



Living in
Community

**Living in Community Response to “Building BC’s Recovery, Together”
COVID-19 Public Consultation**

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Introduction

On behalf of Living in Community, we are writing to offer several recommendations for Premier John Horgan and the BC government as we all move through the COVID-19 pandemic.

Living in Community (LIC) is an innovative community initiative that brings together different groups who are impacted by or have an impact on sex work: current and former sex workers, sex work support and advocacy organizations, Indigenous groups, health organizations, law enforcement, business, all levels of government, and social service organizations. By bringing stakeholders together to discuss community concerns, LIC identifies and acts upon collective solutions. The LIC model is an integrated way to improve the health, well-being and safety of all community members who are impacted by sex work, from sex workers themselves to businesses, community organizations, and residents.

Living in Community is pleased to see this government open a public consultation to invite British Columbians to share their thoughts about recovery and transition as part of the COVID-19 response. It is imperative to remember that we are still very much in the middle of this pandemic, not recovering from it yet, and there is a serious risk of a second wave of infections this fall. As such, our policy responses need to prioritize the ongoing impacts of the pandemic, particularly on vulnerable and marginalized individuals and groups, while looking ahead to the future.

We appreciate that in the “Building BC’s Recovery, Together” consultation paper, your government has identified women, people earning less than \$30 per hour, and service sector workers as some of the groups most impacted by COVID-19. While the scope of sex workers’ experiences is broad, sex workers are likely overrepresented in these groups and have been significantly negatively impacted by the pandemic. About 75-80% of sex workers are women¹, many sex workers have experienced a total loss of income due to COVID-19 and may be unable to receive existing government supports for workers, and sex workers provide a service that is even more necessary in these trying times: human connection.

This past May, we submitted a letter to several key decision makers within the provincial government that included recommendations for policy and practice in response to COVID-19. As the COVID-19 pandemic has intensified, Living in Community and our stakeholders have become increasingly concerned about the health and safety of community members. This crisis is laying bare the inequalities that already exist in our society and exposing which groups and individuals are most vulnerable to violence, discrimination, and poverty.

Below, we reiterate many of our recommendations for consideration in this consultation. More information about each recommendation is provided following this list. As the provincial government begins to plan for an economic transition out of COVID-19, while supporting British Columbians during the remainder of the crisis, it is more vital than ever to prioritize those who have fallen through the cracks for far too long. This is also in line with the “Building BC’s Recovery, Together” focus on equity as a framework to approach economic recovery.

¹ Subcommittee on Solicitation Laws of the Standing Committee on Justice and Human Rights (2006) *The Challenge of Change: A Study of Canada’s Criminal Prostitution*. Ottawa: Government of Canada.

Recommendations

Income Supports:

1. Give funds to frontline organizations to distribute cash supports to sex workers ineligible for government supports.
2. Ensure the BC Emergency Benefit for Workers is available to all sex workers, irrespective of immigration status.

Access to Housing:

3. Immediately provide safe, accessibly-affordable, sustainable housing to every unsheltered and inadequately-housed resident of British Columbia.

Access to Information:

4. Provide a mechanism for residents of the Downtown Eastside to access frequent, accurate and reliable information, like a one-stop shop for up-to-date information from all levels of government as well as community resources.
5. Ensure that COVID-19 information is distributed to the most excluded and marginalized in society, in formats and languages (not only French & English) accessible to them.

Law Enforcement:

6. Urge law enforcement agencies to adhere to existing policies and best practices for a harm reduction approach to marginalized communities, such as the Vancouver Police Department's Sex Work Enforcement Guidelines and Drug Policy, the BC Association of Chiefs of Police Sex Work Enforcement Guidelines & Principles, and the Open Society Foundation's Guidelines for Police and Harm Reduction.

Background

Income Supports:

1. Give funds to frontline organizations to distribute cash supports to sex workers ineligible for government supports.

Sex workers were among the first to see a sudden loss of income due to COVID-19 and are still struggling to get through each day. While some sex workers have been able to pivot to online work or find alternative sources of income, not all sex workers have such flexibility. Im/migrant and street-based sex workers in particular have faced a total loss of income, and racism and xenophobia have led to even greater discrimination against im/migrant sex workers and sex workers of colour.

Further, sex workers who are self-employed are not eligible for Employment Insurance or paid sick leave to protect their health and that of others. While the BC Emergency Benefit is providing an important stop-gap for many workers and is available to some sex workers, the eligibility criteria and application process make it inaccessible for many including those who are street-based or reliant on cash for survival. The reasons for this are outlined under Recommendation 2, below.

Providing cash supports instead allows people to fulfill their individual needs with dignity and in a way more appropriate to their specific circumstances. Providing cash allows the government to overcome barriers to supporting marginalized individuals who may not have identification documents,

employment records, or bank accounts. Further, individual cash supports can best be facilitated by support services that recipients already know and trust in their own communities.

In April, Vancouver-based organizations WISH Drop-In Centre Society, PACE Society, and SWAN Vancouver called for frontline organizations to be given funds to distribute cash to sex workers.² We endorsed this recommendation by calling for the same in our May letter to government decision makers, and we further endorsed an open letter organized by Amnesty International Canada and the Canadian Alliance for Sex Work Law Reform and signed by over 125 organizations across the country also calling for low-barrier and accessible emergency income supports or cash equivalents for sex workers.³

Even as other industries may be able to resume work activities prior to having a vaccine for COVID-19 or reaching herd immunity in BC, sex workers will continue to face the inability to work coupled with barriers to existing financial supports. With no likely end to the pandemic in the near future, governments must act with urgency to provide income supports to sex workers via the community organizations that serve them.

2. Ensure the BC Emergency Benefit is available to all sex workers, irrespective of immigration status.

As noted above, the BC Emergency Benefit for Workers is inaccessible for some sex workers. This is largely because in order to be eligible for the BC Emergency Benefit for Workers, applicants must also be approved for the federal Canada Emergency Response Benefit (CERB), and the application process for the CERB is a barrier for many sex workers. If workers have not yet filed their 2019 taxes or did not earn the \$5,000 minimum in the past year, they cannot apply. Some sex workers may not have a bank account, and others may fear sharing their personal information with a government due to uncertainty over how the information will be used. Sex workers without a fixed address have difficulty applying for government programs, and migrant sex workers and those with precarious immigration status will not be eligible to apply for the CERB.

The BC Emergency Benefit for Workers is intended to be available until December 2, 2020, and it is imperative that the program is accessible for those such as sex workers who have been left off government lists of people in need. We therefore recommend that the BC Emergency Benefit for Workers application criteria be relaxed in order to reduce barriers to sex workers receiving this benefit. Exceptions should be made to the requirement that applicants be first approved for the CERB.

² Letter from WISH Drop In Centre Society, PACE Society, and SWAN Vancouver to The Honourable Minister Morneau, April 17 2020. <https://drive.google.com/file/d/1VIREJQ9rOOxtE8u4SdZRIeCueps-zh8/view>

³ Open Letter: "Canada must protect the rights of sex workers during COVID-19 by ensuring access to emergency income supports." Amnesty International Canada, June 4 2020.

Access to Housing:

3. Immediately provide safe, accessibly-affordable, sustainable housing to every unsheltered and inadequately-housed resident of British Columbia.

For people experiencing homelessness, unstable living conditions, or an unsafe home environment, simply staying home during COVID-19 is not an option. Many people do not have the ability to physically distance from others or to shelter-in-place. Appropriate washroom and handwashing infrastructure are not sufficiently available for many people, including those experiencing homelessness and street-based sex workers. In a March 2020 survey of Vancouver-based sex workers' self-described needs during COVID-19, access to housing was identified as a top concern.⁴

Local governments like the City of Vancouver have been undertaking quick, laudable initiatives to help temporarily, such as installing washrooms and handwashing stations in several neighbourhoods, but much more must be done. The temporary initiatives implemented to date are not enough to address the scale of the current crisis; they are not fully meeting the needs of all communities and they are designed only be implemented for a few months rather than provide permanent housing solutions. Once the immediate crisis of COVID-19 ends and temporary measures like this are removed, many people will continue to live in unsafe, unstable conditions.

Moreover, COVID-19 has revealed the public health consequences when we allow members of our communities to live without adequate housing in 'normal' times. As the BC Poverty Reduction Coalition has stated, "[c]rowded SROs and 'petri-dish' shelters with shared bathrooms and showers do not provide access to adequate sanitation and leaves occupants and workers at great risk. Removing individuals from crowded shelter and housing stock after they develop symptoms is too little too late and undermines both individual and public rights and safety."⁵

We therefore join the BC Poverty Reduction Coalition in calling for immediate, safe, affordable, and sustainable housing of all unsheltered and inadequately-housed individuals.⁶ Moving forward, the provincial government should invest significantly in the key social determinants of health, including housing, food security, and health services – not just to be better prepared for the next public health emergency, but because no one should be suffering in our province.

Access to Information:

4. Provide a mechanism for residents of the Downtown Eastside to access frequent, accurate and reliable information, like a one-stop shop for up-to-date information from all levels of government as well as community resources.
5. Ensure that COVID-19 information is distributed to the most excluded and marginalized in society, in formats and languages (not only French & English) accessible to them.

⁴ COVID-19 Needs and Risk Assessment of Sex Workers in Metro Vancouver, April 2020. <https://wish-vancouver.net/content/wp-content/uploads/2020/04/COVID-19-Needs-and-Risk-Assessment-of-Sex-Workers-in-Metro-Vancouver.pdf>

⁵ Letter from the BC Poverty Reduction Coalition to the BC Housing & the Vulnerable Populations Working Group, the Honourable John Horgan, and others, April 2020. http://bcpovertyreduction.ca/take-action/covid19_homelessness_action/

⁶ Ibid.

As knowledge about the COVID-19 pandemic has grown, significant amounts of misinformation and missing information have been prevalent. This is particularly of concern within communities like Vancouver's Downtown Eastside where residents have limited access to information from both news outlets and government sources. Without clear and up-to-date information, people experience fear and anxiety and struggle to know how to make safe choices for themselves. In the March 2020 survey of sex workers' self-described needs during COVID-19 in Metro Vancouver, misinformation and lack of information was identified as a top concern among sex workers.⁷

This need has been identified most strongly in the Downtown Eastside. We therefore join the frontline organizations that produced the March 2020 survey – WISH Drop-In Centre Society, PACE Society, Aboriginal Front Door Society, and Health Initiative for Men – in recommending that the Province implement a mechanism for residents of the Downtown Eastside to access reliable public health information, and we join SWAN Vancouver in further recommending that all COVID-19 information is distributed in formats and languages accessible to marginalized individuals. It is laudable that the Province's information about COVID-19 is available online in nine other languages and that translation into more than 110 languages is available by calling a phone number⁸, but this information should also be proactively distributed to communities needing information in languages other than English.

In the long term, we recommend the Province work with service providers in the Downtown Eastside and other underserved communities to create and implement information-sharing mechanisms appropriate to each community's needs that ensure this type of information crisis does not happen again in the future.

Law Enforcement:

6. Urge law enforcement agencies to adhere to existing policies and best practices for a harm reduction approach to marginalized communities, such as the Vancouver Police Department's Sex Work Enforcement Guidelines and Drug Policy, the BC Association of Chiefs of Police Sex Work Enforcement Guidelines & Principles, and the Open Society Foundation's Guidelines for Police and Harm Reduction.

In response to ongoing crises such as homelessness and rising rates of overdose deaths, a harm reduction approach from law enforcement has been found to be much more successful than policing poverty. Rather than continuing the 'revolving door phenomenon' of arrest, incarceration, and release without addressing the root causes of crime, more and more law enforcement agencies have seen the benefits of interacting with marginalized communities using a harm reduction approach that centres health, safety, and human rights.

Here in British Columbia we have several examples of law enforcement agencies moving toward this approach. The Vancouver Police Department has developed Sex Work Enforcement Guidelines⁹ that state they will not intervene in situations between consenting adults, and has also developed a Drug

⁷ COVID-19 Needs and Risk Assessment of Sex Workers in Metro Vancouver, April 2020. <https://wish-vancouver.net/content/wp-content/uploads/2020/04/COVID-19-Needs-and-Risk-Assessment-of-Sex-Workers-in-Metro-Vancouver.pdf>

⁸ "BC's Response to COVID-19", last updated June 24 2020. Province of BC. <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/covid-19-provincial-support>

⁹ Vancouver Police Department Sex Work Enforcement Guidelines, January 2013. <https://vancouver.ca/police/assets/pdf/reports-policies/sex-enforcement-guidelines.pdf>

Policy which includes harm reduction as a pillar of their drug-related policing.¹⁰ Similarly, the BC Association of Chiefs of Police have developed their Sex Work Enforcement Guidelines & Principles which provides an overview of a harm reduction approach to enforcing sex work-related laws.¹¹ A more broad and all-encompassing guide to harm reduction policing approaches is captured in the Open Society Foundation's Guidelines for Police and Harm Reduction.¹²

Amid a public health crisis, there are often heightened fears and concerns from various members of the public about disease transmission and crime, leading some to call for increased surveillance and arrests. However, the evidence is clear that maintaining a harm reduction approach to policing is more effective and in line with human rights foundations. We therefore recommend that your government urge law enforcement agencies across the province to adhere to the guidelines already established for a harm reduction approach to marginalized communities including sex workers and people who use drugs.

Thank you for your consideration of these recommendations, and for the work of this government to date to ensure that all British Columbians are able to stay safe and healthy during and after this crisis.

¹⁰ Vancouver Police Department Drug Policy, September 2006. <https://vancouver.ca/police/assets/pdf/reports-policies/vpd-policy-drug.pdf>

¹¹ British Columbia Association of Chiefs of Police Sex Work Enforcement Guidelines & Principles, November 2017. https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/319/attachments/original/1566600395/BCACPSexWorkEnforcementGuidelines_Endorsed_November2017.pdf?1566600395

¹² Open Societies Foundation Report on Police & Harm Reduction, July 2018. <https://www.opensocietyfoundations.org/publications/police-harm-reduction>