

The London Abused Women's Centre
Public Participation Meeting
Adult Live and Body-Rub Entertainment By-
Law Review



**London Abused
Women's Centre**

(PCEPA)
PURPOSE

The purpose of the PCEPA (Bill C-36) reflects "a significant paradigm shift away from the treatment of prostitution as "nuisance," as found by the Supreme Court of Canada in *Canada v. Bedford (2013)* toward treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and girls

The legislation includes:

- Purchasing offence (paying for sexual services is illegal)
- Advertising offence (illegal to promote prostitution through advertisements)
- Material benefit offence (illegal to receive a material benefit from prostitution of others including from participation in business activities involving prostitution where third parties profit)

(PCEPA)
PURPOSE

The Act denounces and prohibits "the exploitation of the prostitution of others by third parties, the development of economic interests in the exploitation of the prostitution of others and the institutionalization of prostitution through commercial enterprises, such as strip clubs, massage parlours and escort agencies in which prostitution takes place."

(PCEPA)
DEFINITION OF SEXUAL SERVICES

The PCEPA outlines activities that, if provided in return for some form of consideration, have been found to constitute a sexual service or an act of prostitution. These activities include:

- lap-dancing
- masturbation of a client in the context of a massage parlour, whether or not the client climaxes
- sado-masochistic activities, provided that the acts can be considered to be sexually stimulating/gratifying
- acts for which consideration is provided that take place in a private room in a club and that are sexual in nature, but do not involve physical contact between the "client" and "performer", such as self-masturbation, have been found to constitute prostitution.

(Canada, Department of Justice. (2017). *Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act*. Section 1 b. Retrieved from <http://www3.international.gc.ca/other/other/protected/eng.htm>

PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT
(PCEPA)
CONSISTENCY WITH THE MUNICIPAL ACT

The Ministry of Municipal Affairs has advised that, "municipal by-laws cannot conflict with, or frustrate the purpose of provincial or federal laws, regulations and legislative instruments."

RECOMMENDATIONS

"No touch" is consistent with federal legislation and is supported

1. The Adult Live Entertainment Parlour and Adult Body-Rub Parlour By-Laws include the activities that constitute a sexual service or act of prostitution if provided in return for some form of consideration.
2. The municipal purposes outlined for the Adult Live Entertainment Parlour and Body-Rub Parlour by-laws shift from prostitution as a nuisance and health and safety issue for patrons, toward the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and girls and all relevant clauses in the by-laws also reflect this shift.
3. The licensing fees be consistent with enforcement costs given that is the goal of established purpose(s).