



The Honourable Robert Douglas Nicholson  
Minister of Justice and Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

20 April, 2012

**Re: Safe Regulation of Sex Work in Canada**

Dear Mr. Nicholson

The Canadian Professional Association for Transgender Health (CPATH) is a professional organization devoted to the health care of individuals who are transgender, transsexual or who express their gender in non-stereotypical ways. Among the professionals included in our membership are family physicians, endocrinologists, pediatricians, surgeons, mental health professionals, lawyers, sociologists, anthropologists, speech and voice therapists, and other related fields. We are writing to you on behalf of the membership.

Please find enclosed a resolution regarding the Safe Regulation of Sex Work in Canada which was approved at our last Board of Directors meeting held on March 30, 2012. We have also provided copies of the resolution to your colleagues in the Provincial and Territorial governments for their review.

Should you have any questions please contact Françoise Susset, President of the Board of Directors at [francoise.susset@gmail.com](mailto:francoise.susset@gmail.com) by email. More information regarding our organization and its mandate to inform policy that impacts the health and wellbeing of our patients, clients and their families can be found on our [www.cpath.ca](http://www.cpath.ca) website.

We look forward to any opportunity that you or any of your colleagues may consider appropriate in helping you review policy options that address this important matter. Thank you for your consideration.

Respectfully Yours,

Françoise Susset MA Psychologist

Joan Quinn MD, FRCP

Jim Oulton MSW, RSW

Dana Roberts CD, MA

Bev Lepischak SW



So Resolved at a meeting of the Canadian Professional Association for Transgender Health Board of Directors on March 30, 2012:

### **SAFE REGULATION OF SEX WORK IN CANADA**

WHEREAS significant employment barriers exist for transgender, transsexual and gender non-conforming people in Canada, including pervasive workplace discrimination and harassment and systemic challenges to obtaining gender appropriate identification and employment references<sup>1</sup>;

AND WHEREAS transgender, transsexual, and gender non-conforming people in Canada suffer from discrimination in access to housing and services, severe marginalization and alienation from their communities, ridicule, inadequate health care, and are also disproportionately victim to violent crimes and hate crimes, including homicide;

AND WHEREAS approximately 20% of transgender, transsexual and gender non-conforming people in Ontario, of both the female to male and male to female spectrum, have engaged in sex work or have exchanged sex for money, food, shelter, or other necessities of life;

AND WHEREAS trans sex workers' reasons for doing sex work include, but are not limited to, the fact that it is necessary to pay for living expenses, because it paid well, because it made them feel attractive, because it was necessary to pay for transition-related expenses, because it affirmed their gender identity, and because it allowed them to be a part of a community, and generally because sex work presents an accessible job market for some transgender, transsexual and gender non-conforming people<sup>2</sup>;

AND WHEREAS, sex work *per se* is not illegal in Canada, however, Canadian Criminal Code provisions that regulated sex work in Canada have prohibited sex workers (of all gender identities and expressions) from taking reasonable steps to ensure that their work environment is safe, and has created greater vulnerability to exploitation and violence against sex workers;

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<sup>1</sup> *We've Got Work to Do: Workplace Discrimination and Employment Challenges for Trans People in Ontario, E-Bulletin #3*, Trans PULSE Project (May 30, 2011), <http://transpulseproject.ca/documents/E3English.pdf>  
<http://transpulseproject.ca/documents/E3English.pdf>

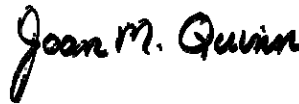
<sup>2</sup> *HIV-Related Risk in Ontario's Trans Communities - OHTN Conference Presentation (November 2009)*, Todd Coleman, Greta Bauer, Nik Redman, Rebecca Hammond, Anna Travers, <http://www.transpulseproject.ca/documents/OHTN%202009%20-%20HIV-related%20risk%20in%20Ontario%27s%20Trans%20Communities%20vFINAL.pdf>

AND WHEREAS, on March 26, 2012, the Ontario Court of Appeal upheld an Ontario Superior Court of Justice ruling striking down, as unconstitutional, several of these Canadian Criminal Code provisions<sup>3</sup>, and accordingly, if the decision is not appealed further or is upheld on appeal to the Supreme Court of Canada, federal, provincial and municipal laws and policies may be enacted to regulate sex work in Canada;

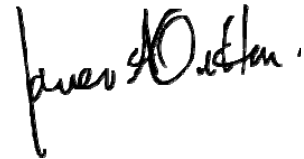
**BE IT RESOLVED THAT** the Canadian Professional Association for Transgender Health urges federal, provincial, territorial, and municipal governments to review their legislation and policies, and to institute provisions or amendments as necessary to ensure healthy, safe and dignified working conditions for all sex workers in Canada.



Françoise Susset MA Psychologist



Joan Quinn MD, FRCP



Jim Oulton MSW, RSW



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<sup>3</sup> Bedford v. Canada, 2010 ONSC 4264 (CanLII), Canada (Attorney General) v. Bedford, 2012 ONCA 186