

**The Missing Expertise: Why Sex Worker Participation
Matters in Bill C-16
BCCEC submission to the Senate Justice Committee**

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Land Acknowledgement

The BC Coalition of Experiential Communities acknowledges that our work takes place on the traditional, ancestral, and unceded territories of Indigenous Peoples across what is now known as British Columbia. We recognize the ongoing impacts of colonialism and affirm the importance of Indigenous self-determination, safety, and inclusion in public policy development.

Executive Summary

The BC Coalition of Experiential Communities (BCCEC) respectfully submits that the Senate's study of Bill C-16 is incomplete without the meaningful participation of sex workers and sex worker-led organizations.

Although sex workers are not mentioned once in Bill C-16, the legislation repeatedly addresses concepts including exploitation, trafficking, coercive control, victimization, vulnerability, and gender-based violence. These concepts have historically been used to justify laws, policies, and practices that have had significant impacts on sex workers and their families.

The concern is not that these forms of violence should not be addressed. They should. The concern is that Parliament appears to have developed legislation touching on concepts that directly affect sex workers without meaningfully considering sex workers as a population that may be affected by implementation.

This omission raises important questions regarding evidence-based decision making, Gender-Based Analysis Plus (GBA+), meaningful engagement, and Parliament's commitment to ensuring that sex workers are entitled to the full protection and equal benefit of the law.

As discussed throughout this submission, several provisions of Bill C-16 raise questions regarding the interpretation of coercive control, trafficking-related concepts, criminal harassment, and victim-centred frameworks. These examples illustrate how the exclusion of sex workers from legislative development can leave important questions unanswered regarding foreseeable impacts on sex workers, their families, intimate partners, and support persons.

The Senate has an obligation to address this omission before Bill C-16 proceeds. The Senate must ensure that legislation is informed by evidence from affected populations. Given the absence of sex workers from Bill C-16 and the legislative record surrounding it, the Senate should hear directly from sex workers and sex worker-led organizations before completing its study of the bill.

1. Who We Are

Since 2002, the BC Coalition of Experiential Communities (BCCEC) has been a democratic organization of sex workers representing diverse race, gender, and genre in sex work across British Columbia.

Our work focuses on law and policy reform being based on evidence and fact and on placing the voices of sex workers at the centre of all work that could impact our lives and safety.

BCCEC has participated in Parliamentary and Senate reviews, public inquiries, policing consultations, municipal planning processes, research initiatives, and human rights proceedings relating to the safety, inclusion, and equal treatment of sex workers. Over the past two decades, BCCEC has worked with governments, police services, researchers, and community organizations to identify barriers to safety, access to justice, housing, health care, financial services, and other public services experienced by sex workers. Our work is grounded in both lived experience and evidence, including community-based research, public inquiries, Parliamentary reviews, and human rights processes.

BCCEC has consistently participated in good faith in legislative, policy, and public safety discussions where the lives and safety of sex workers may be affected. We have provided evidence, recommendations, and practical solutions informed by direct community experience and by decades of engagement with sex workers across Canada.

2. Missing from Bill C-16

Sex workers are not mentioned once in Bill C-16.

Yet the legislation addresses numerous concepts that have historically had significant implications for sex workers, including exploitation, trafficking, coercive control, victimization, vulnerability, gender-based violence, and access to justice.

The absence of sex workers from the bill is particularly concerning because sex workers have repeatedly documented how these concepts are interpreted and applied in ways that affect their safety, relationships, access to services, housing, financial inclusion, and interactions with law enforcement.

The issue is not whether sex workers are specifically targeted by the legislation. The issue is that sex workers may be significantly affected by the implementation of legislation despite there being no evidence that their experiences, expertise, or concerns were meaningfully considered during its development.

This omission cannot be explained by a lack of evidence or participation from sex workers. Sex worker organizations, including the BCCEC, have repeatedly engaged with Parliament, Senate committees, public inquiries, policing bodies, and government institutions regarding the impacts of laws and policies developed under frameworks of exploitation, trafficking, victimization, and violence prevention.

The concern is not that sex workers failed to participate. The concern is that the evidence provided by sex workers does not appear to have been meaningfully reflected in Bill C-16 or the analysis supporting it.

This is particularly troubling given Parliament's repeated statements that sex workers are entitled to the full protection and equal benefit of the law and that improving safety and access to justice for those who sell sexual services is a matter of public concern. If sex workers are entitled to protection, then Parliament must also consider how legislation may affect them.

The absence of sex workers from both the text of Bill C-16 and the analysis supporting it raises a fundamental question: how can the Senate conclude that it has adequately studied the impacts of Bill

C-16 when a population likely to be affected by the legislation has not been meaningfully included in its development or review?

The Senate's pre-study was authorized specifically to ensure that legislation is informed by sufficient evidence before it proceeds. If sex workers are absent from both the bill and the legislative record surrounding it, the Committee should ask whether it has received the evidence necessary to fully understand the potential impacts of Bill C-16.

For decades, sex workers have experienced the consequences of decisions made about us without us. Bill C-16 presents the Senate with an opportunity—and a responsibility—to ensure that this pattern is not repeated.

3. Sex Workers Are a Large and Identifiable Population

The absence of sex workers from Bill C-16 may suggest that sex workers were not identified as a population requiring consideration during the development of the legislation. This would be a significant oversight.

The Population Project, a large-scale Canadian research initiative utilizing publicly available advertising data and statistical modelling methods consistent with the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2), identified 169,473 individuals active in sex work at least once during a two-year study period between 2014 and 2016. The research further found that approximately 83.6 percent of those individuals were women.

Importantly, the research also found that participation in sex work is characterized by substantial turnover, with an average duration of approximately five months. These findings demonstrate that sex workers do not constitute a small or insignificant population. Rather, sex workers represent a large and identifiable group of people whose lives are affected by public policy, policing practices, housing systems, financial institutions, health care systems, and legislation.

A population numbering in the hundreds of thousands over time cannot reasonably be treated as invisible within public policy development. Nor can the impacts of legislation on that population be dismissed as incidental.

When Parliament develops legislation addressing exploitation, victimization, coercive control, trafficking, vulnerability, and gender-based violence, it is reasonable to expect that consideration will be given to populations whose lives may be affected by the interpretation and implementation of those concepts.

The absence of sex workers from Bill C-16 therefore raises important questions about who is identified as a relevant population during legislative development and whose experiences are considered worthy of examination.

4. Gender-Based Analysis Plus and the Question of Inclusion

The Government of Canada has repeatedly committed to the use of Gender-Based Analysis Plus (GBA+) as a tool to ensure that legislation, policies, and programs consider the experiences of diverse populations and identify potential unintended consequences before they occur.

At its core, GBA+ asks a series of fundamental questions: Who may be affected? Who may benefit? Who may experience unintended harms? Whose voices are missing from the analysis?

Bill C-16 repeatedly addresses women, victims, exploitation, coercive control, vulnerability, and

gender-based violence. Yet sex workers are not mentioned in the legislation and do not appear to have been meaningfully included in its development. This omission raises concerns regarding whether the experiences of sex workers were considered at all during the GBA+ process.

For decades, sex workers have documented how policies developed under frameworks of exploitation, trafficking, victimization, and violence prevention can produce unintended consequences, including increased surveillance, housing exclusion, financial exclusion, family separation, displacement from safer work environments, barriers to reporting violence, and the mischaracterization of consensual adult relationships as exploitative.

The concern is not that all women experience violence in the same way. The concern is that some women's experiences appear to be considered while others remain invisible.

Historically, women who do sex work have often been excluded from policy discussions concerning women's safety despite experiencing significantly higher levels of violence and despite being directly affected by many of the measures implemented in response to that violence.

If legislation intended to protect women from violence does not consider the experiences of women who do sex work, which women are being included in the analysis and which women are being left behind?

Meaningful application of GBA+ requires more than acknowledging that women exist. It requires consideration of the diverse realities experienced by different groups of women, including those whose experiences may challenge dominant assumptions about victimization, agency, work, and safety.

The Senate should therefore seek evidence regarding whether sex workers were included in the GBA+ analysis supporting Bill C-16 and, if they were not, what steps will be taken to address that omission.

5. Good Women, Bad Women: A Persistent Pattern of Exclusion

The exclusion of sex workers from Bill C-16 cannot be viewed in isolation. It exists within a longstanding pattern in which women who do sex work are treated differently than other women when laws, policies, and public safety initiatives are developed.

Throughout Canadian history, women have often been divided into categories of women considered worthy of protection and women considered responsible for their own victimization. In its simplest form, this can be described as the distinction between "good women" and "bad women."

Women perceived as innocent, compliant, vulnerable, and deserving are more readily recognized as victims, more readily consulted, and more readily included in public policy discussions concerning violence and safety. Conversely, women whose lives are viewed through moral, ideological, or social judgments are often perceived as having contributed to their own circumstances and are therefore afforded less sympathy, less protection, and less consideration. Sex workers have historically occupied this latter category.

The distinction between "good women" and "bad women" is not usually stated openly. Instead, it manifests through exclusion. Some women are consulted. Some women are named. Some women's experiences are considered central to the development of public policy. Other women remain invisible despite experiencing significant violence and despite being directly affected by the resulting laws and policies.

As a result, violence experienced by sex workers is often viewed differently than violence experienced by other women, and harms affecting sex workers are more readily accepted as an unavoidable consequence of broader policy objectives.

Bill C-16 replicates many of these concerns. The legislation repeatedly addresses exploitation, trafficking, coercive control, victimization, vulnerability, and gender-based violence. Yet sex workers are not mentioned once despite decades of evidence demonstrating that these concepts are frequently interpreted and applied in ways that affect sex workers and their families.

If sex workers are entitled to protection, then they must also be entitled to participation. Protection without participation is not inclusion. Protection without consultation is not evidence-based decision making. Protection without consideration of impacts risks becoming another form of exclusion.

The Senate should ask a simple question: If sex workers are entitled to protection from violence, why were sex workers not considered during the development of legislation intended to address violence?

For decades, sex workers have experienced the consequences of decisions made about us without us. The Senate now has a responsibility to ensure that Bill C-16 does not repeat that pattern.

6. Lessons From Bedford: Foreseeable Harms and Unintended Consequences

The concerns raised in this submission are not theoretical. Canada has already experienced the consequences of developing laws affecting sex workers without adequately considering their practical impacts.

In *Canada (Attorney General) v. Bedford*, the Supreme Court of Canada examined legislative provisions intended to address concerns associated with prostitution. Although the objectives of those provisions were framed in terms of public safety and harm reduction, the Court found that their practical effects often undermined the safety of sex workers. The Court concluded that the challenged provisions interfered with safety-enhancing practices, increased exposure to violence, and contributed to foreseeable risks of serious harm.

A significant aspect of the Court's analysis was its focus on impact rather than intent. The decision recognized that legislation may pursue legitimate objectives while nevertheless producing harmful consequences when the experiences of affected populations are not adequately considered. The Court's reasoning therefore provides an important lesson for contemporary legislative development: good intentions do not eliminate the need to assess foreseeable harms.

This principle is directly relevant to Bill C-16. The BCCEC does not oppose efforts to address exploitation, coercive control, trafficking, victimization, or gender-based violence. Our concern is that the bill addresses concepts that have historically had significant implications for sex workers without any consideration of whether its implementation may create unintended consequences for sex workers and their families.

The importance of this analysis is reflected in Parliament's own experience. Sex workers have repeatedly identified foreseeable harms associated with proposed laws, policies, and enforcement initiatives. These concerns have often been dismissed during legislative development, only to be recognized years later after the harms had already occurred. *Bedford* stands as one of the clearest examples of this pattern.

The concern raised by Bill C-16 is not that Parliament intends to harm sex workers. The concern is that

Parliament may once again be developing legislation that touches directly upon the lives of sex workers without first considering how the legislation may operate in practice for those affected by it.

This concern is particularly relevant where legislation addresses concepts such as exploitation, coercive control, trafficking, victimization, and vulnerability. These concepts do not operate in the abstract. They are interpreted by police services, courts, regulatory bodies, social service agencies, financial institutions, child welfare authorities, housing providers, and other institutions whose decisions can have significant consequences for sex workers and their families.

For sex workers, the distinction between legislative intent and legislative impact is therefore critical. Throughout Canadian history, initiatives developed under frameworks of exploitation, trafficking, victimization, and public safety have frequently produced outcomes that were not anticipated or acknowledged during legislative development. These outcomes have included increased surveillance, financial exclusion, housing exclusion, family separation, barriers to reporting violence, displacement from safer forms of work, and the mischaracterization of consensual adult relationships as exploitative.

Many of these harms were foreseeable. Many were identified by sex workers in advance. Many occurred despite assurances that the measures in question were intended to improve safety.

The Senate's review of Bill C-16 should therefore focus not only on the objectives of the legislation, but also on its foreseeable impacts. Before concluding its study, the Committee should ask whether it has received sufficient evidence from sex workers to assess how the bill may affect a population that has repeatedly experienced negative unintended consequences arising from legislation developed without their meaningful participation.

The Senate has a responsibility not to repeat this pattern.

7. Potential Impacts of Bill C-16 on Sex Workers and Their Families

The BCCEC is concerned that Bill C-16 may create unintended consequences for sex workers and their families if concepts such as exploitation, coercive control, victimization, vulnerability, and trafficking are interpreted without adequate consideration of the realities of consensual adult sex work.

The concern is not that these concepts lack value. Exploitation, coercive control, trafficking, and violence are real harms that deserve meaningful responses. The concern is that sex workers have historically experienced situations where broad assumptions about exploitation and victimization have resulted in interventions that failed to distinguish between coercion and consensual adult activity.

This distinction is particularly important because sex workers frequently rely upon relationships, support systems, and collaborative arrangements that may appear unusual to those unfamiliar with the realities of sex work. Spouses, intimate partners, family members, drivers, receptionists, bookkeepers, security personnel, and other support persons often play legitimate roles in helping sex workers manage risk, maintain safety, and conduct their affairs.

For example, it is not uncommon for a spouse or intimate partner to assist with banking, bookkeeping, scheduling, transportation, security, or other administrative functions. These arrangements may exist for the same reasons they exist in many family businesses: efficiency, trust, division of labour, and mutual support.

However, where sex work is viewed primarily through a framework of exploitation, there is a risk that

ordinary and consensual relationships may be viewed with suspicion. Activities that would be regarded as unremarkable in other contexts may be interpreted differently simply because sex work is involved.

This concern is not hypothetical. Sex workers have repeatedly documented situations in which consensual adult relationships have been mischaracterized as exploitative, where family members and support persons have been treated as presumptively suspect, and where interventions intended to protect vulnerable persons have instead created barriers to safety and support.

The BCCEC is also concerned about the potential impact of victimization frameworks that fail to recognize the diversity of experiences within sex work. While some individuals experience exploitation and coercion, others engage in consensual adult sex work and may not identify with narratives that portray all sex workers as victims. Policies that fail to recognize this distinction risk producing inaccurate assessments, inappropriate interventions, and reduced trust in institutions intended to provide support.

The Senate should therefore carefully examine whether Bill C-16 contains sufficient safeguards to ensure that consensual adult sex work is not inadvertently captured by frameworks intended to address exploitation and coercion.

This analysis is particularly important given Parliament's repeated statements that sex workers are entitled to the full protection and equal benefit of the law. Protection requires more than good intentions. It requires careful consideration of how legislation will operate in practice for those whose lives may be affected by its implementation.

The question before the Senate is not whether exploitation and coercive control should be addressed. The question is whether the legislation has been developed in a manner that adequately considers the realities of all affected populations, including sex workers and their families.

Without that analysis, Parliament risks repeating a familiar pattern: identifying a legitimate social problem, developing legislation intended to address it, and only later discovering that foreseeable harms to sex workers were overlooked during the legislative process.

8. Clauses Requiring Further Examination

Throughout this submission, the BCCEC has identified concerns regarding the absence of sex workers from the development and analysis of Bill C-16. The purpose of this section is not to suggest that the legislation's objectives are inappropriate, nor to oppose measures intended to address violence, exploitation, trafficking, coercive control, or victimization.

Rather, the following examples demonstrate why meaningful engagement with disproportionately affected populations is an essential component of evidence-based legislative development.

Sex workers possess expertise regarding exploitation, coercion, violence, trafficking indicators, safety planning, risk assessment, and the practical impacts of enforcement and social interventions. As individuals with direct experience navigating the systems, policies, and interventions addressed by Bill C-16, sex workers are uniquely positioned to identify foreseeable risks, unintended consequences, and opportunities to improve legislative outcomes.

The examples discussed below illustrate circumstances in which the lived experiences and expertise of sex workers could have informed legislative development, implementation planning, and risk

assessment. They also demonstrate how the absence of sex workers from the legislative record leaves important questions unanswered.

The concerns identified below should not be interpreted as evidence that the provisions in question should not proceed. Rather, they demonstrate why the Senate should hear from sex workers before concluding its study of Bill C-16 and why the implementation of the legislation should include ongoing engagement with sex workers and sex worker-led organizations.

The following clauses are provided as examples of provisions that may have implications for sex workers, their families, intimate partners, and support persons and which, in the BCCEC's view, warrant further examination by the Committee.

The following examples are not intended to be exhaustive. They are provided to illustrate how sex worker expertise could assist the Committee in identifying foreseeable impacts and implementation challenges associated with Bill C-16.

(a) Clause 24 – New Offence of Coercion or Control of an Intimate Partner (Proposed s.264.01)

Clause 24 creates a new Criminal Code offence prohibiting a pattern of conduct toward an intimate partner that could reasonably be expected to cause the intimate partner to believe that their physical or psychological safety is threatened. The provision is intended to address coercive and controlling conduct that may occur within intimate relationships and represents an important effort to respond to a serious and well-documented form of violence.

The BCCEC supports efforts to address coercive control and recognizes the significant harms that can result from patterns of intimidation, isolation, manipulation, threats, financial control, and other forms of coercive conduct. However, sex workers have lived experience with how concepts such as control, dependency, financial management, vulnerability, and exploitation are interpreted and applied by institutions responsible for enforcement and public safety.

Many sex workers operate within family, intimate partner, or collaborative business arrangements that may appear unusual to those unfamiliar with the realities of sex work. Spouses and intimate partners frequently assist with administrative and safety-related functions including bookkeeping, banking, scheduling, transportation, communications, client screening, advertising, security planning, and other activities intended to improve safety and reduce risk. These arrangements often exist for the same reasons they exist in many family businesses: trust, efficiency, division of labour, and mutual support.

For example, a sex worker may rely on an intimate partner to manage finances, deposit earnings, answer business calls, maintain records, or coordinate appointments while the sex worker focuses on client communications and service delivery. In other contexts these arrangements would typically be understood as ordinary family or business practices. However, sex workers have repeatedly experienced situations in which ordinary support relationships are viewed through a presumption of exploitation simply because sex work is involved.

The concern is not that Clause 24 creates an offence addressing coercive control. The concern is whether the lived realities of consensual adult sex workers were considered during the development of the provision and whether adequate safeguards exist to prevent consensual support relationships from being mischaracterized as coercive or exploitative.

The BCCEC respectfully submits that the Committee should examine how police, prosecutors, courts,

and other decision-makers will distinguish coercive control from consensual support arrangements involving sex workers and whether sex workers were consulted regarding the practical application of this provision.

This question is particularly important given the longstanding history of conflating consensual adult sex work with exploitation and the significant consequences that can result when intimate partners, family members, and support persons are incorrectly viewed through a lens of suspicion rather than one of mutual support and safety.

Question for the Committee: Were sex workers consulted regarding the practical application of proposed section 264.01 and what safeguards exist to ensure that consensual support arrangements are not mischaracterized as coercive control?

(b) Clauses 25 and 26 – Incorporation of Human Trafficking Concepts Through Section 279.04

Clauses 25 and 26 amend the Criminal Code to create aggravating circumstances relating to coercive control, sexual violence, and human trafficking. In particular, the provisions incorporate section 279.04 of the Criminal Code, which defines exploitation for the purposes of Canada's human trafficking offences.

The BCCEC recognizes the seriousness of human trafficking and supports efforts to prevent exploitation, coercion, and violence. Human trafficking is a serious crime and individuals who experience trafficking deserve meaningful protection and support.

However, sex workers possess expertise regarding the practical application of trafficking frameworks. For decades, sex workers have documented concerns regarding the conflation of trafficking, exploitation, and consensual adult sex work. Parliamentary committees, public inquiries, researchers, courts, and sex worker organizations have repeatedly identified the importance of distinguishing between consensual adult sex work and trafficking.

Despite this, sex workers continue to experience situations in which consensual working relationships, intimate relationships, support arrangements, and business practices are viewed through a presumption of exploitation. Individuals who provide transportation, security, communications support, advertising assistance, screening assistance, administrative support, or other services may be viewed with suspicion despite the absence of coercion.

The concern raised by Clauses 25 and 26 is not that trafficking should not be addressed. The concern is that the legislation incorporates trafficking-related concepts without any indication that sex workers were consulted regarding the practical operation of those concepts or the potential impacts on consensual adult sex workers and their support networks.

This omission is particularly significant because sex workers have long experience with anti-trafficking initiatives that have produced unintended consequences, including increased surveillance, barriers to financial participation, loss of income, displacement from safer working environments, barriers to advertising and client screening, and the misidentification of consensual adult sex workers as trafficking victims.

The Committee should therefore examine whether sex workers were consulted regarding the implementation of these provisions and whether any assessment was conducted regarding the potential impact of trafficking-related frameworks on consensual adult sex workers, their intimate partners, family members, and support persons.

The BCCEC respectfully submits that meaningful engagement with sex workers could assist the Committee in distinguishing between measures that effectively address trafficking and measures that risk reproducing longstanding patterns of conflation and unintended harm.

Question for the Committee: What evidence was considered regarding the impact of trafficking-related legal frameworks on consensual adult sex workers, and were sex workers consulted regarding the incorporation of section 279.04 concepts into Clauses 25 and 26?

(c) Clause 27 – Amendments to the Criminal Harassment Offence

Clause 27 amends the criminal harassment provisions of the Criminal Code by replacing the requirement that a complainant subjectively fear for their safety with a standard based upon whether the conduct could reasonably be expected to cause a person to believe that their safety or the safety of someone known to them is threatened.

The BCCEC supports measures intended to improve access to justice for individuals experiencing harassment, intimidation, stalking, and other threatening conduct. Sex workers experience significant levels of harassment and frequently encounter barriers when attempting to access protection through law enforcement and other public institutions.

Sex workers possess important expertise regarding patterns of harassment, intimidation, and surveillance. In addition to the risks faced by many members of the public, sex workers may also experience doxxing, online harassment, stalking, coordinated reporting campaigns, threats of exposure, threats to family members, unwanted monitoring of online activities, and persistent communications intended to intimidate or disrupt their ability to work safely.

Historically, sex workers have often been reluctant to report such conduct due to concerns regarding stigma, disbelief, victim-blaming, criminalization, loss of privacy, child welfare involvement, immigration consequences, housing consequences, or financial repercussions. As a result, conduct that may reasonably be experienced as threatening has frequently gone unaddressed.

The BCCEC notes that Clause 27 may have the potential to improve protections for sex workers who experience persistent harassment and intimidation. However, there is no indication that sex workers were consulted regarding the development of the provision or its practical application.

This omission is significant because sex workers possess direct knowledge regarding how harassment manifests within both online and offline environments and how institutional responses can either improve or undermine safety. Meaningful engagement with sex workers could therefore assist Parliament in understanding both the potential benefits and potential limitations of the proposed amendment.

The concern raised by this clause is not that the amendment should not proceed. Rather, it illustrates how the absence of sex workers from legislative development deprives Parliament of expertise that could assist in identifying implementation challenges, improving access to justice, and ensuring that intended protections are available to all affected populations.

Question for the Committee: Were sex workers consulted regarding the practical operation of Clause 27 and its potential application to harassment, intimidation, stalking, doxxing, and online targeting experienced by sex workers?

(d) Victim-Centred Frameworks and the Risk of Misidentification

Throughout Bill C-16, Parliament proposes a number of amendments intended to strengthen victim-centred approaches within the criminal justice system. The BCCEC supports efforts to improve access to justice, participation, safety, and support for individuals who experience violence, coercion, exploitation, and other forms of harm.

However, sex workers possess lived expertise regarding the practical application of victim-centred frameworks and the unintended consequences that can arise when assumptions are made about who is a victim and how victimization is understood.

For decades, sex workers have documented situations in which consensual adult sex work has been viewed through a presumption of victimization. While some individuals experience exploitation, trafficking, coercion, or violence, others engage in consensual adult sex work and may not identify themselves as victims. Policies and interventions that fail to recognize this distinction can result in inappropriate interventions, reduced trust in institutions, and barriers to accessing services intended to improve safety.

This concern is particularly relevant because Bill C-16 repeatedly engages concepts such as exploitation, vulnerability, trafficking, coercive control, and gender-based violence while making no reference to sex workers and providing no indication that sex workers were consulted regarding the practical operation of these frameworks.

Sex workers have long experience with initiatives developed under victim-centred and anti-trafficking frameworks that have produced unintended consequences, including increased surveillance, barriers to financial participation, housing exclusion, loss of income, family separation, barriers to reporting violence, and the misidentification of consensual adult sex workers as victims of trafficking or exploitation.

The concern is not that victim-centred approaches should not be adopted. The concern is that the effectiveness of such approaches depends upon accurately identifying who requires protection, understanding the diversity of lived experiences, and avoiding assumptions that may undermine the autonomy, safety, and dignity of those the legislation seeks to protect.

The absence of sex workers from the development of Bill C-16 raises important questions regarding whether these distinctions were considered and whether Parliament has received sufficient evidence to understand how victim-centred frameworks may affect sex workers in practice.

The BCCEC respectfully submits that meaningful engagement with sex workers could assist Parliament in identifying circumstances where victim-centred approaches may improve safety, as well as circumstances where assumptions regarding victimization may create unintended harms.

Question for the Committee: How were sex workers considered during the development of the victim-centred provisions contained within Bill C-16, and what safeguards exist to ensure that consensual adult sex workers are not incorrectly identified, characterized, or treated as victims solely because they engage in sex work?

9. The Human Rights Implications of Exclusion

The concerns raised in this submission extend beyond questions of policy effectiveness. They also raise questions regarding equality, participation, and the equal benefit of the law.

Parliament has repeatedly stated that sex workers are entitled to the full protection and equal benefit of Canadian law. Parliament has also repeatedly emphasized the importance of evidence-based decision making, meaningful engagement, and Gender-Based Analysis Plus (GBA+) as mechanisms intended to ensure that legislation reflects the realities of diverse populations.

These commitments carry practical implications.

If a population is entitled to protection, then that population must also be considered when legislation is developed that may affect its safety, rights, relationships, access to services, and access to justice.

The concern raised by Bill C-16 is that sex workers appear absent not only from the text of the legislation, but from the analysis supporting it. Despite the bill's extensive focus on exploitation, trafficking, coercive control, victimization, vulnerability, and gender-based violence, there is no indication that sex workers were identified as a population requiring specific consideration.

This omission is particularly difficult to reconcile with Parliament's previous reviews of legislation affecting sex workers. During the Parliamentary review of the Protection of Communities and Exploited Persons Act (PCEPA), committees heard extensive evidence regarding the impacts of legislative frameworks addressing exploitation, trafficking, victimization, and violence within the sex industry. Witnesses emphasized the importance of distinguishing consensual adult sex work from trafficking and exploitation and highlighted the value of sex worker participation in policy development and implementation. Despite this history, there is no indication that comparable consideration was given to sex workers during the development or review of Bill C-16.

This omission is particularly significant because sex workers are not a hypothetical population. They are a large and identifiable group of Canadians whose experiences with violence, policing, housing, financial exclusion, discrimination, and access to justice have been extensively documented.

The issue is not whether Parliament intended to exclude sex workers.

The issue is whether exclusion has occurred.

Human rights concerns frequently arise not from deliberate discrimination, but from the failure to consider how decisions affect particular groups. The result is that some populations become visible within legislative processes while others remain invisible despite being directly affected by the resulting laws and policies.

The risk created by this form of exclusion is that legislation may produce unequal outcomes despite pursuing legitimate objectives. A law intended to protect vulnerable persons may nevertheless create barriers for populations whose experiences were not considered during its development.

This concern is particularly relevant for sex workers because Parliament has previously acknowledged both the violence experienced by sex workers and the need to improve their safety. If sex workers are entitled to protection from violence, then it follows that Parliament should examine whether legislation addressing violence may have unintended impacts on sex workers.

Meaningful engagement serves precisely this purpose. It allows affected populations to identify risks, challenge assumptions, provide practical expertise, and contribute to the development of more effective public policy. When those voices are absent, opportunities to identify foreseeable harms are lost.

Sex workers possess unique expertise regarding exploitation, coercion, violence, trafficking indicators, safety planning, risk assessment, and the practical impacts of enforcement and social interventions.

Their exclusion from legislative development therefore deprives Parliament not only of stakeholder input, but of expertise directly relevant to the objectives of the legislation.

The Senate should therefore consider whether the absence of sex workers from Bill C-16 and the legislative record surrounding it is consistent with Parliament's commitments to GBA+, meaningful engagement, evidence-based decision making, and the equal benefit of the law.

At a minimum, the Committee should seek evidence regarding how the impacts of Bill C-16 on sex workers were assessed, what consultation occurred with sex workers or sex worker-led organizations, and what safeguards exist to prevent unintended harms to a population that has historically experienced exclusion from legislative decision making.

The question before the Senate is ultimately a simple one:

Can Parliament conclude that legislation will protect sex workers if Parliament has not first considered how the legislation may affect them?

10. The Senate's Role and Responsibility

On June 9, 2026, the Senate authorized the Standing Senate Committee on Legal and Constitutional Affairs to examine the subject matter of Bill C-16 before the bill comes before the Senate for consideration.

The purpose of a pre-study is not simply to review the text of proposed legislation. It is to ensure that senators have access to the evidence necessary to understand the potential impacts of a bill before legislative decisions are made.

This responsibility is particularly important where legislation addresses complex issues such as exploitation, trafficking, coercive control, victimization, vulnerability, and gender-based violence. The effectiveness of legislation in these areas depends not only upon its stated objectives, but upon how it will be interpreted, implemented, and experienced in practice.

Throughout this submission, the BCCEC has identified a significant gap in the evidentiary record surrounding Bill C-16. Sex workers are not mentioned in the legislation despite the fact that many of the concepts addressed by the bill have historically had significant implications for sex workers and their families. There is no indication that sex workers were meaningfully included in the development of the legislation, and there is currently no evidence before the Committee demonstrating that the impacts of the bill on sex workers have been assessed.

This omission cannot be dismissed on the basis that sex workers constitute a small or insignificant population. Nor can it be explained by a lack of participation from sex workers. Sex worker organizations have repeatedly engaged with Parliament, Senate committees, public inquiries, researchers, police services, and government institutions regarding the impacts of laws and policies developed under frameworks of exploitation, trafficking, victimization, and violence prevention.

The Senate's responsibility is not to assume that legislation will produce positive outcomes. Its responsibility is to examine the evidence, identify gaps in the analysis, and ensure that foreseeable impacts have been adequately considered before legislation proceeds.

The BCCEC respectfully submits that the Committee cannot conclude that it has fully examined the subject matter of Bill C-16 without hearing from sex workers and sex worker-led organizations regarding the potential impacts of the legislation.

For decades, sex workers have experienced the consequences of decisions made about us without us. The Senate's pre-study provides an opportunity to ensure that the voices of those most likely to be affected by the implementation of Bill C-16 are heard before those decisions are made.

The question before the Committee is not whether sex workers should be consulted after the legislation is enacted.

The question is whether the Senate will fulfill the purpose of its pre-study by hearing from sex workers before concluding its review.

The BCCEC respectfully submits that it should.

11. Recommendations

In light of the concerns identified throughout this submission, the BC Coalition of Experiential Communities respectfully recommends that the Standing Senate Committee on Legal and Constitutional Affairs:

Recommendation 1

Hear evidence directly from sex workers and sex worker-led organizations before concluding its study of Bill C-16.

Recommendation 2

Request information regarding whether sex workers were considered during the Gender-Based Analysis Plus (GBA+) process supporting Bill C-16 and, if so, how those impacts were assessed.

Recommendation 3

Examine the potential impacts of Bill C-16 on consensual adult sex workers, their families, intimate partners, and support persons, particularly in relation to provisions addressing exploitation, coercive control, victimization, vulnerability, and trafficking.

Recommendation 4

Recognize sex workers as a potentially affected population for the purposes of legislative review, implementation, monitoring, and future policy development relating to Bill C-16.

Recommendation 5

Recommend that the Government of Canada engage sex worker-led organizations during the implementation of Bill C-16 to identify and address unintended consequences should they arise.

Recommendation 6

Recommend ongoing monitoring and public reporting regarding the impacts of Bill C-16 on marginalized populations, including sex workers, to ensure that measures intended to improve safety do not inadvertently create barriers to safety, access to justice, housing, financial services, or family life.

Recommendation 7

Include an observation recognizing sex workers as a potentially affected population whose experiences should be considered in the interpretation, implementation, monitoring, and future review of Bill C-16 in particular for legislation addressing concepts that have historically had significant implications for sex workers and their families.

Recommendation 8

Include an observation affirming that consensual adult sex work is distinct from trafficking, coercion, and exploitation, and that measures intended to address these harms should not be interpreted or implemented in ways that undermine the safety, rights, or inclusion of sex workers or their families, intimate partners, and support persons.

12. Conclusion

The BCCEC supports efforts to address violence, exploitation, coercive control, trafficking, and other forms of harm. The issue raised throughout this submission is not whether these objectives are important. The issue is whether Parliament has received sufficient evidence to understand how Bill C-16 may affect all populations likely to be impacted by its implementation.

Sex workers are not mentioned in Bill C-16 despite the legislation's repeated engagement with concepts that have historically had significant implications for sex workers and their families. Nor is there any indication that sex workers were meaningfully consulted during the development of the bill or that their experiences were considered as part of the analysis supporting it.

As demonstrated throughout this submission, sex workers possess relevant expertise regarding exploitation, coercion, violence, trafficking indicators, victimization frameworks, safety planning, and the practical operation of legal and institutional responses to these issues. The clause-specific examples discussed above illustrate how that expertise could assist Parliament in identifying foreseeable impacts, implementation challenges, and opportunities to improve legislative outcomes.

The Senate's pre-study was authorized to ensure that legislation is informed by sufficient evidence before it proceeds. The absence of sex workers from the legislative record surrounding Bill C-16 represents a significant evidentiary gap that warrants further examination.

The BCCEC respectfully submits that the Committee should hear directly from sex workers and sex worker-led organizations before concluding its study of Bill C-16 and should consider the recommendations contained in this submission.

Doing so would strengthen the evidentiary foundation of the bill, improve Parliament's understanding of its potential impacts, and help ensure that measures intended to improve safety do not inadvertently create harms for a population whose experiences have too often been overlooked.