

FOR IMMEDIATE RELEASE
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BREAKING: Canada Supreme Court Upholds Convictions in Alberta Escort Drivers Case

Supreme Court of Canada Decision: R. v. Kloubakov (2025 SCC 25)

The Supreme Court of Canada has delivered its unanimous decision in the appeal of two drivers who worked for an escort business convicted under the material benefit and procuring offences under Criminal Code section 286 prohibiting sexual services for consideration. The appeal was dismissed and the convictions against the accused were affirmed.

The accused were originally convicted in 2022, however the trial judge stayed the proceedings, ruling that the offences of material benefit and procuring prohibited sex workers from taking safety measures and therefore infringed their s. 7 of the Charter right to security of the person. In 2023, the Alberta Court of Appeal restored the accused's convictions, ruling that these two offences do not prohibit sex workers from taking safety measures and therefore do not infringe s. 7.

The Supreme Court of Canada has concluded that: "the material benefit and procuring offences do not engage sex workers' security of the person under the appellants' core s. 7 argument. These offences, properly interpreted, allow for the safety measures contemplated in Bedford. Given this conclusion, it is not necessary to address the principles of fundamental justice."

The Supreme Court also stated that: "The material benefit and procuring offences ... recognize that third parties who profit from the sale of sexual services cause, perpetuate and exploit the harms of commercial sex trade." And, that: "There is no requirement for factually exploitative conduct or for the profits to be excessive or unreasonable."

Immediate Takeaways from the Supreme Court Decision

- A commercial agency that recruits persons to sell sexual services, provides premises for transactions, advertises to potential purchasers, makes appointments, and collects agency fees is breaking the law. (Such a commercial agency would be directly engaged in promoting the commodification of sexual services.) This includes massage spas and strip clubs where sexual services are provided.

- Third parties such as receptionists, managers, or drivers employed directly by sex workers, who work to increase sex workers' safety, are not breaking the law.
- Sex workers can legally collectively hire third parties such as receptionists, managers, or drivers in order to share expenses only.
- Sex work co-operatives that engage in profit-sharing (a traditional definition of "co-operative") are against the law.
- Whether or not the Canadian Charter of Rights and Freedoms protects a fundamental right to sell sexual services as an aspect of an individual's right to liberty amounts to a new constitutional issue, and is not dealt with in this case.
- Paying for sexual services remains a criminal offence, as this was not a question in this Supreme Court appeal.
- Whether or not the law prohibiting advertising of sexual services violates the Charter of Rights and Freedoms was not a question in this Supreme Court of Canada appeal.

A deeper dive from Triple-X into the decision and its implications for people who sell sex in Canada is forthcoming.

"So I can keep my receptionist and my chauffeur, I just have to get rid of my customers."

~ Anna Smith, Triple-X Director

Read *R. v. Kloubakov* (2025 SCC 25): triple-x.org/pdf/RvKloubakov2025.pdf

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About Triple-X

Triple-X Workers' Solidarity Association of B.C. is a registered non-profit association in British Columbia since February 2012.

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 bylaws webpage: <https://triple-x.org/about/bylaws.html>.