

Protection of Communities and Exploited Persons Act (PCEPA)

BACKGROUND

On December 6, 2014, Bill C-36—the Protection of Communities and Exploited Persons Act (PCEPA)—came into force, regulating sex work in Canada with the stated aims of protecting sex workers, communities and children, and reducing the demand for sex work. PCEPA views sex work as sexual exploitation of women and girls.

The sex work offences within PCEPA are as follows:

S. 286.1 - THE PURCHASING OFFENCE

This offence criminalizes “[o]btaining sexual services” or “communicating in any place for that purpose”¹. This offence criminalizes the buyer, while allowing the sale of one’s own sexual services (though this provision does not function as intended).

S. 286.4 - THE ADVERTISING OFFENCE

This offence prohibits “[k]nowingly advertising an offer to provide sexual services”² in any medium (print, digital, etc.) or in any location. Again, you are immune if you are advertising only your own sexual services.

S. 286.2 - THE MATERIAL BENEFIT OFFENCE

This offence criminalizes “[r]eceiving a financial or other material benefit”³ from sex work if you are anyone other than the sex worker themselves. The offence contains additional exceptions for “legitimate family and business relationships,”⁴ such as regular interactions with a spouse, roommate, dependents, or in the course of accessing services offered to the general public (e.g., paying rent). However, the material benefit offence is a ‘reverse onus’ provision - meaning that anyone who lives with or who is habitually in the company of a sex worker is presumed guilty of this offence and must prove they fall under one of the stated exceptions.

¹ Prostitution Criminal Law Reform: Bill C-36 the Protection of Communities and Exploited Persons Act - [Fact Sheet](#)

² Ibid.

³ Ibid.

⁴ Ibid.

S. 286.3 - THE PROCURING OFFENCE

This offence criminalizes “[p]rocurring a person to offer or provide sexual services”⁵. This offence includes the prohibition of any “recruiting, holding, concealing or harbouring”⁶ of a person in order to facilitate the purchase of sexual services (effectively conflating sex work with human trafficking).

Subsection 213(1.1) - THE COMMUNICATING OFFENCE

This offence prohibits “[c]ommunicating for the purposes of offering or providing sexual services... in public places that are or are next to school grounds, playgrounds or daycare centres”⁷ (contradicting asymmetrical criminalization by targeting street-based sex workers).

PCEPA also “harmonizes” sex work and human trafficking offences by clarifying the definition of human trafficking, prohibiting financial benefit from the commission of human trafficking, prohibiting the restriction of another’s identity documents, and amending the definition of ‘weapon’ to include “anything used or intended to be used to restrain a person against their will (e.g., handcuffs, rope, duct tape)”.

For more on these anti-human trafficking laws, [visit this page](#).

SWAN’s Recommendations

- **Decriminalize sex work** in Canada to ensure sex workers have access to their basic human rights, including health and social services and access to legal and labour protections.
- Stop the **conflation of sex work and human trafficking** and/or child sexual exploitation.
- **Repeal PCEPA** to prevent the harms it causes to sex workers, putting them at risk of violence and exploitation, as well as at risk of criminalization, arrest, detention, and deportation.

For a more in-depth look at PCEPA, see SWAN's [analysis](#) of its provisions, their impacts and recommendations for improvement.

For more resources for journalists, visit [ResponsibleReporting.ca](#)

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

