

City of Vancouver Sex Work Response Guidelines

*A balanced approach to safety, health and well-being for sex workers
and neighbourhoods impacted by sex work*

Background

The historical criminalized and stigmatized nature of sex work has resulted in tremendous abuses towards sex workers in Vancouver. Systemic discrimination has created significant barriers for many to access mainstream legal, health and social services and has denied them their rights to protection and support. Sex work is a complex and controversial issue and its impacts on individuals and communities have garnered much public attention locally and Canada-wide.

The Missing Women Commission of Inquiry (MWCI) was established in 2010 to examine investigations by the police between 1997 and 2002 and failures within the justice system in regard to the tragedy of the missing and murdered women from Vancouver's Downtown Eastside. The MWCI report, *Forsaken*, (2012) emphasised an urgent need for a comprehensive and collaborative approach by all levels of government, courts and law enforcement agencies to prioritize and mobilize efforts to increase the health and safety of vulnerable women in sex work.

The City of Vancouver (CoV) has taken an active role to increase the social inclusion of those engaged in sex work, prevent the sexual exploitation of youth and address the impacts of sex work on communities. The CoV's 2011 report, *Preventing Sexual Exploitation and Protecting Vulnerable Adults and Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan*, outlines an extensive framework to achieve these goals in partnership with community, health authorities, and governments.

In 2010, the Vancouver Police Department (VPD) altered their approach from the criminalization of sex workers to relationship-building and safety promotion in response to the MWCI. Developed in consult with the community, The VPD's *Sex Work Enforcement Guidelines* were formalized in 2013 and are centered on "balancing the needs of the community and the safety of sex workers."

The CoV Sex Work Response Guidelines outline a similar approach for all CoV staff and are intended to proactively address the realities of those in the sex industry and prioritize the health, safety and dignity of all residents and neighbourhoods. The principles outlined in this document directly align with Council's priority to build safe and inclusive communities for all residents, a primary goal in the CoV's Healthy City Strategy.

Purpose

The CoV Sex Work Response Guidelines were developed to promote a respectful, non-discriminatory and consistent approach among CoV employees who interact with anyone in the sex industry through the course of their duties. The specific objectives of the guidelines are to:

- ensure fair and unbiased treatment towards sex workers and promote sex worker safety, dignity and well-being;
- encourage an equitable and non-discriminatory approach with all individuals engaged in the sex industry;
- mitigate negative impacts of sex work on sex workers, residents and neighbourhoods;
- promote safe environments for all residents and neighbourhoods; and
- build positive relationships with individuals and businesses engaged in the sex industry, and individuals, businesses and neighbourhoods impacted by sex work.

Note: The CoV wholly opposes all forms of human trafficking which include domestic and international trafficking for the purposes of sexual exploitation. Human trafficking is an abhorrent violation of human rights and should be criminalized under national, regional, and international anti-trafficking laws, policies and interventions.

The CoV considers the involvement of anyone under the age of consent in transactional sex as youth sexual exploitation. All CoV employees who have reason to believe that a child has been or is likely to be abused, exploited or neglected have a legal duty under the Child, Family and Community Service Act to report the matter immediately.

Scope

These guidelines consider the diversity of individuals involved in the sex industry. They apply to:

- both indoor and outdoor sex workers;
- sex industry-related businesses and adult entertainment establishments;
- at-risk groups, including sex workers in the Downtown Eastside, Aboriginal sex workers, self-identified males and females, and indoor immigrant sex workers; and
- residents and neighbourhoods impacted by sex work.

The Guidelines will support all City of Vancouver staff in addressing the following areas connected to sex work:

- day to day interactions with public, including complaints;
- policy work at City;
- operational responses; and
- licensing, regulating, inspecting and enforcing of businesses.

Principles

The CoV's Code of Conduct defines six key principles that all employees must observe. Acceptance of these principles is a condition of employment for every public servant at the CoV, and guides their interactions with all members of the public.

1. **Integrity:** Employees are the keepers of the public trust and must uphold the highest standards of ethical behaviour.
2. **Accountability:** Employees are obligated to answer to the responsibilities that have been entrusted to them and the decisions they make.
3. **Responsibility:** Employees must act responsibly, within the law and within the authorities of the Vancouver Charter.
4. **Leadership:** Employees must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour.
5. **Respect:** Employees must conduct public business efficiently, with decorum and with proper attention to the city's diversity.
6. **Openness:** Employees have a duty to be as open as possible about their decisions and actions by communicating decision-making processes, encouraging appropriate public participation and appropriate means for providing feedback.

In addition to the above, the following principles focused on health, safety and dignity speak directly to CoV employee conduct when responding to sex work issues and complaints.

1. The **well-being of all citizens** is the primary priority of all interactions addressing issues related to sex work.
2. Employees are encouraged to separate personal values and morals regarding sex work from their profession in order to perform their duties with **fairness, objectivity and impartiality**.
3. Building **positive relationships** between sex workers, residents, businesses, neighbourhoods and CoV staff is the primary focus of CoV sex work response guidelines.

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When addressing issues connected to sex work in Vancouver, CoV staff's priority is to ensure the health and safety of sex workers, residents and neighbourhoods. CoV employees are expected to govern their conduct in a manner consistent with the following guidelines in their professional relations with individuals, businesses and the public.

Policy and Strategic Responses:

1. When drafting policies and strategic responses in all City departments, staff will consult with appropriate internal departments and external stakeholders, such as the CoV sex work social planners and community partners, in order to ensure the safety, health and rights of all individuals.
2. Staff will listen to, consider and where possible, incorporate feedback from the community, experiential persons and sex work organizations in developing policy, and strategic and operational responses.
3. Staff will abide by confidentiality agreements between all individuals in advisory capacities and will respect the privacy and identity concerns of experiential persons.
4. Staff will take a non-discriminatory approach when interacting with all individuals engaged in the sex industry.
5. Staff will work to educate the public about objectives contained in this document, in particular, the importance of a non-discriminatory approach.

By-law Regulation and Enforcement:

1. When responding to complaints about indoor and outdoor sex work, the safety, health and rights of individuals engaged in sex work will be respected.
2. When individuals involved in sex work are the subject(s) of a complaint, staff will engage the sex work social planners to assist with resolving the situation where appropriate and/or connecting them to appropriate community organizations.
3. Adult consensual sex work is in itself not a by-law violation.
4. The CoV recognizes that any policy which inhibits people from safe sex practices is counteractive to the health and safety of all residents. Therefore, the use of safe sex materials such as condoms and educational materials is not a by-law violation.
5. When engaged in regulatory enforcement, CoV staff will be transparent about their reasons for inspecting premises, with the exception of safety concerns.
6. Staff will respond to complaints and concerns at a level proportional to potential risk.
7. The CoV does not alert the media when enforcement actions are carried out for any licensed business, including indoor establishments where sex work may occur.

Responsibility:

1. Supervisors and Managers are responsible for promptly addressing employees when their conduct or behaviour is inconsistent with the intent of the Sex Work Response Guidelines.
2. The designated supervisor will investigate the complaint, identify the problem and seek to resolve the concern. Any further action taken will abide by current CoV accountability protocols.