

OUR FRIENDS, FAMILY, AND THE LAW

By and for sex workers
Living and working in safety
and dignity



This document should not be taken as legal advice. This is a tool offered to sex workers so that we may improve living and working conditions. This information is not intended to influence anyone to commit illegal acts.

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As sex workers we are often concerned that the people close to us are at risk of being criminalized because they associate with us.

Our friends and family may be prosecuted because:

- They work in the sex industry, especially those who work as Third Parties (receptionists, drivers, security, managers, bookers, webmasters, etc.)
- We support them financially, in part or completely, and this is still criminalized under the new law if our relationship is not recognized by one of the “exceptions”

For more, see *Third Parties and the Law*.

LOVERS, COMMON-LAW PARTNERS, BOY/GIRLFRIENDS, SPOUSES:

The people in our lives can be at risk of prosecution for the following charges:

1. Receiving a Material Benefit
2. Procuring

1. “Receiving a Material Benefit”

It is a crime for someone to receive a “material benefit” from a sex worker, especially money, if they know that the money/benefit comes from sex work.

There is an “exception” in the law that states that a person with whom we are in a “legitimate living arrangement” cannot be prosecuted for this offence.

- The law does not define “legitimate living arrangement” It’s troublesome that prosecutors and judges will be using their own personal values, norms and experiences to decide whether our living and working relationships are “legitimate.”

However, this “exception” does NOT apply to anyone who works in a “commercial enterprise that offers sexual services for consideration.”

- So if your friend, lover, etc. works as a Third Party in the sex industry (driver, booker, security, etc.) they are excluded from this “exception”.
- Not only can they be prosecuted for “receiving a material benefit”, they could possibly be prosecuted for “procuring” as well (see *Third Parties and the Law*).

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2. “Procuring”

The definition of procuring is extremely broad. If your friend, lover, or partner helps you organize your work, especially if they facilitate communication, booking or meeting with clients, they could be charged with procuring. (For more, see *Third Parties and the Law*).

OUR CHILDREN

The new prostitution law specifies that our children can't be prosecuted for “receiving a material benefit”.

An “exception” in the law specifies that someone can't be charged for this offence if the “benefit” results from a “moral or legal obligation”.

This includes everyone who is legally under our care:

Children

A person over 18 for whom we are legally responsible (e.g. a family member under our care)

Mothers/parents who are also sex workers experience tremendous discrimination and stigma from many institutions (daycares, schools, health and social services, etc.).

Although prostitution laws cannot be used to arrest a mother for merely being a sex worker, other forms of discrimination and stigma can result in problems with other legal systems, such as Youth Protection Services or custody cases.

OUR COLLEAGUES: OTHER SEX WORKERS

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

THE “PRESUMPTION”

One of the reasons why sex workers are concerned that our friends and lovers are criminalized is because of the “presumption” that is still in the law.

There's a law that states:

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

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

CONTACT US FOR MORE INFORMATION OR SUPPORT

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We offer services in English and French.