveillance from law enforcement**, who employ criminal, immigration, human trafficking, municipal & other laws to monitor, interrogate, investigate, harass, detain, ticket, arrest, charge, deport sex workers.

**Surveillance → law enforcement abuses**, e.g. intimidation, threats, harassment, unwarranted searches of workplaces and belongings, destruction or theft of property, disproportionate or arbitrary application of law, assault, retaliation, extortion.

**Racialized, migrant and trans women bore heaviest burden of profiling**, but routinely positioned outside reach of assistance in times of actual need. Indigenous, Black and Asian sex workers described being singled out by police for scrutiny and abuse.

**Sex workers experienced law enforcement as a source of repression, not protection.** To evade and mitigate harms, sex workers changed their ways of working, e.g. by working in unfamiliar & secluded areas, in social isolation, with unknown risks.

# Key Findings:

## Wide-ranging negative impacts

### Wide-ranging negative impacts on sex workers:

- diminished ability to earn income;
- harms to physical safety, perpetuated by law enforcement or predators who exploit sex workers' isolation;
- harms to mental health;
- being "outed" and the stigma and discrimination that ensues;
- workplace eviction;
- repercussions on family life, including on child custody;
- limitations to sex workers' geographic mobility;
- fewer opportunities for other / future employment;
- immigration detention and deportation for migrant workers;
- impediments to practicing safer sex.

**Going to authorities not a viable option for many sex workers and majority stressed that they would not report law enforcement abuse to police**, especially if abuse occurred in context of their sex work.

# Conclusions

Law enforcement not only barrier to sex workers' safety, but often an immediate and systemic danger: **criminal, immigration, human trafficking, municipal, child protection, drug-related laws & policies confer extraordinary powers on law enforcement** to monitor, antagonize, detain, charge, and deport sex workers.

In order for police to provide meaningful assistance, **it must be requested by sex workers and they must be treated as deserving of respect.**

Sex workers reject victim framework promoted by law enforcement, but some feel pressure to conform to this stereotype to minimize potential harms of law enforcement & be deemed worthy of assistance.

Not just a case of a few “bad apples”: **law enforcement need to be removed as the primary regulators of sex workers' lives.**

