

## CONFIDENTIAL COMMUNITY RESOURCES

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### Sex Workers of Winnipeg Action Coalition

We aim to make things safer for sex workers in Winnipeg.

Learn more or get involved: [sexworkwinnipeg.com](http://sexworkwinnipeg.com)  
Email: [swvac@sexworkwinnipeg.com](mailto:swvac@sexworkwinnipeg.com)  
Facebook: [SWWACwpg](https://www.facebook.com/SWWACwpg)  
Twitter: [@SWWACwpg](https://twitter.com/SWWACwpg)

### Our Place Safe Space – Daniel McIntyre / St. Matthews Community Association

823 Ellice Avenue  
204-774-7005 | 204-783-5000 Ext. 106  
Harm reduction services, fun for self-identified sex trade workers, experiential folks, victims/survivors of sexual exploitation or human trafficking. All ages/genders/Nations.  
Drop in: Friday, 4:00pm – 7:00pm (Free dinner)

### Sage House – Mount Carmel Clinic

886 Main Street | 204-943-6379  
Medical care and resources for sex workers and street-involved women.  
Drop in: Tuesday, 1:00pm – 6:30pm  
Friday, 1:00pm – 4:30pm

## LEGAL RESOURCES

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### Legal Help Centre

202-393 Portage Avenue (2nd floor Portage Place)  
204-258-3096  
Legal information & referrals.  
Drop in: Tuesday & Friday, 1:00pm – 4:30pm

### Legal Aid Manitoba

100-287 Broadway | 204-985-8500  
Drop in Application Centre:  
Monday & Tuesday, 12:30pm – 4:00pm  
Wednesday & Thursday, 1:30pm – 4:00pm

### Ta Ka Ke Pimatisichik Iskwewak

204-786-7051 Ext. 5311  
Transition and healing programs for individuals who have been exploited through the sex trade.

### Street Connections

496 Hargrave Street  
Mobile outreach: safe sex & safe drug supplies, assistance reporting street hassles and “bad dates”.  
For van schedule: 204-981-0742  
or [www.streetconnections.ca](http://www.streetconnections.ca)

### Nine Circles Community Health Centre

705 Broadway | 204-940-6001  
HIV/STI prevention, testing, and care.  
Drop in: Wednesday, 1:00pm – 7:00pm

### Klinik Community Health Centre

870 Portage Avenue | 204-784-4090  
554 Broadway Avenue | 204-784-4064  
STI testing, counselling, Transgender Health Clinic.  
Crisis Line: 1-888-322-3019  
Sexual Assault Crisis Line: 1-888-292-7565  
Manitoba Suicide Line: 1-877-435-7170  
Dream Catchers: 204-784-4042

# CANADA'S NEW SEX WORK LAWS

JANUARY 2018

## KNOW THE LAW AND STAY SAFE

## WHICH ACTS ARE CRIMINAL OFFENCES?

Getting paid for sex .....  Yes  No

Paying for sex .....  Yes  No

Talking to a client in public about sexual services .....  Yes  No

Stopping traffic on the street or sidewalk to talk to a client .....  Yes  No

Publishing an ad for sex work .....  Yes  No

Receiving a "material benefit" from someone else's sex work .....  Yes  No

Arranging the sale of someone else's sexual services .....  Yes  No

***It is illegal for clients to communicate about buying sex anywhere.***

## SEX WORKERS WON'T BE CONVICTED IF THEY:

- Publish an ad for their own services but website owners and newspapers that publish ads can be convicted. It is illegal for sex workers to advertise someone else's services.
- Earn money, goods etc. from the sale of their own services.

## WHAT ELSE DO I NEED TO KNOW?

- Communication with clients may include talking in-person, having private conversations, talking online, or on the phone.
- Talking in public includes vehicles if they are parked in a public place.
- Payment for sex is not limited to money, and can include clothes, drugs or other goods, no matter what they cost.
- Anyone who regularly spends time with a sex worker is assumed to have received a "material benefit" from them. Most often this involves money. Anyone receiving a "material benefit" from a sex worker can be convicted.
- Some people, such as children, partners, taxi drivers, babysitters, and roommates should not be convicted for receiving a material benefit as long as they are not exploiting the sex worker. But "helpers" such as receptionists and security workers may be convicted. The line between who can and can't be paid by sex workers is unclear.

## IS IT "SEX WORK"?

- There is no legal definition of sex work. Getting paid for any activity that is sexual in nature may be seen as sex work by the courts, including acts that do not involve physical contact, such as self-masturbation.
- Some acts are even less clear. For example, stripping typically will not be considered sex work, but lap dances that mimic sexual intercourse (even if the client does not climax) may be considered sex work.

## SEX WORK, KINKY SEX & THE LAW

- It is probably a criminal offence to pay for kinky activities, such as bondage or role playing, if they are in any way sexual.
- Participation in a risk awareness workshop is unlikely to result in a conviction.

## CONSENT & SEXUAL ASSAULT IN SEX WORK:

- Sex without consent is sexual assault.
- Each person must consent to each act.
- Either person can withdraw consent at any time. Even if you have already been paid for an act, you can change your mind.
- Sex with someone who is passed out or sleeping is sexual assault, even if that person has already been paid for sex.

## ONLY YES MEANS YES

## KINKY OR ROUGH SEX IS LEGAL IF:

- You have agreed on what will happen.
- You have a way to say that you changed your mind, such as a safe word.
- No one gets seriously injured or dies.
- Everyone is conscious. You have to stop if someone passes out. You cannot consent in advance to having sex while you're passed out.

## BUT...

## CRIMINAL CONVICTIONS ARE LIKELY IF:

- Someone gets hurt because safe practices were not followed.
- You do not get medical help when someone gets hurt.
- An activity (such as breath play, neck restraints or electric shocks) leads to death.

## DISCLOSURE OF HIV STATUS

### IF YOU ARE HIV-POSITIVE, YOU RISK A CRIMINAL CONVICTION IF:

- You do not disclose your HIV status before sex, even if your partner does not ask, **UNLESS** your viral load is low **AND** you use a condom.

## WHAT ELSE DO I NEED TO KNOW?

- The law on HIV disclosure is unclear.
- The police regularly enforce criminal non-disclosure laws.
- There is no set definition of what a "low" viral load means.
- HIV does not have to be transmitted for a conviction to result. In most cases where someone has been convicted, the complainant did not get the virus.