

Pivot Legal Society Sex Trade Work Committee

**Pre-Budget Submission to
the Standing Committee on Finance**

House of Commons
September 29, 2003
Vancouver, British Columbia

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I am 35 years old. I currently work in the sex trade in order to have enough money to feed myself and buy cigarettes. I do this because I don't like to take charity. I like to be able to take care of myself ... As a result of my involvement in the sex trade, I have hepatitis C and post-traumatic stress and anxiety disorder. I was diagnosed with bi-polar disorder and depression a year ago. Over the past 20 years I have frequently been suicidal. I avoid many of the areas I used to work in so that I can stay clean and mentally healthy. Unfortunately, I still need to work in the sex trade, and can't avoid all the areas. I have a grade 7 education, and no formal training, and I don't feel I have any alternative to working in the sex trade. Financially, I am always struggling, and don't have the resources to find alternatives (Affidavit 76 at para. 2).

Introduction

Pivot Legal Society

Pivot is a Vancouver-based non-profit society, dedicated to advancing the interests and improving the lives of marginalized persons, in particular drug users and sex trade workers, through the use of law reform, legal education, and strategic legal action. Pivot is an organization composed of lawyers, law students, activists, legal and social science academics, and members of the communities we serve.

In the summer of 2003, with the financial support of the Law Foundation of British Columbia, Pivot Legal Society's Sex Trade Work Committee undertook a sex trade law reform project. This project involved the collection of sworn affidavits from survival sex trade workers in order to prepare a written submission for upcoming Parliamentary hearings on reform of Canada's prostitution laws.

For the purposes of this project, a "survival sex trade worker" is understood to be someone who is selling sex in order to meet subsistence needs, such as food, clothing, housing, etc. In survival sex work, the

worker has few or no other options to earn enough money to survive.¹ Approximately 100 affiants swore statements that contained their expert opinions on the sex trade and the criminal laws around prostitution, and provided personal information about their experiences. We also held an additional focus group of sex trade workers on September 17, 2003, to provide in-depth information for this submission.

During the project, it became clear that some of the affiants' needs from government fell within the purview of the Standing Committee on Finance, and as such, we are pleased to make the following information available to you, in order that committee members can consider the views of those who are marginalized in Canadian society when drafting the 2004 Budget.

Message to the Committee

Pivot Legal Society's project revealed that the federal government's current fiscal policies severely neglect the needs of sex trade workers.

It is a matter of public record that sex trade workers in Vancouver face a daily risk of sexual and physical violence, harassment, abduction, and murder. They are

1. Moon, M. W., & et al. (2000). HIV Risk Behavior of Runaway Youth in San Francisco: Age of Onset and Relation to Sexual Orientation. *Youth and Society*, 32(2).

also subject to severe forms of discrimination and social exclusion in the course of their work, in their daily lives, and in their interactions with state institutions such as police and health care providers. This is attributable in part to the fact that the needs of sex workers have been neglected in recent federal fiscal plans. This neglect is of serious concern, because of the existing vulnerability of sex trade workers to violence and discrimination. The precarious social position of sex trade workers who worked on this project is compounded by their membership in historically disadvantaged groups:

they are women, Aboriginal people, and people with disabilities including HIV/AIDS, Hepatitis C, long-term addictions, depression and other serious conditions. They live in poverty, and their income from the sex trade is typically a primary source of subsistence or a necessary consequence of inadequate social assistance rates.

We recommend two measures for the next federal budget that would begin to remedy the neglect of sex trade workers:

Recommendations

- 1. Increase transfer payments to the provinces for the provision of social services, and require that provinces meet basic standards in the provision of those services. Sex trade workers are in need of:**
 - a. Rates of income assistance that reflect actual needs, and guaranteed availability of assistance of last resort.
 - b. Safe, liveable and accessible social housing.
- 2. Targeted funds should be directed to federal ministries and agencies that administer services and public institutions relevant to sex trade workers' lives (such as the Canada Mortgage and Housing Corporation, Health Canada, and Status of Women Canada), so that those ministries and agencies can:**
 - a. Engage in accessible consultations with sex trade workers, asking for their expert opinions on how services under federal jurisdiction can be made useful and open them.
 - b. On the basis of those consultations, institute programs for the benefit of sex trade workers, so that their safety, inclusion, and participation in Canadian society are reinforced as legitimate social goals.

Funding Social Services

I would ask the government for more funding for housing for us, and more money on the cheque so we don't have to risk our lives for the rest. Women are trying to get money for food. The housing is really bad - we need more of that. Look at the people living in tents. They don't want them at Victory Square, they don't want them at Woodward's. But we really need it. It's terrible. (Affidavit 046 at para. 11)

Sex trade workers are subject to constant risk of murder, sexual assault and other forms of violence, discrimination, harassment and social exclusion.

Poverty increases their vulnerability to these harms.

At least 60 sex trade workers have gone missing from the Downtown Eastside of Vancouver, a neighbour-

hood widely known for the poverty of its residents. Robert William Pickton has been charged with homicide in fifteen of their deaths. In Edmonton, since September 2002, the bodies of five women known to be sex trade workers were discovered. Behind these appalling numbers are even more sex trade workers who are survivors of rape, assault, robbery, and attempted murder. Incidents of violence were commonly reported by the affiants in our project, and are also documented in "Bad Date Sheets" kept by service organizations for sex trade workers. For example, "[t]here is a man on the bad date sheet, named Randy, who sets fire to the girls with lighter fluid" (Affidavit 084 at para. 14).

The link between poverty and vulnerability to violence is strong. Consider the following factors identified by the affiants and the focus group:

Linking poverty and violence:

1. Living in poverty means that **the number of dates a worker does directly influences her ability to meet her needs**. In many cases, workers may not feel free to turn down a date with an unknown person if it means they will not be able to eat or make rent. In the Downtown Eastside, a date will yield as little as \$5 - \$20.

2. Widespread poverty and shrinking social assistance eligibility mean that **more people need to turn to the sex trade as an essential income source**². The presence of more workers drives down prices, so that individuals have to do more dates to meet their needs, increasing the likelihood of encountering harm. As one participant in the focus group noted,

Every time you do a date, you run the risk of becoming [HIV] positive. You run the risk of getting some kind of disease. You run the risk of some kind of violence. You run the risk of not coming back, period... You run the risk of getting busted. You run the risk every time you do a date, and now you have to do five times as many. Or if you stick to your prices, you stand out there five times as long. Take your pick.

3. Living in poverty means that a worker who has experienced violence will face considerable barriers should she need to report an incident to the police. **Someone who must keep working to meet basic needs will likely avoid the police** because she might be arrested if she exposes herself as a sex trade worker, or because of past police indifference to such incidents.

In 1998-99 I went missing for a few days. My boyfriend went to the police to report me missing... When my boyfriend told him I was a prostitute, the

officer put his pen down and told him there was nothing he could do. (Affidavit 26 at para. 10)

4. Survival sex trade workers face greater risk of arrest and police harassment. The criminal laws have an especially severe effect on sex workers living in poverty: they do not have resources to engage in their work in private, discreet locations, and they may already be subject to state scrutiny through interactions with social services and the justice system.

The Standing Committee on Finance is in a position to remedy the poverty that contributes to the grievous violence suffered by sex trade workers, by increasing transfer payments to the provinces for the provision of social services, and requiring that provinces meet basic standards in the provision of those services, such as sufficient amounts of income assistance, prohibitions on arbitrary time limits and lifetime bans, and the delivery of social housing. We propose

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that this should be done through amendments to the Canada Health and Social Transfer (CHST).

While some affiants do not receive social assistance, or do not currently qualify, many of those who do are using their income from the sex trade in order to meet basic needs, such as food and shelter:

I struggle financially all the time. I am on regular welfare, I get \$490 and my rent is \$450. That leaves me \$40 for the whole month, which must cover cigarettes, food and transportation. My rent is higher than welfare would like it to be because I have my own bathroom and the place has no tolerance for drugs. I would like to live elsewhere but cannot afford it (Affidavit 071 at para. 8).

Welfare pays my rent directly. They don't pay the full amount, so I have to pay the rest out of my sup-

2. In British Columbia, regular welfare recipients are only eligible to receive social assistance for 2 years out of every 5 years, and the first wave of recipients will lose their eligibility April 1, 2004. In British Columbia and Ontario, anyone convicted of welfare fraud will be subject to lifetime bans from receiving social assistance, even if they continue to be unable to find any other, legal means of support.

port money which is supposed to be for groceries and clothing. Rent is \$350, I have to pay \$25 of that off of the \$270 support. Other money comes off for damage deposit. I have found a place to get my methadone covered. The money I have left is nowhere near enough. It doesn't even cover cigarettes let alone food and clothes. I am starting to use community resources that before I could not access because of my heavy addiction (Affidavit 69 at para. 15).

If you are just on regular welfare, it's fucking impossible to live. I actually tried, like, for about a year... with my first child, I didn't work [in the sex trade], I didn't do any volunteer stuff, I lived on the island, so I lived basically on my welfare, period. And usually a week before welfare day, at least three days before welfare day, there was only food for the kid and nothing for me. And that was making things scrimp as it was to make the basic needs for the child. And, you know, if you ate you ate, right? (Focus Group, Participant 1)

I started working in the sex trade because I could not get by on social assistance and I was always running out of food (Affidavit 02 at para. 2). That's another problem with the welfare down here. They don't want to give you anything extra because of all these free places to eat [at service and charitable organizations in the Downtown Eastside]... But then you have to spend half the day running around to get the food... "Gee, what did you do this week? Went to the food bank, went to the food bank."... We don't get enough to eat at our homes. (Focus Group, Participants 4, 1 and 2)³

...if the federal government does not acknowledge some financial responsibility to sex trade workers for their well-being and their social participation, members of this group will continue to be oppressed, victimized, and murdered.

Focus group participants also described having to rely on charitable organizations for clothing. They detailed getting fungus and skin ailments from used shoes, and noted that donated clothes are often unsuitable or too large, because they are donated by healthy women to women who are sick or malnourished.

When social assistance rates are so low (as little as \$510/month in British Columbia) that recipients do not have enough to cover appropriate accommodation, food and

clothing, the logical remedy is to increase the amount of money in social transfers to the provinces, and to enforce social assistance standards across the country so that sex trade workers are not treated punitively, are able to access assistance, and are able to live at an income level where they do not need to trade their safety for mere subsistence.

If there is insufficient funding in the social assistance system at the outset, it is unlikely that provinces will ever provide adequate rates. Furthermore, if the federal government does not acknowledge some financial responsibility to sex trade workers for their well-being and their social participation, members of this group will continue to be oppressed, victimized, and murdered.

We also call upon the federal government to renew its commitment to affordable housing expressed in last year's Throne Speech, to continue funding existing social housing agreements with the provinces and territories, and to ensure that those existing and new agreements are transformed into actual housing that is available to our affiants.

³ Focus group participants discussed the limitations of relying on food banks and service organizations: they don't all allow children to come in, they aren't all women-only, the food quality is very bad and occasionally unhygienic, they don't list ingredients or provide options if people have allergies, line-ups are sometimes very long, and they are not open at night. Some religious organizations hold religious services while food is being served. Food usually cannot be taken away from organizations providing meals, and cannot be delivered to someone who is sick and can't get food themselves. Groups that deliver food to people who are HIV-positive frequently distinguish between degrees of sickness; one participant described gaining access to the program only because she was pregnant.

Dwelling in Poverty

While some of our affiants currently live in social housing, many also have to live in Single Room Occupancy (“SRO”) Hotels. The four-person focus group identified some problematic aspects with this kind of housing and its interaction with social assistance:

- i) SROs frequently charge rent at a rate higher than the social assistance shelter allowance, requiring recipients to allot their support funds to rent as well.
- ii) Social assistance will provide money for a damage deposit when a recipient moves into an SRO, and the amount is docked from the recipient’s payment (i.e. \$20/month). In the event that a damage deposit is paid back to the recipient when she moves, that amount is considered income and is docked from the recipient’s payment for that month. Some damage deposits are never returned by the hotel.

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Where the amount of support is whittled down by housing costs, the sex trade is a main way of making up the shortfall. We held a focus group with four participants drawn from our group of affiants, and they detailed their housing situations for us, as well as the ways shortfalls occur:

- 1. One participant lived with her child in a very small one-bedroom apartment, with a kitchen and a bathroom. She paid \$575 per month, plus hydro, cable, and phone bills, and can only afford this because she is on disability benefits, which provide additional support, including a nutritional supplement. She previously paid \$475, plus hydro, cable and phone, which would have been impossible if she had not been on disability.
- 2. Another participant lived in a very small bachelor apartment. She paid \$425 per month. She had a kitchen and a bathroom. She described previously living in an SRO, where the management regularly came into the rooms without permission.
- 3. Another participant lived with a male roommate in

connected rooms in an SRO. They each pay \$325. They have no stove or sink, and must use a hotplate to cook (not permitted in all SROs). They share a bathroom. The fridge is in her roommate’s room. Their SRO charges guest fees, meaning that without prior notice (i.e. of a family visit), no one can come and knock on their door without paying \$10-\$20, day or night.

- 4. The remaining participant lived in subsidized housing, in a bachelor with a small dining area, a kitchen and a bathroom with a bathtub. She paid \$306 per month, plus her cable bill. She was happy with the security and management of the building, but noted that the manager’s wage was being cut from \$13 to \$8/hour in provincial government cutbacks, and that he would be leaving, which caused her some serious security concerns.

The participants described what a good living situation would be for them. They were concerned about:

Safety

They described being harassed in their current living situations by drug dealers and police. Participant 4, whose manager was leaving due to his wage cut, also noted that recent cuts included the elimination of the building’s night-time security. She said they already found people coming into the stairwells to sleep, use drugs or to urinate. “I really don’t feel good about living there anymore.” Participant 2 agreed with this from her previous experiences in social housing. Participant 1: “You can’t even go to sleep in your own apartment and feel safe... When I’m there by myself, I open the closet door so that it will bash into the door when it’s opened. That’s my security. Big deal.”

Privacy

They described building management entering tenant’s spaces, or waking up from a nap to find persons unknown to them standing in their apartment. Space. Participant 1 described having to put her dresser in the closet, and having to climb across her bed to reach her child’s crib. All of her child’s toys

and her car seat had to be stored at a friend's apartment so she would have room to walk around. She also noted that she has no personal space for either herself or her child. Participant 4 said that when her son lived with her, his crib was kept in the dining space.

Quality of buildings

Participant 2 observed that many social housing projects have been built very rapidly, and have ongoing problems due to the poor quality of the building. In some buildings, tenants could not go onto the balconies because they were unsafe, or continuing plumbing repairs had to be made.

Amenities

Participant 4 had no washer or dryer when she lived with her young child. Participant 3 would prefer a stove instead of a hotplate so that she can cook. The participants all agreed that they would much rather cook for themselves than be forced to rely on service organizations because they have nowhere to store food hygienically, to protect it from rodents or to prepare it.

Autonomy

Participant 3 described her situation with her roommate, who makes it difficult for her to have friends over or to use her own space for dates. She wanted a place of her own, where she did not have to depend on a male companion and he did not have to depend on her. Participant 1:

You shouldn't have to rely on having a male in your life, or even a person in your life to make ends meet. You shouldn't have to be, and there are a lot of people who are subjected to relationships because of poverty... where they've had to stay in relationships because they can't pay their rent without that person, or they can't make ends meet, period, without that person. A lot of people are in relationships they don't want to be, but they have to be.

Affordable housing needs to be fully funded, and we echo the submission of the BC Public Interest Advocacy Centre calling for an annual \$2 billion investment in social housing that is truly affordable for those who live in poverty.

Affordable housing needs to be fully funded, and we echo the submission of the BC Public Interest Advocacy Centre calling for an annual \$2 billion investment in social housing that is truly affordable for those who live in poverty. In most cases, this will mean that rent costs fall below social assistance shelter allowances (\$325/month in British Columbia). This will also mean that affordable housing projects will be effectively administered with the understanding that safety, privacy, space, necessary amenities and autonomy are of utmost importance to tenants.

Funding of Consultations and Programs for Sex Trade Workers

Sex trade workers are among the most marginalized groups in our society. When they attempt to access social institutions that are of benefit to mainstream Canadians (including policing, health care, legal aid, or democratic processes), they frequently encounter discrimination, stereotyping, and sometimes threats to their personal safety at the hands of public authorities.

Society has always looked down on working women. You can't tell anybody about it. You can't tell the doctor or the police.

You should be able to tell doctors so you are medically safe and the police so you can be protected physically. It is the same as real estate or banking. It serves the public and should be protected by the police and society, not the other way around (Affidavit 069 at para. 23).

I believe there is discrimination in health services. At the hospitals they always ask me if I am an alcoholic or a drug addict because I am Native. They also ask if I am a prostitute. At the clinics too when they see my needle marks or when I say that I drink they right away want me to go to detox and counseling. They put prostitutes, drug addicts and alcoholics all in one character. They assume you do all of this. They want to do blood

tests, TB tests, syphilis and gonorrhoea tests. I feel really unhealthy and degraded. They didn't even ask if I was having sex without condoms. Sometimes they do these tests without even asking or letting you know. They make a lot of assumptions. When I complained about my stomach they right away thought it was because of alcohol, they don't know how much I drink. When they smell alcohol, they automatically think you were drinking all night (Affidavit 019 at paras. 17-18).

This treatment is usually on the basis of their occupational status, compounded by the fact that they experience other forms of disadvantage:

The federal government must undertake action in a range of policy areas, including education, support, treatment, and programs to support workers who wish to exit the sex trade.

- Most sex trade workers are women, and many of them are Aboriginal women (35 of 85 affidavits were collected from female sex trade workers);
- Many of them had health problems and disabilities. 48 of 85 affidavits collected from female sex trade workers reported addiction or drug use. 36 reported other health problems, including addiction, HIV/AIDS, Hepatitis C, depression, and other serious health conditions.
- All of them live or have lived in extreme poverty.

The Standing Committee on Finance is in a position to improve sex trade workers' access to public institutions. Funds need to be allocated to the following federal ministries for two purposes:

First, to engage in accessible consultations with sex trade workers, asking for their expert opinions on how services under federal jurisdiction can be made more effective, accessible and appropriate for them. The federal government must undertake action in a range of policy areas, including education, support, treatment, and programs to support workers who wish to exit the sex trade. Sex trade workers who engage in the consultation should be compensated for their expertise, and their recommendations should be followed to the fullest possible degree.

Second, following from the results of these consultations, funds should be allocated to institute programs for the benefit of sex trade workers, so that their safety, inclusion, and participation in Canadian society are reinforced as legitimate social goals.

All of the following federal ministries and agencies would have some areas under their jurisdiction that could be delivered in a manner more beneficial for sex trade workers. Funds must be allocated

to these agencies with the directive that they are intended for the purposes listed above. Priorities are marked in **bold**:

- Canada Mortgage and Housing Corporation**
- Canadian Centre for Occupational Health and Safety**
- Canadian Centre on Substance Abuse
- Canadian Heritage (in its capacity of reporting the United Nations treaty monitoring bodies)**
- Canadian Human Rights Commission and Human Rights Tribunal**
- Canadian Institutes of Health Research
- Canadian Intergovernmental Conference Secretariat**
- Canadian Police College
- Department of Finance**
- Health Canada
- Human Resources Development Canada
- Department of Justice
- Law Commission of Canada**
- Public Service Commission of Canada and Public Service Integrity Office
- Social Sciences and Humanities Research Council of Canada
- Solicitor-General of Canada, Commission for Public Complaints Against the RCMP, RCMP External Review Committee and RCMP Status of Women Canada**
- Voluntary Sector Initiative

Recommendations

- 1. Increase transfer payments to the provinces for the provision of social services, and require that provinces meet basic standards in the provision of those services. Sex trade workers are in need of:**
 - a. Rates of income assistance that reflect actual needs, and guaranteed availability of assistance of last resort.
 - b. Safe, liveable and accessible social housing.
- 2. Targeted funds should be directed to federal ministries and agencies that administer services and public institutions relevant to sex trade workers' lives (such as the Canada Mortgage and Housing Corporation, Health Canada, and Status of Women Canada), so that those ministries and agencies can:**
 - a. Engage in accessible consultations with sex trade workers, asking for their expert opinions on how services under federal jurisdiction can be made useful and open them.
 - b. On the basis of those consultations, institute programs for the benefit of sex trade workers, so that their safety, inclusion, and participation in Canadian society are reinforced as legitimate social goals.

Conclusion

We call on the Standing Committee on Finance to take the lead in providing measures that prioritize sex trade workers' membership and full participation in Canadian society. For far too long, their interests have been traded away and forgotten, and as a result, they have been the victims of social marginalization, violence, and murder. Now is the time to change that harmful legacy, and a financial commitment is a solid beginning.

We urge the Standing Committee on Finance to support our recommendations, and we express our appreciation for inviting our participation on these issues.

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