

# **REPORT**

## ***Climate Action, Planning and Development***

**To:** Mayor Johnston and Members of Council  
**Date:** November 27, 2023

**From:** Jackie Teed, Director  
Climate Action, Planning and Development  
**File:** 05.1035.10

**Item #:** 2023-754

**Subject:** City of New Westminster Guidelines to Promote Sex Worker Safety

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### **RECOMMENDATION**

**THAT** Council endorse the City of New Westminster Guidelines to Promote Sex Worker Safety.

**THAT** Council approve that \$5,000 be allocated from the Human Resources corporate learning and development budget for 2024 for staff training to promote sex worker safety.

**THAT** Council direct staff to work with Living in Community and PACE to explore possible next steps related to sex worker safety in New Westminster.

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### **PURPOSE**

The purpose of this report is twofold: (1) to seek Council endorsement of the City of New Westminster Guidelines to Promote Sex Worker Safety and a budget request for associated staff training; and (2) to seek Council direction to work with Living in Community and PACE to explore possible next steps related to sex worker safety in New Westminster.

### **EXECUTIVE SUMMARY**

On March 28, 2022, Council endorsed a proposed work plan to develop a framework for sex worker safety in New Westminster. The first step of the work plan was to contract a peer-driven organization to deliver training to Council and senior staff on sex worker safety.

In February 2023, the Sex Worker Safety Framework Working Group was established to assist with the development of a sex worker safety framework to promote the health and safety of community members who are engaged in sex work in New Westminster. The Working Group developed City of New Westminster Guidelines to Promote Sex Worker Safety. Staff consulted internally with Integrated Services, Business Licensing, Fire, Human Resources and Police on the Guidelines and received positive feedback.

## **BACKGROUND**

On June 21, 2021, Council supported a motion that directed staff to coordinate a workshop for Council and senior staff on sex worker safety and to report back to Council with related safety policies. On March 28, 2022, Council endorsed a proposed work plan to develop a framework for sex worker safety in New Westminster. The first step of the work plan was to contract a peer-driven organization to deliver training to Council and senior staff on sex worker safety. The work plan also included: (1) conducting case study research; (2) establishing a Sex Worker Safety Framework Working Group to assist with the development of a framework; (3) consulting internally with City departments and divisions, including Integrated Services, Business Licensing, Fire, Human Resources and Police; and (4) presenting a draft framework, including policies, bylaws, and/or guidelines to Council for review and consideration of endorsement.

## **EXISTING POLICY/PRACTICE**

Existing policy is summarized within Attachment 1.

## **DISCUSSION**

### **Legality of Sex Work**

On December 20, 2013, the Supreme Court of Canada delivered a landmark unanimous decision in the case of *Canada (Attorney General) v. Bedford*. The case dealt with the constitutionality of certain provisions of Canada's Criminal Code related to sex work. The key provisions in question were:

- Living on the avails of prostitution (section 212(1)(j)), which made it illegal to live off the earnings of prostitution.
- Keeping a common bawdy-house (section 210), which criminalized the operation of a place where prostitution occurred.
- Communicating in public for the purpose of prostitution (section 213 (1)(c)), which made it illegal to communicate with anyone in a public place for the purpose of engaging in prostitution.

The applicants in the case, Terri-Jean Bedford, Amy Lebovitch and Valerie Scott, argued that these provisions violated the Canadian Charter of Rights and Freedoms, specifically the right to life, liberty and security of the person (section 7) and the right to freedom of expression (section 2(b)). In a unanimous decision, the Supreme Court of Canada struck down all three provisions as unconstitutional. The Court found that these

laws violated the rights of sex workers by endangering their lives and preventing them from taking measures to protect themselves. The decision marked a significant step for sex worker rights in Canada.

In 2014, in response to the Bedford decision, the government of the time introduced Bill C-36, the Protection of Communities and Exploited Persons Act (PCEPA). PCEPA criminalized the purchase of sexual services in Canada. While a person could still sell sex, purchasers would be committing an offence. Section 286.1 of the Criminal Code, under PCEPA, makes it an offence to purchase or attempt to purchase sexual services and communicating in any place for that purpose. Sex workers and allies continue to advocate to the federal government to uphold sex worker Charter rights, respect the Bedford decision, and review and reform the sex work offences introduced through PCEPA.

### **Sex Work vs. Sex Trafficking**

Sex work is the exchange of sexual services for money or other goods. It includes escorting, street-based sex work, exotic dancing, pornography, and more. Human trafficking involves recruiting, transporting, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person. Human trafficking occurs in industries such as agriculture, construction, domestic work, manufacturing, the sex industry, and many other industries. Oftentimes, sex work and human trafficking are seen as the same thing. Not everyone in the sex industry is trafficked and not everyone who is trafficked is in the sex industry (source: Living in Community).

### **Municipal Responses**

While many aspects of, and issues related to, sex work fall under senior government jurisdiction, local governments have a responsibility to protect the health and safety of their community members. Municipal policies can uphold sex worker's rights to health, safety and dignity. Examples include:

- policies that promote a respectful, non-discriminatory and consistent approach among municipal staff who interact with anyone in the sex industry through the course of their duties;
- policies for staff training and education;
- policies related to Business Licensing and enforcement; and,
- advocacy to the federal government to decriminalize sex work by reviewing and reforming the sex work offences introduced through PCEPA.

As a first step to developing a sex worker safety framework for the City of New Westminster, staff undertook a review of municipalities that have sex worker safety policies, guidelines and/or regulations in place, including the Cities of Vancouver, Surrey, Nanaimo and Edmonton. The findings highlighted that this is a complex area of work and that very few municipalities have policies, guidelines and/or regulations in place, and that perspectives and approaches are varied. A summary of the municipalities surveyed is included in the table below.

Municipality	Implementation	Working Group Feedback
City of Vancouver Sex Work Response Guidelines	<ul style="list-style-type: none"> <li>• Sex Work Response Guidelines</li> <li>• Policy section 16.5 Gender and Sex Worker Safety, in Broadway Plan (2022)</li> <li>• Supporting sex workers along Kingsway Corridor (resource centre)</li> <li>• Sex work safety training for City staff</li> <li>• Sex Worker COVID-19 Resource Guide</li> <li>• Two staff positions embedded in Social Policy and Projects Division</li> <li>• Advocacy to federal government for decriminalization of sex work</li> </ul>	<ul style="list-style-type: none"> <li>• Preferred approach</li> <li>• Developed with community and peers, which is considered the most important part of anti-oppressive work</li> <li>• City supports sex work community's call for decriminalization of sex work</li> </ul>
City of Edmonton Business Licensing for Body Rub Centre, Body Rub Practitioner, Escort, Escort Agency	<ul style="list-style-type: none"> <li>• Zoning and Business Licensing for Escorts, Body Rub Practitioners, Escort Agencies, Body Rub Centres</li> <li>• Mandatory Business License Information, Course required for Body Rub Practitioner and Escort</li> <li>• Mandatory Operational Plan (Security and Patron Management for Body Rub Centres)</li> </ul>	<ul style="list-style-type: none"> <li>• Mixed support for this approach</li> <li>• Akin to legalization</li> </ul>
City of Surrey Vulnerable Women and Girls Working Group	<ul style="list-style-type: none"> <li>• Working Group with representatives from a broad range of service agencies and government ministries primarily focused on health, safety and support services for women and girls in Surrey.</li> <li>• Surrey Woman Resource Card (2021)</li> <li>• Online forum - Forum: Public Safety for Vulnerable Women and Girls (2020)</li> <li>• Report: Surviving the Night, Night-time Safety and Service Needs of Vulnerable Women and Girls in Surrey (2019)</li> </ul>	<ul style="list-style-type: none"> <li>• Minimal support for this approach</li> <li>• Significant focus on sexual exploitation</li> </ul>
City of Nanaimo	<ul style="list-style-type: none"> <li>• Established the Nanaimo Sex Trade Cohort, including representatives from social service agencies, RCMP, City, sex trade workers, education sector.</li> <li>• Report: Protecting the Vulnerable, Nanaimo's Action Plan to Reduce the Harms Associated with the Sex Trade (2015)</li> </ul>	<ul style="list-style-type: none"> <li>• Minimal support for this approach</li> <li>• Significant focus on sexual exploitation</li> </ul>

### Current Sex Work Policies in the City of New Westminster

The NWPD is obligated by Provincial Standards to maintain a comprehensive policy addressing sex work.

On November 16, 2017, the BC Association of Chiefs of Police (BCACP) endorsed a document titled "BCACP Sex Work Enforcement Guidelines and Principles" (Attachment 2). The Guidelines were developed in response to *Missing Women Commission of Inquiry* (MWCI) recommendation 5.8 "that all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines." The BCACP Guidelines provide a resource for police agencies when developing local policies that reflect the unique contexts in which sex work may occur in their communities. The Guidelines encourage relationship building and ongoing dialogue with community partners, and emphasize consideration for the safety of sex workers when responding to calls and developing enforcement priorities related to sex work (source: NWPD).

In compliance with the Ministry's direction and the MCWI recommendation, the New Westminster Police Board adopted the NWPD Sex Work Enforcement Policy in January 2018 (Attachment 3). The Policy was developed to promote consistent sex work enforcement practices by members of the NWPD and enhance the safety of individuals involved in sex work.

This policy (the NWPD Sex Work Enforcement Policy) has been in effect for several years and undergoes regular review to ensure compliance with the BC Provincial Standards, which were updated in July 2023 and further enforce compliance with regulations concerning sex work. Additionally, all members of the NWPD receive training regarding sex work and/or the challenges faced by sex workers, some of which is mandated at the Provincial level and is continuously evaluated and updated.

Outside of this Policy, the City of New Westminster currently does not have sex work related policies, regulations or guidelines in place.

### **Sex Worker Safety Framework Working Group**

In February 2023, the Sex Worker Safety Framework Working Group was established to assist with the development of a sex worker safety framework intended to promote the health and safety of community members who are engaged in sex work in New Westminster. Recognizing the importance of centering individuals with lived or living experience in this work, the City established a partnership with two peer-driven organizations, Living in Community (LIC) and PACE, to guide the process. The City signed a MOU with each organization to outline the broad details of the partnership, including roles, expectations and principles for collaboration.

The Working Group consisted of 12 members including from three peer-driven organizations (LIC, PACE and SWAN), local non-profit organizations, individuals with lived or living experience in sex work, and a Social Planner from the City of Vancouver. Six of the 12 members were individuals with lived or living experience in sex work. Staff

representation on the Working Group included a Social Planner and the City's Manager of Integrated Services, as well as the Fraser Health Authority's Community Health Specialist for New Westminster. Individuals with lived or living experience were compensated for their participation on the Working Group and associated work. Representation from the NWPD on the Working Group was discussed but it was decided that an arms-length relationship to the Working Group was best and that staff would share and gather information from the NWPD. The Sex Worker Safety Framework Working Group Terms of Reference were developed with input from LIC and PACE and are included as Attachment 4.

The Working Group met four times between February and June 2023. In the span of four months, the Working Group developed the City of New Westminster Guidelines to Promote Sex Worker Safety. The purpose of the Guidelines is to make it safer for sex workers who are active in New Westminster by promoting their health and rights, and ensuring that City of New Westminster staff treat sex workers with dignity, fairness and respect. They are intended to inform City staff interactions with sex workers and individuals involved in sex work occupations in New Westminster. They are also intended to:

- Promote a non-discriminatory and consistent approach among City staff;
- Foster community understanding of sex work as an occupation; and,
- Inform the community-at-large about the objectives contained in the Guidelines.

The Guidelines, included as Attachment 5, build upon the City's Standards of Conduct Policy and include sections on:

- Objectives
- Principles
- Scope
- Policies,
- Bylaw Regulations and Inspections
- Responsibilities

The Guidelines also include statements related to staff training.

While there were different, and at times, conflicting perspectives by Working Group members on approach, interventions and actions, there was consensus that the Guidelines are a positive step in promoting safety and dignity for sex workers in New Westminster.

The Working Group emphasized the importance of staff training to promote sex work safety, developed and delivered by a peer-driven organization, for all staff who may interact with sex workers during the course of their regular duties. They also emphasized the importance of sharing the Guidelines with the larger community as an important step in public education to counter the stigma towards sex work.

The Working Group also expressed that, given the complexity and sensitivity of this work, which includes different perspectives on approach and actions, any further work should be led by experts from the community to ensure outcomes that benefit the sex work community.

### Internal Consultation

The Guidelines were shared with City Departments whose staff might interact with sex workers during the course of their regular duties, specifically, Integrated Services, Business Licensing, and Police. The Guidelines were also shared with the Human Resources Department who would oversee staff training related to the Guidelines. Feedback was positive, with Integrated Services, Business Licensing and Fire stating that the Guidelines and associated staff training would be well received.

New Westminster Police Department (NWPD) was also supportive of the Guidelines, which would not be applicable to NWPD as they are governed by distinct Federal and Provincial Statutes and Standards, separate from the City. NWPD would continue to apply their Sex Work Enforcement Policy, and carry out their own related training.

### **INTERDEPARTMENTAL LIAISON**

Integrated Services, Business Licensing, Fire, Police and Human Resources reviewed the Guidelines. Staff shared this report with the same departments for information.

### **FINANCIAL IMPLICATIONS**

The budget required for staff training to promote sex worker safety is \$5,000 and can be accommodated for in the Human Resources Department 2024 corporate learning and development training budget.

### **OPTIONS**

The following options are presented to Council for consideration:

1. That Council endorse the City of New Westminster Guidelines to Promote Sex Worker Safety.
2. That Council approve that \$5,000 be allocated from the Human Resources corporate learning and development budget for 2024 for staff training to promote sex worker safety.
3. That Council direct staff to work with Living in Community and PACE to explore possible next steps related to sex worker safety in New Westminster.
4. That Council provide staff with other direction.

Staff recommends Options 1, 2 and 3.

## **ATTACHMENTS**

Attachment 1: Existing Policy/Practice

Attachment 2: BCACP Sex Work Enforcement Guidelines and Principles

Attachment 3: NWPD Sex Work Enforcement Policy

Attachment 4: Sex Worker Safety Framework Working Group Terms of Reference

Attachment 5: City of New Westminster Guidelines to Promote Sex Worker Safety

## **APPROVALS**

This report was prepared by:

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