

## Opening the Doors- Final Report BC Coalition of Experiential Communities 2011

### Project Background and Rationale

During the **.Developing Capacity for Change Project.**-coop development work shops, workers expressed how a trade association and a branding or certification process could support safer work conditions over all and stabilize the existing safer indoor venues that exist now. The development of occupational health and safety training was also seen as a way to give people entering and in the sex industry the tools to make safe decisions about their work. It was agreed that all stake holders including business owners and consumers should be engaged to contribute to the design of the future of our industry.

Currently a charter challenge is underway to bring down the laws governing sex work. This action will only be successful if as an industry we can prove adult consensual sex industry workers are making an informed decision, have access to resources, are of legal age to engage in the sex industry and that ethical sex industry business owners do exist. In the next 10 years we must agree to respect each other and treat each other with dignity. This will be an enormous task but an absolutely necessary one none the less. If we cannot demonstrate the ways in which we have traditionally maintained the stability of our industry, the system at large will most likely impose whatever laws it sees fit and we as an industry will be faced with another disaster.

With this in mind, the BCCEW/C set out to engage sex industry workers in beginning the process and determining whether or not there is industry support for such an action and what the structure of such an organization might look like.

During the **Labour on the Margins Project**, union development work shops facilitated by the BC Federation of Labour, the following actions and recommendations emerged as common themes from dialogue with all stake holders including consumers, business owners and workers.

***Establish a consortium of sex industry stakeholders to develop an Industry Association and negotiate where there are areas of commonality. ie. violence, consumer theft, health and safety, and industry stability.***

***Develop Standardized Health and Safety Training for Sex Industry Workers and consumers in partnership with ALL stakeholders including business owners.***

***Develop and implement a certification process in partnership with all stakeholders to stabilize and promote sex industry businesses (inclusive of independent workers as businesses). Design an industry association seal or brand to distinguish those businesses that support and have received certification for the negotiated health and safety standards and training.***

***Design a complaints process and penalty system in partnership with all stakeholders to provide a system of self governance and enforcement for the sex industry.***

*Support the formation of craft unions or trade guilds for all aspects or jobs within the sex industry.*

*Establish a system of communications between the sex industry and those agencies who have traditionally had the role of policing or monitoring the industry such as the police, license inspectors and social work/ support agencies to prevent misunderstandings about safety issues within the industry.*

## **Trade Secrets – Occupational Health and Safety in the Sex Industry**

BCCEC members agreed that the creation of occupational health and safety training for the sex industry was the first step towards achieving the goals outlined in the **Labour on the Margins Project**.

With support from Vancouver Coastal Health and over a period of 2 ½ years, the BCCEC facilitated a collaborative process engaging many sex industry constituencies in occupational health and safety community development activities:

The project identified health and safety risks in the sex industry in the following areas

- Workspace;
- Among co-workers;
- In dealing with clients;
- In negotiating with employers / agents etc;
- Personal well-being;
- Physical health;
- In relationships.
- Resources should a worker require them
- Legal information
- Information specific to trafficking and exploitation
- Safe sex information
- Business tips, and more!

The project is now complete and can be seen on line at [www.tradesecretsguide.blogspot.com](http://www.tradesecretsguide.blogspot.com) .

With this important project and foundation of our plans for sex industry stability complete, BCCEC members have turned our attention to moving the other actions forward.

We know historically how the elimination of employment choices and safe work environments has slowly but surely whittled away at the safety and stability of the sex industry and its workers. The lack of job opportunities caused by enforcement against us is forcing people to choose sex industry work outside of their comfort zone and contributing to increasing numbers of workers forced into the dangerous street level trade.

In conversations with affected business owners and workers the BCCEC described our industry association plans in an attempt to offer some hope. So to begin BCCEC members decided to draft Terms of reference for a national industry association and present them to the sex industry community for scrutiny, concerns and editing.

Naming the National Industry Association is a difficult task. For now the Canadian Adult Entertainment Council (CAEC) will be the working name.

## **Terms of Reference for Canadian Adult Entertainment Council**

*Draft 2009*

**Sex Industry Stakeholder-** A person who has experience either working within, providing services to, running a business in or purchasing services/products of the sex industry.

**Sex Industry Review Board-** The sex industry is a matter of concern for all members of Canadian Society. To ensure transparency and accountability in the sex industry the CAEC propose the formation of a review committee to represent the interests of society at large. The CAEC feel that if representatives from criminal justice, health, government and a sex industry community member were to audit and monitor the activities of the CAEC, we will achieve transparency and accountability for within the sex industry.

***These Terms of Reference were created to ensure localized organizing in various constituencies across Canada have a common set of goals and processes.***

### **Vision/ Goals:**

- To come together as an industry for the purpose of increased safety and stability for all stakeholders in the sex industry inclusive of workers, support workers, business owners and consumers.
- To empower and unify sex industry communities inclusive of all genres and genders to increase the security and stability of the sex industry.
- Build community relationships, forge partnerships, identify and engage allies and work with external expertise in pursuit of CAEC goals.
- Create a community where all sex industry stakeholders are respected and honoured for their experiences.
- To improve the occupational health, safety and capacities of sex industry professionals as employees and contractors within a legitimized profession
- To ensure consumers have access to resources, are safe engaging in sex industry consumption, can maintain discretion, are treated fairly and have clear choices for ethical purchasing.
- To protect ethical business owners from arbitrary attacks upon their honour, reputation and livelihood by law enforcement, former employees and the system at large,
- Design a process in partnership with all stakeholders to provide a system of self governance for the sex industry.

- Support the formation of craft unions, business improvement associations, consumer groups or trade guilds for all aspects, businesses, consumers or workers within the sex industry.
- To ensure transparency and to prevent abuse of Industry Association benefits, CAEC members support the formation of a Regional Government Review Board to ensure ethical industry practices are upheld and the ideals of Canadian Society respected. All CAEC locals and members will allow free access to membership information and proposed activities by the Regional Government Review Board.
- To abolish exploitation of youth or any person forced to engage in or trafficked into the sex industry.

### Guiding principles

- Work towards safety and respect for all sex industry stakeholders regardless of their location within the industry;
- Ensure the inclusion of diverse communities, perspectives, capacities and expertise from the sex industry;
- Promote progressive thought, forward thinking and continual positive change for the empowerment and education of sex industry stakeholders and the community at large;
- Keep harm reduction frameworks at the forefront and work toward social justice and social change to increase quality of life for sex industry stakeholders.

Seven hundred people reviewed and contributed the terms of reference and BCCEC members have formalized what will be known for now as the Canadian Adult Entertainment Council.

It has been acknowledged these “Temporary/ Draft Terms of Reference” are an emergency measure intended to support workers and businesses who are under scrutiny and that a far more detailed description of governance and conflict resolution will be necessary to attain our goal of inclusive governance for the sex industry.

### Sex Industry Review Boards

Throughout it’s work, the BCCEC have always been conscious of engaging in research or creating policies that reflect current federal standards for ethical engagement of marginalized populations. There are many sources to gather information on research ethics. A national set of guidelines that all Canadian universities must abide by is the Tri Council Policy Statement <http://www.pre.ethics.gc.ca/english/index.cfm> .

One of the requirements for researchers engaging in research involving human beings is to have the research scrutinized by an ethics review panel or board.

During consultations in regard to the CAEC Terms of Reference, mainstream community members shared concerns about provisions made to protect the confidentiality of sex industry workers stating that policies such as those proposed in the terms above do not create a transparent, open and accountable industry but rather would provide safe haven for traffickers behind the CAEC banner. The main concern was that while people understood the stigma faced by sex industry workers and that confidentiality was important for their safety, they were worried about a gap opening for abuses of confidentiality by traffickers and pimps and their illegal activities going un noticed.

Sex Industry Workers were also very concerned about potentially being “outed” as a sex worker or exploited by a person who discovered their sex industry worker status.

To address concerns on both sides, BCCEC members once again referred to the Tri Council Policies as a guide. Just as researchers are subject to ethics scrutiny by committee, so could CAEC and sex industry activities be examined by an ethics or over sight committee or review board.

Basic terms of reference for such a committee as touched on above could ensure the mainstream community is confident that the sex industry is being monitored and our activities scrutinized and sex industry workers can feel secure that their private and personal information is protected.

BCCEC members discussed what the role of the review board would be and what processes would need to be created in order to incorporate transparency and accountability into municipal processes.

Mechanisms to create transparency and accountability are crucial if we hope to improve the health, safety and working conditions of sex industry workers.

This process has been tried and proven to work effectively in combating child exploitation and human trafficking in India. For 12 years “Self Regulatory Boards” have heard complaints and made an impact on the safety of sex workers and their working conditions there.

The following is taken from the Durbar Mahila Samanya Committee Website;  
[http://www.durbar.org/html/anti\\_trafficking.asp](http://www.durbar.org/html/anti_trafficking.asp)

Movement and migration of human beings across national and international borders is not new. Globally, a large number of people migrate from their places of origin seeking better livelihood opportunities and for other reasons. People who migrate also do so because there is a demand for their labour in the destination countries/sites. Such (often illegal) labour are cheap as they are always at the mercy of their recruiters who can easily get them evicted if they organize or protest against exploitative trade practices or demand proper wages and/or benefits. As in other sectors, this demand for cheap labour from outside destination zone (be it cross-border or within-country) is present in the sex sector as well; in addition, majority of the labour that come in through irregular channels are people who come from low socioeconomic backgrounds with little or no literacy and limited skills. Migration to unknown areas/ countries by poor people, without proper travel permits or adequate knowledge is often carried out with the help of unscrupulous persons or groups, who traffic unsuspecting people seeking better opportunities from sites of origin to destination sites. Although well known, this 'unofficial' migration of people has been going on for a long time. Recent evidence suggests that in response to the increased demand for labour, and for other causes, including loss of traditional livelihoods due to globalisation,

trafficking of human beings have intensified. Addressing this critical issue, in particular, in respect of its impact on the sex sector, requires innovative approaches and strategies.

Ever since 1997, when DMSC activists articulated the issue at the First National Conference of Sex Workers, the Organisation has grappled with the problem of underage girls trafficked into sex work sites and of unwilling women duped/coerced/forced into sex work. DMSC is active in addressing and challenging the structural issues that frame the everyday reality of sex workers lives as they relate to their material deprivation and social exclusion. From this standpoint, it stands against any form of exploitation and infringement of rights of human beings that includes sex workers and their children. DMSC is explicit, too, about its stand vis-a-vis forced or coerced labour in any form - if sex work is work like any other, then it must be subject to certain norms and conditions - decided upon and enforced by the workers in the sector - that must be fulfilled before anyone can start as a sexworkers. Hence, DMSC is strictly against trafficking of minor girls and unwilling adult women into sex work. It is also DMSC's experience that Immoral Trafficking (prevention) Act (IT(P)A), as enforced by the police, is insufficient to combat this trafficking with any great success. Therefore, DMSC felt the need to constitute Self regulatory Boards (SRBs) in the sex work sites. DMSC reasoned that these SRBs' would serve as a double check to prevent entry of minor girls and unwilling adult women into sex work, control the exploitative practices in the sector, regulate the rules and practices of the trade and institute social welfare measures for sex workers and their children. DMSC has also reasoned that illegal movement of people across international borders maybe prevented (to some extent) by enforcement agencies and border police, but intra-country movement cannot be prevented in this fashion. Moreover, there was no existing effective mechanism to combat trafficking in destination (of sex work) sites and only a committed group of sex workers could prevent entry of trafficked underage girls or unwilling women into the sex sector.

### Functioning of SRB

Since 1997, the Organization decided to develop strategies to solve the problem of underage girls trafficked into sex work sites and of unwilling women duped/coerced/forced into sex work. Informal rescue of underage girls who came into sex work sites by DMSC began in 1997. Over the next two years, the structure of DMSC Self-regulatory Boards (SRBs) was formalized. The anti-trafficking activities of DMSC can be broadly divided into following phases:

Phase 1 (1997-1998) : Voicing concern about underage trafficking, informal approaches, advocacy and demand creation within the Organization.

Phase 2 (1998-1999) : Piloting of formal Self-regulatory Boards in selected sex work sites in Kolkata and advocacy in forums outside the Organization.

Phase 3 (1999-2000) : Demand generation and increasing reach of SRBs.

Phase 4 (2000-2004) : Self-regulatory Boards established in many sex work sites in West Bengal and, formalizing of their activities and efforts.

Newness/Originality of the Self Regulatory Board of Durbar:

The Self-regulatory Boards of DMSC are innovative in the field of anti-trafficking activities in the following ways:

Partnership with Depts. of Health, Labour and Social Welfare, Govt. of West Bengal: From its inception, SRBs have developed links with Depts. Of Health, Labour and Social Welfare of the Govt. of West Bengal, advocacy among Ministers-in-Charge and Department Secretaries are done regularly. Of late interactions are going on with the State Government on registering a State-level Coordination Committee of SRBs to facilitate rehabilitation of women and girls rescued by DMSC and, to ensure that they get another chance at changing their lives.

Innovative public-private partnerships: Self regulatory Boards are collaborative efforts of sex workers and people from the rest of the society. Sixty per cent of the membership is from die sexworker community and comprise of sexworkers, DMSC branch committee members and peer educators of different intervention projects. Forty per cent of members of SRBs is comprised of local doctors, lawyers, councillors, Panchayat functionaries and local opinion leaders. Efforts are made to include, wherever possible, Social Welfare Officers, State Women's Commission members, ICDS and other government functionaries.

Focus of SRBs is to make recruitment of underage girls into sex work unviable for brothel-managers and madams. The central strategy is, therefore, rescue and rehabilitation of underage girls or unwilling women forced! coerced into sex work; SRBs concentrate their maximum energy and effort at identifying; rescuing and repatriating/ rehabilitating girls/women trafficked into sex work. DMSC feels, that the central focus should be on the trafficked girl/woman and efforts should be to rescue, repatriate and/or rehabilitate her. DMSC activists, being sexworkers and residing in sex work sites, are uniquely positioned to do this successfully. In areas where SRBs are functioning, trafficking of girls/women for sex work has become unviable for traffickers and other site controllers.

Standardised guidelines, history-taking and medical examination formats are used by SRBs for rescue, repatriation, rehabilitation and follow-up of women trafficked into sex work. S Networking and partnership with the police: SRB members regularly liase with the local police and continue advocacy of their activities with the district and state police. In a number of sex work sites, local police entrust SRB with rescue/rehabilitation of underage girls.

Maintenance of comprehensive documentation, including photographs of rescued persons by DMSC.

Rehabilitation of rescued girls in state-approved shelters and maintaining contact with them to ensure overall development of rescued girls with the aim of improving their chances in life. This is the central post-rescue thrust area for DMSC: providing access for the rescued girls in to nonformal education, vocational trainings and cultural activities. This is in contrast to the rescue of underage girls by law enforcement agencies - whose work ends, for all practical purposes, after the girls is rescued and put into a Govt. run rehabilitation home.

Other efforts: To improve the quality of lives of sex workers and their children and to give the rescued women/underage girls better chances in life. DMSC runs adult literacy classes; education centres for children/underage girls and provides skills training in handcrafts.

## **The Current Project**

## **Transparency**

As a result of criminalization, the Canadian sex industry is very secretive about its practices and unwilling to open up for fear repercussions from the reactions of the mainstream community. This has led to much speculation about conditions within the Canadian sex industry but no discussion on what to do about it.

Some fears are well founded and indeed some people experience exploitation, violence and/or dangerous conditions while working in the sex industry.

A little known part of sex industry culture is that older or more experienced workers become business owners and share their knowledge with less experienced workers in an unofficial word of mouth traditional training as to health and safety training in the sex industry. Unfortunately, this tradition is disrupted by targeted enforcement actions and the casting of all sex industry business owners as traffickers and pimps. This criminalization and stigma have caused less and less older/ more experienced workers to continue as business owners for fear of social and criminal repercussions as well as losing their life savings to the "proceeds of crime" laws. This created a gap for less honourable people to exploit.

Everyone agrees that no sex industry worker should have to face the first day of work alone or without the tools to make safe decisions about their work. Ideally, every new worker should have access to the knowledge and experience of another more experienced worker in the first part of their working in the sex industry.

As a result of the less honourable element emerging in the sex industry as business owners it was also agreed that standardized occupational health and safety training was the only way to ensure workers were receiving accurate information, access to resources and the tools to make safe decisions about their work.

The systematic targeting and elimination of safe work environments for sex industry workers through uninformed enforcement actions has proven to be one of the largest contributing factors to the ever increasing risk to the safety of sex industry community members and the communities where sex work takes place.

The closure of 17 exotic show lounges within a relatively short time frame and the loss of some health enhancement centers as a result of the raids has dramatically reduced the numbers of jobs available for sex industry workers within the safer indoor work environments. This has the adverse effect of creating a highly competitive job market in which workers will pay anything to secure a job indoors and will accept lower pay or work that is "unsafe" or beyond their physical boundaries.

Exotic dancers for instance choose an area of the sex industry which does not involve physical contact. The elimination of jobs in that area means a dancer must travel throughout the region to find work (go on tour). Not all dancers are able to travel; some have children, some attend university, one dancer even has kidney disease and can only work part time and definitely cannot travel. Poverty does not evaporate and so dancers are forced to find work in another area of the industry such as escorting or in a health enhancement center. Because dancers are for the most part younger, more beautiful, more marketable; as they enter an already strained to the max job market the trickle down effect is some older and less marketable workers will lose their jobs or be unable to find work in the safer indoor venues. If the worker pushed out by the dancers does not have the means to work independently or at home, what will



they do? They still need to work and make money; welfare is not near enough to survive on and so are forced to choose to work in the dangerous street level sex trade.

During the Living in Community Project ([www.livingincommunity.ca](http://www.livingincommunity.ca)) which engaged all stake holders in designing an action plan to address the immediate issues facing communities and sex workers, residents and business owners impacted by street level sex work expressed their greatest complaints were;

- The residual mess- condoms and other garbage
- The public violence- every one agrees that the level of violence endured by survival sex workers is unacceptable.
- sex in plain view- looking out your window and seeing sex workers and customers together.
- Unwanted attention from sex consumers endured by women who are not sex workers
- And their children being faced with sex workers on the street while out in the community or on the way to school

Enforcement is largely complaints based and many of those complaints come from residents and business owners in communities affected by sex work. The irony here is the things they are complaining about are being caused by the systems response to their complaints in particular when those complaints are in reference to a legal and legitimate business and aimed at the eradication of that business solely based on it's being a sex industry business.

It's time for all stakeholders to stop, take a step back and re-examine the harmful actions of the past. The situation for residents and business owners is still degrading and sex workers are still being killed.

So, how do we distinguish an ethical sex industry business owner or worker from those who are exploitative, ensure sex industry workers have safe places to work and see safety is increased in neighbourhoods impacted by the disorderly street level sex industry.

**CUPE**- Canadian Union of Public Employees members suggested that a system of professional accreditation could provide a starting point from which ethical workers and business owners could be identified, sex industry workers could gain access to accurate information about their health, safety and resources available to them and a review board could base decisions.

BCCEC members took this under advisement and began to explore other professions that require minimum accreditation to work in that particular field. For instance- police officers must be accredited by the police association in order to work as police officers to ensure they are receiving what mainstream society considers to be appropriate training. On the other end of the scale a waitress must be accredited with "**servicing in right**" in order to serve alcohol in a low cost, low barrier open book exam system of accreditation to ensure bar staff are aware of their criminal liability for "over service" in particular for example if the over served bar patron drives drunk and kills.

BCCEC members agreed that parts of **Trade Secrets** could be used to create such a system of accreditation by pulling out information related to specific stakeholders roles as the training followed by an open book test to complete accreditation as is done with waitresses and bar managers in regard to "**servicing it right**".

This approach was favoured so as to not make the process too high barrier or difficult for workers or business owners wanting to take part. The idea is to make participation easy and beneficial.

### **How can Sex Industry Workers benefit from a system of professional accreditation?**

- Professional accreditation in the sex industry means jobs and safe places to work. If the industry bands together behind some basic minimum standards, the greater community will no longer be able to attack business owners arbitrarily. This will mean fewer closures of these businesses and more places to work.

The systematic vilifying of business owners has led to the loss of most safe work options for sex industry workers and pushed some workers to choose work options beyond their personal physical boundaries (17 show lounges have closed in the last couple of years and forced some exotic dancers to choose other forms of sex work such as escorting) The minimum standards aspect will mean that workers can distinguish which businesses are good to work for and which may not be. The professional accreditation process will provide a tool for sex industry workers to make safe decisions about their work.

- Professional accreditation will give sex industry workers clear and concise information about their work. It will give them the tools to make safe decisions about engaging business owners, engaging consumers, safe sex, their emotional health, the law, and about finding support should they need it.
- Developing a process of professional accreditation in partnership with all stakeholders will allow sex industry workers to insure their concerns and insight are addressed and included. A trade mark signifying professional accreditation will allow workers to distinguish which businesses support safe work environments and support the minimum negotiated standards.
- Sex workers have never had a way to report unethical business owners or dangerous business practices. A balanced system of investigation and penalty tied to a system of professional accreditation would begin to stabilize the health and safety of sex industry workers and eliminate the increasing number of dangerous working environments emerging as a result of our industry being pushed further and further underground.

### **How can Sex Industry business owners benefit from being accredited?**

- Stability for the sex industry means a business owner's livelihood and hard work will no longer be subjected to uninformed scrutiny by police, license inspectors, and so called good will groups promoting the abolition of the sex industry. History has shown us how the greater community has targeted business owners and cast them as pimps, abusers, traffickers and as being involved with organized crime.

Professional accreditation could de-mystify our industry and support longstanding businesses that have provided safe and stable work environments distinguishing them from those who may be of a less honourable cast. New business owners could also be educated on the minimum required standards and ensure a level playing field for all.

- Standardized health and safety training/ accreditation would mean business owners could prove they had provided their employees with the information necessary to work safely. Most business owners do provide training for employees and are very conscious of the safety of their workers.

However, they have never been able to demonstrate their attention to this most important aspect of the sex industry. Through a standardized training system developed in partnership with ALL stakeholders (including business owners) these ethical, safe and healthy business practices could be recognized and supported.

- Developing an accreditation process in partnership with all stakeholders will allow business owners to ensure their concerns and experience are included, that the process is accessible and within reason as far as the operation of sex industry businesses. A professional association seal would allow businesses to distinguish themselves in the market for consumers and potential employees as businesses who support safe work environments and the minimum negotiated standards..
- Sex Industry business owners have also never had a way to complain about industry workers who take advantage of their good business practices or steal clients. This would allow these problems to also face due process and protect business owners from these types of behaviours.
- Business owners would also be able to protect themselves from sex industry workers making false allegations about their business practices. A community based process of governance and enforcement would take these issues out of the hands of the greater community and prevent decisions being made by an outside party with no understanding of our history and traditions. This would mean the police, license inspectors and end the sex industry groups would no longer have the power to completely disrupt our lively hoods and jeopardize our safety.

### **How can Sex Industry Consumers benefit from a system of professional accreditation?**

- Professional accreditation in the sex industry means that consumers will be able to engage sex workers or use a business's services secure in the knowledge that they will be treated with dignity and respect and be able to engage in these activities safely. Also, a consumer would be able to support ethical business practices and the businesses that uphold them.
- As a parallel project, educational information for consumers including new processes for lodging complaints and information about professional accreditation will be created. Because of criminalization, consumers have been cast as somehow dysfunctional, rapists, and perverts. This makes it difficult for them to ask for information about their sexual health and the risks involved with engaging in the sex industry. This will provide consumers the tools to make safe decisions when purchasing sex industry services and ensure they have access to resources should they be the victim of a crime or witness a crime; ie- human trafficking.

Also, consumers engaging sex industry workers or businesses who are professionally accredited can be assured that the workers are well versed in safe and healthy sex work practices. The trade mark and professional accreditation will allow consumers to make ethical choices in the sex industry businesses they choose to support.

- Sex industry consumers have never been able to lodge complaints about bad service or business practices except in the on-line forums where service providers are reviewed. Offences like being robbed or noticing a worker appears to be too young are difficult to report due to the stigma and close scrutiny an investigation can bring on the consumer himself.
- A community based process which ensures the confidentiality of complainants will allow this process to work without harming peoples personal lives and stability.

### **How does the Mainstream community benefit from a system of professional accreditation?**

- Professional accreditation in the sex industry means that the greater community will no longer have to wonder about conditions within the industry or be forced to impose uninformed actions against it. Through development of minimum standards and occupational health and safety training the greater community can be comfortable in the knowledge that sex industry workers are being given the tools to make safe decisions and have safe places to work.
- The greater communities concerns are generally centralized around the street level sex trade. The public sex acts, violence, unwanted advances from consumers and condom mess reflect the lack of safer indoor jobs in the sex industry. The systematic removal of these safer indoor environments must be halted to stem the number of workers entering the dangerous street level trade. It is hoped that through professional accreditation and education, the numbers of sex industry workers working in harmful conditions will dramatically decrease.
- Professional accreditation will allow the greater community to be confident that all sex industry stakeholders have been given the tools they need to protect their health (including exiting and support services), safety and stability while engaging in the sex industry.
- A professional accreditation process and trade mark will allow the greater community to make informed decisions about any actions taken against the sex industry. Blanket assumptions about our industry and the businesses engaged in it from the past have had disastrous results for our industry. Professional accreditation will protect those businesses who do support health and safety from being targeted and shine a light on those operating outside of accepted standards allowing the greater community to support actions in relation to the sex industry from a better informed perspective.
- The greater community has always felt the need to carry the burden of policing our industry. Through this confidential, community based process it is hoped that businesses that go beyond what is reasonable (marketing youth, trafficking persons) can be more easily identified, targeted and prosecuted by the criminal justice system without causing widespread de-stabilization of the entire industry.

The goal is not to eliminate police from these processes but rather to allow police to use resources more effectively against and easily find those people who engage in illegal sex industry activities.

- The greater community have long had to rely on rumours and biased data to form an opinion of working

conditions in the sex industry. By creating an open and sex industry inclusive system of accreditation, the greater community will have a clearer picture of the make up of, conditions within and safety of the sex industry.

### **Processes for Licensing and Professional Accreditation**

BCCEC members agreed that passages adapted from “**Trade Secrets**” could be expanded upon or refined to become the foundation of the processes for professional accreditation.

Using the format adapted by the “Serving it Right” licensee program manual, BCCEC members have drafted “Trade Secrets- Sex Industry Occupational Health and Safety Accreditation Program Manual” including a rights and responsibilities section donated by PIVOT legal society, contact information for Vancouver resources and support agencies and practical information about safely engaging in the sex industry.

BCCEC members propose making accreditation mandatory for workers in sex industry businesses and tied to the licensing of that business. A trade mark would identify workers and business owners taking part in the Trade Secrets program to police and to sex consumers.

These processes should be translated to ensure they are language appropriate for all workers.

It was also suggested that people should be able to request “Trade Secrets- Sex Industry Occupational Health and Safety Accreditation Mannuals” via mail from the city or through sex worker support agencies such as PACE, PEERS or WISH to make the process as easy and accessible as possible.

Accreditees could mail in their completed exam but would have to appear in person to pick up the license from the city of Vancouver business licensing desk. This is so a worker or business owner’s identification can be checked ( no personalinfo recorder) to ensure they are of a legal age to engage in the sex industry and issue the license( if it is a sex industry business) and certificate of accreditation.

### **Educating Sex Consumers and promoting ethical purchasing habits.**

BCCEC members have published a first edition of educational materials for sex consumers “**for our clients**”.

Additions related to new by-laws, professional accreditation and complaints processes will be necessary to ensure sex consumers have the information they need to support ethics in the sex industry.

Sex Industry Consumers are the key to eliminating exploitation and trafficking in the sex industry. As potential income or customers they are invited into places we would never other wise see. By making it safe for sex consumers to report exploitative conditions should they witness them, we hope to see an increase in the numbers of these cases being prosecuted.

### **Licensing/ By Law Revisions**

For these measures to work they must be incorporated into the City of Vancouver by-laws. In 2007, BCCEC members developed a series of recommendations intended to revise the City of Vancouver’s

by-laws that license and regulate businesses where sex industry workers have traditionally been employed. The suggested revisions are provided in the interest of stabilizing the local sex industry, including relevant aspects of the health enhancement sector, while increasing the health and safety of both sex workers and the communities where sex work takes place.

The BCCEW/C offered these recommendations in the spirit of its Guiding Principles which compel the Coalition to work to open dialogue aimed at the reduction of harm to sex workers and the elimination of the social, economic, and political conditions that lead to the survival sex trade, sexual slavery and trafficking in persons. We note that the City's "health by law" (By-law No.6580) provides for the promotion and protection of the health of the inhabitants of the City of Vancouver.

The revisions developed in 2007, did not include additions to accommodate the ideas outlined in this report. The final by-law revisions will have to include many of the processes and policies being suggested here.

BCCEC members and PIVOT legal society discussed and over bridging "Adult Entertainment License" to be required by all people working in exotic show lounges as dancers or massage workers, in health enhancement centers, for escort services, as adult film stars or as web camera operators.

*Note: the licensing of all sex industry workers was not supported by the sex industry community or its allies and is not included in the final recommendations. Instead, the proposed on time sex industry safety accreditation was supported.*

Previously, not all workers in these sectors were required to be licensed leading to speculation that workers in these sectors were under aged or trafficked. By implementing an over bridging sex industry genre inclusive license, it was felt the process could be simplified rather than different licenses for every different sex industry area.

To ensure the process is low barrier, BCCEC members and PIVOT legal society felt that an inexpensive fee would be most appropriate. \$10 was suggested.

Penalties for non compliance as developed by the "Local Sex Industry Review Board" ( SIRB) should also be part of the amended by-laws to ensure people are clear on what is expected of an ethical sex industry business licensee or accredited worker; for instance fining of workers into debt servitude or serial consumer theft.

The following represent a draft of proposed by law additions to support the processes as described here;

### **City of Vancouver By-laws Associated with the Sex Industry**

The following are City of Vancouver by-laws commonly associated with the sex industry on a section by section basis to provide clear information to persons wishing to operate a sex industry business in Vancouver about licensing requirements and what is expected of them in terms of improving the safety and working conditions of Vancouver sex industry workers.

**1. Social Escort Service - By-laws 6373 and 6466** -The business of providing, or offering to provide, the services or the names of persons to act as escorts for other persons.

## **License Fees**

Social escort service: New license: \$254 Renewal: \$254

- (1) Every applicant for a license to operate as a Social Escort Service shall include in the application the trade name or names under which such business will operate and advertise.
- (2) Every person who intends to operate or advertise a Social Escort Service under a trade name other than that specified in the application for a license shall notify the Inspector in writing of the intended trade name at least 14 days prior to its use.
- (3) No person carrying on the business of a Social Escort Service shall offer the services or name of any Social Escort, or introduce customers or potential customers to any Social Escort, unless that escort is at least 19 years old.
- (4) Every person carrying on the business of a Social Escort Service shall:
  - (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
  - (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker's life and/or safety make such list available for inspection by the Inspector or the Chief Constable.

**2. Steam Bath/Massage Parlor By-laws: 4782, 6038, 6646** - A business wherein a charge is made in consideration for any Turkish, Russian, vapour, sweat, salt or sauna bath or where un licensed massage treatments are offered.

## **Licensing Fees**

New license: \$254, Renewal: \$204

- (1) Every person owning, keeping, maintaining or operating any bath, steam bath, or massage parlour shall;
  - (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
  - (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker's life and/or safety make such list available for inspection by the Inspector or the Chief Constable.
- (2) Every person owning, keeping, maintaining or operating any bath, steam bath, or massage parlour shall for the purpose of safety ensure that the interior of the premises is at all times during business hours illuminated sufficiently for patrons and employees to move around in every part thereof.
- (3) No person carrying on the business of a steam bath/ massage parlour shall employ any person unless that person is at least 19 years of age.
- (4) Persons carrying on the business of a steam bath/ massage parlour shall be allowed to remain open on a 24 hours a day basis.
- (5) Every person owning, keeping, maintaining or operating a steam bath/ massage parlour shall;

- (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
- (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker's life and/or safety make such list available for inspection by the Inspector or the Chief Constable.

**3. Health Enhancement Centre By-laws 6830, 7052**- A business to enhance health through therapeutic touch techniques including shiatsu, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing, and trager but excludes Fitness Centre, Beauty and Wellness Centre, and Personal Training Centre.

**Licensing Fees**

New license: \$254, Renewal: \$204

- (1) The Inspector shall not issue a license for a health enhancement centre unless satisfied that either the applicant for the license or an officer of the applicant demonstrates a knowledge and understanding of the art and practice of reflexology, shiatsu, biokinesiology, hellework, polarity, reiki, rolfing or the trager approach, or any other therapeutic touch technique. This demonstration of knowledge does not require the applicant to pass an exam or acquire provincial certification but rather to demonstrate adequate experience in the health enhancement business.
- (2) No person carrying on the business of a health enhancement centre shall employ any person to administer a therapeutic touch technique unless that person is at least 19 years of age.
- (3) Persons carrying on the business of a health enhancement centre shall be allowed to remain open or administer therapeutic touch technique on a 24 hours a day basis.
- (4) Every person owning, keeping, maintaining or operating a Health Enhancement Center shall;
  - (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
  - (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker's life and/or safety make such list available for inspection by the Inspector or the Chief Constable.

**4. Body Rub Parlor/ Body Painting Studio/ Model Studio**

"Body-painting Studio" includes any premises or part thereof where, directly or indirectly, a fee is paid for any activity involving the application of paint, powder, or similar materials to the body of another person. "Body-rub" includes the manipulating, touching or stimulating by any means, of a person's body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities other than the Vancouver Charter, or a therapeutic touch technique. "Body-rub Parlour" includes any premises or part thereof where a body-rub is performed, offered or solicited.

**Licensing Fees**



New license: \$254, Renewal: \$204

(1) Every applicant for a license to operate a body-rub parlour, body-painting studio or model studio shall;

- (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
- (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker's life and/or safety make such list available for inspection by the Inspector or the Chief Constable.

(2) No person carrying on the business of operating a body-rub parlour, a body-painting studio or a model studio shall

- (a) employ any person on the licensed premises unless such person is 19 years of age or over;
- (b) permit any person to be on the licensed premises at any time unless such person is 19 years of age or over.

(3) Every applicant for a license for a body-rub parlour, body-painting studio or model studio shall be accompanied by a floor plan of the entire premises in such scale and detail as may be prescribed by the Inspector, and when any alterations are made to the licensed premises, plans thereof shall be filed with the Inspector forthwith.

(4) All rooms used for body-rub, body-painting or nude photography shall comply with the following condition:

- (a) shall not be less than 2.4 metres by 2.4 metres;
- (b) shall not be equipped with any locking device on any door thereto;
- (c) other than a door providing entrance thereto, shall not have any means by which any person may view the interior thereof;
- (d) Every person owning, keeping, maintaining or operating any Body Rub Parlor/ Body Painting Studio/ Model Studio shall for the purpose of safety ensure that the interior of the premises is at all times during business hours illuminated sufficiently for patrons and employees to move around safely in every part thereof.

(5) Persons who carry on the business of operating a body-rub parlour, a body-painting studio or a model studio shall be permitted to operate on a 24 hour basis.

(6) No body rub parlor proprietor shall exhibit themselves nor permit other persons to exhibit themselves, in any window on or about the licensed premises or permit to be exhibited any nude male or female body or exposed male or female genitals or breasts nor use crude or offensive printed language to describe the services offered inside.

(7) No person carrying on the business of a body-rub parlour shall practice or provide or permit the practice or provision therein of a therapeutic touch technique or advertise in any way that a therapeutic touch technique is available or being practiced on the premises.

(8) Any club subject to regulation under By-law No. 2647 providing any services similar to a body-rub parlour, body-painting studio or model studio shall, in addition to any other licensing requirement, obtain a body-rub parlour, body-painting studio or model studio license pursuant to Schedule "A" and shall comply with the regulations set forth in this section.

**5. Exotic Show Lounge**- A business that is licensed under the *Liquor Control and Licensing Act* and hosts performances by exotic and or adult oriented entertainers.

### **Licensing Fees**

Fees are set in accordance with the rules set for “*Liquor establishments*” in the City of Vancouver By-Laws.(1)No person carrying on business in any premises, except for premises licensed under the *Liquor Control and Licensing Act*, shall permit an exotic and/or adult-oriented entertainer performer who:

- Strips off clothing during a performance and/or
- Performs adult dramatic, artistic, or other types of adult-oriented activities (Belly dancers are not considered adult-oriented performers.)

except in compliance with all of the following:

- (a) The entertainers must wear clothing while walking through the audience, both before and after performances – this includes clothing that is considered their stage costume.
- (b) Full nudity (meaning the exposure of breasts and/or genitals) must be confined to the stage or other approved areas (these areas will be noted on your liquor license). No nude performing is allowed in the audience area, however, fully clothed (meaning the breasts and genitals are covered), non-contact (no physical contact between the dancer and the patron) dances – called “table dances” – are permitted at the discretion of the entertainer.;
- (c) The entertainer and all persons viewing the performer must be 19 years of age or older;
- (d) No animals, reptiles or birds must be involved in any aspect of the performance; and
- (e) The premises must not be open between the hours of 2 in the morning and 8 in the morning.
- (f) The entertainers may act as servers or hold other positions of employment in your establishment while they are working as entertainers. They will abide by the LCB rules for each position concurrently when holding multiple positions.
- (g) Customers are not permitted to initiate contact with dancers while they are performing. However, dancers are permitted to take tips from patrons.
- (h) Entertainers are permitted to hand promotional items, such as posters, to customers in the course of and directly following a performance. Likewise, customers are permitted to place cash tips on the stage and retrieve articles of clothing and props associated with the entertainer’s performance if those items fall off the stage. However, customers are not permitted to place anything else on the stage, or otherwise interfere in a way that might hinder the performance or create a safety hazard to the entertainer.

**6. Adult Film and Photography / Web Cam Companies**- A business that operates adult film and photography studios, productions, and sessions for DVD, Internet or photos with adult oriented sexual content, including but not limited to categories such as soft-core, hard-core, max hard-core, BDSM and fetish activities.

## **License fees**

Fees are set in accordance with the rules set for “” in the City of Vancouver By-Laws.

- (1) Every applicant for a license to operate an Adult Film Studio shall;
  - (a) for the purpose of safety, maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
  - (b) upon proof that disclosure of information about an individual can be shown to be required to protect a worker’s life and/or safety make such list available for inspection by the Inspector or the Chief Constable.
- (2) No person carrying on the business of operating and Adult Film Studio shall
  - (a) employ any person on the licensed premises unless such person is 19 years of age or over;
  - (b) permit any person to be on the licensed premises at any time unless such person is 19 years of age or over.

## **7. Independent Adult Entertainer/ Escort/ Masseuse**

### **Licensing Fees**

\$0.00- no license required

(1)Independent or self employed adult entertainers/ escorts/ masseuses are not required to hold an individual business license in the City of Vancouver and may operate from their homes.

This is limited to single or independent sex workers and small collectives of sex workers working in groups of no more than 2 or 3 who demonstrate their independent business approaches through such ways as but not limited to;

- (a) separate advertising campaigns and
- (b) a collective sharing of expenses.

(2) No person shall operate as an independent escort/ masseuse/ entertainer unless that person is 19 years of age.

## **8. Adult Entertainment Store**

### **License Fees**

(1) No person carrying on the business of an adult entertainment store shall permit any person to be on the licensed premises at any time unless such person is 18 years of age or over.

(2) No person carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited in any window on or about the licensed premises any graphic sexual material or sex paraphernalia.

(3) No person carrying on the business of an adult entertainment store shall open or permit to be opened or allow any person to remain in the store between the hours of 1:00 a.m. and 6:00 a.m.

## **9. Adult Publications**

## **License fees**

10.2 Except where the business is an adult entertainment store licensed under this By-law, no person carrying on any trade, business or occupation shall display or permit to be displayed an adult publication except as herein provided:

- (a) no adult publication shall be located on any shelf the bottom edge of which is less than 47 inches from the floor;
- (b) all adult publications shall be placed behind a sheet of opaque plastic or other opaque substance which extends for the full length of the shelf on which such publications are placed and which extends vertically for at least 8" from the bottom of the shelf.

## **Criminal Record Check Requirement**

Although the reasons for criminal record checks are obvious, convictions under criminal code sections related to prostitution (sections 211,212, and 213) will not automatically exclude a person from obtaining a sex industry business license in the City of Vancouver.

The criminal records check requirement is generally in place to ensure persons convicted of the exploitation of youth or any person or persons convicted of human trafficking are not granted licenses to operate sex industry businesses in the City of Vancouver but will not be the sole determining factor in the granting of the business license.

## **Sex Industry Occupational Health and Safety**

The City of Vancouver is committed to addressing violence against sex industry workers, the exploitation of youth or any person, the trafficking of persons in the sex industry and the on going tragedy of missing and murdered sex industry workers.

Because of this and in the spirit of the "Four Pillars" approach adopted by the City of Vancouver Drug Policy Section, Sex Industry Businesses and workers are invited to take part in a pilot program created to address these difficult and pressing issues.

The "***Trade Secrets- Sex Industry Occupational Health and Safety Accreditation***" program is intended to ensure that all sex industry business owners and workers have access to accurate information about their health and safety, access to supports and resources should they find themselves in trouble and the tools to make healthy and safe decisions about their work.

## **How can Sex Industry business owners benefit from being accredited?**

- Stability for the sex industry means a business owner's investment and hard work by mainstream systems. History has shown us how the greater community has targeted business owners and cast them as pimps, abusers, traffickers and as being involved with organized crime.

Professional accreditation will de-mystify the sex industry industry and support longstanding businesses that have provided safe and stable work environments distinguishing them from

those who may be engaged in illegal activities such as the exploitation youth and trafficking in persons.

New business owners could also be educated on the minimum required standards and ensure everyone understands their role and responsibilities in terms of youth exploitation and trafficking in persons and what to do should they witness these crimes.

- Standardized health and safety training/ accreditation would mean business owners could prove they had provided their employees with the information necessary to work safely. Most business owners do provide training for employees and are very conscious of the safety of their workers.

However, they have never been able to demonstrate their attention to this most important aspect of the sex industry. Through the standardized training system developed in “**Trade Secrets- Sex Industry Occupational Health and Safety Program**” these ethical, safe and healthy business practices will be recognized and supported.

- A professional association seal would allow businesses to distinguish themselves in the market for consumers and potential employees as businesses who support safe work environments and the minimum negotiated standards..

**Completion of the “Trade Secrets- Sex Industry Occupational Health and Safety Accreditation Program” is voluntary and created as educational occupational health and safety materials for sex industry business licensees(owners), managers, and employees (inclusive of waitresses, bouncers, dj’s, booking girls, drivers, etc)**

**All sex industry Licensees/ business owners who volunteer to take part in the Trade Secret-Sex Industry Occupational Health and Safety Accreditation Program will have that participation as a positive consideration in the approval or renewal of their sex industry business license. This intended as an incentive to take part in the program and it is hoped will contribute to identifying unethical businesses in the City of Vancouver.**

**This includes but is not limited to the exotic dancing industry, health enhancement industry, escort industry, adult film industry, bdsm/ fetish industry and web cam industry.**

### **Control through identification**

- All participants in the *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program* must present 2 pieces of government issued ID, one picture in order to receive their accreditation card. These will be photo copied and held confidentially in the licensees (**WHO? WHERE**)file as proof of legal age to engage in the sex industry. Access to this private information will be strictly limited and access only granted if a threat to the life or safety of a person can be proven.
- The *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Certificate* is the property of the person it is issued to and is not transferable.

- The *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Certificate* may or may not display the participants name. For the sake of the privacy of individual certificate holders, the applicant may use a pseudonym or “work name” to appear on the Certificate.
- Independent Sex Industry workers are not required to carry a sex industry business license but are invited to take part in the *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program*.

### **Control through prevention**

- All sex industry business owners applying for a license must undergo a criminal record check in order to qualify for that license. This information will be held confidential by the City of Vancouver unless it is proven a threat to the life or safety of a person.
- The criminal records check will not be a sole determining factor in license approval. Charges or records will be examined on a case by case basis and are generally intended to prevent convicted rapists, child molesters/ exploiters and human traffickers from engaging in or being employed by sex industry businesses or workers.

### **Control through intervention**

A Sex Industry Review Committee will scrutinize individual sex industry business licensee's activities on a case by case basis. The committee will work to ensure compliance by all sex industry business licensees in the City of Vancouver and the elimination of human trafficking and the exploitation of youth or any person.

- All sex industry business license applications and renewal applications will be scrutinized by committee. The committee membership will include City of Vancouver staff, Vancouver Police, Vancouver Coastal Health and a sex industry representative to ensure a balanced and inclusive process.
- All complaints in regard to unethical sex industry business activities will be reviewed by the committee. Decisions of the committee will be held in the file of the sex industry business licensee.
- All complaints will be held in the sex industry business licensees file and will have a chance to answer any complaints against them.
- Complaints of a criminal nature will be forwarded immediately to and investigated by police.
- Penalties for breach of Professional Conduct will be decided by the committee and will be progressive in nature. (more serious with time). These could range from a fine to a suspension of license and accreditation or even a permanent ban from doing business in the sex industry in Vancouver. These penalties shall also be stored in the licensees file.

- The contents of a licensee's file as described above will be considered by the committee during the license renewal process and may affect the renewal application outcome.

A Sex Industry Review Committee will scrutinize individual sex industry business licensee's activities on a case by case basis. The committee will work to ensure fair scrutiny of sex industry business licensees in the City of Vancouver and the elimination of human trafficking and the exploitation of youth or any person.

- All sex industry business license applications and renewal applications will be scrutinized by committee. The committee membership will include City of Vancouver staff, Vancouver Police, Vancouver Coastal Health and a sex industry representative to ensure a balanced and inclusive process.
- All complaints in regard to unethical sex industry business activities will be reviewed by the committee. Decisions of the committee will be held in the file of the sex industry business licensee.
- All complaints will be held in the sex industry business licensees file and will have a chance to answer any complaints against them.
- Complaints of a criminal nature such as human trafficking or youth exploitation will be forwarded immediately to and investigated by police.
- Penalties for breach of Professional Conduct will be decided by the committee and will be progressive in nature. (more serious with time). These could range from a fine to a suspension of license and accreditation or even a permanent ban from doing business in the sex industry in Vancouver. These penalties shall also be stored in the licensee's file.

The contents of a licensee's file as described above will be considered by the committee during the license renewal process and may affect the renewal application outcome.

In addition, we would like the City of Vancouver to consider the original BCCEC 2007 draft by law revisions as far as preferred licenses, rate balancing and the removal of clearly biased and illegal by laws excluding sex industry community members from mainstream society.

More specifically, we would like to see the body rub license become the license of choice over health enhancement center. The term health enhancement center is confusing to sex consumers and makes any prostitution occurring in the business illegal. The body rub parlour business license on the other hand seems to create a space where 2 consenting adults can legally engage in prostitution as it is more of a "rooms for rent" business. Just as in a hotel, the room rented becomes a private space and just as in a hotel what happens behind closed doors is private.

It is hoped that this business license definition will allow police to maintain their commitment to the criminal code of Canada while allowing stability for sex industry businesses providing safe, healthy places to work.

All industries are subject to safety inspections and accountability, so to will be the sex industry. A man working in a factory is protected by labour law and safety regulations and factories are routinely inspected for health and safety by mainstream systems.

The BCCEC believe that the sex industry community can ensure unbiased processes are created for inspections and safety scrutiny by pushing for an inclusive process.

By that we mean, a process that includes sex industry representation at every level.

For instance, inspections could be conducted by a specialized sex industry specific community policing partnership team employing a sex industry worker and police officer and. The inspection/ specialized policing team would have policies and working procedures defined in an inclusive process including all stakeholders to ensure maximum success and would report any problems, questions or concerns to the Sex Industry Review Board. This would ensure the knowledge and experiences of all sides are included in any decisions impacting the health, safety or job choices of sex industry workers.

The proposed review process/ review board could work as a committee including members from police, health city staff and a sex industry community representative. BCCEC members also discussed how the sex industry review board could consult on any proposed enforcement or other targeted actions that may impact stability in the sex industry and ways in which a community policing partnership car could facilitate unbiased treatment of and increased safety for sex industry workers in particular during enforcement actions.

For instance- An enforcement action meant to rescue the victims of human trafficking undertaken by the Vancouver Police. The spirit of the action was noble however not enough thought was given as to process and support. Officers entered sex industry businesses with guns drawn, threw all workers on the floor to secure the area (standard police safety procedure) and then proceeded to arrest everyone. No supports were provided, no translators (many workers targeted were non English speaking) and when workers were found NOT to be trafficked but working here illegally, they were deported. This made affected workers and business owners mistrust police and as a result of not wanting to be deported, this group will not call police for any reason.

It is hoped the review board as proposed by the BCCEC could be consulted in the future as to procedures for such enforcement actions and may have been able to fill some of the gaps and unintended harms that emerged as a result of this action and other enforcement strategies of the past.

Members agreed that reviewing past and proposed actions or procedures that could potentially create gaps or unintended harms should definitely be a part of the role of the Sex Industry Review Board.

There are currently no processes for sex industry complaints in Vancouver and some unethical businesses continue to operate with impunity. Financial penalties (fines) that put workers into a “debt servitude situation”, 24 hour a day 7 days a week shifts, incorrect information about workers health (insisting on or lying about the dangers of unsafe sexual contact- bbbj- bare back blow job), reckless endangerment of workers sending them into unsafe situations (alone with 50 men in a gated property), “starving” (being given no work) workers who refuse to comply, and emotional and physical abuse. It is hoped that a model of complaints by committee would be able to address these labour issues and that workers would feel comfortable reporting violations to a committee that included sex industry representation to ensure unbiased outcomes.



So, some suggestions for the role of the **Sex Industry Review Boards** would be;

- To hear complaints from workers about business owners
- To hear complaints from business owners about workers
- To hear complaints from the mainstream community about sex industry workers or businesses
- To hear complaints from the sex industry community about unfair treatment by the mainstream community or public employees as a result of sex industry biases.
- To review new license applications and
- To review license renewal applications.
- To hear reports and recommendations from the Community Policing Partnership Car
- Determine penalties for licensee infractions

As is done in the restaurant or bar industries, complaints would have an affect on professional accreditation and ultimately on whether or not a sex industry business license is renewed. By linking the processes together any business owner or worker exposed by complaints as operating outside of excepted standards could be more easily identified and appropriate measures taken. The sex industry specific community policing team could conduct inspections and do outreach to the sex industry community answering any question or concerns people may have about participation in the *Trade Secrets- Sex Industry Occupational Health and Safety Accreditation Program*.

### **Foreign/ Non Canadian Sex Industry Workers**

Migrant workers from foreign countries working in Vancouver's sex industry and in particular those who do not speak English and whose working conditions are the subject of great speculation are of great concern to the mainstream and sex industry communities.

Language appropriate materials and a "working" or "visitor" visa plan developed in partnership with Immigration Canada and the sex industry workers affected could ensure legal status for visiting workers and that those workers receive accurate information about sex industry health, safety and support services in Canada.

Past actions taken to address safety issues for this population have had some unintended consequences and reports from groups like the Global Alliance to Combat Trafficking in Women (GAATW) detail these potential problems as well as solutions.

The fact that these reports describe how some deported migrant sex workers are imprisoned or executed upon arrival in their home country should dictate an inclusive response. Simply stating that they are illegally in Canada, deporting them and not considering what happens to them after deportation is unacceptable. As Canadians who are seen as leaders in human rights advances on the world stage, we cannot turn a blind eye to the fate of these deported workers.

We must find a way to ensure they have rights, status and access to resources while they are in Canada.

### **Under aged/ Youth engaged in sex work**

Youth engaged in or being exploited in the sex industry is also a great concern for mainstream and the sex industry communities. BY-laws and the Criminal Code of Canada make it illegal for a youth or person under the age of 18/ 19 to work in the sex industry.

These processes are intended to increase the health, safety and stability of adult consensual sex industry workers but BCCEC members felt that young people could benefit from the valuable information contained within the accreditation materials. Accreditation would not be possible until they were of legal age to engage in the sex industry but having access to the materials contained in the *Trade Secrets-Sex Industry Occupational Health and Safety Accreditation Program Manual* could increase their health and safety and connect them to the resources they need anyway.

Also, it is hoped that resources freed up by these processes could allow police to focus their efforts on protecting this vulnerable and at risk group.

The BCCEC also want to note that it is not our contention to assume what youth engaged in or exploited in the sex industry need. We humbly submit that before any action is taken affecting their safety, they must be consulted. The youth affected by the decisions we make hold the key to improving their lives and safety.

## **By Law Enforcement**

By law additions and revision alone will not be enough to ensure compliance and fair treatment of sex industry community members. A system of inspection and penalty tied to the professional accreditation and licensing process will be necessary to ensure to greatest possible outcome and impact of sex industry health and safety.

## **Inspections**

Inspections happen in every industry in Canada. Safe work spaces are the rights of all workers. The community policing partnership team, sex worker support agencies and the usual government bodies who conduct inspections in other areas can all take part in monitoring compliance and ethics in the sex industry.

New policies and procedures will have to be created to ensure fair and balanced treatment of sex industry community members during inspections. Sex Industry support agencies who already have done outreach and made connections with indoor business owners and workers would play a vital role in helping people transition smoothly into the new licensing programs in a way that ensures their comfort, confidentiality and the minimum amount of disruption.

Inspectors, the Community Policing Partnership Team and sex worker support agencies would all be required to report their findings whether good or bad to the Sex Industry Review Committee for consideration or action.

Ultimately, the sex industry review committee will be responsible for all actions and decisions arising from inspections for compliance.

These inspections are not intended to replace, dictate or impede police activities and criminal investigations but rather to work in partnership with police towards better policies and procedures for

enforcement actions, the elimination of the exploitation of youth or any person in the sex industry, better understanding of sex industry structure and community and to ensure police are aware of resources and programs available sex workers in need of support.

## **SIWSAG**

The Sex Industry Worker Safety Action Group (SIWSAG)<sup>1</sup> was created in 2007 to bring together local police, sex industry workers, representatives from service-provision agencies and other community stakeholders to address the increasingly dangerous and negative conditions relating to the safety and security of sex industry workers in Vancouver. Many sex industry workers face high levels of victimization and the marginalization experienced by street-based workers serves only to exasperate the situation. In order to improve the safety of this vulnerable segment of our society, along with improving the relationships between the VPD and SIW and SIW service providers, the action group has formed to undertake collaborative work in the following key areas:

- Increasing and improving incident reporting
- Identifying predatory offenders
- Self-defense and violence prevention training
- Improvement of communication between sex industry workers and the police
- Creating professional development materials for sex industry workers and new recruits to the VPD
- Facilitating greater success in the prosecution of those who commit violence against sex industry workers
- Improving direct outreach to the sex industry

This unique, one of a kind project has the potential to significantly impact relations between police and sex industry workers, while at the same time addressing and increasing the safety and security of those who participate in this industry. Improved relations are key to addressing the overall safety of the workers, as the existing situation features the results of a history of negative relations and a basic lack of trust between officers and sex industry workers. As a result we have seen devastating cases emerge such as the Robert Pickton trial and the Missing Women's cases.

Over a series of meetings and discussions about a community policing partnership car, SIWSAG members agreed that the partnership alone did not cover the new policies and practices needed for police to effectively monitor activities in the sex industry. In lieu of the plans as outlined above, we are including the recommendations resulting from those discussions.

## **Community Policing Partnership Car**

Criminalization has lead to a culture of mistrust between the sex industry community and the VPD. Sex workers are reluctant to report violence against them for fear of being judged and sex workers also fear being seen as working with the police and having to face reprisal from the "street" community.

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<sup>1</sup>The Sex Industry Worker Safety Action group includes members from the following organizations: ASIA/ ORCHID: Asian Society for the Intervention of Aids/ Outreach, Research, Community, Health Initiatives and Development ; BCCEC: BC Coalition of Experiential Communities; Boys 'R' Us; HUSTLE: Men on the Move; PACE: Prostitution, Alternatives, Counseling and Education Society; Pivot Legal Society; West Coast Cooperative of Sex Industry Professionals; VACFSS: Vancouver Aboriginal Child & Family Services Society.

During the Living in Community Project” we learned that the majority of complaints coming from residents and business owners in communities affected by sex work are nuisance related and cost a lot in police resources.

Developing a community-VPD partnership that brings together both perspectives by hiring one experiential person ( victim services trained sex industry representative) and a police officer to focus on the common goal of safety could begin to bridge these issues of mistrust, support the implementation of the plans outlined above and ensure fair treatment and support of sex industry workers during VPD operations.

The Sex Industry Worker Safety Action Group has agreed on the following goals for the Community Policing Partnership Car Project;

### **Goals**

- To provide specialized sex industry specific policing resources for victimized sex industry workers
- To connect sex industry workers to support services and organizations
- To build alternative strategies and best practices for police and communities to better cope with ancillary issues arising from the sex industry
- To work with residents and business owners in communities impacted by sex work to resolve their concerns

### **Best Practices for VPD engagement of the sex industry community**

#### **Overall objective**

The SIWSAG also propose undertaking an evaluation of existing practices that are used to enforce the criminal laws associated with the sex industry (sections 210-213 and any other related offences). Ultimately, we hope to identify the strategies currently in use by Vancouver’s Municipal Police Department (VPD), and those recommended by the participants in this project, to create a best practices document and facilitate increased safety for the sex industry community when interacting with the criminal justice system.

#### **Specific Objectives**

- We will design and host a series of workshops with each stakeholder group (specific divisions within the VPD such as Vice, Div. 2, Diversity, Major Crimes; sex industry workers; the clients; and local businesses) to identify the practices that are currently used to enforce the criminal laws related to prostitution in Vancouver.
- The workshops will outline the practices in use, any challenges faced by officers in enforcing the laws, and any institutional constraints affecting the enforcement of the criminal laws. In addition, we will identify unintended impacts of the enforcement on the sex industry community and provide a venue for discussion on how to address both the needs of law enforcement and the needs of sex industry workers.

- Upon completion of the workshops, we will prepare a discussion document containing the findings for dissemination to all participants.
- A final all stakeholders' meeting will be held to discuss the findings and create a final set of recommendations.
- Finally, we will evaluate the project and disseminate the Best Practices Document to all stakeholders, the Solicitor General, the RCMP and other local municipal police forces. Then, we will seek additional funding to replicate this pilot project with Crown Counsel, Corrections and the Judicial branches of the Criminal Justice System.

### **Professional Development Package for VPD/ City of Vancouver Staff.**

In order for these ideas to achieve their goals, police officers, licensing staff, city staff, license inspectors, etc. must all be made aware of the changes and best practices emerging, sex industry specific policing goals, the sex industry review board and its purpose, by-law revisions, etc.

Members of SIWSAG agreed that a professional development package could give officers and city staff the information and tools they need to implement the plans outlined above.

The following is an outline for such a project;

#### **GOALS OF THE PROJECT**

- To provide city staff and police officers with the tools to provide meaningful protection and access to resources for all sex industry workers, regardless of gender.
- To increase city staff and police officers knowledge of supports available to sex industry workers, issues and barriers facing sex industry worker's, and best practices for engaging with the sex industry community.
- To create a standardized presentation and package of materials for this purpose.
- To ensure that all stakeholders have the opportunity to contribute to these tools.

### **Vancouver Police VICE Division**

The VPD VICE Division have traditionally carried the burden of policing the sex industry. It is hoped that through systems outlines above, VICE will be able to better identify, target and prosecute sex industry businesses operating outside of what is considered acceptable within the mainstream community.

VICE will have access to information emerging from the sex industry review committee in terms of unethical behaviour as well as through the community policing partnership team.

It is also hoped that the Vancouver VICE division will be able to easily identify businesses operating outside of the accepted standards through a Trademark or system of branding tied to the Professional accreditation and licensing process. Businesses displaying the trademark or brand in advertising, or in business locations will be obvious as ethical and those without the trademark obvious as unknown working conditions.

The BCCEC and its members favour a soft handed approach to first time offenders, but feel this maybe a very effective way of identifying any businesses operating outside of ethical practices.

## **Penalties**

Some suggestions as far as penalties were a probation period for a person or business with a minor infraction and for those engaged in more serious complaints, complete revocation of licensing and accreditation or intensified inspections and scrutiny until the issue of the complaint is resolved.

In terms of the impact of these penalties, BCCEC members agreed that development of a trade mark as proof of accreditation/ or lack there of combined with educational outreach to sex industry consumers and workers about the meaning of the trade mark could prevent workers from seeking employment with a known exploitative business owner or prevent a consumer from purchasing the services of such a business.

The idea is to shine a light into every dark corner of the sex industry and weed out those who would exploit people but acknowledge those who support safety in the sex industry.

BCCEC members felt that this issue is a far reaching one and that as a group we did not have sufficient knowledge or experience to ensure the most complete processes were created.

An inclusive process for scrutiny of these ideas was favoured to give all people a chance to express their ideas and concerns.

As a next step, BCCEC members developed a discussion document outlining our plans and invited all stakeholders to take part in a meeting where they could bring forward any concerns and suggestions to the recommendations and outcomes of this report. The following are the minutes from that meeting.

## **Opening the Doors- May 2010**

### **Meeting Minutes**

13 people present representing VPD, sex worker support agencies, City of Vancouver, sex workers, sex consumers, UBC and SFU.

1. Welcome and Introductions
2. Review of proposed processes

The project coordinator explained the accreditation processes as outlined in the discussion document and produced a copy of the "Serving it Right" Licensee program manual as well as a hard copy of the Draft- Sex Industry Licensee Program Manual. The coordinator explained that the alcohol service guidelines were the foundation of many of the proposed processes and that in fact the first part of the sex industry licensee program manual draft were almost word for word copied from the alcohol service guidelines and processes.

By adapting a widely recognized and successful tool to fit the sex industry, it was felt that it would contain appropriate language and address public concerns surrounding “vice” as alcohol was once illegal.

The coordinator offered to answer questions and the group decided rather than get into questions at this point, to get into the close scrutiny of individual aspects of the proposed processes. And work the questions as we went through it.

### 3. Close scrutiny of individual aspects of proposed processes

- Processes for licensing and accreditation

The project coordinator explained that initially an over bridging “adult entertainment” license was proposed for all sex industry workers but that upon reflection and discussions with other stakeholders, this was seen as unnecessary. It was noted that in New Zealand, independent workers working on their own or 2 or 3 together did not require licensing and they have had a lot of success addressing many of the same issues concerning Canadians in terms of sex industry safety.

The coordinator referred to the BCCEC Vancouver By-law Revisions of 2007 noting that current licensing practices/ guidelines seem to be similar to those issued for hairdressers. A hair salon requires a business license and the hairdressers working there also require individual licenses as employees/ sub contactors. An escort service also requires a license as do the individual escorts employed as sub contractors there. The coordinator also pointed out that the health enhancement center business license did not require individual employees to be licensed and that perhaps this was the reason for all of the speculation as to the status of these workers being trafficked, underage, etc.

The coordinator then referred to the alcohol service guidelines and licensing once again to draw comparisons in approach noting that while a bar or night club owner must be licensed as a business, bartenders and waitresses do not require licenses.

The coordinator suggested that accreditation alone without licensing of sex industry employees maybe the simplest low barrier solution.

The group discussed this and agreed that accreditation using the proposed *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program* alone seemed to be the obvious choice and that if it were made mandatory in a city bylaw, we could be sure that all sex industry employees have access to resources, were of legal age to engage in the sex industry and have the tools to make safe decisions about their work.

Some members of the group then raised concerns about the impacts of these processes on “survival” or street level sex workers. The testing could be too high barrier and could further marginalize street level sex workers some of whom are of diminished capacity.

The coordinator stated that no one was proposing licensing street entrenched or impoverished workers.

A group member pointed out that some sex worker support agencies had supported sex workers in acquiring professional accreditation for other areas of employment and had received their “serving it right”, “food safe” and “super host” accreditation. Since these were not too difficult for sex worker participants and the proposed processes for accreditation mirror these programs, they would be sufficiently low barrier for any sex worker wishing to take part.

Another group member suggested that it might in fact be a good thing to include street level sex workers in the program and that it could in fact empower them. It was suggested that a mentorship program done in partnership with sex worker support agencies could support workers in gaining their accreditation and that this vulnerable group also need to be given access to resources, knowledge about their rights, knowledge about their health and safety, knowledge about the impacts on the communities where they work and of course the tools to make safe decisions about their work.

The group then discussed accessibility. Sex industry workers generally want to maintain their confidentiality and are afraid of facing bias during these processes. Since the *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program* testing is an open book format, it was suggested that the program be made available through sex worker support agencies, online, via mail, in doctor's offices, from the sex industry business owner they wish to be employed by, at the newspapers where sex industry ads are featured and at the City of Vancouver business licensing desk. This way all workers could discreetly obtain their accreditation in which ever way makes them most comfortable.

Also, by making the *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program* material available through sex worker support agencies networks of sex workers already in place can be utilized ensuring maximum awareness with all levels and genres of sex workers. Sex worker support staff could answer any questions and help workers complete their application.

The matter of being of legal age to engage on the sex industry was then discussed. The coordinator outlined the biggest concern of the mainstream community in terms of sex industry workers and their safety was that they may be underage. Anytime sex industry workers are asked to reveal their true identity they are taking a risk but in order to address the concerns of the mainstream community at some point during accreditation sex industry workers will have to produce their government issued identification to prove they are of legal age to engage in the sex industry.

The group discussed the ways in which the confidentiality of workers could be protected. A "double blind" system was proposed in which a photo copy of the workers identification would be taken and kept in a file, the workers personal information never entered into a computer or any where else except as a photo copy in a file. The sex industry worker would then be known as a number within the system and any complaints against the accredited person would be attached to that number. That way, the sex industry workers identity remains confidential but proof of legal is age provided. This was also seen as a way to prevent biases against a particular worker or business owner by a member of the Sex Industry Review Board.

The group discussed the role and make up of the sex industry review board. The coordinator referred to the processes researchers under go during research on human beings, more specifically the research ethics review board processes. The group agreed that to ensure balanced decision making within the review process, police, city staff, sex worker support services and sex industry community members should be included in the make up of the board.

The group agreed that the role of the review board would not include criminal matters and that all matters falling under "illegal" in status would be the responsibility of the police and referred to VPD.



The group agreed that the role of the review board as outlined in the discussion document was a great starting point but that the board itself would need to do some work to define terms of reference and the role it would play.

- Educating Sex Consumers

The coordinator described educational materials developed for sex consumers as a way to promote ethical purchasing habit and to ensure consumers knew how to report criminal activity should they witness it.

The group agreed that through creation of a trademark or brand signifying accreditation and further development of educational materials, sex consumers could be encouraged to support ethical and accredited workers and businesses.

Because sex consumers are generally very private about their activities, some members of the group raised concerns about how they would access the information. Some suggested points of contact were; doctor's offices, city hall business licensing desk, on-line forums such as perb.ca, "john school", patrol cars, sex industry businesses( exotic show lounges, sex shops, massage parlours), and therapy centers. It was also suggested that the format be small and something they could discreetly grab and put in their pocket,

The coordinator also noted that the news papers in Vancouver where sex industry workers and businesses advertise had in the past offered free space for sex industry support services. It was suggested that perhaps a targeted advertising campaign could also increase awareness amongst sex consumers about ethical purchasing habits.

The group discussed the "for our clients" document created by the BCCEC and agreed that it would need to be revised to include information about accreditation and the trademark/ brand.

- Licensing/ By-law revisions

The group agreed that accreditation could be mandatory through city by-law and that the wording of such a by-law is best left to city staff to draft something based on the processes suggested here.

It was once again agreed that individual workers and employees in sex industry businesses would not require licensing but would be required to take part in the sex industry licensee program.

The by-law requiring criminal record checks for all license applicants was clearly a concern for all. This has long been a barrier to licensing for anyone ever charged under the prostitution provisions of the criminal code. The group agreed with the information in the discussion document that the criminal records check should not be the sole determining factor in whether an applicant's license is approved but that the check was generally intended to prevent child molesters, rapists, traffickers and pimps from working in or owning businesses in the sex industry.

It was agreed that the sex industry review board could review each application its individual merit and decide whether a criminal record warrants the denial of an application.

- Draft By-law additions

The draft of the by-law additions in this regard were good and were based on well known language taken directly from “serving it right” alcohol service accreditation. The group once again agreed that these would need to be written by city staff and contributed to by all stakeholders.

The BCCEC revisions of 2007 were also seen as relevant in terms of removing archaic sections excluding sex workers from the mainstream community.

- By-law Enforcement

The soft handed approach as detailed in the discussion document was supported by the group. The Community Policing Partnership Car, sex industry liaison officer, and outreach teams from sex worker support services were seen as the best ways to conduct non invasive inspections. Teams could wear plain clothes and bring condoms, the bad date sheet, and other harm reduction supplies as well as offer frontline support should workers need it in a soft handed, trust building outreach strategy.

These teams could report to the sex industry review board on conditions within various businesses and also report dangerous conditions should they witness them to VPD Vice division.

VPD Vice division could also use these networks to investigate complaints against a business owner or worker. The information gathered by the teams and sex industry liaison officer could indicate a pattern of behaviour that either proves or disproves an accusation or complaint in particular if the accused has a history of similar behaviour. On the other side, it could protect longstanding ethical business owners and workers from false allegations preventing “legal bullying” by former employers or employees wishing to cause problems.

- Inspections

There were some concerns about who should conduct inspections. One group member suggested that Work Safe BC should be involved and may be able to make some suggestions as far as who should conduct inspections and what that might look like. Most concerns were centered on the police conducting inspections. This could be frightening for workers and consumers and has proven to be too disruptive to achieve our goal of trust building with sex workers and ethical sex industry business owners.

The group agreed that this aspect needed a lot of consideration and that support services attending and translators for non English speaking workers were critical. It was agreed that this aspect would be a risk on all sides but necessary in order to ensure compliance.

- SIWSAG recommendations

The group supported the recommendations emerging from the SIWSAG support many aspects of the proposed mechanisms. The community policing partnership car could take part in soft handed inspections and ensure workers were safe and that business owners were complying with the new rules about accreditation. The development of policy and procedure revisions/ additions to ensure fair treatment based on best practices as well as professional development materials to ensure city staff and police are aware of these changes.

- Vancouver VICE

The coordinator expressed that participation from VPD Vice division was critical. In order to ensure ethical business owners are protected and sex industry workers have job choices, we must find a way to

work in partnership with police to prevent the type of blanket enforcement actions we have seen in the past and the targeting of sex industry businesses simply because they operate in the sex industry.

The group agreed and expressed hope in seeing the contributions forth coming from VPD in terms of the proposed processes.

- Penalties

A sliding scale of penalties was favoured as described in the discussion document and group members felt that this could be part of the work developed by the sex industry review board. During the development process all stakeholders would have a chance to review other penalty processes used in other industries and design what penalties might be appropriate for the sex industry and under what circumstances.

The group agreed that this would have to constantly be revisited as new conflicts emerge in the sex industry.

#### 4. Final Thoughts

Group members were generally excited about the proposed plans and their potential to impact the health and safety of Vancouver's sex industry.

The coordinator thanked everyone for coming and promised to send out the meeting minutes for participant's approval and for any additions they have thought of in the time since the meeting.

### **Recommendations**

Vancouver Sex Industry Stakeholders have agreed on the following recommendations for submission to city staff and informing the report going to City Council;

- That a process of professional accreditation be developed in partnership with all stakeholders and that the processes should respect the expectations for the mainstream community and the privacy/ confidentiality of sex industry workers taking part.
- That the professional accreditation processes be made language accessible for non English speaking workers and as low cost and low barrier as possible so all sex industry workers including street level sex workers could benefit from the knowledge gained through accreditation.
- That professional accreditation be required for all employees in a sex industry business including support staff such as managers, booking girls, drivers, waitresses and bouncers.
- That the City of Vancouver By-laws are revised to reflect the processes outlined in this report and respect the safety and inclusion of sex industry workers in a process involving all stakeholders as far as preferred licenses, rate balancing and the removal of clearly biased and illegal by laws excluding sex industry community members from mainstream society.

- More specifically, that the body rub license become the license of choice over health enhancement center. The term health enhancement center makes any prostitution occurring in the business illegal. The body rub parlour business license on the other hand seems to create a space where 2 consenting adults can legally engage in prostitution as it is more of a “rooms for rent” business. Just as in a hotel, the room rented becomes a private space and just as in a hotel what happens behind closed doors is private.

It is hoped that this business license definition will allow police to maintain their commitment to the criminal code of Canada while allowing stability for sex industry businesses providing safe, health places to work.

- That a Sex Industry Review Board be created to hear complaints and scrutinize license applications
- That mechanisms to ensure accountability and unbiased treatment are created such as the community policing partnership car, policy and procedure manual revisions/additions and professional development materials for mainstream systems engaging the sex industry.
- That a system of penalties tied to professional accreditation is created
- That licensing not be required of individual workers or small collectives of 2 or 3 workers sharing a work space as has been proven successfully in New Zealand to impact the health and safety of those workers.
- That provisions are made to accommodate migrant or foreign workers and that all materials are language accessible for that group
- That while youth engaged in the sex industry may not be accredited until they reach the legal age to engage in the sex industry, that they be given access to the program materials as way to increase their health and safety and to connect them to resources

The greater community have long had to rely on rumours and biased data to form an opinion of working conditions in the sex industry. By creating an open and sex industry inclusive system of transparency and accountability, the greater community will have a clearer picture of the make up of, conditions within and safety of the sex industry.

Through this confidential, community based process it is hoped that businesses that go beyond what is reasonable (marketing youth, trafficking persons) can be more easily identified, targeted and prosecuted by the criminal justice system without causing widespread de-stabilization of the entire industry.

The goal is not to eliminate police or other mainstream mechanisms from these processes. Rather our goal is to allow police to use resources more effectively against and easily find and prosecute those people who engage in illegal sex industry activities, to increase numbers of sex industry workers accessing mainstream supports, increase numbers of sex workers reporting crimes against them and increase overall neighbourhood safety.

## **Conclusion**

All parties were concerned about the confidentiality of participants in the *Trade Secret- Sex Industry Occupational Health and Safety Accreditation Program* . The BCCEC recommend being extremely careful throughout the development of procedures, to protect confidentiality if sex industry workers are to feel safe in taking part.

Lastly, the ideas and processes outlined in this report are in a very draft and incomplete form. BCCEC members want to be clear that each individual aspect of these plans must be developed and scrutinized by all stakeholders in detail if we are to reach common ground and common purpose in finding ways to increase the health and safety of ALL community members.

Our hope is that the draft materials and rational described here can be a starting point for a change in policy, to move away from punishment and towards protection and to find creative ways to work together, with in the current legal framework and with the health and safety of sex industry workers at the forefront.