



Intersecting Inequalities in Access to Justice for Trans and Non-binary Sex Workers in Canada

Ayden I. Scheim^{1,2,3} · Heather Santos¹ · Sophia Ciavarella^{4,5} · Jelena Vermilion⁶ · Freddie S. E. Arps⁷ · Noah Adams⁸ · Kelendria Nation⁹ · Greta R. Bauer^{2,10}

Accepted: 20 January 2023
© The Author(s) 2023

Abstract

Introduction In the context of renewed debate about Canada’s “end demand” sex work laws, we took an intersectional approach to characterize experiences with the criminal legal system and perceived access to justice among transgender (trans) and nonbinary sex workers in Canada.

Methods The Trans PULSE Canada community-based study collected multimode survey data in fall 2019. Data were cross-stratified by lifetime sex work and sex assigned at birth, ethnoracial group, or household income. Age adjustment did not meaningfully impact results.

Results Of 2012 included participants (median age = 30, 66.5% assigned female at birth, 48.9% non-binary), 280 (16.1%) had ever done sex work. While access to justice was limited for trans and non-binary people overall, sex workers were more likely to anticipate (72.1% vs. 50.5%) and experience (43.2% vs. 15.7%) police mistreatment. In the previous 5 years, sex workers were more likely to experience violence for any reason (61.4% vs. 27.4% of other participants) or due to being trans or non-binary (41.4% vs. 14.0%), and to have avoided calling 911 for police (51.4% vs. 18.1%). Few sex workers trusted that they would be treated fairly by police if they experienced physical (10.8% vs. 34.9%) or sexual (4.7% vs. 20.6%) violence. Intersectional inequalities included that sex workers assigned male at birth and street-based workers were most likely to have experienced gender-based violence, and that Indigenous and racialized sex workers reported higher levels of police mistreatment and 911 avoidance.

Conclusions Overall, trans and non-binary people in Canada reported high levels of violence and limited access to justice. Sex workers faced large inequities in these outcomes, which were exacerbated for transfeminine, Indigenous, racialized, and street-based workers.

Policy Implications These findings challenge the notion that Canadian sex work laws protect sex workers and highlight the limitations of formal legal protections for trans people. These inequities must be addressed in sex work legal reform efforts.

Keywords Sex work · Transgender · Intersectionality · Race · Justice · Violence · Policing

✉ Ayden I. Scheim
draschein@gmail.com

¹ Department of Epidemiology and Biostatistics, Dornsife School of Public Health, Drexel University, 3215 Market Street, Philadelphia, PA 19104, USA

² Department of Epidemiology and Biostatistics, Schulich School of Medicine and Dentistry, Western University, London, Canada

³ St. Michael’s Hospital, Unity Health Toronto, Toronto, Canada

⁴ Peers Victoria Resources Society, Victoria, Canada

⁵ Department of Social Work, University of Victoria, Victoria, Canada

⁶ Sex Workers’ Action Program Hamilton, Hamilton, Canada

⁷ Trans PULSE Canada Team, Toronto, Canada

⁸ Ontario Institute for Studies in Education, University of Toronto, Toronto, Canada

⁹ Kelendria Nation Consulting, Vancouver, Canada

¹⁰ Institute for Sexual and Gender Health, University of Minnesota, Minneapolis, USA

Introduction

Transgender (trans) and non-binary people are over-represented in various forms of sex work for reasons including widespread employment discrimination and benefits of sex work (e.g., earnings, flexibility, affirmation) (Fitzgerald et al., 2015; Poteat et al., 2015; Sausa et al., 2007). In Canada, the Trans PULSE Ontario 2009–2010 respondent-driven sampling survey estimated that 15% of trans people had ever done sex work or exchange sex, and this proportion was similar for trans women and men (Bauer et al., 2012).

Trans and non-binary people face high levels of interpersonal and state-mediated violence and limited access to criminal legal, health, and social services that they may require as a result (Stotzer, 2009; Wirtz et al., 2020). Data from the United States demonstrate that these inequities are magnified for trans and non-binary sex workers, and particularly for sex workers who are trans women or transfeminine, Indigenous, and/or people of color (Fitzgerald et al., 2015; James et al., 2016), highlighting how inequity is structured across intersecting social identities or positions.

Quantitative data on the experiences of trans and non-binary sex workers in Canada have been largely unavailable, with the limited existing data often combined with that of cisgender women sex workers. Such data are urgently needed as Canada's sex work legislation is currently under review by the Supreme Court and House of Commons. The stated goals of this legislation include protecting the safety of people who do sex work, facilitating reporting of violence to police, and promoting equality (Government of Canada, 2022). To evaluate the extent to which the legislation is achieving these aims, it is critical to understand the experiences of trans and non-binary sex workers, and whether there are inequalities in those experiences based on intersecting social identities or positions of gender, race/ethnicity, and socioeconomic status.

Therefore, this paper takes an intersectional approach to describe experiences of violence and access to justice among trans and non-binary sex workers in Canada. We find that trans and non-binary people in Canada, and particularly trans and non-binary sex workers, report high levels of violence and limited access to justice. Highlighting the importance of an intersectional analysis, we also find substantial inequalities for trans and non-binary people who are transfeminine, Indigenous, racialized, and/or street-based sex workers.

Sex Work Laws in Canada

Recent changes to Canadian sex work laws have potentially impacted sex workers' exposure to violence and access

to justice. In 2014, the Protection of Communities and Exploited Persons Act (PCEPA) came into effect in Canada. The legislation responded to a 2013 Supreme Court of Canada ruling that overturned existing sex work laws, which were found to violate sex workers' rights under the Canadian Charter of Rights and Freedoms (Supreme Court of Canada, 2013). PCEPA represents an "end-demand" approach to criminalization. Among other provisions, the legislation newly criminalized the purchase of sexual services by clients, receipt of financial benefits from sex workers (limiting involvement of third parties such as managers or security staff), and advertising for sex work; and limited the public spaces in which sex workers can communicate with clients (Government of Canada, 2022). As a policy in line with the "Nordic model," PCEPA was introduced with the explicit intention of ending sex work in Canada (The Canadian Press, 2014) and frames sex work as having an inherently negative impact on women. Specifically, the preamble to the legislation states that "it is important to protect human dignity and the equality of all Canadians by discouraging prostitution, which has a disproportionate impact on women and children" (Government of Canada, 2022).

In passing PCEPA, one of the government's stated goals was to "encourage victims to report incidents of violence to the police" (Department of Justice Canada, 2018). Community members and researchers have argued, however, that by defining sex work as inherently exploitive, the law constructs violence against sex workers as an inevitability that can only be prevented through ending sex work (Benoit et al., 2019). Sex workers' treatment by law enforcement reflects the duality of sex work policy which represents them as both inevitable victims of violence and as potential criminals (Bruckert & Hannem, 2013). Sex workers who have survived violence report being dismissed, deprioritized, or even subject to suspicion and investigation themselves when reporting to police (Krüsi et al., 2016). Migrant sex workers can face deportation when reporting violence or through police raids conducted under the guise of preventing exploitation (Lam & Lepp, 2019). In the context of these personal and communal experiences, sex workers may understandably be disinclined to report violence.

Further, provisions of PCEPA may increase sex workers' vulnerability to workplace violence. Criminalization of clients and restrictions on communicating near schools and playgrounds can force sex workers into rushed negotiations and lead them to work in more isolated locations (Landsberg et al., 2017). The criminalization of advertising and third parties may lead sex workers to work alone, increasing the risk of violence and isolating them from community support (Platt et al., 2018). Due to anti-sex work stigma exacerbated by criminalization, sex workers may not feel safe disclosing their work to health and social service providers (Lazarus et al., 2012). Indeed, emerging research on the impact of

PCEPA indicates that it has failed to improve, and has potentially worsened, sex workers' sense of safety, service access, and ability to report violence to police. In a post-PCEPA study of 200 sex workers across five Canadian cities, almost one-third reported being unable to call 911 when facing a safety emergency because of the risk of police detection and Indigenous sex workers had higher odds of being unable to call 911 (Crago et al., 2021). In a cohort of cisgender and transgender women sex workers in Vancouver, 72.2% of participants reported no perceived change in working conditions following passage of PCEPA and 26.4% reported negative changes (Machat et al., 2019). They also reported less access to health and community services under the new legislation (Argento et al., 2020). In the same cohort, 38.2% of participants who experienced violence following PCEPA reported violence to the police, which did not differ significantly from pre-PCEPA reporting (McBride et al., 2020). Immigrant and racialized (i.e., people of color) workers were more likely to report negative changes and were less likely to report violence to police. Although these studies of PCEPA's impact were trans-inclusive, they did not provide data specific to trans and non-binary sex workers.

Violence and Access to Justice for Trans and Non-binary Sex Workers Globally

Trans and non-binary sex workers face violence and reduced access to justice due to the intersection of anti-trans and anti-sex work stigma and discrimination (Lyons et al., 2017). In the USA, studies of trans and non-binary people have found that nearly half of participants report verbal harassment, physical or sexual abuse, or mistreatment during police interactions, with higher frequencies among sex workers (Fitzgerald et al., 2015; James et al., 2016; Stenerson et al., 2022). In the 2015 US Trans Survey, 32% of participants who had prior interactions with police said at least one of those interactions led to arrest (James et al., 2016). This is consistent with research findings from outside of North America, where trans sex workers frequently report mistreatment from both clients and police (Evens et al., 2019; Harcourt, et al., 2001; Nichols, 2010). In an Australian study conducted with sex workers, no trans or gender-diverse workers expressed any positive experiences with or attitudes towards police, and some indicated that interaction with the police carried severe risk (Stardust et al., 2021).

US research demonstrates that trans and non-binary sex workers who are racialized and/or trans women face targeted policing and higher levels of violence due to intersecting forms of oppression (Buist & Stone, 2014; Fitzgerald et al., 2015; Graham, 2014). In addition, Black trans women and trans women of color, regardless of their actual work, are often assumed by police to be sex workers—a phenomenon

that has been described as “walking while trans” (Carpenter & Marshall, 2018).

Access to Justice for Transgender People in Canada

Trans and non-binary people are protected against discrimination on the bases of gender identity and expression under federal and provincial/territorial human rights legislation in Canada, which limits applicability of international research to the Canadian context. Nevertheless, trans and non-binary people in Canada—particularly those who are Indigenous and/or racialized—face high levels of discrimination and violence, including in the criminal legal system. Data from Trans PULSE Ontario revealed that 24% of participants had been harassed by police (Longman Marcellin et al., 2013). Specifically, 35% of Indigenous persons and 26% of persons of color reported being harassed by the police, compared to only 4% of white participants (Longman Marcellin, et al., 2013). In an assessment of legal needs among trans people in Ontario (James et al., 2018), participants described experiences of police misgendering them, not taking their problems seriously, and subjecting them to violence. The intersecting experiences of both transphobia and racism led to more frequent and complex experiences of discrimination amongst racialized trans people (James et al., 2018).

The Current Study

In summary, trans and non-binary people experience high levels of violence and barriers to accessing emergency and criminal legal services that they might require in response. Globally, trans and non-binary people who do sex work are most heavily impacted by interpersonal and police violence, but few data are available on trans and non-binary sex workers in Canada. In the context of contested “end-demand” sex work legislation in Canada, it is critical to assess the extent to which trans and non-binary sex workers experience the equality, safety, and access to justice that the legislation claims to promote. The patterning of trans and non-binary experiences along axes of race/ethnicity and gender, in combination with the role that social power plays in shaping both safety and access to legal, health and social services, points to the necessity of an intersectional approach and interpretation to the study of sex work in trans and non-binary communities. Intersectionality, a Black feminist theoretical framework used as a methodological approach or “analytic sensibility” across disciplines (Cho et al., 2013), has been increasingly incorporated into quantitative studies (Bauer et al., 2021). Based on community philosophy traced back to the early 1800s and emerging through Black and Chicana feminist communities in the USA (Hancock, 2016), and then into academic work in legal studies (Crenshaw, 1989, 1991)

and sociology (Collins, 1990), intersectionality provides a framework for understanding and addressing co-occurring oppressions. It serves to highlight how outcomes are shaped by interacting systems of oppression including transphobia, sexism, racism, and classism (Bowleg, 2012).

In this paper, we examine experiences of violence, policing, and access to justice across intersections of sex work, sex/gender, ethnoracial group, and household poverty among participants in the first national, all-ages survey of trans and non-binary health in Canada.

Methods

Trans PULSE Canada was a community-based participatory research study on transgender and non-binary (collectively “trans”) health in Canada. A detailed description of study methods has been published previously (Scheim et al., 2021). Eligible participants were 14 or older, living in Canada, and indicated that their gender identity differed from their sex assigned at birth. Working from an intersectional perspective, the study was designed to focus on nine priority populations where there were particular data needs or policy/practice concerns. These populations include trans or non-binary people who were sex workers, Indigenous, racialized, immigrants, youth, older adults, located in a rural or remote area, non-binary, or disabled. The current paper emerges from and is co-authored by the project’s Sex Worker Priority Population Team, designed to prioritize community concerns at the intersection of trans and non-binary and sex worker experiences. This team drew on deep community knowledge, and had explicit power to define this intersection, to add survey questions for people with sex work experience, and to prioritize issues for initial analyses. The result of this explicitly intersectional approach to study design and team-building is this paper’s focus on complexity in experiences of trans and non-binary sex workers under the PCEPA (across type of work, sex/gender, ethnoracial group, and low income), and among sex workers as compared to their non-sex-working peers. As such, our approach to methods incorporates both intracategorical and intercategorical descriptive approaches to intersectional complexity (McCall, 2005).

From August to October 2019, survey data were collected in English or French online, via paper copy (mailed out upon participant request with a self-addressed, stamped return envelope), by telephone (with or without a language interpreter), or via electronic tablet with a Peer Research Associate. Participants indicated consent by beginning the survey or by returning a paper copy; this included minors ages 14–17 as there is no age of consent for research participation in Canada (Research Ethics Boards assess whether

participants have the capacity to consent in the context of a specific study).

Survey recruitment and promotion took place online, in-person in trans community spaces and events (e.g., Pride festivals, community centers), and through outreach by Peer Research Associates. As is typical for online surveys, a response rate cannot be calculated. The survey was initially adapted from Trans PULSE, an Ontario-wide study conducted in 2009–2010, and revised through a year-long community engagement process involving consultation teams from each priority population. These consultation teams reviewed all survey items to ensure they were comprehensive, relevant, and affirming for members of their population (e.g., trans sex workers) and identified population-specific questions to be added. New questions were developed iteratively and in collaboration with academic researchers on the team. In addition to the full-length survey (~60 min), a “short form” (~10 min) containing key items from each section was also available. The resulting Trans PULSE Canada study was approved by research ethics boards at Western University, Unity Health Toronto, Wilfrid Laurier University, and the University of Victoria.

Measures

Sex Work

Participants aged 16 and above were asked if they had ever “done sex work or exchanged sex for money or other resources (e.g., shelter, substances, food, or other services)”; those who responded yes were classified as having done sex work and were asked a follow-up question about the types of work they had performed. For brevity, we use “sex worker” throughout this article to refer to those participants who were current or former sex workers. Participants could select multiple options, which were re-coded into three categories based on potential for exposure to violence and the criminal legal system. These included street-based work, other in-person work with client contact (e.g., escorting, dancing), and remote work (e.g., phone sex, porn, camming).

Intersecting Identities and Positions

For description of characteristics among trans and non-binary sex workers, and comparison with non-sex-workers, we examined self-reported sex assigned at birth, ethnoracial group, and residence in a low-income household. Sex assigned at birth was categorized as either (a) assigned female (AFAB) or (b) male (AMAB) at birth. Primary gender identity was self-reported as man, woman, Indigenous or other culturally specific gender minority identity, or non-binary or similar. We used sex assigned at birth in these analyses due to small group sizes when cross-classifying assigned sex

and current gender. Ethnoracial group was coded as Indigenous if participants self-identified as Indigenous to Canada (e.g., First Nations, Métis, or Inuk), non-Indigenous racialized if they indicated identifying as and/or being perceived or treated as a person of color in Canada (Bauer et al., 2020), or white. For participants aged 25 and above only, residence in a low-income household was determined using Statistics Canada's low-income measure for 2019 (Statistics Canada, 2021). Specifically, we divided the midpoint of the reported past-year household income category by the square root of the number of people supported on that income. We did not calculate this variable for respondents under 25 because of concerns about accuracy of reported household income for individuals who live with their parent(s) or who are students.

Access to Justice Outcomes

Two items from the Intersectional Discrimination Index (Schein & Bauer, 2019) measured anticipated (“I worry about being harassed or stopped by police or security”) and enacted (“Because of who you are, have you ever been unreasonably stopped and questioned, searched, or arrested by police or security?”) police mistreatment based on social identity or position (e.g., gender, race/ethnicity, disability). Anticipated mistreatment was dichotomized as “agree” or “strongly disagree” versus other responses.

A series of questions asked about experiences of violence in the previous 5 years, and subsequent access to justice. Respondents indicated if they had experienced physical violence and/or sexual assault and, if so, whether the violence occurred because they were trans or non-binary. Those who experienced violence for any reason were asked if they had reported it to police and if so, whether the police, crown attorney (prosecutor), or judge treated the violence as a hate crime. Two parallel items measured avoidance of emergency services. Respondents were asked, “In the past 5 years, have you avoided calling 911 when you needed police [emergency medical services]?” Finally, two parallel items measured perceived access to justice in the event of future violence: “If someone physically [sexually] assaulted you, would you trust that the police and courts would treat you fairly?”

Statistical Analysis

Of 2873 survey participants, we excluded from further analysis those who completed the short form survey ($n = 392$), as well as those 14–15 years old (who were not asked questions about sex work; $n = 59$), and those who did not provide data on sex work ($n = 404$) or who were missing data on all outcomes ($n = 6$). Using SAS 9.4 (SAS Institute Inc., Cary, NC, 2019), we calculated full-sample outcome frequencies stratified by sex work experience, and by type of work (street-based, other in-person, online or distance). We

then calculated frequencies cross-stratified by sex work and (separately) sex assigned at birth, ethnoracial group, and household income (among participants aged 25+). Due to the small number who reported violence, we only examined the hate crime variable in the full sample, stratified by sex work. We did not pursue three-way stratification (e.g., by sex work history, assigned sex, and ethnoracial group) due to small group sizes. We used chi-square tests and Fisher's exact tests (where expected cell counts were < 5) to test for statistical significance at $p < 0.05$. In addition to omnibus tests across all groups, we made pairwise comparisons to indicate where significant differences existed amongst intersectional groups.

Because age is often associated with social identities/positions as well as with sex work experience, we estimated age-adjusted predicted probabilities using average marginal effects from logistic regression models in Stata 17 (Stata-Corp, College Station, TX, 2021). The age-adjusted estimates were quite similar to unadjusted frequencies and most proportions differed by less than 1% with a maximum absolute difference of 2.5 percentage points for high-prevalence outcomes (i.e., over 50%). Therefore, we chose primarily descriptive cross-tabulations as a method to explore intra-categorical and inter-categorical complexity, while ensuring clear and usable estimates for sex worker communities and advocates. The Trans PULSE Canada team developed a set of weights to adjust the full-length survey data to the demographics of all participants (short- and full-length versions). Application of these weights in the current analysis also had little impact on estimated frequencies, and thus we present unweighted results.

Results

Sex work experience was relatively common among Trans PULSE Canada participants of all genders. In our analytic sample of 2012 participants, 16.1% indicated ever having done sex work (Table 1); 27.1% of this group had done sex work in the previous year (not shown). Most (66.5% overall) were assigned female at birth and almost half identified primarily as non-binary or a similar identity (48.9%); these proportions were similar for sex workers and other participants. Study participants were relatively young, with a median age of 30 (IQR = 24.5–36.0) among those who had done sex work and 28 among those who had not (IQR = 23.0–36.0). Regarding race/ethnicity, 72.7% of sex workers and 83.3% of non-sex-workers were white. Of participants aged 25 and older, half of sex workers (53.9%) and over one-third of non-sex-workers (36.2%) lived in low-income households.

Overall, trans and non-binary participants reported high levels of violence and limited access to justice. These

Table 1 Demographic characteristics stratified by sex work history

	Total <i>n</i> (%)	Sex work history ^a (<i>n</i> = 280) <i>n</i> (%)	No sex work history (<i>n</i> = 1732) <i>n</i> (%)
Age			
16–19	201 (10.0)	11 (3.9)	190 (11.0)
20–24	448 (22.3)	59 (21.1)	389 (22.5)
25–34	768 (38.2)	123 (43.9)	645 (37.3)
35–49	418 (20.8)	68 (24.3)	350 (20.2)
50+	176 (8.8)	19 (6.8)	157 (9.1)
Median (IQR)	28 (23.0–36.0)	30 (24.5–36.0)	28 (23.0–36.0)
Sex assigned at birth			
Female	1331 (66.5)	177 (64.1)	1154 (66.9)
Male	671 (33.5)	99 (35.9)	572 (33.1)
Gender identity (if had to choose)			
Woman or girl	498 (24.8)	73 (26.3)	425 (24.5)
Man or boy	487 (24.2)	40 (14.4)	447 (25.8)
Indigenous or other cultural gender	43 (2.1)	14 (5.0)	29 (1.7)
Non-binary, genderqueer, similar	982 (48.9)	151 (54.3)	831 (48.0)
Ethnoracial group			
Indigenous	154 (7.7)	41 (14.8)	113 (6.6)
Racialized, non-Indigenous	208 (10.4)	35 (12.6)	173 (10.1)
White	1633 (81.9)	202 (72.7)	1431 (83.3)
Low income household ^b			
Yes	533 (40.2)	114 (55.3)	419 (37.4)
No	793 (59.8)	92 (44.7)	701 (62.6)

^aInclusive of current and former sex workers^bAmong participants aged 25+, using Statistics Canada's Low-Income Measure for 2019**Table 2** Access to justice stratified by sex work history

	Total <i>n</i> (%)	Sex worker ^a (<i>n</i> =280) <i>n</i> (%)	Not a sex worker (<i>n</i> = 1732) <i>n</i> (%)	<i>p</i> value*
Anticipates police harassment because of who they are (<i>n</i> = 1990)	1065 (53.5)	199 (72.1)	866 (50.5)	<.0001
Unreasonable police interaction because of who they are (<i>n</i> = 1985)	386 (19.4)	118 (43.2)	268 (15.7)	<.0001
Incarcerated while living in felt gender, past 5 years (<i>n</i> =2012)	11 (0.6)	3 (1.1)	8 (0.5)	0.189
Physical or sexual violence, past 5 years (<i>n</i> =1992)	639 (32.1)	170 (61.4)	469 (27.4)	<.0001
If experienced violence, reported to police? (<i>n</i> =637)	102 (16.0)	30 (17.8)	72 (15.4)	0.472
If reported violence to police, treated as hate crime? (<i>n</i> = 101)	5 (5.0)	1 (3.3)	4 (5.6)	1
Violence due to being trans or non-binary, past 5 years (<i>n</i> = 1983)	352 (17.8)	113 (41.4)	239 (14.0)	<.0001
Avoided calling 911 for police, past 5 years (<i>n</i> = 1990)				
Yes	452 (22.7)	142 (51.4)	310 (18.1)	
No	449 (22.6)	44 (15.9)	405 (23.6)	
Did not need police	1089 (54.7)	90 (32.6)	999 (58.3)	
Avoided calling 911 for EMS, past 5 years (<i>n</i> = 1988)				
Yes	336 (16.9)	100 (36.2)	236 (13.8)	<.0001
No	577 (29.0)	71 (25.7)	506 (29.6)	
Did not need EMS	1075 (54.1)	105 (38.0)	970 (56.7)	
Trust police to treat fairly for physical assault (<i>n</i> = 1984)	625 (31.5)	30 (10.8)	595 (34.9)	<.0001
Trust police to treat fairly for sexual assault (<i>n</i> = 1985)	365 (18.4)	13 (4.7)	352 (20.6)	<.0001

^aInclusive of current and former sex workers

experiences were substantially worse for sex workers, with large and statistically significant differences by sex work history for most outcomes (Table 2). Specifically, participants who had done sex work were more likely to anticipate (72.1% vs. 50.5%) and experience (43.2% vs. 15.7%) police mistreatment, and to report any physical or sexual violence (61.4% vs. 27.4%) or violence due to being trans or non-binary (41.4% vs. 14.0%) in the previous 5 years (all $p < 0.0001$). However, sex workers who experienced physical or sexual violence were equally unlikely to report any violence to police (17.8% vs. 15.4%, $p = 0.472$). The overall numbers of participants who had been in jail or prison in the previous five years ($n = 11$) or who reported violence and had it treated as a hate crime ($n = 5$) were low and did not vary significantly by sex work history. Sex workers were more likely to have needed police or emergency medical services (EMS) in the previous 5 years, and to have avoided calling 911 for police (51.4% vs. 18.1%) or EMS (36.2% vs. 13.8%) (both $p < 0.0001$). Finally, a minority of respondents trusted that they would be treated fairly by the police or courts if they experienced violence, and this was exacerbated among participants who had done sex work (10.8% vs. 34.9% for physical violence and 4.7% vs. 20.6% for sexual violence, $p < 0.0001$).

Among sex workers, we observed some differences by type of work (Table 3). Street-based sex workers were more likely to have been unreasonably stopped and questioned, searched, or arrested (70.6%) as compared to other in-person workers (35.1%) and remote workers (36.1%) ($p < 0.001$). Street-based workers were also more likely to report experiencing violence because they are trans or non-binary (53.9% vs. 39.1%

of other in-person workers and 28.6% of remote workers, $p = 0.049$).

Disaggregation by sex assigned at birth (Table 4) revealed important differences, particularly amongst sex workers. Both AFAB and AMAB sex workers experienced high levels of violence and limited access to justice as compared to their non-sex-working peers. Among sex workers, AMAB participants were disproportionately impacted by gender-based violence. AMAB sex workers were far more likely than AFAB sex workers to have experienced violence due to being trans or non-binary in the previous five years (57.1% vs. 32.6%, $p < 0.001$). Among non-sex-workers, corresponding proportions were 17.5% and 12.1% ($p = 0.002$). Differences in experiences of violence for any reason were smaller among AMAB versus AFAB sex workers (65.7% vs. 58.1%, $p = 0.216$) and non-sex-workers (24.3% vs. 28.7%, $p = 0.050$). In addition, AMAB sex workers reported more anticipated police mistreatment than AFAB sex workers (80.6% vs. 66.7%, $p = 0.014$) while the gender difference amongst non-sex-workers was small (53.2% vs. 49.1%, $p = 0.115$). Although we stratified by assigned sex due to group sizes, we note that amongst the 177 AFAB sex workers, 68.9% ($n = 122$) self-identified as non-binary, 22.6% ($n = 40$) as men, 6.3% ($n = 11$) as Indigenous or other culturally specific genders, and 2.3% ($n = 4$) as women (results not shown in tables). Amongst 99 AMAB sex workers, 69.4% ($n = 68$) identified as women, 28.6% ($n = 28$) as non-binary, and 2.0% ($n = 2$) as Indigenous genders.

Outcomes in Table 5 are stratified by sex work and ethnoracial group. There were particularly marked inequalities in policing experiences and access to justice for Indigenous

Table 3 Access to justice stratified by type of sex work

	Street-based sex work ($n = 52$) n (%)	Other in-person work ($n = 180$) n (%)	Remote/no direct client contact only ($n = 36$) n (%)	p value*
Anticipates police harassment because of who they are	42 (80.8)	121 (68.4)	26 (72.2)	0.219
Unreasonable police interaction because of who they are	36 (70.6)	61 (35.1)	13 (36.1)	<.0001
Incarcerated while living in felt gender, past 5 years	2 (3.9)	1 (0.6)	0 (0.0)	0.075
Physical or sexual violence, past 5 years	34 (65.4)	107 (60.5)	21 (58.3)	0.76
Violence due to being trans or non-binary, past 5 years	28 (53.9)	68 (39.1)	10 (28.6)	0.049
Avoided calling 911 for police, past 5 years				0.216
Yes	28 (53.9)	89 (50.6)	18 (50.0)	
No	13 (25.0)	27 (15.3)	4 (11.1)	
Did not need police	11 (21.2)	60 (34.1)	14 (38.9)	
Avoided calling 911 for EMS, past 5 years				0.315
Yes	23 (44.2)	65 (36.9)	10 (27.8)	
No	15 (28.9)	40 (22.7)	11 (30.6)	
Did not need EMS	14 (26.9)	71 (40.3)	15 (41.7)	
Trust police to treat fairly for physical assault	3 (5.8)	26 (14.7)	1 (2.8)	0.045
Trust police to treat fairly for sexual assault	2 (3.9)	11 (6.3)	0 (0.0)	0.316

Table 4 Access to justice stratified by sex work history and sex assigned at birth

	AFAB ^a sex workers (n = 177) n (%)	AMAB ^b sex workers (n = 99) n (%)	AFAB non-sex workers (n = 1154) n (%)	AMAB non-sex workers (n = 572) n (%)	p value
Anticipates police harassment because of who they are	116 (66.7)	79 (80.6)	560 (49.1)	302 (53.2)	<0.001
Unreasonable police interaction because of who they are	71 (41.3)	45 (45.9)	181 (15.9)	86 (15.1)	<0.001
Physical or sexual violence, past 5 years	101 (58.1)	65 (65.7)	327 (28.7)	138 (24.3)	<0.001
If experienced violence, reported to police?	20 (20.0)	10 (15.4)	50 (15.3)	20 (14.5)	0.67
Violence due to being trans or non-binary, past 5 years	56 (32.6)	56 (57.1)	137 (12.1)	99 (17.5)	<0.001
Avoided calling 911 for police, past 5 years					<0.001
Yes	83 (48.0)	56 (56.6)	213 (18.7)	95 (16.8)	
No	27 (15.6)	17 (17.2)	249 (21.8)	154 (27.2)	
Did not need police	63 (36.4)	26 (26.3)	679 (59.5)	318 (56.1)	
Avoided calling 911 for EMS, past 5 years					<0.001
Yes	66 (38.2)	32 (32.3)	176 (15.4)	57 (10.1)	
No	38 (22.0)	31 (31.3)	317 (27.8)	188 (33.2)	
Did not need EMS	69 (39.9)	36 (36.4)	647 (56.8)	321 (56.7)	
Trust police to treat fairly for physical assault	16 (9.2)	14 (14.1)	369 (32.5)	226 (40.0)	<0.001
Trust police to treat fairly for sexual assault	6 (3.5)	7 (7.1)	192 (16.9)	160 (28.3)	<0.001

^aAssigned female at birth, including participants who identified as (trans) men, non-binary or similar, or Indigenous or other cultural gender minority identity

^bAssigned male at birth, including participants who identified as (trans) women, non-binary or similar, or Indigenous or other cultural gender minority identity

and racialized trans and non-binary sex workers as compared to their white peers. This was also true of Indigenous and racialized participants who were not sex workers. In contrast, there were no significant ethnoracial differences in experiences of violence among sex workers while Indigenous and racialized non-sex-workers experienced higher levels of physical or sexual violence than did their white peers ($p < 0.001$ for Indigenous and $p = 0.012$ for racialized non-sex-workers). In most cases, sex workers experienced levels of violence that were about twice as high as their non-sex-working peers in each ethnoracial category. Among individuals who experienced physical or sexual violence, there were no significant differences across ethnoracial and sex work groups in reporting any violence to police (all $p > 0.10$). Non-Indigenous racialized participants identified with a range of ethnoracial groups including Black African (20.0% of racialized sex workers and 5.2% of racialized non-sex-workers), Black Caribbean (8.6% and 6.4%), Black Canadian or American (11.4% and 4.6%), East Asian (14.3% and 33.0%), Indo-Caribbean (11.4% and 2.9%), Latin American (11.4% and 12.1%), Middle Eastern (17.1% and 9.8%), South Asian (20.0% and 17.3%), and/or Southeast Asian (11.4% and 11.6%) (not shown in tables).

Among both sex workers and non-sex-workers, Indigenous and racialized participants anticipated and experienced more police mistreatment than their white peers ($p < 0.02$ for all comparisons). Most notably, the vast majority of

Indigenous and racialized sex workers anticipated police harassment (95.0% and 87.9%) and almost none anticipated fair treatment in cases of violence (0 to 5.9%). In addition, racialized sex workers were more likely to have avoided calling 911 for police (76.5% vs. 45.0%, $p < 0.001$) than their white peers. The same pattern was found among Indigenous non-sex-workers as compared to white non-sex-workers (30.6% vs. 16.7% for police and 26.1% vs. 12.4% for EMS, both $p < 0.001$).

Finally, among participants aged 25+, differences based on household low-income at the time of the survey were generally small (Table 6). Among non-sex-workers, low-income participants were significantly more likely to anticipate police harassment, experience any violence, avoid calling 911 for police or EMS, and not to trust in fair treatment in cases of violence.

Discussion

These findings demonstrate that violence, police mistreatment, and barriers to justice persist for both trans and non-binary sex workers and non-sex workers in Canada despite formal legal protections on the bases of gender identity and expression. The results for trans and non-binary people overall point to the limited ability of anti-discrimination laws to challenge intersecting systemic oppressions that impact trans

Table 5 Access to justice stratified by sex work history and ethnoracial group

	Indigenous sex workers (n=41) n (%)	Racialized ^a sex workers (n=35) n (%)	White sex workers (n=202) n (%)	Indigenous non-sex workers (n=113) n (%)	Racialized non-sex workers (n=173) n (%)	White non-sex workers (n=1431) n (%)	p value
Anticipates police harassment because of who they are	38 (95.0)	29 (87.9)	130 (64.7)	75 (67.6)	116 (68.2)	668 (47.1)	<0.001
Unreasonable police interaction because of who they are	23 (57.5)	19 (59.4)	74 (37.2)	29 (26.1)	42 (25.2)	194 (13.7)	<0.001
Physical or sexual violence, past 5 years	25 (62.5)	24 (70.6)	119 (59.2)	48 (43.2)	58 (34.1)	357 (25.2)	<0.001
If experienced violence, reported to police?	7 (28.0)	3 (12.5)	20 (17.0)	10 (20.8)	10 (17.5)	51 (14.3)	0.457
Violence due to being trans or non-binary, past 5 years	17 (42.5)	15 (45.5)	80 (40.4)	22 (19.8)	31 (18.3)	182 (12.9)	<0.001
Avoided calling 911 for police, past 5 years							<0.001
Yes	24 (60.0)	26 (76.5)	90 (45.0)	34 (30.6)	37 (21.8)	237 (16.7)	
No	4 (10.0)	3 (8.8)	37 (18.5)	22 (19.8)	40 (23.5)	338 (23.8)	
Did not need police	12 (30.0)	5 (14.7)	73 (36.5)	55 (49.6)	93 (54.7)	843 (59.5)	
Avoided calling 911 for EMS, past 5 years							<0.001
Yes	15 (38.5)	17 (50.0)	68 (33.8)	29 (26.1)	27 (16.0)	178 (12.6)	
No	10 (25.6)	7 (20.6)	53 (26.4)	30 (27.0)	41 (24.3)	431 (30.4)	
Did not need EMS	14 (35.9)	10 (29.4)	80 (39.8)	52 (46.9)	101 (59.8)	808 (57.0)	
Trust police to treat fairly for physical assault	2 (5.0)	2 (5.9)	26 (12.9)	23 (20.7)	38 (22.5)	532 (37.7)	<0.001
Trust police to treat fairly for sexual assault	1 (2.6)	0 (0.0)	12 (6.0)	16 (14.4)	24 (14.2)	310 (21.9)	<0.001

^aRacialized participants were non-Indigenous participants of color

and non-binary people's daily lives (Ashley, 2018). In addition, it can be difficult to realize access to legal protections due to bureaucracy, cost, and discomfort seeking remedy from a colonial legal system that has been hostile to Indigenous and racialized populations (Ashley, 2018).

Nevertheless, the large inequalities we found amongst trans and non-binary people based on sex work experience indicate that the legal and social context for sex workers in Canada under "end-demand" sex work criminalization creates harm above and beyond the impacts of anti-trans stigma and violence. Further, these harms are most profound for Indigenous, racialized, and transfeminine trans and non-binary sex workers. We observed a gradient with reduced access to justice for Indigenous and racialized participants regardless of sex work history, but Indigenous and racialized

sex workers had the least perceived access to justice. Notably, of 76 Indigenous or racialized sex workers, only one expected fair treatment from the police and courts were they to be sexually assaulted.

Trans and non-binary sex workers, in comparison with non-sex workers, had a greater need for police or emergency services while simultaneously experiencing impaired access to them, reflected in avoidance of calling 911 and limited reporting of violence to police. Reporting violence to police was rare overall (16%) and we did not observe significant between-group differences in reporting to police. This reflects reporting *any* violence to police, and thus does not account for exposure to multiple acts of violence, which would be more common among sex workers and multiply marginalized sex workers.

Table 6 Access to justice stratified by sex work history and income^a, among participants aged 25 +

	Low-income sex workers (n=111)	Not-low-income sex workers (n=95)	Low-income non-sex workers (n=405)	Not-low-income non-sex workers (n=715)	p value
	n (%)	n (%)	n (%)	n (%)	
Anticipates police harassment because of who they are	82 (72.6)	63 (69.2)	227 (54.4)	327 (47.3)	<0.001
Unreasonable police interaction because of who they are	56 (50.0)	40 (44.9)	84 (20.1)	114 (16.5)	<0.001
Physical or sexual violence, past 5 years	70 (62.0)	48 (52.8)	130 (31.2)	153 (22.1)	<0.001
If experienced violence, reported to police?	13 (18.8)	12 (25.0)	24 (18.5)	30 (19.7)	0.8
Violence due to being trans or non-binary, past 5 years	57 (50.4)	33 (37.1)	67 (16.1)	84 (12.2)	<0.001
Avoided calling 911 for police, past 5 years					
Yes	59 (52.7)	44 (48.4)	95 (22.8)	120 (17.3)	<0.001
No	23 (20.5)	14 (15.4)	97 (23.3)	187 (27.0)	
Did not need police	30 (26.8)	33 (36.3)	225 (54.0)	386 (55.7)	
Avoided calling 911 for EMS, past 5 years					<0.001
Yes	39 (34.8)	27 (29.7)	68 (16.3)	78 (11.3)	
No	34 (30.4)	22 (24.2)	134 (32.1)	231 (33.4)	
Did not need EMS	39 (34.8)	42 (46.2)	215 (51.6)	383 (55.4)	
Trust police to treat fairly for physical assault	13 (11.5)	13 (14.3)	110 (26.5)	272 (39.5)	<0.001
Trust police to treat fairly for sexual assault	5 (4.5)	7 (7.8)	69 (16.6)	161 (23.3)	<0.001

^aLow-income household defined based on Statistics Canada's Low-Income threshold for 2019

Our findings also highlight structural vulnerabilities for trans and non-binary street-based sex workers, for whom communicating with potential clients in advance provides an opportunity to screen out transphobic clients and mitigates the risks they face on the streets. Prohibitions within PCEPA, while potentially compromising safety for all street-based sex workers, differentially affect those who may be targeted by clients in hate-based violence. We found that street-based sex workers were more likely than those working in other contexts to report violence because of being trans or non-binary. Street-based sex workers were also the group most likely to report unreasonable interactions with police, and along with those doing remote work, only very rarely trusted in police fairness in cases of assault. This low level of trust in police may not only result from negative sex work experiences (for oneself or within the community) but may also contribute to the choice to do one form of sex work over another (e.g., remote work).

Strengths and Limitations

To our knowledge, our study is the first quantitative study specifically on trans and non-binary sex workers in Canada. Strengths include an intersectional approach to survey design and analysis, which produced questionnaire items on access to justice that were tailored to the intersection of trans or non-binary experience and sex work. It is important

that about half of our sample identified as non-binary and a majority was assigned female at birth, as the experiences of these groups of trans and non-binary sex workers have generally been overlooked (Jones, 2020). Our study, of course, has limitations. These include non-random sampling, so results may not represent all trans and non-binary people in Canada. Moreover, the study offered a short version for participants who were unable or unwilling to complete a long survey. Short-form participants were not included in the current analysis, as items on access to justice were not in the short-form survey. Current sex workers were more likely than those who were not sex workers to choose the short form, wherein past-year sex work was reported by 14% of respondents (54/392) versus 3% in the full-length version (76/2,481). However, a sensitivity analysis weighting the sample to represent the full range of participants (full and short survey) did not change the results of our analysis in direction or magnitude. Temporality is always a concern in cross-sectional data. In this analysis, experiences may have come before or after sex work experiences, though negative impacts on access to justice are likely to persist even after stopping sex work. We found few differences by household poverty. This may reflect that household income was only measured over the previous year; it is also possible that extreme poverty is more salient than household low-income using Statistics Canada's measure. Finally, some statistically significant differences may be due to chance alone.

Conclusion

Taken together, our findings challenge the argument that sex workers' safety and access to justice are improved under "end-demand" criminalization (via PCEPA) in Canada and underscore the limited impact of formal legal protections on safety and access to justice for trans and non-binary people overall. Moreover, issues in access to justice and emergency services were sometimes highly unequal within the larger group of trans and non-binary sex workers. This highlights the unequal distribution of risk due to racism, colonialism, and structural vulnerabilities imposed on street-based work under PCEPA. Building on these findings, future research using qualitative, mixed-methods, and intersectional approaches with trans and non-binary sex workers in Canada could examine strategies for navigating safety in work and personal contexts, accessing emergency services and criminal legal systems, and responding to violence outside formal supports.

These findings have clear implications for policies and programs to protect the safety of trans and non-binary people and sex workers. Social as well as legal change is needed to reduce exposure to violence among all trans and non-binary sex workers, and to realize access to justice when violence does occur. Trans and non-binary people require access to violence prevention and response services that are sex worker-friendly, anti-racist, and do not require engagement with police or the criminal legal system. Service providers working with trans and non-binary communities should be proactive in identifying and addressing service needs related to experiences of violence, including providing supports to those who do wish to report violence to police. Finally, these findings support calls for the repeal of PCEPA. Although not a panacea in the context of ongoing stigma and discrimination, full decriminalization of sex work as implemented in New Zealand has been shown to reduce barriers to justice for sex workers, including trans workers (Armstrong, 2021; Gilmour, 2020).

Funding Trans PULSE Canada was funded by the Canadian Institutes of Health Research (CIHR; PJT-159690).

Availability of Data and Material As per the study's Research Ethics Board protocol and participant consent, data are only available to members of the Trans PULSE Canada Data Analysis Working Group.

Code Availability The corresponding author can be contacted with requests for statistical code.

Declarations

Conflict of Interest The authors declare no competing interests.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing,

adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Argento, E., Goldenberg, S., Braschel, M., Machat, S., Strathdee, S. A., & Shannon, K. (2020). The impact of end-demand legislation on sex workers' access to health and sex worker-led services: A community-based prospective cohort study in Canada. *PLoS ONE*, *15*(4), e0225783. <https://doi.org/10.1371/journal.pone.0225783>
- Armstrong, L. (2021). 'I can lead the life that I want to lead': Social harm, human needs and the decriminalisation of sex work in Aotearoa/New Zealand. *Sexuality Research and Social Policy*, *18*, 941–951. <https://doi.org/10.1007/s13178-021-00605-7>
- Ashley, F. (2018). Don't be so hateful: The insufficiency of anti-discrimination and hate crime laws in improving trans well-being. *University of Toronto Law Journal*, *68*(1), 1–36.
- Bauer, G. R., Churchill, S. M., Mahendran, M., Walwyn, C., Lizotte, D., & Villa-Rueda, A. A. (2021). Intersectionality in quantitative research: A systematic review of its emergence and applications of theory and methods. *SSM - Population Health*, *14*, 100798. <https://doi.org/10.1016/j.ssmph.2021.100798>
- Bauer, G. R., Mahendran, M., Braimoh, J., Alam, S., Churchill, S. (2020). Identifying visible minorities or racialized persons on surveys: can we just ask?. *Can J Public Health*, *111*, 371–382. <https://doi.org/10.17269/s41997-020-00325-2>
- Bauer, G. R., Travers, R., Scanlon, K., & Coleman, T. A. (2012). High heterogeneity of HIV-related sexual risk among transgender people in Ontario, Canada: A province-wide respondent-driven sampling survey. *BMC Public Health*, *12*, 292. <https://doi.org/10.1186/1471-2458-12-292>
- Benoit, C., Smith, M., Jansson, M., Healey, P., & Magnuson, D. (2019). "The prostitution problem": Claims, evidence, and policy outcomes. *Archives of Sexual Behavior*, *48*(7), 1905–1923. <https://doi.org/10.1007/s10508-018-1276-6>
- Bowleg, L. (2012). The problem with the phrase women and minorities: Intersectionality—an important theoretical framework for public health. *American Journal of Public Health*, *102*(7), 1267–1273. <https://doi.org/10.2105/AJPH.2012.300750>
- Bruckert, C., & Hannem, S. (2013). Rethinking the prostitution debates: Transcending structural stigma in systemic responses to sex work. *Canadian Journal of Law and Society*, *28*(1), 43–63. <https://doi.org/10.1017/cls.2012.2>
- Buist, C. L., & Stone, C. (2014). Transgender victims and offenders: Failures of the United States criminal justice system and the necessity of queer criminology. *Critical Criminology*, *22*, 35–47. <https://doi.org/10.1007/s10612-013-9224-1>
- Carpenter, L., & Marshall, R. B. (2018). Walking while trans: Profiling of transgender women by law enforcement, and the problem of proof. *William & Mary Journal of Women and the Law*, *24*(1).
- Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. *Signs*, *38*(4), 785–810. <https://doi.org/10.1086/669608>
- Collins, P. H. (1990). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. Taylor & Francis Group.

- Crago, A. L., Bruckert, C., Braschel, M., & Shannon, K. (2021). Sex workers' access to police assistance in safety emergencies and means of escape from situations of violence and confinement under an "end demand" criminalization model: A five city study in Canada. *Social Sciences*, *10*(13). <https://doi.org/10.3390/socsci10010013>
- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, *1989*, 139–168.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, *43*, 61.
- Department of Justice Canada. (2018). Fact Sheet—Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act. Retrieved April 20, 2022, from https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi
- Evens, E., Lanham, M., Santi, K., Cooke, J., Ridgeway, K., Morales, G., Parker, C., Brennan, C., de Bruin, M., Desrosiers, P. C., Diaz, X., Drago, M., McLean, R., Mendizabal, M., Davis, D., Hershov, R. B., & Dayton, R. (2019). Experiences of gender-based violence among female sex workers, men who have sex with men, and transgender women in Latin America and the Caribbean: A qualitative study to inform HIV programming. *BMC International Health and Human Rights*, *19*(1), 9. <https://doi.org/10.1186/s12914-019-0187-5>
- Fitzgerald, E., Patterson, S. E., Hickey, D., Biko, C., & Tobin, H. J. (2015). Meaningful work: Transgender experiences in the sex trade. Washington, DC: National Center for Transgender Equality. Retrieved April 20, 2022, from https://www.transexuality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf
- Gilmour, F. (2020). The Impacts of decriminalisation for trans sex workers. In L. Armstrong & G. Abel (Eds.), *Sex Work and the New Zealand Model: Decriminalisation and social change* (89–112). Bristol University Press. <https://doi.org/10.46692/9781529205770.006>
- Government of Canada. (2022). Protection of Communities and Exploited Persons Act (2014). Retrieved April 20, 2022, from https://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html
- Graham, L. F. (2014). Navigating community institutions: Black transgender women's experiences in schools, the criminal justice system, and churches. *Sexuality Research and Social Policy*, *11*, 274–287. <https://doi.org/10.1007/s13178-014-0144-y>
- Hancock, A. M. (2016). *Intersectionality: An intellectual history*. Oxford University Press.
- Harcourt, C., van Beek, I., Heslop, J., McMahon, M., & Donovan, B. (2001). The health and welfare needs of female and transgender street sex workers in New South Wales. *Australian and New Zealand Journal of Public Health*, *25*(1), 84–89. <https://doi.org/10.1111/j.1467-842x.2001.tb00556.x>
- James, J., Bauer, G., Peck, R., Brennan, D., Nussbaum, N. (2018). Legal Problems Facing Trans People in Ontario. Retrieved April 20, 2022, from <https://www.rainbowhealthontario.ca/wp-content/uploads/2018/09/TransFJ-Report2018Sept-EN.pdf>
- James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Retrieved April 20, 2022, from <https://transexuality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>
- Jones, A. (2020). Where the trans men and enbies at?: Cissexism, sexual threat, and the study of sex work. *Sociology Compass*, *14*(2), 284–315.
- Krüsi, A., Kerr, T., Taylor, C., Rhodes, T., & Shannon, K. (2016). "They won't change it back in their heads that we're trash": The intersection of sex work-related stigma and evolving policing strategies. *Sociology of Health & Illness*, *38*(7), 1137–1150. <https://doi.org/10.1111/1467-9566.12436>
- Lam, E., & Lepp, A. (2019). Butterfly: Resisting the harms of anti-trafficking policies and fostering peer-based organising in Canada. *Anti-Trafficking Review*, *12*, 91–107. <https://doi.org/10.14197/atr.201219126>
- Landsberg, A., Shannon, K., Krüsi, A., DeBeck, K., Milloy, M. J., Nosova, E., Kerr, T., & Hayashi, K. (2017). Criminalizing sex work clients and rushed negotiations among sex workers who use drugs in a Canadian setting. *Journal of Urban Health*, *94*, 563–571. <https://doi.org/10.1007/s11524-017-0155-0>
- Lazarus, L., Deering, K., Nabess, R., Gibson, K., Tyndall, M., & Shannon, K. (2012). Occupational stigma as a primary barrier to health care for street-based sex workers in Canada. *Culture, Health & Sexuality*, *14*(1/2), 139–150. <https://doi.org/10.1080/13691058.2011.628411>
- Longman Marcellin, R., Bauer, G., & Scheim, A. (2013). Intersecting impacts of transphobia and racism on HIV risk among trans persons of colour in Ontario. *Canada, Ethnicity and Inequalities in Health and Social Care*, *6*(4), 97–107. <https://doi.org/10.1108/EIHC-09-2013-0017>
- Lyons, T., Krüsi, A., Pierre, L., Kerr, T., Small, W., & Shannon, K. (2017). Negotiating violence in the context of transphobia and criminalization: The experiences of trans sex workers in Vancouver. *Canada. Qualitative Health Research*, *27*(2), 182–190. <https://doi.org/10.1177/1049732315613311>
- Machat, S., Shannon, K., Braschel, M., Moreheart, S., & Goldenberg, S. M. (2019). Sex workers' experiences and occupational conditions post-implementation of end-demand criminalization in Metro Vancouver, Canada. *Canadian Journal of Public Health*, *110*(5), 575–583. <https://doi.org/10.17269/s41997-019-00226-z>
- McBride, B., Shannon, K., Bingham, B., Braschel, M., Strathdee, S., & Goldenberg, S. M. (2020). Underreporting of violence to police among women sex workers in Canada: Amplified inequities for im/migrant and in-call workers prior to and following end-demand legislation. *Health and Human Rights*, *22*(2), 257–270.
- McCall, L. (2005). The complexity of intersectionality. *Signs*, *30*(3), 1771–1800. <https://doi.org/10.1086/426800>
- Nichols, A. (2010). Dance Ponnaya, Dance! Police abuses against transgender sex workers in Sri Lanka. *Feminist Criminology*, *5*(2), 195–222. <https://doi.org/10.1177/1557085110366226>
- Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S. G., Sanders, T., Mwangi, P., & Crago, A. L. (2018). Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS Medicine*, *15*(12), e1002680. <https://doi.org/10.1371/journal.pmed.1002680>
- Poteat, T., Wirtz, A. L., Radix, A., Borquez, A., Silva-Santisteban, A., Deutsch, M. B., Khan, S. I., Winter, S., & Operario, D. (2015). HIV risk and preventative interventions in transgender women sex workers. *The Lancet*, *385*(9964), 274–286. [https://doi.org/10.1016/S0140-6736\(14\)60833-3](https://doi.org/10.1016/S0140-6736(14)60833-3)
- SAS Institute Inc. (2019). SAS v9.4. Cary, NC.
- Sausa, L. A., Keatley, J., & Operario, D. (2007). Perceived risks and benefits of sex work among transgender women of color in San Francisco. *Archives of Sexual Behavior*, *36*(6), 768–777. <https://doi.org/10.1007/s10508-007-9210-3>
- Scheim, A. I., & Bauer, G. R. (2019). The Intersectional Discrimination Index: Development and validation of measures of self-reported enacted and anticipated discrimination for intercategory analysis. *Social Science & Medicine*, *226*, 225–235. <https://doi.org/10.1016/j.socscimed.2018.12.016>
- Scheim, A. I., Coleman, T., Lachowsky, N., & Bauer, G. R. (2021). Health care access among transgender and nonbinary people in Canada, 2019: A cross-sectional survey. *CMAJ Open*, *9*(4), E1213–E1222. <https://doi.org/10.9778/cmajo.20210061>
- Stardust, Z., Treloar, C., Cama, E., & Kim, J. (2021). 'I wouldn't call the cops if I was being bashed to death': Sex work, whore stigma

- and the criminal legal system. *International Journal for Crime, Justice and Social Democracy*, 10(3), 142–157.
- Statistics Canada. (2021). Table 11–10–0232–01 Low income measure (LIM) thresholds by income source and household size. <https://doi.org/10.25318/1110023201-eng>
- Stenersen, M. R., Thomas, K., & McKee, S. (2022). Police and transgender and gender diverse people in the United States: A brief note on interaction, harassment, and violence. *Journal of Interpersonal Violence*, 8862605211072161. Advance online publication. <https://doi.org/10.1177/08862605211072161>
- Stotzer, R. L. (2009). Violence against transgender people: A review of United States data. *Aggression and Violent Behavior*, 14(3), 170–179. <https://doi.org/10.1016/j.avb.2009.01.006>
- Supreme Court of Canada. (2013). Canada (Attorney General) v. Bedford. Retrieved from <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>.
- The Canadian Press. (2014, September 9). Justice minister insists new prostitution bill will protect sex workers. *Maclean's*. Retrieved April 20, 2022, from <https://www.macleans.ca/news/canada/justice-minister-insists-new-prostitution-bill-will-protect-sex-workers/>
- Wirtz, A. L., Poteat, T. C., Malik, M., & Glass, N. (2020). Gender-based violence against transgender people in the United States: A call for research and programming. *Trauma, Violence & Abuse*, 21(2), 227–241. <https://doi.org/10.1177/1524838018757749>

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.