

## When Sex is Work Organizing for Labour Rights and Protections

Emily van der Meulen

Volume 69, Spring 2012

URI: <https://id.erudit.org/iderudit/1011332ar>

[See table of contents](#)

Publisher(s)

Canadian Committee on Labour History

ISSN

0700-3862 (print)

1911-4842 (digital)

[Explore this journal](#)

### Article abstract

Research on sex work has documented the harmful effects of criminalization on sex workers' safety. Despite this body of research, the effects of criminalization on the organization of labour within the sex industry and sex workers' suggestions for labour improvements have been largely ignored. In part, this is due to the mostly hypothetical nature of sex work labour organizing, as many common work-related activities are illegal. When one cannot work from a fixed location, have a manager or employer, or communicate about the terms and conditions of services, focusing on labour improvements can become secondary to protecting oneself from criminal charges. However, the 2010 Ontario Superior Court ruling to decriminalize aspects of prostitution opens the door for a more nuanced analysis of sex work as a form of labour and for the development of diverse labour organizing strategies. This article presents narratives from a qualitative study with ten current and former sex workers and two allies. It begins by highlighting interviewees' arguments in favour of a "sex is work" paradigm before presenting their suggestions for workplace improvements and ideas about effective labour organizing efforts.

### Cite this article

van der Meulen, E. (2012). When Sex is Work: Organizing for Labour Rights and Protections. *Labour / Le Travail*, 69, 147–168.

## ARTICLE

# When Sex is Work: Organizing for Labour Rights and Protections

**Emily van der Meulen**

RESEARCH ON SEX WORK IN CANADA tends to analyse the ways in which the *Canadian Criminal Code* contributes to stigma, discrimination, and violence toward sex workers.<sup>1</sup> The negative implications of criminalization have been well documented in sexuality studies, women's studies, policy studies, and criminal justice studies research, not to mention by the courts themselves. In September 2010, a pronouncement by the Ontario Superior Court of Justice<sup>2</sup> ruled that the sections of the *Criminal Code* which seek to prohibit aspects of prostitution are not congruent with the principles of justice as protected by the *Charter of Rights and Freedoms*.<sup>3</sup> In effect, the ruling supported the decriminalization of many common work-related activities, for example:

1. John Lowman, "Prostitution Law Reform in Canada," Institute of Comparative Law in Japan, ed., *Toward Comparative Law in the 21st Century* (Tokyo 1998), 919–946; Shari Allinott, Judith Boer, Naomi Brunemeyer, Rielle Capler, DJ, Cristen Gleeson, Kerry Jacox, Kat Kinch, Carol Liao, Karen Mirsky, Katrina Pacey, Laurie Pelletier, Julie Shugarman, Elin Sigurdson, Ondine Snowdon, Kim Walton, Lisa Weich, and Debra Woelke, *Voices for Dignity: Call to End the Harms Caused by Canada's Sex Trade Laws* (Vancouver 2004); Jacqueline Lewis, Eleanor Maticka-Tyndale, Francis Shaver, and Heather Schramm, "Managing Risk and Safety on the Job: The Experiences of Canadian Sex Workers," *Contemporary Research on Sex Work*, 17 (July 2005), 147–167; Glenn Betteridge, *Sex, Work, Rights: Reforming Canadian Criminal Laws on Prostitution* (Toronto 2005); Leslie Ann Jeffrey and Gayle MacDonald, *Sex Workers in the Maritimes Talk Back* (Vancouver 2006); Emily van der Meulen, "Illegal Lives, Loves, and Work: How the Criminalization of Procuring Affects Sex Workers in Canada," *Wagadu: A Journal of Transnational Women's and Gender Studies*, 8 (Jan 2011), 217–240.

2. Commonly referred to as the Himel Decision, for Justice Susan Himel who heard the case, or the Bedford Decision, for Terri Jean Bedford who was one of the applicants.

3. *Bedford v. Canada* [2010] ONSC 4264.

working from a fixed location, including one's own home; hiring a driver or a bodyguard; and communicating in public for the purposes of engaging a client for services. The federal government appealed, and in March 2012 the Ontario Court of Appeal released its decision which again supported partial decriminalization.<sup>4</sup> The section of the decision regarding bawdy-houses includes a twelve month stay, which gives policy makers, politicians, sex workers, and labour organizers a limited amount of time to make recommendations and decisions about how to best regulate and organize indoor sex work.

While it is well documented that the criminalization of sex work increases harm and violence, the specific effects of criminalization on the organization of labour within the sex industry is considerably less documented.<sup>5</sup> As Becki Ross argues, "sex-free labour studies alongside work-free sexuality studies within Canadian social history has meant that the rich registers of 'sexuality' and 'labour' have rarely been placed systematically in relation to, and in tension with, one another."<sup>6</sup> As such, this article broadens the scope of analysis related to sex work and criminalization by looking at its labour-related consequences.

The arguments presented below have been supported and augmented by the results of other research on sex work,<sup>7</sup> but have been derived primarily from a study with twelve sex worker rights advocates in Toronto, Canada.<sup>8</sup> This qualitative and action-oriented study was designed and implemented with an eye to moving from research on sex workers to research with sex workers.<sup>9</sup> Each

4. The Ontario Court of Appeal agreed with the lower court's decision that the provisions against bawdy-houses and "living on the avails" of prostitution were unconstitutional. Where it differed from the Ontario Superior Court was in the area of communication in public for engaging in prostitution, which it deemed not a violation of sex workers' *Charter* rights. See: *Canada (Attorney General) v. Bedford* [2012] ONCA 186 at para 325-329.

5. Becki L. Ross, "Bumping and Grinding On the Line: Making Nudity Pay," *Labour/Le Travail*, 46 (Fall 2000), 221-50; Chris Bruckert, Colette Parent, and Pascale Robitaille, *Erotic Service/Erotic Dance Establishments: Two Types of Marginalized Labour* (Ottawa 2003); Mary Childs, Sarah Ciarrocchi, Cristen Gleeson, John Lowman, Katrina Pacey, Francois Paradis, Danica Piche, Emily Rix, Elaine Ryan, Elin Sigurdson, Krista Sigurdson, Laura Track, Maia Tsurumi, Megan Vis-Dunbar, and Lisa Weich, *Beyond Decriminalization: Sex Work, Human Rights and A New Framework for Law Reform* (Vancouver 2006).

6. Ross, "Bumping and Grinding On the Line," 224.

7. Childs et al., *Beyond Decriminalization*; Bruckert et al., *Erotic Service/Erotic Dance Establishments*; Chris Bruckert and Colette Parent, "Criminalized Women Workers: The In-Call Sex Industry: Reflections on Classed and Gendered Labour in the Margins," in Gillian Balfour and Elizabeth Comack, eds., *Criminalizing Women: Gender and (In)justice in Neo-Liberal Times* (Toronto 2006), 95-112.

8. The study received ethical approval from the York University Research Ethics Board.

9. For further methodological detail, including information about the action-oriented approach, ethical considerations, narrative analysis, and the research outcomes, see Emily van der Meulen, "Action Research with Sex Workers: Dismantling Barriers and Building Bridges," *Action Research*, 9/4 (2011), 370-384; Emily van der Meulen, "Sex Work and Canadian Policy:

participant had experience in sex work advocacy, community development, and/or labour organizing and all were past or present members of Canada's oldest sex worker-run organization, Maggie's: The Toronto Sex Workers Action Project. Of the twelve interviewees, nine self-identified as women, one as male, and two gave no response; seven self-identified as white/Caucasian, three as Black/Afro-Caribbean, one as Latina, and one no response; eight were current sex workers, two were former sex workers, and two were allies; the average age of entry into sex work was twenty years old; and the average number of years working in the sex industry was thirteen. Each of the current and former sex workers had worked in a variety of sex industry establishments and sectors, including street-based sex work, erotic dance venues, massage parlours, independent escorting, and more. Their diversity of labour experiences and many years working meant that interviewees were highly knowledgeable about the organization of labour within the sex industry and about the ways in which it can be improved.

The interview sample represented a small and targeted case study of sex workers and allies involved with advocacy and labour organizing. Given the diversity and heterogeneity of the sex industry, it is nearly impossible to achieve a representative sample of all sex workers.<sup>10</sup> Thus, this targeted focus allowed for those already involved in advocacy efforts to reflect on the work they had been doing and discuss ways to improve their labour situations. Interviews were semi-structured and asked participants to discuss their ideal sex industry workplaces and to make recommendations that could be implemented both pre- and post-decriminalization.

Many of the recommended changes were either contingent on or included formal and informal labour organizing strategies. First and foremost, however, interviewees identified the importance of conceptualizing sex work, in all of its diverse forms and labour arrangements,<sup>11</sup> from a labour-orientation and rights-based framework. Therefore, the article will begin by highlighting sex workers' and allies' arguments that sex is indeed work. The article will then present interview narratives through two thematic areas: (1) "Changes Within

---

Recommendations for Labor Legitimacy and Social Change," *Sexuality Research and Social Policy*, 8/4 (December 2011), 348–358; Emily van der Meulen, "Participatory and Action-Oriented Dissertations: The Challenges and Importance of Community-Engaged Graduate Research," *The Qualitative Report* 16/5 (2011), 1291–1303.

10. Cecilia Benoit, Mikael Jansson, Alison Millar, and Rachel Philips, "Community-Academic Research on Hard-to-Reach Populations: Benefits and Challenges," *Qualitative Health Research*, 15/2 (2005), 263–282; Francis M. Shaver, "Sex Work Research: Methodological and Ethical Challenges," *Journal of Interpersonal Violence*, 20/3 (2005), 296–319.

11. This article, in solidarity with the Canadian and international sex worker's rights movements, understands sex work to encompass a broad range of jobs that fall within the complex and diverse sex industry. For example, sex work can refer to escorting, erotic massage, dance/stripping, street-based sex work, phone sex, and working in dungeons and peep shows, as well as any number of sexual jobs on the Internet, including operating erotic webcam businesses and pornographic websites.

Individual Workplaces” and (2) “Diverse Strategies for Labour Organizing.” The first thematic area, focusing on workplace changes, includes such recommendations as developing employment contracts, being able to access workers’ compensation, implementing anti-discrimination policies, receiving payment for all services provided, increasing cleanliness, and eradicating customary pay-outs. Owing to the diversity of establishments and work arrangements, the sex workers and allies interviewed tended to narrow their responses to workplaces that are already regulated through municipal bylaws and have employment structures that more closely mimic typical employer-employee relationships. As such, their recommendations for change focused primarily on massage parlours and erotic dance venues. The second thematic area, which highlights sex workers’ strategies for labour organizing, includes suggestions for multi-level and multi-pronged labour organizing approaches in addition to small-scale and informal grassroots initiatives, sectoral and professional associations, and formal unionization.

## When Sex is Work

WHILE SEX WORK RESEARCHERS<sup>12</sup> and the international sex workers’ rights movement<sup>13</sup> have been vocal in their conceptualization that sex work is a type of labour, this understanding has not fully permeated popular and mainstream discourse. Instead, the position that sex work is inherently risky and exploitative has tended to dominate much public<sup>14</sup> and policy debate.<sup>15</sup> These debates are particularly salient within the women’s movement, where anti-prostitution

12. Bruckert and Parent, “Criminalized Women Workers”; Wendy Chapkis, *Live Sex Acts: Women Performing Erotic Labor* (New York 1997); Kamala Kempadoo and Jo Doezeema, eds., *Global Sex Workers: Rights, Resistance and Redefinition* (New York 1998); Teela Sanders, “‘It’s Just Acting’: Sex Workers’ Strategies for Capitalizing on Sexuality,” *Gender, Work and Organization*, 12/4 (2005), 319–342.

13. See for example: <<http://www.iusw.org/>>; <<http://www.nzpc.org.nz/>>; <<http://www.durbar.org/>>; <<http://www.maggiestoronto.ca/>>; <[http://www.empowerfoundation.org/index\\_en.html](http://www.empowerfoundation.org/index_en.html)>.

14. Sarah M. “To the would-be sex work abolitionist, or, ‘ain’t I a woman?’” *Rabble.ca*, 3 February 2012, <<http://rabble.ca/news/2012/02/would-be-sex-work-abolitionist-or-aint-i-woman>> (10 February 2012); Kirk Makin, “State has no obligation to protect prostitutes, Ottawa to argue at appeal,” *Globe and Mail*, 13 June 2011, <<http://m.theglobeandmail.com/news/national/state-has-no-obligation-to-protect-prostitutes-ottawa-to-argue-atappeal/article1935992/?service=mobile>> (14 June 2011).

15. John Maloney, *The Challenge of Change: A Study of Canada’s Criminal Prostitution Laws* (Ottawa 2006).

feminists<sup>16</sup> have been vocal against decriminalization,<sup>17</sup> arguing that prostitution is a “global practice of sexual exploitation and male violence against women that normalizes the subordination of women in a sexualized form.”<sup>18</sup> The anti-prostitution analysis focuses predominantly on the street-based trade, despite research that shows street-based work makes up only 5–20 per cent of a city’s sex industry.<sup>19</sup> It also tends to focus on the over-representation of Aboriginal women,<sup>20</sup> and thus Indigenous sex workers are deemed in need of “saving”. Indigenous people in the sex trade and their allies, however, are providing more nuanced analyses and decolonizing approaches,<sup>21</sup> creating Indigenous-specific harm reduction and rights-based programs,<sup>22</sup> and arguing that decriminalization can be beneficial for Aboriginal sex workers:

[Decriminalization] has the potential to actually mean less violence for Indigenous communities, not only because it allows for safer working conditions for sex workers, it also means less police interference. Given that Indigenous communities face racial profiling and police brutality as an everyday lived experience, as well as extremely high rates of incarceration, this is of utmost importance to our safety.<sup>23</sup>

16. Andrea Dworkin, *Pornography: Men Possessing Women* (London 1981); Melissa Farley, “Prostitution, Violence, and Posttraumatic Stress Disorder,” *Women & Health*, 27/3 (1998), 37–49.

17. Melissa Farley, “Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized,” *Violence Against Women*, 10/10 (2004), 1087–1125; Meghan Murphy, “Why does the left want prostitution to be ‘a job like any other’?” *Rabble.ca on the Web*, 7 November 2011, <<http://rabble.ca/blogs/bloggers/f-word-collective/2011/11/why-does-left-want-prostitution-be-%E2%80%98job-any-other%E2%80%9999>> (10 November 2011).

18. Factum of the Intervener Women’s Coalition. *Bedford v. Canada* [2010] ONSC 4264 at para 3.

19. John Lowman, *Submission to Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness*. SSLR, 38th Parliament, Monday, February 21, 2005; Maloney, *The Challenge of Change*; Frances Shaver, “Prostitution: A Female Crime?” in Ellen Adelberg and Claudia Currie, eds., *In Conflict with the Law: Women and the Canadian Criminal Justice System* (Vancouver 1993), 153–173.

20. Factum at para 3, 8, 10, 17, 30, 31; Melissa Farley and Jacqueline Lynne, “Prostitution of Indigenous Women: Sex Inequality and the Colonization of Canada’s First Nations Women,” *Fourth World Journal*, 6/1 (2005), 1–29.

21. “Indigenous Peoples In the Sex Trade – Speaking For Ourselves,” 9 June 2011, <<http://www.chestella.org/stella/?q=en/speaking-for-ourselves>> (12 February 2012); “Indigenous People In the Sex Trade – Our Life, Our Bodies, Our Realities,” 14 February 2012, <[http://maggiestoronto.ca/news/news\\_id=80](http://maggiestoronto.ca/news/news_id=80)> (14 February 2012).

22. Emily van der Meulen, Jessica Yee, and Elya M. Durisin, “Violence Against Indigenous Sex Workers: Combating the Effects of Criminalization and Colonialism in Canada,” *Research For Sex Work: Violence Issue*, 12 (2010), 35–38.

23. Native Youth Sexual Health Network, “Decriminalization of Sex Work and Indigenous Youth and Communities,” *Vancouver Media Co-Op*, 5 October 2010, <<http://vancouver.media-coop.ca/newsrelease/4783>> (15 February 2012).

Overly simplistic anti-prostitution analyses that advocate for the eradication of the sex industry thus tend to ignore the complex and multifaceted organization of labour within the sex industry as well as sex workers' diverse experiences working within it. In recent decades, in part in response to the anti-prostitution lobby and in solidarity with a sex worker's rights framework, there has been a growing body of research and publications in support of a paradigm that locates sex work as productive labour.<sup>24</sup>

Karl Marx's early analogy of prostitution to labour has been credited as influencing subsequent labour theorists, primarily feminist labour theorists, to further develop the conceptualization that sex is work. While Marx saw prostitution, along with other forms of labour, as inherently problematic, his comment, "prostitution is only a *specific* expression of the *general* prostitution of the *labourer*,"<sup>25</sup> opened the door for others to similarly analogize sex work and prostitution to labour. Notwithstanding Marx's stigmatization of prostitution as an example of the derogating nature of labour overall, his theorization, and the way it has since been taken up and interpreted, has had an important influence in evolving a "sex is work" paradigm.

Building on Marx, and developing a nuanced analysis of emotional labour as integral to women's productive labour, Arlie Russell Hochschild has similarly had a profound influence on contemporary conceptualizations of sexual labour.<sup>26</sup> While her original analysis centred on the work experiences of flight attendants, her explication of emotional work has been adopted and applied to the context of sex work.<sup>27</sup> For example, drawing on Hochschild, Wendy Chapkis argues that the "ability to summon and contain emotion within the commercial transaction may be experienced as a useful tool in boundary maintenance." Utilizing interviews with Dutch and American sex workers, Chapkis notes that strategies of contained emotional "boundary maintenance," or the creation of a work persona, can provide sex workers with a sense of professionalism and control. And though Chapkis concedes that the performance of emotional labour can have negative consequences for the worker, she argues that sex workers are no worse off than other emotional labourers,

24. Thanh-dam Truong, *Sex, Money and Morality: Prostitution and Tourism in South East Asia* (London 1990); Anna Agathangelou, *The Global Political Economy of Sex: Desire, Violence, and Insecurity in Mediterranean Nation States* (New York 2004); Laura Maria Agustin, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* (New York 2001); Kempadoo and Doezema, *Global Sex Workers*.

25. Karl Marx, *Economic and Philosophic manuscripts of 1844*, trans. M. Mulligan (Moscow 1959), v, footnote, emphasis in original.

26. Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkley 1983).

27. Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago 2007); Chapkis, *Live Sex Acts*; Emily van der Meulen, "Reframing Prostitution as Sexual and Emotional Labour," in Jared A. Jaworski, ed., *Advances in Sociology Research*, 6 (New York 2010), 305–313; Sanders, "Its Just Acting."



harking back to Marx's notion of the general prostitution of the labourer. Chapkis further draws on Hochschild in arguing that if sex workers were afforded greater control over their workplace conditions, they may experience greater workplace satisfaction.<sup>28</sup> As this article will make clear, theorizing sex work as a form of work which may require affective,<sup>29</sup> emotional,<sup>30</sup> and/or intimate<sup>31</sup> labour is imperative for the advancement of sex workers' rights and for improving labour standards within the sex industry.

Many of the sex workers and allies interviewed for this paper advocated that a fundamental shift in understanding sex work as work was necessary in order for tangible workplace improvements to be implemented and enacted. They argued that without a transformation in the ways in which sex work is conceptualized, it will be difficult, perhaps impossible, to establish and maintain workplace rights and protections that are in sex workers' best interest. Indeed, how sex work and sex workers are conceptualized directly informs how sex work and sex workers are regulated and organized. Therefore, the current social conception of sex work in Canada needs to shift from a discourse in which sex workers are seen as exploited victims<sup>32</sup> to a discourse of sexual labour. For example, when asked what kinds of social and/or legislative changes were necessary to improve rights and protections, one interviewee argued:

*Any changes to be made need to be based on taking into account that the woman is a worker [and] should be the subject of rights.*

– Patricia, sex work ally

The sex workers and allies were strong proponents of the idea that sex work should be treated within the same frame of understanding, should be accountable to the same types of regulations, and should receive the same kinds of protections as other forms of work:

*I think the same type of labour laws that apply now for other industries would need to be put in place for the sex industry.*

– Lisa, current sex worker

*Just regular workplace standards that the government currently handles, if they would take our complaints seriously, we would be in a much better position than we are now. Just simply taking our complaints seriously would help. The same folks are saying how awful and*

28. Chapkis, *Live Sex Acts*, 75–76, 80–82.

29. Encarnacion Gutierrez-Rodriguez, *Migration, Domestic Work and Affect: A Decolonial Approach on Value and the Feminization of Labor* (New York 2010).

30. Kimberly Kay Hoang, "Economies of Emotion, Familiarity, Fantasy, and Desire: Emotional Labour in Ho Chi Minh City's Sex Industry," in Eileen Boris and Rhacel Salazar Parrenas, eds., *Intimate Labors: Cultures, Technologies, and the Politics of Care* (Stanford 2010), 166–182.

31. Dorothy Sue Cobble, "More Intimate Unions," in Boris and Salazar Parrenas, eds., *Intimate Labors*, 280–295.

32. Dworkin, *Pornography*; Farley, "Prostitution, Violence, and Posttraumatic Stress Disorder"; Farley, "Bad for the Body, Bad for the Heart"; Maloney, *The Challenge of Change*; Murphy, "Why does the left want prostitution to be 'a job like any other'?"



*degrading the work is but they aren't doing anything to improve those conditions. They're blinded by their own moralism.*

– Alysia, current sex worker

*I feel that this point, the best we can do is within our own communities, sex work communities and broader communities, is continue to use the language of sex work and to present ourselves and conceptualize issues in a labour context. So when we are talking about safer sex, it's an occupational health and safety issue. When were talking about violence against sex workers, it's an occupational health and safety issue. Not just use the language, but really build that construct and that understanding around our work and around our activities so it's then construed and understood as work. Then you start to build a bit of a snowball movement.*

– Kara, current sex worker

Conceptualizing sex work as a form of sexual labour could lead to a social context in which sex industry establishments are more likely to abide by labour legislation. Further, sex workers' attempts to implement workplace rights policies might receive more support both from their co-workers and from management when and if sex work is understood in labour-based terms.

In this context, decriminalization and the removal of the prostitution-related offences from the *Criminal Code* becomes integral to the "sex is work" paradigm. The criminal sanctions against bawdy-houses (section 210–211), managers, business operators, and bodyguards (section 212), and public communication for the purposes of engaging in prostitution (section 213) are antithetical to a labour-based and sex worker rights framework. If one is not allowed to work from a fixed location, nor to report to a manager or employer, nor to engage in a discussion about the terms and conditions of services offered, then organizing for labour improvements becomes secondary to protecting oneself from criminal charges. That said, the sex workers and allies interviewed suggested a number of changes that can be implemented to improve workplaces prior to decriminalization.

## Changes Within Individual Workplaces

SEX WORKERS AND ALLIES WERE ASKED to describe their ideal sex industry workplace as well as what kinds of changes would be most beneficial to achieve this ideal – both pre- and post-decriminalization. A wide range of recommendations and suggestions were presented, the majority of which centered on changes in massage parlours and erotic dance venues. Interestingly, all suggestions revolved around basic labour rights and protections that are often taken for granted in many workplaces; no idealistic or impractical ideas were offered. For the most part, suggestions centered on the establishment of employment contracts, gaining access to workers' compensation through the Workplace Safety and Insurance Board, the development of anti-discrimination policies to protect against unfair hiring and firing practices, payment for services provided, including stage shows and cleaning duties, basic levels of cleanliness in areas for employees, and the eradication of customary pay-outs and club fees.



A photograph of three women in drag costumes. The woman on the left has dark hair and is wearing a yellow sequined dress. The woman in the middle has blonde curly hair and is wearing a blue sequined dress. The woman on the right has dark hair and is wearing a red sequined dress. They are all looking towards the camera.

IT'S BEEN A BUSINESS  
DOING PLEASURE  
WITH YOU

MAGGIE'S  
TORONTO  
SEX WORKERS  
ACTION PROJECT

CELEBRATES  
25 YEARS  
OF ACTIVISM

[WWW.MAGGIESTORONTO.COM](http://WWW.MAGGIESTORONTO.COM)  
SEX WORK IS REAL WORK

PHOTO: R. KELLY CLIPPERON

Poster advertising the 25th anniversary celebration of Canada's oldest sex  
worker run-organization  
Maggie's: The Toronto Sex Workers Action Project

For some of those interviewed, employment contracts in particular were seen as a viable way to establish workplace rights. However, as Canadian research on sex work has suggested, due to the criminalization of many aspects of the sale of sexual services, “sex workers are limited in their ability to enter into written employment contracts that disclose their true professional responsibilities.”<sup>33</sup> Yet, if a sex worker’s employment responsibilities are not fully articulated, it limits his or her ability to organize for improvements.

New Zealand is often looked to as an example of state-supported labour protections for sex workers. In 2003, it voted to decriminalize the sex industry and to establish occupational and health and safety policies to minimize harm and protect human rights.<sup>34</sup> In this context, New Zealand sex workers can have employment contracts that outline hours, benefits, wages, conditions, and duties, with one significant caveat: that “a person may, at any time, refuse to provide commercial sexual services, even if they entered into a contract to provide those services.”<sup>35</sup> This caveat supports the necessity of sex workers’ consent in their interactions with clients and is a positive model that could be adopted in other jurisdictions.

In Canada, prior to decriminalization, limited versions of employment contracts could still prove to be beneficial for sex workers. Even if the contract does not stipulate the specific sexual services provided, the very fact of the contract could provide protection from unreasonable employer demands. The contract could also provide a record of employment that could then be utilized to secure housing, loans, and even further employment opportunities. As described below, the contract is a way to prove one’s income and employment status as well as a possible springboard for internal employment negotiations:

*Of course it would be wonderful to have an employment contract and proof of income... I know that not every [sex] worker would agree because a lot of them don't want to pay taxes on that money, but I would be happy to be able to claim my money so that I can get a loan or whatever. I can't prove that I make very much money even though I can pay for things. That frustrates me. How to rent an apartment becomes a real problem. [...] If you have your employment contract in place then you can start negotiating for something to compensate you for the hours of work. [...] We need to have some legal grounds to be able to negotiate.... Instead of having to wash all that laundry at the massage parlour you can say no, it's not in my [contract].*

—Julia, current sex worker

Employment contracts could also facilitate access to workers’ compensation through the Workplace Safety and Insurance Board if a sex worker were to be injured at the worksite. For example, in currently regulated sectors like erotic massage and dance, a contract that proves employment status can be used to gain remuneration for work-related harm:

33. Childs et al., *Beyond Decriminalization*, 89.

34. New Zealand, Act of Parliament U.S.C., *Prostitution Reform Act* (Wellington 2003).

35. Childs et al., *Beyond Decriminalization*, 89; see also New Zealand, *Prostitution Reform Act*.



*If you fall and get injured at work there's a whole aspect of compensation. There's a lot of injuries that happen, and I don't mean in terms of violence, I'm talking about the high heeled shoes or falling when you are a dancer or working at the massage table or repetitive strain injury. [...] There's all sorts of occupational injuries that happen outside of STI's (sexually transmitted infections), which are also a risk, but whatever, there are other things that are much more pressing. The shoes, I tell you the shoes! They cause a lot of problems with knees, back problems for dancers, because they're on their feet all the time! Massage attendants are on their feet all their time too, I'm not as an escort, my shoes are only on for 10 minutes... That's why I couldn't survive as a massage attendant, my feet couldn't handle it!*

—Julia, current sex worker

In addition to employment contracts and workers' compensation, the sex workers and allies interviewed advocated for other changes within individual workplaces. All of these recommendations could be initiated and enacted prior to decriminalization and thus have an immediate effect on sex workers' workplace satisfaction. For example, as interviewees articulated, policies to prevent discrimination are important:

*Discrimination policies... serious discrimination, racism, sexism, ageism, homophobia, gender issues... Those would be important. Just because in this particular strip club, the majority of the women who work there are 6 feet tall, blonde, blue eyes, DD breasts, doesn't mean that a woman who is 5'2, a brunette and a woman of color wouldn't have the same rights to work there, or to even be hired there, as anyone else. Because it is an industry of looks, right? So those type of rules should be adhered to... no one should be discriminated against.*

—Lisa, current sex worker

*Some of the equity rules, like the Black girl limit for instance, the limits on the race of dancers in the club are unfair, and not very reasonable either.*

—Alysa, current sex worker

Imposing limits on the number of racialized workers, sometimes referred to as “the Black girl limit” as noted by Alysa above, is not an uncommon practice in some sex industry workplaces.<sup>36</sup> Racialized sex workers have identified the ways in which racism shapes their experiences within the sex industry, from not getting hired or being given the least desired shifts, to getting passed over by clients or getting no clients at all, to being hypersexualized or eroticized, to getting paid less than white sex workers for the same services provided.<sup>37</sup> What this speaks to, again, is the importance of organizing for labour protections to prohibit such discriminatory practices from occurring.<sup>38</sup>

36. Essence, “Denying ‘Hot Mama’ and Embracing Oshun,” *Spread: Illuminating the Sex Industry, Special Topics Issue: Race and the Sex Industry*, 5/4 (Summer 2011), 26–27.

37. Mireille Miller-Young, “Putting Hypersexuality to Work: Black Women and Illicit Eroticism in Pornography,” *Sexualities*, 13/2 (2010), 219–235; Jill Nagle, “Showing Up Fully: Women of Colour Discuss Sex Work,” in Jill Nagle, ed., *Whores and Other Feminists* (New York 1997), 195–209; Becki L. Ross, *Burlesque West: Showgirls, Sex, and Sin in Postwar Vancouver* (Toronto 2009); *Spread: Illuminating the Sex Industry*.

38. See for example: Vicky Funari and Julia Query, Dirs., *Live Nude Girls Unite* (San Francisco 2000).

In addition to anti-discrimination policies, basic employment rights like payment for services provided were at the top of most interviewees' lists for workplace improvements and their ideal work situation. Some of the sex workers interviewed expressed frustration at not getting paid for their time spent on stage, in the case of exotic dancers, or not getting paid for cleaning duties, in the case of massage attendants:

*I think it would be a good idea to offer pay for stage shows. [...] I didn't mind nude dancing, but I know at least one of the other women was really uncomfortable with it, for her own reasons, she didn't want to be naked on stage for free.*

—Alysa, current sex worker

*All of our work [should be] paid for, which doesn't happen in massage. The women in these parlors are doing laundry and doing these things unpaid. They come to work for seven hours and they don't get paid and that's appalling. That would never happen anywhere else, it's ridiculous. [...] They clean and wash the floors and they don't get even the \$5.35 that waitresses get. They don't even get that. And you hear a lot people crying about how sex workers are exploited victims and everything, well they wouldn't be if they had access to some of these labour protections! It's ridiculous. Sex workers still have to come to work on time and listen to a manager. They have responsibilities and things that they have to do, it's a job. Especially because they are on a schedule and have to work a certain number of shifts.*

—Julia, current sex worker

Research with indoor sex workers in Vancouver, British Columbia, similarly found that in some establishments massage workers received pay only when they saw clients and were made to perform duties such as cleaning without financial compensation.<sup>39</sup> If sex work were theorized and recognized as a form of work, sex workers would be better equipped to make demands that all of the labour they perform should be adequately compensated.

Interestingly, while some establishments expected sex workers to clean without payment, in other workplaces lack of cleanliness was a major issue.<sup>40</sup> Many of the interviewees talked about the low levels of workplace sanitation as a reoccurring problem:

*A lot of the clubs' change rooms are appalling, they're dirty. These are women who most of the time are naked and I don't think that places have been cleaned in years. I'm thinking about the changing room specifically because these are the places where women spend a lot of time getting changed, talking, just relaxing. These need to be comfortable places with air, that are clean, that have showers. This is very demanding work – the women sweat a lot and a lot of these places don't have showers. I've never seen one that has towels so you need to bring your own towel.*

—Patricia, sex work ally

Interviewees also critiqued the system of mandatory pay-outs, tips, and club-fees that many workplaces, formally and informally, support.<sup>41</sup> Sex

39. Childs et al., *Beyond Decriminalization*, 26, 30, 98.

40. Childs et al., *Beyond Decriminalization*, 27.

41. For example, erotic dance venues have fee and tipping systems that often include "stage fees" for the ability to work that evening, as well as tips to the DJ for playing dancers' requested

workers can be made to tip managers and various club staff, which may or may not be documented; these tips can dramatically reduce the amount of money sex workers take home after a shift. Interview participants identified that the eradication of such tipping practices would improve their workplace satisfaction:

*Mandatory tip outs aren't fair — to the managers and sometimes to the DJs — because basically it means is that the dancers are paying all of the overhead. We are paying for stuff that the managers should be paying for. They should be paying the employees and the other staff members, not the dancers.*

—Alysa, current sex worker

*If you only make \$100 at night you might walk out with \$20 after you pay your club fees. Stuff like that has got to stop. Those clubs make enough money.*

—Sasha, current sex worker

## Diverse Strategies for Labour Organizing

ONCE IT WAS DETERMINED what kinds of changes within individual workplaces would be most beneficial, the question was raised about how to go about achieving these changes. Most of the sex workers and allies interviewed had at least some experience being involved in a labour organizing campaign or movement, ranging from localized and grassroots workplace rights initiatives to engagements with formal unions. Some had experience with labour organizing within the sex industry whereas others had supported campaigns outside of the industry. Alysa, Renee, and Lisa, for example, were part of unionizing campaigns while working at mainstream businesses and organizations. Sasha's labour organizing background was in the form of education and awareness through her sex column and her burlesque performances. Patricia and Maria had both been active in their academic union in addition to supporting sex industry labour organizing campaigns as sex work allies. Keisha, Julia, Sarah, and Robert had participated in labour rights campaigns and initiatives through their involvement in a local sex workers' rights organization. And finally, long-time sex worker activists Kara and Valerie had both founded sex workers' rights groups and had been involved in sex industry labour campaigns for many decades.

The diversity of organizing experiences and backgrounds of the interviewees allowed for rich suggestions and recommendations. However, when asked specifically about the effectiveness of organizing strategies, the interview participants had differing thoughts and opinions. Perhaps because of the largely hypothetical nature of sex industry labour organizing, due to the criminalization of many common work-related activities, answers to these questions were

---

songs, to the bouncer for keeping his eye on potential aggressive clients, and to the bartender, who the dancer might ask to pour a reduced amount of alcohol in her drinks purchased by clients so that she can avoid getting drunk at work. There may also be an elaborate system of fines charged to dancers for showing up late, leaving early, or missing a stage show.



the least unanimous and coherent; some suggestions were in agreement and others contradicted one another. In their responses, sex workers and allies kept coming back to the same key concern: the difficulty of labour organizing in a criminalized context.

Research with sex workers in Montréal and Toronto has revealed that “since some aspects of their work are illegal, the women have little recourse for negotiating their working conditions, and can lay a complaint neither with a potential union, nor with the labour board.”<sup>42</sup> Certainly, it would be very difficult to legally act upon some of the suggested changes put forward by the interviewees under the current Canadian policy framework, or as one interviewee carefully articulated:

*One of the biggest problems around labour organizing and sex work is how do you organize when you have to worry about not getting arrested? And I think the people who do it are so admirable because they are risking a lot.*  
—Maria, sex work ally

Despite criminalization, many of the interviewees’ ideas could be initiated prior to legislative change. For example, a number of the participants advocated in favour of small-scale and informal grassroots initiatives to effect change:

*...organizing at the grassroots level for people to say thank you to the hooker on the street corner, saying “You’re doing really good work, you look really good tonight.” Empowering in that kind of way. Maybe that’s what we need to do from a ground up kind of place.*  
—Renee, current sex worker

Others advocated working together within individual workplaces to demand rights and protections:

*I think that people who work in structured workplaces probably do underestimate the impact they can have. [...] If everybody in a place says, “We are leaving unless you do this...” the owner might just say “Fine, leave.” But then [the owner is] stuck... they aren’t going to make any money.*  
—Robert, current sex worker

*I think the smaller scale the better. Generally, a lot of sex workers, myself included, don’t like the idea of an overarching authority telling them what to do in their own workplaces when they might not know what the circumstances are specifically. So smaller groups, maybe in-club groups might work better.*  
—Alysa, current sex worker

For the most part, however, the majority of those interviewed advocated for a combined approach to sex industry organizing that would include aspects of informal grassroots, sector specific, and formal unionizing strategies. It was argued that because of the variety of sex industry work establishments and sectors as well as the diversity of individuals working independently or for an employer or manager, labour organizing should happen in diverse ways. Flexibility was seen as key to achieving basic rights and protections, as this would accommodate different sex workers’ needs based on their work experiences:

42. Bruckert, Parent, and Robitaille, *Erotic Service/Erotic Dance*, 18.

*I think there can be some overarching rights but there also has to be something very specific to each sector. For example working out calls is going to have different issues coming up than working in-calls or massage parlors. There has to be something that would be specific to each sector but at the same time having some kind of basic unifying structure would be really beneficial.*

—Julia, current sex worker

*One of the few truisms about the sex trade is that it's extremely diverse. There are many different ways of working and many different workers. There's not going to be one size fits all. [...] One of my concerns around labour organizing and talking about guidelines or standards is that I would not, in any way, want to promote or be part of a building a system that excludes one group of workers at the benefit of others. In concrete terms, that means that there's going to be some workers in any sector who would rather be an employee than a freelancer. There are some people who really want the security of an employee job. [...] There are other people who want flexibility – they want to come in when they want, they want to be independent contractors... And those are really valid ways of working. In fact, one individual might prefer one model at one stage of their career and a different model at another. I don't see why there's a reason that we couldn't have both. There are lots of industries where people work in different ways. I could be an accountant at a big corporation or a little organization – I get my weekly paychecks, my benefits – or I could be a consultant or a freelancer. The other option is to be completely self-employed. I think that there is room for all of that.*

—Kara, current sex worker

Most of the sex workers and allies interviewed argued in favour of some sort of large union structure to represent a collective sex worker voice. This pan-sector, industry-wide organization was seen as an effective way to bring together a range of sex workers in order to have increased lobbying and political power. Even Canada's largest union, the Canadian Union of Public Employees (CUPE), has advocated in favour of sex worker unionization and decriminalization; at the 2001 CUPE National Convention a resolution (number 189) in support of the decriminalization of prostitution was passed by its membership.<sup>43</sup> A year later, in 2002, the Canadian Labour Congress (CLC), representing over 2.5 million unionized workers across Canada, passed a resolution at its National Convention that "called on the entire labour movement to work towards supportive measures for sex trade workers." However, within two years of these monumental resolutions the tone began to shift and in 2004 a CUPE background paper supported sex workers' right to unionize, yet simultaneously made clear that they were not seeking to organize them due to "legal impediments." CUPE states, "labour laws... do not provide for the unionization of autonomous or contract workers where there is no clearly defined employer/

43. Canadian Union of Public Employees (CUPE), *Sex Work: Why it's a Union Issue* (Ottawa 2004), 2, accessed 18 February 2012. <<http://cupe.ca/EqualityPride/samesexworkbackground-paper>>; see also Jenn Clamen, Kara Gillies, and Trish Salah, "Working for Change: Sex Workers in the Union Struggle," in Emily van der Meulen, Elya Maria Durisin, and Victoria Love, eds., *Selling Sex: Canadian Academics, Advocates, and Sex Workers in Dialogue* (UBC Press, forthcoming 2013).

employee relationship. Also, it is unlikely CUPE could get union certification for workers involved in what is essentially an illegal activity.”<sup>44</sup>

Given that sex workers do indeed face legal impediments to establishing labour rights and joining unions, and as such are a marginalized group of workers, CUPE and other formal labour organizations are in a prime position to advance a sex worker rights framework and advocate for decriminalization. Unfortunately, however, in the early and mid-2000s, sex worker rights activists who were attempting to build bridges with CUPE and the CLC found little support, and in some cases encountered firmly closed doors. In particular, they recall the anti-prostitution rhetoric advanced by the women’s committees within the organizations as being a detriment to sex workers’ struggles for labour recognition and also a major barrier to CUPE and the CLC following through on their respective resolutions.<sup>45</sup> Since then, not much has happened in the way of formal union support for sex workers’ labour rights despite the ongoing challenges that sex workers face with criminalization and substandard working conditions. As unprotected and unorganized labourers, sex workers are highly vulnerable to police harassment and arrest for engaging in their common work-related activities. If, as Marx once professed, all labour is inherently problematic, unions and sex workers should be natural allies in the fight for labour protections and decriminalization. In Canada, this has not been the case.

Internationally, sex worker unions have been forming since at least the mid-1990s. For example, in 1996 Australian prostitutes working in legal brothels in New South Wales and Victoria formed the first sex workers’ union under the Australian Liquor, Hospitality and Miscellaneous Workers’ Union.<sup>46</sup> In 1997, dancers at San Francisco’s Lusty Lady peep show voted to unionize with the Service Employees International Union Local 790.<sup>47</sup> In the Netherlands, in 2001, De Rode Draad affiliated with the country’s trade union confederation.<sup>48</sup> Sex workers became the newest branch of Great Britain’s third largest union, GMB, in 2002; the International Union of Sex Workers is now recognized by Britain’s Trades Union Congress.<sup>49</sup> Originally formed in 1995 in Buenos Aires, the Association for Women Prostitutes of Argentina (Asociación de Mujeres

44. CUPE, *Sex Work*, 4.

45. Clamen, Gillies, and Salah, “Working for Change.”

46. Kempadoo and Doezema, *Global Sex Workers*; Andrew Sorfleet, *Sex Workers’ Workbook: Where you Regulate the Sex Industry* (Vancouver 2005).

47. Erin Siegal, “Lust for life: A look inside America’s only worker owned union peepshow,” *Spread: Illuminating the Sex Industry*, 4/1 (Summer 2008), 37–41; see also <<http://www.lustylady.com/>>.

48. Sorfleet, *Sex Workers’ Workbook*.

49. International Union of Sex Workers (IUSW), “Our History,” (2009), accessed 24 January 2011. <<http://www.iusw.org/iusw-history/>>.

Meretrices de la Argentina, AMMAR) is part of the country's largest trade union, the Central de Trabajadores Argentinos (CTA).<sup>50</sup>

As the sex workers and allies interviewed for this article articulated, a large union structure post-decriminalization could negotiate for benefits and protections within different workplaces:

*A giant union would be good because when I think about having one huge union that would cover all industries would be that it would have some of the harder things down pat — like health and safety stuff. Although, there could be different occupational health and safety things based on being a dancer or being in massage. For some of those key things like drug and health benefits I think there should be a large union... I think having a bigger union would be more effective than having something small and independent where there is not much accountability.*

—Keisha, former sex worker

*Because there is power in numbers, so if we have one big union for all of sex workers and then little divisions of that union, depending on the sector of the industry — your porn sector, your escorting sector, your street prostitution sector, your dancing sector — I think that's what I would like. And then certain policies and procedures within each one that are governed by a larger one for grievances... that's what we should have.*

—Lisa, current sex worker

A number of interviewees noted, however, that large-scale unionization was a distant goal considering the more immediate necessity of basic protections under criminalization. Others disagreed that a large union structure would be able to effectively represent the range of needs of sex industry workers. One interviewee supported an overarching sex workers' rights movement, as opposed to a formal union that would advocate for decriminalization, as he was doubtful whether a formalized union could adequately respond to diverse interests:

*I think [a union] is good politically as a tool for decriminalization and for solidarity but ... I don't think it is a fine enough tool for making specific changes in people's workplaces. But again, I think there is a real value in a kind of movement — the sex workers rights movement...*

—Robert, current sex worker

Similarly, other interview participants were sceptical of how successful a large union structure could be given the internal political dynamics and conflicts that can arise when many interests are being negotiated:

*I don't have that idealized "all of us unite" thing going on. I know what happens when everybody gets together. Ideally, you have one massive union that everybody supports, and they are, like "I don't care, she's my sister." That would probably have to happen, but I don't know how well it would work out... You have a lot of that issue, where women aren't necessarily embracing the positives... the positive feelings about their job. They aren't proud of it. It might be difficult to galvanize a whole huge group.*

—Sasha, current sex worker

*Getting everybody to agree on a collective agreement! [Laughter] It's not impossible and I'm sure every sector, every union or collective agreement that has been formed over the years in the history of unions has had those struggles and challenges and they have risen to the*

50. Annika Dalén, "Prostitution in Argentina in the Wake of an Economic Crisis," MA thesis, Uppsala University, 2003; see also <<http://www.ammar.org.ar/>>.

*occasion and met them. You just do it. You just get through it. We're not a bunch of idiots; I think we can manage to hammer out a collective agreement amongst us.*

—Lisa, current sex worker

Most of those interviewed were supportive of the union structure of formal sex work labour organizing but were also aware of the possible barriers and challenges. The most common difficulty identified was the stigma surrounding sex work. It was argued that because sex workers face such high levels of stigma and discrimination, it is very difficult to build a politicized movement in which all sex industry workers are motivated to participate. As feminist labour theorists have noted, it is not uncommon for women to lack a fully developed identity as a worker,<sup>51</sup> or to lack a “worker consciousness.”<sup>52</sup> In the context of the sex industry, this distancing from one’s labour is compounded and includes a very real fear of discrimination and reprisal from family, friends, and the law. Many individuals who work in the sex industry do not want to be labeled “sex workers.” Instead, they may consider themselves “exotic dancers” or “massage attendants” as these labels are seen to be less stigmatizing and more professionalized. Therefore, the distancing of sex workers from the sex workers’ rights movement, and from a worker identity in general, presents unique challenges for labour organizing:

*A lot of the time strippers identify as dancers, artists, choreographers and not as sex workers; some do, but not many. It's a shame, because the most people that could come together would create the most strength.*

—Patricia, sex work ally

*Because of the stigma, if you say “sex work” for a lot of these women they don’t think of themselves that way. By and large, they aren’t politicized around sex work and this is really something that they’re doing because they need to make money or because they are students or whatever. Understandably, they don’t take on that identity [...] They think it’s not a real job because it is so delegitimized in every possible way. They think this isn’t a job; it’s just a quick way to make money, that’s all it is. They don’t put it back into the realm of labour. [...] That happens with all forms of women’s work but in the sex industry more so. It is totally delegitimated in the eyes of the workers themselves. They don’t see themselves as workers and they don’t think about labour rights or anything like that.*

—Julia, current sex worker

As the interviewees attest, shifting the discourse to one in which sex work is a form of labour will be necessary not just to transform the anti-prostitution rhetoric of sexual exploitation, but also to situate an overarching labour framework within the sex industry itself.

Another challenge of unionization is the necessity of an employer/employee relationship. It is commonplace in many sex industry establishments for employers to classify sex workers as “independent contractors” rather than “employees,” despite the organization of labour within the establishment,

51. Dorothy Sue Cobble, “More Intimate Unions,” 282.

52. Chandra Talpade Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC 2003).

which can include a fairly typical managerial relationship as well as set hours and duties of work.<sup>53</sup> As independent contractors, sex workers are not eligible for Employment Insurance, the Canada Pension Plan, and Workers' Compensation, nor can they join workplace group health insurance plans.<sup>54</sup> While sex workers can be at a disadvantage due to their classification as independent workers, agency owners, operators, and employers benefit from not having "employees" insofar as they can distance themselves from claims of procuring. Employers are able to argue that they have no influence over the sex worker as it is "up to the independent contractor to decide whether their work crosses the line from massage or 'escorting' into sale of sexual services."<sup>55</sup> Further, when sex workers are classified as independent contractors, employers are not required to abide by the provisions outlined in employment standards and occupational health and safety legislation and they are not required to pay certain taxes.<sup>56</sup>

It is not always the case, however, that all sex workers would benefit uniformly from employee status. Research on exotic dance, for example, has shown that in some instances dancers may be financially better off when categorized as independent contractors as opposed to employees, despite other legal protections that come with employee status.<sup>57</sup> Depending on the local licensing scheme and the club's internal rules and regulations, as independent workers dancers can sometimes maintain greater job flexibility, can garner higher earnings, and do not receive tax deductions on their wages. Interestingly, however, while an employer might define the worker as an independent contractor, depending on the nature of the employment relationship, the law might dictate otherwise. Workers at a variety of sex industry establishments might unknowingly be entitled to all of the benefits and protections of an employer/employee relationship as defined by provincial law, including the ability to unionize, regardless of how their employer classifies them.<sup>58</sup>

In instances where sex workers prefer not, or are unable, to join a more traditional union structure, other avenues for labour organizing include the establishment of sector-specific associations or "occupational unions."<sup>59</sup>

53. Lenore Kuo, *Prostitution Policy: Revolutionizing Practice Through a Gendered Perspective* (New York 2002); Sylvia A. Law, "Commercial Sex: Beyond Decriminalization," *Southern California Law Review*, 73 (March 2000), 523–610.

54. Sorfleet, *Sex Workers' Workbook*.

55. Childs, et al., *Beyond Decriminalization*, 81.

56. Childs, et al., *Beyond Decriminalization*; Kuo, *Prostitution Policy*.

57. Margot Rutman, "Exotic dancers' employment law regulations," *Temple Political and Civil Rights Law Review*, 8 (Spring 1999), 515–573.

58. Childs, et al., *Beyond Decriminalization*, 81.

59. Dorothy Sue Cobble identifies occupational unions as having four characteristics: "(1) occupational identity, (2) control over the labour supply in the occupation, (3) rights and benefits

A dancers' association, for example, might be more appealing for some sex workers to join as it can carry with it an air of professionalism and legitimacy, thus potentially mitigating some of the barriers to organizing created by social stigma. Unlike other independent contractors, for example massage therapists or realtors, sex workers are "not afforded validation through provincially-authorized professional associations."<sup>60</sup>

Interestingly and surprisingly, however, when asked about which organizing strategy, or combination of strategies, they thought would be the most effective for establishing sex workers' rights (intra-club grassroots organizing, sector-specific professional associations, or large-scale unionization), only a few interviewees acknowledged professional associations as potentially beneficial; most often they focused on either grassroots intra-club changes or a large sex workers' union. One respondent in particular raised concerns and questions about what a sector-specific association would look like and how it would function:

*Professional associations... my one concern would be, what sorts of regulations or guidelines would be in place? Who would be determining those, who would be enforcing it? Would we end up with a two or three-tiered system where, for any number of reasons, some women choose to or are able to comply and others do not?*

—Kara, current sex worker

Despite the concerns raised, associations or occupational unions could prove to be effective lobbying tools for improved workplace standards and protections. Learning a lesson from the history of waitress occupational unionism in the United States,<sup>61</sup> sex workers could organize into sector-wide governing bodies. In Ontario, sex worker associations have tended to be exotic dance focused, for example the *Dancers Equal Rights Association of Ottawa-Carleton*, the *Exotic Dancers' Rights Association of Canada*,<sup>62</sup> and the *Exotic Dancers Alliance of Ontario*. While under-resourced, and not particularly active, associations such as these could provide important support and mobilizing efforts for workplace improvements.

In addition to criminalization, stigma, and the employer-employee relationship, another challenge to successful sex work labour organizing is the transitory nature of the work. It is common for people to move from one workplace to another and from one sector of the industry to another. While this flexibility is desirable for many, as it allows for individuals to work when, how, and where it suits them best, it can be problematic for organizing:

---

as a function of occupational membership rather than of worksite affiliation, and (4) peer control over occupational performance standards." See Dorothy Sue Cobble, "Organizing the Postindustrial Workforce: Lessons from the History of Waitress Unionism," *Industrial and Labor Relations Review*, 44 (April 1991), 421.

60. Bruckert, Parent, and Robitaille, *Erotic Service/Erotic Dance*, 15.

61. Dorothy Sue Cobble, "Organizing the Postindustrial Workforce."

62. <<http://exoticdancersrightsassociationcanada.blogspot.com>>



*One of the challenges with any sort of sex worker organizing, whether it's within the labour context or not, is that it can be very transient. Women go in and out of the sex trade, or they go in and out and between sectors, or they move around geographically, so it can be really difficult to get that sort of critical mass.*

—Kara, current sex worker

As the interview excerpts suggest, participants were unanimous in arguing that labour organizing, in one form or another, was essential for improving sex workers' workplace conditions. That said, many recognized that change can be slow and involves more than just advocating and agitating for rights. It also involves broader struggles and strategies for social and ideological change – in particular, if sex work is not understood as a form of work, and thus remains criminalized, then labour organizing is largely a contradiction in terms. Therefore, decriminalization, along with the legitimization of sexual labour and conceptualizing sex as work, are integral to any movement or organizing for sex workers' labour rights:

*What would it take for the laws to change? Huge public outcry. What would it take for a huge public outcry? To change our ideas around sex workers. [...] Attitudes around it needs to change — socially, in our consciousness, in our community sense of what work is, what work is valid...*

—Renee, current sex worker

*Legitimization of the work is probably at the forefront of any real attempt to create [change]. Because once you have that then it's easier to acknowledge certain protections.*

—Maria, sex work ally

## Conclusion

THE SEX WORKERS AND ALLIES interviewed had contending views and recommendations about successful labour organizing campaigns. However, they were unanimous about both the necessity of such campaigns and in their recommendations for basic workplace protections. They were also unanimous that sex work is real work, often involving emotional labour, and should be conceptualized as such. It is not surprising that there were differences of opinion regarding how to improve their labour-related situations. Given the diversity of sex industry jobs and sex industry workers, creating labour solidarity among and within sectors could prove to be a challenge. Thus, a multi-pronged approach to organizing is a viable solution; diverse strategies for labour organizing, such as grassroots activism, sectoral groups and organizations, and formal unionizing, are all necessary

More specifically, grassroots organizing within individual workplaces could be potentially beneficial for advocating for basic rights, like employment contracts and payment for all services, whereas sectoral organizations, for example a dancers' association, could set standards across establishments. While some of the interviewees advocated for small-scale workplace specific campaigns, the majority of those interviewed were in support of campaigns for unionization. Large-scale sex workers' rights organizing is important for mobilizing

large numbers of industry workers and supporters to lobby for political and legislative change. Interviewees agreed that a galvanizing force in support of labour legitimacy could effect lasting social change. Even the sex workers and allies who presented concerns about how effective a large union-type structure could be in individual workplaces still saw the need for a unifying body of sex workers from across different sectors. Perhaps most importantly, this pan-industry organization could advocate for decriminalization and legal reform.

While interview participants were vocal that decriminalization is a necessary step towards labour legitimacy and establishing occupational health and safety standards, the process of removing the prostitution-related offences from the *Criminal Code* may take many years, or as we have seen in Ontario, it may come in the form of a pronouncement from the courts.<sup>63</sup> Given the recent court decisions and the very real possibility that indoor sex work might be decriminalized in the near future, it is especially urgent for the labour movement to rise to the challenge of supporting sex workers' rights to safe and equitable workplaces. The "sex is work" paradigm and decriminalization will be key in the establishment and maintenance of formal labour rights and protections for all sex industry workers. As such, the labour movement must support the sex workers' rights movement in its political and labour organizing efforts. By joining forces, a sex workers' labour movement can have a profound influence on social attitudes, policy development, and workplace improvements.

*The author gratefully acknowledges Kelly Fritsch's support and editorial assistance as well as research funding from the Social Science and Humanities Research Council of Canada.*

63. *Bedford v. Canada*.