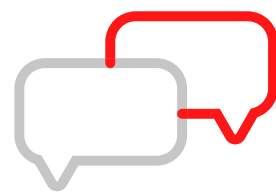


# CRIMINAL CODE PROVISIONS THAT MAY IMPACT SEX WORKERS\*

## Sex Work Related Provisions

**Q:** Can I communicate with clients to sell my sexual services?

**A:** Generally yes, but there are some restrictions. Per s. 213, you cannot stop or attempt to stop anybody in a public space or in a private space that is visible to the public to discuss the sale of your services. Additionally, per s. 286.1, your client can be charged as it is an offence in Canada to purchase sexual services.



**Q:** Can people receive money or material goods from my sex work?

**A:** It depends. Per s. 286.2, it is an offence for someone else such as a manager or what some understand to be "pimps", to profit from your sex work or to profit from encouraging you to do sex work. However, it is not an offence to pay for certain legitimate expenses such as rent, an accountant, or child support payments using money you earned doing sex work.



**Q:** Can I work with other sex workers?

**A:** In theory, yes, but there are a number of restrictions that can make working together legally difficult. Per:

- s. 286.1, it can be an offence to communicate with another sex worker for group work as this could be seen as purchasing sex.
- s. 286.2, it can be an offence to split your profit for a joint job.
- s. 286.3, it can be an offence to discuss sex work or give advice. It can be perceived as recruiting the other person.
- s. 286.4, it can be an offence to advertise your services with another person or link someone's ad to your ad.



**Q:** Can I advertise my sexual services?

**A:** Technically, yes, you can advertise your own services. Again, however, there are a number of restrictions that make advertising difficult. Per s. 286.4 it is an offence to advertise any type of sex work. However, sex workers are protected from being charged for advertising their own sex work. This being said, you can be charged if there is any mention of another person in your ad, or if you help someone else in any way to create an ad (even if they asked for your help.) Additionally, per s. 163, it is an offence to make, print, distribute or possess, for the purpose of publication, any obscene material regardless of the format.



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## Provisions related to underage sex workers

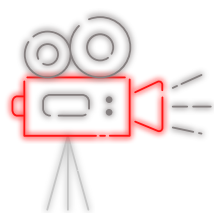
**Q:** Can I do sex work if I'm under the age of 16?

**A:** You will not be charged for doing sex work under the age of 16. However, your clients can be charged. Per sections 151, 152, and 153, it is an offence for a client to touch in a sexual manner (directly or indirectly) an individual who is 16 years or younger, or to encourage or request that a person under the age of 16 touch themselves or the client.



**Q:** Can I do non-physical sex work (i.e. camming) if I'm under 18?

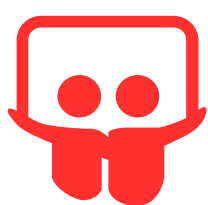
**A:** You will not be charged for doing non-physical sex work under the age of 18. However, your clients or business partners can be charged. Per s. 163.1 it is an offence for anybody to make, distribute, possess or access written material, audio recordings, photographs or films that depict anybody under the age of 18 engaging in sexual activity or posing sexually.



# CRIMINAL CODE PROVISIONS THAT MAY IMPACT SEX WORKERS\*

## Non-Sex Work Related Provisions

**Q:** Can I give advice to another sex worker?



**A:** It depends on the advice. You cannot recruit someone into sex work (s. 286.3), and you cannot advise someone to commit a crime, which is an offence per s. 22. For example, suggesting someone carry mace for self defence could fall under this offence.

**Q:** Can I carry a weapon other than a gun for self-protection?

**A:** No, unless there is a lawful excuse. Per sections 87, 89, and 90, items that are intended to be used as a weapon whether concealed or not are prohibited. Note that weapons can include kitchen knives, mace, and studded wristbands.



**Q:** Can I use a fake name if stopped by the police?

**A:** No. Per:

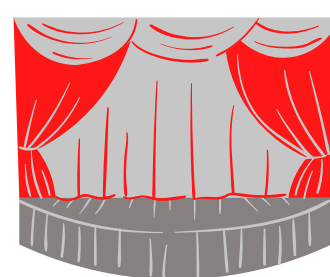
- sections 129 and 139, it is an offence to purposefully obstruct in any way the justice process, which includes preventing a police officer from doing their job.
- sections 131 - 134 and 136, it is an offence to purposefully mislead a person authorized by law by making false statements including providing fake ID and providing a fake name.
- s. 140, it is an offence to purposefully mislead a police officer by making a false statement or diverting suspicions from oneself.
- s. 403, it is an offence to pretend to be another person with the intention of gaining some type of advantage such as avoiding potential criminal charges.



**Q:** Can I do non-sexual touching performances in unlicensed venues ?

**A:** No. Per s. 167, not only is it an offence for a tenant, manager, or person in charge to allow any performances that can be deemed 'indecent' or 'obscene', it is also an offence to participate in these performances. Unfortunately for sex workers, the terms 'indecent' and 'obscene' have been inconsistently defined. Thus, sex workers should proceed with caution as their meaning is up to subjective interpretation.

In addition to s. 167, if the performance includes nudity, depending on the setting, you can be charged. Per s. 174 it is an offence to be nude in any public space or in a private space that has public view. For clarity, this does not apply to licensed venues where exotic dancing and stripping are permitted.



**Q:** Is it an offence to conduct sex work in a vehicle?

**A:** It may depend on where the vehicle is parked. Per sections 173 and 175, it is an offence to do an indecent act in public or in private property that is visible to the public. This being said, there is an Ontario Court of Appeal case in which a sex worker was able to successfully challenge the charges. She demonstrated that she had taken all the necessary steps to make the vehicle private and away from public view.



**Q:** Can I do sex work if I have children under my legal care?

**A:** Yes. However, per s. 172, if you have children under your legal care, it is an offence to engage in 'immoral' sexual acts and any other vice that may make the home unfit for the children. Unfortunately, similarly to 'indecent' or 'obscene', the term 'immoral' has also been inconsistently defined and there is no clear definition.

Lastly, per sections 215 and 218 it is your responsibility to make sure the children have all the essential necessities a person would need to live.

