



March 3, 2023

# POLICE EXPERIENCES AMONG TRANS AND NON-BINARY SEX WORKERS IN CANADA:

An Intersectional Perspective

This community report contains information from an academic paper published in *Sexuality Research and Social Policy*, freely available in English here: <https://doi.org/10.1007/s13178-023-00795-2>.

**Cite this report:** A. Scheim, H. Santos, S. Ciavarella, J. Vermilion, F. S.E. Arps, N. Adams, K. Nation, G. Bauer. Police Experiences Among Trans and Non-Binary Sex Workers in Canada. 2023-03-03. Available from: <https://transpulsecanada.ca/results/community-report-police-experiences-among-trans-and-non-binary-sex-workers-in-canada>

**Cite the academic article:** Scheim, A.I., Santos, H., Ciavarella, S. *et al.* Intersecting Inequalities in Access to Justice for Trans and Non-binary Sex Workers in Canada. *Sex Res Soc Policy* (2023). <https://doi.org/10.1007/s13178-023-00795-2>.

## The Study

Over a 10-week period in 2019, the Trans PULSE Canada research team collected survey data from 2,873 trans and non-binary people age 14 years or older and living in Canada. Participants were able to complete the survey or a 10-minute short form online, on paper, via telephone (with or without a language interpreter), or on a tablet with a Peer Research Associate (only in major cities). The survey was available in English or French. This report focuses on data from 2,012 participants aged 16+ who completed the full survey. The Trans PULSE Canada survey included questions from the Ontario's Trans PULSE project, questions from Statistics Canada surveys to allow for comparisons to the general population, and questions developed by trans and non-binary people based on community priorities. This report is based on priorities identified by the team's Sex Worker Priority Population Team.

## The Research Question

In 2014, Canada adopted a new sex work law (PCEPA) that claims to protect sex workers by only criminalizing clients.<sup>1</sup> Sex workers and allies have challenged so-called "end-demand" legislation, arguing that it continues to place sex workers - particularly marginalized workers - at risk of violence and police mistreatment, and to limit access to emergency response services.<sup>2</sup> Although trans and non-binary sex workers may be particularly impacted by criminalization, data on the specific experiences of trans and non-binary sex workers have been lacking. To fill this gap, we used data from the Trans PULSE Canada survey to describe participants' experiences with police. Our approach was guided by intersectionality, a framework for understanding and addressing multiple, co-occurring forms of oppression such as transphobia, sexism, racism, sex work stigma, and classism. Therefore, we compared experiences by

sex work history as well as type of work, ethnoracial group, and sex assigned at birth.

The data in this report come from a larger paper on experiences of violence and access to justice among trans and non-binary sex workers, available freely online in English at: <https://doi.org/10.1007/s13178-023-00795-2>. A companion community report on experiences of violence is available in English and French at [transpulsecanada.ca/results/community-report-experiences-of-violence-among-trans-and-non-binary-sex-workers-in-canada/](https://transpulsecanada.ca/results/community-report-experiences-of-violence-among-trans-and-non-binary-sex-workers-in-canada/).

## How to Interpret

Although Trans PULSE Canada used multiple approaches to make the survey accessible, it was not possible to conduct a random sample of the trans and non-binary population. Therefore, results cannot be assumed to represent true population demographics. For instance, that 16% of participants included in this analysis had done sex work does not mean exactly 16% of all trans and non-binary people in Canada have done sex work. It is also important to note that this report only contains data from participants who completed the full version of the survey,

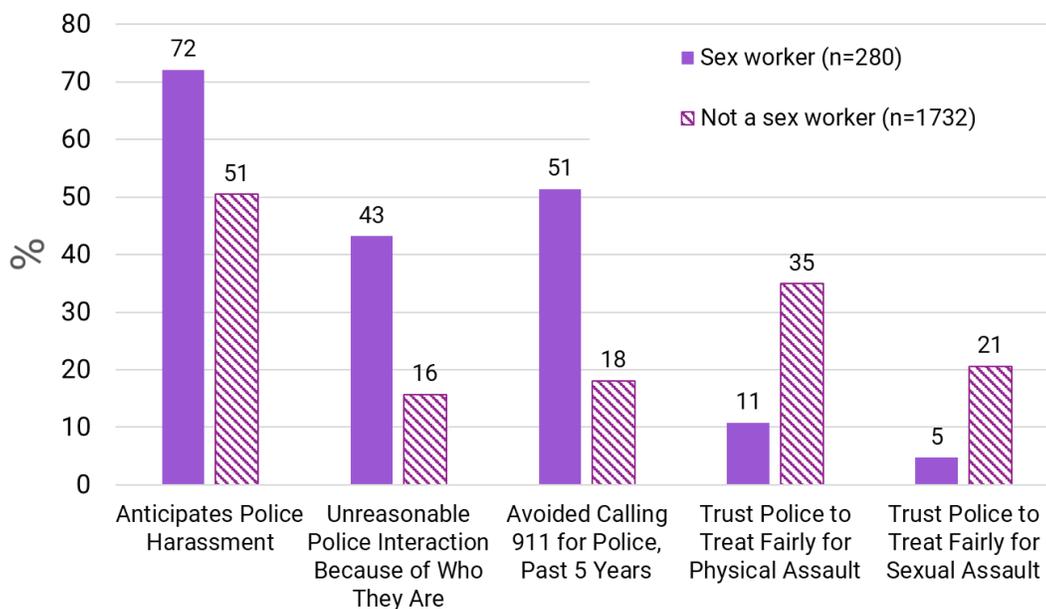
and current sex workers were more likely to complete the short version.

In this report, we use figures to describe the study findings. Not all differences between groups that appear in the figures are statistically significant. Differences that are statistically significant are less likely to be due to chance alone. In the text, we describe which differences between groups are statistically significant. All of the differences that we mention in the text of this report are statistically significant. Differences that are not statistically significant should be cautiously interpreted; they may mean that no true difference exists or that the number of participants in each group was too small to detect a difference.

## The Findings

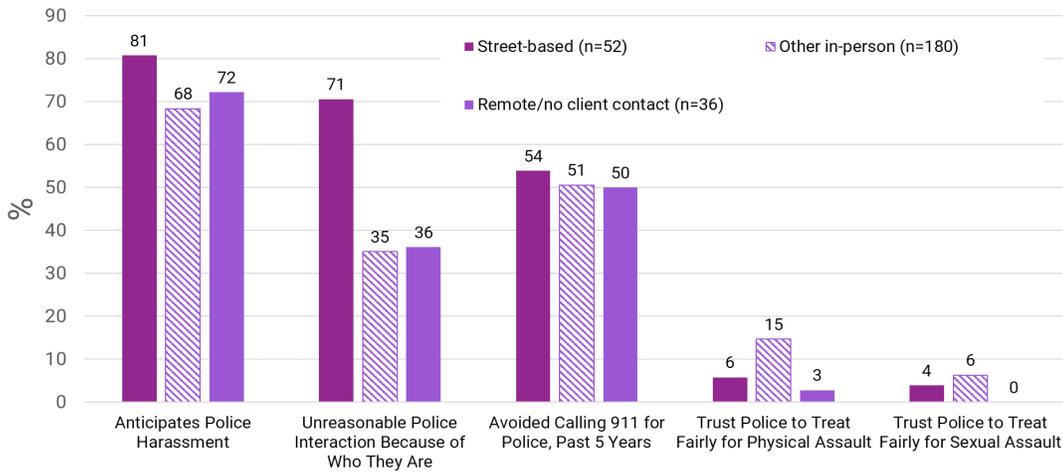
Among 2,012 participants, 280 (16%) had ever done sex work. Of sex workers, 64% were assigned female at birth, 54% were non-binary, 15% were Indigenous, and 13% were non-Indigenous racialized people. Non-Indigenous racialized participants identified as Black African (20% of racialized sex workers and 5% of racialized non-sex-workers), Black Caribbean (9% and 6%), Black Canadian or American (11% and 5%), East Asian (14% and 33%), Indo-Caribbean (11% and 3%), Latin American (11% and 12%), Middle Eastern (17% and 10%), South Asian (20% and 17%), and/or South-east Asian (11% and 12%).

**Figure 1: Police Experiences by Sex Work History**



As shown in **Figure 1**, trans and non-binary participants commonly had negative experiences with police. However, these experiences were worse among sex work-

**Figure 2: Police Experiences by Type of Sex Work**



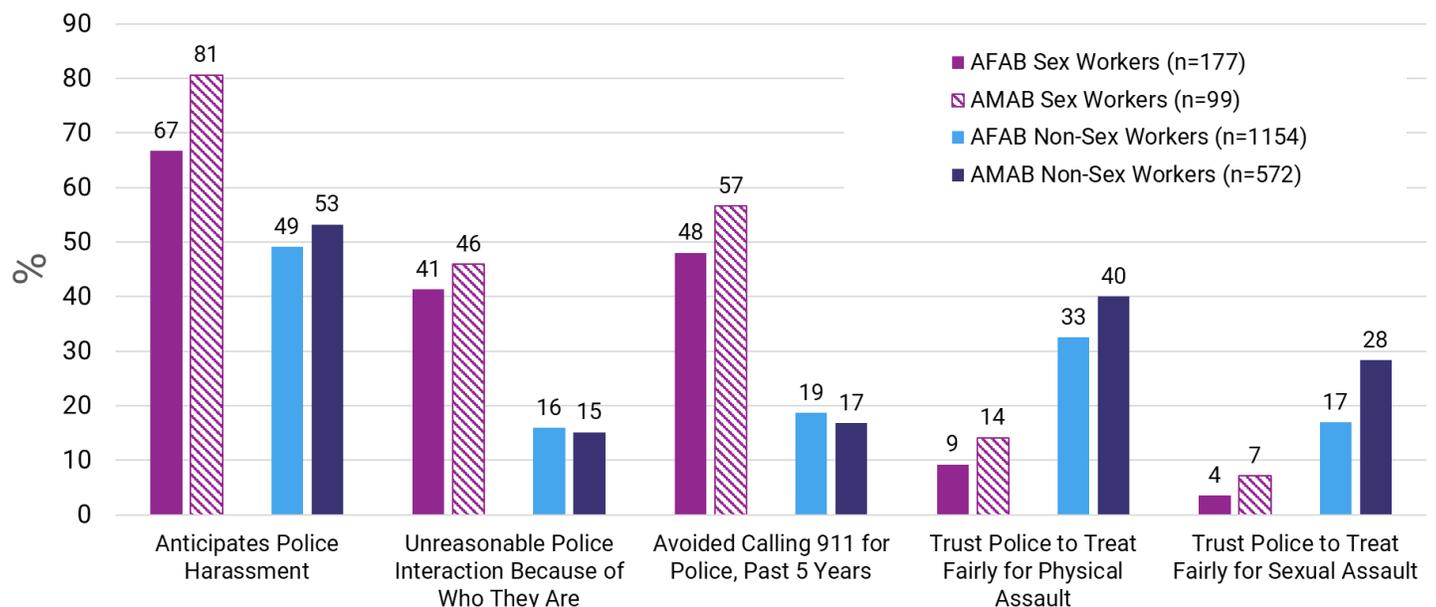
When comparing sex workers by type of work (Figure 2), we found that participants who did street-based work were significantly more likely to have experienced unreasonable police interactions (71%) than other in-person workers (35%) or remote workers (36%).

ers. Specifically, sex workers were significantly more likely to anticipate (72% versus 51%) or experience (43% versus 16%) unreasonable police interactions (e.g., being unfairly stopped and questioned, searched, or arrested) because of who they are. Relatedly, sex workers were more likely to have avoided calling 911 for police when they needed emergency services in the previous five years (51% versus 18%). A minority of respondents trusted that they would be treated fairly by police or the courts if they experienced violence and this was significantly rarer among sex workers (11% versus 35% for physical violence and 5% versus 21% for sexual violence).

Next, we looked at differences by both sex assigned at birth and sex work (Figure 3). There were few significant differences between AFAB and AMAB participants in police experiences overall. However, AMAB sex workers were more likely than AFAB sex workers to anticipate police harassment (81% versus 67%).

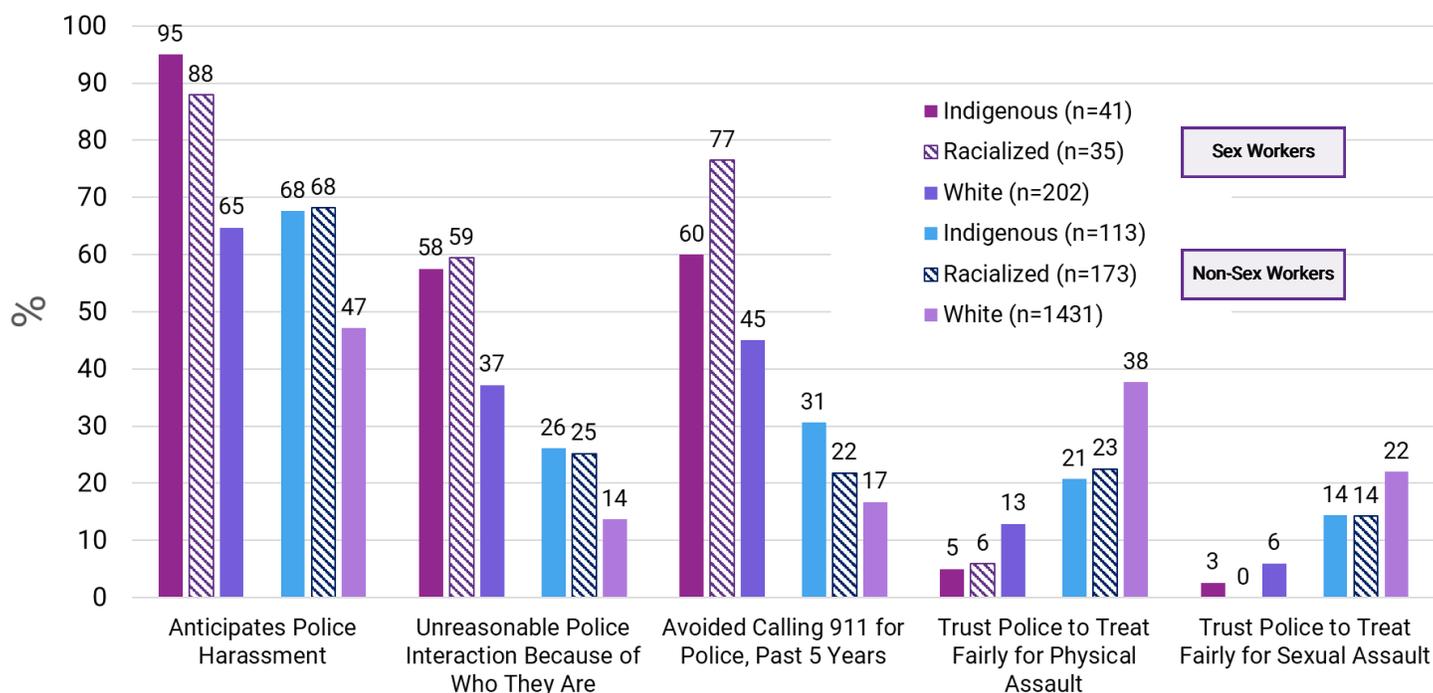
Figure 4 breaks down the results by ethnoracial group and sex work history. There were large inequalities in policing experiences when comparing Indigenous and racialized participants to their white trans and non-binary peers, for both sex workers and

**Figure 3: Police Experiences by Sex Assigned at Birth\***



\*Assigned Female at Birth (AFAB); Assigned Male at Birth (AMAB)

**Figure 4: Police Experiences by Ethnoracial Group**



other participants. For example, most Indigenous (95%) and racialized (88%) sex workers anticipated police harassment, as compared to 65% of white sex workers. Similarly, 68% of each group had experienced unreasonable police harassment, as compared to 47% of white sex workers. In addition, racialized sex workers were more likely to have avoided calling 911 for police than white sex workers (77% versus 45%). Notably, almost no Indigenous or racialized sex workers anticipated fair treatment from police and the courts in cases of violence (0% to 6%).

## The Implications

Trans PULSE Canada participants experienced high levels of police mistreatment and mistrust overall, but these experiences were far more common among sex workers. Indicating the importance of an intersectional approach, we found that Indigenous and racialized sex workers had the most negative police experiences and expectations. Of 76 Indigenous or racialized sex workers, only one expected fair treatment from the police and courts were they to be sexually assaulted. Street-based workers were also more likely to experience police mistreatment. These find-

ings demonstrate the combined effects of sex work stigma, racism, and colonialism, as well as police targeting of street-based workers.

Despite facing higher levels of violence than other trans and non-binary people (see the companion community report, **Experiences of Violence Among Trans and Non-Binary Sex Workers in Canada: An Intersectional Perspective** available at [transpulse-canada.ca/results/community-report-experiences-of-violence-among-trans-and-non-binary-sex-workers-in-canada/](https://transpulse-canada.ca/results/community-report-experiences-of-violence-among-trans-and-non-binary-sex-workers-in-canada/)), sex workers were less likely to be able to rely on police and the criminal justice system to respond. Rather, police were a source of harm for many participants. Therefore, in our companion report on experiences of violence, we make recommendations for violence prevention and response services for trans and non-binary sex workers that do not involve police or the justice system.<sup>3</sup> These include bad date reporting systems, peer counseling and support, and sex work-friendly housing policies.

To end police mistreatment of trans and non-binary sex workers and to increase their access to justice, structural changes are necessary to both sex work

law and policing. Sex workers have called for full decriminalization of sex work, including the repeal of PCEPA. Although selling sex is not itself criminalized in Canada, many activities that are part of sex work (including strategies sex workers use to enhance their safety) are criminalized,<sup>1</sup> contributing to a justifiable mistrust of police among sex workers and impunity for police who mistreat sex workers.

Broader policing reforms are necessary to address inequities in police mistreatment and access to justice for Indigenous and racialized trans and non-binary people, whether or not they do sex work. This includes implementing the justice-related Calls to Action of the Missing and Murdered Indigenous Women National Inquiry, particularly 5.6 (provision of support to Indigenous victims of crime) and 5.7 (Indigenous civilian police oversight bodies, including 2SLGBTQIA people).

## Acknowledgments

The Trans PULSE Canada team includes over 100 people who contributed to the project in different ways. We would like to acknowledge the valuable contributions of: Aaron Devor, Adrian Edgar, Alisa Grigorovich, Alyx MacAdams, Ander Swift, Angel Glady, Anna Martha Vaitses Fontanari, Asha Jibril, Ayden Scheim, Bretton Fosbrook, Caiden Chih, Caleb Valoroza-Jones, Callie Lugosi, Carol Lopez, Charlie Davis, Connie Merasty, Dominic Beaulieu-Prévost, Drew Burchell, Elie Darling, Emily Nunez, Eva Legare-Tremblay, Fae Johnstone, Fin Gareau, Françoise Susset, Frédéric S.E. Arps, Gioi Tran Minh, Greta Bauer, Hannah Kia, Heather Santos, j wallace skelton, Jack Saddleback, Jacq Brasseur, Jaimie Veale, Jelena Vermilion, Jordan Zaitzow, Jose Navarro, Joseph Moore, Julie Temple-Newhook, Kai Jacobsen, Keegan Prempeh, Kelendria Nation, Kimberly Dhaliwal, Kohenet Talia Johnson, Kusha Dadui, Kylie Brooks, Leo Rutherford, Lily Alexandre, Lux Li, M. Roberts, Marcella Daye, Mayuri Mahendran, Meghan Smith, Moomtaz Khatoon, Naja, Nathan Lachowsky, Nik Redman, Noah Adams, Parker L., Peetanacoot (Winnie) Nenakawekapo, Rachel Girimonte, Rainbow Hunt, Randy Jackson, Reann Legge, Rebecca Hammond, Reece Malone, Renée Masching, Renu Shonek, Robb Travers, Rosalyn Forrester, Roxane Nadeau, Sharp Dopler, Shaz Islam, Siobhan Churchill, Sizwe Inkingi, Skylar Sookpaiboon, Sophia Ciavarella, T.F., Temitope Akintola, Todd Coleman, Tony Kourie, William Flett, Yasmeen Persad, and 36 additional team members who wished to remain anonymous. Thank you!

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This project is funded by the Canadian Institutes of Health Research.

