

Bill #4
The Safe Sex Work Act
Moved by: Minister of Revenue

WHEREAS selling or trading sexual services is not inherently harmful nor a manifestation of exploitation, engaging in sex work is not itself something that inherently damages the physical or mental health of those who sell or trade sex, and a person who sells or trades sexual services does not inherently become an unfit employee, parent, tenant, customer or client;¹ and

WHEREAS the criminalization of sex work further marginalizes 2SLGBTQI, Indigenous, Black, Asian, racialized, and migrant sex workers;² and

WHEREAS “the sex industry has not increased in size, and many of the social evils predicted by some who opposed the decriminalisation of the sex industry have not been experienced”;³ and

WHEREAS while some clients may successfully pressure workers to engage in unsafe sexual practices, it has been argued that the proportion of individual sex workers taking such risks is no higher than that found in non-worker populations (Scambler, 1997).⁴

HIS MAJESTY, by and with the advice and consent of the Youth Parliament of Manitoba, enacts as follows:

Purpose

- 1** The purpose of this Act is to decriminalize prostitution and to create a framework that
- (a) safeguards the human rights of sex workers and protects them from exploitation,
 - (b) promotes the welfare and occupational health and safety of sex workers, and
 - (c) prohibits prostitution by persons under 18 years of age, and
 - (d) implements other related reforms.

Definitions

- 2** The following definitions apply in this Act.
- (a) **Sex work:** The consensual exchange of sexual services for money, goods or services.
 - (b) **Contract:** An agreement, whether written or verbal, between all parties involved for the provision or arrangement of sexual services.
 - (c) **Sex worker:** A person who sells sex under a contract.

¹ “Research Brief: Sex Work in Canada” (Egale, April 2021), <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11602461/br-external/EgaleCanada-e.pdf>.

² “Research Brief: Sex Work in Canada.”

³ Jan Jordan, *The Sex Industry in New Zealand: A Literature Review* (Wellington, N.Z: Ministry of Justice, 2005).

⁴ New Zealand and New Zealand, eds., *The Nature and Extent of the Sex Industry in New Zealand: An Estimation*(Wellington, N.Z: Ministry of Justice, 2005).

- (d) **Client:** A person who purchases sex under a contract, regardless of who the recipient is.
- (e) **Sex broker:** A person who—whether alone or with others—owns, controls, or manages a setting where sex is bought and sold. This may include any person who
 - (i) is the director of a business that facilitates sex work,
 - (ii) determines when or where a sex worker will work,
 - (iii) determines the conditions in which a sex worker employed by a business works, or
 - (iv) determines the amount of money that a sex worker receives as payment for work.

Establishing PEACE

3 The Prostitutes Equity Assurance Cooperative Establishment [**PEACE**] is hereby established.

Mandate and powers of PEACE

- 4** The mandate of **PEACE** is to
- (a) advocate and ensure sex workers' human rights and labour rights are protected,
 - (b) issue sex broker certificates, and
 - (c) ensure the continued integrity of sex brokers holding sex broker certificates.

Legalization of sex work

- 5** As of January 1, 2024, no contract for the provision or arrangement of sexual services shall be illegal.
- 6** No person may be a client of sexual services from any person who is under 18 years of age.
- (a) All persons involved in a contract for sexual services shall be required to exchange government-issued ID prior to the exchange of services to verify each person's age.
 - (b) A client who is found by **PEACE** to be in violation of section 6 shall face
 - (i) a minimum fine of \$15,000,
 - (ii) a minimum of 500 hours of community service, and
 - (iii) up to 12 years of imprisonment.
- 7** A sex worker may, at any time, refuse to provide or continue providing sexual services to a client.
- (a) A contract does not constitute inherent, ongoing consent to providing sexual services.

Regulations for sex brokers

- 8** Sex brokers must receive certification by **PEACE** to legally operate.
- (a) A sex broker who is found by **PEACE** to own, control, or manage a setting where sex is bought and sold without holding a valid sex broker certificate shall face
 - (i) a minimum fine of \$15,000, and
 - (ii) up to 12 years of imprisonment.
- 9** Sex brokers shall be responsible for promoting safe sex practices among sex workers operating in a setting they own, control, or manage.
- (a) Sex brokers are required to
 - (i) verify that all sex workers operating in a setting they own, control, or manage is not under 18 years of age by asking for government-issued ID;
 - (ii) confirm, through regular medical examinations, that sex workers are in good health and are not infected with a sexually transmitted infection prior to each provision of sexual services;

- (iii) take all reasonable steps to ensure that no sex work is performed unless a condom or other appropriate barrier is used if services involve vaginal, anal, and/or oral penetration, or another activity with a similar or greater risk of transmission of sexually transmitted infections; and
 - (iv) take all reasonable steps to give accurate information about risks and safety, whether written or verbal, to sex workers and clients.
- (b) A sex broker who is found by **PEACE** to be in violation of subsection 9(a) shall face
- (i) a fine not exceeding \$10,000, and
 - (ii) the immediate offence revocation of their sex broker certificate.

10 Sex brokers may not employ or determine the freedoms of sex workers.

- (a) Sex brokers may
- (i) receive a maximum commission of 25 per cent,
 - (ii) assist any number of sex workers at once,
 - (iii) receive payment from sex workers on a bi-monthly basis, and
 - (iv) not receive payment directly from clients.
- (b) A sex broker who is found by **PEACE** to be in violation of subsection 10(a) shall face
- (i) a minimum fine of \$15,000, and
 - (ii) up to 12 years of imprisonment.