

Friday, November 25, 2022

Hon. David Lametti
Minister of Justice
Standing Committee on Justice and Human Rights
House of Commons
Ottawa, Ontario
K1A 0A7

Dear Mr. Lametti,

Re: Government Response to the Fourth Report of the Standing Committee on Justice and Human Rights – Preventing Harm in the Canadian Sex Industry: A Review of the Protection of Communities and Exploited Persons Act

Triple-X Workers' Solidarity Association of B.C. is a registered non-profit association in British Columbia since February 2012 (Society Incorporation Number: S-0059449; Federal Business Number: 830870309BC0001).

Persons can become members of the Triple-X Workers' Solidarity Association of B.C. if they have agreed to the direct exchange of sexual stimulation for financial compensation within the last six months and they intend to continue to work in the Triple-X industry. The full list of Triple-X membership criteria as defined in our Constitution, Bylaws & Policies are available on our website: <https://triple-x.org>.

As of June 2018, the Triple-X certification mark was registered with Innovation, Science and Economic Development Canada (Certification Mark No. 1,774,304). Section 2 of the Defined Standard ensures that members have provided Triple-X with proof of age (18 years of age or older) in the form of government-issued identification or affidavit by a guarantor. Section 3 stipulates that members have signed the Triple-X form agreeing that they consider themselves a Triple-X worker and agreeing that they provide Triple-X services for financial compensation. Triple-X services involve sexual stimulation that may or may not involve physical contact.

Section 4 of the Defined Standard for certified workers ensures:

“... that they are qualified to: a) assess risks for sexually transmitted infections (STIs); and b) ensure best practices in STI prevention are followed appropriate for the service provided according to B.C. Centre for Disease Control guidelines.”

In June this year, Triple-X submitted the brief "Stronger Together: Solidarity Organizing and Exploitation Prevention" to the Justice Committee's review of the Protection of Communities and Exploited Persons Act. (Contact us for a hardcopy, or view online at: <http://triple-x.org>.)

The Justice Committee's Fourth Report highlighted our conundrum with the law as it stands on page 31:

"Triple-X Workers' Solidarity Association of B.C.'s brief states that the law does not contemplate sex workers organizing unions or professional associations or the possibility of such organizations collecting membership dues, and providing services such as advertising and promotion of the industry. They call for amendments to clearly permit such organizing by sex workers."

Triple-X believes certain collective activities are central to freedom of association even though they are inconceivable on the individual level. The lack of clarity in the law raises many questions:

- Does Criminal Code section 286.2 violate sexual services providers' right under Charter of Rights and Freedoms section 2(d) to form and run unions and professional associations?
- Is this discriminatory law, which effectively prohibits sexual services providers from unionizing or forming professional associations, justifiable under section 1 of the Charter?
- As a solidarity association, is Triple-X prevented from lawfully receiving membership fees and lawfully counselling and encouraging members to provide Triple-X services?

In our view, the government has an obligation to allow solidarity organizing in the sex industry. However, our conundrum was not addressed in the government's response to the Justice Committee's Fourth Report. Triple-X respectfully requests the Honourable Minister of Justice and Justice Canada to provide clarification regarding the impact of Criminal Code Section 286 on the Charter right of sexual services providers to form unions and professional associations.

Triple-X examines and analyzes federal and provincial laws and policies for potential implications on the sex industry. Triple-X also organizes and co-sponsors Vancouver's Red Umbrella March for Sex Work Solidarity, held annually since 2013.

Thank you for your time.

Sincerely,



Andrew Sorfleet, President
Triple-X Workers' Solidarity Association of B.C.

CC:

- Hon. David Lametti, Justice Minister, House of Commons, Ottawa, Ontario K1A 0A6
- Hon. François Daigle, Deputy Justice Minister, House of Commons, Ottawa, Ontario K1A 0A6
- Mr. Randeep Sarai, Chair, Standing Committee on Justice and Human Rights, House of Commons, Ottawa, Ontario K1A 0A6
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