

Victimization in the Canadian Off-Street Sex Industry

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Abstract

This nation-wide study examined victimization in Canadian off-street commercial sex. Working in collaboration with sex workers, I recruited 109 adult women, men and transgender sex workers to take part in a self-administered survey, and I interviewed 42 sex workers. The survey focused on rates of several forms of violence, including threats, threats with weapons, assault, sexual assault, and confinement. Other forms of victimization included: theft, harassment, the refusal to use condoms, refusal to pay full price for services provided, and pressure to provide sexual activities beyond the worker's service parameters. Participants identified the perpetrators of their victimization—clients, co-workers, bosses, police, significant others—and the frequency with which they experienced victimization. In addition, I collected biographical information and data on risk management, crime reporting practices, and the real and perceived effects of criminal, family, taxation, and immigration laws.

My participants described a wide range of experiences in several types of off-street commercial sex work, including adult film, exotic dance, online adult entertainment, and fetish-related erotic labour. A majority of the participants reported never experiencing violence in the course of their sex work (68% or 74 of 109 participants). While victimization occurs in the off-street sex industry, the findings demonstrate that violence is not inherent to commercial sex exchanges. Consequently, to reduce the types and frequency of violence experienced by off-street sex workers, we need to understand the individual, contextual, and structural factors that lead to varying levels of victimization in different sectors of the sex industry.

In this dissertation, I outline the existing evidence on victimization in off-street sex work and then I present the evidence gained through this study. I explain the legal implications of the findings and demonstrate how this evidence contrasts with the assumptions that form the basis of criminalization policies in Canada and globally. Finally, I describe sex workers' recommendations to increase safety and reduce stigma in the sex industry. My participants challenged dominant and oppressive discourses about their work and suggested that the Canadian commercial sex industry is diverse and complex. Our policy responses ought to reflect a nuanced understanding of victimization in commercial sex.

Keywords: Victimization; violence; sex work; prostitution; law.

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I can honestly say that I have never been in a situation where I was worried for my safety or felt disrespected. Not from clients. It's the people who claim to know what's best for me who make me feel victimized. Instead of listening to me, they replace my reality with their own twisted, revolting and truly perverted version of my life, my experiences and myself. Victimization happens in a lot of different ways; the shaming and invalidation that is directed at us has the effect of victimization on me. Those people only use sex workers to further their own agenda and do not care who they hurt. If that wasn't the case, they would respect our request, refer to us as sex workers and be ashamed to speak of us, in our presence even, as "prostituted women." These men and women victimize and exploit a lot of sex workers far more than most clients have... that's the way I've experienced victimization—others claiming to know better and speaking for me, while doing what they can to silence me.

Survey Respondent #36

Chapter 1. Introduction

In 1999, Sweden enacted a new form of criminalization to eradicate its commercial sex industry: the *Kvinnofrid*¹ law, or the “Swedish Model.” The legal regime featured asymmetrical criminalization: the criminal laws shifted the focus from those who sell sex to those who purchase sexual services and those who manage, assist or control any aspect of another persons’ commercial sexual service provision (Skarhad & Kullman, 2010). By criminalizing the demand for commercial sex—and permitting the sale of sexual services—Swedish officials sought to challenge the sexual objectification of women and support gender equality. With the goal of ending the demand for commercial sex, these policies framed commercial sex as, “a form of men’s violence against women” (Levy & Jakobsson, 2014, p. 594). Sanders and Campbell (2014) assert that asymmetrical criminalization dominated global narratives about commercial sex in the decade following Sweden’s adoption of the *Kvinnofrid* law. Indeed, several European countries quickly followed Sweden’s lead and introduced variations of asymmetrical criminalization, including Norway, Denmark, and Iceland.

Asymmetrical criminalization emerged as a result of the political rise of one side of a decades-long global debate on the appropriate social construction of commercial sex. On the one side, certain feminists and some “survivors of prostitution”² assert that commercial

¹ The title of the Bill is *Violence Against Women Act (Kvinnofrid)*. See Skarhad and Kullman, 2010.

² Advocates such as Trisha Baptie use this language to describe their transition out of commercial sex.

sex is inherently violent (Farley, 2004; Raymond, 2004). Therefore, they advocate asymmetrical criminalization to eradicate the demand for sexual services (Perrin, 2014; Smith, 2010).³ Referred to herein as “neo-prohibitionists,” these advocates understand the majority of sex sellers to be women forced to engage in commercial sex due to their economic need or other circumstances of desperation. Neo-prohibitionists understand sex buyers to be men, driven to take advantage of the inequality of women and the desperation of women who sell sex (Farley, 2014; Raymond, 2004).

The construction of commercial sex as violence against women is at the core of the neo-prohibitionist argument, and is therefore central to the justification of asymmetrical criminalization. Neo-prohibitionists assert not only that women experience regular physical violence from their clients and others, but also that all women are victimized by the demand and the availability of commercial sex (Farley, 2014; Raphael & Shapiro, 2004). By treating all commercial sex as victimization, neo-prohibitionists acknowledge neither the varying levels of social privilege in which people sell sex, nor gendered exchanges outside of heteronormative interactions. Neo-prohibitionists also fail to distinguish youth sexual exploitation from adult commercial sex, and human trafficking from migration for the purpose of commercial sex work. They do not recognize consensual involvement in commercial sex; all adult and youth commercial sex is *de facto* exploitation and human trafficking (Farley, 2004; Raymond, 2004).

³ These authors describe themselves as “abolitionists.” However, others who advocate for the abolition of all forms of labour exploitation, such as Julia O’Connell Davidson, reject the use of the criminal law to achieve an end to the labour exploitation that occurs in commercial sex. For the sake of clarity, I use the term, “neo-prohibitionist” to identify those who advocate for the use of the criminal law to prohibit conduct related to commercial sex, but who do not seek to criminalize the sale of sexual services.

On the other side of the debate, many sex workers, researchers, and other feminists argue that the neo-prohibitionist construction of commercial sex is simplistic, that it fails to account for the entirety of experiences related to commercial sex, and that asymmetrical criminalization is deeply flawed in several respects (Kempadoo & Doezema, 1998; Parent & Bruckert, 2013; Pivot Legal Society, 2006; Shaver, Lewis & Maticka-Tyndale, 2011). While exploitation exists in the sex industry, sex workers and others argue that criminalization and the associated lack of labour rights facilitate exploitation (Meaghan, 2008). To ameliorate the conditions in which people provide sexual services, they suggest governments extend labour rights and allow sex workers to engage in safety-enhancing strategies (Pivot Legal Society, 2006; Rekart, 2005). These sex workers, researchers and activists argue that criminalization in any form increases sex worker susceptibility to victimization and exploitation (Bruckert & Law, 2013; Krusi et al., 2012; Shaver, Lewis, & Maticka-Tyndale, 2011).

Advocates of decriminalization of the commercial sex industry limit their arguments to adults; while youth involvement in commercial sex is exploitative, they argue that criminalizing youth is not the answer to the complex issues involved in youth sexual exploitation. Advocates of decriminalization also maintain that victims of human trafficking are a separate group of individuals from sex workers, and that conflating the two grossly misrepresents the needs of human trafficking victims, infantilizes women, and treats sex workers as victims regardless of any actual victimization (Sutdhibhasilp, 2002; Toupin, 2013).

Inspired by the global rise of asymmetrical criminalization, Canada enacted the *Protection of Communities and Exploited Persons Act [PCEPA]* on Dec. 6, 2014. The *PCEPA* is a response to the Supreme Court of Canada (SCC) decision in *Canada v Bedford*, 2013

[*Bedford*],⁴ which struck down three central provisions of Canada’s former criminal laws related to prostitution—communicating in public for the purpose of prostitution (s. 213), living on the avails of prostitution (s.212(1) (j)), and owning or operating a bawdy-house (s. 210). In *Bedford*, the SCC determined that the prohibitions unjustifiably infringed sex workers’ rights to safety and security of the person under section seven of the *Canadian Charter of Rights and Freedoms* [*Charter*].

The first line of the preamble to the *PCEPA* reflects the discourse of neo-prohibitionist policies. It reads, “...the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it.” In his speech to Parliament explaining the *Act*, Justice Minister Peter MacKay stated:

The evidence, including the evidence submitted to the courts in the *Bedford* case, shows that prostitution is extremely dangerous no matter where it takes place... There is simply no getting away from the fact that prostitution is an extremely dangerous activity... (MacKay, 2014)

The purpose of my dissertation research is to examine one of the foundational truth claims at the core of such claims: victimization and violence in commercial sex. The discourse of the *PCEPA* and the government documents supporting it demonstrate the influence of global support for asymmetrical criminalization and the centrality of victimization in the debate about commercial sex and the law. Neo-prohibitionists justify asymmetrical criminalization on two grounds: 1) that victimization is omnipresent in commercial sex; and 2) that prostitution itself is a form of violence—by men towards women—regardless of

⁴*Canada (Attorney General) v Bedford*, 2013 SCC 72, [2013] 3 SCR 1101.

whether any physical violence has occurred. The latter claim reflects an ideological view of commercial sex that does not lend itself to empirical evaluation. It is not possible to collect evidence to ascertain the degree of evidentiary support for the contention that commercial sex is a product of patriarchal oppression of women. I set out to investigate the former claim. I believe that, to be effective, policy responses ought to be based on empirical evidence rather than subjective value determinations. Sanders and Campbell (2014) caution that, “The governance of sex work through law and policy has historically been a contested area with stark contradictions between legality and reality” (p. 536). I argue that effective responses to “social problems” must originate on solid empirical ground. If our evidentiary basis for policy is flawed, or if we do not have an accurate understanding of the full range and complexity of experiences a policy affects, how can that policy be effective?

In 2004, I embarked on my MA research, which explored victimization rates in prostitution in Vancouver, British Columbia. My research with sex workers revealed that while violence and exploitation occur in the off-street industry, most of my participants sold sex without experiencing any violence. These findings contradict the assertion that commercial sex is necessarily an experience of violence. The findings supported the notion that off-street sex work features lower rates of victimization than street-based prostitution, demonstrating that it is possible to work safely in the Canadian sex industry. The policy ramifications of these findings support harm reduction measures and the extension of labour rights to persons selling sexual services. However, my MA sample was relatively small (39 survey participants and 10 interviewees), focused exclusively on females, and was restricted to Vancouver workers. Accordingly, some researchers and policy-makers across Canada remained unconvinced—and ideologically opposed to the idea—that it is possible to

conduct sex work safely in Canada. Indeed, in *Bedford* (2013, para. 1) the Attorney General for Canada argued, “prostitution is dangerous regardless of the venue in which it takes place...”

In 2008, I began doctoral research investigating victimization throughout Canada’s off-street commercial sex industry and the evidentiary support for the claim that sex work necessarily involves violence, across every form of commercial sex. Neo-prohibitionist assertions about violence and commercial sex rely predominantly on research with street-based sex workers (Department of Justice, 2014; Farley, 2004; Perrin, 2014). However, street-based workers form a minority of those in the sex industry;⁵ and thus their experiences represent only a partial view of the sex industry. The Canadian evidence demonstrates substantially different experiences for street-based and off-street sex workers, along with a high degree of variation within each off-street setting, as well as cross over between street-based and off-street sex work (Parent & Bruckert, 2013; Shaver, Lewis & Maticka-Tyndale, 2011). My MA research on victimization of off-street sex workers⁶ in Vancouver demonstrated considerably lower victimization rates for off-street workers than are typically reported for street-based sex workers. For example, one Vancouver study reported that 98% of street-based sex workers they interviewed experienced violence due to their work in the sex industry (Currie, Laliberte, Bird, Rosa, Noelle and Sprung, 1995). In contrast, approximately 35% of the participants in my research experienced victimization while working in the sex industry, and they rarely experienced more than one incident. Clearly, the higher levels of violence in street-based

⁵ The Subcommittee on Solicitation Laws (2006) concluded, “...street prostitution accounts for just 5% to 20% of all prostitution activity in the country” (p. 5).

⁶ The sample included 45 women working for escort agencies, massage parlours and independently from their homes or out of rented spaces.

sex work demands our attention, concern, and action. However, the available research strongly suggests that there are conditions unique to the street that increase sex workers' vulnerability to violence. In particular, evidence from the Missing Women's Inquiry demonstrated that systemic discrimination against street-based sex workers—for example, by police agencies through their enforcement of unconstitutional criminal laws—contributed to brutal forms of violence and mistreatment of vulnerable women (Oppal, 2012). Street-based workers are at a heightened risk to violent predators. If an individual is looking to hurt someone, she or he can quite easily pick up a street-based worker and take advantage of that person's vulnerability—due, for example, to addiction, poverty, and mental health issues—to inflict harm. The chances of the victim reporting the violence are very low, and the chances of serious repercussions for acts of violence are even lower, as issues relating to sex workers' credibility in court, and their access to support and legal representation come into play (Lowman, 2000; Pivot Legal Society, 2003).⁷

Further, court decisions and enforcement policies led to displacement of street-based workers from residential to industrial areas (Lowman, 2000). This displacement increased the marginalization of sex workers, and allowed citizens to ignore the results of structural conditions including racism, classism, addiction and victimization (Lewis, Maticka-Tyndale, Shaver & Gillies, 2005; Lowman, 2005; O'Neill Campbell, Hubbard et. al., 2008). These societal factors are not incidental to prostitution; rather, street-based prostitution is often a survival strategy for people marginalized because of their race, poverty, mental illness, or addiction (Pivot Legal Society, 2003). The differing levels of victimization in different commercial sex venues indicate that the exchange of sex and money itself is not

⁷ Witness credibility is equally as challenging for off-street workers, especially those with addictions or mental health concerns.

the cause of violence. The reasons for the victimization of marginalized persons appear to be structural and much more complex than the moral claim that “prostitution is violence against women.” Gender-based violence remains deeply entrenched in Canadian society, and while it is predominantly men who victimize women, there is a clear structural basis for the violence experienced by street-based sex workers who are living in conditions of economic vulnerability. Poverty, combined with racism, or mental illness, or addiction, increases vulnerability to victimization. These are also factors that lead a person to work on the street rather than indoors.

The high level of victimization of street-based workers was a key factor that led to the SCC determining that Canada’s former criminal laws relating to prostitution were unconstitutional and therefore invalid (*Bedford*, 2013). The SCC recognized that people work in the sex industry in varying conditions, some with few alternatives, others with more agency, but that all take measures to mitigate their risks. Among other constitutional grounds, the SCC held that people involved in sex work are as entitled to protection from victimization as other Canadian citizens.

Writing for a unanimous court, Chief Justice McLachlin found that the criminal prohibitions imposed “dangerous conditions on prostitution; they prevent people engaged in a risky—but legal—activity from taking steps to protect themselves from the risks” (para. 60). Consequently, the laws unjustifiably infringed sex workers’ right to security of the person under s. 7 of the *Charter*. In arriving at its decision, the SCC supported Ontario Superior Court Justice Himel’s key findings about violence and the sex industry in Canada:

I accept that there are ways of conducting prostitution that may reduce the risk of violence towards prostitutes and that the impugned provisions make

many of these "safety-enhancing" methods or techniques illegal. The two factors that appear to impact the level of violence against prostitutes are the location or venue in which the prostitution occurs and individual working conditions of the prostitute. (*Bedford v Canada*, 2010, para. 360)

While the judicial pronouncements regarding commercial sex in Canada indicate variation in experiences of victimization based on venue, asymmetrical criminalization policies such as the *PCEPA* present commercial sex as a homogenous experience of victimization, harm to communities, and a social problem to eradicate. *Bedford* demonstrated a clear evidentiary record: rather than protecting vulnerable people in prostitution, the Canadian criminal laws increased the risk of victimization of sex workers. The reality of the Canadian law-making process is that it is political: we elect politicians who enact laws based on their partisan ideology. The *PCEPA* reflects the Conservative Party's crime, punishment and morality agenda.

The policy-oriented research findings presented in this dissertation challenge the core claims that underlie asymmetrical criminalization. Using a mixed-method and collaborative research approach, I examined the contexts in which victimization occurs in commercial sex work in Canada. I recruited men, women and transgender adults with experience in nearly all parts of the off-street industry (escorting, massage, fetish and domination, exotic dance, adult film, webcam) across Canada to share their experiences and opinions about victimization related to their sex work. There were two components to this research: a) an online survey (N=109) examining interpersonal violence and other forms of victimization, such as theft and client refusals to wear condoms; and b) in-depth interviews with 42 off-street sex workers exploring themes such as working conditions, safety, stereotypes of prostitution, and law reform. The survey and interviews reveal a variety of factors that

contribute to victimization, and suggest that many people work in commercial sex voluntarily and without experiencing violence.

This research is the first nation-wide study of female, male and transgender persons working in the off-street industry, including full service in-call and outcall escorts, massage parlour workers, exotic dancers, adult film actors (pornography), online adult entertainers, BDSM (Bondage, Discipline, Sadism, Masochism) specialists, and live sex show entertainers. The research examines various forms of victimization, broadening traditional conceptions of interpersonal violence by including other harmful acts, such as theft, harassment, refusal to use condoms, financial exploitation, co-worker victimization, and victimization perpetrated by criminal justice personnel, health officials, and other legal officials. Through this research, sex workers describe how criminal, family, tax, and immigration laws affect their working and personal lives.

Chapter Two defines key terms used throughout this dissertation, describes the literature on off-street sex work, and outlines the types of Canadian criminal, provincial, municipal, and other federal laws that regulate the sex industry. The literature review focuses on research findings related to victimization, and provides information about the general experiences of sex workers, the biographical characteristics of participants in different segments of the sex industry, and research about the effects of laws on the work and lives of sex workers. Chapter Three describes the study's methodology, and the process of creating and analyzing the data. The study involved participant-driven action research designed to contribute to ethical and evidence-based knowledge about sex work. Chapters Four, Five and Six report the study's findings and compare them to other sex-worker victimization studies. Chapter Four describes the research participants; Chapter Five reports the key findings regarding victimization in off-street sex work; and Chapter

Six outlines the participants' observations and recommendations regarding safety in the industry. Chapter 7 concludes the dissertation with a discussion of the legal implications of the findings, an assessment of the social science evidence regarding truth claims underlying asymmetrical criminalization, and recommends law and policy reforms.

My data do not substantiate the claims underlying asymmetrical criminalization. The majority of participants did not experience violence in their sex work (n=74; 68%). These data challenge neo-prohibitionist claims about commercial sexual activities. Victimization is not inherent to commercial sex; rather it is dependent on individual, contextual and structural factors. In this dissertation, I suggest developing violence-reduction strategies that reflect the complex realities of sex work. My findings demonstrate that the commercial sex industry is diverse and multifaceted; simplistic representations do not accurately reflect the myriad of experiences of sex work in Canada. To reduce victimization in commercial sex, our policy responses ought to reflect the range of experiences of sex workers in Canada.

The sex industry is a paradox. It's contradictory, it's many different things to different people. Our minds don't like paradox, we like things clear and simple, black and white. But, I'm afraid that's the only real "truth" about sex work.

Isabella

Chapter 2. Academic knowledge about off-street commercial sex

Over the past ten years, the amount of academic research regarding commercial sex—particularly research including off-street workers—has increased dramatically. I have divided my review of this literature into six sections: First, I outline the various forms of commercial sex practiced in Canada. Second, I describe the structural factors—racism, classism, sexism, and other forms of discrimination—that affect the individual experience of selling sex and experience of victimization. Third, I describe existing knowledge about victimization in various off-street commercial sex contexts. Fourth, I review arguments that the laws and their enforcement materially contribute to victimization. Fifth, I identify how sex-work research has shaped policy reform. I conclude by explaining how my data bridge gaps in knowledge and advance our current understanding of victimization.

Forms of Commercial Sex in Canada

I use the term “commercial sex” to refer to the industry as a whole, much as one would refer to the oil industry, or manufacturing industry. I use the term “sex work” to refer to the exchange of sexual services for financial remuneration, and “sex worker” to refer to individuals providing the services. Sex work involves a wide range of activities, which fall into three primary types:⁸

⁸ These categories are not mutually exclusive; some sex workers provide different levels of contact and services to clients in different working environments. Some sex workers may also only offer specific services to certain types of clients (e.g. regular or long-term clients) or in specific circumstances. These categories reflect how sex workers self-identify; many sex workers readily identify themselves as full service or non-full service providers.

1. Direct service provision offering a full range of services, including sexual intercourse, oral, or manual sexual services, to one or more clients at a time (also known as “prostitution” or “full service”);
2. Direct service provision offering a range of services but excluding sexual intercourse, such as only providing one-way erotic massage, or providing erotic massage with manual release, or engaging in fetish activities (BDSM);
3. Indirect (no physical contact with clients) service provision to one or more clients at a time via webcam, exotic dance,⁹ telephone-based erotic conversations, or the creation of adult films. Exotic dance and adult film is also labelled “erotic entertainment.”

Commercial sex activities can be further categorized by the venue (i.e., the location) in which they occur. For example, off-street venues providing direct full services include in-call locations (body rub parlours, massage parlours, apartments) and outcall locations (hotels, client’s homes or workplaces). Sex workers often distinguish themselves from one another according to whether they work independently or for a third party. Independent sex workers are entrepreneurs who run their own businesses at in-calls, by doing outcalls, or a combination thereof. Managed sex workers work for a third party at in-call locations (body rub parlours, massage parlours, spas, apartments) or by doing outcalls (for escort agencies attending clients’ locations). The activities performed at each venue can be

⁹ Some exotic dancers provide private dances, or lap dances, where contact is permitted, but restricted to specific parts of the body (e.g. no contact with genitals). These dancers maintain a distinct self-identity from other sex workers even if their work blends with the other categories of sex work.

identical, but the experience may differ based on the environment in which the activities occur and level of control a worker is able to exert over that environment.

The people who I refer to as sex workers may not define themselves as such. Exotic dancers and adult film actors do not all identify themselves as sex workers due to the stigma attached to prostitution in comparison to other legal forms of commercial sex (Althorp, 2013). However, separating experiences based on rigid categories may mask the nature of participation in sex work, which, for some off-street workers, appears to involve overlapping forms of work (Bernstein, 2007; Bowen, 2013; Dorais, 2005; Nathan, 2007). Nevertheless, distinguishing types of commercial sex is useful in certain contexts, such as in legal discussions about commercial sex. A comparison among sex-work venues is difficult due to different sets of laws that regulate different types of sex work and the diverse working conditions in each sex industry venue. The experiences of people in one venue do not necessarily reflect the experiences of people in other parts of the industry, and the experiences within one type of venue vary as well.

Diversity is most apparent when comparing street-based sex work to off-street sex work. While not mutually exclusive, street-based and off-street sex workers report different levels of violence and addiction, different health risks, and different support needs (Jeal & Salisbury, 2007; Krusi et al., 2012; Meaghan, 2008). When a research sample comprises mostly street-based workers, themes of victimization, addiction, and sexually transmitted diseases dominate the findings (Cler-Cunningham & Christensen, 2001; Currie, Laliberte, Bird, Rosa, Noelle & Sprung, 1995; Farley, Lynne, & Cotton, 2005; Krusi et al., 2012). Weitzer (2004) points out that some commentators erroneously generalize street-based

research to all prostitution.¹⁰ Generalizing the experiences of street-based workers has led to the essentialist portrayal of sex work in the neo-prohibitionist literature as inherently violent, providing justification for end-demand policies such as asymmetrical criminalization.¹¹

Nevertheless, the distinction between street-based and off-street workers ought not to be overstated; some sex workers work both on the street and indoors. Further, the effects of addiction, poverty, mental health, and coercion do not disappear behind closed doors. When discussing the regulation of the commercial sex industry in general, it is important to include the full range of experiences. Policies that reflect only one set of experiences may create injustices for others.

Some researchers deny that there is diversity of experiences of prostitution. For example, Raphael and Shapiro (2004) and Farley (2004) argue that venue is unimportant—prostitution is violence against women, regardless of the location in which it occurs. These neo-prohibitionists assert that the sex industry is inherently exploitative and view prostitution as victimization. The argument is a tautological moral claim, impossible to refute because of its abstract definition of violence. Neo-prohibitionists do not look for specific acts of violence; they assert that the presence of commercial sex, the existence of the industry, is in itself violence against women. They use “prostitution-survivor” or “prostituted woman” to refer to the seller of sexual services, and “batterer” to signify the buyer (Farley, 2004; Raphael & Shapiro, 2004). Neo-prohibitionists campaign for the

¹⁰ For an example of such generalization, see Farley (2004).

¹¹ See Smith (2010) for an example of end demand policies based on the misrepresentation of street-based findings as applicable to the entire industry.

eradication of commercial sex; they see the industry as preventing gender equality and seek to end demand for commercial sex through asymmetrical criminalization¹² (Perrin, 2014). While asymmetrical criminalization reflects a purposive attempt to interpret commercial sex through a particular ideological lens, using labour-oriented terms to denote sex work also has fundamental political implications.

For decades, many sex workers have attempted to redefine prostitution as labour. For them, using terms such as "sex worker" or "client" is necessary to secure labour rights and equality (Kempadoo & Doezema, 1998). Some researchers suggest that the criminal law is not an appropriate way to control commercial sex; rather than preventing harm, criminalization exacerbates marginalization and facilitates violence against sex workers (Lowman, 2000; Meaghan, 2008; Smart, 1995; van der Meulen, Yee, & Durisin, 2010; Young, 2008). The SCC in *Bedford* ruled that the evidence presented in that case demonstrated that Canada's criminalization of communication, living on the avails, and operating or owning bawdy houses increased sex workers' vulnerability to harm.

The labour rights movement does not resonate with all sex workers, though. After conducting in-depth interviews with 30 male escorts, Walby (2012) argued that, for men who sell sex, the links between their work and the rights movement are complicated: "Male-for-male escorts manifest diverse understandings of sex work but few locate themselves in the sex work paradigm, thus raising questions about sex work organizing and solidarity" (p. 82). In addition, some individuals view their experience in commercial

¹² Asymmetrical criminalization refers to the policy where criminal prohibitions target third parties (anyone who profits from the prostitution of another) and buyers, but remove sex sellers from the specific purview of criminal laws.

sex as exploitation and violence (McIntyre, 2005). These individuals do not frame their prostitution experience as work.¹³ Of course, the label *sex work* is only appropriate where the individual is an adult and s/he has consented to the activities.

Underlying the debates on language use are fundamental differences of opinion on concepts of victimization, the commercialization of sex, and the most effective route to alleviating discrimination and harm. Neo-prohibitionists consider the sex industry to be a form of discrimination, the practice and expression of men's oppression of women (Jeffreys, 2003, p. 232). Academics and activists who view commercial sex through a labour rights or a critical legal perspective suggest that the commercial sex industry is not responsible for gender inequality and violence; rather they argue that the sex industry replicates gendered, classed and racist norms at any specific locale and at any point in time (Meaghan, 2008). Undoubtedly, social structures shape the way that commercial sex is experienced and the way that victimization occurs.

Gender, Race & Class in Commercial Sex

To understand victimization in commercial sex, it is necessary to consider the context in which individuals engage in sex work. O'Connell-Davidson (1998) argues that prostitution cannot be, "abstract[ed] from the social and political relations in which it is embedded" (1998, p. 189). Racism, sexism, classism, heteronormativity, and poverty play out in all exchanges of labour for remuneration. The effects of these social structures are particularly visible in the experiences of sex workers, and in public, legal, and academic

¹³ Trisha Baptie and Timea Nagy are two such persons who advocate for asymmetrical criminalization as a result of their individual experiences of exploitation in commercial sex.

representations of commercial sex. Gender, race, and class have shaped research because it has tended to focus on the most visible participants: women in street-based prostitution.

Gender is a primary way of structuring research on sex work: most projects focus on either women or men or, less commonly, transgender persons. While the concept of deviancy remains at the heart of many theories, policies, and studies of commercial sex (Vanwesenbeeck, 2013), researchers have begun to focus on separate issues when studying men, women, and transgender persons involved in prostitution. Research on women tends to be concentrated on either victimization¹⁴ in the sex industry (Farley, Lynne & Cotton, 2005; Pivot Legal Society, 2003; Shannon et al., 2009; O'Doherty, 2011) or on the occupational characteristics of sex work (Benoit & Millar, 2001; Pivot Legal Society, 2006).¹⁵ Research on male sex work typically focuses on sexuality and the transmission of HIV/AIDS (Allman, 1999; Dorais, 2005; Morrison & Whitehead, 2007b). Sausa, Keatley and Operario point out that street-based experiences with high-risk behaviour and links to HIV/AIDS transmission are the primary focus of research on transgender sex work.

The different research foci for different sex-worker genders reveals an underlying assumption that female, male and transgender sex workers experience commercial sex differently. The discussion of patriarchal oppression of the sex worker that forms the basis of neo-prohibitionist views on commercial sex is mostly absent in discussions of male and transgender sex work (DeMarco, 2007). Allman (1999) writes that male sex work research

¹⁴ Research on women includes the theoretical discussions treating commercial sex as violence and those who seek to deconstruct such assertions.

¹⁵ See also Backhouse (1991) and Valverde (1991) for excellent historical analyses of the explicit moral framework imposed through the regulation of commercial sex in Canada in the 19th century.

particularly reflects, "...the belief that homosexual sex work is inherently less exploitative than heterosexual sex work, that the interactions between two men makes for a certain mutual equality which is missing in most transactions between a male client and a female seller" (p. xiv). The literature on male sex work does not view prostitution as violence against a gender; instead, it reflects the idea that commercial sex is often a way for men to explore sexuality—particularly for off-street workers (Dorais, 2005; Jenkins, 2009; Parsons, Koken & Bimbi, 2007; Vanwesenbeeck, 2013; Walby, 2012).

When neo-prohibitionist researchers discuss male sex workers, they argue that clients exploit these young men as much as they do women (e.g., McIntyre, 2005). However, Jenkins (2009) suggests that male sex work complicates simplistic accounts that treat prostitution as male exploitation of women and children. There is a sense of clarity in presenting prostitution in a binary framework based on simplistic gender-based labels: women are victims, men are exploiters; women supply sex, men demand sex; women are pimped/trafficked, men pimp/traffick. Jeffreys (2003) argues that "degendering prostitution" obscures the power relations underlying the activity. She maintains that commercial sex must be seen as, "a practice of men's violence and women's subordination" p. 232). However, Jeffreys' characterization of the gender-relationship in commercial sex fails to incorporate men who sell sex, women who buy sex, transgender sex workers and sex buyers, women who pimp/traffick, and male or transgender sex workers who experience exploitation in commercial sex. Rather than denying that gender-based victimization occurs, other commentators suggest that we ought to take more care in presenting commercial sex gender relationships as dichotomies. Whowell (2010) argues that the demonization of men is dangerous and ultimately misleading. In spite of

the growing body of literature on men who sell sex, the key documents that inform policies continue to exclude male sex workers (Whowell, 2010, p. 126).

Research with street-based samples of sex workers consistently shows over-representation of Indigenous people in Canada's street-based industry (Hunt, 2013; Pearce, 2013; van der Meulen & Yee, 2010). However, when research turns to off-street sectors, there is a considerable drop in the proportion of Indigenous persons alongside an increase in the percentage of Caucasian workers (Benoit & Millar, 2001; O'Doherty, 2007). These findings are not unique to Canada and they relate to class-based stratification. Bernstein (2007) and Brents, Jackson and Hausbeck (2010) demonstrate a link between the growth of middle-class sex work—which typically features a “whitening” of the demographic—and recent changes in sexual mores, consumerism, and an emerging leisure economy in Western countries. Today, many middle-class off-street sex workers see their involvement in very different terms than their street-based counterparts; off-street workers are more likely to define their experiences as occupational career choices, pride themselves in their ethical approaches to exploring diverse sexual experiences, and see liberation in their work (Brents et al., 2007; Walby, 2012). They are more likely to assign intrinsic value to sex work, and define sex as an essential component of human experience (Bernstein, 2007). Of course, these workers have the luxury of their middle-class backgrounds, in which consumerism and leisure are key components. It is logical that their needs and perspectives are quite different from street workers who have faced systemic discrimination and marginalization.

The intersection of race, gender, and class is evident in the high rates of extreme violence against Indigenous sex workers in Canada (Meaghan, 2008; Pearce, 2013; van der Meulen, Yee & Durisin, 2010). Hunt (2010) identifies the use of violence as an integral

component of colonization that continues to this day (p. 27). She argues that stereotypes about women's sexuality combine with racism to facilitate the continuing use of law and policy to infantilize Indigenous women and normalize the violence done to them (p. 88). One need look no further than the title of the final report about the murders of street-based sex workers in Vancouver to get a picture of the deep link between violence and social marginalization in Canada. Oppal (2012) titled his report "Forsaken" to describe the plight of the missing and murdered women. In discussing the many failures of the institutions that were responsible for their protection, he labeled one of the sections of the Report "Nobodies" in recognition of how poorly the women were treated. Gratl (2012), the lawyer representing Vancouver's Downtown East-Side community for the Inquiry, also encapsulated attitudes towards street-based sex workers in the title of his report. He used a quote allegedly made by a member of the Vancouver police department: "Wouldn't piss on them if they were on fire." These phrases describe the institutional discrimination that street-based sex workers face, particularly Indigenous women.

Migrant sex workers from developing countries face similar discrimination and barriers to their equality in Canada. Anti-trafficking discourse typically ignores the complex environment in which migration occurs, and depicts these workers as either trafficking victims (passive) or illegal migrants (foreign threats) (Vanwesenbeeck, 2013). Should these migrant women assert their autonomy in choosing to work in the sex industry, they face restrictive immigration policies that deem them illegal migrants, and therefore deportable (Sutdhibhasilp, 2002). Undoubtedly, migrant sex workers' experiences vary; while migrant women are vulnerable to violence and exploitation, the degree of their vulnerability varies with their English language proficiency, education, socio-demographic

status, and other structural and contextual factors (Bungay, Halpin, Johnston, & Patrick, 2012; Rossler et al., 2010).

Racial discrimination is evident in adult film and exotic dance, as it is in all other forms of commercial sex and all forms of labour in Canada (Jiwani, 2005). Miller-Young (2010) notes that, in adult film, women of colour struggle to achieve the same valuation as white women (229). In North America, white women earn more than women of colour earn (Brents et al., 2010; Miller-Young, 2010). In a study of Swiss prostitution, Rossler et al. (2010) concluded that off-street sex workers born in Switzerland experience more privilege than non-European female sex workers in terms of their income, susceptibility to victimization, and mental health (p. 8). Women of colour do not have equal access to justice in Canada (Jiwani, 2011). They are more likely to face violence and exploitation, regardless of whether they are involved in the sex industry. The commercial sex industry simply, “highlights the manner in which gender inequality is eroticized and racialized” (Meaghan, 2008).

Brents et al. (2010) conclude that the sex industry reproduces existing discriminatory practices that are present in all industries. The degree of oppression experienced by any sex industry worker will vary according to his/her gender, sexuality, race, geographic location, culture, class and the degree of societal condemnation of sex work (O'Connell-Davidson, 1998). These social-structural factors influence individual experiences of commercial sex as well as individual experiences of victimization.

Off-Street (Indoor) Sex Work

Research on indoor commercial sex venues examines a greater range of topics than typically occurs in research on street-based sex work. Some off-street sex-work researchers continue to pose questions about victimization, the spread of infectious diseases, and exploitation in the sex industry (e.g. Benoit et al., 2014; Bungay, et al., 2012; Dorais, 2005; Farley, 2004; Maticka-Tyndale et al., 2000; Meaghan, 2008; Raphael & Shapiro, 2004). Other researchers examine risk management, examining the strategies that sex workers use to prevent victimization (Benoit & Millar, 2001, Bruckert & Parent, 2006, Krusi et al., 2012). Off-street sex-work research includes studies on business aspects of the work, and other participants in commercial sex, such as clients and third parties (Atchison, 2010; Bruckert & Law, 2013; Farley et al., 2011; Jenkins, 2009; Maticka-Tyndale, Lewis, Clark et al., 2000; Sanders, 2004). Some sex-work researchers have contributed to theoretical discourse, such as labour theory, feminist theory, and sexology (Abbott, 2010; Brents et al., 2010; McElroy, 1995). These researchers theorize about the relationship between patriarchy and commercial sex, heteronormativity and gender roles in commercial sex, and the role that sexual labour can play in enabling sexual exploration, resisting oppression, and creating venues for individuals to express alternative sexualities.

Both male and female off-street workers report higher average ages of entry into sex work, higher educational attainment, and lower rates of childhood trauma than do their street-based counterparts (Allman & Myers, 1999; Benoit et al, 2014; Bowen, 2013; Bruckert, Parent & Robitaille, 2003; Escoffier, 2007; Griffith et al., 2013; Marino, Browne & Miniciello, 2000; Rossler et al., 2010; Walby, 2012). Male sex workers report shorter sex-work careers than females (McIntyre, 2002; Weinberg, Shaver & Williams, 1999). However, the reverse may be true for adult film actors: in adult film, female actors generally

report much shorter careers due to market demands for new images (McElroy, 1995; Nathan, 2007).

Female sex workers in all commercial sex venues report higher incomes than males (Brents et al., 2010; Nathan, 2007; Weinberg et al., 1999). Females reported servicing a higher number of clients per week than either male or transgender workers (Allman & Myers, 1999). Money is the key reason people give for working in the sex industry, though research with male sex workers often identifies sexual exploration as a factor contributing to a male's decision to sell sex (Escoffier, 2007; Jenkins, 2009; Vanwesenbeeck, 2013). While sexual exploration is not a common reason for females to engage in sex work, recent research demonstrates that some female workers report sexual exploration as one of the benefits of sex work (Bernstein, 2007; Brents et al., 2010; Jenkins, 2009; Webber, 2013). Griffith et al. (2013) found that female adult film actors reported high levels of enjoyment of sex, higher levels of bisexuality, and more sexual partners than a control group of women of similar age, education, and biographical characteristics.

Thus far, there is insufficient information to compare transgender street-based and off-street sex workers. Research on street-based transgender sex workers indicates that most have completed high school, but they have less post-secondary education than the general population (Sausa et al., 2007; Weinberg et al., 1999). These studies indicate that there may be higher rates of visible minority transgender persons in street-based sex work than are present in the general population. These small unrepresentative samples suggest that transgender sex workers are more likely to engage in illicit drug use than either male street-based sex workers or female street-based sex workers (Sausa et al., 2007; Weinberg et al., 1999).

Transgender sex workers experience sex work in similar ways as male and female sex workers; however, the literature indicates that there are particular motivations for transgender people to work in the sex industry. First, the motivation for engaging in sex work may be to fund gender reassignment surgery or other medical procedures. Jenkins (2009) found that transphobia and employment discrimination factor into a transgender person's decision to work in the sex industry (p. 39). For those who are in the process of gender reassignment surgery, sex work may feel like one of the only options available to fund the procedures and hormones necessary for a sex change. Second, sex work can offer gender non-conforming people the experience of having their physical attributes valued, sought after, and even worshipped. For those individuals who have experienced an array of negative feelings about their bodies, such positive reactions can have an affirming impact on their self-esteem and body-image (Jenkins, 2009).

One recent finding of research on off-street commercial sex is the increasing professionalization of sex work (Bernstein, 2007; Bimbi, 2007; Meaghan, 2008; Parsons et al., 2007). Professionalization includes creating educational opportunities for fellow sex workers about safe sex techniques, discussing issues related to health and safety, and specialized training in fetish areas, communication skills, and business-management skills (Bernstein, 2007; Jenkins, 2009). The growing preference for the term "sex work" over "prostitution" demonstrates this trend. Professionalization appears to be more of a trend for female sex workers than it is for male or transgender workers; female sex workers often discuss specific entrepreneurial business practices and describe strict policies on payment and condom use (Bernstein, 2007). Jenkins (2009) found that her female participants raised these issues far more frequently than did the male and transgender participants (p. 132). In his report on the experiences of 30 Internet-based male sex

workers, Walby (2012) demonstrated that, while male sex workers are similarly entrepreneurial, their approach to aspects of their business, such as collecting the fee from clients and demarcating the services to be included, appears to be considerably more casual than is the case with female sex workers.

The development of the Internet has changed many aspects of off-street sex work. It has contributed to the growth of the off-street industry (Bernstein, 2007; Bimbi, 2007; Sanders, 2008a) and has resulted in a reduction of the relative amount of street-based sex work.¹⁶ The Internet allows anonymity for both parties in any commercial sex transaction, increased education about safe sex practices, and increased interaction between sex providers and potential customers (Agresti, 2009; Jenkins, 2010; Sanders, 2008a). Castle and Lee (2008) pointed out that Internet-based advertising allows customers to “shop around” in order to find sex workers willing to satisfy their particular desires. This selectivity on the part of customers lends credence to the argument that there is much more to a commercial sexual encounter than a simple exchange of sex for money; for some customers, the transaction is more about the relationship with the sex worker rather than the sexual act (Castle & Lee, 2008; Sanders 2008a).

Agresti (2009) suggested that the Internet has had a dramatic effect on both male and female independent sex workers. In her review of 127 websites, Agresti found that the internet has allowed workers to increase their level of control over their business (p. 40). Agresti asserted that the ways sex workers market themselves, the specificity of requests, services, communications with clients and with the general public, all demonstrate a high

¹⁶ Street-based support agencies in Vancouver report growing numbers of their street-based sex worker clients using free online advertising and free online email accounts to arrange pick up locations.

degree of conscious, deliberate business strategy (p. 41). She portrayed sex workers as having a high level of agency, entrepreneurship, and creativity.

Given the range of topics canvassed by researchers and the breadth of issues that arise when discussing off-street commercial sex, it would seem that this is a complex industry. In order to respond more effectively to problems in the industry, such as violence, we should be prepared to create nuanced and evidence-based legal responses that account for diversity in experiences. We also ought to examine victimization in a more comprehensive manner, including many different types of work and different types of worker in our analysis. Some commentators argue that by focusing on victimization in the sex industry, research unnecessarily reinforces the association between victimization and commercial sex. However, victimization remains one of the most pressing social concerns about commercial sex, and lies at the heart of policy and public debate. Therefore, it is necessary to provide clear and detailed data on the extent and nature of victimization in commercial sex.

Victimization in Off-street Sex Work

After surveying numerous researchers' findings about sex work, Harriman, Johnston and Kenney (2007) concluded that, "there is broad agreement that sex work is not inherently degrading or exploitative" (p. 317). The term, "inherent" refers to an "intrinsic," or "essential" component of something, or a factor that is "not dependent on external circumstances" (Lowman, 2013, p. 233). If violence varies because of external factors, then it is not inherent to sex work. The potential for violence may be present, but researchers point out that opportunity for exploitation exists within the industry due to structural discrimination, the quasi-legal status of commercial sex, and the marginalization of sex workers (Brems

et al., 2010; Harriman et al., 2007; Meaghan, 2008; Nathan, 2007). Bungay et al. (2012) further argue that the understanding of what constitutes violence can be contextual and reflects gendered and racialized expressions of power (p. 263).

Canadian researchers generally agree that the off-street sector offers more safety than is typically found in the street-based sector (Benoit et al., 2014; Benoit & Millar, 2001; Bruckert et al., 2003; Krusi et al., 2012; Lewis, Maticka-Tyndale, Shaver & Gillies, 2005, Lowman & Fraser, 1996; Meaghan, 2008; O'Doherty, 2007). Within the off-street industry, there is further variation in levels of victimization. For example, in-call work appears to offer greater security than outcall work (Lewis et al., 2005; O'Doherty, 2007; Pivot, 2006; Sanders & Campbell, 2007). This is not to say that in-call locations are free from victimization; structural, contextual, and individual factors affect an individual's susceptibility to violence (Bungay et al., 2012). Individual factors include control over the sexual service, addiction, financial desperation, and other personal circumstances of the worker. Where workers report greater control over the type of services they provide and their financial compensation, they report lower rates of victimization (Benoit et al., 2014; Lewis et al., 2005; Parsons et al., 2007). When sex workers struggle with addiction, they have less ability to control their work (Krusi et al., 2012).

Contextual factors concern how the work is organized. Sex workers often take measures to ensure their safety. "Risk management" refers to practices such as screening clients, employing security personnel (drivers, security), working with other sex workers (cooperative or in-call locations), and using "safe calls" to relay information about the location and details of a date (Benoit et al., 2014; Bruckert et al., 2003; Casey & Phillips, 2008; Krusi et al., 2012; Parsons et al., 2007). Online risk management is also a concern for adult film stars and webcam sex workers: they use aliases, invoke privacy settings

requiring membership to secured forums, employ passwords, or software programs to prevent theft of images, and otherwise maintain security of information and personal security (O'Doherty, 2007).

Comparing victimization rates across research projects poses various interpretational challenges. First, definitions of victimization vary. For some researchers, victimization is restricted to interpersonal violence, such as sexual or physical assault (Bungay et al., 2012; Meaghan, 2008). Others include psychological harm arising out of commercial sex experiences: Farley et al. (2003) determined that the majority of their participants suffered from PTSD based on their responses to a research survey (pp. 41-42). Other researchers measure violence without requiring the participant to specify the form of victimization experienced (Benoit & Millar, 2001; Casey & Phillips, 2008). For those researchers who examine specific forms of victimization, terminology can be confusing. For example, in Canadian law a physical assault involves the intentional application of force without a person's consent. I provided the examples of "being hit, slapped, kicked or pushed" in my 2007 research. In contrast, Lowman and Fraser (1996) asked their participants if they had ever been "beaten" in the course of their work. It is likely that my definition would capture a far greater range of behaviours than Lowman and Fraser's definition would include. Victimization studies that include such activities as, "client refusal to pay the pre-negotiated amount for services" or "client attempts to remove condoms" demonstrate that these forms of behaviour are frequent, but sex workers do not always identify them as "violence" (Bungay, et al., 2012).

Second, research participant recruiting and sampling procedures affect comparisons. If a researcher recruits a sample of participants who are living in supportive housing¹⁷ (e.g. Krusi et al., 2012) the rates of addiction, poverty and homelessness will be strikingly different from research that recruited participants from high-end escort agencies and massage parlours (e.g. O’Doherty, 2007). Bungay et al. (2012) examined the context of indoor locations in partnership with the Asian Society for the Intervention of AIDS (ASIA). Their sample featured a high rate of immigrant Asian women; only 38% of the 129 participants were born in Canada. This is a very different demographic profile than reported by other researchers such as Jenkins (2009), who found very limited participation of non-Caucasian immigrant women in the UK, US, and Canada. In their study of 193 female off-street sex workers in Switzerland, Rossler et al. (2010) concluded that citizenship influenced victimization rates: the non-European female sex workers reported a higher number of experiences of violence, both related to sex work and unrelated to it. Taken as a whole, these studies emphasize the importance of sampling across different regions, genders, and forms of sex work.

When victimization occurs, clients—or men posing as clients—are the most likely perpetrators. Co-workers, police, bosses/managers and other people connected to sex workers’ personal life comprise a minority of those who engage in violence against sex workers (O’Doherty, 2007; Jenkins, 2009). Studies of third-party involvement in sex work indicate that “pimping” is considerably more complicated than is typically portrayed. The term “pimp” usually signifies a man who controls the prostitution of one of more persons

¹⁷ “Supportive housing” refers to government funded housing for people with addictions, women at risk of violence, homeless or low-income people and others requiring financial, social and health supports.

through some form of coercion, violence or manipulation (Jeffrey & MacDonald, 2006). In Canadian law, a pimp, or procurer, is anyone who facilitates the prostitution of another person or anyone who lives “parasitically” on the avails of the prostitution of another.¹⁸ In popular accounts, the pimp figure is typically exploitative, and uses violence to control vulnerable young women or girls (Bruckert & Law, 2013, p. 16). Some commentators argue that a pimp is anyone who profits from the sex work of another (Holsopple, 1999). However, Bruckert and Law (2013) assert that we cannot assume that those who benefit financially from sex-related work are violent or exploitative, nor can we assume that they do not perform a vital role for some sex workers:

[A third party] may be someone who is violent, coerces the sex worker and takes all or most of the worker’s earnings. The latter are indeed predators and/or abusive partners and/or pimps; but to define all third parties in this way (as the anti-sex work activists do) is unsubstantiated by the evidence. It is also potentially dangerous in that it risks denying sex workers the myriad of diverse and useful services that third parties may provide—including those integral to their safety and security. (Bruckert & Law, 2013, p. 12)

One study suggested that third parties are numerous and occupy various roles in the sex industry, including drivers, security personnel, receptionists, janitorial services, accountants, and many other positions (Bruckert & Law, 2013). However, pimps who employ some form of coercive manipulation over or exploit the prostitution of others are

¹⁸ See the former sections 210 and 212 of the *Criminal Code*. See also *R. v. Downey* [1992] 2 SCR 10 where the Supreme Court of Canada determined that a pimp is someone who “lives parasitically off a prostitute’s earnings.”

relatively rare in Canada (Benoit & Millar, 2001; Bruckert & Law, 2013; Casey & Phillips, 2008; Gillies, 2013). Of the 483 off-street sex workers consulted by Jenkins (2009), 2% reported that a pimp or other third party coerced them into sex work. In the Canadian research involving male sex workers, there are no reports of pimping (Walby, 2012).¹⁹

Casey and Phillips (2008) noted that those who are under the control of a pimp would likely be unable to participate in research, and therefore might be under-represented in the literature (p. 22). However, researchers have consistently asked current and former sex workers to describe their experience with pimps (Benoit & Millar, 2001; Jeffrey & MacDonald, 2006; Lowman and Fraser, 1996). These studies indicate that many sex workers in Canada do not experience pimping in the violent/coercive sense.²⁰

While sex workers identify physical victimization as a problem, other work-related issues are of equal concern, or even more of a concern, to off-street workers. Sex workers frequently report fear of having their involvement in the sex industry publicly disclosed. Sex workers consider being “outed” to friends, family, employers, school communities, or neighbours as one of their most serious work-related concerns (Bruckert & Hannem, 2013; Meaghan, 2008; Shaver, Lewis & Maticka-Tyndale, 2011). This fear means that they live a double life. Because of the high degree of social stigma, if not the fear of legal or other social consequences of disclosure of one’s work experiences—such as effects on child custody, tax implications, or eviction from one’s residence—sex workers often take great pains to hide their involvement in the industry (Pivot Legal Society, 2003). The resulting

¹⁹ Marcus et al. (2014) found that approximately 6 percent of street-based young men (aged 16-24) in New York City had a pimp at some point in their sex work.

²⁰ To be clear, I focus on adult experiences in the sex industry. Sexually exploited youth are more likely to experience coercion and exploitation in the form of pimping.

stress of maintaining a hidden identity exacerbates the emotional toll that can accompany work in a marginalized and stigmatized occupation (Benoit et al., 2014; Casey & Phillips, 2008; Sex Trade Advocacy and Research, 2005; Bowen, 2013). While many researchers recognize these psychological consequences (Benoit & Millar, 2001; Jenkins, 2009; Samuel & Benjamin, 2013), few include them as a form of victimization that sex workers experience.²¹

Sex workers frequently identify workplace conditions as a source of concern. Those who work for third parties explain that the criminalization of third-party involvement in the sex industry facilitates exploitation because sex workers feel unable to assert their employment rights. Gillies (2013) reported the frequent occurrence of, “unfair labour practices and substandard work conditions such as unpaid wages, safety hazards, long hours, and discriminatory or deceptive hiring practices” (p. 274). However, she argued that these practices occur in many industries, and that the procuring and living on the avails laws exacerbate the problem. Shaver et al. (2011) identified occupational health and safety as being a concern for sex workers across all venues and types of sex work. Common workplace hazards at in-call locations include the condition of equipment (the state of repair of stages, poles, massage tables), workplace environment (overall cleanliness, lighting, security), and managerial demands (length of shift, dress requirements, socialization with customers, and responses to unwanted touch or harassment by customers) (Althorp, 2013; Shaver et al., 2011).

²¹ Farley (2005) stands as a distinct exception to this statement. Operating from psychology perspective, she uses inclusive definitions of victimization in her work on commercial sex and sees psychological harm to arise from commercial sex, regardless of physical violence rates.

Neo-prohibitionist researchers deny that off-street venues offer safer working conditions than street-based commercial sex; instead, they assert that prostitution is dangerous regardless of the venue in which it occurs (Farley, 2004; Farley et al., 2005; Raphael & Shapiro, 2004). When researchers recruit participants through street-based outreach programs, street-based workers and off-street workers appear to experience similar rates of violence (Raphael & Shapiro, 2004). However, some of these studies used samples that contain only a small proportion of exclusively off-street workers (e.g. Farley et al., 2005); others include questionable venues—such as Raphael and Shapiro's inclusion of "crack houses" as off-street sex industry venues—or exclude venues like massage parlours, where many sex workers are employed. Weitzer (2005) suggested that variations in findings on victimization result from methodological differences, the challenges involved in making comparisons across jurisdictions, and the use of different research methods. Victimization is contextual; therefore, we need more research that includes the diverse circumstances in which commercial sex occurs in order to obtain a more complete understanding of the range of circumstances in which victimization occurs.

Victimization in Erotic Entertainment (Film and Dance)

There are very few Canadian academic works exploring the experiences of those involved in the adult film industry.²² The term "pornography" appears in theoretical discussions (Lacombe, 1994; Palys, 1986), legal studies (Curry, 2005; Jochelson & Kramar, 2011; Special Committee on Pornography and Prostitution, 1985; Young, 2008), and in relation to societal and individual effects of viewing pornography (Casavant & Robertson, 2007).

²² Webber (2013) is an example of research involving adult film actors' perspectives of authenticity in commercial sex.

The exotic dance industry has been the subject of more research, with several studies on dancers' working experiences in Canada (Althorp, 2013; Bruckert, 2002; Bruckert, et al., 2003; Lewis, 2000; Ross, 2009). However, there is very little research on male and transgender workers' exotic dance experiences.²³

In the academic literature on adult film, victimization discourse tends to center around whether actors experience pressure or coercion to engage in specific sexual activities, exploitation (often in financial or contractual terms), and/or inappropriate requests to provide sexual services to management, producers, or directors of films (Griffith et al., 2013; Nathan, 2007). McElroy (1995) pointed out that, while film actors nearly all describe hearing about such experiences, they deny experiencing such victimization themselves. Workers suggest that a person's age and ignorance are key factors in coercion or manipulation: exploitation mostly involves young workers who are unaware of their rights (Nathan, 2007). Some adult films depict violence, but workers are quick to point out that the violence or humiliation is contrived, not real (McElroy, 1995). Canadian law defines sex depicted with violence as "obscenity," which is illegal.²⁴ The prohibition of the combination of sex and mock-victimization leaves no room for theatrical performance and non-normative expression of sexuality, and thus appears to limit freedom of expression.

In a recent American study involving adult film actors, Griffith et al. (2013) explored the "damaged goods hypothesis" that women involved in pornography have experienced higher rates of childhood abuse than have other women. Griffith et al. matched a sample of 177 adult film actors to a control group and found no evidence for the "damaged goods

²³ Dorais's (2005) research included 10 men with experience as exotic dancers.

²⁴ *R v Butler*, [1992] 1 SCR 452.

hypothesis.” Instead, they found that the film actors reported higher levels of self-esteem, greater sexual satisfaction, greater social supports, and higher levels of spirituality than the control group. The actors reported having more sex partners, self-identified more frequently as bisexual, and reported higher levels of concern about sexually transmitted infections.

Webber (2013) conducted in-depth interviews with eight women who participated in adult films in Canada. She explored authenticity in representations of lesbianism in adult film. Webber problematized the notion that commercial sex performances are inauthentic, that actors are merely putting on a show, or dissociating during a performance. She concluded that dividing sexual performance into "commercial" and "private" creates a false dichotomy, because we all perform sexuality, whether that performance is in a private or a commercial relationship (p. 222). This conclusion adds to the growing body of literature that challenges the strict demarcation of commercial and private sex (Bernstein, 2007; Sanders, 2008b).

In contrast to the high rates of condom use for sex workers who provide direct services to clients, those involved in adult film do not appear to consistently engage in safe-sex practices, such as condom use for all penetrative acts. On-screen performances do not normally demonstrate safe sex practices, though there has been a steady increase in the visible use of condoms in the production of pornography (Nathan, 2007). Likely, due to the requirement of regular STI checkups, adult film actors appear to be less concerned about contracting an STI during a performance than are other sex industry professionals concerned about contracting an STI from a client.

The working conditions of exotic dancers vary based on the degree of support from management, security personnel, and other staff members (Althorp, 2013; Bruckert, 2002; Maticka-Tyndale et al., 2000). Exotic dancers report that harassment and assault are less likely to occur in working establishments with active security (Dorais, 2005; Maticka-Tyndale et al., 2000). Dancers frequently report poorly maintained working environments, and feel that they have little power to insist on occupational health and safety measures (Althorp, 2013). While exotic dancers engage in legal conduct, their work remains stigmatized and negatively affected by their “independent contractor”²⁵ status (Althorp, 2013, Bruckert, 2002). Formal labour laws apply, for the most part, only to employees; therefore, due to their status as independent contractors, dancers are not able to avail themselves of the provincial labour law protections afforded employees (Ross, 2009).

Other sex workers who work independently suggest that their ability to determine for themselves which acts to provide, which clients to meet, and how much remuneration to request for particular services increases their work satisfaction and reduces the risk of victimization (Krusi et al., 2012; Meaghan, 2008). However, independent contractor status works in different and contradictory ways for exotic dancers. While the freedom to be creative in one's dance routine and costume seem key to exotic dancers' work satisfaction, dancers report that tensions occur when they offer services or engage in behavior that breaks traditional codes of conduct (Althorp, 2008). For example, there is a disparity between the degree of physical contact allowed in dance establishments and the tolerance of a dancer providing "extras," such as mutual masturbation, or manual or oral sex

²⁵ In Canada, provincial/territorial labour laws distinguish employees and independent contractors. *Employment Standards Acts* do not apply to self-employed independent contractors.

between dancers and their clients (Althorp, 2008; Lewis, 2000). This can have negative repercussions for dancers who do not allow clients to touch them.

Victimization as Work: the Case of Dominatrices²⁶

Whether in a commercial or personal context, BDSM is a non-normative form of sexual behavior (Lindeman, 2011; McClintock, 1993). BDSM is not a mainstream commercial activity, and there are few academic studies of commercial BDSM. However, it appears that BDSM is becoming more common in both commercial and private settings (Jochelson & Kramar, 2011). To the dismay of dominatrices who do not see BDSM as being sexual in nature, Canadian courts have classified their work as a form of prostitution: in 2000, Ontario's Court of Appeal ruled that prostitution includes all "lewd" acts that may or may not, "include genital touching but are intended to be sexually stimulating."²⁷ As a result, dungeons²⁸ or other workspaces used for commercial BDSM activities violated s.210 of the *Criminal Code* until the SCC ruled the section unconstitutional (*Bedford*, 2013). The *PCEPA* refers to "sexual services," which could include purchasing or advertising professional BDSM services.

BDSM poses legal difficulties in other ways. For instance, in Canada, one generally cannot consent to an assault where serious hurt or non-trivial bodily harm occurs.²⁹ The exceptions to this rule, such as those in professional sport, assign a social value to the

²⁶ A dominatrix is a person who plays the role of the dominant person in the BDSM relationship. Other common terms include the "top," the domme, or a mistress/master. In commercial relationships, the term "pro-domme" is used (professional dominatrix).

²⁷ *R v Bedford*, [2000] OJ No 887 (OCA) (QL) at para 25-26.

²⁸ A dungeon is a space where BDSM activities occur. It typically includes equipment such as shackles, St Andrews' crosses, bondage gear, flogging equipment, etc.

²⁹ *R v Jobidon*, [1991] 2 SCR 714.

activities where contact between competitors is fair play. However, the courts have distinguished BDSM activities from professional sports, finding no social value in the latter activities.³⁰ In *R v Welch* (1995), the accused argued that the court should expand the concept of consent to include consideration of whether “the degree of violence inflicted upon the recipient exceeded that to which consent had been given.” The Ontario Court of Appeal rejected the argument, stating:

The consent of the complainant, assuming it was given, cannot detract from the inherently degrading and dehumanizing nature of [BDSM]. Although the law must recognize individual freedom and autonomy, when the activity in question involves pursuing sexual gratification by deliberately inflicting pain upon another that gives rise to bodily harm, then the personal interest of the individuals involved must yield to the more compelling societal interests which are challenged by such behaviour.

Therefore, as it stands, Canada’s criminal laws prohibit BDSM involving any assaultive action, regardless of its association with prostitution.³¹ In any event, enforcement of laws against BDSM participants is extremely rare. Nevertheless, for these professionals, the concept of “victimization” is complex, given that acts of “violence” (whipping, spanking, bondage, humiliation or other acts of degradation) often form the bulk of their work.

The challenge for BDSM practitioners, along with many other sex workers, appears to lie not only in definitions of violence, but also in definitions of the work itself. McClintock (1993) argues that, rather than exemplifying the violent expression of power, BDSM

³⁰ *R v Welch*, (1995), 101 C.C.C. (3d) 216 (Ont. CA).

³¹ See also *R v J.A.*, 2011 SCC 28, [2011] 2 SCR 440.

serves a subversive, symbolic role in a person's life. Much like film involving depictions of violence combined with sexuality, McClintock sees BDSM as a form of theatrical performance by characters playing roles. Hence, she argues that BDSM is a form of resistance to oppressive heteronormative gender roles: BDSM, “manipulates the signs of power in order to refuse their legitimacy as nature” (p. 91). Lindeman (2011) also has disputed the characterization of BDSM activities as victimization. In her interviews with 66 female dominatrices in the United States, Lindeman found that participants consistently discussed their work in terms of providing a form of therapy for clients. Rather than inflicting violence, the participants identified their work as “psychologically beneficial for their clients” (2011, p. 151). Lindeman argued that the commercial sex literature has established erotic labour as a form of therapy. She cited various sources, such as Chapkis (1997) and Shrage (1994), who attempted to redefine sex work as therapy, as art, or as surrogacy, in attempts not only to expand our understandings of the various contexts of commercial sex, but also as a method of normalizing or legitimizing sex work (Lindeman, 2011, p. 155).

It appears more common for commercial BDSM practitioners to take on the dominant rather than the submissive role. Professional submissives consent to specific agreed-upon acts—such as infliction of pain, degradation or humiliation—as a part of the commercial transaction. There is no academic literature on submissives in commercial sex, even though this is precisely the kind of activity that alarms lawmakers and neo-prohibitionists. Thus far, even the sex workers’ rights discourse fails to address the submissive role in the commercial context. Clearly, there are more complex criminal law issues at play in these interactions than exist in more mainstream commercial sex.

Victimization and Gender

In 2009, after studying nearly 500 female, male and transgender sex workers predominantly from the UK, the US and Canada, Jenkins concluded that “women appear to be more prone to violent occupational hazards” in commercial sex than men (p. 259). However, Jenkins found that women also tended to experience greater degrees of work satisfaction, they were more likely to express feelings of superior power in relation to their clients, and they were more likely to control their encounters with clients (p. 254). Many other researchers have concluded that men experience the lowest rates of victimization as a result of their sex work (Allman & Myers, 1999; McIntyre, 2005; Parsons et al., 2007; Scott et al., 2005; Weinberg et al., 1999). Violence against male or transgender sex workers is often a result of homophobia or transphobia, and not necessarily related to sex work (Allman & Myers, 1999; Parsons et al., 2007; Scott et al., 2005). Other structural and socio-cultural issues may account for the different victimization rates. For example, Jenkins (2009) demonstrated that institutional homophobic attitudes prevent men from reporting victimization (p. 31). Whowell (2010) suggested that the trend to “reinforce the victimhood of women involved in sex work marginalizes that of men,” and ignores the needs of men who are victimized in the course of their work (p. 130).

Similarities between male and female off-street workers include their insistence on safe sex practices, such as condom use, with their commercial sex partners, and their use of personal risk-management strategies. Both male and female workers report consistent use of condoms for penetrative sexual activities (Benoit et al., 2014; Bruckert et al., 2003; Meaghan, 2008; O’Doherty, 2007; Parsons et al., 2007; Walby, 2012). However, Smith and Seal (2008) pointed out that the type of venue is only one factor in explaining sex workers’ safe sex practices; drug use, economic need, dependence on sex work income,

attractiveness of the customer, and the level of a person's concern about health can all affect condom use and other safer-sex practices. Smith and Seal suggested that, where management and work culture promote safe sex, condom use increases. Similarly, Estcourt et al. (2000) suggested that workers report higher levels of commitment to safe sex practices under regimes of legalization in comparison to those who sell sex under regimes of criminalization.

Stigma and Sex Work

The cultural status of the sex worker identity as deviant has resulted in deeply entrenched stigma (Bruckert & Hannem, 2013; Samuel & Benjamin, 2013; Vanwesenbeeck, 2013). Goffman (1963) defined stigma as, "the phenomenon whereby an individual with an attribute which is deeply discredited by his/her society is rejected as a result of the attribute. Stigma is a process by which the reaction of others spoils normal identity" (p. 6). Scambler (2007) suggested that, "Stigma is the rule for sex workers, not the exception" (p. 1082), and pointed out that various settings and occupations (such as women in the service industry or gay men in the military) similarly stigmatize other workers. Bruckert and Hannem (2013) illustrated the stigma of sex work by identifying the stereotypes that characterize it: "The fact that it is easy to articulate a discourse about *the kind of person who is a sex worker* speaks to stigma" (p. 47).

Structural factors at any specific place or point in time affect how stigma is experienced. Males and transgender people represent forms of non-hegemonic sexuality (Morrison & Whitehead, 2007a; Whowell, 2010). For female sex workers, stigmatization may arise from their willingness to be sexually available and to commodify sexual acts. While exotic dancers and adult film actors are stigmatized (Maticka-Tyndale et al., 2000), those who

provide direct physical sexual services seem to face the highest levels of stigmatization (Bimbi, 2007; Meaghan, 2008; O'Connell-Davidson, 2002; Overall, 1992). Meaghan (2008) argued that stigmatization, "interferes with promoting safe sex by driving sex workers underground without legal recourse if they are assaulted or robbed" (p. 59). Stigmatization results in victim blaming when violence occurs, and poor treatment of workers by police, health officials, and officials in other institutions (Maticka-Tyndale et al., 2000).

Some researchers have suggested that stigmatization of sex workers may be declining due to the "mainstreaming" of activities such as exotic dance and pornography. Attwood (2009) suggests that, in Western society, activities that used to be taboo, such as pole dancing and pornography, are now commonplace. However, Bruckert and Hannem (2013) argued that structural stigma, where stereotypes become rooted in institutional discourse, characterizes Canadian policy on the sex industry. They point to the statement of the Ontario Court of Appeal in *Canada v Bedford*, 2012 that, "everyone knows prostitution is a dangerous activity for prostitutes" as illustrating "the extent to which ideas entrenched in judicial legal discourse, reified as truth and ultimately embedded in case law [are] power/knowledge in the making" (p. 48). In addition, stigma is not restricted to those who provide sexual services; it extends to clients of sex workers. Sanders (2008c) noted that married men report feeling shame about their sex buying and fear ostracism for seeking commercial services.

The Victimizers: Clients, Johns, Purchasers, Batterers

In 1996, Lowman, Atchison and Fraser released their research on men who buy sex. At that time, few Canadian studies examined clients. While the exchange of sex for money

clearly involves at least two parties, research focused on those who sell sex. Nearly 20 years later, there remains little Canadian academic research on purchasers. Atchison (2010) released preliminary data on a second, much larger study involving male purchasers, and he has contributed data on clients to Benoit et al. (2014), but few other Canadian data are available.

Studies that compare non-sex buying men to clients suggest that there are no significant differences between the groups on attitudes towards sex workers or acceptance of violence to sex workers (Lowman, Atchison & Fraser 1997; Monto, 2004). Lowman, Atchison and Fraser (1997) and Scott et al. (2007) found that a minority of clients commit acts of violence against their commercial sexual partners. Brooks-Gordon (2010) concluded that some individuals who commit violence against sex workers are likely not even clients: they are predatory and misogynistic men who are "masking" themselves as clients and taking advantage of the vulnerability of sex workers (p. 154).

Whowell (2010) suggested that men who purchase sex are, "perhaps the most prevalent male identity cited in debates over policy" (p. 127). The demonization of male clients forms the basis of asymmetrical criminalization, which conceptualizes prostitution as violence committed by men against women. Proponents of asymmetrical criminalization selectively cite works such as Farley, Schuckman, Golding et al. (2011) and ignore most of the available empirical data regarding clients,³² which provide a far more complex picture of victimization than the one neo-prohibitionists offer (Brooks-Gordon, 2010).

³² See Perrin (2014) for an example of selective citation.

Atchison's (2010) study involved over 800 male sex buyers. The sample displayed characteristics that were consistent with general Canadian male demographics, demonstrating that sex buyers come from all backgrounds, occupations, education levels, ages, and marital statuses. Regarding victimization, Atchison asked participants a variety of questions through a self-administered questionnaire survey and in-depth interviews. Only 3.4% of his participants (n=29) said they had committed violence against a commercial sex partner. Victimization against sex workers included clients posting negative reviews online (29.4% of the 29 clients), arguing with sex workers over services and price (20% of the 29 clients), or refusing to pay the pre-negotiated amount (12.3% of the 29 clients). These data align closely with other studies (Jenkins, 2009; O'Doherty, 2007) which found that sex-worker participants reported that disagreements over price and sex act were the most frequent forms of victimization they experienced. My 2007 findings indicated that the growing popularity of anonymous online review boards was a concern for sex workers. The review boards provide opportunities for clients to make claims about individual sex workers that can damage a worker's reputation and affect her/his income. Sex workers reported harassment and blackmail by clients who threatened to post private information, such as a home address, if the worker did not provide unpaid services (O'Doherty, 2007).

The neo-prohibitionist portrayal of the dynamics of commercial sex exchanges is oversimplified. The growing body of data about commercial sex transactions has enabled researchers to question dominant ideas about sex work, such as Farley's (2004) claim that sex workers disassociate from their work in order to be able to tolerate it. Walby (2012) critiques the concept of "feigned intimacy" by suggesting that, "relations with clients are far more complicated, more intimate, and include a confessional element, a level of

honesty not present in many other relationships” (p. 119). Sex workers consistently report that their work is not just about sex; they often discuss friendship, show compassion, and provide intimacy without necessarily engaging in any sex act (O’Doherty, 2007). Clients similarly report that companionship is a key service (Atchison, 2010; Brooks-Gordon, 2010; Sanders, 2008b).

Sanders (2008b) concluded that commercial sex exchanges are more similar to non-commercial, private, sexual relationships than previously thought. She conducted interviews with 28 men who regularly purchased sexual services in the United Kingdom. Her participants identified standard sexual scripts around courtship, sexual familiarity, and the desire for mutual satisfaction—the same sexual scripts that play out in private relationships—as important components of commercial sex. Sanders acknowledged that the men who become regular clients displayed different expectations from their commercial sex partners than the male purchasers who did not establish long-term relationships with sex workers (p. 404). Nevertheless, the fact that some men do replicate their “sexual scripts” in the commercial context indicates that researchers cannot separate the commercial and private sexual exchange as rigidly as they have in the past (Sanders, 2008b, 411).

The Law and Sex Work

As policy-oriented socio-legal research, this study examines victimization in the off-street commercial sex industry as well as the role of law in sex workers’ experiences of victimization and their ability to mitigate risks related to their work. In this section, I outline the laws that shape the practice of commercial sex in Canada, including criminal, municipal, tax, and family laws. I provide a brief discussion of the history of criminalization

in Canada as well as a discussion of the effects of Canada's regime of indirect prohibition on sex workers. I focus on the legal regime that existed in Canada at the time of data collection; however, I have updated each section to reflect both the SCC determination of constitutionality of the former criminal laws (*Bedford*, 2013) and the new laws imposed under the *PCEPA* in December 2014.

Canadian criminal laws include prohibitions on activities related to prostitution, to public indecency, and to the creation and production of obscenity. Human trafficking prohibitions introduced in 2005 add further complexity to the law by criminalizing a variety of activities related to the exploitation of migrants and other forms of coercion. In addition to these criminal laws, municipalities regulate erotic-service businesses. Immigration laws control the type of workers who can visit, work in, and migrate to Canada. Immigration regulations specifically prohibit international students from working in commercial sex establishments.³³ Tax laws require all workers, including sex workers, to declare income and pay taxes. Family laws allow consideration of a person's decision to engage in sex work as a factor in weighing her/his fitness to make sound judgements as a parent.

The criminal prohibitions on commercial sex originate in British common law. Canada's 1892 *Criminal Code* codified the offences of owning and operating a bawdyhouse, procuring a woman into prostitution, and made being a "common prostitute in a public place without being able to give a good account of herself" a form of vagrancy. Prior to *Bedford*, the *Code* prohibited keeping, being an inmate of, or being found in a common bawdy house. At the time I conducted my research, the *Code* prohibited owning a place

³³ See Ministerial Instructions effective July 14, 2012 Available at: <http://www.cic.gc.ca/english/department/mi/#abuse>

used on a regular basis for the purpose of prostitution; transporting or directing a person to a bawdyhouse; procuring and/or living on the avails of the prostitution of another; and publically communicating for the purpose of prostitution. In addition, there are various criminal offences prohibiting the sexual exploitation of youth, and exploitation more generally.³⁴

The criminal prohibitions of activities associated with prostitution have been the subject of most of the academic and legal debate about commercial sex laws. Since confederation, the criminal laws have undergone modifications to address differential treatment based on gender,³⁵ the extent of nuisance required as an element of the offences³⁶ and various challenges regarding the applicability of the laws.³⁷ In spite of the numerous federally funded studies that demonstrated problems with the criminal laws,³⁸ fundamental law reform did not occur until after the SCC struck down the bawdy house, living on the avails, and communicating laws in 2013 because they unjustifiably violated s. 7 of the *Charter (Bedford)* and were thus unconstitutional.

In response to *Bedford*, the Canadian government enacted the *PCEPA*. The new legislation does not prohibit the sale of sexual services. Instead, it prohibits the purchase

³⁴ See sections 153, 170, 171, 172, 172.1, 212(2), 212(2.1), 279.04(1) of the *Criminal Code*.

³⁵ In 1983, the federal government clarified that both women and men could engage in prostitution as sex sellers and that procuring applied to both genders in order to make the provision compliant with section 15 of the *Charter* (McLaren, 1986).

³⁶ In *R. v. Hutt*, [1978] 2 SCR 476, the court determined that solicitation under s. 195.1 must be “pressing and persistent” to warrant conviction under s. 195.1, seriously limiting police power. Then, in 1985, the government repealed s. 195.1 and enacted s. 213, communicating for the purpose of prostitution, in its place.

³⁷ For example, in *The King v. Betty Cohen*, (1939) SCR 212 (SCC), the SCC determined that the term “bawdy house” applied to a single woman using her own residence for the purpose of prostitution.

³⁸ See Lowman (2011) for an overview of each of the major studies.

or communication for purchase of sexual services (s.286.1), and third party involvement in facilitating or profiting from prostitution. If the purchase of sex or communication for that purpose occurs near a school, park, or any other place open to view by someone under the age of 18, there is an increased penalty. If sex workers communicate in a public place, or a place open to public view, that is next to a school, park, or daycare,³⁹ for the purpose of providing sexual services, they will be subject to criminal penalty (s.213(1.1)). Procuring remains a criminal offence (s.286.3), with third parties facing new prohibitions related to receiving “material benefits” from a sex worker for services rendered (s.286.2), or for advertising the sexual services of another person (s.286.4).

The new provisions include a provision that applies to drug dealers who accept money from sex workers in exchange for drugs (s.286.2(5)(c)). The new advertising and material benefit provisions directly criminalize off-street commercial sex. They eliminate a sex worker's ability to work for a third party, and prohibit third-party advertising of sex worker services. Section 286.2 expands the previous living on the avails provision because it no longer requires proof of a parasitic relationship. Evidence of any form of coercion or evidence of a “commercial enterprise” automatically proves exploitation. The Department of Justice technical paper on the *PCEPA* lists escort agencies, massage parlours, BDSM dungeons, and exotic dance establishments as types of “commercial enterprises” (Department of Justice, 2014). Section 286.2 maintains the reverse onus clause of the previous living on the avails provision where evidence that a person lives with or is habitually in the company of a sex worker will suffice as proof of guilt.

³⁹ This provision originally meant to capture any communication that occurred where a person under the age of 18 might reasonably be expected to be present. The House of Commons Justice Committee limited the provision to any school, park, or daycare.

Regarding obscenity, the 1892 *Criminal Code* included a prohibition on the publication of materials that could result in the corruption of morals (Casavant & Robertson, 2007). Jochelson and Kramar (2011) suggested that the focus of prohibition has consistently been non-normative sexuality (homosexuality, queer sexuality, fetish and BDSM activities) through specific class-based law enforcement (p. 11). In 1959, Parliament enacted a *Criminal Code* provision stating that any publication would be deemed obscene where, “a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence” (now s.163(8)). The judiciary interpreted this provision to require the consideration of “community standards” whether Canadians would tolerate the dissemination of such materials to one another (*R v Towne Cinema Theaters Limited*, 1985)⁴⁰. *R v Butler* (1992) further classified obscene materials into three categories: materials depicting sexuality coupled with violence; materials depicting degrading and dehumanizing acts coupled with sexuality; and erotica (presumptively legal material). Young (2008) argued that, due to an onerous evidentiary standard imposed on the Crown regarding proof of degradation, the only realistically enforceable form of criminalized material is violent pornography (209). In 2005, *R v Labaye* (2005)⁴¹ formalized a substantive change to the community standard of tolerance that began in *Towne Cinema Theaters Limited*: the definition of indecency is now concerned with risk of harm. To obtain a conviction, a judge must be satisfied that there is a “significant risk of harm to others that is grounded in norms which our society has formally recognized in its Constitution” (para. 30). The court needs to find that the degree of harm could affect the proper functioning of society (Jochelson & Kramar, 2011).

⁴⁰ *R v Towne Cinema Theaters Ltd.*, [1985]1 SCR 494

⁴¹ *R v Labaye*, [2005] 3 SCR 728.

For example, the degree of harm could be the risk for developing sexist or misogynistic attitudes.

The 1892 *Criminal Code* also prohibited acts of indecency. As is the case with prostitution and obscenity, indecency suffers from definitional vagueness. Lacking a statutory definition, the SCC used the same community standards of tolerance test outlined in *Towne Cinema Theaters Limited* (1985) to determine what was indecent until *Labaye* (2005) replaced it. The key difference between obscenity and indecency is that obscenity concerns creation of material while indecency is about conduct. Any space used for the “practice of acts of indecency” was a bawdy-house under the definition in s. 197(1). As a result, exotic dance establishments⁴² and swingers clubs⁴³ have both been subject to police scrutiny.

It is not entirely clear how the *PCEPA* will apply to exotic dance establishments. The new law fails to define “sexual services.” If the courts interpret this term broadly, purchasing services (which could include private dances) from dancers, advertising dance establishments, and hiring dancers could all be illegal. The Department of Justice explicitly included “escort agencies, massage parlours or strip clubs” in its background document describing the new material benefit prohibition.⁴⁴ This inclusion may result in a more expansive definition of “sexual services.” The Department of Justice lists security personnel who provide protection—i.e. “bouncers”—at exotic dance establishments as an example of individuals who would fall under the new “material benefit” provision.⁴⁵ It also

⁴² See the contrasting decisions *R v Tremblay*, [1992] 2 SCR 932 and *R v Mara*, [1997] 2 SCR 630.

⁴³ *R v Labaye*, [2005] 3 SCR 728.

⁴⁴ See <http://news.gc.ca/web/article-en.do?nid=853729>

⁴⁵ See: <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

states that lap dancing and self-masturbation that occur in private in dancing establishments fall under the term, “sexual services.” Sado-masochistic activities that are sexually gratifying to one party are also “sexual services” according to the Department of Justice.

While the criminal laws provide the framework for controlling commercial sexual activities, one needs to examine enforcement patterns to ascertain their effect. Enforcement patterns have usually been complaint-driven, sometimes coinciding with regionally specific and episodic political campaigns to eradicate sin (Gray, 1971; Lévesque, 1994; Lowman, 2000; McLaren, 1986). Off-street workers have not faced the same level of criminalization as their street-based counterparts (Krusi et al., 2012; Parsons et al., 2007); indeed, after the enactment of the communicating law in December 1985 up to 2013 when the SCC struck it down, 93% of all prostitution-related charges were for communicating (Subcommittee on Solicitation Laws, 2006).

Until 2000, female service providers formed the majority of sex workers convicted under s. 213 (Allman & Myers, 1999; Meaghan, 2008). However, after 2000 male clients were as likely as female sex workers to face charges under s. 213. The Subcommittee on Solicitation Laws (2006) concluded that women were more harshly punished than were their clients. Ninety-two percent of those sentenced under s. 213 to incarceration from 2003-2004 were women (p. 52). The subcommittee noted that the difference in sentencing reflects the fact that many street-based sex workers have criminal records and often fail to appear in court, resulting in harsher sentences. In contrast, only 5% of men charged with public communication during this period were imprisoned. First time offenders typically accepted diversion from the formal justice system into prostitution offender programs, colloquially known as “john schools,” which meant that they did not end up with

a criminal record (Subcommittee on Solicitation Laws, p. 53). In most jurisdictions, there were no equivalent diversion programs for sex workers.

Throughout Canada's history, municipalities have regulated sex businesses (McLaren, 1986). Presently, municipal by-laws regulate various forms of sex work, such as erotic massage, escort work, adult film, exotic dance, and other forms of adult entertainment. Businesses are required to obtain licenses, with licensing fees and procedures varying by municipality (Laing, 2012). Lewis and Maticka-Tyndale (2000) argued that licensing systems function to reduce the degree of control sex workers have over their working conditions. For example, in Edmonton, escorts are required to obtain licenses that are specific to the agency they wish to work for (Bylaw 15950). If an escort wishes to change agencies, perhaps due to problematic working conditions, fees, or for other reasons, the escort must apply for a new license and pay the \$127 fee a second time. This can dissuade escorts from switching agencies and contributes to some escorts' acceptance of poor working conditions (Lewis & Maticka-Tyndale, 2000).

Municipal licensing can work in tandem with *Criminal Code* provisions to limit erotic-service work to individuals with no prior criminal record relating to prostitution. For example, s. 17.1(2) of the City of Vancouver's By-Law 4450 prohibits "health enhancement centers" from hiring anyone with a criminal record related to prostitution.⁴⁶ Persons wishing to operate erotic services preferred the Health Enhancement Center license because its annual fee was \$226 compared to the \$9,250 fee charged for a "Body Rub Parlour" license. These fees may have prevented many street-based workers from working in safer off-street prostitution venues.

⁴⁶ The City of Vancouver is in the process of reviewing the bylaws related to commercial sex.

The degree of enforcement of the municipal and criminal provisions affects the experience of sex work in any given city. Sex workers report feeling safer and more able to contact the police in the event of victimization in jurisdictions where the *Criminal Code* provisions are rarely enforced; but in jurisdictions where police are known to more actively pursue "vice," sex workers avoid contact with police, even when they have been victimized (Meaghan, 2008; O'Doherty, 2007). Laing (2012) suggested that the municipal laws reflect a specific "moral sexual geography;" they stipulate where intimate touching can occur, under what conditions, who may be touched, and who may engage in sexual touching (p. 167). The municipal by-laws reflect regional political will, policing priorities, and the historical approach to regulating commercial sex. However, they are required to be consistent with federal criminal law. The degree to which the new criminal laws will affect the municipal regulation of commercial sex is unclear. The new term "sexual services" may cast a wider net than its predecessor "prostitution." This may result in a scenario where a municipality contravenes the *Criminal Code* by licensing any kind of commercial sex, and thereby financially benefitting from, the sexual services of another, or licensing an establishment where illegal purchases of sexual services may take place.

While enforcement patterns provide a clear picture of the differential impacts of the official deployment of state power to regulate commercial sexual activity, even un-enforced or rarely enforced laws may have far-reaching effects. Jochelson and Kramar (2011) argue that laws "communicate ideas to the wider society in which they operate about the limits of acceptable conduct and the justifications for state intervention" (p. 6). This denunciation of unacceptable sexual behavior is distinctly moralistic: the legal discourse is centered on concerns about regulating "deviant" sexuality, protecting women from aggressive male sexuality, and the need to shield youths from sexuality to maintain their "innocence" as

long as possible. Harm has replaced the overtly religious terms of the original *Criminal Code* provisions—harm committed against individuals certainly, but where the physical harm is not present, harm against society, harm against values, and harm affecting the “fabric” of Canadian society (Jochelson & Kramar, 2011, p. 8). This risk-of-harm rhetoric forms the basis of *PCEPA*. The same language appeared in the affidavit submitted on behalf of the Attorney General of Canada in *Bedford*. The Attorney General (2011) defended the impugned prostitution laws on the basis that they were necessary to, “discourage the practice of prostitution to protect communities and prostitutes from harm” (para. 3). Hunt (2002) pointed out that regulation and concern about commercial sex has never been solely about the exchange of sex for money; instead the criminal laws target sex workers for “moralization and regulation” (Hunt, 2002, p. 1).

Effects of Criminalizing Sex Work

Recent constitutional law demonstrates an important shift in legal consideration of harm: courts have begun to recognize the negative harms that flow from the presence and enforcement of criminal laws.⁴⁷ For the past two decades, researchers have collected extensive evidence that shows how criminal prohibitions and their enforcement materially contribute to harm experienced by those in the commercial sex industry. This evidence formed the basis for the SCC’s decision in *Bedford*. The SCC concluded that the communicating, living on the avails, and bawdyhouse laws contributed to violence against

⁴⁷ See *Canada (Attorney General) v PHS Community Services Society* [2011] 3 SCR 134, *Carter v Canada (Attorney General)* 2013 B.C.C.A 435, and *R v Summers* [2014] SCJ 26

sex workers.⁴⁸ The decision provides judicial affirmation that the impugned laws infringed sex workers' right to life, liberty and security of the person under s. 7 of the *Charter*.

In *Bedford*, the SCC unanimously pronounced that the negative effects of the communicating and bawdyhouse prohibitions outweighed any Parliamentary objective of preventing public nuisance, and amounted to a, "grossly disproportionate response to the possibility of nuisance caused by street prostitution." While the criminal prohibition of living on the avails of prostitution targeted parasitic exploitation, the provision was overbroad in capturing conduct that was unrelated to exploitation. The SCC accepted the Ontario Superior Court's ruling on social facts related to the diversity of experience of sex workers and the economic foundation of prostitution, thereby rejecting the idea that prostitution is a monolithic experience of exploitation and violence. The SCC found that the state is not entitled to create laws that increase vulnerability to violence, and concluded, "the prohibitions all heighten the risks the applicants face in prostitution—itsself a legal activity."

Many researchers argue that criminalization negatively affects sex workers (e.g. Bruckert & Law, 2013; Meaghan, 2008; Scoular, 2010). Rather than being intrinsic to prostitution as neo-prohibitionists suggest, "coercion and abuse are components of specific human relations generally in a context of illegality" (Meaghan, 2008, 59). Betteridge (2005) argues that criminal prohibitions lock impoverished and addicted persons into survival sex work and increase their risk of exposure to HIV (p. 44).⁴⁹ Asymmetrical criminalization does not

⁴⁸ This conclusion is echoed by a large body of research such as: Benoit & Millar, 2001; Betteridge, 2005; Brock, 1998; Bruckert & Hannem, 2013; Corriveau & Greco, 2013; Cusick, 2005; Kempadoo & Doezema, 1998; Lewis, et al., 2005; Lowman, 2000, 2005; Maticka-Tyndale et al., 2000; O'Doherty, 2007; O'Neill et al., 2008; Pivot, 2003; Reckart, 2005; Sanders, 2005; Shannon et al., 2009; Van der Meulen, 2010.

⁴⁹ See also the Intervenor Factums by the Canadian HIV/AIDS Legal Network and PACE, SWUAV and Pivot in *Bedford* (2013). Available at: <http://Bedfordsafehaveninitiative.com/supreme-court-of-canada/>

solve the problems linked to criminalization more generally. Levy & Jakobsson (2014) argue that sex workers in Sweden now face an increased risk of victimization, a reduction in social services to support sex workers, and increased legal oppression in the form of deportation, child custody issues, negative interactions with police, and eviction of sex workers from their work spaces.

In the case of indoor sex work, criminal prohibitions combine with differential enforcement patterns to contribute to uncertainty about the extent and applicability of the law. Most sex workers, and most Canadians, do not understand the precise scope of the criminal laws in relation to prostitution (Corriveau & Greco, 2013; Laing, 2012; Lowman & Louie, 2012; Pivot, 2006). The illegal nature of sex work encourages workplace exploitation because sex workers do not turn to employment standards law to assert their rights—they fear the consequences of admitting that they are involved in the sex industry (Althorp, 2013; O’Doherty, 2007; Pivot, 2006). The laws undermine the safety and rights of sex workers in family, tax and immigration law contexts, too (Lewis et al., 2005; Pivot, 2006; Reckart, 2005). Bruckert and Hannem (2013) demonstrated that the result is “civic exclusion;” sex workers cannot access the protections and rights accorded to other Canadians (p. 54). Moreover, Sanders (2009) argued that criminalization excludes sex workers from “sexual citizenship:” commercial sexual expression, like other non-normative forms of sexual expression, is marginalized, stigmatized, tightly controlled, and legally framed as deviant, dangerous, and exploitative (p. 519).

Research, Laws and Policies moving forward

The Ontario Superior Court *Bedford* decision required a careful examination of over 25,000 pages of evidence, including expert witness affidavits, transcripts of cross-

examinations, academic studies, and Parliamentary records such as Hansard debates. Madame Justice Himel found much of the expert evidence presented by the Attorney Generals of Canada and Ontario to be biased, based on flawed methods, and replete with unsupported generalizations. She found that there remain significant academic disputes about certain key issues relating to prostitution. One issue concerns variation in victimization levels across different forms of prostitution, and the degree to which the laws materially contribute to the harms faced by sex workers in Canada (*Bedford*, 2010, p. 30). The SCC ruled that where, “anyone’s life, liberty or security of the person has been denied by a law that is inherently bad; a grossly disproportionate, overbroad, or arbitrary effect on one person is sufficient to establish a breach of s. 7” (*Bedford*, 2013). However, the discourse underlying asymmetrical criminalization and the public debate about the *PCEPA* indicate considerable misinformation about the very nature of sex work and the diversity of sex worker experiences.

It thus appears that the evidence gathered to date has not provided sufficient clarity about the scope and variety of commercial sex activities. The federal Justice Minister outlined the Conservative Party’s perception of prostitution: “We know there is tremendous violence and vulnerability associated with prostitution. Prostitutes are predominately victims” (Peter MacKay, CBC News, April 7, 2014). The federal government dismissed the evidence accepted as a part of the judicial record regarding diversity in the industry, the impacts of criminalization, and the needs of sex workers. Like proponents of asymmetrical

criminalization generally, the Conservative party views commercial sex as socially harmful, immoral and inherently violent to “women and children.”⁵⁰

The conflation of human trafficking and sex work has directly contributed to misinformation about commercial sex in Canada. Over the past decade, there has been a dramatic increase in attention to human trafficking; criminal charges have increased substantially in the past 5 years,⁵¹ in part due to the relative newness of the criminal offence, but also due to politically motivated law enforcement (Roots, 2013).⁵² Public discussions about sex work often dissolve into discussions about human trafficking—and the conflation appears deliberate. Concern that prostitution and trafficking are inherently linked formed part of the rationale for the federal government’s appeals of the *Bedford* decision⁵³ and its subsequent policy response.⁵⁴ Human trafficking featured centrally in the rhetoric supporting asymmetrical criminalization.⁵⁵ Indeed, the *PCEPA* contains several amendments to the criminal laws related to human trafficking, thus officially linking these subjects.

⁵⁰The provisions criminalizing the sexual exploitation of youth have never been the subject of the constitutional debates. Regardless, the federal government, and those who advocate demand-focused prohibitions, continually draw children into the discussion.

⁵¹ Canadian statistics indicate that 11 people were charged with human trafficking in 2010, 36 people were charged in 2011; 50 people were charged in 2012, and 71 people were charged in 2013. See US Trafficking in Persons reports available at: <http://canada.usembassy.gov/key-reports/trafficking-in-persons-report/2013-trafficking-in-persons-report-canada-chapter.html>.

⁵² See Operation Northern Spotlight as an example of a police-led campaign to address human trafficking by cracking down on the off-street sex industry. Example available at: <http://www.police.london.ca/d.aspx?s=/Newsroom/2014023.htm>

⁵³ See the Factum of the Attorney General of Canada (2011) at para. 21.

⁵⁴Joy Smith’s report, *Connecting the Dots*, is the basis for the government’s National Action Plan to Combat Human Trafficking.

⁵⁵ MacKay referred to human trafficking 12 times in his seventeen-minute long speech introducing *PCEPA*.

In contrast to neo-prohibitionists, many sex workers distinguish trafficking and sex work. They suggest that consent is central to the definition of sex work; by definition, those who are trafficked are not sex workers. Vanwesenbeeck (2013) pointed out that international discrepancies in definitions of trafficking and the difficulty of interpreting empirical evidence underlie the conflation of trafficking and prostitution (p. 14). Data on the extent of any form of illegal migration is very difficult to gather, due largely to its hidden nature.

Neo-prohibitionists such as Perrin (2010, 2014) have made effective use of concern over human trafficking to promote asymmetrical criminalization. Sanders and Campbell (2014) assert that the global rise of criminalization relates to the “moral panic” over sex trafficking (p. 543). Despite the evidence about the range of conditions facing sex workers and the negative impacts of criminalization, ideological positions about sexuality, equality, and the role of the criminal law dominate international discourse. Evidence demonstrates that nuanced approaches, localized solutions that reflect the specific cultural, legal, historical and political needs of any specific group of sex workers in any specific region ought to inform policy (Kotiswaran, 2014).

Contribution of the Dissertation Research

My dissertation research addresses some of the contentious issues in the academic and political discourses about commercial sex. My sample includes male, female and transgender sex workers with diverse commercial sex experience. Given that asymmetrical criminalization policies arise from an assertion that commercial sex and violence are intricately linked, my study focuses on victimization. In this dissertation, I seek to explore this “truth claim” and the related policy responses. I employ an inclusive definition of victimization, looking at a range of inter-personal experiences, and examining

structural and legal factors that sex workers identify as contributing to their marginalization and vulnerability to victimization. The data emerging from this study demonstrate that commercial sex in Canada is a complex and contradictory industry that defies simplistic solutions and generalizations. These data challenge the claims that underlie asymmetrical criminalization. The findings demonstrate the severe negative impact of criminal prohibitions on sex worker safety and well-being. The findings also reveal the resilience, strength, creativity and independence of sex workers in Canada.

Am I a Freaking Unicorn? Do I not Exist?

Because that sure as hell isn't me they're talking about in the news.

Interview #7, 2005

Chapter 3. Methodology

This research is the culmination of nearly 15 years of collaboration with sex industry workers. The research topic “victimization in off-street commercial sex” emerged from my work with Prostitution, Alternatives, Counselling and Education Society (PACE), a non-profit organization in Vancouver, BC. PACE served primarily street-based sex workers in the Downtown Eastside of Vancouver, one of the poorest urban communities in Canada. PACE operated in a non-hierarchical participatory manner; sex workers led and contributed to all aspects of the organization. My experience at PACE from 2001- 2007 fundamentally affected my academic career and shaped my research questions and methodology. Through PACE, I connected with many sex workers and, because of their experiences, became aware of the various negative impacts of Canada’s de facto criminalization of prostitution and of the deeply entrenched stigmatization of sex workers. I also became aware of the strength and resilience of sex workers. At their urging, I agreed to take on academic research—but only if sex workers would participate in all aspects of the research as collaborators.⁵⁶

As a feminist researcher, I subscribe to participant-driven action research (PDAR), an approach that requires participant involvement at all stages of the research process (Bowen & O’Doherty, 2014). PDAR seeks to reduce “outsider status,” recognizes power imbalances inherent in the researcher-participant relationship, and encourages researchers to use appropriate language to be inclusive of as many different experiences and persons as possible (Kirby & McKenna, 1989; Naples, 2003; Reinharz, 1992;

⁵⁶ See Bowen & O’Doherty (2014) for a detailed discussion of the collaborative process used in my MA research on victimization.

Sprague, 2005). I believe that the experiences and concerns of those involved in the sex industry should play a central role in discussions concerning the industry and prostitution-law reform. Benoit and Shaver (2006), Hubbard (1999), O'Neill (1996) and many others similarly argue that sex workers should be active participants in all elements of research to allow sex workers to take part in the social construction of knowledge about their lives and their labour. Participatory methods play an important political function: for traditionally silenced or marginalized groups, collaborative research facilitates community and individual empowerment (Hubbard, 1999). PDAR seeks to provide a mechanism for translating experiential knowledge into evidence-based social policy.

As a demonstration of the collaborative nature of this study, I use the pronoun “we” when discussing all decisions and actions that we made as a group. For example, when discussing the findings from the survey, I use “we” to identify our collaborative goals, our purposes, and the specific questions we asked respondents. Creating voice is a central goal of PDAR; therefore, I seek to bring forward the voices of the collaborators along with the participants. I use the pronoun, “I” to discuss my own interactions with participants in the interviews, my reflections and conclusions about the data, and my recommendations. I include participants’ responses frequently throughout this dissertation as a way of advancing sex workers’ perspectives on their work and experiences. This dissertation includes at least one quote from each of the forty-two interview participants and quotes from forty-five of the survey respondents.⁵⁷

⁵⁷ I have attempted to ensure that the forty-five survey respondents did not participate in interviews. In the end, this dissertation includes quotes from approximately eighty-seven sex workers.

This study builds upon the methodology I used in my 2007 MA research. I found the participant-driven process that I employed in my MA yielded rich data. These data also subsequently informed the courts' constitutional legal analysis in *Bedford*.⁵⁸ The MA research emerged from the community I connected to at PACE; likewise, my Doctoral research was prompted by the participants in the MA research. Many participants told me how much they valued the opportunity to share their experiences and opinions during the MA research; their only criticisms were that the sample was relatively small (39 self-administered questionnaires and 10 interviews), and that it was restricted to women working in three forms of off-street sex work in Vancouver.

My doctoral research consists of the same two elements as my MA research: 1) an interview segment exploring off-street sex worker experiences; and 2) an anonymous, self-administered survey dealing with victimization in the workplace. The interviews provide context for the survey findings and qualitative data on key issues.

Theoretical Orientation

The primary purpose of this research is to inform policy rather than develop theory. However, its theoretical framework is nonetheless crucial to that enterprise. As a result of my experience working with a sex-worker service agency and my previous research, I understand prostitution to be a form of labour for many people. I operate from the perspective that consenting adult sex work is work.⁵⁹ My theoretical orientation is “critical legal” within the socio-legal realm.

⁵⁸ The 2007 research was part of the evidentiary record in *Bedford* (2013).

⁵⁹ See Bindman & Doezema, 1997; Brock, 1998; Carpenter, 2000; Ditmore 1999; Kinnell, 2002; Overall, 2000.

Critical legal studies (CLS) developed out of the civil rights movements in North America; however, it reflects elements of many other social and political theories including realism, post-modernism, and social constructionist theory (Barkan, 2009). Devlin (1994) characterized CLS as “transdisciplinary;” he asserted that “Crits” draw from various disciplines and theoretical perspectives in the belief that alternative views on laws will each contribute to a more holistic understanding of law. CLS are diverse and attempt to integrate many perspectives (Devlin, 1994)—such as feminist, postcolonial, critical race, and queer theory among others—much like intersectionist theory.⁶⁰ CLS centralize the role of power in the development and application of the law and in the construction of groups or activities as deviant, illegal, or otherwise requiring the application of social control measures (Douzinas & Perrin, 2011). In general, CLS assert that the law is a political tool used to exert power and maintain the interests of certain powerful elites, classes, or interest groups. These scholars believe that law, “cannot be divorced from an understanding of the social context of law” (Devlin, 1994). There is a strong element of activism associated with CLS; law reform is at the core of the perspective. “Crits” are not content simply to identify and expose the differential impacts of laws on marginalized groups; they seek to alter laws and legal institutions to effect social change.

Laws are socially constructed; often they are the product of the interest group claims-making about particular social phenomena (Harris, 2013). Harris (2013) asserts “social problems are ambiguous situations that can be viewed in different ways by different people, and that are defined as troubling by some people” (p. 3). Those individuals who see the phenomena as a problem become “moral entrepreneurs” who then engage in

⁶⁰ Intersectionist theory requires attention to multiple forms of oppression. Crenshaw (1991) argues that, “intersections of race and gender highlight the need to account for multiple grounds of identity when considering how the social world is constructed (p. 1245).

claims-making to ensure that their claims to truth are translated into policy or law (Best, 2006). The role of power is central to the development and application of law, but power is also central to the legitimation of certain claims to truth about a social phenomenon. In this thesis, I explore the foundation of the claims to truth that underlie our legal responses to commercial sex, but I also describe empirically-based competing claims to truth that ought to be incorporated into our policy and legal response to commercial sex. Using the data from my research, I argue that asymmetrical criminalization reflects a particular construction of commercial sex, one that fails to account for the experiences of many sex workers.

Power, and specifically differential access to power, enables the labelling process and the legitimization of truth claims to deploy oppression in particular ways that maintain the status quo. Rather than arguing that there is only one truth, or a universal experience of commercial sex in Canada, I argue that social location combines with environmental and individual factors to influence one's social experiences. Harris (2013) suggests that not only does one's social location affect one's lived experiences, it also frames our understanding of an issue (Harris, 2013), or the underlying knowledge through which we construct our arguments. To move beyond the quagmire that all claims to truth are mere social constructions, Palys and Atchison (2014, p. 20) note in their description of critical realism, that while there are different ways to describe reality, "not all explanations are equally correct." Palys and Atchison suggest that there are "rational criteria by which the adequacy, or at least the utility, of our formulations can be judged" (p. 20). Political or moral claims—prostitution is a symptom of patriarchy and women's subordination to

men—are not verifiable whereas empirical claims—violence is inherent to prostitution—are verifiable and therefore fall squarely within the domain of research.

As a CLS, I believe that we must evaluate the claims to truth that underlie our laws and policies if we wish our legal responses to be effective. Certainly, the assertion that social problems are all constructions of particular interest group perspectives destabilizes the legitimacy of narrowly-constructed legal responses. This is one reason Smart (1995) calls for caution in invoking law to address social problems, and suggests that we abandon the quest for one-dimensional solutions to complex issues. Feminists such as MacKinnon (1983) and Farley (2004) suggest that the criminalization of sex buyers and third parties and the abolition of prostitution will lead to emancipation for all women. In contrast, Smart argues that increased criminalization or censorship serves to replicate constructions of women as sexual objects, normalizes gender-based violence, and constructs gender in ways that reproduce the very conditions that lead to violence against women and inequality between the genders (p. 11). However, prior to engaging in an ideological debate about the “correct” view of commercial sex and the appropriateness of legal responses, I suggest that we shift our attention to understanding the evidentiary basis of the truth claims and the empirical arguments. In doing so, we may find that there are competing “realities” of commercial sex influenced by individual, contextual, and structural factors. However, acknowledging the differences in experiences poses problems for the law; it requires flexible legal responses that leave room for contextual factors.

Smart (1995) argues that we generally “misunderstand the power of law” and in turning to the law for redress in the face of societal injustice,⁶¹ we may inadvertently increase legal regulation of daily life and thereby give “greater legitimacy to a specific hierarchy of knowledge which subjugates alternative discourses, for example, feminism” (p. 213). Smart’s reluctance to employ law as the *only* response to social problems exemplifies much critical legal scholarship. Likewise, Morris and Hawkins (2003) assert that attempting to regulate morality through criminal law is “wholly misguided” and based on an “exaggerated conception of the capacity of the criminal law to influence” individual morality (p. 73). For Smart, the solution is not to turn to the criminal law, nor to advocate for increased criminalization, but rather to challenge the set of discourses and truth claims that are “normalized” in law (p. 50). To be clear, Smart is not suggesting that the criminal law is never an appropriate tool to deal with social issues; indeed, she suggests that the law may be the best resource at our disposal in certain circumstances, such as sexual assault (1995, p. 213). However, we ought to be mindful of the limitations of the criminal law to alleviate social problems and to achieve social change.

In this dissertation, I seek to deconstruct the truth claims that underlie the neo-prohibitionist discourse on victimization in commercial sex. I believe that the truth claims that form the basis of asymmetrical criminalization fail to account for the different experiences of Canadian sex workers. Further, I argue that the degree of evidentiary support for a claim to truth ought to factor into our assessments of the claims’ veracity. Where empirical evidence discredits a claim, or where evidence challenges the fundamental basis of a claim to truth, the law should not legitimize that claim.

⁶¹ For example, by advocating for increased criminalization of purchasers and managers, we may inadvertently worsen victimization (Smart, 1995, p. 49).

My intention in this dissertation is to develop a practical contribution of knowledge to facilitate evidence-based law reform. To do so, I rely on socio-legal scholars like Comack (1999) who seek to “interrogate” law and law’s claims to truth. Like Smart (1995), Comack argues that turning the interrogator gaze towards legal discourse and the political context in which laws are created and enforced lays bare the uneven distribution of power in Canadian society, and the specific constructions of race, gender, class, and sexual orientation, etc. that reinforce the status quo. Critical legal studies take the deconstruction one step further and advocate for legal change, thus blending practice with theory. Law is political; therefore, we can use it to address power differentials and redress inequities (Devlin, 1994).

Social science evidence is central to CLS as it forms the evidentiary record from which legal scholars can argue for particular policy and law reforms. Research informs the law in various ways: for example, legal scholars write commentaries, which lawyers then bring into their factums to assert a particular interpretation of a legal point. The advent of the *Charter* has allowed some researchers to influence law reform more directly by providing expert witness reports incorporating sociological and psychological evidence to assist courts in understanding social science evidence.⁶² However, as we have seen with *Bedford*, there are limitations to the reach of sociological data—even when the data forms an important part of the evidence for a court finding that a criminal law is unconstitutional. The *PCEPA* provides an excellent example of the political exertion of power to assert specific claims as truth—in this instance, claims that the courts did not accept.

⁶² Examples include the use of expert witnesses to understand the “battered women’s defence,” or the components of the NCRMD (Not Criminally Responsible because of a Mental Disorder) defence.

Ismaili, Sprott and Varma (2012) elucidate the connection between claims-making and policy-making in their argument concerning the political context of contemporary criminal justice policy. They argue that because criminal justice policy is not a “rational enterprise” criminologists should seek to bring awareness to the political processes that influence policy: Value differences, the role of interest groups, shifts in public mood, and decisions based on political ambitions and institutional constraints are only a few of the many challenges encountered in contemporary policy environments. Such forces, critics contend, make rational policy action unlikely, especially in fields like criminal justice (Ismaili et al., 2012, p. xi).

Ismaili et al. (2012) argue that underlying many criminal justice policies lie ideological claims-making campaigns. They point out that crime evokes emotional reactions. Many different groups and individuals claim expertise about crime, with the result that actual research plays a minimal role in policy-making (p. vi). Criminal justice policy is an arena where ideology—beliefs about the “proper” way for people to behave, the “proper” way to govern, or the “proper” moral order—permeates action. This creates tension between those advocating evidenced-based policies or logical reasoning as the basis for criminal law and politicians who represent a political party platform or their constituents’ wishes. However, Johnson (2015) suggests that it is possible for those with markedly different policy agendas to work together to address agreed upon social problems within an agreed upon “acceptable policy solution.” In Vancouver, City officials, municipal police and local sex workers' groups co-developed several guiding principles within which law enforcement operate (Johnson, 2015, p. 10). While these relationships are “tenuous” at best, they provide an example of successful collaborative and grassroots-based policy action that can have the effect of altering the implementation of federal laws.

Therefore, the political nature of policy does not mean that critical legal scholars should abandon attempts at educating criminal justice policy analysts; there are many examples of cases in which sociological evidence has contributed to policy reform.⁶³ Indeed, *Bedford* stands as an excellent example of effective use of sociological data to challenge laws. However, the political uses of data, the selection of certain studies over other studies, or misinterpretation of findings, are empirically verifiable. We can distinguish between evidence-based truth claims and moral/ideological/political claims. One of the primary critiques Justice Himel leveled at expert witnesses centered on the presentation of truth claims as fact when the evidentiary basis for the claims was questionable (2010, para. 182). While this ultimately led to the striking down of three prostitution laws, it did not prevent the subsequent political use of these same truth claims to justify the *PCEPA*. For example, Justice Himel found serious methodological flaws with Farley's research and testimony;⁶⁴ however, Farley's work is one of the primary sources employed by the Department of Justice in its background document explaining the *PCEPA*. Minister of Parliament Joy Smith relied on this same research in her publication, "Connecting the Dots," which formed the basis of the government's National Action Plan to Combat Human Trafficking and the *PCEPA*.⁶⁵ Smith's publications portray human trafficking and prostitution as inextricably linked, with exploitation as the dominant characteristic of all forms of commercial sex. This perspective evokes sympathy, positions Smith as a "human rights advocate," and garners support for increased criminalization. Thus, the use of

⁶³ See for example *Canada v PHS Community Services Society*, [2011] 3 SCR 134.

⁶⁴ See *Bedford v Canada*, 2010 ONSC 4264

⁶⁵ See Joy Smith's website for a complete chronology of her political activism on the issues of human trafficking and prostitution: www.joysmith.ca

certain claims to truth allows politicians to shape laws in ways that reflect their political views.

Mears (2012) explains that the politicization of crime, the use of a crime-related topic for political gain, is a common, but short-sighted, political strategy. Mears suggests that politicians and other moral entrepreneurs typically call for simple “silver bullet” strategies based on false dichotomies to address complex issues. However, they do so with political gain as the key goal, not a “sincere belief that crime will be affected” (Mears, 2010, p. 8).

The ideological basis of law is present in the state's portrayal of law as producing “justice” in the face of systemic inequality. When discussing the “Official Version of the Law,” Naffine (1990) argues that law discourse portrays law as the “embodiment of fairness,” and an “objective system of resolving conflict” (p. 24). Our legal and political institutions uphold and promote the Official Version of the Law. Naffine’s critique applies to certain entrenched social constructions about sex work and the use of law to regulate moral and social issues. Bruckert and Hannem (2013) refer to structural stigma in much the same way: sex workers are stereotyped and portrayed in specific ways. Asymmetrical criminalization offers a specific ideological construction of sex work as victimization and exploitation; its proponents have a political goal in representing sex work this way because it allows for increased control, via criminal law, in an attempt to impose a moral agenda. This process is evident to critical scholars, such as Lowman (2014), who demonstrate the political use (and abuse) of academic knowledge by the Conservative government in its enactment of *PCEPA*. In addition to their relying on limited research, Lowman demonstrated how the Conservative Ministers of Parliament misquoted the SCC decision in *Bedford*, omitted key facts that contradicted their propaganda, and misconstrued the evidentiary record to support asymmetrical criminalization.

Sociological knowledge about prostitution law and the sex industry is slowly translating into public knowledge and, I believe, is beginning to reach policy analysts, legal researchers, lawyers, and judges. To further this trend, I intend my findings to be accessible to both academics and to the courts. Smart (1995) argues that we must ensure that the people who are the subject of law take part in our research, and that their representations of their experiences form the basis of our theories (p. 231). In agreement with Smart, I seek to bring the experiences of sex workers to the fore of academic and legal discussions about commercial sex in Canada.

Research Objectives

We designed this research to inform on-going reform of policy and law concerning commercial sex in Canada. As is evident from the foregoing discussion, I am aware of the difficulty of influencing law reform by using evidence and rationality. Nevertheless, my awareness of the difficulty does not deter me from endeavouring to expose the erroneous constructs justifying the introduction of asymmetrical criminalization in Canada. One of the key constructs about sex work justifying the new law is the assertion that prostitution is inherently violent. Despite evidence to the contrary, neo-prohibitionists portray sex work as a homogenous experience of victimization (e.g. Farley, 2004; Perrin, 2014). Members of the public and some academics expressed skepticism about my 2007 research findings showing that violence in prostitution is not ubiquitous.⁶⁶ Therefore, the main purpose of my Doctoral research is to test the previous findings by replicating portions of the 2007 study and undertaking a broader examination of the pervasiveness and management of

⁶⁶ I presented the research findings at numerous conferences and at each event, I faced questions from members of the public and neo-prohibitionist activists disputing the findings because of the limitations of the sample.

violence in the Canadian sex industry. I also compare my findings to other recent studies of off-street sex work in Canada to explore the degree of support that exists for truth claims about commercial sex and victimization.

My research has three goals:

1. to examine variations in sex worker experience according to their gender, work type, and the province in which they work;
2. to collect data about the rates and types of victimization in various indoor sex work venues; and
3. to examine sex workers' perceptions of how civil and criminal laws impact their work.

Since conducting the research, two important legal events occurred: First, the SCC declared that the communicating, living on the avails, and bawdyhouse laws are unconstitutional. Second, the federal government introduced asymmetrical criminalization to Canadian law. I have extrapolated the participants' observations and recommendations about criminal and civil laws to the new laws where possible.

My findings will contribute to academic discourse, public debates, and law reform initiatives by identifying the needs and experiences of sex workers. The research identifies strategies to increase the occupational health and safety of sex workers in Canada, along with suggestions about how to regulate commercial sex while respecting the rights of sex workers. To conclude, I discuss the legal implications of the social science evidence on asymmetrical criminalization and future policy.

Research Questions

This study explores experiences of female, male and transgender persons in off-street commercial sex in Canada. Appendix B contains the online survey; Appendix C contains the interview schedule. The survey focused on rates of several forms violence that relate to *Criminal Code* offences, including threats, threatening with weapons, assault, sexual assault, and confinement. Other forms of victimization included: theft, harassment, refusal to use condoms, refusal to pay full price for the services provided, and pressure to engage in sexual activities that fall outside the worker's service parameters for giving consent. I asked participants to identify the perpetrators of all forms of victimization—clients, co-workers, bosses, police, significant others—and the frequency of each form of victimization. In addition, I collected data on risk management, crime reporting practices, biographical information, and the effects of laws such as sections the obscenity (s. 163), indecency (s. 173-175), prostitution-related (ss. 210-213⁶⁷) and human trafficking (s. 279) provisions of the *Criminal Code*, and tax laws, immigration laws, and family law in relation to custody disputes.

The survey included a section asking respondents to disclose their own participation in the victimization of other sex workers and clients. The 2007 research identified co-workers as the second most likely perpetrators of victimization. Consequently, I explored the context of co-worker victimization from the perspective of sex workers. Similarly, Atchison (2010) found that many clients experienced robbery, threatening, and assault by sex workers. I included a section on the victimization of clients to explore his findings from sex workers' perspectives.

⁶⁷The data was collected in 2012, prior to *Bedford* 2013 decision and the enactment of the *PCEPA*.

The interview segment of the research allowed participants to define the issues of importance to them. My collaborative team identified specific areas for discussion, but participants were welcome to skip any topic or add a topic as they saw fit. The interview guidelines included questions about entrance into sex work, working conditions, the effects of criminal laws and their enforcement on the work environment, risk management strategies, opinions about law reform, and views on exploitation of sex workers.

Methods

In accordance with the principles of action research, (Kirby & McKenna, 1989; Naples, 2003), a team of four individuals who had different working experiences in the sex industry developed the 2007 research instruments. Since then, I have modified these research instruments to accommodate questions that emerged from the 2007 data, dispose of redundancy, and clarify parts of the original research instrument. A newly-formed team of eight sex worker collaborators—including male and transgender workers, dancers, adult erotic film actors, and BDSM professionals from various Canadian cities—reviewed the new instruments to ensure that the questionnaire and interview questions included a broad range of sex work sectors and venues.

The team included a diverse group of individuals, two of whom participated in the 2007 research, and another two who were collaborators in the 2007 research. The other four were new contacts. I selected the collaborators to reflect the range of experiences I anticipated collecting information about in different forms of sex work. Since I was not able to offer financial support for their involvement, I put no restrictions on the amount of participation expected from each collaborator. They participated in varying degrees at different stages of the process. Some took part in all elements of the design, recruitment,

feedback on data and input into the final report; others were more actively involved at the beginning of the research, but less involved in reviewing the emerging data. One person was involved only in the final stages of reviewing the data and my presentation of the findings.

Because Canada is bilingual, I had the survey and other materials translated into French.⁶⁸ I am conversationally fluent in French, and was able to conduct email-based interviews in French when requested to do so. To verify my comprehension I confirmed my translations with two bilingual persons.

The Survey

In the 2007 study, I provided survey participants with the option of filling out either an online or a paper-based survey. For the doctoral research, we chose to use only an internet survey. We are convinced that online surveys are one of the most effective methods for accessing sex workers across Canada, particularly in areas where we did not have personal contacts. Online surveys are useful in accessing underground populations because they allow anonymity to participants, who are able to participate in the comfort and security of their homes or other locations. Online methods are particularly appropriate where the study population already makes use of Internet technology. The sex industry has made extensive use of technological advances; the Internet now appears to be the primary site of contact between customers and sex workers, as well as those who are advertising sex-oriented businesses (Castle & Lee, 2008; Jenkins, 2009). Whitmer, Colman & Katzman (1999) noted that, since the mid-1990s, electronic questionnaires

⁶⁸ To obtain a copy of the French materials, please contact me at tco@sfu.ca

have become increasingly popular with the rise of Internet use (p. 145). Shields (2003) argued that internet surveys yield a better response rate than more traditional contact methods. Thatch (1997) concluded that web-based research can facilitate increased honesty, and may reduce participants' desire to please the interviewer or to answer in socially acceptable ways. Internet-based research also may help to reduce unequal power dynamics based on gender, race and class that often shape interviews (Shields, 2003). Sex work researchers who use online methods have reported considerable success: Atchison (2010) was able to recruit nearly 1,000 clients of sex workers using online methods, and Jenkins (2009) recruited a sample of 497 sex workers to participate in her doctoral research.

Another advantage of Internet surveys is that they offer practical ways of formatting a questionnaire. Using an online instrument, I was able to introduce skip patterns so that additional questions would appear only if a respondent indicated a specific experience.⁶⁹ For example, to determine the type of work, geographic location, and duration of work, respondents could indicate the type of work they performed (e.g. full service, in-call, agency-based), at which point a second column would appear asking for the duration of work, followed by a third column which would prompt the respondent for the location of the work. We employed this same type of sequencing in the victimization questions: wherever a respondent indicated a specific form of victimization, a series of additional questions would follow. The online format allowed respondents to add as many comments

⁶⁹ Chris Atchison, who wrote the computer script for the survey, managed the survey and maintained the data in a secure server for the duration of data collection, suggested this strategy to me.

as they thought desirable throughout the survey—a feature that is not possible in paper surveys.

The survey (Appendix B) comprised six sections: Involvement in the Industry; Safety and Sex Work; Experiences of Victimization; Reporting Practices; Law and the Sex Industry; and Personal Information. I estimated that the survey would take respondents approximately 20-30 minutes to complete. The survey was accessible online for six months (July 01, 2011- December 31, 2011).

The survey was available on the website www.workviolence.ca. The website, hosted on Chris Atchison's secure server, contained several information pages to preface the survey. On the home page, I provided a brief summary of the research, and information about how to contact my supervisor, the SFU Research Office, and me. I provided links to information about the ethics certificate, my 2007 research publications, and non-judgemental support services. To access the survey, participants had to navigate through the informed consent page (Appendix A, p. 359).

The first section of the survey asked participants to explain their past and present involvement in the Canadian sex industry. This section included questions about the length of time and geographic location of each of their experiences, the kind of work they were involved in at the time of the survey, the gender of their clients, and the frequency of their sex work. The second section of the survey concerned safety and sex work. I asked participants to describe factors that made them feel safe (defined as feeling unlikely to face violence or victimization) and unsafe (more likely to face violence or victimization) in their sex work. I asked participants whether they felt safety changed in different sex-work venues, and instructed participants to rate the safety of a series of venues. This section

concluded by asking about the grounds on which participants would refuse to provide services, and about specific precautions they took before, during, and after their work to ensure or increase their safety.

Section Three contained the core questions on victimization and violence. I asked participants to exclude information related to street-based violence in order to focus on the victimization they may have experienced off-street. However, some participants did not heed this instruction and referred to street-based victimization in some of their responses.

I asked participants if they had ever experienced any of the following forms of violence: “threats,” “threats with weapons,” “physical assault,” “sexual assault,” “kidnapping/confinement,” and “trafficking for the purpose of sexual exploitation.” I provided definitions for each form of violence based on the *Criminal Code* and the 2007 research. The skip patterns prompted respondents for more information wherever they indicated an experience of violence. In each case, I asked about the work venue in which the violence occurred, how many times it had occurred, and who perpetrated the violence (clients, police, significant others, boss/managers, co-workers or others (identified by the respondent)). I provided respondents space to share anything else that they wanted to about the incident(s). When I originally drafted the 2007 survey (in 2004), human trafficking was not a criminal offence in Canada. Hence, trafficking is a new form of violence examined in this dissertation research. I included questions about forced movement (from where, to where) and the perpetrator.

The next set of questions examined victimization more broadly. I asked participants about their experiences of “theft,” “harassment,” “condom refusal,” “payment refusal,” and

pressure to participate in sexual activities that the sex worker did not want to provide. I added “harassment” and “pressure to participate” as sources of victimization based on information provided by the 2007 research interviews. I modified the questions to provide respondents an opportunity to explain the context in which these forms of victimization occurred. For theft and harassment, I asked about the frequency, perpetrator, and work venue where the victimization occurred. For “condom refusal,” “payment refusal,” and “pressure to participate” I provided respondents an opportunity to explain their response to each situation. In the 2007 research, respondents expressed frustration about this line of inquiry—they pointed out that because a client “requested unsafe sex,” “tried to obtain services for reduced rates,” or “inquired about a sex act that the worker was not willing to provide” did not necessarily mean that the sex worker submitted to that pressure. As a result, this section included a question asking about the sex workers’ response to such pressures. The victimization section concluded with an open-ended question about any other form of victimization that the worker might have experienced.

The next set of questions asked respondents about co-worker victimization. Since my MA research findings indicated that some respondents experienced theft, threats or assault from co-workers, we wanted to explore this subject further. We asked respondents to indicate how many times they experienced each form of victimization, and to identify where they were working at the time (e.g. in-call agency, outcall agency, independently). We asked respondents to describe the situations and provide any additional comments they felt were relevant to the topic of co-worker victimization.

Part Three concluded with a series of questions about the victimization of clients. The findings from my MA research indicated that some sex workers stole from, threatened, or assaulted their prospective clients. This finding is consistent with Atchison’s (2010) data

regarding clients' self-reported victimization. We included a sentence in the instructions reassuring participants that the purpose of this line of inquiry was not to blame sex workers for the violence they experienced. Rather, we wanted to provide sex workers with an opportunity to reflect on the circumstances in which victimization of clients occurred, and provide space for sex workers' perspectives on their own participation in victimization.

Part Four collected data about sex workers' victimization-reporting practices. We asked respondents about the process of reporting their victimization experiences, to whom they reported victimization (e.g., police, agency owner, friend, support agency, security), and their satisfaction with the response. This section was available only to those respondents who indicated that they had experienced some form of victimization. We then asked all respondents to describe any concerns they had about reporting incidents of victimization.

Part Five concerned the impacts of the law on sex work. We asked respondents if they had ever been charged or convicted of a criminal offence related to prostitution, obscenity and/or indecency. Follow up questions included: which offence(s), the number of charges, whether convicted, and a description of the incident. Then we asked respondents if they were concerned about future investigations or charges and, if "yes," how concerned they felt. We asked respondents to describe experiences they had with any other legal proceedings (child custody, taxes, immigration, by-laws, etc.). The section concluded with open-ended questions about sex workers' perceptions of how the laws affect their personal and professional lives.

The final section of the survey collected data about each respondent's biography. We asked about their age, gender, sexuality, education, work experiences including straight jobs, income derived from sex work, marital status, parenting, nationality, and ethnicity.

These questions were mostly pre-coded. We provided an open-ended question asking if there was anything else we should know about respondents' work. Finally, we asked respondents to tell us why they participated in the research, and how they found out about it. At the end of the survey, we thanked participants and reminded them that there was an interview component should they wish to share more information about their sex work experiences.

The Interview Schedule

The interview schedule was the result of a lengthy process of refinement. I based the MA research schedule on the analysis of the five interviews conducted by my supervisor, John Lowman, with women who worked in the off-street industry. I identified main themes emerging from the interviews and, over the course of multiple meetings with my collaborators, drafted a 14-question schedule that resulted in 10 interviews ranging from one to four hours in length. We used these questions as starting points for discussions with participants and instructed the interviewees to skip any question deemed irrelevant, or suggest different topics to discuss. The dissertation interview schedule was similarly developed. I went through the MA instrument with the collaborators and, based on the feedback from the interviewees and the collaborators, modified some questions and added new lines of inquiry. The new instrument (Appendix B) comprised 20 questions. In addition to the questions posed in my MA research, the dissertation interview had a more overt focus on impacts of law on sex work, and included questions about tax, immigration, municipal, and family law in addition to criminal law. The dissertation interview schedule included questions on coercion, harassment, and pressure to participate in certain sexual activities. There was a question prompting interview participants to discuss their clients ("Tell me about your clients. Who are they?"). I also asked interviewees for comparative

information wherever relevant. For example, some interviewees worked in various areas in Canada (touring, or re-locating from one Province/city to another). I asked them whether there were any regional differences in sex work. I asked those interviewees with experience in multiple types and venues of sex work to compare the different types of work, discuss the positives and negatives of each, and outline any safety issues in one line of work that were not present in others. While I did not pose specific questions about sexuality and gender, the majority of the interviewees raised these topics. The subsequent discussion of findings reflects the conversations that emerged from the starting-point questions more than those questions themselves.

Participant Recruitment

My objective in this research was to determine whether an empirical statement—violence is inherent to sex work—held true across different sub-groups and to investigate the degree to which different groups in different venues experience violence. Accordingly, I used a purposive sampling technique to recruit a diverse sample of men, women and transgender persons with experience in various components of Canada’s indoor sex industry. I sought participation from adults working in any sector of the off-street industry. I included all forms of commercial sex to highlight the variance in experience, but also to provide comparative data among venues. We know very little about sex workers with minimal direct contact with clients, such as webcam workers or phone sex operators, so I included those forms of sex work to examine whether their comparatively minimal contact with clients resulted in different experiences of violence or victimization. I included forms of erotic labour, such as exotic dance, adult film to examine vulnerability to victimization in legalized environments. Given that the new criminal laws specifically name exotic dance establishments and BDSM dungeons as venues and given the expansive use of the term

“sexual services” used by the Department of Justice (2004) in its explanations of the *PCEPA*, their inclusion is reflective of the full range of commercial sex venues affected by the criminal laws.

I used my existing contacts and networks, advertisements on sex workers’ websites, and publicly available lists of sex workers to recruit participants. Since I have been working with non-profit sex-worker service agencies for the past fourteen years, I have developed extensive relationships with people working in nearly all sectors of the sex industry across Canada.⁷⁰ I asked my contacts at organizations across Canada⁷¹ to distribute information about the project, and I advertised the research through the academic research networks that I have been a part of (for example, the “Centre for Sex Work Research” and “Policy Canada”). I accessed 130 public listings of sex workers, and emailed 576 individual sex workers via their advertisements. I received 135 surveys. Because of duplication or failure to complete a sufficient number of questions,⁷² I excluded 27 responses. The final sample comprised 109 responses.

I offered all potential participants the opportunity to take part in both the survey and the interview; participants could elect to be involved in one or both components of the research. I conducted 42 interviews between March 2011 and January 2012; the interviews ranged from thirty-five minutes to seven hours in length, with an average of ninety minutes.

⁷⁰ See Sanders (2006) for a discussion on the effectiveness of personal reputation as a tool for entrance into underground populations.

⁷¹ Including Stella (Montreal), Maggie’s (Toronto), Stepping Stone (Halifax), and Hustle: Men on the Move (Vancouver), PEERS (Victoria), Shift (Calgary), SPOC (Ottawa), WeSWEAR (Manitoba), SWAN (Vancouver), and the West Coast Cooperative of Sex Industry Professionals (Vancouver).

⁷² If respondents failed to answer the core question about whether they had ever experienced violence in the industry, I excluded their surveys from the sample.

The Interview Process

Upon an expression of interest in an interview, I sent potential participants copies of the consent form and the interview schedule. Where relevant, I obtained permission to use their email address for further communication. I had prior relationships with three of the interviewees; the rest were people who responded to the call for participation (n=34) or individuals I met briefly in social gatherings and other events that occurred during the data collection phase (n=5). Based on my experiences with the MA research, I expected potential participants to require at least a basic exchange of information prior to agreeing to take part in the research. This held true for the majority of participants; however, some of the participants had read my earlier publications, or were aware of my previous research. Often they told me that they searched my name online prior to contacting me, and that they felt that they had a good understanding of who I am and what I do. Some participants were more wary and required more contact, references and detailed information about my previous research. Others replied to my recruitment message indicating specific reasons for declining to participate. For example, one dominatrix indicated that she was not a sex worker and our categorization of her work as sex work was offensive:

I really do not see how this applies to me specifically as I do NOT engage in sex or anything that comes close to it. LOL. Good luck with your research and do some more...Huh? Wow, get your head out of your ass and go somewhere else. Categorizing a Dominatrix as the same as a sex worker is ridiculous...

For others, the criminological orientation or the focus on violence was off-putting:

The fact that you are studying Criminology makes me a bit hesitant to take part in your survey. However, I will check out your website.

Your website name tells me you do not even have a clue as to what this industry truly is. You can take your misconceptions and attitude somewhere else.

Still others expressed doubt that the research ultimately would be valuable to sex workers.

I would like to help, but society is too close-minded. I am not interested in participating in a project which will ultimately be a complete waste of my time. Society as a whole is not interested and hide behind morals that they do not practice.

To be honest, I doubt the ability to get accurate research from this industry. There is a tendency to glamourize this business; girls will tell you it is about independence and guys may tell you that it is about choice and freedom. Rarely do people get the truth as there is a tendency to promote and uphold stereotypes. I wish you all of the best in your research; however, I am not sure how edifying the results will be.

One woman declined in order to maintain her privacy regarding industry practices.

Thank you, I appreciate the consideration ONLY I choose not to participate. I like to keep my business private and do not wish to express industry practice and methods of operation with the general public. The less that

general society knows the better. I believe that industry knowledge should only be known to industry providers. ONLY wish you all the best in success.

I did not decline any offers to participate. I was unable to contact three potential participants despite several follow-up messages.

I provided the following options for interviews: by phone (n=25), via computer (three used email, three used Skype) or, for those in Vancouver, in person (n=12). Most participants chose their own aliases for the purpose of the research. Four of the women wanted their legal names, or their working names, used in the dissertation or publications emanating from it. I audio-recorded all interviews, except the email-based interviews, and provided each interviewee with an anonymized copy of his or her interview transcript.⁷³ Participants were then able to review their transcripts, revise, add to, or remove any comments at their discretion. Twenty of the interviewees reviewed their transcripts; the rest indicated that they were happy with the interview and felt that they did not need to review the transcript. Once I received the final transcript, I deleted all identifying information, including all emails from my participants.

Ethical Considerations

I received approval from the Research Ethics Board at SFU in November 2009. As the individuals involved in this project often disclosed their involvement in illegal activities, they

⁷³ Prior to sending their transcripts via email, I warned interviewees that online communication is not secure. Each interviewee gave explicit permission to use online communication.

were subject to a degree of personal risk. Consequently, I placed no limitations on the guarantee of confidentiality given to potential research participants.⁷⁴

The online questionnaire was anonymous. Once a participant indicated consent, a server-side tracking script automatically generated a numeric identifier. Interview participants mostly contacted me through their sex-work related emails. They used their working aliases in their communications with me. However, to protect their working identities, I deleted the alias from all my research records. At the outset of any interview, I discussed confidentiality protection, and asked the participants to choose aliases for the purpose of the dissertation and future publications.

I provided participants with the opportunity to preview the interview schedule prior to the interview. I instructed them to skip any topics they did not want to discuss and to raise any other issues they felt were important. Because some of the issues raised in the research were emotional, I ensured that participants had access to support services in their own communities. My research website provided links to non-judgemental services across Canada specifically geared towards providing support for sex workers. As it transpired, participants expressed need for information about tax-related and legal matters, but not any kind of psychological counselling or peer support. I provided contact information for tax and legal advisors with reputations for being non-judgemental and well informed.

In order to achieve informed consent, I provided detailed information about the research project and the research team, including a link to my MA thesis, and links to two articles derived from that thesis. I wanted participants to have as much information as possible

⁷⁴ I adhere to the ethics code of the Academy of Criminal Justice Sciences.

about the potential use of the information we were collecting. To respect the changing circumstances of each participant's life, they retained the right to revoke their consent at any time prior to the submission of the final draft of the thesis to my supervisory committee.

Data Analysis

I used two software systems to manage and analyze the data: IBM SPSS and QSR NVIVO. In the findings section of the dissertation, I use descriptive statistics to provide summaries of the responses to the quantifiable data from the survey. Many open-ended questions in the survey required coding and analyzing using NVIVO. I produced preliminary descriptions of the main findings for the collaborative team. They reviewed the findings, asked questions, reflected on the emerging data, and suggested specific additional lines of inquiry.

I used NVIVO to code the interview data and assist in identifying themes emerging from the 42 interviews. NVIVO was particularly useful for identifying themes related to subsets of the full sample (based on gender, or type of sex work, or regional location of work). To make interview findings more manageable for the collaborative team, I identified the commonalities in responses to each theme as well as contrasting opinions or experiences. I followed a similar process with the preliminary data from the interviews.

I then combined the findings from interviews and surveys into one document, organized in a similar style as the survey. There was a degree of overlap between the two samples, both in content and in their characteristics. Some participants completed surveys and provided interviews; some interviewees did not complete surveys, and many survey respondents did not provide interviews. For the sake of clarity, I maintained two distinct

samples for the purpose of analyzing and reporting the findings. In this dissertation, I focus on the data that emanated from the specific research questions outlined in the study proposal; however, I expect to develop several publications reporting the broader findings.

People say, "You cannot charge for something so sacred." Well, nannies charge for mothering and there is nothing more sacred than mothering. Teachers charge for reading to children and nurses charge for caring. I think there is nothing more important than helping people be comfortable with themselves, their bodies, their instincts, their impulses, and their desires. So, I think this is an incredibly important profession. The more society understands it, the more acceptance it will have. It has to. A great sector of the population uses it and an even greater part of the population benefits from it.

Marco

Chapter 4. The Participants, Their Work and Their Clients

In this chapter, I provide information about the participants, the types of their commercial sex experiences, and their views of those who buy sexual services. I present these data first for two reasons: a) to contextualize the data, it is helpful to know more about who is speaking and what types of experiences form the basis of their viewpoints; and b) many participants said that they wanted to see sex work disconnected from the examination of violence and victimization. I include data from both the interview and the survey samples; I maintain distinct samples for the purpose of reporting statistics, but I incorporate interview data wherever applicable. In presenting the data, first I describe demographic characteristics of the sample, including age, gender, sexuality, education level, occupational experiences, income, family status and ethnicity. Then, I describe the types of sex work the participants experienced, the duration of their experiences, their motivations for working in the industry, their entrance to the industry, and their characterization of their work. To conclude the chapter, I provide information about their perception of their clients.

The Participants

While nearly all of the participants identified as “sex workers” (99% of survey respondents and 100% of interviewees), they suggested that many other terms were appropriate to describe their work: escort; masseuse; independent; dancer; Domme (short for Dominatrix); cam girl; SP (abbreviated from Service Provider); model; fantasy-fulfillment; stripper; sexual healer; paid companion; courtesan; prostitute; tantric sexual masseuse;

and tantric coach. Some participants suggested facetious language, such as Jessy's "Carnal Engineer." Others were blunt:

I suck cock for a living, but I am also a companion, a friend, a purchase of time, a listener, a counsellor, a discipliner, a sounding board, or even a physical abuse board [Jane].

Those who worked in legal parts of the industry expressed some reservations about using one term to describe all commercial sex workers. Adult film performers, dancers, Dommies, models, web-cammers, and erotic masseuses defined themselves by the character of their work. These participants acknowledged that their work is on the continuum of activities related to sex work, but they sought to distinguish their work from those who provide direct sexual services to clients. For example, Bren, who has produced and acted in adult films, suggested that the term "sex worker" was not necessarily applicable to many of the people she worked with: *"A couple who decides they want to do this as a one-time thing, does that make them sex workers? I don't think so."*

Other participants found that the term "sex worker," while useful to de-stigmatize the sexual element of their work, diminishes the companionship and therapeutic elements of their work. Escorts preferred terms such as "companion," because the focus is on the companionship element rather than the sexual element. As Trixie indicated, *"The fact is I don't just offer a service, I offer an entire package. I don't have a menu where one thing costs this much over something else because I am not going to degrade myself like that."* Other participants for whom a therapeutic or spiritual element is central to the work similarly identified this limitation to the term "sex worker:"

I do NOT think of this as the sex trade industry. I am not trading sex. That term diminishes workers. Call it sex work, intimacy coaching. I am a therapist rather than a sex worker... There is an important place for sexual healing pleasure therapy in our society [SR#111].

Overall, though, the participants understood the term as a necessary political re-framing of “prostitution” to acknowledge the labour dimension of their work.

The acceptable terms for specific types of sex work varied as well; however, there were some general trends in the participants’ terminology. “Adult film” is less stigmatizing than “porn” or “porn star,” as is “dancer” over “stripper.” For many dancers, film performers and dominatrices, there is variation in the degree of acceptance of their work as “sex work.” Those who took part in this project acknowledged the sexual element of their work, and that it is appropriate to regard it as part of the commercial sex industry, but they explained that there is considerable disagreement in their respective types of sex work about collective identification as “sex workers.”

The group of sex workers with the most variation in use of terminology was the men. The male participants mostly identified as escorts or masseurs. When asked about the term, “sex work,” most male participants were ambivalent. They agreed that it was appropriate to classify their work as commercial sex, but suggested that they generally do not use the term “sex work” to describe their work. Male participants similarly rejected the term “hustler,” which is often used by researchers to denote male street-based workers.

Yeah, I definitely wouldn't use “sex worker.” I use male escort. The term “hustler” is more about someone trying to scam you out your money. It's

got a really negative feeling...it's more for people who are trying to do as little as they can for more money [Kyle].

Age of Participants

The median age of the survey participants at the time of data collection was 34, and the age range was 21-67. The median year of birth was 1977. The interview sample was evenly distributed between three age categories: 15 interviewees were between the ages of 20 and 29 years old; 14 interviewees were between the ages of 30 and 39 years old and 14 interviewees were 40 years or older. The average age of survey participants at the time they started in the industry was 25.6 years old. Age at entry ranged from 12-56 years. The following figures show the distribution of age categories for both entry (Figure 2) and age at time of participation in the research (Figure 1).

Figure 1: Age of survey participants at the time of data collection (n=104)

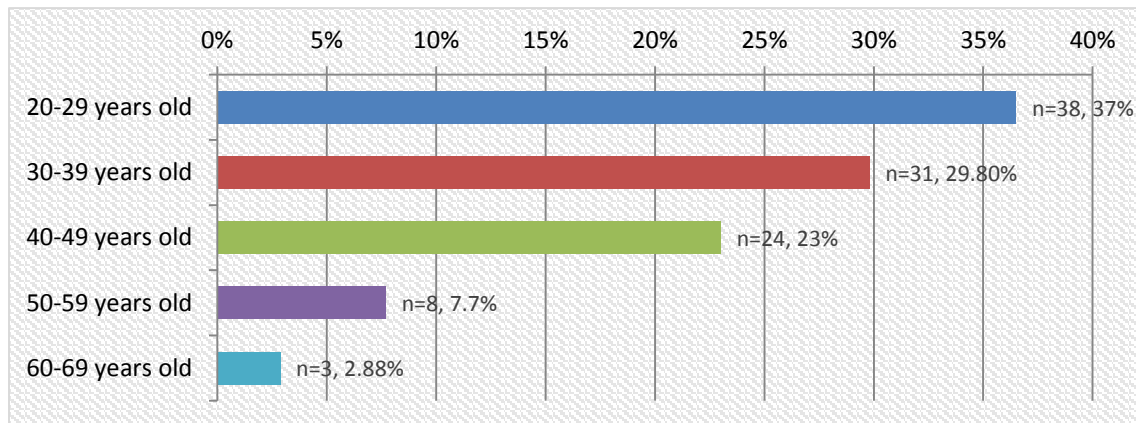
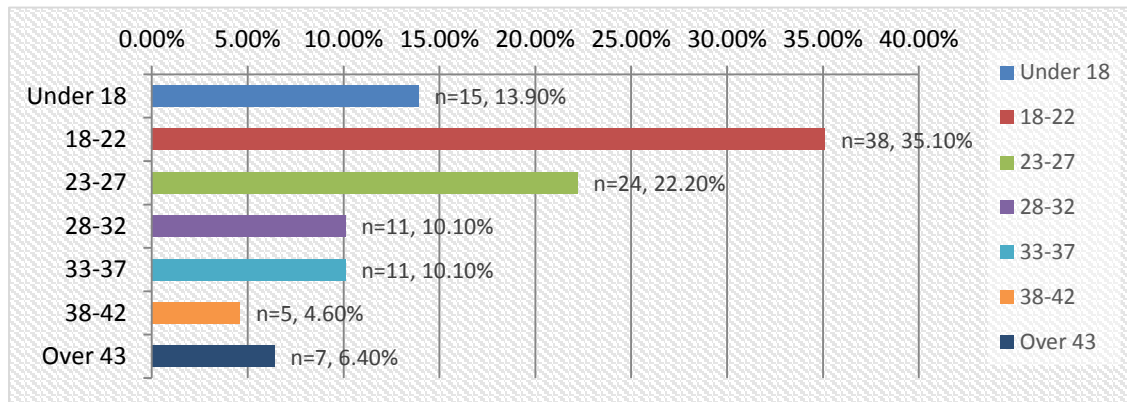


Figure 2: Age of survey participants when they started in the sex industry (n=108)



I examined the data from the survey sample to determine if there was any difference in age of entry between those who had some experience with street-based sex work and those with solely off-street experiences. It turned out there was: seventy-two percent of the 11 individuals with street-based experiences were under 18 at age of entry in contrast to the 7.2% of the 97 people with only off-street experience.

Table 1: Comparison of those with some street experience: Age of entry

	Some Street Experience (n=11)	No Street Experience (n=97)
Age of Entry Range	12-36	15-56
% started under 18 years	72.3%	7.2%

Both the average age at the time of data collection and the average age at which participants first sold sex mirror the findings from other studies of off-street sex workers. Table 2 compares the findings from seven recent studies, including my 2007 findings, which all report similar averages, irrespective of geographic location and gender (female, male or transgender respondents). Benoit and Millar (2001, p. 12) differs from the other studies in that “many” of their research participants were involved in street-based sex work.

Table 2: Comparing findings: Age of participants and Age of entry into sex work

	Average age of respondents at time of data collection	Average age of first experience selling sexual services ⁷⁵
O'Doherty (2011) n=108 <i>Canada</i> <i>Inclusive of all genders</i>	34.0	25.6
O'Doherty (2007) n=39 <i>Vancouver, British Columbia.</i> <i>Women only</i>	30.0	23.0
Benoit & Millar (2002) n=189 <i>Victoria, British Columbia</i> <i>Women only</i>	32.0	18.0
Benoit et al. (2014) n=218 <i>Canada</i> <i>Inclusive of all genders</i>	34.0	26.0
Bungay et al. (2012) n=129 <i>Vancouver, British Columbia</i> <i>Women only</i>	31.0	27.0
Casey & Phillips (2008) n=47 <i>Victoria, British Columbia</i> <i>Women only</i>	32.0	25.0
Walby (2012) n=30 <i>Canada and United States</i> <i>Men only</i>	34.9	28.0
Rossler et al. (2010) n=193 <i>Switzerland</i> <i>Women only</i>	32.1	24.0

These data complicate claims made by Canada's Minister of Justice, who suggested, "a large number of those who provide sexual services entered prostitution when they were mere children" in his introduction of *PCEPA* (MacKay, 2014). These data also contrast Farley et al.'s "conservative" claim of, "an average age of recruitment into prostitution" of 13-14 years old (2004, p. 35). While Farley's claim may be more reflective of street-based populations of sex workers, it is not descriptive of off-street populations. The studies listed above suggest that many sex workers begin working in commercial sex as adults.

⁷⁵ "Sexual services" includes any form of sex work.

Gender

The participants were predominantly female, with only 11% of the survey respondents and 26% of the interview participants identifying as male. A small minority of participants in both samples (n=2 in both samples) identified as transgender, or preferred the terms, “gender fluid,” or “queer” to identify their gender. In the following analysis, I report the gender categories as female, male and transgender/gender queer. Table 3 provides a comparison of the gender distribution of respondents in gender inclusive off-street commercial sex studies.

Table 3: Comparison of findings: Gender distribution

	O’Doherty 2011 Survey (N=108)	O’Doherty 2011 Interviews (N=42)	Benoit et al. 2014 N=218	Jenkins 2009 (N=483)
% Female	85.2%	64.2%	77.0%	61.0%
% Male	11.1%	26.0%	17.0%	32.0%
% Trans	1.9%	4.7%	6.0%	6.0%

These data demonstrate that while women continue to comprise the majority of sex workers, transgender and male sex workers represent somewhere between 13-38% of sex providers.

Sexuality

While the modal survey participant identified as heterosexual, the majority (58%) identified with other forms of sexuality (Figure 3). This self-identification is consistent with other recent studies where sex workers reported high numbers of non-heterosexual identification, such as bi-sexual, homosexual, pansexual, queer, transsexual. Benoit et al. (2014) indicate that 45% of their sample considered themselves heterosexual; 42.6% of my respondents self-identified as heterosexual.

Figure 3: Sexual identity of survey participants (n=108)

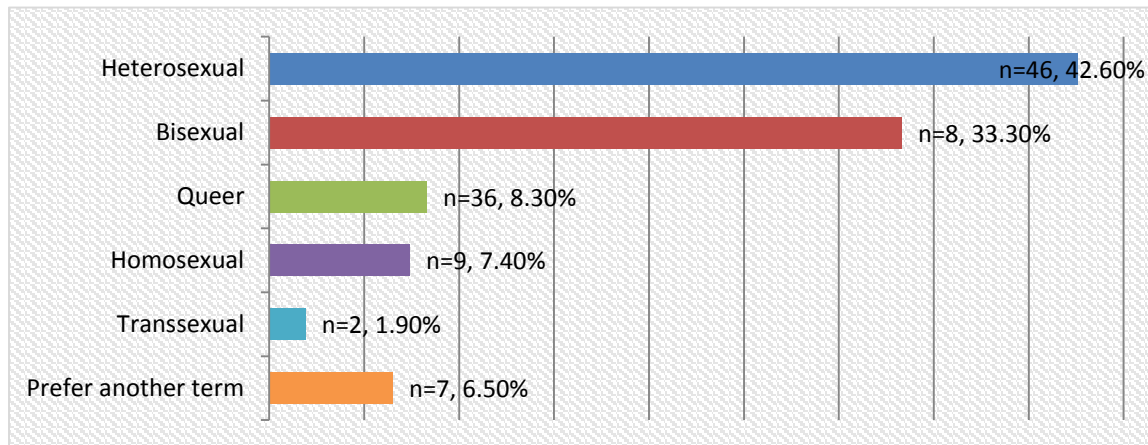


Table Four describes my survey participants' sexuality self-identification by their gender. Jenkins (2009) provides comparative data, similarly reporting that female sex workers were most likely to identify as heterosexual, while male sex workers were most likely to identify as gay. Forty-one percent of Jenkins' female participants identified as bisexual. Griffith et al. (2012) compared 177 adult film actresses to 177 non-sex workers of a similar demographic profile and found that the actresses were far more likely to identify as bisexual; 7% of the non-sex workers indicated they were bisexual compared to 67% of the porn actresses. Canadian 2011 census data indicate that approximately 7% of Canadian households feature same-sex couples.⁷⁶ However, 2009 Canadian data indicate that only 2% of Canadians identify as homosexual or bisexual.⁷⁷ Benoit et al. (2014), Jenkins (2009), Griffith et al. and my data indicate a higher number of both men and women identify as bisexual in the sex work industry compared to official sources of information about sexual orientation in Canada.

⁷⁶ See <http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-312-x/98-312-x2011001-eng.cfm>

⁷⁷ See <http://www.parl.gc.ca/Content/LOP/ResearchPublications/2013-90-e.htm>

Table 4: Sexuality distributed by gender and compared to Jenkins (2009)

Gender	Sexuality	O’Doherty 2011 N= 108	Jenkins 2009 N=483
Female	Straight	48.9%	51.0%
	Bisexual	40.2%	41.0%
	Gay	10.8%	4.0%
Male	Straight	16.6%	19.0%
	Bisexual	33.3%	23.0%
	Gay	50.0%	57.0%

Education

My survey participants nearly all had at least a high school diploma (n= 101 or 94.4%); indeed, the majority had obtained at least some college, university, trade, technical, or vocational training. Over one third of the survey respondents had completed a Bachelor’s or graduate-level degree.

Table 5: Highest level of education completed by survey respondents

Level of education	Frequency (n=107)	Valid Percent
Some high school	6	5.6%
High school	11	10.3%
Some college/university	31	29.0%
Some trade/technical/vocational	3	2.8%
Diploma or certificate	20	18.7%
University degree (Bachelor-level)	27	25.2%
Master’s degree	9	8.4%

These data echo findings from other off-street research in Canada and internationally (Althorp, 2013; Benoit et al., 2014; Jenkins, 2009; Rossler et al., 2010; Walby, 2012). The findings suggest that my survey participants’ education level differs little from other Canadians: approximately 80% of Canadians complete a high school diploma. The 2012 data on educational attainment in Canada indicate that 53% of the population complete a college, trade, or university program.⁷⁸ In contrast, Cler-Cunningham and Christensen

⁷⁸ See Employment and Social Development Canada: Indicators of Well-being in Canada. <http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=29>

(2001) reported that 62.4% of their 183 street-based sex workers had not completed high school, suggesting a stark difference between street-based and off-street sex-work populations.

Participants reported that their sex work enabled them to pursue degrees and graduate from expensive university programs without debt. At the time of the survey, one quarter of the survey respondents were students, pursuing vocational, college-level, Bachelor level, and graduate-level programs among others (Table 6).

Table 6: Type of educational program currently pursuing (survey respondents)

Type of Educational Program	Frequency (n=26)	Percent
College/University degree (Certificate, Diploma or Bachelor level)	15	57.7%
Graduate-level degree	6	23.1%
Trade/Technical/Vocational	2	7.7%
Other (Hakomi therapy/body-centered psychotherapy, real estate license, university certificate course)	3	11.5%

Other occupations

Half of the survey respondents (54/108) indicated that they currently worked in another occupation in addition to their sex work. Other occupations included:

- Business (owner, finance, marketing, advertising, graphic design, property investment)
- Arts (film, dance, writing, artist, graphic design, theatre)
- Parenting, health care, leisure services (yoga instructor, non-sexual massage), ministerial
- Social services (child care worker, psychotherapist, supporting other sex workers, life coach, outreach, ESL (English as a second language) teacher)
- Advocacy and research, non-profit work, event planning
- Food and beverage services (baker/caterer, server, hostess), retail

- Computer/IT work, government, human resources, administrative

Respondents had held numerous other jobs including administrative positions, work with non-profit agencies, governments, business, university research and academic positions, the food and service industry, recreation, health, arts, social services, construction and other trades, and the military.

Income

Survey participants reported their average monthly income for each type of sex work in which they were involved. Table 7 provides the distribution of income for the five main sex-work venues. Independent and outcall escort work provide the highest wages.

Table 7: Comparison of average monthly income for five most common venues (survey respondents only)

Income Category	In-call Agency (n=18)	Out-call Agency (n=14)	Independent (n=87)	Exotic Dance (n=12)	BDSM (n=13)
Less than \$2,000	n=7; 38.8%	n=5; 35.7%	n=18; 20.7%	n=7; 58.4%	n=9; 69.2%
\$2,000- \$5,000	n=7; 38.8%	n=4; 28.5%	n= 37; 42.5%	n=4; 33.4%	n=4; 30.8%
\$5,000- \$10,000	n=3; 16.7%	n=1; 7.1%	n= 18; 20.7%	n=0	n=0
More than \$10,000	n=1; 5.6%	n=4; 28.5%	n=14; 16.1%	n=1; 8.2%	n=0

For comparative purposes, I extrapolated the average annual income from sex work from the monthly reported data to determine that the average annual income from sex work was \$68,400. Table 8 depicts the distribution of income for all survey respondents. Approximately half of the respondents earn between \$60,000 and \$120,000 annually; the other half earned less than \$60,000 annually.

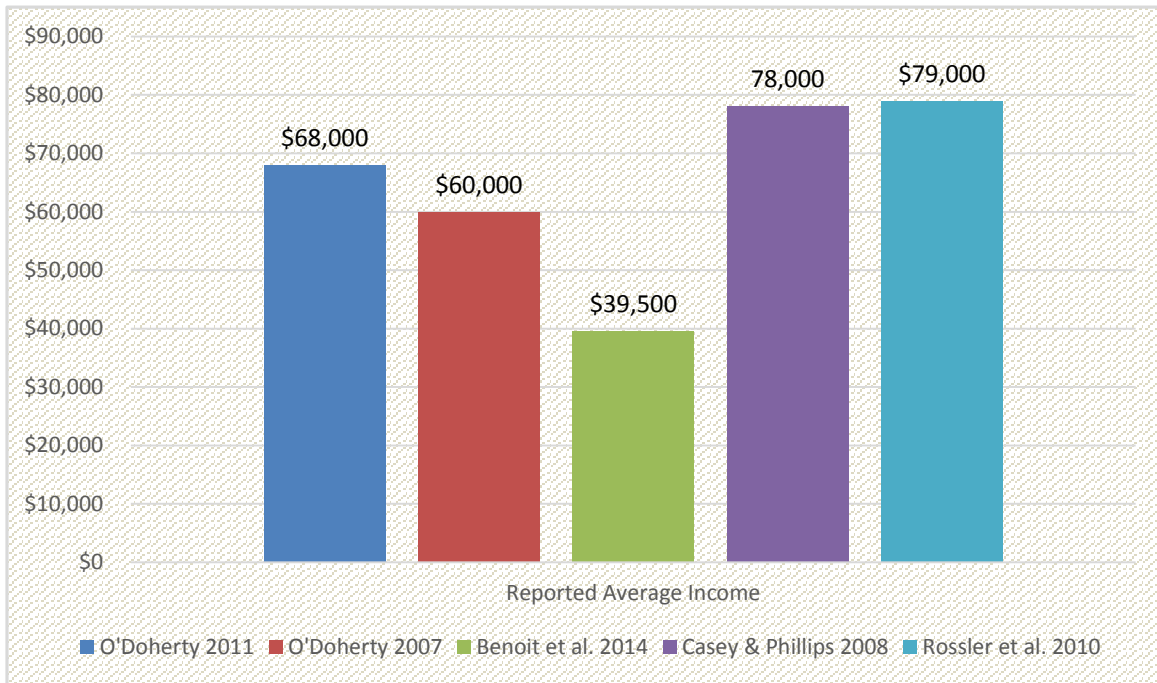
Table 8: Averaged monthly and annual income (survey respondents)

Income Category	Frequency (n=98)	Percent
Less than \$2,000 monthly (under \$24,000 annual)	15	15.3%
\$2,000- \$5,000 monthly (\$25,000-\$60,000 annual)	39	39.7%
\$5,000-\$10,000 monthly (\$60,000-\$120,000 annual)	24	24.4%
Over \$10,000 monthly (Over \$120,000 annual)	20	20.4%

These data indicate that sex workers report an average income that is higher than the average income reported in Canadian Employment and Social Development data, which identifies the average annual income for Canadians is \$45,084.⁷⁹ These results are similar to my 2007 results, where women reported an average of \$60,000. The average income of participants falls within the range of the most commonly reported income in Casey and Phillips' (2008) study of female off-street sex workers in Victoria, BC, which was between \$56,000- \$100,000. Figure 4 depicts the average income reported for off-street sex workers in the current and four other recent studies. Benoit and Millar (2001, p. 13) suggested that their sample included more "economically marginalized" respondents due to their offer to pay participants and inclusion of street-based sex workers. Benoit and Millar also reported that their inclusion of male street-based sex workers might have further reduced the average income of their sample; the men in their sample earned approximately half of the income that the women earned. My 2007 research, Casey and Phillips (2008) and Rossler et al. (2010) all sampled women exclusively.

⁷⁹ See Employment and Social Development Canada at <http://www4.hrsdc.gc.ca/d.4m.1.3n@-eng.jsp?did=3>

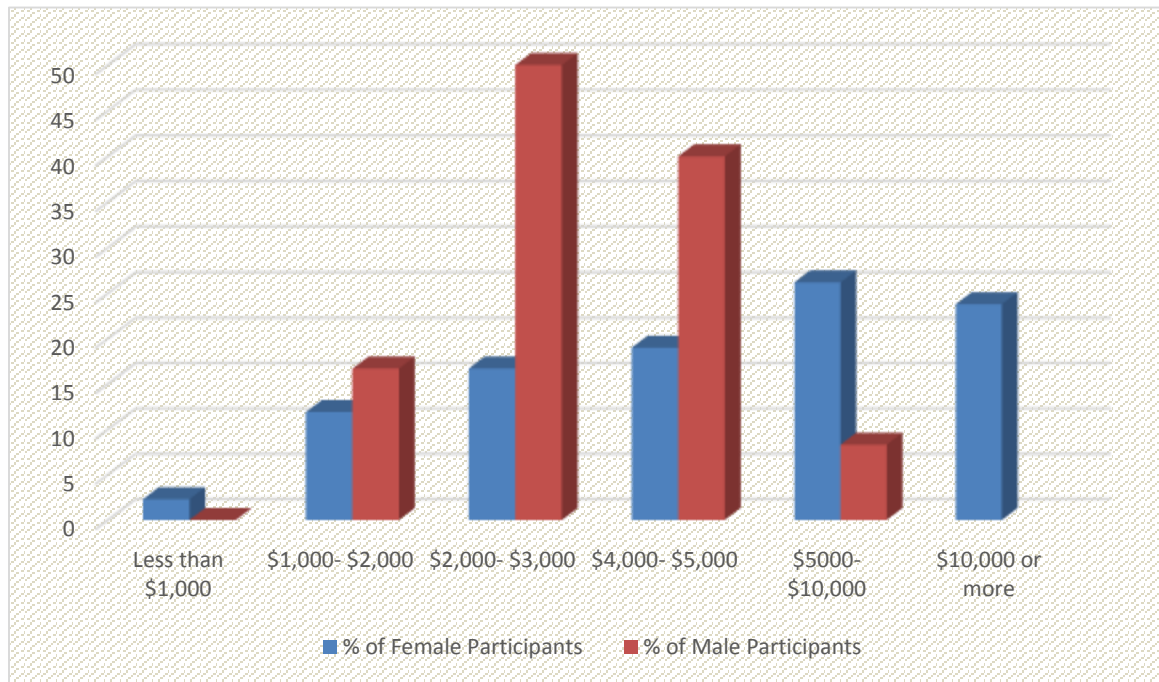
Figure 4: Income for off-street sex work reported by survey respondents compared to results from four other recent studies



The sex industry appears to reverse the gender income differential that characterizes most Canadian jobs. In 2012, Canadian data indicates that women earned approximately \$3,000 monthly while men earned approximately \$4,000 monthly.⁸⁰ In contrast, the women in my survey reported earning more than their male counterparts (see Figure 5 below). Twenty-three female survey respondents reported earning more than \$10,000 monthly from their sex work, while no male did so. Women's income from independent sex work had a greater range than all other forms of sex work, with only 12.3% earning less than \$2,000 per month. Thirty-eight percent of the women earned between \$2,000-5,000 and 41.2% earned at least \$5,000 monthly.

⁸⁰ It is unclear if these data reflect net income after taxes or gross income.

Figure 5: Gender comparison: Total income monthly (survey respondents)



Family Status

Most of the survey respondents were single (n=58, 53.7%) or separated/divorced (n=22, 20.4%). Twenty-five percent of the sample indicated that they were married or otherwise involved in a steady romantic relationship (n=28). Just over half of the respondents (54.1%) were living with their children; one person indicated that they shared the custody of their child. Of the 15 respondents who were not living with their children, 11 (51.3%) did not have custody because their children were old enough to live independently. Three participants indicated that their children lived with the children's other parent. One woman indicated that criminal charges related to prostitution resulted in the government apprehending her children.

Table 9: Survey respondents' family status

Number of Children	Frequency (n=108)	Percent
0	71	65.7%
1	19	17.6%
2	10	9.2%
3	6	5.5%
4	2	1.8%

Benoit et al. (2014) reported 39% of their sex worker participants cared for at least one dependent. Rossler et al. (2010) reported that 37.3% of their respondents had at least one child. By way of comparison, 70% of Canadians live in a family household, 61.5% of these families had at least one child living at home in 2006.⁸¹ The average age at which women have children has been increasing in Canada. As of 2010, the average age was approximately 30.1 years.⁸² The relative youthfulness of sex workers may explain why, in my findings and other studies of sex workers, less than 40% of female sex workers had children.

Country of Birth and Ethnicity

The majority of the respondents (n=94 or 87%) were born in Canada. Other places of birth included Brazil, China, England, France, the Philippines, Poland, Russia, Scotland, the United Arab Emirates and the United States. The majority (n= 57 or 73%) of the respondents identified their ethnicity as Caucasian, Canadian, Quebecois(e), Western European, or American. Four women indicated Indigenous heritage (5.1%). This question had one of the lowest response rates, with 30 missing cases.

⁸¹ See Employment and Social Development Canada: <http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=37>

⁸² In 2008, first-time mothers were on average 28.1 years old; in the 1960's first-time mothers were 23.5 years old. (Status of Women Canada, 2012)

Table 10: Self-identified ethnicity of the survey respondents

Ethnicity	Frequency (n=78)	Percent
Western European (German, Irish, Italian, Spanish, Celtic, Dutch/Welsh, English, Greek, Ukrainian, French, Scottish)	32	41.0%
Canadian (French Canadian)	11	14.1%
Caucasian	9	11.5%
Asian (Chinese, Indian, Korean)	6	7.7%
Indigenous	3	3.8%
American/dual	3	3.8%
Eastern European (Russian, Slovak)	3	3.8%
Religious cultural group (Jewish, Mennonite)	3	3.8%
Other (crazy, feminist, Heinz 57)	3	3.8%
Multi-Racial (Chinese/White, Ukrainian/Scottish/English/Native)	2	2.5%
Quebecois(e)	2	2.5%
Iranian	1	1.2%

In sum, my participants are well-educated and financially secure adults. My sample appears to have lower than average childbirth and marriage rates compared to the general population of Canadians, but higher than average income and education levels. As the next section will illustrate, my sample comprises experienced sex workers who can shed light on a variety of types of commercial sex.

The Work

Many participants had experience in a variety of forms of sex work. Table 11 indicates the number of participants who had "ever engaged" in the listed forms of work. The data echo Bowen's (2013) sample, which similarly demonstrated a high degree of crossover among different types of sex work (p. 33). While approximately 25% (n=28) of survey participants had experience in non-direct contact forms of commercial sex—webcam and telephone-based sex work—all but one respondent (an adult film performer) had experience working in direct contact with clients.

Table 11: Commercial sex venues ever experienced by participants

Venue	Survey Respondents (N=109)	Interview Participants (N=42)
Independent	86 (78.8%)	31 (73.8%)
Erotic Massage	46 (42.2%)	8 (19.0%)
In-call Agency	45 (41.2%)	3 (7.1%)
Out-call Agency	43 (39.4%)	4 (9.5%)
BDSM/Fetish	27 (24.7%)	8 (19.0%)
Exotic Dance	24 (22.0%)	4 (9.5%)
Nude Modelling	22 (20.0%)	2 (4.7%)
Web Cam	21 (19.2%)	3 (7.1%)
Adult Film	19 (17.4%)	4 (9.5%)
Telephone	10 (9.1%)	1 (2.3%)
Street	11 (10.0%)	2 (4.7%)
Other*	6 (5.5%)	0

*Other includes erotic correspondence, escorting, full service independent in-call and outcall, sex educator, topless server, travel for erotic massage. It was unclear whether these self-identified experiences were agency-based or independent.

In terms of their first job in the sex industry, participants described a range of experiences. Approximately 40% of the survey respondents (n=45) began working as escorts, either independently or for an agency. Massage was the second most frequent first experience (n=19, 17.5%), followed by exotic dance (n=10, 9.2%). Some respondents began working in several venues at the same time (n=8, 7.4%), some began on the street (n=8, 7.4%), and some began in film or webcam work (n=8, 7.4%).

The location of work

Nearly half of the participants had experience working in British Columbia. The survey asked respondents to indicate the geographic location of each form of sex work in which they engaged; unfortunately, respondents could not indicate more than one location for each venue. As a result, some respondents wrote comments or sent me an email message to report that they indicated the place where they worked most often.

Table 12: Location of work

Region	Survey Respondents (N=109)	Interview Participants (N=42)
British Columbia	55 (50.9%)	21 (50.0%)
Ontario	34 (31.5%)	11 (26.2%)
Alberta	12 (11.1%)	3 (7.1%)
Quebec	11 (10.2%)	2 (4.7%)
Manitoba	8 (7.4%)	3 (7.1%)
Saskatchewan	3 (2.7%)	0
United States	8 (7.4%)	0
No location indicated	5 (4.6%)	0
Tours Canada/US	4 (3.7%)	7 (16.6%)
Maritimes	0	2 (4.7%)
Multiple Provinces	0	6 (14.3%)
International	0	5 (11.9 %)

Duration of the work

Nearly 70% of the survey respondents had worked in the sex industry for at least three years at the time of data collection. This is a conservative estimate because the survey did not ask respondents to indicate if their work experiences were concurrent or consecutive; I have reported it concurrently in Table 13 below. The minimum duration of work was 3 months; in that case, the respondent worked in a massage parlour until moving into independent work. The maximum duration of work was 35 years. Some respondents indicated that they tried different types of sex work for only one shift or a single film shoot; Table 13 excludes these data and shows the duration of work according to the participants' gender. Most of the surveyed men had worked in the industry for at least three years, with 33% working in commercial sex for ten years or longer. These data are consistent with McIntyre's (2005) findings that men often remain in sex work for between six and ten years (p. 40).

Table 13: Duration of work by gender

Duration	Female (n= 92)	Male (n=12)	Trans/Queer (n=3)	Total N (107)
Under 1 year	7 (7.6%)	1 (8.3%)	0	8 (7.4%)
1-5 years	51 (55.4%)	4 (33.3%)	2	57 (53%)
6-10 years	17 (18.4%)	3 (25.0%)	1	21 (19.6%)
Over 10 years	17 (18.4%)	4 (33.3%)	0	21 (19.6%)

*Missing: 1 female, 1 transgender respondent.

Reasons for Working in the Sex Industry

Twenty-seven of the interview participants indicated that the primary reason they worked in the sex industry was financial. As has been found across many studies, sex work can offer a higher than average wage, particularly for women, with flexible hours, and no formal or institutionally-based training is required (Althorp, 2013; Benoit & Millar, 2002; Bruckert & Parent, 2006; Bowen, 2013; Jenkins, 2009; Walby, 2012). Paying tuition or re-paying student debt featured prominently in the responses. Vanwesenbeeck (2013) suggests that economic motivation is central for all sex workers, and indeed all workers, but that there are some gender differences. Lack of economic opportunities for females, particularly with growing feminization of poverty, means that the sex industry is a “pull” factor: it is the only or one of very few options available to women with few job skills or little education (Vanwesenbeeck, p. 12). The financial rewards of commercial sex and relatively low barriers to obtaining work mean that regardless of whether commercial sex provides basic sustenance or luxury, the opportunities it affords can be seductive. After money, interview participants indicated that they actively sought out sex work due to personal curiosity or interest (n=15; 35.7%), or they were bored or disliked their other work and desired a different experience (n=6; 14.3%). Significant life events, such as divorce, can serve as the impetus for a career change for some sex workers, a “push” factor for five interviewees in my study. These findings mirror Jenkins’ participants’ motivation for working in the sex

industry (p. 111). For some participants, particularly those who enjoy sex or wish to explore their sexuality, sex work offers an interesting and challenging new experience (n=7; 16.7%).

Personally speaking, I found out that through escorting, I could use maybe 90% of my skills at the same time and it was really, really refreshing and really interesting for me [Marco].

The four transgender participants expressed similar reasons for working in commercial sex as other sex workers with financial reward identified by each group as a primary motivation for their work. Transgender sex workers have an additional financial burden that other sex workers do not have to meet. Transitioning, the process of a sex change, is expensive; medical insurance generally does not cover the surgeries, hormones, voice, and mannerism training sessions that are usually part of the process. It can be awkward for people to maintain employment while they undergo their transition. There is a high degree of transphobia in our society (Fletcher, 2013); my transgender interview participants elected to work in the sex industry during their transition rather than face discrimination in mainstream jobs. The sex industry can offer transgender people acceptance, and even place value on their physical appearance. As April noted, the transgender community may be more accepting of sex workers than other communities: *“There isn’t as much of a taboo in my community like it would be for genetic women. Most of my friends are in the industry.”*

Other participants explained that, while finances were certainly a part of their decision to work in the sex industry, there were other motives. For Bren and John, working in the sex industry was politically motivated. Bren wanted to provide queer visual expressions of

sexuality to provide an alternative to mainstream adult film. For John, expressing his sexuality was cathartic:

The primary motivator was that I really, genuinely enjoyed being able to demonstrate to other people who might have suffered the same kinds of repression that I had endured, the prideful and unashamed way you could enjoy your own sexuality... I did it, not just to role model to other gay men, but to role model for everyone.

For Isabella, the desire to do sex work originated in her desire to help people heal from sexual trauma and experience positive sexual touch.

I came to realize that you could do sexual healing work with hands-on touch and that might be a path of working in bliss rather than focusing on trauma. That really resonated with me and I wanted to do it.

For the majority of the participants, though, the relatively high income was a sufficient reason to enter the industry. As Jennifer stated, *"I didn't have a lot of options. This was the best option that came my way. You need money to survive, to live, so I took what I could get."* Bowen (2013) identified income as a primary motivating factor for re-entry into sex work after an attempt at transitioning out (p. 67), and as a primary factor that prevents some individuals from leaving sex work, even if they desire to do so (p. 68). Employment options outside of sex work also factor into decisions to work in the sex industry. Bowen (2013) and Sanders (2007) note that unsuccessful employment experiences or lack of reasonably paid employment opportunities push individuals back into sex work, or serve as the initial motivation to enter the sex industry.

Mode of Entry

Consistent with Casey and Phillip's (2008) research on female off-street sex workers in Victoria, third parties did not typically *recruit* my study participants into the sex industry. Two survey participants did indicate experience with a pimp; two other survey participants indicated that they had been trafficked (together representing 3.6% of the survey participants). Six percent of the Casey and Phillips' participants reported working for a pimp at some point in their commercial sex experiences. Jenkins (2009) found that only 2% of her 483 participants experienced some form of coercion into the sex industry. Rossler et al. (2010) found that 1.6% of 193 participants felt forced into sex work, and 10.9% of participants felt coercion at some point in their sex work careers (p. 4). Rather than being coerced to do sex work, the majority of my participants explained that they sought out sex work. They reported engaging in some exploratory research into the work—such as talking to friends who were in the industry, examining online forums, reviewing advertisements and sex workers' websites, watching documentaries, and even emailing sex workers—prior to taking their first job. Often, participants explained that someone made a comment about sex work at an earlier date, and then the idea sat dormant before the individual acted on it. For some, the industry held allure and interest, particularly those who are open to sex and exhibitionist. For many of my participants, when a financial need occurred, sex work was a realistic option that did not pose much emotional turmoil.

When I first moved here, I was broke and had just got out of a relationship.

I was working in a gym and could barely make ends meet. I watched this documentary called, "Dirty Money: The Truth about High-end Prostitution."

And I was like, I could do that [Victoria].

Rachel provided a detailed account of her decision to work as an independent and the process she undertook. I have reproduced it here in its entirety to illustrate the degree of forethought and preparation involved.

I started by putting up an ad on the Eros guide in January and previous to that I had made a website and done a lot of research on other independent escort sites to see what kind of information you needed to provide. So, I did my free website and I had some pictures taken, which was hilarious and embarrassing. I was trying to attract a certain kind of clientele, so I was careful with what I put up on the website...I thought of doing it for a very long time. Possibly even as early as like 18 or 19. But I never took the plunge. I thought maybe I could be a stripper, but I can't really dance. I was curious about massage parlours, but it just didn't appeal. I didn't know about independents, I thought you had to work for an agency and give them half your money. That didn't appeal to me. Eventually I was googling around and I found an independent escort's website and it had an FAQ section, an etiquette section, and I was totally blown away. Before that, the advice I had been given was to find a reputable agency. I read a book called "Going Pro" and thought maybe I would try phone sex, but everything always led me back to escorting. So, I decided eventually, like after many, many years, I should try it just to get it out of my system. If I liked it, wonderful and if I didn't like it, I would stop. I did like it and I have no plans at this point to stop.

Rachel is not an anomaly. The majority of the interviewees shared their deliberate and conscientious decision-making in the process of entering the sex industry. Once in the

industry, the majority of the interviewees tried a variety of forms of sex work to find the type that suited them best. They recalled making careful decisions that considered their personal boundaries, income potential, and level of comfort with different working situations. Social and structural factors are relevant to their decision making: my participants were mostly adults when they started sex work, had much higher levels of educational achievement than street-based sex workers, and had experienced a variety of other employment situations. Canadian data indicate that coercion into sex work is mostly the experience of youths, migrants (particularly those without legal work visas), and persons with substance addiction, mental health problems, poverty, or other social issues (Hawkes-Frost, 2014; Hodgson 1997; Sutdhibhasilp, 2002).

Sex Work vs. Other Professions:

I want to highlight the fact that now I work full-time in health care industry (acute care hospital), and the amount of rudeness, attitude and verbal abuse that I have to tolerate from the patients there is far worse than what one may think people experience in 'sex industry.' When I was escorting, I always knew I had the power to point at the door as soon as someone would display any signs of attitude. At the hospital, patients give you attitude all day long, and all you're allowed to say back is 'I am sorry you feel that way,' smile and be polite [SR# 85].

Both the survey respondents and the interview participants made comparisons between sex work and their other work experiences. Six participants explained that there are negative experiences with customers no matter what the work. My interview participants indicated that, when they worked in square jobs, customers, bosses, and others treated

them worse than they ever experienced while sex working. One survey respondent said, “Based on my experience, I don't think sex work is necessarily any more dangerous than many other jobs—and is probably safer than some (all night convenience store clerk, paramedic or cop, for example).”(SR#29) Similarly, Ava compared sex work to other work involving one’s physical ability or one’s body:

The commodification of people who work in the sex industry, to me, is no different from the commodification of men and women who work in professional sports, theatres, ballet, or supermodels. I think they have it way worse than sex workers! They are taken away at a young age and dumped, and their bodies aren't theirs at all.

Bruckert and Parent (2003), Benoit et al. (2014), and Shaver (2005) have demonstrated the similarities between sex work and other forms of labour such as nursing, food-serving, and hair styling. They concluded that many aspects of sex work are directly comparable to experiences of women in other more “legitimate” jobs. Bruckert and Parent liken the customer-service skills required in sex work to the skills required of anyone who works in the service sector (p. 103). Benoit et al. (2014) demonstrated that the biographic profiles of women in sex work are much the same as nurses, hair stylists, and food servers (p .4). Shaver compared occupational health and safety data of sex workers to nurses, other service workers, and care aides. She concluded that each group faced similar levels of stress and similar rates of victimization (p. 312). According to Bruckert and Parent, the key differences for sex workers are criminalization and stigmatization (p. 106).

While comparisons to other forms of labour offer a better understanding of the labour dimensions of sex work than singular studies, the sexual component of sex work continues

to distinguish it from other forms of work, particularly for those who have no experience with commercial sex. However, even some interview participants rejected comparison to other jobs. Rather than arguing that it is like any other job, some participants held that sex work is unique. Rainbow Brite reminds us that sex work has unique practical challenges that may not arise in any other form of work:

I love it. I find it really fulfilling. Some days I don't know, there are little quibbles that frustrate me or just things that wouldn't happen in other trades, like having to tell someone not to chew on my genitals so hard.

Instead of devaluing the labour dimension of commercial sex, my participants suggested that sex work involves a greater range of skills than other forms of work, is a valuable contribution to society, and is not something that just anyone can do.

Working for an Agency vs. Working Independently

Nearly 80% of participants in both the survey and interviews worked independently at some point in their commercial sex careers. For nearly all of the independent workers, their self-employment represented the final stage of sex work. These respondents reported starting their careers working for an agency, and then, as they learned about the business, the work, their own boundaries and abilities, they moved into independent work as they developed confidence. That was not the case with all of the respondents; some began working independently without ever experiencing agency work. Still others tried independent work, but preferred to work for a third party. As Bruckert and Law (2013) found in their research on management, the decision to work for an agency often revolved around a lack of experience in the industry or the desire to have a third party take care of

the business aspects of the work (scheduling, advertising, security). While some participants found agencies to be exploitative, and referred to owners and managers as “pimps,” Kate noted that working for an agency could be a positive experience:

I would only work in this industry for someone like my boss. I don't do anything I don't feel comfortable doing. If I ever go to an appointment and feel uncomfortable, I don't have to stay. My boss is really, really understanding and very, very nice. She's a great boss.

The respondents expressed a range of opinions about agencies, both in general and in reference to specific work sites. However, there was agreement that many agencies exercise control over their staff, or take a larger percentage of the proceeds of each sexual service than many workers think is fair (the standard rate for escorts is approximately 50% of the amount an escort charges a client).

There is this element of control that has nothing practical or logical about it. It's just about keeping you in your place... No agency should take half of what a woman earns, ever. That is absurd for what they do compared to what the woman does. It is exploitative. All the control measures, those are exploitative. But that all depends on a woman's ignorance. If you have any degree of intuition or sense, you call bullshit on that early on [Jessy].

Similarly, Rachel questioned one of the primary reasons people raise in defence of agencies—that they offer increased security for their workers:

I know some people see the agency as safety, but that seems wrong to me. The agency wants to make money; they want you out on calls. You don't

know who's answering the phone, or how they're screening, or what sort of measures they're taking to ensure your safety. When it comes down to it, you are in the room alone; maybe they screened, maybe not. What if your safety call is your driver, but he is gone? It seems like a false sense of security.

Indeed, in my 2007 research, independent workers reported the lowest levels of victimization. The participants suggested that when they were able to control who they saw as clients, and under what conditions they exchanged sex for money, they felt safer and they reported higher levels of satisfaction with their work.

Sex Work vs. Erotic Entertainment?

As indicated in my earlier discussion of terminology, those involved in legal forms of commercial sex express some hesitancy—and some refuse—to associate their work with prostitution (direct contact sexual services to clients). This is due in large part to the stigma associated with prostitution. Bruckert and Parent (2006) and Althorp (2013) also found that those who work in legal forms of commercial sex, such as exotic dance, adult film, or nude modelling, feel that it is important to distinguish their work from prostitution. Erotic massage and professional BDSM practitioners also distance themselves from prostitution this way. Given that these individuals often do not have intercourse with their clients, although some do, they also seek to distinguish their work from prostitution, which they see as being inherently different. Ana indicated that this distinction reflects varying degrees of acceptance for different activities:

I think there's a little bit less stigma because there seems to be a little more understanding or a common trope that you dance to get through college, not because you like doing it. I think the less direct service oriented stuff tends to be less stigmatized.

However, sharp demarcations between types of work may produce a misleading portrayal of the nature of the commercial sex industry. For example, according to my participants, the exotic dance industry has undergone significant change in the past ten years. At the time of writing, lap-dancing and private shows are common and even required in some regions, or in some establishments. The degree of contact between dancers and their customers ranges, as does the availability of “extra” services (Althorp, 2013). Due partly to the changes in laws regarding indecency, and partly to changes in industry expectations, dancers report that in Ontario and Quebec clients expect to be provided full contact private dances (lap dancing). With competition between dancers increasing due to clubs closing,⁸³ those who are unwilling to have physical contact with their customers reported feeling pushed out of the industry. My participants reported that there is a higher degree of crossover between escorting and dancing today, and that combined with uncertainty about what conduct is illegal, the formerly strict demarcation between exotic dance and other forms of sex work is no longer as valid as it once was.

The changing expectation regarding physical contact with customers has altered the nature of exotic dance for the workers. Sephora explained how the different standard of

⁸³ Althorp (2013) suggests that many factors have contributed to clubs closing, including mismanagement, increased competition, rising costs of operation, gender equality improvements in other workplaces, increased use of internet-based erotic entertainment and changing societal views about objectification of women (pp. 72-73).

acceptable contact between dancers and customers negatively affected her work experience:

There are some clubs where you go and the rules are strict and enforced. In other clubs, there are tons of girls and you can get away with anything. But I think that it's the name of the game now—the clubs are closing and it's harder and harder for people to make money. There are so many girls, so you have to compete with one another... it makes it harder. If I ask a guy if he wants a private dance and he knows there are boundaries, it makes my job easier. I don't have to be on guard or compete with another girl who's going to offer more. It's kind of a shitty situation and it would make my life easier if I didn't have to contend with that stuff. Because you get all kinds of requests and the guys are like, well that girl will do this and that girl let me do that. So why would he get a dance from me?

Dancers, adult film performers, and nude models all indicated that they took great pleasure in expressing themselves through erotic means; they often felt empowered by their sex work, and felt more confident about their bodies and their sexuality because of their work.

I think it is beneficial for people to see someone who is not a media stereotype of a gay man enjoying aspects of gay sex that are typically related to an effeminate, passive person. Again, not that there's anything at all wrong with that, but that popular viewpoint, I believe, can inhibit people from coming out and being who they are. So, I find that my involvement with pornography is similar—it's an arena where I can proudly show to other people that I am embracing my sexuality and that I am

fearless with it and that it's ok. Again, they may never engage in it, but it gives them some kind of sense that they aren't alone [John].

The participants with experience in adult film and nude modelling reported generally positive experiences. However, some aspects of film and modelling raise issues that are not present in other forms of sex work. For example, participants explained that they often have little control over who uses their images, or the type of marketing employed to sell the final video or photographic product. Ana expressed some concern about the fact that the images would be accessible forever online, but she also felt proud of her work. Kacy explained that there is often a disconnect between the experience filming sex scenes and the ultimate product:

I guess it's part of the fantasy to call you racist names when they're really into interracial porn. During the making of the porn, there is nothing really racist. Most of the people on the video are really nice people and you would never think of calling them the N word or Spic, or whatever. When the video comes out, they send a copy of the back and front covers. And reading the back, you see the N word and it's kind of a shock at first.... I mean I don't say these words in real life and I was never told I had to say those words and no one said them to me. Like no one said, how do you like that big N\$&&# cock in you? It was never brought up. But most of the scenes I've been involved with were interracial porn. It's a niche market. And I guess part of the interracial thing is the play on stereotypes.*

The participants reported that they generally had control over the types of sexual activities in which they participated during filming. They did not usually have control over who their

sexual partners were in the films, except in Bren's experience. To Bren, a film director, producer and actor, consent and autonomy are essential to producing ethical porn:

I leave a lot of the control over what happens in the scenes up to the models, the performers who are doing it. I encourage them to go over the plans, what the ground rules are, what their preferences are... I mean with ethical porn, it is all about consent and visually expressing female agency and power. And maybe that's through a little interview at the end, talking about why they do it and what they thought of the scene. It's educational, and it shares their stories a little. And to include moments in the film where a person is saying, "do you like it like this" or "do you want me to do this." How can you say all images of sexuality are violence when a person is saying, "Can I do this to you?" and their partner is saying, "Yes, please, that's my favourite thing!"?

Agencies operate in the context of erotic entertainment, in a similar way as they operate for escorts. Booking agencies control the exotic dance industry to varying degrees in different regions (Althorp, 2013). In some cities, bars only hire dancers through booking agencies; in others, dancers can "freelance" their services to individual bars. Participants reported that agencies were more common in larger cities. The agencies hire the dancers and then make a contract with the bar to book the dancer for a certain number of shifts. The agent negotiates the dancers' stage fees (the amount the dancer earns for each of her shows); the bar pays the agency the pre-negotiated amount. In this situation, the dancer earns most of her income by soliciting tips from customers. Dancers report that it is industry standard to tip the D.J., and sometimes the security and other staff, in order to maintain positive relationships with them. Althorp (2013) concluded that the D.J. has

considerable influence over the atmosphere in a bar. The dancers in my study agreed, and reported that it is important to have a D.J. encourage patrons to tip and to make positive comments about the dancers prior to, during, and after their shows.

Sex Work vs. BDSM and Erotic Massage

Like exotic dance and adult film, erotic massage and professional BDSM providers distinguish their sex work from that which involves intercourse with clients. To the participants, these distinctions have important effects on their self-image. They felt little risk of criminalization. They felt that criminal prohibitions targeted activities related to prostitution, not sexual services generally. For BDSM providers, their services often fall outside of the parameters of typical “sexual” behaviour. BDSM providers explained that their work involved a wide range of activities, including bondage and discipline (whipping, spanking), trampling (walking on a person while wearing stilettos), golden showers (urinating on or for a client), saline injections, fantasies involving costumes, music and scenarios, baby play, dental scenes, and medical scenes. Xaura explained that the range of activities was one of the alluring aspects of the work:

A lot of it has to do with getting in touch with your child play. I mean, peeing on people, come on! Right? Doctors scenes when you're six... even dungeons. I think it's therapeutic to reconnect with that kid. I really valued when someone came with a truly personal vision of what his or her needs were. And this could come in any form and I loved that about the work. It is human imagination in practice. I loved that. It was so refreshing. We have one on-going scene... about crunching crinoline... That was unique... And then I have examples where it was self-esteem bashing. I had a black male

client who wanted to be racially abused and I had a terrible time with that.

I was like, oh you tall basketball player. I just couldn't go there.

One of the reasons that these participants had difficulty classifying their work as sex work was that, even from the client's perspective, it was not always sexual. Rather than seeking sexual release, some clients seek an emotional, stress-related release. This was particularly true for those BDSM practitioners who regard themselves as professional dominatrices. They consider the light whipping and bondage activities engaged in by many independent escorts to be quite different from professional services, where "slaves" may not touch their "masters."

The majority of the participants with BDSM experience provided domination services; however, two women described their experiences providing professional submission services. Both women were in their early 50's with many years of experience in nearly all forms of commercial sex. They explained that trust was essential to their work, whether in a submissive or dominating role. They described the relationship with their clients as intimate, intense, and on a different, higher level than any other relationship:

The BDSM relationship is the ultimate relationship, above marriage, above cohabitation, above gay/straight, anything, is a master/slave relationship because it is the ultimate experience of trust, of obedience and of submission. It trumps marriage and makes marriage look like nothing, just an average institution. The level of commitment is mind, body and soul. It is so demanding and it can't be ignored [Jane].

Consent plays a pivotal role in BDSM activities. While central to all forms of commercial sex, in BDSM consent is more complicated. As Ava indicated, clients pay dominatrices to push, or find, their thresholds for pain. Rather than predetermined lines of consent, participants described how they pre-negotiate a “safe” word or gesture with the client to indicate when a boundary, such as a pain threshold, is crossed:

It's all controlled, but you are pushing boundaries because they want to know what their pain threshold is. In some cases, I am restricted because they don't want marks. And it's hard to test your pain threshold without leaving marks. You need to know when you've reached as far as you can go. We would have safe words and stuff like that, graduating safe words, if something was getting to the point where I almost can't take it but I think I can take a little more, yellow. It requires an innate ability to be able to judge, to read, to see how far you can go.

The BDSM participants emphasized that specialized training is necessary to do BDSM correctly. Practitioners need to learn how to dole out physical pain without leaving marks and without doing actual harm to the recipient. They need to learn how to tie bonds, how to do piercings, injections, branding, or any other service that requires specialized equipment. Workshops, books, and online resources provide training, but the participants found that mentorship by an experienced Mistress or Master is the best training tool. The participants spoke of first-aid training and information gathering as necessary to their work, too. They often require in-depth information about clients' general health as well as their specific service requests.

Where you hit is key. You can't take it for granted, because you can bust a kidney or crack a vertebra. You don't know if that person's bone density is strong enough to handle a crop or a cane. You don't know the person's medical history or any of that. I do a 15 minute session at the beginning and do all that. And at the end of the 15 minutes, the door's open and they can just walk away, no worries. If after 15 minutes, they want to follow through, I will begin [Jane].

The participants explained that their clients sought professional BDSM services for a multitude of reasons, but often, it was a need to find non-judgemental and safe spaces to explore certain activities. Ava suggested that clients would not be able to express their desires to their partners, if they had partners, due to the stigma and shame associated with certain activities: *"There is no real place in this world for submissive men. They aren't accepted by anyone. I think it's almost therapeutic for these clients."* Mistress Vanisha similarly revealed that some of her most rewarding experiences were when she was able to help people tell their partners, and then teach their partners, how to meet one another's needs. Jane understood BDSM as a necessary outlet for energy:

Extreme behaviours must have a focus that can then unravel that kink to bring it back down to a dull roll so they can function at what we proverbially say a "normal" level. Pain is a relative term for focus and also an outlet or channel for energy to be utilized. I find most people who come to me to be hit, whipped, restrained, want their power reduced, taken from them, want their identity removed for a period of time. They want to be relieved of life's pressures, anxiety, loss and degradation. Pain is a way of wiping the slate

clean for a while; it's the only thing that can knock that other crap out of their minds for a while.

Erotic massage workers similarly emphasized the importance of their work to their clients' mental and physical health. Both these groups of sex workers saw their work primarily through a therapeutic lens. While each group offered drastically different mechanisms for tension or sexual release, both suggested that their work was a part of holistic health care. Lindeman (2011) reported that, in her research with 66 dominatrices in the US, the participants consistently identified their work as both professional and as a form of therapy.

Erotic massage workers compared their work to non-erotic massage and suggested that, by offering the erotic dimension, they were completing the service by meeting both tension and sexual needs. Rather than attaching shame or stigma to sexual pleasure and relaxation, these participants suggested that people need more education about sexuality and need to feel freer to explore their sexuality.

I think that non-sexual massage is helping to move our culture in the direction of pleasure; it is not the same as therapeutic massage about torn muscles and the like. It is ok to have touch for pleasure, and that is needed in our prudish culture. So, I feel like what I offer isn't quick sexual gratification, it is educating clients that there is so much more to sexuality [Franklin].

Like the BDSM practitioners and the erotic entertainers, those who provided erotic massage distinguished themselves from those who offer sexual intercourse. However, participants providing erotic massage explained that distinguishing different forms of sex

work is misleading, because erotic massage can be even more intimate than full service intercourse:

I think erotic massage, in many cases, is more intimate than fucking someone because I am entirely focused on what's happening. You can't do that when you're fucking someone. My service is all one way, though I do allow people to touch me in varying degrees. What I do is really, really, intimate. You could even call it a complete massage. Other massages are just incomplete [Sophie].

Most interviewees reported struggling with the stigma around sex and sexuality prior to engaging in sex work. Mentorship and a sense of community among erotic massage practitioners featured prominently in these discussions, as did a participant's own sexual explorations and even "sexual healing."⁸⁴ Like the BDSM practitioners, for erotic massage practitioners there appeared to be a high degree of crossover between personal and professional sexual exploration. Seven of the interview participants explicitly linked erotic massage with educational and therapeutic work. For Sean, the educational aspect of the work—teaching people about their bodies, their sexuality, their erogenous zones, their boundaries—was the best part of his work.

I really love when I can actually help someone. I listen to their problems, give them some reassurance, or give them some information to help them, or make some suggestions about what they can do, or experientially teach

⁸⁴ The phrase, "sexual healing" was used by multiple erotic massage practitioners in relation to their personal journeys to becoming more open and accepting to sexual touch, becoming aware of their personal boundaries and addressing any past experiences of boundary violation.

them! Like ok, this is how you communicate what your desires are. This is what it feels like when I touch here in your pussy, what does it feel like for you? Having the chance to explore with them, helping them to know their bodies better, but in a safe, professional way.

These interviews consistently raised the topics of sexual healing, healing from trauma, and the human value of sexuality. Sophie considered herself a therapist. She pointed out that social constructions of therapy exclude physical touch—to the clients' detriment: "*I was thinking of going back to school to be a sex therapist, but I figure that would be like cutting off my hands.*" Franklin, one of three men who described his experiences working with sexual abuse survivors, emphasized the importance of erotic massage as a practical, hands-on form of therapy:

I've worked with some women too, one woman who was horrendously abused by all members of her family. They had done talk therapy for years, but her therapist felt that her inability to accept touch was not something he could deal with so he referred her to me. We did some very respectful, honouring touch work, completely respecting her boundaries. This woman and I worked together for about a dozen sessions over a year's time and it never went to the point of the erotic. She never wanted to undress: it went from sitting and talking to her feeling she could come as close to me as she wanted, move away when she wanted, and she finally was able to ask me to hold her. That was amazing, the journey we went through, so she could gradually feel she was able to connect and touch a man with no expectation on my part of using her for my pleasure. That was such an empowering, deep experience.

During the interviews, erotic massage workers expressed joy about their work; they wanted everyone to know about the wonderful experiences they were privy to. However, they typically worked within specific boundaries; generally, they were a privileged group. While their positivity permeates nearly all aspects of their interviews, they did touch on frustrations that diminished their work experiences. Erotic massage can be more demanding than other full service sex work; several participants described the emotional labour involved in erotic massage. Sasha reminds us that there is a physical toll, too:

I work non-full service. I think it is a good balance, but I find it still takes a toll physically. And non-full service guys are mentally way more draining. Full service guys come in, do their thing and leave. The non-full service guys, the guys aren't as direct, and you get all kinds of fetishes.

The erotic massage participants identified activities—such as uncovering client needs, and assisting clients to overcome trauma, shame or nervousness—as key components to their work. These activities all require a high degree of care, focus, relationship and trust building that can be emotionally draining for the sex worker. Sophie pointed out there was a high degree of awareness and performance required of the worker:

I pay scrupulous attention to what is going on with the person—their body, their eyes, their breathing. There is so much information in front of me and I am glued to it. Is that hard work? Yes, it takes effort, it requires paying attention, requires focus. It is totally engaging for me. But all the work is done leading up to it, for the past 50 years, not in the session. So it is hard work, but it's not hard for me. I mean brain surgery is hard work, but while the surgeon is doing it, if they know what they are doing and can maintain

focus, then no, it's not so hard for them. If something comes up in my session and someone has an emotional reaction, I need to know what to do about that. If they suddenly pull a knife, I need to know how to deal with that. It is about paying attention, but it is work, just enjoyable, intense work.

General Comments about the Work or the Industry

Several themes emerged from the data that reflect the nature of off-street commercial sex work in general. Themes included the emotional labour required of sex workers, stigma, living a double-life, professionalism, the social and interpersonal value of sex work, and diversity in the sex industry. Each group of sex workers emphasized the emotional labour component of their work.

It is very intimate and you have to open yourself up to a complete stranger in a very intimate way. There is a very fine line in maintaining control, but still being open and intimate—it is a lot of work. I am kind of like a therapist: clients tend to dump their problems on me. And that's fine, I mean it's why I am there, but it is hard. My job is to listen. Sometimes I just feel so bad for the clients. I had one client who was a widower and we didn't have sex or anything, he just wanted to lay in bed because he didn't want to sleep alone. I was like you're going to make me cry! He was in his early 70's and his wife had died 6 months ago and he was really lonely. Stuff like that happens and you can't detach yourself from that, you just can't [Berlin].

The emotional component of the work is not limited to interaction with clients. The stigma associated with sex work negatively affects sex workers, and thereby causes sex workers

to feel the need to hide their work. Jessy discussed the long-term impact of leading a double-life. April raised her concern about potential damage to one's self-esteem from the degree of societal shame around sex work. Bruckert and Hannem (2013) and Meaghan (2008) outline emotional consequences—the “whore stigma”—as one of the most negative impacts of sex work. Lisa regarded sex work as being “damaging” to sex workers because of the stigma involved. Lisa concluded that those who speak of sex work positively ignore key facts:

This is a very violent, volatile industry. When a woman doesn't have much respect over her body, she doesn't have a lot of control when she has to sell it. How can others respect her? Many women talk a good game, but if it's so good, why do they always want out? It's because there aren't that many choices. It's kept them stuck [Lisa].

In contrast to Lisa, the majority of survey and interview participants had more positive than negative comments about their work. The men involved in my study were nearly all very positive about their experiences. They agreed that gender differences exist in portrayals of sex work due to different levels of stigma for men and women in sex work. They also suggested, and female participants agreed, that other factors, such as one's circumstances and intentions when starting work in the sex industry, are crucial to whether a person experiences sex work in positive or negative terms. Kyle suggested that one of the reasons he felt there was some discrepancy in experiences was the individual sex workers' personal background and motivation for working in the industry:

Not everyone is in this for the wrong reasons. If you are able to open yourself up, communicate, stay strong and not let it affect you, then yeah,

it is great. I meet all these people and actually have a connection with them. I think meeting a new person every day is something incredible that not everyone can do.

My participants believed that, rather than being a job that anyone can do, it takes a very strong, emotionally healthy, and skilled individual to work long-term as a sex worker and to do it well. While sex work includes sexual acts, it also involves business acumen, interpersonal skills, and marketing and organizational skills. The participants felt their work was undervalued. John explained that the industry has existed in spite of criminalization and stigma because the work makes a valuable contribution to society:

Those people who say there is no value are probably viewing sex work for the pure mechanics of it. There is a penis, a vagina, maybe an anus—put A into B, put the money on the table and off you go. But in my experience, less than 1% is that what it's about. It's nearly always a much more profound experience for the client and it can be a much more profound experience for the sex trade worker as well. And it's not going to stop. And not because people want to stick their cock in something, it's because people want more than that. It is worth risking something for.

Ava similarly affirmed the value of her work, arguing that physical touch is a human right:

I think physical touch and intimacy are a basic human necessity. Just because someone is confined to a wheelchair or has certain issues, I mean maybe they can't physically have sex, but just want a snuggle or a

massage... I had two clients who had cerebral palsy and those experiences were really honouring for me.

One theme that emerged from the research was that, while sometimes enjoyable, sometimes empowering, sometimes boring, and sometimes a negative and even harmful experience, sex work is fundamentally work. It is a “business transaction,” according to Trixie, a “9-4 job” people work to support themselves, according to Sasha. Rachel pointed out that the mundane normalcy of sex work may be disappointing for those looking for drama and sensationalism, but the general experience for her and the women she knew was rather ordinary:

Look, don't glamorize it. My clients aren't super sexy dudes. They're normal, middle- aged, some are a little chubby. They are charming, nice, kind, and I really like them, but that's it. I go to nice hotels, but it is not constant luxury. I have a good time, but it is just a job. I do this for work.

The Clients

In the survey, we provided participants numerous opportunities to describe their clients and their experiences with them. The survey included questions about the gender of clients, the number of clients serviced weekly, victimization and negative experiences with clients, and sex worker victimization of clients. Strategically placed open-ended and “additional comments” sections provided participants opportunities to expand their responses. The interview schedule similarly sought information about clients (“Tell me a bit about your clients. Who are they? What should people know about your clients?”). However, the majority of interview participants raised the topic of clients independently of

the schedule. Dominant themes of their responses related to the diversity of clients, respect for the value of sex services, and the rejection of criminal penalties for purchasing sexual services.

The major difference for me between escorting and my job in the corporate world is that my clients in escorting are more open and honest with me than my clients in the corporate world. They are happier to see me, more thankful, more genuine, less guarded and it seems to be a more honest, genuine and helpful interaction than that other job, which is considered to be more respectable. You might have a client who is obese or doesn't match the ideal of what a physically good looking man is supposed to look like. Those people have a right to be touched, they have a right to feel appreciated, to feel close to someone, to feel desired, loved, cared for, and nurtured [John].

Respondents reported that, on average, men comprise 91.6% of their clients, women 3.6%, couples 4.3%; and transgenders 0.5% (N=109). Approximately 40% of the sample had “some” female clients. One male sex worker provided services exclusively to women and couples. Indeed, 75% of the male respondents indicated that they had at least some women clients. Forty-four percent of female participants reported having at least some female clients. The male participants reported greater client gender diversity than females; only one quarter of the male participants reported 100% male clients. Jenkins (2009) similarly found that 80% of male sex workers serviced mainly male clients, while 96% of female sex workers serviced mainly male clients. Seventeen percent of her male participants served mainly or only female clients. Only 4% of Jenkins' female participants had mainly female clients.

Survey participants reported either the number of clients they serviced per week, or the number of shifts they worked per week. Participants reported servicing an average of seven clients per week (Table 14). Approximately 75% of the sample met with 10 or fewer clients weekly.

Table 14: Number of clients weekly

# clients weekly	Frequency (n=82)	Percent
1-5	37	45.1%
6-10	25	30.4 %
11-15	13	15.8%
16-20	3	3.6%
more than 20	4	4.8%

Eighty-two percent of respondents reported the frequency of work based on the number of clients they serviced; this distribution reflects the make-up of the sample as predominantly independent workers. For the 29 respondents who reported their number of shifts worked per week (Table 15 below), the average was 4.2.⁸⁵ These respondents mostly included agency-based workers and exotic dancers.

Table 15: Number of shifts worked per week

Shifts per week	Frequency (n=29)	Percent
1-4	15	51.7%
6-7	13	44.8%
100	1	3.4%

Diversity in Clientele

The interview participants devoted a considerable amount of time to discussing clients. All of the interviewees agreed that clients were “*everyone under the moon*” (April). Many

⁸⁵ The average excludes the outlier of 100.

participants preferred clients over the age of thirty; many screened out younger prospective clients.

I only meet with older gentlemen (30yrs+). This is helpful because I can get a feel for if we might know each other in everyday life and also because older men know what they are looking for and seem to better understand the boundaries of a client-escort relationship. They are usually professionals, in a business or law type of profession. They are often married or separated, but not always. Despite their marital status though, because of the age difference, discretion is always important to them [Mara].

The participants were emphatic that their clients were average Canadian men, often attractive and successful community members, with diverse careers, interests, and reasons for seeking professional sexual services.

I just found out that one of my best clients is a cop. And the only reason I know is his picture was in the paper. People are surprised, they think scummy people do this, but it's like lawyers, doctors, pastors, police, people you wouldn't expect [Lisa].

Participants reported that they felt that most of their clients respected them; they did not tolerate disrespectful treatment. While participants often spoke of their clients in positive terms, many indicated that they also had less positive experiences, and did not necessarily feel an emotional connection with all of their clients. As Elizabeth Saunders explained:

Clients tend to fall into two different categories: the tried and true, the ones who find one, two or three (they always have a backup plan) providers and they will just see them. And then you have the hummingbirds who like to flit from flower to flower. They may just like variety or they want to brag that they've fucked everyone on the boards. What the biggest surprise to me in this was not so much that men wanted to have sex but that it's not good for them if they feel it's not good for us. They want it to be good for us. That was my biggest surprise. I thought it was going to be a "wham bam thank you ma'am," and you do get that from time to time, but that is not the norm. For these men, it is just as important to feel some desire from us.

Couples as clients

Approximately half of the interview participants described experiences where they provided services to a couple. In these cases, either one member of the couple, or the couple in partnership, contacted the sex worker to set up a session. Couples purchase sexual services for a variety of reasons: a new sexual experience for the couple to share, an educational experience, or as a service for one of the couple.

The couples can be really wide-ranging. There's everything from the fantasies of women, to the 60 year old businessman with his 22 year old arm candy wife who is having me keep her happy, to the couple who I am the second man she has ever been with in her life and her husband just comes because they've decided to explore their sexuality after 20 years of marriage. And there's everything in between [Tony].

Male and female participants were equally as likely to have couples as clients. Lori Nadine explained that these sessions require more preparation than do single clients:

It takes a lot of conversation before you even meet; from my experience, you need to talk about what you both want, what you expect, properly set things up. There is a different dynamic and I want the couple to be aware of certain issues that might come up if they come and see me. And rules around kissing. It's a close personal intimate thing, so I stay away from that. Wives don't want to see that.

Sasha explained that couples raise new and difficult issues:

Well, the first couple I saw, they split up because he couldn't handle how much she was attracted to women. I mean I've seen those couples where it's all about the guy and she doesn't really want to be there. But, really, you have to focus on the wife, because it's her husband you're touching. You have to gauge it by her. Yeah, they're a little more complicated, but they can be fun.

Both Sean and Mistress Vanisha told several stories about the educational aspect of their work with clients. Couples may hire a sex worker to learn how to perform a specific sexual act, or to deal with a sexual issue, or explore a fetish. Sean and Mistress Vanisha enjoyed this type of experience, explaining that these sessions allowed them to be privy to very intimate experiences that served to enhance a couple's relationship. For Mistress Vanisha, work with couples often involved teaching one party specific skills to satisfy the other party's desires:

Sometimes they knew how to play, but they were both submissive and they just wanted to both be part of it at the same time, to be able to share that. Most often, the man was more submissive and wanted his woman to be more dominant and she was open to it but didn't know how and didn't want to hurt him. That is when I explain that you have to understand that he likes this and it is not the same. Because sex is boring to him, you have to slap him, and you have to tie him up and that's what's going to get him aroused. You have to find what you like in this as well and not just do it for him because then you are going to start resenting him.

Women as Clients

Twelve of the forty-two interviewees indicated that they had female clients. For nine participants (7 women and 2 men), women clients were a rarity; for three male participants, women made up between 50-100% of their clientele. Female clients in general appeared to require more time to develop a level of trust within the relationship than do male clients, and the sessions often involved dinner or some other form of companionship in addition to the sexual interaction.

Ninety-nine percent of my [female] clients want the social time before, often social time afterwards, the whole experience. A typical amount of time I might spend with a client is three or four hours. And sometimes that's a minimum. Six, even eight hours is not uncommon and there are entire days spent with somebody, too...women want to be seduced. I don't want to sound like a creepy porn star, but it's true... [Tony].

Participants described three categories of female clients: mature married women who are looking for a pleasurable sexual and social interaction, women who are exploring bisexuality with or without a partner, and women who are seeking to overcome some form of prior sexual trauma, or learn how to orgasm.

Well, they usually want to work through something and are much clearer about what they want than men are. They're more open. They ask more about what they want to feel, to work on, or experience. I'm not saying they're more demanding, but they're more specific about what they want. It's good because it helps me; I like knowing what people are looking to experience or work on. They often have body issues, some have been raped or experienced other abuse, or just a lack of intimacy, or a lack of men who are actually good at sex or just haven't cared enough to help them orgasm. Some women are doing it to heal or to just get something that is missing at home. Most of the ones I see are single. It's just good sex. For the rape clients, I help them very gradually learn to trust men again. In one case, it took four years. But, now she's much better than she was at the beginning [Dave].

Sean explained that women buy sexual services for the safety and surety involved.

Most of them who come in are just having hard time finding the quality sensual experience that they are really craving in their lives. And they know that coming to see me, it's going to be about them, what they want. I'm going to be able to reasonably determine what that is, even if they have a hard time expressing it because I have the skills and willingness to do it,

and they're willing to pay for it. People say, why would a woman pay when she can go to a bar and pick up? Well, why would she go to a bar and get a crappy fuck?

Tony described his “profile” of the average female client:

If I were doing a profile, they would be twins, all exactly the same. There is a very distinctive profile: 9 times out 10 they are married, happily, with the intimacy element of the relationship missing. There is also a physical characteristic—and it's the opposite of what you may think. They tend to be very attractive, confident, and extraverted, with a touch of bravery or courageousness to contact me. My psychological review of them would be that they take a look in the mirror one day and thought to themselves, “I am wasting this beautiful person in front of me. I am not going to leave my husband, I love him for many reasons, but I am not getting some things from him that I should be getting.

When it came to exotic dance audiences, my participants agreed that more women are attending erotic dance venues than in the past, but their participation is not always welcome. Sephora explained that when women are present in the audience, dancers earn less—women do not tip dancers the same way that men do. When women accompany their male partners, the male typically refrains from tipping, or from purchasing private shows. Dancers felt that, while male audience members appreciate and even worship their performances and their bodies, dancers feel that female audience members judge them.

Half the time, the women are like, wow, she's got some balls in her to do that. You can kind of tell when they're like, wow, she's so brave. Then there are girls who are like, look at her ass, she's got a flabby ass. The girls try to get the guys' attention, sitting with their backs to us. I had a girl once say, "I can't believe you're watching this shit" and I was right there. They will try and make you feel like you're a piece of shit, just do anything to take attention away from you. It's pretty bad. A lot of them will just pick you apart. For the most part, I'm not happy when I see girls [Sephora].

Reasons Clients Seek Services

For some male clients, purchasing sexual services includes a therapeutic element, while for others the purchase is purely about pleasure. In suggesting that commercial sex offers a valuable service and a contribution to society, Bren and John explain that commercial sex can be the mechanism by which people explore their sexuality.

A lot of my customers are from rural areas. It's because the internet offers them the opportunity [to find alternative forms of erotic film]. Even people who've never seen any pornography or have never seen gay sex and are maybe questioning their sexuality are like, oh, wow, maybe it is ok to be gay [Bren].

I think it can be extremely therapeutic for people who have chosen not to live their lives as gay men, or those who choose not to represent themselves as gay—they still get to experience it. Their reasons for hiring me can be everything from exploring their own sexuality to being lonely to

wanting to feel complete. I have a regular client who is a priest. By seeing me, it's acknowledging that there's a piece of their lives that they have to keep hidden but need to fulfill every now and then [John].

Similarly, April and Nikki, both of whom identified as transgender, explained that commercial sex allows people who are curious about gender non-conformity an opportunity to meet and interact with transgender people. Nikki explained that these interactions help people develop confidence to live their lives, and learn more about the process of gender transitioning:

I know a few clients who transitioned after seeing me. Maybe not because of me, but I mean, in the afternoon, or the hour or two that they spend with me, I help them get all dressed up and play around. They tell me about their innermost desires about wanting to transition and stuff like that. Most of them tend to be older, and they feel like they're at a point in their lives where they can't transition. So, they transition vicariously by seeing me and enjoying cross-dressing and stuff like that so. They enjoy the success of my transition as if it was their transition [Nikki].

Lisa suggested that commercial sex serves as an outlet that can enable a marriage to last longer:

Some of my clients say they don't have sexual relationships with their wives; they stay for the kids. If it wasn't for being able to use my services, they would be divorced and everyone would have lost. More divorce, more women in poverty, kids having to go through divorce. Now this other woman

has a better lifestyle, more money because the family doesn't have to pay two rents. The kids have two parents, which not meaning to say that's always better, but it can be.

To many of the participants, commercial sex exchanges regularly involved far more than a sex act. The participants explained that they were therapists, companions, friends, and counsellors. Aurora explained the value of different types of interaction:

The ones I see for a longer period, I know it's adding something to their lives that they're not able to get elsewhere. It helps these people process their sexual history with me. Especially for men over 70, they want to tell you their stories, their misdeeds, their different experiences. They have nowhere else where they can share that. They usually have some sort of sexual dysfunction by that age. They couldn't have intercourse with someone if they tried; they're limp. I can give them a sexual experience even though they're limp. So, for older men, yes there's a huge value. For younger men, sometimes they have no clue about women and they want to learn something but they don't want to feel awkward. They come and ask a lot of questions. Some just want to have fun; others are lonely. There is a whole story about pretty much every different kind of client that there could be.

Anne suggested that, rather than purchasing sex as a way of expressing disrespect and obtaining power over women, males clients respect and prioritize sexuality.

So, for me, I think for the most part, people who come see me have a lot of self-respect. They respect their sexuality, too, and that's why they come to see me. They look at my ads and know that if they're coming to me, it's about mutual respect, taking responsibility for our own sexualities.

Clients and propensity for violence

Both the survey and interview participants agreed that, while some men seek out sex workers with the specific intention of doing them harm, the majority of clients are not violent, and do not demonstrate any propensity for violence. The majority of Jenkins' (2009) participants reported that they never or rarely felt exploited by clients (86.5% of female participants and 83.7% of male participants). Rather, Jenkins' participants rejected the idea that exploitation is inherent to sex work (p. 183); these opinions align closely with the views of my participants.

The majority of the guys are not out there to hurt. Oh, in my experience, not even 1% would consider hurting a sex worker. I think it would be less than that, much less than that. The most violated we experienced was the guy who tried to offer more money for no condom. I don't think violation is the right word. A firm no was all it took... [Ava].

The participants suggested that their clients were often awkward, unsure of themselves, respectful, and generally sought to please the sex worker.

Contrary to popular belief, the vast majority of the clients actually treat you very nicely. Many will bring gifts (especially for Christmas), flowers and

leave tips on top of their donation. Many are nice and interesting people to talk to, and the regulars become sort of your good friends (SR#85).

While the participants emphatically denied that all clients were violent, they generally agreed that the unfortunate reality of sex work in Canada is that there is an element of risk attached to each encounter. As Carmen noted, "*Clients can be violent, but are all clients violent? No.*" Kacy likewise suggested that 99% of the clients are "benign." Unfortunately, the remaining one percent has a devastating impact: "*The one percent is the scariest part of the work.*" Even those participants for whom sex work was not a positive experience and those who had experienced violence at the hands of a client refused to portray their clients generally as violent men.

Well, it depends how you treat them and what goes on, too... Some of them are the only friends I have. I have one client who helps me with almost everything around the house when no one else will. When I broke my leg, just adding a side bar to my steps was like \$200 and I didn't have it. A client accepted a trade and we both got what we needed. So, it's more complicated [Lisa].

The male participants limited their concerns about violence to the experience of female sex workers. None of my male interviewees reported victimization from a client. Steve reflected the typical tone and content of the responses I received to the question about clients' propensity to do violence to male sex workers.

The guys who call me are really happy to see me and they're really excited... I've never thought about it that way [inherently dangerous]. I'm

really mellow, really honest and easy going. They have nothing to fear from me, so I have nothing to fear from them.

While some participants had only positive comments to make about clients (Dave referred to his clients as, “*respectable, clean, upstanding citizens who are friendly, safe, easy-going, amazing, relaxed, friendly, happy people! Especially after they see me!*”), others suggested that clients were not all wonderful people who worshipped sex workers. Carmen concluded, “*Some of them I am happy if I never see them again, but generally I do like them. I tell them what I'm doing in school and they're supportive and respectful. They're decent people.*” Kate commented: “*Men are pigs. But men are going to do this. They pay hundreds of thousands of dollars every year because it's a need for them. I'm not in a position to judge them and they're not in a position to judge me. It's weird, but it works for us both.*” For Jen, clients were targets for manipulation. Jen said that she would sometimes tell clients that a pimp was waiting for her and would abuse her if she did not bring back enough money. This strategy produced additional payment every time.

Several interviewees noted that, even if the vast majority of the client interactions were positive, the negative experiences could overshadow the rest.

I feel very valued by the majority of my clients. Of course, when times are difficult the assholes have a bigger voice. You can really get to hate men when those assholes have a voice. I mean those are the stories we remember, too, right—the miserable ones. Negativity seems to have a bigger impact... [Elizabeth Saunders].

My participants expressed the view that neo-prohibitionist representations of clients and the client-sex worker relationship did not accurately reflect the experiences of many sex workers. To illustrate the complexity of the relationship, Jane observed:

For example, I have clients who are being belligerent about their own well-being. I have these guys coming to me, and they can't get it up and they're embarrassed, macho, and all tough guy. And I say, when was the last time you had your blood pressure checked, 'cause that's the biggest reason your dick won't get hard. And they go, "Oh I don't know," and I say, "Get your fucking ass in! If I don't hear from you in a week about your blood pressure, I will hunt you down." This matters—you have a wife, children, and grand children. I push them to get their blood pressure checked, because, they matter to me.

Rather than seeing their clients as “perverts” or potential rapists, the majority of the participants emphasized the vulnerability of many of their clients:

I had a guy come to me who thought he had erectile dysfunction because he had gone to see a sex worker to try to lose his virginity at 38. And he couldn't keep it up because it was an anxious situation and he was an anxious man. Eventually we figured out that what he needed was to cuddle, so we would spend an hour and half cuddling. He wasn't ready for sex, but he needed touch. Is he a criminal because he comes to see someone like me to cuddle, to be able to put his face near my breasts? He's not going to hurt anyone, he's terrified of hurting someone [Isabella].

These findings regarding relationships between sex workers and clients mirror the findings of several other researchers. Jenkins' (2009) reported that her participants felt empowered vis-à-vis their clients, and that sex workers were in positions of dominance over clients (p. 183). Benoit et al. (2014) affirm that a minority of clients engage in disrespectful or victimizing conduct. They conclude that neo-prohibitionist portrayal of the client/sex worker relationship as exploiter/exploited does not accurately capture the experience of their participants. Bungay et al. (2012) argue that the structural and contextual position of a sex worker deeply affects her/his experience in the industry. Bruckert and Parent (2006) call for a "nuanced and inclusive analytical framework of sexualized commerce to make sense of the labour of women workers" (p. 110). My participants stressed the diversity of their clients and the wide range of experiences they had with them. However, they acknowledged that victimization does occur in the Canadian sex industry. Chapter Five describes their experiences of victimization, the contexts in which victimization occurs, the causes of victimization, sex workers' responses to victimization, and their challenges reporting victimization.

People need to know that it isn't just bad dates who hurt us. The laws are harmful to people who work in the sex industry. Criminalization harms our lives, everything about us. It also keeps the stigma and stereotypes about sex workers going, that we are criminals or less human in some way. That endangers our lives because the laws empower predators to continue on doing what they are doing because no one cares about criminals (sex workers) who are killed...Remind people that every time they speak about how bad we are, they are empowering some predator to come hurt us. You are basically saying that this sector of society is not important, like exactly what has happened to First Nations women in Canada.

Jennifer

Chapter 5. Victimization and Violence in Off-Street Commercial Sex

The first two sections of this chapter discuss the findings related to “violence” and “victimization.” Violence” refers to violations of the *Criminal Code* sections related to interpersonal conduct. “Victimization” refers to other forms of harm that sex workers experience in the course of their work, including client refusal to wear a condom, client refusal to pay for services rendered, harassment, theft, and pressure to participate in sexual activities to which the sex worker did not give prior consent. We asked survey respondents to identify the perpetrators, type of work, and region for each experience of violence and victimization. The third section describes victimization by co-workers. The fourth section describes sex worker self-reported victimization and violence against their clients. The final section describes the participants’ experiences reporting violence and victimization. Where relevant, I incorporate findings from the interviews. In addition, I contextualize the findings by comparing them to other studies of victimization in off-street sex work.

Experiences of Violence

My participants reported a range of experiences of violence. The results indicate that violence is not a universal experience of sex workers. Indeed, some sex workers declined to participate in this study because they resented its association of commercial sex with violence. Others participated in order to make the point that they do not experience violence while sex-working. The majority of the participants reported never experiencing violence during their off-street sex work (68% or 74 of 109 survey respondents). These findings affirm the growing body of evidence that indicates off-street sex work in Canada

features much less violent victimization than is reported by street-based workers, including my 2007 finding that 63% of respondents never experienced violence in their off-street sex work. Other studies concur:

- Benoit et al. (2014) reported that approximately 40% of their 218 participants from five cities in Canada experienced any violence in the past year of sex work.
- Meaghan (2008) reported that 38% of her 37 respondents experienced violence in the course of their sex work in Ontario.
- Jenkins (2009) reported that 7% of her 159 male respondents, 16% of her 303 female respondents, and 40% of her 29 transgender respondents experienced violence related to their escort work.
- In the United Kingdom, Sanders and Campbell (2007) found that approximately 25% of 135 off-street sex workers in their research in the United Kingdom experienced violence in the course of their work.
- Jeal and Salisbury (2007) reported that only 6% of 71 massage parlour workers in the United Kingdom experienced violence during the course of their sex work.
- In Switzerland, Rossler et al. (2010) reported that 26% of their 193 respondents experienced physical violence and 20% of respondents experienced sexual violence related to their sex work. This sample included both street-based and off-street women working in a legalized prostitution regime.

Each of the aforementioned studies employed different recruitment strategies, covered different geographic areas, and posed different questions about violence and

victimization.⁸⁶ In spite of these variations, it is clear that violence rates in off-street sex work are much lower than violence rates in street-based sex work. It is equally clear that violence occurs, albeit at a much reduced level, in the off-street sex industry. In order to determine how to address violence and improve safety for all sex workers, we ought to delve more deeply into the types of violence that are experienced, and the other structural, contextual, and individual factors that influence vulnerability.

Table 16 provides the breakdown of frequencies for each form of violence that my participants reported. The frequencies for five subsets of the sample demonstrate that specific factors, such as street-based experiences and gender, are associated with different rates of violence.

⁸⁶ Indeed, even neo-prohibitionists, such as Farley (2005) report data that demonstrate variance in violence rates across venues.

Table 16: Rates of violence

Type of Violence	Whole Sample	Sex Work Experience		Gender Identity		
	Frequency n=109	Some Street Exp. n=11	Off street only n=98	Female n=91	Male n=12	Trans/Queer n=4
Any form of violence	35 32.0%	9 81.8%	26 26.5%	31 33.7%	3 25.0%	1 25.0%
Threats	24 22.0%	6 54.5%	18 18.3%	20 21.7%	3 25.0%	1 25.0%
Sexual Assault	23 21.1%	6 54.5%	17 17.3%	20 21.7%	2 16.6%	1 25.0%
Physical Assault	18 16.5%	5 45.5%	13 13.3%	16 17.3%	2 16.6%	0
Threats/weapons	14 12.8%	3 27.3%	11 11.2%	13 14.1%	1 8.3%	0
Trafficking	4 3.6%	3 27.3%	1 1%	4 4.3%	0	0
Kidnapping/Confinement	2 1.8%	2 18.2%	0	2 2.2%	0	0

The “Some street experiences” column refers to those off-street workers who indicated that they had some experience working from the street. The “Off-street only” column includes only violence experienced in relation to off-street sex work. I excluded the street-based violence reported by two respondents to maintain the focus on off-street violence, and violence reported by one respondent who emphasized that the violence she experienced from her husband was unrelated to her sex work.

In coding the data, I discovered that those who reported violence fell into three general categories: 1) Nine (25.7%) of the 35 who reported violence experienced one violent incident, or several incidents by the same perpetrator; 2) eight (22.8%) reported two or three separate incidents; and 3) eighteen (51.4%) reported more than three violent incidents. If respondents experienced violence more than three times, they were likely to report a large number of incidents (“I can’t count the number of times,” “100 times,” “20 times”); also, they were more likely to experience multiple forms of violence.

A person’s age clearly influenced their susceptibility to violence. Eleven of the participants who reported violence began sex work under the age of 18 (10% of the sample). Of this group, eight (72%) also had experience working on the street. Indeed, the street was the

first experience for many of these participants. Approximately half of this group reported numerous incidents and forms of violence.

A comparison of the "some street experience" and "off street only" columns of Table 16 reveals that off-street workers who have no street-based experience and begin their sex work as adults experience far less violence than those who are in more vulnerable and marginalized social positions. Rossler et al. (2010) likewise found that those sex workers who worked on the street reported higher rates of violence than those who worked indoors. The most likely predictor of victimization in Rossler et al.'s Swiss study was citizenship status. The subset of Rossler et al.'s sample which consisted of mostly non-European women who did not have access to legalized venues due to their non-citizen status, experienced the highest levels of violence. Bungay et al. (2012) reported that the majority of the sex workers (66%) involved in their research experienced some form of violence while working in off-street venues in British Columbia.⁸⁷ Bungay's sample included eighty (62% of the sample) women who were not born in Canada.

In my study, a high majority of participants were born in Canada (87%) and this undoubtedly affects some of the findings regarding vulnerability to victimization, support, and isolation. Migrant sex workers face challenges in accessing services; they encounter language problems, racism, a lack of knowledge about legal and social supports, and a lack of alternative employment opportunities (Bungay, 2012). Rossler et al. (2010) found that not only did immigrant sex workers face higher levels of victimization, but they also reported higher negative effects of sex work, and reported higher rates of mental health

⁸⁷ Bungay et al. (2012) include forms of victimization such as condom refusal, being yelled at or called names or arguing about prices for services in their definition of "violence."

concerns than Swiss-born sex workers reported (p. 8). Bungay et al. (2012) echo Rossler et al.'s conclusions and suggest that immigrant sex workers in Canada are at an increased risk of victimization (p. 276).

Indigenous women in Canada face higher rates of violence compared to all other women (Oppal, 2012). A woman's ethnicity will not necessarily expose her to a higher level of violence, but race and ethnicity create barriers to support services that can alleviate vulnerability (Pearce, 2013). Likewise, a person's access to familial and economic support affects their vulnerability, whether the individual works on the street or off-street (Bruckert and Parent, 2006). In my study, three participants who began selling sex as youths were in government care at the time due to family violence and other trauma. A person's socio-economic status affects her/his vulnerability to violence regardless of the venue in which they conduct sex work. The data reported in my study do not adequately reflect the situation facing immigrant sex workers, Indigenous sex workers, or other non-white sex workers in Canada.

Generally, low rates of violence off-street mask the fact that, for a minority of off-street workers, violence is a daily risk. In the findings reported here, it is clear that a specific group of individuals—those with some experience selling sex from streets, those who started in the industry under the age of 18, and those who reported living in government care as youths—report the most severe exposure to violence. For others, if violence occurred, it occurred rarely; according to many respondents, it was minimal or did not occur. Various forms of privilege insulate some individuals from vulnerability, which in turn insulates some sex workers from violence.

The violence reported in this dissertation may capture only a portion of the violence experienced by some of the respondents. Three women wrote comments to the effect that violence happened so frequently that it was difficult to remember specific incidents. Complicating matters further, individual definitions of what constitutes "violence" vary. For example, one participant described a sexual assault as having a customer touch her genitals with a beer bottle while she was giving him a private dance at a club. To her, this was a complete invasion of her boundaries—non-consensual bodily contact of a sexual nature. Another woman described the following incidents, but did not identify these as specific sexual or physical assaults:

It happens so many times, men grabbing my hair to force me to deep throat, or sticking fingers where I don't want them stuck, or practically twisting my nipples to make them come off, to pinning me on the bed and going full bore into me, I have taken to profiling the clients I see. Certain men are more prone to do it, so I don't see those groups anymore [SR#21].

Some people might consider the above examples to be "violence," but the participants identified them as un-enjoyable parts of the job, and not necessarily "violence." A minority of participants (n=5) displayed an expectation of a certain level of violence in their work, and made comments to the effect that, "*It could have been worse*" (SR#68) or "*Guys think they can do get away with doing whatever they want to us*" (SR#60). Bungay et al. (2012) speculate that those who are new to sex work, and those who are new to Canada, may have different expectations about their rights to decline client requests for unsafe sex practices (p. 273). For other sex workers, violence was not a characteristic of their work; when violence occurred, the participants reported that they knew quickly that something was abnormal in the particular situation. Four participants made comments such as, "*I*

knew something was up the second I walked into the room” (SR#136) or “There were plenty of signs. I should’ve seen it coming.” (SR #29)

Threats

Participants reported “threats” as the most frequent form of violence; they described a range of experiences from a variety of sources, from disgruntled ex-partners threatening to disclose that a person is a sex worker, to co-workers threatening newly hired staff, to clients threatening to do violence to the worker unless s/he acquiesced to his demands. One participant reported that a police officer threatened her with arrest unless she agreed to provide him free sexual services. Another respondent reported the following incident:

I received a text one day from a long distance number. By what they wrote, I had a feeling that it was someone I had already seen. He was not happy and said 'I have a syringe for you'. I asked who was texting and I was told 'You will know soon enough, just wait for US, you will know who WE are'. But who knows? It could have been 'competition' trying to mess with me as well (SR#75).

Off-street sex-work researchers consistently identify threatening as a form of violence facing a minority of sex workers. Benoit et al. (2014) reported that 8% of their respondents reported threats from clients in the past year. Jenkins (2009) found that approximately 25% of sex workers felt threatened at some point in their sex work. The threats were not necessarily about violence, though; for example, Jenkins explained that sex workers were most concerned about the threat of public exposure as a sex worker (p. 156).

Sexual Assault

Survey participants reported sexual assault as the second most likely form of violence experienced in their sex work (21% of the sample experienced a sexual assault). Twenty-nine of Benoit et al.'s respondents (13%) reported sexual assault related to their sex work; 42% of Bungay et al.'s respondents reported attempted or actual sexual assaults. Four of the 23 incidents reported in my study were unsuccessful attempts, which involved clients trying to engage in acts without consent, or remove a condom partway through the service. The respondents reported that, in each of the incidents, they were able to stop the assault. They relied on their experience and alertness to prevent further violence:

The client walked in and from the initial interaction, I knew there was something odd about this particular client. I had my guard up throughout the short 10 minutes we were in the same room. The client did not leave the donation on the table, so I knew something was up. He attempted to get me to lay in positions in which I would have had no control if the situation were to escalate. When he could tell that I was aware of his intentions, he got up and said he forgot his wallet, and I then told him to leave and not come back. If I was new to the industry, I can guarantee this would have been a rape case (SR#136).

Most respondents did not supply detailed accounts of these experiences. Consistent with Shaver, Lewis and Maticka-Tyndale (2011), participants reported sexual assault equally in all forms of sex work, in every region. Twelve participants reported several experiences; six reported single incidents. Five participants did not report the frequency of sexual

assault. One participant replied, “*I'd rather not relive all of them to give u an accurate tally*” (SR#12).

Physical Assault

Physical assault includes a wide range of behaviour. In the survey, the examples of physical assault I provided included being hit, kicked, or knocked down. Eighteen participants (16%) reported physical assaults related to their sex work. The following example illustrates one context in which physical assault occurred:

When I was working for an agency, I used to do stags and had a drink thrown at me by a loser. I slapped him, and he hit me back. The other guys stepped in to protect me. I left mad as fuck and wet (SR#24).

Twenty-four percent of sex workers in Benoit et al.'s (2014) sample reported physical assault in the context of their work. Bungay et al. (2012) reported that 32% of their respondents experienced a client attempting a physical assault. The violence rates reported by my participants are slightly lower than the rates reported in these other two studies; however, all three studies indicated that a minority of sex workers experience physical assault. When my survey participants reported physical assault, they were likely to report it in combination with sexual assault or another form of violence, such as theft (89% or 16 of 18 respondents).

Trafficking & Confinement

Very few participants reported kidnapping/confinement or human trafficking. One of two participants who reported confinement (a dancer) described her experience as follows:

I was staying in the hotel above the bar (as booked) and the owner, who I think was mentally ill, tried breaking down my door, but passed out drunk outside of it. The police found him this way after I called 911 while hiding in my bathroom. There was no reasoning behind it (SR#51).

The four respondents who indicated that they had been trafficked at some point limited their descriptions to the transit and destination cities. Two respondents listed American and Canadian cities; one listed international travel related to the trafficking. All four of the participants who reported trafficking had worked on the street at some point during their working careers. Three of them identified a pimp, boyfriend, or husband as their trafficker.

None of the interview participants reported any experience of being trafficked. One interviewee reported that she thought she might have known a woman who was trafficked; another woman reported that she felt confident that one agency was involved in trafficking or smuggling migrants. Sephora indicated that even while working on an international circuit, she never met anyone or saw anything resembling human trafficking:

I've lived with girls from the small Eastern European countries where life is very different. They are sending money home to their families and it might be an issue of life or death. Their sister might be a nurse, making \$5 per month. These women know what they're doing and they're doing it voluntarily. It is a choice that they make, and it's a good one it sounds like. The other options don't seem so appealing. I mean your sister's a nurse making \$5 per month and you're making \$12,000?

Interview participants expressed concern that trafficking exists, but indicated that migrant sex workers are misunderstood, and subject to paternalistic and racist treatment.

Look at migrant sex workers and the claim that they're all trafficked. That's very harmful to the migrant workers who are, I would say, very empowered to come across the world to a strange, foreign land to do this work. The experience of travelling, to get away from the effects of global capitalism in their own homelands, and to be able to send money back to their families? I mean really, to be so capable but to be treated with such stigma...I mean they can't come as entrepreneurs, which is what they are, right? It's just shameful. [Sean]

The interview participants consistently criticized the conflation of human trafficking and sex work. This conflation was one of the central myths about the industry that the interviewees wished to eliminate. The interview participants acknowledged that human trafficking likely exists in Canada, but could only guess at how significant of a problem it might be: *C'est une réalité méconnue qui selon moi tend à grandir... vive la mondialisation. On le sait mais on ne peut pas voir*⁸⁸ [Lizzie].

Gender & Violence

Because of the small number of male and transgender people in my samples who reported violence (three men, one transgender woman, and one person who identified as gender queer) it is not possible to compare levels of violence across genders. The transgender

⁸⁸ Translation: "It is a poorly understood reality that, in my opinion, is only growing. Yay, globalization. We know it exists, but we can't see it."

woman's experiences of violence all related to her street-based work. One of the men described receiving threatening phone calls from a police officer who was a disgruntled ex-boyfriend of a client. The gender-queer participant described an incident where a co-worker threatened her during an altercation about a costume for an exotic dance. She also described the aforementioned experience of sexual assault where the client touched her genitals with a beer bottle. She described the experience as, "*extremely minimal but I felt very violated by it.*"

The remaining two men who reported violence indicated multiple experiences, including sexual assault, physical assault, and receiving threats in the course of their work. One of the men included the violence he experienced while he was working as a driver for an agency. He described situations where the agency owner would mislead the potential client and encourage her female staff to rob or steal from their clients. As a result, the participant explained that he frequently had to intervene between the sex worker and the client, sometimes resulting in physical assault.

Various studies report lower victimization rates for male sex workers in comparison with victimization rates for female sex workers (Jenkins, 2009; Shaver, 2005; Walby, 2012). However, few studies have examined rates of victimization facing transgender sex workers. In one of the only such studies to do so, Jenkins (2009) reported higher levels of victimization for transgender sex workers than did other participants: 40% of her transgender participants reported at least one experience of violence whereas 7% of male participants, and 16% of female participants reported violence. Weinberg, Shaver and Williams (1999) found that street-based transgender sex workers were nearly as likely as street-based female sex workers to experience violence in the course of their work.

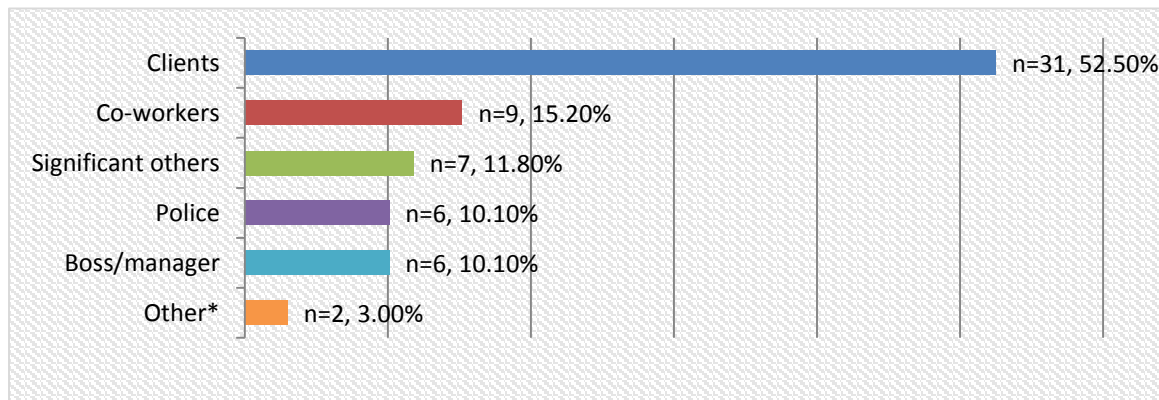
Weinberg et al. concluded that societal discrimination and transphobia are key factors in the victimization of transgender sex workers.

Violence against women in Canada occurs in many contexts, including their personal lives and in their work. Status of Women Canada (2012, p. 17) reported that approximately 6% of women experience spousal violence, and women comprise 87% of victims of sexual assault. Only 17% of sexual assaults against women are perpetrated by strangers; the majority of assaults are perpetrated by an acquaintance, family member, or spouse (2012, p. 17). Violence against women affects many women in Canada; including some female sex workers. Rather than treating sex-worker victimization differently from the general victimization of women, we need to see violence on a continuum that incorporates structural and individual levels of vulnerability and acknowledges the varied experiences of violence for workers in various work environments. Shaver (2005) reviewed numerous studies comparing victimization rates for sex workers, hospital workers, and other service workers. She pointed out that victimization occurs in many work environments—one study revealed that, “hospital workers were twice as likely to be assaulted by their patients as were sex workers by their clients” (Ford, 1998, p. 427 in Shaver, 2005, p. 313). Benoit et al. (2014) reported similar rates of victimization of emergency health care nurses in British Columbia (Duncan, 2001, in Benoit et al., 2014, p. 17) and for off-street sex workers. In a study of violence against nurses, Cruickshank (1995) found that 80% reported violence in the course of their careers; 25% experienced threats, and 21% experienced physical assault. Both Shaver and Benoit et al. identified sexual assault as a key exception to the similarity in violence rates across occupations; sex workers report higher rates of sexual assault than do other workers.

Perpetrators of Violence

Consistent with other studies on perpetrators of violence—including my 2007 research findings, Benoit et al. (2014), and Jenkins (2009)—clients were the most frequent perpetrators of the violence done to sex workers; police were the second most frequent perpetrators. Participants also identified significant others, co-workers, and bosses/managers as perpetrators of violence (Figure 8).

Figure 6: Type of perpetrator identified by respondents (n=59)



*Other: a web designer and an unknown individual (both threats).

Four of the thirty-five respondents did not identify the perpetrator of their violent experiences. Open-ended data reported throughout the survey and during interviews mirrored the results presented in Figure 6.

While some sex workers identify the perpetrators of their victimization as clients, predators who pretend to be clients are responsible for at least some of the violence attributed to clients. Lowman (2000) refers to situations where clients initiate violence due to conflicts that arise in the course of a commercial sex transaction as *situational violence* (2000, p. 1004). *Predatory violence* is premeditated violence deliberately inflicted on sex workers by men posing as clients: their purpose in obtaining sexual services is to do violence, not

to obtain sexual gratification (2000, p. 1005). Thus, Lowman (2000) and Brooks-Gordon (2010) suggest that predators who seek to do violence to sex workers are not necessarily clients at all. Bruckert and Law (2013) explain:

Sex workers and third parties focus on these two types of workplace violence—stranger-initiated or predatory violence by an individual who may pose as a client but whose intent is to inflict harm on the worker, and client-initiated or situational violence by a client who, for example, becomes aggravated and inflicts harm on the worker. (p. 47)

Bruckert and Law (2013) conclude that risk of violence is not inherent to selling sex; rather workplace structures and interactions with clients influence risk of violence. Bruckert and Law differentiate risk associated with stranger-initiated workplace violence and client-initiated workplace violence (p. 47). They suggest that occupations such as health care and social service provision with high levels of in-person interaction with clients face violence from some of those clients. Occupations that feature interaction with strangers face violence from some of those strangers.

Data from my research indicate that, in addition to potential violence from clients, sex workers face the risk of violence from their co-workers, bosses, managers, significant others, and police. The interviewees expressed the most anger and disappointment about police as perpetrators of violence.

I know so many people who have experienced violence from the police.

Pretty much every person [at the organization] has either experienced

direct violence, or their family has experienced direct violence at the hands of police [Anika].

Strategies to reduce violence differ according to the type of perpetrator. Consequently, to increase safety, we ought to identify sources of violence and the factors that could reduce risk of victimization. One of the primary factors affecting vulnerability to violence is the type of sex-work venue (Benoit et al., 2014; Jenkins, 2009; O'Doherty, 2007). Different working environments create different risks (Bruckert & Law, 2013; Lowman, 2000). The SCC concluded that in-call settings generally occasion less risk of violence than outcall locations (Bedford, 2013). My 2007 research demonstrated that sex workers identified workplace environment as one factor influencing their vulnerability to violence. Other factors included individual vulnerability to exploitation, contextual factors such as the presence of security or other safety-enhancing features, and social-structural factors, such as barriers created by inter-generational poverty, lack of educational and alternative employment opportunities, systemic racism, and transphobia.

Venue where violence occurred

The majority of my participants provided direct-contact services to clients (in-call agency, outcall agency, independent, and erotic massage). Participants across these venues reported similar levels of violence: 35.5% of in-call agency-based sex workers reported violence and 32.5% of outcall agency-based sex workers. Figure 7 provides the distribution of the violence reported by sex workers in each venue.

Figure 7: Percentage of those reporting violence in each venue

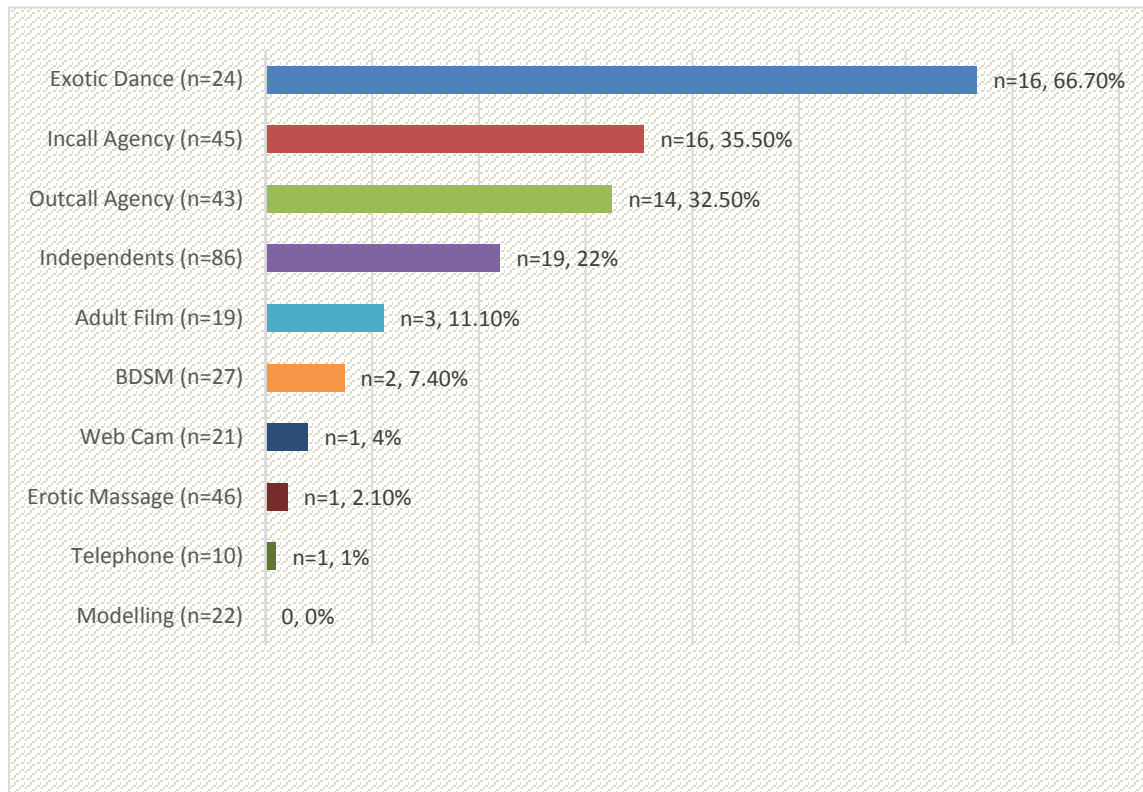


Figure 7 indicates that exotic dancers experienced the greatest incidence of violence: 67% of the dancers reported violence associated with their work. It is possible that the small sample size of dancers (n=24) has resulted in the identification of exotic dance as the riskiest venue. However, other researchers also found that dancers reported the highest rates of sex-worker victimization. For example, Bruckert (2002) reported that “nearly half” the dancers in her study experienced violence associated during their work. Definitions of violence also influence reported rates; dancers expressed different expectations of clients regarding touch. A dancer may perceive any physical contact by clients as assault, whereas a direct-service provider may have different expectations of physical contact with clients. Dancers also reported violence from intoxicated clients and inadequate security. Althorp (2013) outlined the impacts of varied standards for acceptable conduct in exotic

dance establishments, lack of support from security, and lack of recourse to report unsafe working conditions as factors contributing to dancer victimization. Further, uncertainty of the parameters of the law due to changes in judicial interpretations of indecency translate into different standards related to contact and different expectations of contact between dancers and clients and among dancers.

Another way to compare risk of violence in different venues is to examine the frequency of incidents reported in each. Table 17 depicts the number of times respondents experienced violence in each venue. Some respondents did not provide information about the venue they were working in when they experienced violence; the data in Table 17 include only the violent incidents for which participants identified the venue.

Table 17: Frequency of violence in sex work venues

Venue	Threats	Sexual Assault	Physical Assault	With weapons	Confinement	Total # of incidents
Dancing	41	14 ³	8 ³	4		67
Independent	38 ¹	12 ²	5	12		67
In-call Agency	29	3	7	5	1	45
Outcall Agency	17	11	12	1		41
BDSM	4	3	3			10
Telephone/webcam	5					5
Film	2					2
Total # of incidents	136	43	35	22	1	237

¹ Included one outlier who indicated 100 times as one

² Included three attempted sex assaults

³ Included one response: "too many to count"

Table 17 identifies the form of violence reported in each of the three main direct-contact sex work venues: in-call agency, outcall agency, and independent sex work. Outcall agency work was the venue with the highest rate of physical and sexual assault; in-call agency work had the highest number of threats. Independent work featured the lowest number of every type of violence.

Table 18: Number of respondents who EVER experienced violence in the three most commonly experienced venues

Type of Victimization	Venue		
	In-call Agency (n=45)	Outcall Agency (n=43)	Independent (N=86)
Threats	13 (28.8%)	10 (23.2%)	14 (16.2%)
Threats with weapon	6 (13.3%)	4 (9.3%)	6 (6.9%)
Physical assault	4 (8.8%)	7 (16.2%)	4 (4.6%)
Sexual Assault	4 (8.8%)	8 (18.6%)	7 (8.1%)
Kidnapping/confinement	2 (4.4%)	1 (2.3%)	1 (1.1%)

Table 18 compares the data from the current study to my 2007 data. The data from the two projects are consistent, although the amount of violence reported by sex workers in the current study is slightly lower than was reported in the 2007 study.

Table 19: Comparing violence in three venues in O'Doherty 2007 and the current study

Type of victimization	O'Doherty (2007) (N=39) & the current study (N=109)					
	Massage (n=23) 2007	In-call (n=45) Current	Escort (n=24) 2007	Outcall (n=43) Current	Independent (n=26) 2007	Independent (n=86) Current
Threats	28.0%	28.8%	29.2%	23.2%	15.4%	16.2%
Threats with weapon	13.0%	13.3%	16.7%	9.3%	7.7%	6.9%
Physical assault	17.4%	8.8%	25.0%	16.2%	15.4%	4.6%
Sexual Assault	13.0%	8.8%	12.5%	18.6%	11.5%	8.1%
Kidnapping/confinement	8.7%	4.4%	20.0%	2.3	7.7%	1.1%

Few interviewees described the details of violence they experienced: instead, most of them wanted to turn the conversation towards the positive aspects of sex work, the unique experiences, the misconceptions about sex work, and the challenges they face in their sex work. A significant portion of all of these conversations was devoted to people's experiences of victimization by the law in Canada, and the stigma and shaming that accompanies sex work. Only four of the forty-two interviewees described specific experiences of violence: one participant was working independently in BDSM; another

described an incident in adult film; one independent sex worker reported numerous experiences of violence when she worked independently and when she worked for an agency; one participant reported violence she experienced when dancing.

Experiences of Victimization

Consistent with Bungay et al.'s (2012) and my 2007 findings, my participants were more likely to experience non-violent than violent victimization. The victimization section of the survey asked respondents to describe experiences of theft, harassment, client refusal to wear a condom, client refusal to pay the pre-negotiated rate for services, or pressure to engage in activities that they did not wish to take part in. Table 20 provides the frequency of each of these forms of victimization.

Table 20: Rates of victimization

Type of Victimization	Total Sample N=108	Sex Work Experience		Gender Identity		
		Those with Street Exp. n=11	Off-street Only Exp. n=97	Female n=91	Male n=12	Trans/Queer n=4
Pressure to Participate(n=107)	62 57.9%	6 60.0%	56 57.7%	52 57.8%	8 66.7%	1 25.0%
Harassment (n=107)	50 46.7%	7 70%	43 44.3%	42 46.1%	6 50.0%	1 25.0%
Payment Refusal (1 inapplicable)	47 43.1%	5 45.5%	42 42.9%	39 42.4%	6 50.0%	1 25.0%
Theft (n=108)	37 34.3%	6 60.0%	31 31.6%	34 36.9%	1 8.3%	1 25.0%
Condom Refusal (15 Inapplicable)	32 29.6%	6 54.5%	26 26.8%	27 32.1%	3 25.0%	1 50.0%

*One participant did not identify gender.

Pressure to Participate

Consistent with Bungay et al. (2012) and Sanders and Campbell's (2007) findings, pressure to participate in activities that went beyond the sex worker's pre-identified service parameters was the most common form of victimization experienced by my sex worker participants. Nearly 60% (n=62) of the sample indicated that clients, bosses, or others connected to their work requested a service or act that the participant did not provide. Table 20 describes the perpetrators. Respondents could identify multiple responses for this question.

Table 21: Who pressured you to participate in sexual activities beyond your comfort?

Person exerting pressure	Frequency (n=62)	Percent
Clients	51	82.2%
Boss/owner/manager	12	19.3%
Industry pressure by other SP's	7	11.2%

While clients frequently requested acts beyond the sex workers' identified service parameters, sex workers did not necessarily feel pressured to provide the services: "*Very often the BDSM clients pressure me, but it is part of the game so that I will punish them and call them bad boys*" (SR#111). Two respondents indicated that they felt pressured to engage in specific acts while making adult films. Seven respondents referred to recent increases in requests for unprotected oral sex as a source of pressure. These respondents explained that, when some sex workers provide certain services, clients begin expecting it from other sex workers. As a result, some sex workers feel obliged to provide certain services simply to stay in competition for clients.

It's not who... it's the industry. 10 years ago it was RARE to find a girl who gave unprotected [oral sex]. Now 8 out of 10 girls do it. So now it is requested way too often. 7 of 10 clients call to inquire, ask if you offer it.

We girls who do not offer it, lose many clients because of it. And the one who do it, offer it at the same price. So we can be pressured to lower our rates because we do not offer it. You can be stubborn, but competition is stiff in my city [SR#75].

Two respondents referred to boyfriends or spouses pressuring them to work more frequently than they wanted to. Two participants identified pimps as the source of the pressure they felt. Consistent with Bruckert and Law’s (2013) findings, three respondents suggested that agencies lead their staff to believe that they must provide certain services in order to be marketable. For example, participants explained that they faced some pressure to provide unprotected oral or anal sex. These findings are consistent with research on off-street work (Benoit et al., 2014; Bungay et al., 2012); however, the fact that pressure exists does not necessarily mean that sex workers acquiesce. Nearly 63% of the respondents did not provide services outside their identified parameters in spite of pressure from agencies, pimps, or romantic partners. Table 22 identifies the most frequent sex worker responses when clients requested or pressured them to take part in activities to which they had not consented:

Table 22: What happened due to the pressure?

Result of being pressured to provide services	Frequency (n=58)	Per cent
Stood one’s ground/maintained boundaries and continued session	26	44.8%
Gave in to pressure and did as requested	17	29.3%
Refuse and end session	11	18.9%
Quit agency/establishment/left region	6	10.3%
Emotional impact on the worker	6	10.3%

Other responses included refusing to see the client again, the client deciding not to see the sex worker again, adding the client to a bad date list, and clarifying the services

provided in advertisements. Nearly 30% of the survey respondents (n=17) provided the service requested. For some, this resulted in negative emotional impacts; others were more pragmatic:

I did what I was told. There isn't a lot of choice if you are out on some farm and the driver is nowhere near. Receptionists don't get a commission if the call doesn't happen, later they won't field work to me [SR#61].

One respondent explained that pressure to engage in specific activities that were beyond her control was the impetus for her leaving an agency: “Now I'm trying to go independent because I don't like being told that if I take something off my menu I won't get calls. It's my damned body” (SR#9). Similarly, many respondents (45%)—predominantly independent sex workers and erotic masseuses—demonstrated strong resistance and maintained their boundaries in the face of pressure:

I held to my principles and refused to bow down. My comfort levels are mine. I will not push the boundary of another person's comfort level and I will not crumble on mine... There are plenty of other women out there that do such services; the man can go to one of them [SR#21].

Participants explained that there were additional consequences to acquiescing to pressure, such as self-blame for “giving in,” and feeling sexually assaulted (approximately 30% of those who acquiesced to the pressure). One participant explained that, rather than co-workers providing support and empathy, they ostracized her for “allowing” unprotected sex.

One customer who managed to slip himself in without me being able to stop him in time, went on and told other girls that I allowed him to do it without a condom, even though he did it without my consent. He was using me as an example to try to pressure them into bareback sex as well. These girls did not believe me and turned on me. They no longer worked with me and they told my boyfriend I was having sex without condoms with my customers [SR#25].

When asked about pressure to engage in certain sexual activities, I received detailed responses from all the interviewees: pressure exists within the client/provider relationship, as well as from agencies, agents, club owners, other sex workers, and the industry standards. It affects nearly everyone, but the effects varied. Some participants insisted that they did not feel pressured to engage in any acts beyond their comfort level; when a client would inquire about an act or a service, the sex worker would simply decline and refer him to another provider.

They might ask, but they're always respectful and they never force me, never even pressure me. They just ask, which is really their right. Many people on the phone will try and pressure me and because of that I won't see them, but all the clients I've actually seen have been good in that regard. So, no. I mean like anything, if you do more things, you'll make more money and get more clients. But if you have enough willpower, know who you are and where you stand, you won't do something you don't want to do [Olga].

Some participants explained that requests to participate in new activities are not always a negative experience. While sex workers may have firm boundaries in relation to certain acts, such as condom use for all penetrative sexual activities, they may relax their boundaries for other acts, depending on the context and client. For example, some sex workers who only offer manual sexual release as a part of their erotic massage to new clients may offer different services to regular clients, or to clients with whom they feel a different connection or have a different relationship. Others explained that it was difficult to know in advance whether they would be interested in specific new activities if they had never tried them before. Rather than feeling coerced, some participants explained that they were open to trying new activities, and they did not mind when clients inquired about different services:

The fact is, I'm very open. There are certain things that I'm not going to do that are pretty freaky, because guys can be kind of strange sometimes, but I've never been coerced into doing something that I don't want. I'm very straightforward with them and I'll say this is what I'll do and this is what I won't do and they can decide from there whether they want to see me or not [Lori Nadine].

The question about pressure raised issues of power and, for some participants, feminism. Rainbow Brite suggested that, when clients requested certain acts that were beyond her level of comfort, she would, “*imbue my feminist views into my interactions with them, so I can get them to think about the way they are acting towards me.*” Similarly, Victoria reflected on the nature of power in the commercial transaction:

I feel like I'm in the power position. I make the rules, I choose my clients, I don't do anything I don't want to do. I mean they'll ask, but I can say yes or no. I don't feel that I am overpowered by any men at all.

Jenkins (2009) explored power dynamics as they relate to control over commercial sex exchanges. Her participants gave responses similar to my participants: many sex workers feel that they have power over their clients and they do not see themselves as dominated or oppressed by their clients (p. 163). Rather than expecting to face negative experiences on a daily basis, the participants rejected the idea sex work is inherently exploitative. Instead, when victimization occurred, participants reacted with surprise, and deemed it unacceptable. Xaura's response below reflects the general frustration and distaste many participants expressed about pressure in the sex industry:

Oh, [men who try to pressure workers into doing things]... they should be strung up by their balls.

The survey questions on pressure to participate produced two references to pimping. One respondent explained that she participated in the project to “*give a voice to the MANY, MANY women in the industry who live with and work for pimps*” (SR#27). In the interviews, I explicitly asked participants about pimping. None of the interviewees reported that another person coerced them into the industry. Four of the interviewees referred to agencies as pimps, and described working for an agency as effectively being pimped. For all four, the exploitation in the relationship was financial, and manipulative in terms of pressuring sex workers to provide unprotected services, or specific types of sex acts to clients; however, none of them felt that their agencies physically forced them to work as escorts or provide services to clients.

In the way that they are manipulative and exploitative and you don't really have a choice but to work with them [agents in the exotic dance industry], I can see parallels to pimping, but there was certainly no coercion to stay in the industry [Ana].

Some interviewees were hesitant to judge other people's relationships and personal lives, and cautioned that they may not know about facets of other workers' lives. Rainbow Brite explained that, from the outside, a relationship might appear to be "pimping" if the definition is profiting from another person's sex work.

There was actually just a discussion online about a few popular sex workers who may be pimped and clients were upset that the women weren't marketing for themselves. But the women allegedly being pimped were defending the man who was marketing for them. So I don't know any women being pimped in a sense that is exploitative. But if it was living on the avails, yes, this marketing guy is living on the avails, but I think that's an acceptable form of doing that- these women choose to use him as a marketing manager.

The participants were generally quick to defend their need, and right, to hire people to assist in various parts of their work, such as marketing, accounting, security, cleaning, and receptionist services. Bruckert and Law's (2013) participants similarly discussed the many benefits that third parties provide, including security, assistance with financial or business aspects of the work, companionship, expertise, and networking. Some interviewees maintained that working with third parties is a routine part of capitalism; people always try to earn as much money as possible, regardless of whether they are being "exploitative."

Others railed against what they saw as profiting from a sex workers' quasi-criminal status, thereby exploiting them, because sex workers lack the labour rights afforded to other workers in Canada. For Xaura, exploitation is part of certain relationships:

I see parasitic as someone who doesn't actually do the work themselves.

If the person doesn't do the work, they're a pimp.

Others participants thought that sex workers ought to be able to access third party services, including rental of business premises. Bruckert and Law (2013) similarly found that some sex workers see working with third parties as mutually beneficial. Some of my interviewees accepted that above-market prices were reasonable due to the criminalized status of their work. Damien pointed out that, because they have a regular source of income, sometimes sex workers can feel pressured to support friends and relatives financially:

I find that the people who live off us, they don't do it directly, like with females where there's like HA involved or a pimp, although not here, more in Montreal. There's a lot of that, people hanging around you, living off you, and they're all on welfare and all their money comes from their friends who are escorting. But you feel guilty [Damien].

Fifteen of the forty-two interviewees discussed mentorship in the sex industry; all fifteen spoke in positive terms about a more experienced sex worker providing training and guidance. They emphatically denied that mentorship was a form of pimping; instead, they identified this long-standing practice as vital to maintaining their health and safety, and a source of emotional support. All of the interviewees who spoke about pimping said that

concern about pimping is “overblown,” and a “stereotype” or a “myth” about sex work. Consistent with Casey and Phillips (2008) and Parent and Bruckert (2013), participants acknowledged that pimping occurs, but suggested that it affects a minority of sex workers: younger, more vulnerable people, or those who struggle with addiction or mental health issues. One participant suggested that the stereotype of pimping could be used to a sex workers’ benefit:

I've used it as a safety tactic, too. I've told clients that my pimp was watching. I even asked a cab driver once to tell a client that he was my pimp. Clients don't want to see you get beaten up or anything, so they'll usually hand over more money if you tell them you've got a pimp. [Jennifer]

Harassment

Nearly half the respondents reported incidents of harassment related to their sex work (Table 23). Benoit et al. (2014) similarly found that harassment was one of the most frequently reported forms of victimization. Harassment includes stalking, unwanted emails or phone calls, attempts to communicate and/or see the sex worker in spite of repeated rejections, or the client’s inability to pay. Like Jenkins’ (2009) participants, my respondents indicated that many of the experiences were due to a client misunderstanding the nature of their business relationship with a sex worker. The participants reported that their clients often wanted to develop romantic relationships, or were unclear about the personal boundaries of their professional relationship. Another form of harassment involved attempts at extortion (e.g., if you do not provide free services, I will share your home address online).

Table 23: Descriptions of harassment experienced

Type of harassment	Frequency (n=31)	Percent
Stalking	13	41.9%
Misunderstanding of relationship status	5	16.1%
Campaign to out the person as a sex worker	4	12.9%
Blackmail by clients, taxi drivers, police for free services	4	12.9%
Online harassment unspecified	3	7.3%

When discussing harassment, my survey participants focused on clients. Six sex workers discussed harassment by police or bylaw officers. Bungay et al.'s (2012) sex worker participants reported high levels of concern about harassment from police (76% of respondents); nearly 40% of their participants reported actual harassment by police. In contrast, the majority of my participants had very little, if any, contact with police.

In Canada, criminal harassment is a hybrid offence targeted at stalking (s. 264(1)). Official crime statistics indicate that criminal harassment happens rarely; however, self-reported data suggest that sexual harassment is a common form of workplace victimization throughout Canada (Keith & Chandler, 2010). Sex workers rarely complain of sexual harassment; rather, sex workers report campaigns to expose them as sex workers, or blackmail.

Payment Refusal

Many participants reported experiencing client attempts to obtain discounts, trying to receive free services, or otherwise failing to pay the full price at the end of the service. Sometimes identified as *being ripped off* (Sanders and Campbell, 2007) or simply *negotiating payment* (Bungay et al., 2012), the literature generally identifies the exchange of money for services rendered as a pivotal moment where conflict occurs in the commercial sex encounter (Benoit et al., 2014; Jenkins, 2009; Meghan, 2008; O'Doherty

2007). Table 24 provides the most common consequences of clients refusing to pay the agreed amount.

Table 24: Results when clients refuse to pay the pre-negotiated amount

Result of Client refusal to pay	Frequency (n=43)	Percent
Provided services unpaid (Declined credit cards, counterfeit money, bounced cheque, paypal issue, clients say they forget, make up stories)	15	34.8%
Unable to come to terms, lose client	8	18.6%
Only partial payment able to be recovered	6	13.9%
Able to come to acceptable terms (other services, rates)	5	11.6%
Bouncers/drivers/management assisted retrieving the money	5	11.6%

Other responses to this form of victimization included posting an alert on blacklists, or bad date lists (three responses). In these three cases, the participants provided the services first and then discovered the client did not intend to pay. Some sex workers indicated that, in these situations, they might take collateral and provide the client with time to go and obtain the money. However, once the client left, he may have forfeited his collateral:

When I worked in massage parlors, we had to take collateral and trust the guy to go to the bank machine after. There is a drawer full of watches, wallets, car keys, necklaces, etc. [SR#24].

In two cases, the participants indicated that the client forgot to obtain cash to make the agreed-upon payment. In two other cases, clients misinterpreted their relationships with the sex workers and expected free services. Two women indicated they believed that violence would occur if they tried to obtain the money, so they provided services without having given consent.

Theft

Approximately one third of the participants had money, costumes, personal equipment or other items stolen during the course of their sex work. Given that theft is the most common offence committed in Canada,⁸⁹ there is no reason to believe that the sex industry is immune from this problem. Table 25 describes the perpetrators and type of goods stolen. Table 25 provides the information for only those respondents who provided detailed information (n=19).

Table 25: Details about the theft incidents

Item Stolen	Perpetrator	Frequency (n=19)	Percent
Money	Co-workers	6	31.5%
	Clients ¹	5	26.3%
	Managers/owners	2	10.5%
	Police	1	5.2%
	Support staff	1	5.2%
	Unspecified	2	10.5%
Costumes/Equipment	Client	4	21.0%
	Co-worker	2	10.5%
Personal Items	Co-workers	3	15.7%
	Support staff	2	10.5%

¹ Three respondents described times the clients returned, or handed over, their money or goods after brief demands or discussions. These incidents are attempts, but participants reported them as experiences of victimization.

Condom Refusal

Many participants reported clients refusing to wear a condom or pay the pre-negotiated amount for the services rendered. Nearly 30% reported that at least one client attempted to refuse to wear a condom; 43.1% reported that, at least once, a client attempted to re-negotiate the terms of the exchange at some point in the transaction. I report these as “attempts,” because the participants indicated, in both my 2007 research and the current

⁸⁹ See Statistics Canada Data: <http://www.statcan.gc.ca/daily-quotidien/140723/t140723b001-eng.htm>

study, that while clients frequently inquire about unsafe sex options or try to obtain a discount for services, my participants rarely acquiesced. Table 26 identifies the typical results of client attempts to obtain sexual services without a condom.

Table 26: What happens when clients refuse condoms?

Result of Client Refusal to wear a condom	Frequency (n=32)	Percent
Client is refused services	16	50.0%
Client defers to provider (safe sex provided)	8	18.8%
Other services not requiring condom provided instead	5	15.6%
Continued with services unprotected	3	9.4%

Typical responses to the question about what they did when a client refused to wear a condom included educating the client about the health issues created by unprotected sex, and comments to the effect that, “*Then he can enjoy my hands instead of his own if he likes*” (SR#73). Others described the precautions they take with clients who would prefer not to wear condoms:

J'ai fermé mes jambes et insisté pour qu'il le porte. J'ai dit non très fermement et fort avec un ton assurée. J'ai toujours réussi à mettre le condom. Je défends ensuite au client réfractaire de mettre ses mains proches pendant l'action et je mets le pénis dans mon vagin moi-même⁹⁰
 [SR#148].

Meaghan (2008) reported that sex workers frequently faced clients' attempts to engage in unsafe sex practices; she also pointed out that sex workers have consistently reported low rates of HIV and other sexually transmitted infections. My findings affirm that, while

⁹⁰ Translation: I closed my legs and insisted he wear it. I spoke firmly and with confidence. I have always been successful in ensuring condoms are used. I protect myself against those non-compliant clients during intercourse by making sure I know where his hands are and putting his penis in my vagina myself.

clients inquire about unprotected sex, and some may even make surreptitious attempts to obtain unprotected sex, the attempts do not always lead to unprotected sex. Meaghan concluded that when sex workers can assert their boundaries and approach their work from a professional standpoint, they are less likely to contract STI's from clients (58). However, street-based workers and novice sex workers are at greater risk of contracting STI's from clients, as they lack the negotiating power of experienced and less vulnerable sex workers (Meagan, 2008).

In my 2007 research, sex workers reported condom refusal and payment refusal almost three times more often than violence; the same pattern is evident in my current data, and in Bungay et al.'s (2012) findings (Table 27). Sanders and Campbell (2007) identified attempts to remove condoms as a frequent form of victimization facing sex workers. Sanders and Campbell explained that, in addition to increasing sex workers' risks of contracting an STI, this form of victimization was a "clear violation of the contractual agreement and a violation of one of the important barriers sex workers use to distinguish sex as a commercial act from sex in a personal, loving relationship" (p. 8).

Table 27: Refusals comparison 2007 & 2011 & Bungay (2012)

Type of Refusal	2011	2007	Bungay (2012)
Refuse Condom	29.6% (n= 101)	37.5% (N=39)	60.4% (tried to pull/sneak off condom)
Refuse Payment	43.1% (n=105)	33.3% (N=39)	68.9%

To conclude the victimization section of the survey, we asked participants to identify any additional victimization that they experienced in their sex work. Table 28 lists their responses.

Table 28: Other forms of victimization experienced

Other victimization experienced	Frequency (n=26)	Percent
Marginalization/shame by society, friends and family	7	26.9%
Unethical or abusive management practices regarding hiring, firing, scheduling, payment.	7	26.9%
Legal impacts*	4	15.3%
Police victimization	2	7.6%
Drivers and co-workers dishonesty/manipulation	2	7.6%
Disrespectful clients	2	7.6%
Isolation	2	7.6%
Spreading lies about Service Providers	2	7.6%
Frequent no-shows, prank calls	2	7.6%

*Legal impacts: Lack of protection due to illegal nature of work; Illegality of sex work being used as a threat; Ex-partner using sex work as leverage for custody battle; Denial of life insurance.

Respondents in both the survey and interviews referred to societal discrimination as victimization. For example, one survey respondent wrote, “*Just being a sex worker is a form of victimization: I dislike being marginalized*” (SR#57). Participants highlighted the negative impact of public discourse about sex work as victimizing, exploitative, and harmful. They suggested that representing sex work as victimization and sex workers as victims or deviants results in harm for sex workers:

What has made me feel victimized more than once, however, is the attitude and the incredibly offensive and vulgar language that is intentionally used to assault and invalidate sex workers lives, our choices and our voice. The effects of this victimization surpass any others I may have experience while working in the industry because unlike all of my experiences to date, it is the only one to leave me feeling powerless and like others are in control and they're taking control over from me forcefully. I have felt completely dehumanized not from or by clients but by those who refuse to accept me as anything other than a pathetic victim of their own perverted ideas and beliefs [SR#36].

Like Meaghan's (2008) and Bruckert and Hannem's (2013) participants, my participants identified stigma as an enduring and damaging form of victimization of sex workers. They suggested that discrimination forces them to live a secret life, exposes them to unnecessary damage and risk of further victimization, causes alienation from friends and family, and results in discriminatory treatment in their "legitimate" work, living arrangements, and volunteering options. Jennifer identified shame as "*that feeling that you're less than everyone, not even human.*" Participants felt that the degree of shame attached to commercial sex, and even sex in general, contributed to division and hierarchies within the industry. Participants consistently identified violence as the ultimate impact of the dehumanizing of sex workers:

The reason that there is violence and victimization is because we are criminalized and as a result, we are stigmatized and marginalized. When you are criminalized, you aren't a human being to others, so people can get away with this shit [Berlin].

Meaghan (2008) and Bruckert and Hannem (2013) conclude that criminalization contributes to ongoing stigma and marginalization of sex workers. Meaghan suggests that marginalizing sex workers, driving them underground and ostracizing them from society, results in increased danger for sex workers, and prevents sex workers from employing risk-management strategies (p. 63). Lowman (2000) coined the phrase "discourse of disposal" to indicate the degree of condemnation sex workers face. Bruckert and Hannem (2013) argue that "structural stigma" contributes to policy responses that allow criminalization by portraying sex workers both as victims and as risks to society (p. 49). Stigma facilitates victimization by perpetuating the idea that sex workers deserve the violence done to them, and the idea that sex workers are inherently different from other

citizens, and less deserving of protection (Jeffrey & MacDonald, 2006). The aforementioned studies demonstrate that the result is exacerbation of violence against sex workers. My data support these conclusions, but go further to demonstrate that victimization is not only perpetrated by clients, community members, bosses/management or significant others; in some situations, sex workers also perpetrate violence against their clients and their co-workers, contributing to a cycle of violence.

Co-worker Victimization

Both my 2007 and my current findings identified co-workers as perpetrators of violence and victimization against other sex workers. However, very few respondents reported that they had ever victimized a co-worker (Table 28). Women, especially those with street-based sex work experience, reported the highest rates of victimizing co-workers. The co-worker self-report data mirrors self-reported victimization rates more generally. Co-workers comprised approximately 10% of perpetrators of violence. Table 29 shows that approximately 11% of the survey respondents reported that they had victimized co-workers at some point.

Table 29: Self-reported victimization of co-workers

Victimization	Total (108)	Off-street (97)	Street (11)	Female (92)	Male (12)	Trans/Queer (4)
Stole from	2 (1.8%)	1 (1.0%)	1 (9.0%)	2 (2.2%)	0	0
Threatened	11 (10.3%)	7 (7.3%)	4 (36.4%)	11 (12.0%)	0	0
Assaulted	5 (4.6%)	3 (3.1%)	2 (18.3%)	5 (5.4%)	0	0

The most common form of victimization was threatening behaviour. Respondents identified self-defence, preservation of safety, and the need to eliminate risky behaviour, such as drug use, as the contexts in which they threatened a co-worker.

I once threatened a co-worker to preserve the safety of an in-call when a co-worker became addicted and unstable [SR#96].

Other respondents identified the need to stand up for oneself, or assert one's independence in a highly competitive industry:

If a co-worker wants to threaten me, I will defend myself. I do not like being threatened and I do not back down when threatened. It is a stance thing, like two rams challenging each other to see if one will back down before blows. I am not a victim, and so I refuse to act meek when I get pushed [SR#21].

Forty-two survey participants responded to the open-ended question, "Is there anything else we should know about victimizing co-workers?" Of these, ten responded that their colleagues had never victimized them, and that their colleagues were wonderful, helpful, and contributed positively to their work experiences. Exotic dancers were most likely to report jealousy, competition, and psychological bullying, but a small minority of respondents in each work venue expressed negative feelings about or experiences with co-workers. The same pattern held true in the interviews. This is consistent with other research that revealed competition among dancers (Althorp, 2013) and among agency-based in-call workers to be a source of victimization among sex workers (Alberts, 2001). These findings are consistent with Bruckert's (2002) conclusion that dancers' relationships with one another are "antagonistic" due to competition with each other (p. 92).

The majority of interviewees emphasized the importance of co-worker and community support to their work, but some identified factors that negatively impacted their workplace

relationships. Two of the most common factors were competition and a lack of consistency regarding which services sex workers offer clients.

The most frustrating part of working in the sex industry was dealing with co-workers, other dancers. It was very frustrating and more unpleasant than dealing with clients. And the bar staff. It was very competitive. I mean it wasn't terribly sex-positive or a feminist environment, so there was a lot of snide attacks and a lot of cutting each other down. Lots of competition and issues over who was perceived to be doing what with clients, which affects everyone else's work [Ana].

Some participants identified co-workers—including security guards, drivers, bar staff, and other sex workers—as posing a greater risk of victimization than clients:

When I see girls that say they love their jobs and there's no drama, I know it's not true because I've been in the industry for 16 years and I've never seen a place that didn't have BS like that. Every girl would tell you a story. The women are worse than the men! At least the men will just screw you and leave you alone. Women are more vicious [Lisa].

Jeffrey and MacDonald (2006) suggested that in street-based sex work co-worker violence is “retributive” (p. 93). They learned that, in some cases, violence is a mechanism to protect co-workers, clients, or other third parties, as well as to assert one’s power over others (clients, co-workers, third parties) or deal with competition. Jeffrey and MacDonald concluded that, where violence is a feature of the environment—as it is in impoverished

street-based sex work areas—it is common to see people take their frustrations out on each other when they work in a high-stress environment.

Sex Worker Victimization of Clients

I felt some reservations in the process of drafting the client victimization section of the survey with my collaborators. While we wanted to provide sex workers with an opportunity to comment on some of the findings that were emerging in the literature about sex workers victimization of clients,⁹¹ we did not want to engage in victim-blaming. Based on the responses from my participants, our concern was not justified. No respondent reacted negatively to this series of questions; rather they wrote detailed comments about their experiences. Participants acknowledged that victimization of clients negatively affects sex workers and leads to their increased victimization. While acknowledging individual accountability in victimization, these data demonstrate that there are social structural and contextual factors that lead to victim-precipitation.

Table 30 (below) describes self-reported sex worker victimization of clients. Three of the respondents who reported that they assaulted or threatened clients did so in the context of BDSM, where the clients paid them for those services. For example:

Some clients pay you to beat them senseless. They are among my favorites [SR#86].

Because it was consensual, I omitted those three incidents from Table 30.

⁹¹ See Atchison (2010) specifically.

Table 30: Self-reported victimization of clients by sex workers

Victimization	Total (n=108)	Off- street (n=97)	Street (n=11)	Female (n=92)	Male (n=12)	Trans/Queer (n=4)
Stole from	12 (13.0%)	6 (6.3%)	6 (54.5%)	12 (14.1%)	0	0
Threatened	22 (20.3%)	19 (19.4%)	4 (36.4%)	20 (21.7%)	2 (16.7%)	1 (25.0%)
Assaulted	12 (11.1%)	10 (10.2%)	4 (36.4%)	13 (14.1%)	0	1 (25.0%)

Two patterns emerged from the self-report data. First, 70% of those who admitted to victimizing their clients did so on numerous occasions, and engaged in several forms of victimization. Second, as Table 31 indicates, those sex workers who had experienced violence were two to three times more likely to have victimized their clients. One respondent concluded, “*Clients learn to behave badly because they expect to be treated badly*”(SR#131).

Table 31: Comparing respondents who experienced violence to the total sample.

Victimization	Total (N=108)	Experienced Violence Cases (n=37)
Threatened	22 (20.3%)	15 (40.5%)
Stole From	12 (13.0%)	10 (27.0%)
Assaulted	11 (11.1%)	11 (29.7%)

“Threatening” was the most common form of victimization of clients. Threats were used to obtain compliance for condom use (threaten to end the services if no condom) as well as to maintain boundaries (if you do not respect my rules, I will kick you out/ call police if you do not pay me what you owe). Table 32 provides sex workers’ explanation of the contexts in which they threaten their clients.

Table 32: Contexts where threatening clients occurs

Context of threatening identified by Respondents	Frequency (n=22)	Percent
To obtain control/compliance (particularly in dance)	9	40.9%
In self-defence	8	36.3%
To obtain money owed	2	9.0%
Blackmailing clients	2	9.0%
To assert boundaries re stalking	2	9.0%
Part of the job in BDSM	1	4.5%

One respondent reported that, when she discovered a client of hers was the director of the university department in which she was a student, she threatened to expose him unless he rearranged her records to make her eligible for scholarship and bursary applications.

J'étudiais à l'université... le recteur fréquentait mes services sans savoir que j'étais aussi étudiante... je l'ai menacé de parler s'il n'arrangeait pas mes dossiers aux prêts et bourses⁹² [SR#64].

Another respondent explained that threatening is a common tactic to obtain respect and compliance with the sex seller's rules. She suggested that threats are most effective when made in a joking but serious tone.

When guys push my boundaries in clubs, saying oh I wanna touch your pussy or whatever, I'll jokingly say, "Yeah sure, but then I'd have to kick you in the balls, and then neither of us would be having any fun." It's a way

⁹² Translation: I was studying at university. The Director of the University frequented my services without knowing I was a student. I threatened to disclose him as a client unless he agreed to arrange my records for scholarship and bursary applications.

to get across that I'm serious about my physical boundaries and I don't want them touching me [SR#23].

Respondents explained that they stole from clients because they needed the money (n=4), felt the clients had more disposable income than the workers had (n=2), or they felt owed the money because the client was difficult, drunk, or otherwise disrespectful (n=6). One respondent explained that, when working for a pimp, it did not matter how you obtained the money; if you stole it, so be it.

The assaults that participants reported occurred in a similar context as the rest of the victimization of clients. Participants described threatening clients as a means of self-defence, and as a way to assert boundaries. They explained that, for similar reasons, they had assaulted clients. The key difference was that participants viewed assault as a more serious response, used if a threat was unsuccessful.

Atchison (2010) surveyed 855 clients about their experiences of victimization. He found that clients often reported that they did not receive the services that they had paid for (43% of respondents). Twenty percent of clients experienced robbery in the course of sex buying, 18.6% experienced verbal abuse, and 14% had money or other property stolen by a sex worker. Approximately 5% of Atchison's respondents experienced physical assault by a sex worker at least once during the course of their purchasing of sexual services. Atchison collected further client data as a part of a team grant, reported in Benoit et al. (2014). Table 33 compares my survey participants' self-reported victimization of clients with Atchison's 2010 and 2014 samples of client self-reported experiences of victimization.

Table 33: Comparing data on sex worker victimization of clients

Form of Victimization	O’Doherty (2011) N=108	Atchison (2010) N=855	Benoit et al. (2014) N= 258
Threats	22 (20.3%)	19% verbally abused	22% verbally assaulted; 12% verbally harassed
Theft	12 (13.0%)	14% stolen from; 20% Robbed	13% (Robbed)
Assault	11 (11.1%)	4.5%	1%

Twenty-four respondents wrote detailed comments in response to the open-ended question, ‘Is there anything else we should know about client victimization?’ Table 34 displays the most frequently expressed comments about sex worker victimization of clients.

Table 34: Anything else we should know about sex worker victimization of clients

General Comments from Respondents about Client Victimization	Frequency (n=24)
I would never consider assaulting a client	7
Some clients deserve it	6
Some sex workers exploit clients, and some agencies run scams on clients	6
Result is often more victimization of other sex workers:	3
Occurs as a result of addiction	2
Stealing can include stealing time or using deception to lure clients	2
Reason to work with regulars, where you need good customer service to keep them coming back	2

Some respondents expressed regret about their past behaviour in relation to clients: “*I don't feel proud at all of robbing clients as my concern afterward was always that they might take it out on another sex worker*” (SR#14). Some respondents defended their actions as necessary to preserve their safety. Others expressed concern about the long-term effects of their victimization of clients:

The client is also putting himself out there when visiting an escort, as he does not know what kind of woman she is. They are paying for a service

and companionship, and should receive respect and care, just as they do for us. Respect is a two-way street, and client safety is just as important to me as my own [SR#122].

The majority of the interviewees expressed concern about future client and sex worker safety:

When others rip off clients, it's more dangerous for the next person. Now they're not trusting. I mean really, no one should trust if you don't know the person, but of course it's not a great experience, or more difficult for the next person so of course. Without a doubt [Lori Nadine].

Kyle explained that when other sex workers treat clients poorly, it reflects poorly on the entire industry, and makes it harder for other sex workers to gain respect:

It brings us all down. It makes it harder for me to expect a client to respect me if he's been hustled and treated like crap by others.

Reporting Victimization

Twenty-five respondents reported victimization they experienced in the sex industry to a third party (23.1% of the total sample). Respondents indicated that they reported victimization to police, support agencies, online forums, friends, co-workers, bosses, and security personnel at their workplace. Fifteen respondents reported victimization to the police, accounting for 23 individual reports. Only one of the men reported his victimization to police.

The police responded to my call. They came to my house hours later. The cop had the NERVE to say to me... 'we're not tracing the call but we'll take a report. Stop working in this profession. There's nothing we can do.' Then he began interrogating me and asking me if I do in-calls and worked out of my home. I felt so horrible. Cops REALLY need to be educated on sex trade work. I am a man, and as a male sex trade worker, I find it DISGUSTING that cops treat us like we're nobodies who deserve this bullshit! [SR#89]

Some participants reported positive experiences in their interactions with police, while others reported that, when they reported victimization, police treated them poorly. One interview participant, Olga, described having her previous arrest for bawdyhouse charges used against her when she subsequently reported a sexual assault. The sexual assault was unrelated to her sex work; however, Olga felt that the arrest record clearly affected the way the police treated her.

It makes me afraid to ever want to report anything to the police ever again. Am I going to be taken seriously? And for how long is that going to be on my file? Am I going to have to deal with that the rest of my life?? That's insane. I try not to let the whole thing bother me, but it's one thing to know society thinks a certain way, but to have people actually treat you differently, it's horrible, even for something as terrible as sexual assault they'll still treat you that bad. I mean I don't expect the police to be the most compassionate anyway, but you still expect them to have some sort of professionalism and you expect them to do their job.

Olga's experience is consistent with data emerging from several sources in Canada, including Shaver, Lewis and Maticka-Tyndale (2011) and Krusi et al. (2012). Shaver, Lewis and Maticka-Tyndale explain that the typical police response to sex worker victimization translates into multiple victimization, or re-traumatization of victims (p. 56). They suggest that police attitudes towards sex workers show an awareness of the results of denying adequate protection. However, some police feel that the only way to stop sex workers from continuing their work is to allow them to experience violence (p. 56). My participants confirmed these impressions. When asked their reasons for not reporting victimization to police, they responded that police would do nothing, even where there was adequate evidence to support a criminal charge. My participants expressed concern about potential consequences from agencies or other parties from reporting to police: they suggested that reporting to police could result in a "rat" label or blame for bringing police surveillance into their workspace. The participants reported that feeling "*too ashamed of being judged*" (SR#11) by police and other criminal justice personnel deterred them from reporting violence (Table 35).

Table 35: Why not report to police?

Reasons for not reporting an incident to police	Frequency (n=39)
Never had to report because never been a victim	10
No one would believe or care/ nothing would be done	9
Fear of legal repercussions	7
Don't want to be outed	5
Not worth continued trauma/trouble; I can deal with it myself	5
Will only report to bad date lists or other workers, never to police	3
Fear of impact on children	3

Again, these data support my 2007 findings and other research (Bungay, 2012; Meaghan, 2008; Pivot, 2006; Shaver, Lewis & Maticka-Tyndale, 2011): the degree of societal condemnation of sex workers and their lack of faith in the Canadian justice system affect

sex workers' willingness to report victimization. One participant wrote, "*the authorities seem to indicate that if we are victimized it is our own fault*" (SR#57). Another responded, "*Well...first, straight male escorts don't exist...ask anyone...but there would be no response from anyone other than laughter*" (SR#37). The majority of the responses showed frustration and cynicism with the criminal justice system. The interview participant comments were equally as negative: Xaura replied, "*I could've, but I didn't bother, I wasn't up for it and I couldn't bear it. I didn't think I would be heard or respected.*"

Some participants described the point at which they realized they would not report the victimization they experienced to police. Prior to a negative experience, many participants indicated that they would not hesitate to contact police in the event of violence. However, once they experience victimization, the reality of disclosing commercial sex involvement to police and recounting victimization silences sex workers.

I had one incident where I was stalked by a client. He became super attached to me and when I retired and cut things off, he kind of lost it. And somehow he found out where I lived, my real name There was a distinct moment where I felt very threatened by the language he was using, like intimating he would tell my family, and that he knew everything. So, I did this whole thing where I tried to block private numbers and stuff, and there was no one I could talk to personally about it. And I realized I could never tell police. I always thought, of course I would call the cops if something bad happened, but when it did, I sat there and was like, no way [Jessy].

Jessy's comment reflects the responses of many of my participants. Several respondents explained that fear about judgement or discriminatory treatment by the police was one

issue, but that their greater fear was the broader consequence of disclosing their involvement in the sex industry. Participants identified concern about possible eviction from a rental apartment and publication of their legal identities and working aliases as primary reasons to stay silent.

Three survey respondents and two interview participants reported positive interactions with police when they reported victimization related to their sex work. For two of these individuals, police special units or individual police connected to the local sex work community were instrumental in encouraging them to report victimization. These participants were emphatic that sex workers need to come forward and report victimization.

It should always be done. It should be encouraged and supported and done all the time. People get away with it because we don't report [SR#4].

For the most part, sex workers in both samples thought that police were untrustworthy. They expressed resentment that people did not take the violence done to them seriously. One respondent wrote that the concept of calling the cops when victimization happens is, “ridiculous.” Another reported that: “the police told me that it is to be expected that escorts get abused by clients—it’s part of the job just like violence is to be expected when you are a police officer” (SR#52). Many respondents felt that the justice system and Canadian citizens generally did not care about the victimization of sex workers, and identified this sentiment as the main impetus for participating in my study.

Sex workers are not alone in expressing concerns about reporting victimization or experiencing re-traumatization during a prosecution. Status of Women Canada (2012)

reported that women generally do not report to police the violent victimization they experience; self-report victimization statistics indicate that one third of victims report their victimization to police (p. 17). This rate drops in the case of sexual assault: Statistics Canada estimates that 88% of sexual victimizations that women experience are not reported to police. Not all reports result in charges, and conviction rates are low (Nicol, 2013). Government publications (e.g., Nicol, 2013) explicitly acknowledge the issues that sex workers raise regarding their credibility: “victims may be seen as less credible in situations that do not reflect the stereotypical image of sexual assault as a violent act perpetrated by a stranger on a 'virtuous' woman who vigorously resisted.” Credibility of the witness and evidentiary issues continue to affect prosecutions for all sexual assault cases; in the case of sex workers, their characterization as non-virtuous women exacerbates these problems.

Male and transgender sex workers are not immune from violence, as my data, Jenkins (2009) and Weinberg, Shaver and Williams (1999) demonstrate. While they experience less violence, they may report their victimization to authorities at even lower rates than do female sex workers. The same concerns about victim credibility and a lack of independent corroborating evidence affect prosecutions; however, stigma about masculinity affects the way we perceive men’s capacity to experience sexual assault (Whowell, 2010, p. 130). In general, we do not perceive men to be as vulnerable as women (McIntyre, 2005). Redwood (2013) suggests that male sex workers “have the additional burden of even greater visibility and increased marginalization” (p. 48). Stereotypes about homosexuality contribute to the lack of understanding about male sex workers’ victimization (Redwood, 2013).

Transgender sex workers face even greater barriers to reporting victimization, and they face higher rates of victimization than do male sex workers (Fletcher, 2013). Jenkins (2009) found that approximately half of her transgender participants felt exploited by clients during the course of their work. Transgender sex workers also reported higher levels of fear of violence than either female or male sex workers (Jenkins, 2009, p. 183). Fletcher (2013) explained that transgender sex workers could be, “target[s] for the anger and self-loathing of the closeted client” (p. 69). My data are limited to a very small sample of transgender sex workers; however, they suggest that many of the issues regarding victimization that affect sex workers generally apply equally or more so to transgender sex workers. The level of transphobia in Canada may increase the vulnerability of transgender sex workers.

My findings and the recent Canadian literature I have reviewed demonstrate that sex workers experience different levels of victimization and violence related to their work. Statements to the effect that prostitution is always violent (Farley, 2004) do not reflect the experiences of all off-street sex workers. Victimization is far more complex; it is dependent on structural, contextual, and individual factors. My findings suggest that we cannot accept that violence is omnipresent in sex work and assume there is nothing we can do to increase sex worker safety. Instead, by examining the various sources and forms of violence, we can design strategies to reduce sex worker vulnerability and increase their safety. Cusick et al. (2009) explain that detailed examination of variations in sex worker experiences is necessary precisely because the acknowledgement of these variations may lead to different political and social strategies. Shaver, Lewis and Maticka-Tyndale (2011) emphasize that inaccurate understanding of a “problem” will lead to an ineffective “solution” (p. 55). They agree that addressing disadvantages, barriers, and vulnerabilities,

will require tailoring support services to the specific needs of each group of sex workers. The following chapter links sex workers' experiences of victimization to risk management strategies. Sex workers have many recommendations for how to reduce violence and victimization. Chapter Six describes their views.

My workplace is criminalized. My workplaces have been violently raided. I fear a raid at any moment every second that I'm at work. I fear my profession being used against me in the future. I live in constant fear of the law even though I am doing nothing illegal. The laws are maddening and inhumane. They force the entire world of sex work underground so that safer sex cannot be openly discussed, which leads to unsafe sex practices, and legitimate work places cannot exist which leads to worker abuse. The laws contribute to the social devaluation of sex work, which makes workers unsafe in every way. These laws impact my work in EVERY way.

Survey Respondent # 114

Chapter 6. Observations and Recommendations on Safety in commercial sex

This chapter describes participants' views on safety in the sex industry. Participants provided information about the factors that affect safety in commercial sex. Respondents compared different forms of sex work, outlined their strategies for mitigating risk, and identified social-structural and work-environment factors that contribute to risk in their work. One of the key social-structural issues they discussed is the legal framework that regulates commercial sex in Canada. Meaghan (2008) and Shaver, Lewis and Maticka-Tyndale (2011) similarly argued that laws play a central role in the health and safety of sex workers. In this chapter, I describe participants' reflections on their experience with laws (including criminal, tax, child custody, and immigration laws), and their opinion about future regulation of the sex industry. To conclude the chapter, I describe participants' reasons for participating in this study, and their concluding comments about their work and the industry.

Factors affecting safety in the sex industry

I define "safety" as being free from violence during the course of sex work. All but one of the participants listed at least one factor that affected safety. Nearly 80% (n=86) of the survey respondents listed more than one factor in their responses to this open-ended

question. Table 36 lists the most frequent conditions that made participants feel safe in their work.

Table 36: Conditions or factors that make you feel safe

Condition or Factor	Frequency (N=108)	Percent
Support Staff/friends/colleagues	62	57.0%
Environment/structure	53	49.0%
Screening	52	48.0%
Control/power over client or date parameters	31	28.7%
Professional business practices	30	27.7%
Selecting specific types of clients	20	18.5%
Advertising	11	10.2%
Intuition	10	9.0%
Self-defence or weapons/cell on hand	7	6.5%
Option of reporting to police/advocacy groups	6	5.5%
Choosing legal sex work to avoid criminal charges	4	3.7%
Physical traits (being male, physically fit, or tall)	3	2.7%

The most commonly reported factor to increase safety was “support staff, friends, and colleagues.” Consistent with my 2007 findings and several other studies (Bungay et al., 2012; Casey & Phillips, 2008; Krusi et al., 2012; Samuel & Benjamin, 2013; Shaver, Lewis & Maticka-Tyndale, 2011) respondents indicated that the presence or support of colleagues was instrumental to feeling safe while working. Some participants asserted that working with others led to peer-connections and the development of a sex-worker community, which in turn led to perceptions of increased safety. Sixteen survey respondents identified close connections with their peers and accessibility to shared information about bad dates as their primary sources of safety. For twenty-five survey respondents, this involved hiring security personnel or working with receptionists, drivers, and other staff members to maintain their safety. These findings reflect participant responses from all forms of sex work; however, working with supportive colleagues is less significant for web cam and telephone-based sex work.

Bruckert and Law (2013) argued that working with third parties is often mutually beneficial for both sex workers and third parties. Third parties can increase sex-worker safety. In *Bedford*, the SCC determined that the living on the avails provision of the *Criminal Code* infringed sex workers' rights to safety under s. 7 of the *Charter* precisely because the provision barred them from working with others. In spite of the mounting body of research consistently concluding that working with others increases sex workers' safety, the federal government chose to re-enact a broader version of the living on the avails law. Now, it is an offence to receive a material benefit from another person's sex work.

Forty-nine percent of my participants identified the working environment as important to determining their safety (n=53). Work-environment factors included "working from an in-call location or a hotel," "working in a clean, safe and secure establishment," "working in a reputable and well-respected establishment," "working in specific geographic locations," and "working for a licensed agency." Sex workers in other studies have identified similar work-environment factors as integral to their safety (Casey & Phillips, 2008; Krusi et al., 2012; O'Doherty, 2007; Sanders & Campbell, 2007; Shaver, Lewis & Maticka-Tyndale, 2011).

Screening, which other researchers have consistently identified as a risk management strategy (see e.g., Jeffrey & MacDonald, 2006; Krusi et al., 2012; Meaghan, 2008), includes selecting specific types of clients, or profiling desired clients, as well as screening out undesirable clients. The SCC concurred that screening was an integral safety strategy for sex workers (*Bedford*, 2013). As a result, the court declared the ban on communicating in public for the purpose of prostitution as violating sex workers' *Charter* rights.

Sex workers use screening in a variety of ways to manage risk, assert control, and prevent uncomfortable or potentially harmful situations. Table 37—participant responses to the open-ended question—reveals the varied grounds on which sex workers screen out potential clients.

Table 37: Reasons respondents refuse to provide services to individual clients

Ground to refuse to provide services	Frequency (n=102)	Percent
Rude/obnoxious/disrespectful	54	52.3%
Under the influence of drugs/alcohol	37	36.2%
Hygiene lacking	31	30.3%
Health concerns	20	19.6%
Safety/comfort concerns	19	18.6%
Aggressive/violent	19	18.6%
Intuition	16	15.6%
No respect for boundaries/rules	16	15.6%
Asks for a discount, tries to negotiate rates/services	15	14.7%
Unable to provide verifiable client info/phone number	15	14.7%
No condom/refusal of safe sex practices	14	13.7%
Uncomfortable with act requested	14	13.7%
Not enough money/issues over payment	8	7.8%
Physical characteristics of client (e.g., age, weight, ethnicity)	6	5.8%
No chemistry/not a good “fit”	4	3.9%
Calling from private/restricted number	3	2.9%

Participants referred to asserting power or maintaining control over the encounter as a strategy employed to elicit respect from clients. For example, Kate explained how she asserts control at the outset of the session:

I walk into the room, before I collect any payment, I tell him my rules, every single rule I have. I give him the choice, I tell him it's non-negotiable and if he wants to see someone else, I understand. If he still wants to see me, I will stay. And if you break my rules, I'm out the door and you don't get a refund.

Meaghan (2008) explained that asserting control over an encounter is not only a way to ensure respect from clients, but also a way for sex workers to assert their sexual boundaries with clients, and to maintain their sexual health. Meaghan pointed to her respondents' remarks regarding negotiating sex acts with clients to demonstrate that sex workers often have a repertoire of alternative services that they can offer in situations where they encounter some level of risk with a client (p. 58). Most of my participants in both the 2007 research and in the current study endorsed the idea that sex workers were often in a position of power over their clients. Benoit et al. (2014) reported that the "vast majority" of their participants felt empowered in their sex work. Jenkins' (2009) participants rejected the idea that the clients were in a position of power vis-à-vis sex workers. Jenkins argues that, while market demands influence price and sex-act parameters, power generally shifts to the sex worker during the encounter, at which point, a sex worker's skill at managing conflict takes effect. Sanders and Campbell (2007) described verbal de-escalation as "gentling" the customer. They identified certain strategies, such as ensuring certain sexual positions that place the sex worker in a position of dominance, as enhancing sex worker safety (p. 10-11).

A sex worker's ability to exercise control and negotiate agreeable terms with a client depends on his/her personal skill-set, confidence, age, experience and any external constraints, such as sex-business management practices (Meaghan, 2008, p. 62). Mental health and financial vulnerability also affect a sex worker's negotiating powers (O'Doherty, 2007; Samuel & Benjamin, 2013). Bungay et al. (2012) identified an additional barrier to exercising control over the commercial-sex interaction: non-Canadian born women explained that they did not feel that they had the "right to negotiate with clients or to refuse

to perform sexual services with which they were uncomfortable” (p. 273). Thus, intersection of vulnerabilities affects one’s power to control the transaction.

Taking the concept of negotiation further, I asked participants in both 2007 and in the current study to identify reasons that they would refuse to provide services to a client. The current findings mirror the 2007 data; indeed participants in the current study identified the same 11 grounds as the participants identified in 2007. The key difference between the data sets related to the amount of information participants provided. The more recent data contributed additional grounds, such as no chemistry or calling from an unlisted phone number. Participants generally wrote extensive commentary when responding to questions about factors that affect their safety.⁹³ The following example highlights the degree of care that many of the participants bring to their work:

I feel safe because I control my advertising, my rates, my place of work and the times that I work, in addition to deciding what kinds of activities I will and will not engage in. Potential clients contact me and we exchange some e-mail about when they want to meet and what they would like to do while we're together. I get a good feel for the kind of man a writer is by reading his e-mail carefully, paying attention to how polite he is, how well he reads what I've written, and how he negotiates details about our time together. If I'm satisfied about these things, I will ask to have a brief telephone

⁹³ The open-ended question, “What conditions or factors make you feel safe?” elicited 4,937 words in responses from survey participants, making it the most verbose answer on the survey. The complementary question, “What conditions or factors make you feel unsafe?” elicited 4,389 words in responses from survey participants. The third question that elicited a high number of words in response (3634) was, “Why did you agree to participate in this study?” The fourth question that resulted in high number of words from respondents was, “Is there anything else you would like to add?” (3511 words in response).

conversation with him. That gives me another opportunity to evaluate his attitude, style and personality. If he listens well, doesn't cut me off or interrupt me and if he doesn't try to argue with me or attempt to negotiate my fee, he'll probably be a good client. But, if he takes a very controlling attitude or doesn't pay attention to what I say, I will be reluctant to meet with him. I always assume that I'm the one in control of the encounter. I am very clear about what I will and will not do; I am not someone to be argued with. I meet most of my clients in my own home even though this is illegal. About a third of them, overall, may meet me in their hotel rooms. I never go to a client's home. I will only visit 4 and 5-star hotels downtown or at the airport. This is because their security is the best as is their respect for guests' privacy [SR#10].

The survey also asked participants to identify factors that made them feel *less* safe in their work. Table 38 shows the complete list of responses that respondents provided to the open-ended question. Many opposites of the points identified above appeared in these responses; for example, “outcalls” were identified as riskier than in-calls; “uncooperative staff/management” was the obverse of supportive staff/management; while the law was seen as contributing to reduced safety by virtue of “feeling unable to communicate with clients due to criminalization.”

Table 38: Conditions or factors that make you feel unsafe

Condition or Factor	Frequency (n=106)	Valid Percent
Criminalization of sex work	58	54.7%
Issues with clients	40	37.7%
Outcalls	19	17.9%
Uncooperative/disrespectful staff/management	12	11.3%
Inherent safety risk when dealing with strangers	9	8.5%
Stigma/prejudice	9	8.5%
Sexual health risks	8	7.5%
Other sex workers	7	6.6%
Fear of other legal consequences (child custody, eviction)	7	6.6%
Working late hours	4	3.7%
Travelling	4	3.7%
Nothing- I feel safe	13	12.2%

The most commonly reported factor that survey respondents identified as making them feel unsafe was the criminalization of sex work, largely because stigmatization of sex workers and the threat of prosecution left them feeling less able to report victimization or unsafe working conditions.

Because of the current laws (if meeting at my in-call), the man might think that I will not report him. If I do, I'm outing myself... Sadly, he's right. That puts me seriously at risk [SR#87].

The second most commonly reported factor decreasing perceptions of safety was “issues with clients.” Survey participants described various issues arising with clients that made them feel unsafe, such as “drunk or high clients,” and “disrespectful or rude clients.” Nine respondents indicated that there was always a degree of risk involved with meeting strangers. Thirteen respondents identified disrespectful or uncooperative management to have a negative impact on their safety, affirming that working for third parties can be a negative experience, due to third-party exploitative practices. Bungay et al. (2012) discussed the contradictory ways that third-party involvement in sex work can both

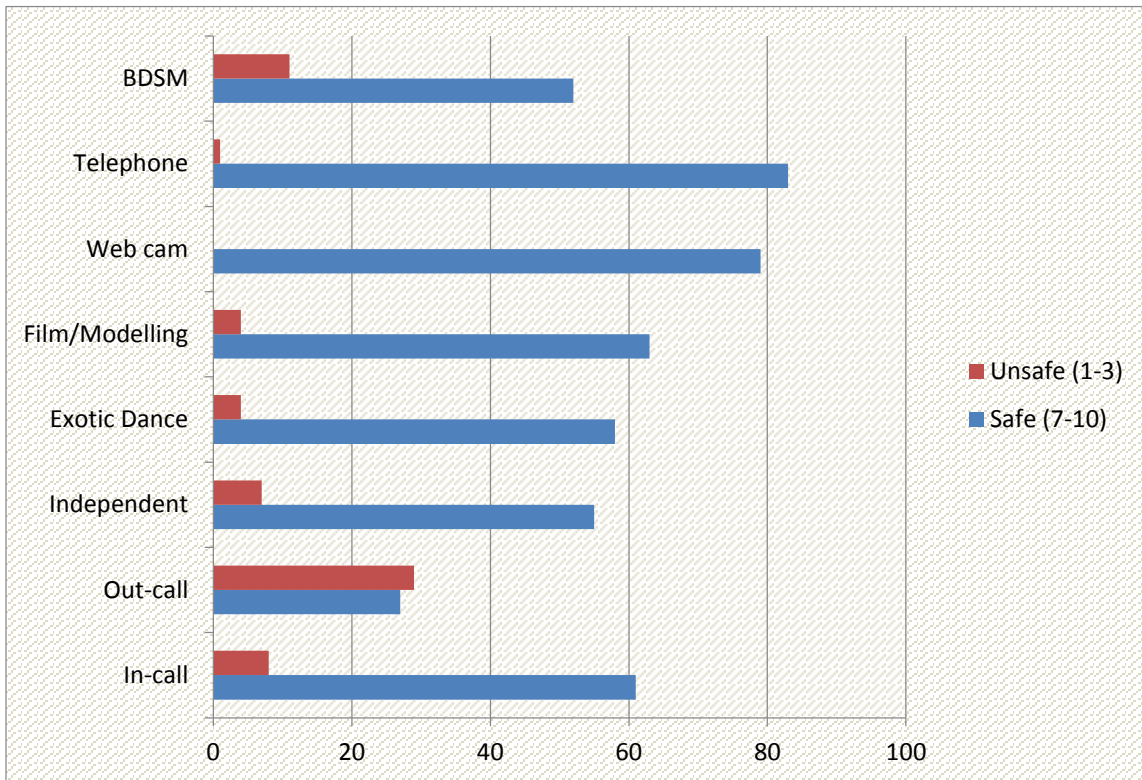
increase and decrease safety; they concluded that management “rules of conduct... either served to offer protection for women or contributed to violent client encounters.” (p. 273) Bruckert and Law (2013) similarly determined that some third parties are exploitative, and some abuse their workers. They concluded that labour exploitation in the sex industry occurs in large part due to the criminalization of third parties who facilitate sex work. Under any form of criminalization, protective labour legislation does not extend to sex workers, which leaves them without recourse when they face exploitation by third parties (Bruckert & Law, 2013, p. 86).

The survey asked respondents to compare safety in different sex-work venues. First, we asked participants if they felt that safety changed from venue to venue. Eighty-two percent (n=87) of respondents indicated that, yes, some venues were safer than others. Conversely, nineteen respondents felt that danger was inherent to all forms of sex work. Three survey respondents indicated that danger was inherent to all contact with strangers, regardless of the type of work. Some interviewees identified specific forms of sex work as carrying more risk, such as “attending outcalls with new clients.” Others discussed their reluctance to label sex work “safe,” even if they had personally never experienced violence; some sex workers face extreme violence precisely because of their work.

I don't really know if it's possible to work safely. I think there are only ways to work smart. Because all the safety measures you can put in, you can never get it completely safe. It's still a stranger, even a regular, you don't know them just as they don't know you. I think there are measures to take to make sure you are safer, but it's like going out walking the streets at night—you're vulnerable [April].

These data correspond to Shaver et al.'s (2011) conclusions about variation in risk across sex work venues. They concluded that, "threats to occupational health and safety were reported across all forms of sex work" (p. 50). However, Shaver et al. go on to differentiate the type and source of threat for people working in in-call and outcall venues. Like Shaver et al.'s participants, mine perceived outcall work as being less safe than other forms of sex work (Figure 8). I measured perceptions using a sliding ten-point rating scale, with "one" representing least and "ten" representing most safety. Figure 8 reports the data from those who physically moved the arrows on the survey's scale to correspond to their appropriate designation of relative safety (the default position was 5/10).

Figure 8: How safe is each venue? (N=109)



One respondent made the following comment in response to this question:

It is not the type of work i.e., BDSM that makes it unsafe—it is the conditions in which we work. These really are not appropriate categories for determining degree of risk. You could do BDSM outcalls or erotic massage or \$15 blowjobs in ways that make it hard to do a proper intake with the client and ensure safety - or you could have a nice setup for whatever sort of work you do. If I lose my office space due to stigma or illegality of the work, I could be in a more dangerous space again [SR#146].

Shaver et al. (2011) found that outcall workers faced increased risk because of the lack of control they have over their work environment (p. 51). My 2007 participants likewise identified outcalls as more risky than in-call venues, because sex workers do not necessarily know anything about the physical environment they have been sent to, how many clients may be present, or the location of exits. These problems usually do not occur at in-call locations, particularly when third parties are present.

Safety Strategies

Managing risk was a key issue for both interviewees and survey respondents. Interviewees reported their strategies for ensuring their sexual health, physical safety, and emotional health while working. The questions about safety strategies allowed the participants to define safety in terms that made sense to them. Nearly all of them identified minimizing risks to their sexual health as an important component of risk management. The interview participants did not always relate risk management to physical safety. I raised questions about physical safety with seven male and three female interviewees. Some of the female interviewees discussed the risk of violence as affecting all women

regardless of their involvement in sex work, i.e., that women employ similar safety strategies in their “straight” jobs, while dating, or in other parts of their lives unrelated to the sex industry. Participants reminded me that “stranger danger” and fear of male violence is part of Canadian culture. Women do not walk the streets alone at night in ease, and often take safety precautions, such as talking on cell phones, holding keys in hands, staying in well-lit areas, or having other people walk them to their vehicle. It is unsurprising that sex workers take similar precautions. Table 39 lists the respondents’ safety strategies before, during, and after their work.

Table 39: Safety strategies before, during and after work

Safety Strategy	Frequency (n)	Percent
BEFORE (n=96)		
Personal Safety Strategies	65	67.7%
Screening	55	57.0%
Work-environment Preparation	40	41.6%
Interpersonal Conduct	19	21.8%
DURING (n=79)		
Personal Safety Rules	58	73.4%
Work-environment Factors	51	64.5%
Interpersonal Conduct	23	29.0%
AFTER (n=65)		
Personal Safety Rules	26	40.0%
Safety Call	24	36.9%
Work-environment	13	20.0%
Self-care	7	10.7%
Community Safety	7	10.7%

Safety Strategies Before Work

Participants reported using the greatest number of strategies prior to engaging in a sex act. In the ‘before work’ category of strategies, participants described the various actions they took prior to seeing clients, or prior to starting a shift. The most frequently identified strategy for direct-contact service providers was setting up a “safe call.” A safe call

involves supplying information to a friend, colleague, or partner about the location of the meeting with the client prior to the date. The arrangement typically includes some form of phone or text contact from the sex worker within the first 15 minutes of the session, to assure the third party that s/he is safe, or alert the third party to danger and the need to obtain help. Many direct-contact service providers (n=48) arrange a safe call prior to the encounter. Nikki described her safe call procedure this way:

The safe call is me giving all that information to my friend and asking her to call me 5 minutes after the client gets here. I will text her as soon as the guy knocks on the door and say "at the door." Then 5 minutes later, she'll call me. If anything is sort of setting me off, I can say it blatantly or I can just pretend it's an emergency and say, "oh I'm sorry I can't see you. I've got to take care of something." If I feel like I'm under some sort of duress and I can't speak freely, then I'll tell her "everything is okay," or "everything is fine," or anything except for the code phrase, which for us is "all good." If I say it's all good, it's all fine, no problem, if she hears that phrase she knows it's okay, if she hears anything else, she knows it's not.

Other personal safety strategies include: charging your cell phone; carrying a form of self-defence, such as pepper spray or personal alarm; taking self-defence classes; wearing heels to use as a weapon if needed; and dressing appropriately to blend in and avoid detection by hotel security, citizens, or police. Participants emphasized the importance of using screening strategies, verifying client information, only accepting new clients who can provide a reference from another sex worker, rejecting calls from blocked numbers, cross-referencing phone numbers to bad date lists, and specifying services and desired clientele

in advertising. Mara described her screening process as involving practical concerns in addition to intuition:

I ask them for information about themselves, interests, physical description; sometimes little things like grammar can tell me a lot about a person. I only accept bookings by email, and don't even respond to the one sentence notes. If they don't respect me and my time enough to include information that allows me to properly consider meeting with them, then I am not interested.

Screening clients and communicating with clients are central components of sex-worker safety. In my 2007 research, most participants identified screening as a violence prevention strategy. In the current research, interview participants described their screening processes in detail. While some indicated that, after years in the business, they did not feel they needed the same elaborate processes they employed when first working, they all described communicating their expectations and boundaries as instrumental to working safely and enjoying their work. Sean described how communicating with clients, clearly and in detail, begins at the initial contact, but is necessary throughout each interaction with a client:

There is this chain or this line of communication, of clarity, of consent, that runs through the whole session. The session begins from when I post my ad. I give a little information about who I am, what I am offering, how long my sessions are, what the cost is, and what kind of experience you might get if you come to me. That's the start. That's me putting up my sign. I get the calls or the emails and automatically, right there, I can compare the

email or the call to what I wrote. Are they consistent? Do they match up? Are they different? If they are different, I'm like, sorry, go see someone else. Or if they didn't read the ad, good-bye. I only want clients who show me a basic level of an awareness or of consciousness. Then there are other things, simple things like their grammar and sentence structure. I generally find people who can express themselves clearly will be better clients. The ones who are willing to speak explicitly about what they want are going to be better clients.

Communication is vital to determine not only compatibility between sex worker and client, but also to express expectations, such as showering, being sober, and being able to follow instructions. For transgendered sex workers, advance communication includes ensuring that the client knows about the physical characteristics of the worker. Nikki explained the following measures she takes to ensure compatibility with prospective clients prior to meeting a new client:

I look over the initial e-mail and if there is specific mention of my identity, clients will often use the phrase, "you know I've never been with a girl like you before" or something like that. If there is no direct indication that they know that I'm trans I will make sure that somewhere in conversation I will make that fact known to them. Sometimes I will just ask them, "Do you know what t-girl means?" And sometimes they'll say, "No. should I look it up?" I'm like, "I should probably just better tell you." Then you can decide if you want this to go further. And it's almost always, "oh thanks anyways—not really my thing but thanks for being honest. I wouldn't want to be

surprised in that way.” And I wouldn’t want them to be surprised in that way because who knows how they’re going to react.

Safety strategies prior to work involve work-environment preparation, which included: ensuring that various supplies and equipment were available, sanitary and ready for use; ensuring that the workspace is set up in the desired way, including having security systems organized, whether via personnel, or video camera surveillance in hotel lobbies, GPS on cell phones, or other technology. Three participants maintained the safety of in-call locations by keeping the meeting location secret until the client was in transit. Five dancers and one in-call agency masseuse reported ensuring that they parked their vehicles in well-lit spaces, and had security walk them to their vehicles if they were leaving a club very late at night. Participants referred to their choice of venue as a way of increasing their safety.

It is safer to work out of my home. It is familiar territory and I know where everything is. Outcall you don't know the premises, you don't know how many people are there, so it's more safe doing in-call than outcall. Some people say, but they're coming to your home, worried about stalkers. But if someone was stalking me, I could go to police. Most people are really respectful of the fact that it's my space. And I don't give my address out over email. The people who get the address don't get it until they call from a nearby intersection. I do not give it out over email. So, I don't worry about stalkers or anything like that [Berlin].

Other safety strategies employed prior to work included the sex worker’s approach to his or her work, professional business practices, and other “rules.” For example, respondents identified the need to establish clear professional boundaries with their clients, and

following personal rules, such as only seeing clients over a certain age (usually identified as over 50), never seeing drunk or high clients, and staying sober during dates. They recommended always using screening mechanisms, such as insisting on a reference from another sex worker, when meeting with new clients. Jessy suggested sex workers need to take some personal responsibility for ensuring their safety: when people do not follow professional business practices, victimization is more likely. Violence prevention may require attention to underlying issues, such as addiction, poverty, and mental health.

I think there are a few things—society's responsibility in protecting people who do this is one thing—but there is also personal responsibility. If you do certain things, or I don't know, you need to take some responsibility for how you are going to protect yourself. Like, if you're going to use drugs or alcohol- you shouldn't be allowed to engage in the work. I mean you could have all the laws set up to make it safer, but if the person acts recklessly, well, that's when shit happens. Sometimes sex workers seem to have personal things they are working through and I don't know how laws can deal with that. I mean if you're in trouble, you shouldn't be doing the work.

Nearly all the interviewees mentioned the importance of “professionalism” to sex-work safety. Typically, interviewees wanted to demonstrate the level of care they took regarding the business aspects of their work. They mentioned professionalism as a form of risk management. Participants stressed that, if sex workers present themselves professionally and treat their clients with respect, their clients would be more likely to follow suit. Sex workers identified working as lawfully as possible, paying taxes, hiring accountants, and maintaining a clean and well-organized work space as contributing to professionalism.

Some participants expressed their desire to see all players raising their professional standards as a way of legitimizing the sex industry.

Those people who don't respect the work don't realize what they're doing to the rest of us... I would tell [someone thinking of getting into this work that they should] set some boundaries so you don't have issues feeling like you're doing things you don't want to be doing. You want to prevent those issues to make it more enjoyable. Then, be proud of your job and what you are doing. Lose that hustler attitude, the whole, meet up with the client, get this over with and get out, give me my money. If that is your approach, this isn't the best fit for you [Kyle].

Safety Strategies During Work

Seventy-nine survey respondents listed strategies they used to increase their safety during encounters with clients, or during their shifts. Some of the strategies—such as communication with clients, professional business practices, and maintaining health and safety—continued through the “preparation for work phase” to the “during work phase,” and sometimes to the “after work phase.” Some respondents located the safe call strategy in this second phase rather than the preparation phase. Participant commentary mostly related to personal safety rules, work-environment factors, or interpersonal conduct. Consistent with my 2007 research and Meaghan (2008), personal safety rules frequently included the need for sobriety, ensuring that the payment for services occurs at the beginning of the session, logging client information, and maintaining personal and professional barriers. Interview participants emphasized the need for safe sex practices.

I am open to things, but I don't do bareback. I get asked occasionally, and I say, "If you've got \$5,000 cash, a recent HIV test along with the past 8 months of HIV tests, we could talk." Usually they're like, that's too much. And I'm like, yeah, it is. I don't have a lot of life left on earth and I want to live it without complications [Steve].

It is mandatory. Must be practiced all the time. If someone feels differently they're asking for a death wish. I have children and a family. My health and safety are not worth the risk. It is very simple. [Lori Nadine]

Jared expressed a sentiment, echoed by nearly all interview participants. He reflected on safe sex practices in the general population compared to the practices in commercial sex, and concluded that sex workers take far greater care than "civilians:"

I would have to say I really believe that people who escort are at less risk because people who pay for sex are not fucking around. I am at way less risk now, in my work, than when I was hooking up socially. I think that is true for sex workers in general, not just gay men.

Meaghan (2008) similarly concluded that sex workers are knowledgeable about safe sex practices, and that they "demonstrate confidence, self-efficacy and excellent negotiation skills" (p. 61).

Work-environment conditions are mostly determined prior to the session; however, participants reported taking several safeguards during the encounter. Strategies included making sure to call or speak to colleagues, staff or others in the presence of the client, meeting with new clients in public places, maintaining good relationships with co-workers,

being familiar with the workspace lay-out and safety hazards, ensuring work equipment is clean and safe, and keeping cell phones on and GPS activated.

Many participants (n=31) listed forms of interpersonal conduct they felt contributed to safety. Survey respondents identified staying alert and aware, continually reassessing clients, maintaining eye contact, and keeping lines of communication open throughout private encounters with clients as ways of enhancing safety. Both the survey and interview participants identified “excellent customer service” and “remaining non-confrontational” as safety-enhancing. My participants in the 2007 study likewise identified interpersonal communication and using intuition as violence prevention mechanisms. In terms of emotional health, participants discussed taking measures to find forms of sex work that fit their personal boundaries.

There is no amount of money that is worth your mental, emotional or physical wellness. If you feel uncomfortable with something, just leave in that moment. With that uncertainty, just leave. I think that if you are ashamed of something, don't do it. It is not worth it. If you are not certain that doing this is something that you want to do, that you will be good at, that you will be proud of, then you shouldn't do it. Because it will stay with you for life [Marco].

When it came to the concept of boundaries and consent, interviewees took a nuanced approach:

Boundaries don't mean I decided what I will/won't do and will hold that no matter what. Because people will ask about things you've never

considered- you don't know your boundaries because you don't know what someone will ask you. And when you don't know what the boundaries are, you can always promise your loving touch and to give an amazing massage. I will even get nude and rub my body along yours, but as far as letting you touch me, I won't know that until you are here. So they're quite strong boundaries.... But they aren't necessarily boundaries I could express in words before the session [Isabella].

Sean similarly described boundaries as being fluid; a worker does not necessarily recognize her/his boundaries in advance:

Learning in this area is very experiential. You have to kind of go up against your edges, or even over them, to know where they are. That is not a bad thing, and it's nothing that a long hot shower, a chat with a friend or a cup of tea won't fix.... The best way to describe it is to identify, what the client wants, their desires are here, but these are my desires over here. Where do those two circles overlap? I work in there.

Safety Strategies After Work

Sixty-five respondents commented on strategies they take after seeing clients, or after their shifts. Personal safety actions included ensuring that no one follows you home, locking doors and windows if running an in-call, trying not to leave or meet clients too late in the evening, and refusing to disclose personal information, such as name, address, or email. Some respondents (n=17) listed completing the safety call to notify a pre-arranged third party that the date is complete. To increase safety, participants maintained their

sexual health, cleaned workspaces and equipment, and attended to their personal appearance. Seven respondents listed self-care activities as “after work” strategies to ensure their safety, such as yoga, meditation, walking, debriefing with friends, family or colleagues, and taking sufficient personal time to maintain work/life balance. These participants interpreted “safety” to mean, “well-being.” Ten survey respondents and the majority of the interviewees took steps to contribute to the safety of other sex workers. In this regard, participants discussed sharing information on bad date lists, answering any requests for references from other sex workers, and taking part in community forums or other social events. Jessy and Trixie explained how community connections and sharing of information play significant roles in sex workers’ safety:

There are about a dozen vocal women in my city who would not put up with that shit. Any of that stuff, when it happens, it's put into an email and sent to everyone. And that's why a lack of resources is frightening, like if you're in the industry and you don't have access to the others, or a high end, safer, space, that's super dangerous. Or if you're not connected. I mean even street-based workers, they know and share among themselves [Jessy].

The greatest thing another woman can do for you is saying things about you to get a client to come see you. That makes it safe, and that's the whole thing [Trixie].

Sanders and Campbell (2007) identified similar risk management practices as did my participants. Sanders and Campbell described the various strategies as “environmental,” “individual” and “collective” mechanisms; however, they argued that sex-worker risk management is the same as the way that women generally develop strategies to reduce

the risk of male predator victimization (p. 12). One consequence of women developing such strategies is the tendency to see what they did or did not do as causing the crime rather than attributing responsibility to the offender. Sanders and Campbell (2007) explain that criminalization severely hampers individual risk-management strategies (p. 13). Similarly, Parent and Bruckert (2013) and Shaver et al. (2011) found that most of the precautions that sex workers take to ensure their safety contravene criminal laws. Criminalization exacerbates this problem by criminalizing any third party benefit from sex work, and preventing any third party from advertising sex work.

To appreciate how the criminal laws bar sex workers from employing risk-management practices, consider how WorkSafe BC (2010) instructs retail business owners to prevent violence in the workplace. First, WorkSafe BC identifies specific factors that increase the risk of victimization: contact with the public that requires employees to interact with strangers; cash on hand or being accessible; the display of “tempting merchandise;” extended hours of operation; and employing younger workers (p. 2). These are all characteristics of many sex work-related businesses. To reduce risk, WorkSafe BC suggests that retail storeowners take care in designing the work environment, use security devices, train their staff, and address the vulnerability of employees, particularly those working alone. WorkSafe BC identifies the physical exchange of money for goods and working alone as key factors increasing a worker’s vulnerability to violence (p. 9). Occupational Health and Safety regulations now contain legal requirements for employers to meet if their employees are going to work alone or late at night (OHS Regulations under the *Workers Compensation Act*, Part 4.20.2, 4.21, 4.22, 4.22.1). WorkSafe BC also advises storeowners to network with other businesses in the neighbourhood or other similar businesses to reduce their risk of victimization. In spite of the fact that, under

PCEPA, it remains legal for people to sell sex, workers are not able to avail themselves of these government-prescribed strategies to minimize risk.

Concerns about Sex Work

In addition to safety strategies, I asked interview participants about their general concerns regarding their work. Most participants emphasized problems that various laws create: *“Legal risk and criminalization worry me more than any client. I worry about getting a criminal record; I can't see clients in my home without risk of having my assets taken from me. It makes me feel sick to think of it”* (SR#65). When asked more directly if they were concerned about any conditions in their work environments that might compromise safety, respondents mentioned occupational health and safety issues that other researchers also have described (Casey & Phillips, 2008; Parent & Bruckert, 2013; Samuel & Benjamin, 2013; Sanders & Campbell, 2007; Shaver et al., 2011). Dancers were most likely to identify numerous work-environment issues: cleanliness, safety of stages and other equipment, and lack of support in dealing with aggressive or non-compliant clients (for similar findings, see Althorp, 2013; Bruckert, Parent & Robitaille, 2003; Lewis, 2000). They described working long hours, exploitative fee structures, and unsafe living quarters provided when traveling as work-environment factors that negatively affected their labour. For John, the lack of attention to occupational standards reflects a fundamental lack of respect for sex workers:

The worst parts of it are probably that these things do tend to occur in the seedier places, I mean, the seediness does contribute to the mystique for the audience. But for the performer, that seediness doesn't need to be there—particularly in the change-rooms. In a way, it's a lack of respect. I

can understand the seediness as mystique, but that doesn't mean that we as performers shouldn't be able to enjoy a respectful environment.

Interview participants identified various concerns about sex work, including issues related to health, secrecy, emotional challenges, impacts on personal relationships, and legal consequences. In terms of health, participants discussed the fear of condoms breaking or otherwise contracting a sexually transmitted disease, concerns about other physical consequences, such as arthritis due to the physical toll of giving massages, or back issues related to exotic dance, pole dancing, wearing high-heeled shoes while dancing, and concerns about ageing making them less competitive with younger workers. Their concerns included the need to hide their work from friends, family and other people, and the toll of living a “double life,” facing judgement and societal stigma, fear of being “outed,” or the challenge of being an entrepreneur who is available 24 hours per day. Parent and Bruckert (2013) similarly found that, for sex workers, the effects of stigma are far-reaching and long lasting (p. 70-71). For some, one strategy to minimize stigma is to reveal information about their work in “layers” (Sean); others preferred to maintain boundaries between their professional and personal life.

And then it depends on the person. In my grad school application I didn't put it down that I was an SP [sex worker] because I don't want it to follow me around. I really am a lot more aware now of how it makes people, friends, but especially potential romantic and sexual partners, I know it makes them feel very emasculated to be with a service provider. Out of respect for that, I will disclose, but not readily [Carmen].

Participants linked the effects of stigma to other emotional challenges. They mentioned struggling with self-esteem issues, mental health issues such as depression, and the customer service aspect of their work as being exhausting. Many participants expressed their disappointment that they were not able to be more proud of all they had accomplished:

I'm proud of my work. I've accomplished a lot. I mean you don't just walk in and have a base of clients. I mean after 2 ½ years, I'm proud of the fact that basically everyone is still with me. I mean, sure they disappear for a few months, but they come back to me. I'm really proud of that fact. I'm proud of the relationships I have made and that my clients trust me. And I don't take advantage of that. But apparently I am supposed to feel ashamed of my work... whatever. It's a bunch of crap [Nico].

Many participants expressed frustration about their personal relationships. The majority of interviewees reported experiencing negative consequences when they disclosed their sex work to intimate partners. Similarly, those who disclosed their sex work to friends and family often faced judgement and felt ostracized. Existing research affirms each of these concerns; Samuel and Benjamin (2013) reviewed the relevant literature and created a nearly identical list of sex worker concerns.

Sex workers consistently reported that the most serious concern related to their work is criminal prohibition. Forty-eight survey participants identified a range of ways they felt that laws affect their work, echoing the sex worker concerns reported in numerous other studies (Bruckert & Parent, 2006; Casey & Phillips, 2008; Meaghan, 2008; Shaver et al., 2011). Participants expressed fear about crossing international borders, fear of

investigation or arrest, fear of state intervention with their children, and the inability to report victimization or exploitation in the sex industry.

Sometimes the police come into the club to check our licenses which makes me nervous because the by-laws governing the industry are so out of touch with what we actually do that I worry I will get a fine. For example, the by-laws in [city] explicitly state that clients and dancers are not allowed to touch, but how do you do a lap dance without touching? I don't feel safe when the police come into the club and the women's dressing room to check out licenses. I find them intentionally intimidating and it's not clear to me how the license system is supposed to be for our protection. When I worked at the massage parlour I constantly worried that one of my clients was an under-cover and that made me feel unsafe [SR#48].

Nikki explained that her gender identity compounded her concerns:

My biggest concern associated with the criminality of my job is that I have not had genital reassignment surgery yet which means that if I were to be placed in any sort of prison situation I would be housed in with the male inmates and that is, that's one of the primary reasons why I got involved in the decriminalization movement in the first place. Because I think that is cruel and unusual punishment.

Interviewees identified a variety of financial and income-related concerns associated with sex work. One key concern was declaring income for tax purposes. Approximately half the participants reported at least some of their commercial sex income to Revenue Canada.

They reported their sex work as that of an “entrepreneur,” “masseur,” “escort,” “personal trainer,” “consultant,” or “health practitioner.” Those who did not report their income expressed concern about being audited, a lack of knowledge about the process of reporting income, and concern that reporting income related to sex work would subsequently be used against them.

I think most would lump any communication with the government or authoritative agency as a way of exposing themselves to the law. So, the number one thing would be fear of prosecution because you can't declare under a false name, Oh, look we got a tax return from Tony the Tiger. What's his social insurance number, anyway? [Tony]

Participants' other concerns about sex work included instability of income, lack of benefits, difficulty obtaining credit, and the general costs of self-employment.

People are not informed, so they think their work is illegal and they don't file taxes. But that puts them in situations where they are vulnerable. What if you had \$10,000 and you wanted to make a down payment, or even if you wanted to buy a house outright, how do you buy a house with cash? I mean even if you had \$250,000 in your account, and you wanted to buy a house, how can that happen? They're going to want to know where the money came from [Kacy].

Some participants were concerned that many sex workers appear to have mental health issues that affect their capacity to sustain employment, their personal relationships, their experiences in education, and their drug use. Benoit et al. (2014) found that their sex-

working participants had higher than average rates of depression and PTSD (p. 8). In contrast, Jenkins (2009) and Griffiths et al. (2012) found that sex workers reported high levels of self-esteem. We can only speculate about the causes of mental health issues; however, researchers agree that stigma carries a serious negative impact on mental health (Benoit et al., 2014; Bruckert & Hannem, 2013; Jenkins, 2009; Meaghan, 2008). Some mental health concerns may exist prior to work in commercial sex; Xaura suggested that sex work is one option for people who have difficulty maintaining a job:

I met many, many, many people who have mental health issues, women and men, and I'm a professional health practitioner. I know a lot of people on prescription drugs for good reason, to maintain themselves. But I think sex work attracts people who can't find work in other areas.

When asked about drug addiction and sex work, participants acknowledged that some sex workers are substance abusers. However, the participants suggested that a small percentage of people in every industry are likely addicted to illicit substances. Mara explained that, while there may be a slight correlation between mental illness, drug use and commercial sex, it is not a causal relationship:

Being addicted to drugs or alcohol or struggling with mental illness doesn't mean you will necessarily work in this industry. So, coming across those who are both sex workers and struggle with other issues isn't proof that one caused the other.

Participants expressed frustration with the common association of drug use and commercial sex. They suggested that addiction is far less common in the off-street side of

the business; research confirms that rates of addiction are lower in off-street sex work than they are in street-based sex work (Benoit et al. 2014; Meaghan, 2008; O'Doherty, 2007). However, Benoit et al. (2014) and Griffiths et al. (2012) found that sex workers reported higher rates of substance use than similarly situated non-sex work control groups. My participants in both the 2007 study and the current study rejected the idea that they needed to be high or drunk in order to do their work.

What people don't realize is that you can't protect yourself if you're not aware of the situation. If I am high, I wouldn't be aware, so I wouldn't be in control [Berlin].

Substance use increases personal susceptibility to risk. A few participants acknowledged that they had engaged in recreational drug use with clients, but that this was rare and not recommended.

Effects of the Law

Echoing the SCC conclusions in *Bedford* and research findings internationally (Betteridge et al., 2005; Bruckert & Hannem, 2013; Cusik, 2005; Jeffrey & MacDonald, 2006; Levy & Jakobsson, 2014; Lowman, 2011; Pitcher & Wijers, 2014; Pivot, 2006; Scoular, 2010; Shaver et al., 2011; van der Meulen et al., 2010) my participants described many negative effects of the criminalization of various aspects of sex work. In my 2007 research, participants asserted that Canada's system of criminalization negatively affected sex workers in numerous ways. At that time, the participants thought that violence against sex workers went unpunished in Canada, that they could not avail themselves of the protective services of police, nor could they employ safety strategies to mitigate risk. The 2007

participants felt that their sex work could affect them in civil legal proceedings, such as child custody, and that they were not entitled to justice, labour protections or equal treatment in Canada.

In my current study, participants reported much the same conclusions as those drawn by sex workers in 2007. They described effects that inconvenienced sex workers, some that frustrated sex workers, and others that were devastating to them. One survey respondent concluded:

Having laws against adult consensual sexual exchanges perpetuates stigma attached to my job and my industry. These laws consider people in my line of work to be worthless, disposable human beings not deserving of the same protections as everyone else. (SR#54)

This statement concisely captured the comments of both the interview and survey participants. They expressed dismay at the effects of criminalization, and confusion about the logic behind the criminal laws and their enforcement. Olga tried to find the core reason that the government continues to opt for criminalization, and concluded that a moral agenda lies at its heart:

In-call was really safe and what I am doing now [independent outcall] is still safe, but less so. Arresting us did not make us stop; it just made it more dangerous. There is lots of evidence that criminalization has made it more dangerous for women; why is the Conservative party pushing to keep it criminalized, against all evidence? Because it is “morally reprehensible?” Isn’t the government supposed to govern based on the safety of citizens?

The survey asked sex workers to describe any interactions with the enforcers of criminal laws related to prostitution, obscenity or indecency, tax laws, immigration laws, child custody and guardianship laws, and municipal by-laws. Then, the survey asked respondents to identify their level of concern about future interaction with law enforcers. The section ended with questions about sex workers' perceptions of the regulation of their work. Interviewees provided information about all of the above, explained their views on regulation, and their recommendations for policy and law reform.

The laws are the context that defines how things work in the industry. They are essentially responsible for every clandestine act that takes place in the day to day operation of business [SR#118].

For 95.3% of my survey participants, the criminal laws are more of an abstract presence than an immediate concern. Five female survey respondents (4.6%) indicated that they had been charged or convicted of a criminal offence related to prostitution, including s. 210 bawdy house (n=3), s. 212(1)(j) living on the avails (n=3), and s. 213 communication (n=4). Two female interviewees reported that they were convicted of criminal offences related to their sex work—one pled guilty to a s. 210 charge and another pled guilty to a s. 270(1) charge of assaulting a police officer that occurred during the course of arrest under s. 213 public communication. One other female interviewee reported an arrest for being an inmate of a bawdy-house (s. 210). Two of the survey respondents charged under s. 213 were minors at the time of the incidents. It is not surprising that so few participants reported arrests or charges for conduct related to prostitution. Lowman (2011) asserted that there is a *two-tiered* system of prostitution law enforcement in Canada, as 93% of all prostitution-related offences between 1985 and 2011 were for communicating, the street

prostitution offence, in spite of the fact that street-based sex work is only 5-20% of the direct-service sex industry (p. 9).

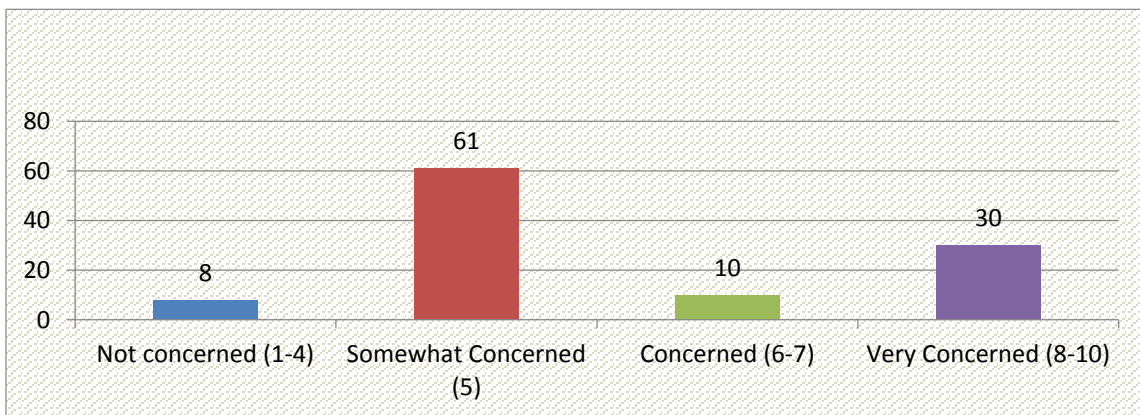
Third-party criminalization affects sex workers, too. Three female workers reported that police had investigated their workplaces and charged managers/owners with criminal offences, including operating a bawdyhouse, living on the avails of prostitution, conspiracy to launder the proceeds of crime, procuring, sexual exploitation of a minor, and fraud. One respondent indicated that her co-accused's conviction resulted in the Crown dropping the bawdyhouse charges she was facing. Two women described extensive investigations, multiple charges ("*[I] had an indictment for every bank deposit I had made, which was 85*") and the deep impact of the criminal laws, such as multi-year proceedings affecting every aspect of their lives. Incidentally, both women pled guilty under s. 210, an offence the SCC found to be unconstitutional (*Bedford, 2013*).

Regardless of the low rate of enforcement against indoor venues, the threat of a future police investigation remained a serious concern for most of my participants. Only 7% of survey respondents were unconcerned about future criminal investigations or charges. Approximately half the respondents indicated that they were concerned about the threat of future criminal investigations. Jenkins (2009) reported that her participants' two most prevalent concerns associated with their sex work were the persistent threat of legal interventions and the threat of having their sex work publicly disclosed (p. 210). Lizzie, one of my participants, explained that becoming a criminal because of her sex work was her most pressing concern about her work: "*C'est possiblement cet aspect qui m'inquiète le plus...devenir une criminelle.*"⁹⁴ Parent and Bruckert (2013) identified numerous ways

⁹⁴ It's likely this aspect that worries me the most... becoming a criminal.

that the threat of law enforcement and potential for criminal consequences affect sex workers (p. 67). Clients use that threat to obtain free services or condom-free oral sex, management can employ illegal practices to exploit sex workers, and police can use the threat of arrest to obtain compliance, or to assault sex workers. Therefore, when asked to identify their level of concern, 28% indicated that they were quite, or very concerned about future criminal charges.

Figure 9: Level of concern about future charges (N=109)



These data indicate that although there is a high level of concern about the possibility of criminal charges, most participants felt that off-street sex workers are unlikely to face any legal repercussions for their work:

It does not make any sense to me that what I do and the way I do it is a legal concern. While I don't have strong fears of being discovered or having legal actions taken against me, I am nonetheless concerned that the possibility exists, not only for me, but for many other women who work the same way I do [SR#10].

The participants' level of knowledge about the law affects their level of concern about authorities investigating them. During nearly all the interviews, I explained some portion of the criminal laws and their enforcement in Canada (only one person knew the law in depth). Most of the interviewees did not realize that bawdyhouse law applied to independent workers who operated out of their own homes, nor did they realize that living on the avails potentially applied expansively to a variety of relationships. Often, interviewees did not know that property owners were required to evict sex workers if they know that prostitution is occurring on their premises, otherwise the property owner risked prosecution under the bawdy-house offence. Similarly, few sex workers realized that many third parties—such as assistants, receptionists, janitorial staff, and webmasters—were potentially liable to criminal prosecution. Nikki's response was typical:

Like they would charge a 53-year-old legally disabled trans-woman for making \$50 every other week for holding on to a key and cleaning a one-bedroom condo... I mean come on...That would absolutely show the ridiculousness of the laws [Nikki].

Dominatrices similarly thought that the criminal law did not apply to their work. Only one dancer expressed an understanding of how the indecency laws function. When I explained the law to them, many participants expressed dismay about the potential criminal repercussions of their work, and suggested that their earlier responses were naïve. Typically, this led to a discussion of law enforcement. Consistent with Corriveau and Greco's (2013) participants, the majority of my survey and interview participants felt susceptible to investigation for a criminal offence related to prostitution, but many also felt insulated from law enforcement. Even those who felt that they would never be charged with a criminal offence still felt the impact of stigma, and noted that criminalization created

barriers to reporting income for tax purposes, accessing health care, and accessing credit and other financial and business benefits. As Bren indicated, some participants were aware of the political nature of law enforcement:

I'm aware that things could turn suddenly and shut down with a change in local government or internet control or various things. I could be a criminal tomorrow, who knows [Bren Ryder].

Seven survey respondents had their sex work used against them in civil proceedings. Four of these cases related to child custody. One woman twice faced eviction from rental accommodations; another woman could not enter the US for ten years after US Border Services discovered she was an escort. A third woman described the following experience:

I was taking a customer to court on a bad cheque. The customer stood up, pointed at me and said, 'Your Honour, she's a whore.' The judge said, 'She may be, but she's not on trial here' [SR#29].

Eight interviewees expressed concern about friends or others they knew who had children removed from their custody due to their sex work, including one dancer in a custody battle. One woman described the devastating experience of having her children removed from her care because of a criminal investigation. Ava's story demonstrates how interconnected governmental regulatory agencies can function to target all aspects of a person's life. After the raid on her in-call establishment, and after her children were removed from her home, city inspectors decided to investigate for hazardous waste on the premises, a dog licensing city official threatened to remove her pets, her landlord received a letter

indicating that the home contained an illegal suite, and she was evicted from the premises. The police publicized the incident in the local media, along with photos, to ensure that the community was well-informed about the allegations against her. The worst part of the experience was having her children removed from her care. She was eventually able to have her children's care handed over to her parents. For many women, the criminal repercussions are secondary to their concern that their sex work may affect their ability to parent their children. Study participants expressed disgust at governmental intervention and the idea that because a woman sells sex, she is an unfit parent.

How is what we do for a living relevant? I don't know how that makes them a bad parent. I'm going through it right now. It's a child support issue. What I do has no bearing on the fact that my ex-husband has a responsibility to help me raise my children [Lori Nadine].

Some of the interviewees described their work as allowing them to be better parents, be more available due to their flexible working hours, with sufficient income to provide well for their children. Three of the female interviewees raised their kids (who were now young adults) while working in the sex industry; they were adamant that their sex work did not negatively affect their children.

It is completely wrong for social services to take someone's child away because she is a sex worker. It is wrong. That just has nothing to do with parenting [Aurora].

Participants identified taxation and US Border Services as related areas of legal concern. Six of the interviewees expressed their apprehension about crossing the Canada/US

border for work-related purposes, or for personal reasons. They indicated concern that border guards would discover their sex work and ban them from entering the US. Participants raised this concern in the context of registering for sex work-related licenses, too.

My understanding is that if I registered as a prostitute, obtained a license as an escort or something, it would show up if I went to the States for the weekend. That is a huge deterrent [Mara].

The criminal laws play a central role in shaping the experience of commercial sex, because they limit, restrict, and funnel sex work into more risky forms. The SCC agreed that the criminal laws prohibited sex workers from employing harm-minimizing strategies that would enable them to work more safely (*Bedford, 2013*). Chief Justice McLachlin likened the situation to another inherently risky activity—riding a bike:

An analogy could be drawn to a law preventing a cyclist from wearing a helmet. That the cyclist chooses to ride her bike does not diminish the causal role of the law in making that activity riskier. The challenged laws relating to prostitution are no different (*Bedford, 2013, para. 87*).

Table 40 identifies the various ways that respondents felt that laws affect their work. This list is similar to my 2007 findings, as well as those from several other studies of sex work in Canada (Bruckert, Parent & Robitaille, 2003; Pivot, 2006; Shaver et al., 2011; van der Meulen et al., 2010). This was an open-ended question; Table 40 provides the categories I identified based on the responses.

Table 40: Impacts of the criminal laws on sex work

Impact identified by respondents	Frequency (n=48)	Percent
Prevents workers from having an in-call/worries about having in-calls	10	20.8%
Worry/fear of prosecution/investigation	8	16.6%
Fear of being found out/privacy	7	14.5%
Makes working less safe	6	12.5%
Limits ability to advertise/ must use specific language	6	12.5%
Have to be extra vigilant about work location/being evicted	3	6.0%
The laws affect the work in every way	3	6.0%
Clientele base/behavior can change because of their fear of the laws; having to educate clients	3	6.0%
Fear of reporting violent/abusive clients	2	4.1%
Licensing violates right to privacy	2	4.1%
Loss of money	2	4.1%
Stress over crossing borders/travelling	2	4.1%
Dealing with MCFD	2	4.1%
Worry about impact on future work if outed	2	4.1%

The interview participants generally echoed the survey responses:

I can't work from home, which I would like to do. I wouldn't want to see brand new clients at my home, but people I have established a relationship with, I would like to tell them to come on over. But I won't right now because of the laws. I rent my apartment and don't want to put my landlord in hot water [Rachel].

Some participants raised additional issues with other criminal laws. Bren explained that the obscenity laws created a barrier to distributing her films. While obscenity is only illegal when it involves the undue exploitation of sex—which typically involves sex in combination with violence, degradation, or humiliation—Bren reported that queer erotic films faced higher levels of censorship than other adult films. Sean once had a property owner evict him from the apartment he rented for his work. Sephora explained that liquor laws restrict

dancers' ability to earn tips by barring physical touch between dancers and customers.⁹⁵ The presence of sex-business licensing schemes in some cities caused those who did not obtain licenses to feel at an increased risk of investigation for by-law offences. Bren explained that some credit card companies and banks refuse to accept money or be involved in transactions related to adult content, even if the product is legal. Similarly, participants felt unfairly excluded from services other businesses can access, such as internet-based advertising through Google, and payment services through Apple.

Criminal, municipal, immigration, family, and taxation laws affect sex workers' personal lives to a similar degree. They contribute to discrimination and stigmatization in all facets of life (Meaghan, 2008; Parent & Bruckert, 2013; Pivot, 2006; Shaver et al., 2011). Table 41 details the various ways that sex workers indicated that laws affect their personal lives.

Table 41: Impact of the laws on personal lives

Identified result of the laws	Frequency (n=35)	Percent
Perpetuates stigma	10	28.5%
Living a double life/isolation/privacy	10	28.5%
Fear of the law/worry/stress/ concern for friends being arrested	10	28.5%
Laws force work to be less safe	3	8.5%
Housing issues/disclosure to landlords	3	8.5%
Fear of reporting violence/ no recourse for violence against sex workers	2	5.7%
Makes dating/romantic relationships difficult	2	5.7%
Makes income reporting difficult	2	5.7%
Other people using occupation for blackmailing purposes	2	5.7%
Fear of impact on children/family	2	5.7%

Interview participants raised additional concerns, such as one dancer who described a story about an adoption agency denying an application because of her commercial sex

⁹⁵ BC's Liquor laws bar physical contact between entertainment and audience members. The bylaws also ban entertainers from "passing objects" with audience members. See *Liquor Primary: Terms and Conditions* (2014).

experience. Sean explained that he feared that “moral crazies” would target him personally or professionally:

I don't want to be the next Dr. Morgentaler. I am easily targeted. There are so many ways that they could harass me. That's what worries me. I mean, my face is out there. I would love to use my real name, I'm proud of my work. But I worry about the fanatics out there- the religious or moral fanatics.

Jenkins (2009) identified the ambiguous nature of criminal laws, and the uncertainty about the parameters of the law and its enforcement, as the “greatest” concern for sex workers related to their work (p. 211). My findings are consistent with Jenkins’ conclusion: male sex workers, and many female off-street workers who do not experience violence during their sex work, identified the threat of legal consequences as a primary concern about their work. Inconsistent law enforcement, varying licensing requirements across the country, and a convoluted system of criminalization contribute to misunderstandings of the extent and application of the various laws pertaining to sex work (Corriveau & Greco, 2013; Lowman, 2011; O’Doherty, 200). Ultimately, this translates into sex workers’ precautionary practices to avoid law enforcers, which often alienates them from the protective services of police, thereby making them more vulnerable to exploitation and violence.

Sex Workers’ Perspectives on Regulating the Sex Industry

Sex workers’ opinions varied on whether the industry should employ licensing to regulate off-street commercial sex. Several participants worked in cities with licensing requirements, some of whom felt that such requirements were not too onerous. However,

they had not considered the following criticisms raised by other sex workers and academics (Lewis & Maticka-Tyndale, 2000; Parent, Bruckert & Robitaille, 2003).

First, licensing does not extend equally to all sex workers. Transgender workers, street-based workers, male workers, or any other worker who does not fit into mainstream marketable ideals of physical beauty and heteronormative presentation all face barriers in acquiring licenses and employment in escort agencies or in-call venues. Second, the disclosure of sex work experience in publicly accessible business license databases might bar individuals from future work in childcare, criminal justice, education, and other positions of trust. Third, licensing systems can shift power from independent workers to agencies and third parties. Some escort licensing systems, such as Edmonton's, prohibit independent sex work; they require individuals to work for agencies. This creates a system that necessitates third-party involvement and prevents sex workers from working independently. Fourth, some participants explained that licensing systems typically require sex workers to obtain medical tests regularly. They suggested that such requirements are unnecessary, cost them financially, and created a false sense of security for both workers and clients. In addition, three interview participants noted that, if a sex worker tested positive for an STI, the consequences were devastating. The worker would lose his or her license, and may feel pushed into more risky forms of sex work, such as street-based work. The participants raised their privacy as their primary concern about licensing.

Bylaws and their enforcement are unfair. The need to give my real name for a license to own an agency (no independent escort licenses in my city), means you have to work for an agency or own yours as an independent). I

have no idea where and how that information will be kept and who may have access to it. This is my biggest concern about my work [SR#56].

The overwhelming majority of interview participants (90% or n=38) supported decriminalization, or referred to making prostitution “legal,” which does not necessarily entail licensing. No participant suggested retaining criminal sanctions against adult consensual sex work; however, Marco worried that legalization would lessen sex workers’ autonomy and negatively affect their working conditions.

Nearly all participants rejected the idea that their work is socially harmful.

Instead of being shunned, sex workers should be revered and respected, their safety being of utmost importance. They should be able to hire security and operate from a space they find most comfortable and conducive to their trade, where the provider has the most control, either at their own in-call or that of an agency [SR#100].

Two survey respondents and one interviewee felt that prostitution was damaging to female providers. Four male interviewees felt that the laws did not apply to their work, in which case they felt unqualified to give opinions on law reform. Six male interviewees pointed to the different consequences of working in the sex industry for men and women: they suggested that Canadians see female sex sellers and male sex sellers differently, and that associations with sex work negatively affect women because law enforcement focused on female sex workers, women’s clients, and third parties who facilitate women’s involvement in sex work. Franklin attributed the criminalization of commercial sex to shame and negativity about sex more generally:

Illegality is part of our cultural neurosis around sexuality. I want to see our culture heal and accept that sexuality is beautiful, it is expression and sex work is an honourable part of that expression. People should have sex work available to them. I mean they argue that prostitution is the worlds' oldest profession; well, I would argue it's also one of the world's honourable professions.

Not one respondent supported asymmetrical criminalization. Some participants requested that, given the violence involved, we make sure not to glamorize or “white-wash” the sex industry. One respondent suggested that the fact that so many people describe their experiences as being negative ought to tell us that there are major issues of victimization in the industry. Lisa expressed her frustration with idea that all sex workers are “happy hookers:”

I get annoyed at the ones who think they are not victimized as no women grows up to want to be a whore and if she says she likes it she is not in her real true sense because she has been hurt over time and lost her real identity to her true self. I mean really, who wants to sleep with fat, ugly, stinky men? We like the freedom and money but it has a high price.

However, neither of these participants supported asymmetrical criminalization. Instead, they described ways that criminalization and stigma contribute to negative experiences. Participants generally viewed criminalizing clients as “ridiculous,” a policy based on misunderstanding of clients and of the nature of the commercial sex exchange:

To criminalize, that is just total misunderstanding. I mean I've given massages to men who are like 86 years old and have one foot in the other world already. When was the last time he was touched that way? I give an amazing massage, and it's possible that he has never experienced that much pleasure before. What an honour to give him that pleasure—and to possibly be the last person to do that. For me, it was absolutely beautiful. And I've massaged mentally handicapped men- all these people need touch. How can we criminalize that? Only young men who know how to be aggressive romantically deserve to be touched? That leaves a lot of people to fall through the cracks [Isabella].

Jennifer—an interviewee who had worked in street-based survival sex, struggled with addiction, and survived intergenerational poverty—came to the defense of clients. She contextualized her statement by saying that clients are not always great, and she did not enjoy her work for the most part, but she suggested that characterizing all clients as violent predators was wrong.

The majority of the clients actually seem to have morals. I know guys who've refused to pick some girls because they look too young and others who told me I was too young to be there. I know that if they came across a human trafficking victim, they would help out. So, that's just not true.

Aurora explained that labelling male desire for sex as perverted and making it subject to criminal sanction would not only fail as policy, but also it would do harm in the process.

Men are not as controlled as women. You can't criminalize someone like that. The healthy way to do it is to help these men and take away their guilt and shame. Give them some tools so they don't think about sex 20 times a day. To me, it's a psychological disease. When a man goes and has sex or goes to a dominatrix and gets a good whipping, his mind is clear and he's free from those thoughts that are driving him crazy. This is a psychological and physical health issue.

I asked the interviewees if they felt that their clients were a different group of men from the men who see sex workers who are in very desperate, or clearly coercive situations. Most of the participants emphatically denied that their clients could possibly be the same men who exploit people in trafficking contexts or youths. Three interviewees suggested that it is possible that some clients buy sexual services from different types of sex workers. Isabella suggested that some of her clients likely “try everything.”

They say that there are some places that are very clearly brothels. They don't go back to those ones because it's not a good feeling to feel that the girls are being held in an apartment, controlled by someone else. They need to be able to report that. I don't see how there is any other way we are going to find that. So criminalizing the clients will just close an avenue of escape for the victims.

Carmen explained that one of her clients disclosed a scary situation where he walked into a brothel and found workers who seemed drugged and did not speak much English. The client was very disturbed by the situation, and wanted Carmen to call the police to report the brothel. Carmen did some informal investigation to verify the client's story, but because

she was operating as an independent escort without a license in a city that requires independents to have licenses, she did not feel that she could report the situation to the police.

Participants repeatedly suggested that increased communication with their clients, decreased stigma, and tolerance for sex work were necessary to combat the social problems that are often associated with it. In this vein, I asked interviewees about sexual exploitation of youth. They suggested that, in part because of stigma, but also because of the risks that youth involved in commercial sex face, Canada should only allow adults to work in the industry. Three interviewees suggested that Canada's age of consent for commercial sexuality is arbitrary, and does not address the reasons youths sell sex. One interviewee said that the economic options facing youth, particularly those in governmental care, are very limited; commercial sex can be a lucrative option. The effects of criminalization apply to youth as much as they do to adults. Anne reflected on her own experiences on the street as a youth and concluded that criminalizing youth would not help them:

I don't think it [youth in commercial sex] should be criminalized. I mean, we need more support and more options for youth because I can't see how a kid could really make a mature decision. But there are exceptions. For me, I had a sugar daddy. I didn't do paid sex work; I got somewhere to live, and somewhere to sleep, food, other stuff. I didn't think of him that way. He was just someone who was kind to me and I kind of returned a favor. I didn't really want to do be doing it, but at the time, in my mind, it was better than the other options I had. I mean it's not like I could just go get E.I., training or other job supports that adults could get [Anne].

The participants did not suggest alternatives to the criminalization of sexual exploitation of youth.

Participants expressed varied opinions about the degree of sexual exploitation of youth in Canada. Some felt that many sex workers started as youth; others felt that youth in the industry were not as common as is often portrayed. Three interviewees discussed the removal of the erotic advertisement section from the online directory, *Craigslist*. Anyone could post advertisements on *Craigslist*; there is no screening process. After police caught an underage girl advertising services through *Craigslist*, the directory closed its erotic advertising section. However, similar directories exist in every city. Some participants felt that the owners had a responsibility to do some basic screening to ensure that the directories do not contribute to sexual exploitation of youth or human trafficking.

I emailed [a directory] just the other day about some of the stuff that I see. I mean I've been in the industry for a while, so I know. My problem was that [the directory] says it takes an active stance against child exploitation. Now you tell me—if there is an ad on the internet with a picture of a girl I know is not working, what are these people trying to hide? We don't know if they're pimping out children or using trafficked women and just using an image from another website. I know of another directory that has the policy that anyone who advertises has to send in those two photos along with a scanned image of their id to prove they're of age [Kacy].

Other participants suggested that removing the adult services section, just like criminalizing clients for purchasing sex, was the wrong method to address exploitation. These participants argued that, because police discovered the underage youth this way,

online directories could provide excellent investigative leads. If police focused less on adult consensual sex, they could devote more resources to investigating sexual exploitation of youth, trafficking, and other forms of exploitation. If sex workers and their clients felt free to disclose their involvement in the industry, they would be more likely to report victimization, shady business practices, and exploitation.

Links between the sex industry and organized crime concern police and policy-makers.⁹⁶ My participants—sex workers with considerable experience in all segments of the industry—felt that organized crime is not prevalent in the sex industry, and much less than media and government sources suggest. Most participants had no knowledge of organized crime. Some suggested that criminal organizations are uninterested in working with independent sex workers; rather, organized crime groups control escort agencies and exotic dance establishments. Two participants indicated that people with organized crime connections owned or funded the agencies for which they worked. However, they explained that these organized crime associates played no part in daily operations. Most participants felt that businesses encouraged innuendo and rumour about organized crime connections. One participant explained that allowing people to think she had organized crime connections increased her safety. She felt that the rumours gave her confidence, and suggested that consequences would occur if anyone treated her unfairly: “*People didn’t screw with you*” (Lisa).

Nikki explained the benefit of fostering rumours about organized crime links, or even actively seeking relationships with organized crime members. Since she thought that

⁹⁶ See Vancouver Police Department Sex Work Enforcement Guidelines (2013). The VPD identifies their specific enforcement targets: youth sexual exploitation, gangs/organized crime, exploitation or abuse generally and human trafficking (p. 3).

police protection did not extend to sex workers, Nikki suggested that sex workers had to create their own systems of protection:

I will go on record saying that I have made a point of making friends with people who might be able to solve problems outside of the justice system because the justice system has a lot of flaws in it and may not be able to rectify a bad situation, especially for sex workers. If you're breaking the law, you may as well go the full nine. And for them, they're already on the other side of the law to begin with. There is no reason for them to restrict their activities concerning sex work. But usually, any connection is about protection, like if somebody ever roughs up a girl then you know you're getting a visit. It's not about taking advantage of the girls.

Sephora explained that organized crime associates, even if they own a dance establishment, do not control dancers in any way. She hypothesized that, because commercial sex is highly stigmatized, only certain people invest in such businesses. Sephora added that dancers could become more intimately linked to organized crime members if they sought them out, “partied” with them, and became personally involved; but, dancers could also avoid contact. Anika agreed that it was possible to have very little contact with organized crime members. Generally, dancers considered the organized-crime owned or operated clubs are the safest workspaces with the best working conditions.

To enable sex workers' to comment about the “social problems” commonly associated with the sex industry, I asked interviewees about the perception that the industry perpetuates racism and sexism in Canada. Participants generally agreed that racism is

present in the sex industry. However, they suggested that racism is present in all facets of Canadian life; the sex industry is symptomatic of all industries in Canada. Participants suggested that the exotification of Asian women and fetishization of women of colour work in contradictory ways. On the one hand, in a country where white, thin, blond traits are desirable, sex workers who do not fit these moulds feel rejected. On the other hand, in the sex industry, difference, standing out from others, can work in your favour. Ana explained that she used her non-white appearance to her advantage:

I was probably able to make more money selling that point than if people identified me as white. It's kind of fucked up that people seek that out. But I guess if I am in a group that lacks privilege, I may as well work that lack of privilege to my advantage.

Participants explained that racism is about more than physical traits; behavioural and other characteristics are often wrongly associated with specific ethnicities.

There is a bias towards the tall, white, thin. They'll get the most calls, and that's just really a reflection of larger issues in society. Women of colour are fetishized—Black and Asian women, who are fetishized in porn for example. But you know, it's the same in other industries. I do think a lot of the guys who see the Asian women want that stereotype of the submissive [Berlin].

The stereotype reflects a misrepresentation of cultural behaviour. Sean remarked that portraying Asian women, particularly migrants, as lacking agency, or as nothing but

submissive victims, fails to grasp the circumstances of women who chose to migrate for opportunity and economic benefit:

When you look at migrant sex workers, and say that they're all trafficked, that's very harmful. Migrant workers are very empowered to come across the world to a strange, foreign land to do this work. The experience of travelling, to get away from the effects of global capitalism in their own homelands, and to be able to send money back to their families.... To be so stigmatized but to really be so capable... it's just so untrue of who they are.

Sutdhibhasilp (2002) reviewed the Canadian media and policy discourse related to migrant Asian sex workers and concluded that their construction as “sex slaves” under the control of international organized crime fosters public support for anti-organized crime efforts and contributes to xenophobic immigration policies. Toupin (2013) described the development of a discourse that infantilizes migrant sex workers, and argued that such depictions do not reflect their experiences (p. 112). Rather than funding “rescue and repatriation” missions—based on the assumption that female migrant sex workers involuntarily arrive in Canada—anti-trafficking policies ought to support migrant sex workers’ legal, political, and labour rights, and seek to provide safe routes of migration (Toupin, 2013, p. 128-9).

Three survey respondents and two interviewees described themselves as “Indigenous,” “First Nations” or of “mixed” heritage. In my 2007 research, no participant identified as Indigenous. Benoit and Millar (2001) similarly found a lower percentage of Indigenous participants in their study on off-street sex work than is typically reported in studies of

street-based sex work. These findings indicate that the over-representation of Indigenous people in Canada's sex industry may not extend to off-street venues. The increased level of privilege generally accorded to off-street sex workers does not extend to Indigenous sex workers. Instead, the legacy of colonization pushes Indigenous people into poverty. We cannot discount the effects of racism, either, which could bar Indigenous persons from employment in off-street venues. The two Indigenous interviewees pointed out that racism is not limited to the sex industry, but occurs throughout society. Jennifer disclosed that, in one of her first working experiences, she was encouraged to describe herself as anything other than Indigenous when marketing herself:

One Madam told me I could be Thai or Chinese. I asked her why I couldn't be native. She said that no clients would buy my services then because I would be seen as a "drunk squaw" and men don't want to have sex with "drunk squaws." And you know, it could even put you in danger because Caucasian men look down on First Nations women. They think you can treat us however they want.

Interviewees suggested that the number of murdered and missing Indigenous women in Canada points to the degree and severity of racism here. They suggested that oppression can take many forms, but the evidence is clear that Indigenous women in sex work in Canada are at increased risk of violence (Hunt, 2013; Oppal, 2012; Sayers, 2013). Failure to combat violence against Indigenous sex workers further demonstrates how Canadians devalue them. Sayers (2013) argues that the over-representation of Indigenous persons in street-based sex work, where they face the most direct criminalization, is evidence of continued oppression and marginalization of Indigenous people by the Canadian government. For that reason, Sayers (2013) and Hunt (2013) argue against expanding the

criminal law to target clients; instead, they advocate a decolonizing approach that acknowledges sex workers' rights to safety, protection and control over their bodies while seeking to re-frame Indigenous sex workers' relationships to their respective Indigenous communities and society more broadly (Hunt, 2013, p. 96).

Interviewees similarly identified sexism as a general problem in Canadian society. They suggested that sexism plays out in contradictory ways in the sex industry. While female sex workers earn more than male sex workers, stigma affects females more than males (Jenkins, 2009).

I think there is a sexual double standard in all cultures and women who are escorts are despicable tramps. Men who are escorts are seen as either better and hotter and nicer, and they are seen in the gay community as celebrities. People are very lucky to be with them and so they want to treat you well. They want to make you happy. They want to satisfy you. But I am aware that with women, they are more seen like subservient [Marco].

Sophie explained that regulation targets women to a far greater degree than men:

The law is simply control over women's bodies in every shape and form. Men don't experience that. It's women who have always faced restrictions on sexual reproduction. We can't have birth control, we can't have abortions, and now we can't even touch people.

Interviewees provided additional support for the idea that policy, law enforcement, and many researchers ignore male sex workers (see Dennis, 2008). They suggested that people see a basic difference in the power dynamic in heterosexual and homosexual

commercial sex. The assumption is that heterosexual encounters involve a man exploiting a woman. In contrast, the participants indicated that same-sex encounters reflected sexual exploration, or mutual satisfaction. Jenkins' (2009) participants also thought that women are less likely to identify sex as one of the best parts of their work; however, Jenkins found that women did not describe sex with clients as a particularly negative experience. Instead, female participants described the physical provision of sexual services as being "boring" or "routine" (p. 251). Eleven of my female interviewees referred to enjoying the sex, seeing it as one of the best parts of the job. More often, though, my female participants described feeling that they must continually defend their rights to control the circumstances in which they have sex. The male respondents expressed surprise at the idea that the criminal laws had any role in determining the context in which they, as adults working off-street, sold sex. Some of the male respondents were also surprised that victimization affects male workers in any context (*I've never even heard of someone being violently attacked!* [Nico]).

Four transgender sex workers took part in my research (two gave interviews and two participated in the survey). The two interview participants expressed their appreciation for being included because they felt marginalized in the larger sex-work community. Further, because they are not "biological women," they felt excluded from research on women. Yet, the literature on male sex workers also fails to examine their experiences. Nikki explained that one reason there are not many transgender sex-work advocates is that, often, sex work is a means to fund sex-change surgery; they retire once the surgery is complete. The transgender participants expressed their concern about transphobia and the potential victimization they could face as a result, but indicated that their clients were often specifically seeking new and different experiences. Fletcher (2013) referred to the unique services that transgender sex workers provide as a positive form of exclusivity that gives

transgender sex workers a specialized client base (p. 65). Fletcher also described the tension that exists when heterosexual men seek services from transgender sex workers:

They are curious about sex with men and about what it would be like to be with a woman who has a penis, but they are not interested in men's bodies and would not identify as being gay. Having sex with a trans woman is safer in terms of the client's identity because his heterosexuality is not questioned and the economic basis of the interaction ensures that any opinion held by the sex worker about the client's sexuality is not shared or even relevant (Fletcher, 2013, p. 68).

Both survey and interview participants expressed much the same sentiments regarding the law and sex work, regardless of their gender. Rather than demonstrating dramatically different gender-based experiences, sex workers pointed to the similarities of their work and the challenges they face as a community.

Sex Workers' Additional Comments

I think it is important to highlight that not every person who works in the sex industry is victimized, nor are we all uneducated or 'forced' into the sex industry. For some of us it's an enjoyable profession that is made less enjoyable by the stigma of being involved in an activity perceived as illegal and 'dirty' [SR#30].

The survey concluded by asking respondents whether there was anything else people should know about sex work, and the reasons they participated in the project.

Respondents answered the questions passionately, even though they were at the end of a long and detailed survey. Sixty-four respondents (58.7%) added comments in the “anything else we should know” section. Approximately 90% of the responses indicated positive experiences in the industry (Table 42).

Table 42: Common survey responses to "Anything to add"

General Comments in “Anything to Add” question	Frequency (n=64)	Percent
Enjoyment of work (“I LOVE MY JOB”)	31	48.0%
Good money, good hours, freedom and flexibility	14	21.8%
Experiences have generally been positive	11	17.0%
Wish it was legal/decriminalized	9	14.0%
It is a form of sexual healing/therapy that I am proud to be a part of	8	12.5%
Concerns about the stigma and secrecy	7	10.9%
Clients are generally nice and respectable	6	9.4%
Choices people make lead to danger, based on naivety, inexperience or desperation	5	7.8%
I don’t enjoy it; I do it for the money	4	6.2%
Concerns about the myths: addicted, abused, beaten, unhappy	4	6.2%
For the most part, it is safe.	3	4.6%

Some survey respondents suggested that many “legitimate” jobs are more dangerous than sex work, and that sex work is a valuable service:

This work is deeply fulfilling. We meet people at the genital matrix of body, mind, spirit and emotion. This culture needs sex workers to help address the shame, yearning and lack of knowledge that is such a deep wounding for many people [SR #146].

In response to those who advocate for asymmetrical criminalization of the sex industry, one woman wrote, “If you don’t like the work, quit and leave the rest of us alone” (SR#12). Two respondents wrote negative comments about the sex industry. The first hoped that, in the dissertation, I would include comments about exploited women. The second expressed concern about the history of abuse of some sex workers:

I genuinely believe that a VERY high percentage of sex workers were sexually abused before the age of 16. It is what gives us the 'disconnect' that allows us to be able to knock on a door, not having a clue as to what is behind it and be able to rock that person's world [SR#20].

The survey did not ask sex workers explicitly about childhood trauma. The interview schedule included a question that referred to childhood trauma as an issue often associated with sex work, and asked participants for their opinions on the enduring association. Three interview participants disclosed that they had experienced childhood victimization. All three women left their homes as young teenagers, all three lived in government care for a period, and all three first tried sex work as teens, via the street. However, all three stopped street-based sex work, returned to school, and years later, returned to sex work in different circumstances.

The interviewees echoed themes noted by survey respondents in the concluding section of the study. Thirty-six of the forty-two interviewees said that they enjoy their work (*I love my job!*). Forty-eight percent of survey respondents expressed similar positive sentiments: *"I love my job; the freedom and money are a definite plus. The minuses are everyone else trying to convince me that the path I have chosen is wrong."* (SR#6) The participants insisted that laws needed to be changed, and their work removed from the criminal law.

It is not our work which is inherently dangerous but the legal and social culture in which we have to work [SR#67].

Desire for legal change was the most frequently listed reason for participating in the survey (Table 43). Further, participants wanted to inform academia, the legal community, and the public about their experiences.

I decided to participate because I strongly feel that this industry has a negative reputation. People confuse being an escort and advertising online with the kind of exploitation many SPs on the street experience. There is an idea that escorts all have kids or drug problems, were sexually abused, are uneducated, or have made poor choices in life. None of that has anything to do with why I am an escort, nor does it describe anyone I know who is an escort [SR#83].

Table 43: Reasons to participate in the research

Reason for participating in the research	Frequency (n=85)	Percent
The laws need to change to make things safer and improve working conditions	36	42.3%
People need better knowledge (more nuanced, empirically valid) about the breadth of the industry	29	34.1%
To change people’s perceptions of sex workers being drug addicts, uneducated, and having entered industry through coercion, always being victims of violence, etc.	23	27.0%
To share personal experiences and opinions	14	16.5%
Because it is important for workers to have a voice in research about the industry.	14	16.5%
I want to help others in the industry.	8	9.4%
To eliminate stigma	5	5.8%
Curiosity	5	5.8%
Tamara’s previous research and answers to questions about the project.	5	5.8%
Because it is anonymous	2	2.3%

Sex workers wanted to contribute knowledge about their lives and their work rather than have other people impose it on them.

I believe there is a skewed societal view of sex workers, which often paints them all with the same brush, as victims who have no or very little choice about their work. I think it's simply not true, and I have a number of friends and colleagues in the 'business' who love this work and we all wish the laws treated our work like any other work, with the same responsibilities and rights as any other employment. Thank you for doing this research [SR#116].

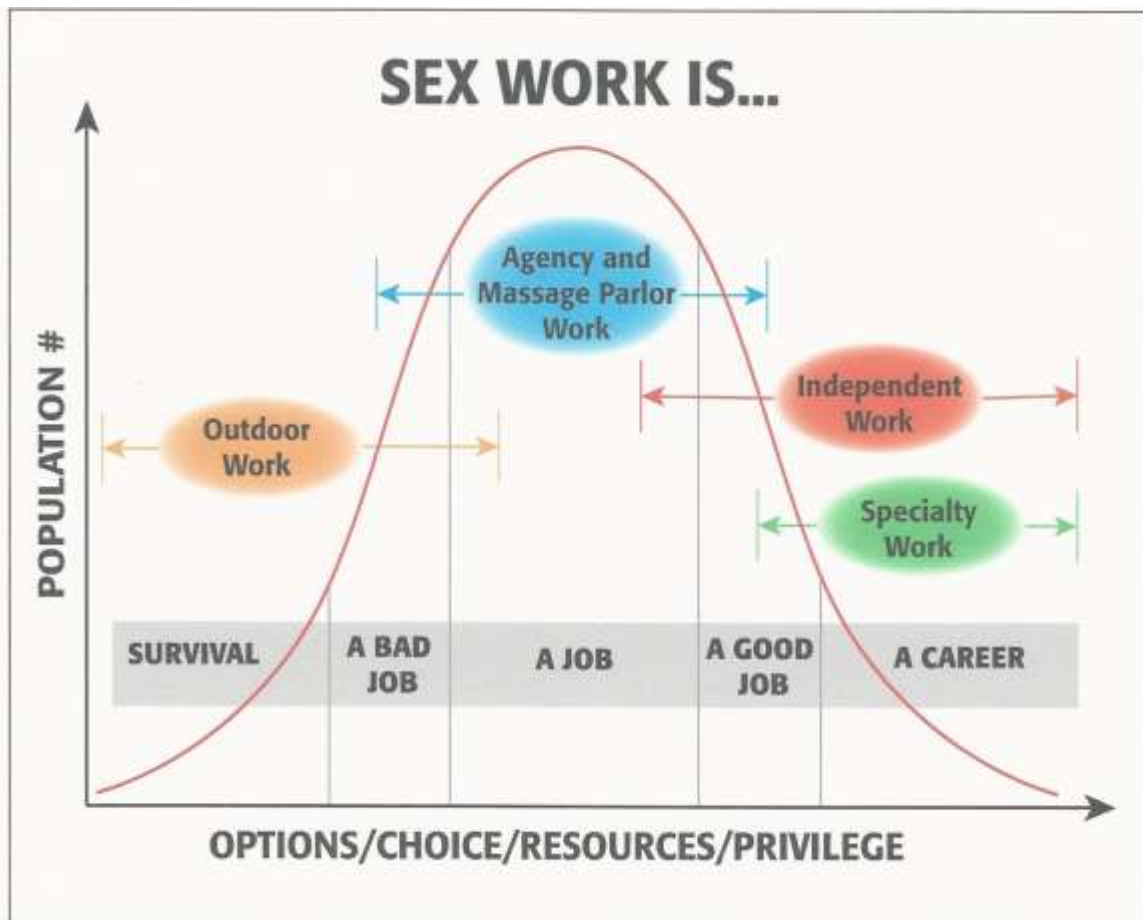
Four respondents wrote messages thanking us for doing the work and for listening to them. Another three expressed their satisfaction with the research, as it was “important” to them that their voices be heard.

The voices of sex workers are silenced or marginalized in the mainstream dialogue about sex work and also in the feminist movement. My experience with sex work has been mostly positive and I choose sex work without coercion, and I want to add my experience to the dialogue about sex work [SR#46].

They understood how policy makers use research, and expressed excitement that their insights might be reflected in future policies or policy discussions: “*I feel like the lack of research about sex work leads to the general public being misinformed. I wish there was more good research about sex work because of all the misconceptions out there about it*” (SR#63). Some respondents commented that we need better data on victimization in the sex industry: “*Nuanced, careful research about sex working conditions is necessary and long overdue*” [SR#35].

One interview participant created Figure 12 after taking part in this study to explain how he viewed the various experiences in sex work. His chart builds on earlier works developed by the BC Coalition of Experiential Communities (Bowen, 2007). The participant indicated that this chart was a simplification of the complex factors that affect individual experiences in commercial sex in Canada, but that it accounts for some of the variation that he has seen and heard about.

Figure 10: Visual representation of the continuum of choice in commercial sex



The chart does not locate victims of human trafficking nor youths on the continuum because the chart's creator understood trafficking and youth in commercial sex to be exploitation, and therefore not individuals who were exercising any degree of choice to

engage in commercial sex. He pointed out that his chart incorporates how privilege and access to resources affect not only the overall experience in the industry, but also sex worker vulnerability to victimization.

Overall, sex workers participated with a sense of hope; many said that this kind of study made them feel respected and valued. AVE reflected:

Research like this can only push the whole industry to a more progressive realm. Being able to have the information and the empirical data to back up the stuff that we're saying... I mean, it's all very well to sit there and tell my mom all this, but she says, well show me. Where does it say that? And you can find the occasional reference, but to find something that is Canadian and tells the way that the industry actually is, well that's amazing. Imagine what we could do with that.

Nearly all the participants desired social change to reduce victimization, stigma and marginalization. Their continued participation in academic research projects like this evidences their intentions, and their faith that with education, the negative aspects related to commercial sex in Canada can be ameliorated.

Sex work is valuable work that hardly anyone can do. While it was a need for money that pushed me into it, I was made for this. I have a keen understanding of a wide array of sexual fantasies, and am adept at role-playing according to the needs of my clients. I can stomach all sorts of activities most people would throw up at the thought of (like putting my entire hand into someone's anus and demonstrating an enjoyment of it). I have a large, well-functioning penis that many people have been overjoyed to play with. I have the educational background, life experience (I have traveled extensively), and awareness of current affairs to have elevated discussions with traveling businessmen, lonely politicians, and frustrated lawyers. I can take any shy, inexperienced man or woman suffering from low-self-esteem and not only open them up, but bring out the sex god they didn't know existed within them. They write me love letters months after our sole encounter. They've told me I was 'EXACTLY' what they were looking for their whole lives, and that says less about my appearance than my ability to make them feel hot, wanted, and present them with the best version of myself. There are literally dozens of people whose lives, if they are to be believed, I have profoundly touched.... and I can't even tell any of them my real name.

Survey Respondent #86

Chapter 7. Conclusion

This study investigated one of the foundational truth claims that underlie Canada's new legal response to commercial sex, the *PCEPA*, and asymmetrical criminalization more broadly: that violence is inherent to commercial sex. The findings indicate that this particular construction of commercial sex fails to account for the experiences of many sex workers. This dissertation describes the existing knowledge about off-street commercial sex in Canada, combining my research findings with the extant literature. I set out to describe the sex workers who participated in my research, their working experiences, their opinions, and their recommendations. In doing this, I hoped to provide a mechanism for sex workers to explain their diverse experiences of sex work and to voice their expert opinions about the effects of laws, victimization, and stigma.

My collaborative team and I chose to focus on victimization for three reasons. First, the victimization experienced by some off-street workers and many street-based sex workers is unacceptable; we need to work to reduce violence against sex workers. Second, many off-street sex workers reject the political assertion that their work is by its nature victimizing and/or violent. Instead, they assert that victimization varies in different commercial sex contexts. Thus, my collaborators and I set out to gather empirical data about the rates of victimization across different off-street sex work environments. Third, in my previous research, sex workers suggested that the ideological portrayal of sex work as inherently violent results in increased harm to sex workers. In this current study, we investigated the claim that the construction of commercial sex as victimization contributes to harm to sex workers. As a part of this investigation, we sought to uncover sex workers' perceptions of how the laws—particularly criminal laws—affect their work and safety.

Beyond collecting empirical data and voicing sex workers' recommendations and perceptions, I hoped to demonstrate how social science evidence relates to the assumptions that lie at the foundation of legal policies such as asymmetrical criminalization. I have aimed to set out the empirical knowledge about commercial sex, and then explain the degree to which the empirical data supports legislation such as the *PCEPA*. In this conclusion, I will summarize my findings and discuss their support for various "truth claims" about commercial sex. Then, by returning to the critical legal theoretical underpinnings of the research, I will explain the implications for criminal justice policy reform. These data provide a dramatically different empirical starting point to address violence against sex workers than is provided by advocates of criminalization. Indeed, these data offer competing claims to truth that require reconsideration of our policy and legal responses to commercial sex. If our collective goal is to reduce exploitation and victimization, then we ought to begin our work with a firm evidentiary basis and create a more nuanced understanding of victimization in commercial sex.

Summary of Findings

The findings reported in this dissertation emerged from three general lines of inquiry: 1) the characteristics of the participants and their work experiences; 2) violence and victimization; 3) risk management and the regulation of sex work. My findings add to the body of literature that highlights the diversity and complexity of commercial sex in Canada.

The Participants and Their Work

Most of the sex workers who participated in this study were well-educated, financially secure adults who had experience in many different forms of sex work. When they

participated in the study, their median age was 34. The average age at which the participants began selling sex was 25.6. Table 2 (which compared findings on age of participants and age of entry into sex work) provided the results of seven recent studies on off-street commercial sex: the participants in these studies were typically in their early to mid-thirties when they participated in the research. In one study, the average age of entry into commercial sex was 18;⁹⁷ in six others, the age of entry ranged between 23 and 28 years of age. This evidence throws serious doubt on the neo-prohibitionist claim that average age of entry into prostitution in Canada is 12-14.⁹⁸ Instead, it may be uncommon for people to begin working in commercial sex under the age of 18. Evidence demonstrates that many individuals in off-street commercial sex often begin sex work as adults; in my study, many began sex work in their 30's.

These data support the assertion that the majority of sex sellers are female and the majority of clients are male. In my survey sample, 11% of respondents identified as male; in my interview sample, 26% of participants identified as male. A small minority of participants identified as transgender, gender-fluid, or gender-queer. The Benoit et al. (2014) and Jenkins (2009) studies suggest that male sex workers comprise between 10-25% of the sex-worker population; my sample found a comparable gender distribution of sex workers. Consistent with other studies, a large minority of my sex worker participants identified as heterosexual (42.6%). Female sex workers were most likely to identify as

⁹⁷ Benoit & Millar (2001).

⁹⁸ See Joy Smith's petition to enact the Nordic Model of neo-prohibitionism. Available at: <http://www.joysmith.ca/assets/petition%20swedish%20model%20of%20prostitution%20-%20eng%20-%20final%20-%20large%20font.pdf>. See also Poulin (2005).

heterosexual, but 40% of them identified as bisexual. Male participants were most likely to identify as gay; 30% of male sex workers identified as bisexual.

Desperation and/or coercion did not force my participants into off-street commercial sex, contrasting the neo-prohibitionist assertion that people turn to sex work because they are forced or have no realistic alternatives.⁹⁹ One quarter of the participants were students pursuing undergraduate or graduate degrees at the time they participated in the study. Nearly all of the survey participants (94.4%) had at least a high school diploma; over a third had a university Bachelor-level degree or a graduate-level degree (33.6%). Half of the survey participants worked concurrently in other occupations at the same time that they worked in the sex industry. They identified a range of other labour experiences, indicating that they had work opportunities in addition to sex work, and many had numerous skills. The survey participants reported a higher-than-average income from their sex work, with an average annual income of approximately \$68,000. Independent and outcall agency-based escorts reported the highest incomes. Women reported higher incomes than did men.

A majority of the participants were born in Canada (87%). Of those who identified their ethnicity, 5% indicated an Indigenous heritage.¹⁰⁰ In street-based sex work, Indigenous women are over-represented (Hunt, 2013; Pearce, 2013; van der Meulen & Yee, 2010); however, this over-representation may not occur in other kinds of sex work, and does not characterize my sample. Indeed, racism may play a role in barring Indigenous women from having access to off-street venues, or it may play a role in “locking” Indigenous

⁹⁹ See Farley (2004), MacKay (2014) and Smith (2010).

¹⁰⁰ The percentage of Canadians reporting Aboriginal heritage in 2011 was 4.3% (<https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/2011001/tbl/tbl02-eng.cfm>)

persons in marginalized environments, such as street-based commercial sex. In any event, the over-representation of Indigenous persons in street-based survival sex work reflects the enduring effects of colonization in Canada (Hunt, 2013).

My participants generally sought out sex work as an alternative to “square” jobs because it is a lucrative form of work. Very few reported pressure from another person to work in the industry, or to work more frequently than they wanted to (n=2). Rather, a majority of both survey and interview participants had experience working as independent sex workers. Many participants reported experiencing a variety of types of sex work before settling on the type of work that best suited their needs.

Participants reported varied characterizations of their clients, but they objected to the depiction of sex-buyers as deserving of criminal punishment for purchasing sexual services. Sex workers agreed that clients are a diverse group who seek sexual services for a range of reasons. The participants reported that a relatively small minority of clients were disrespectful or violent. However, they characterized end-demand campaigns and asymmetrical criminalization as a “ridiculous” and ill-advised policy.

These data emphasize the importance of understanding the population and their needs prior to forming policy responses. For example, non-profit services designed to support individuals to transition out of sex work based on the assumption that they are victims of violence, have addictions, and face mental health challenges will not adequately assist those who participated in my research. For the most part, my participants would not need bus fare, child-care, and help to write resumes. These relatively well-educated entrepreneurs are more likely to require information about start-up loans for small businesses or the tax implications of their commercial sex activities than they are likely to

require information on how to finish high school degrees. However, the different needs of different groups in commercial sex become visible only when we seek the views of a wide-range of sex workers, and acknowledge diversity in commercial sex experiences.

Violence and Victimization

If we return to the definition of “inherent”—an attribute that is intrinsic and does not vary with external circumstances (Lowman, 2013)—these data demonstrate that violence is not inherent to sex work. The majority of my participants (68%) reported *never* experiencing any form of violence in the course of their sex work. This is not an anomaly: my 2007 research also found that off-street sex workers report lower levels of violence than do street-based sex workers. Many other studies also have found that a majority of off-street sex workers do not experience violence in the course of their sex work (Benoit et al., 2014; Jenkins, 2009; Meaghan, 2008; Rossler et al., 2010; Sanders & Campbell, 2007).

These data affirm that there is an element of risk associated with providing commercial sex in Canada. The risk is partly attributable to the social-structural conditions in which commercial sex occurs, partly due to work-environment contexts, and partly due to individual factors. For a small minority of the off-street sex workers in these studies, violence occurred regularly: if participants reported more than three experiences of violence, they were likely to report many. Those who began selling sex on the streets as youth were more likely to experience violence in their later off-street work. Future research should explore this finding in more depth. It is clear that poverty, addiction, mental health problems, and familial and community support all affect individual susceptibility to violence regardless of venue and working conditions. These data indicate that socio-economic class positioning may affect vulnerability; my participants generally presented as

financially comfortable and educated individuals. Their levels of privilege may serve to insulate them from some forms of victimization.

More female survey participants reported interpersonal violence than did males, which is consistent with gender patterns of intimate violence in Canadian society more generally. Although the sample of male survey participants was relatively small, the interview data revealed the same pattern. The different gender-based reactions to, and focus on, violence in commercial sex was even more striking than were the discrepancies in experiences of violence. Female participants were far more aware of the risks associated with their sex work, they engaged in more active screening of clients, and they employed more care in structuring their work to reduce risks than did the male participants. The male participants were somewhat dismissive of the idea that their clients posed a risk of violence. They were also surprised at, and derisive of, the idea of government interference with their sexual autonomy. The male participants outright rejected the idea that the government should have any say in the conditions in which they have sex, whether on a personal or a commercial level. The female participants expected to have to defend their rights to sexual autonomy.

My participants were more likely to experience other forms of victimization than they were to experience interpersonal violence. Nearly half of the survey sample (46.7%) experienced some form of harassment associated with their work, and nearly 60% experienced some form of pressure by clients to participate in a sexual act that they did not regularly offer as a part of their services. Many participants reported disagreements with clients over the price of the services rendered, and over condom-use. Nevertheless, these experiences did not necessarily translate into overt physical violence. Participants clarified that, while clients frequently inquired about different kinds of sexual services, tried

to obtain discounts, and tried to receive condom-free services, sex workers' typical responses included refusing to negotiate with clients, offering different services to the client, or declining to offer any services to the prospective clients. In a minority of cases, participants provided unsafe services, or even acquiesced to activities they did not wish to engage in. These findings indicate that sex workers may be useful resources for the general public about effective communication and boundary maintenance during sexual exchanges.

Rather than prove with any level of confidence that certain venues of sex work were more or less safe compared to other venues, my findings indicate that individual context intermingles with social context and structural constraints to affect safety in commercial sex. My data indicate that while victimization can occur in any type of sex work, independents who have the power to determine the parameters of their commercial sex exchanges—including the context of their work—face the lowest rates of work-related violence. Similarly, managed workers; workers who report positive or supportive relationships with their bosses report lower rates of victimization related to commercial sex. Boundary-maintenance emerged as a key determinant here; those workers who felt that they could establish boundaries of comfort for sexual activities with clients *and* felt their clients, colleagues and managers would respect their boundaries, reported less victimization related to their work. Farley (2005, pp.959-960) argues that the need for harm reduction measures proves that violence is inherent to commercial sex. My data suggests that harm reduction methods act in a preventative manner to reduce situational victimization. A pivotal factor relates to context: sex workers need to be able to structure their working environments in ways that mitigate their risks.

Clients, or those predators masquerading as clients, were the most likely parties to perpetrate violence against sex workers and victimize them in other ways. However, participants also identified police, their romantic partners, their co-workers, their managers, and community members as perpetrators of their victimization. Participants referred to criminalization and stigmatization as other forms of victimization.

A minority of participants reported that they had victimized other sex workers, and a minority of participants reported that they had stolen from, threatened, or assaulted their clients. Most of those who reported victimizing their co-workers also victimized their clients. Future research should incorporate both client and provider experiences to more fully understand the dynamics of commercial sex exchanges, particularly those that result in victimization.

One quarter of the individuals who experienced violence reported it to police. Sex workers experience the same concerns as other victims regarding the potential for re-traumatization as a part of the process of pursuing criminal charges, but, as sex workers, they face greater levels of stigma and increased credibility issues in comparison to other victims. Participants explained that there is a common belief among sex workers that, at best, the police and other members of the justice system do not respond adequately to violence against sex workers. At worst, police believe that victimization is a part of the job, and that an experience of victimization might be necessary to convince a sex worker to leave the business. Neo-prohibitionists call for increased policing and criminalization to reduce demand for commercial sex (Farley, 2005); my participants indicate that such expansionism would negatively affect their safety and would be perceived as increased state-based victimization.

Risk Management and the Regulation of Sex Work

Sex workers, like others who work in private with clients, employed a variety of strategies to mitigate risk in their work. However, unlike most other labourers, sex workers often face legal barriers in their attempts to mitigate risk. One of the key strategies to mitigate risk is to work with others. This can mean cooperatively sharing a specific space for work, working for an agency, or hiring support staff, such as a receptionist, driver, or security. The SCC declared the prohibitions on bawdyhouses and living on the avails unconstitutional because they barred sex workers from mitigating risk, thus infringing their rights to safety and security under the *Charter*.

Sex workers identified communication with clients in advance of the physical meeting as another key strategy to minimize risk. This can include express communication with clients about the specific services and the remuneration expected, and information that can be relayed in advertisements. Many participants identified advertising as a way to ensure that a client is aware of the type of services the sex worker offers, the physical appearance of the worker, and the expectations of the client during the encounter. Direct communication with clients is essential to screen out men who are potentially disrespectful or unwilling to abide by the sex workers' rules. In *Bedford* (2013), the SCC ruled that the ban on communication infringed sex workers' right to safety and security of the person precisely because of the importance of communication to mitigating the risk of victimization. My findings affirm its importance to off-street workers, too.

The structure of a workplace environment is integral to safety. Participants identified working for specific agencies, in specific areas, with certain individuals, or in spaces with particular rules as contributing to their sense of safety and comfort. Sex workers pointed out that the illegality of sex work affected their safety, regardless of the specific parameters of the laws and their enforcement. The illegality of commercial sex and the general sense that violence done to sex workers will go unpunished undermines sex workers' attempts to assert control over their clients, and gain respect.

Many participants suggested that personal factors increase or mitigate risk of victimization in commercial sex. Some participants spoke of individual accountability for risky conduct; they asserted that, by engaging in risky practices—such as using alcohol or drugs with clients, working for unethical agencies, or stealing from clients—sex workers elevate their risk. They suggested that this does not mean we should blame sex workers for subsequent violence; rather, sex workers ought to avoid those risk factors in order to reduce their susceptibility to victimization. In this regard, they advocated for increased professionalization of the industry; some recommended standardization and self-regulation of the industry. Participants concluded that criminalization makes it more difficult for sex workers to mitigate risk associated with their work. For some participants, the criminal laws and their enforcement were far more of a concern than potential violence from clients.

The participants who spoke about asymmetrical criminalization unanimously rejected it. Ninety percent of the interviewees concluded that the adult sex industry ought to be decriminalized. They asserted that the *Criminal Code* contains many other provisions that address violence; sex workers are no different from other Canadians, and seek equal treatment under the law. My participants' conclusions are consistent with Bruckert and

Hannem's (2013) finding that the cumulative effect of criminalization is civic exclusion: sex workers are not able to employ risk management strategies afforded to other Canadian labourers, and they find it difficult to avail themselves of the protective services of police.

Asymmetrical Criminalization Truth Claims

The research presented in this study confirms that commercial sex is a complex, diverse, and expansive industry. Without a doubt, components of the industry—especially street-based sex work—feature high rates of exploitation, vulnerability, and victimization. Due to their criminalization and marginalization, we do not know the total number of sex workers in Canada, what proportion work in each sector of the industry, or the percentage of sex workers who experience exploitation and violence in each sector. The available Canadian research evidence establishes that there are wide variations of experience in commercial sex.¹⁰¹ It is erroneous to portray commercial sex as a one-dimensional experience. However, Canada's new form of asymmetrical prohibition does just that.

Street-based sex workers face more violence than do off-street sex workers. Street-based sex workers form between 5 and 20% of the industry, and yet research about this population forms nearly the entire basis of the *PCEPA*. Numerous studies of off-street prostitution suggest that the experiences of street-based workers do not necessarily reflect sex workers' experiences in other sectors of the industry. Not only is there variation in street-based experiences, but also, if our policies reflect only a minority of experiences, the policies will not be able to address the needs of a majority of sex workers. If an

¹⁰¹*Bedford v Canada* (2013), para. 88.

inaccurate understanding of commercial sex forms the basis of social policies or laws, those laws and policies may place sex workers at greater risk of harm.

Asymmetrical criminalization depicts commercial sex as a form of exploitation and a socially harmful practice that victimizes women and children. However, that unidimensional construction of commercial sex relies on select and methodologically limited social science evidence.¹⁰² Many sex workers do not experience victimization from their clients, nor do they experience victimization from third parties. For the participants in my study, victimization flowed mainly from the criminalization of their work. In this regard, the SCC recognized that the previous laws contained in ss. 210, 212(1) (j) and 213(1) (c) contributed to harm against sex workers and thereby unconstitutionally violated sex workers rights to security.

Under the *PCEPA*, s. 286.1 prohibits purchasing sexual services and communicating for the purpose of buying sex. The *Act* “modernizes” s. 213 (1.1) to prohibit communicating in public at or next to schools, playgrounds and daycare centers for the purpose of selling sexual services. The ban on communication differs only slightly from the previous unconstitutional communication provision.¹⁰³ While it is too early to know the effects of the new provision, none of its supporters have given any reason to believe that law enforcement patterns will differ substantially under the *PCEPA*; law enforcement will

¹⁰² For example, the Justice Minister cited Farley, Lynne and Cotton’s (2005) findings to suggest that all people in prostitution want to leave prostitution. Among other methodological limitations, this study involved only street-based sex workers from Vancouver’s Downtown East side.

¹⁰³ The new ban on communication is slightly narrower than the previous s. 213. While the communication for the purchase of sexual services anywhere remains criminalized, the communication for the sale of sexual services is restricted to a public place, or a place open to public view, that is next to a school, park, or daycare.

continue to focus on street-based sex work. Some police departments have indicated a “business as usual” approach to applying the laws post-*PCEPA*;¹⁰⁴ if that turns out to be the case, the new laws will likely replicate the very conditions that led to the constitutional challenges, the Missing and Murdered Women Inquiry, and make street-based sex workers more vulnerable to serial predators and killers. If anything, the new ban on purchasing sex will ensure that street-based sex work exchanges will occur in even more isolated areas.

There is little evidence to suggest that banning the purchase of sexual services abolishes the sex industry, nor does it ameliorate the conditions of sex workers (Levy & Jakobssen, 2014). Rather, arguments in support of asymmetrical criminalization rely on theoretical assumptions that the criminal law will effectively deter purchasers from buying sex, ultimately leading to an end to demand for commercial sex (Farley, 2004). Previous criminal prohibitions relating to commercial sex did not function to deter individuals from communicating in public, living on the avails, procuring or owning or operating bawdy-houses.¹⁰⁵ Instead, there is a growing body of literature pointing out the harmful effects that flow from criminalization (Bruckert & Hannem, 2013; Pivot Legal Society, 2003; O’Doherty, 2011), including the SCC conclusions in *Bedford* (2013). By focusing on individual experiences of direct victimization, asymmetrical criminalization like the *PCEPA* individualizes accountability and “serves to obscure and deny structural problems undergirding so much harm...it ignores the role of the state in creating or failing to alleviate

¹⁰⁴See <http://www.nationalpost.com/m/wp/news/blog.html?b=news.nationalpost.com%2F2015%2F03%2F01%2Fhundreds-of-erotic-massage-brothels-flourishing-in-montreal-despite-federal-anti-prostitution-law&pubdate=2015-03-01>

¹⁰⁵ See the Subcommittee on Solicitation Laws, 2006.

these problems—including poverty, colonialism, and discrimination of gender and race” (Lawrence, 2015, p. 6).

My findings challenge the fundamental assertions about buyers that underlie asymmetrical criminalization. According to then Minister of Justice Peter McKay, purchasers are deviant and “perverted.”¹⁰⁶ The *PCEPA* depicts purchasers as being so deviant that they deserve the bluntest instrument we have at our disposal to address anti-social or harmful behaviour: the criminal law. However, social science evidence does not support such sweeping generalizations about clients. Like Brooks-Gordon (2010), my participants asserted that a small minority of clients, or men who pose as clients, prey on female sex workers because sex workers do not have the same rights to protection and legal recourse as other workers in Canada. These data affirm Lowman’s (2000) findings as well: my participants reported that some clients engage in violence against sex workers in opportunistic and situational ways. However, the evidence shows that victimization was infrequent. Indeed, the majority of my participants *never* experienced violence from their clients.

The *PCEPA* claims to respond to the SCC in *Bedford* by “modernizing” the living on the avails provision: s. 286.2 prohibits receiving a financial or other material benefit obtained by or derived from the purchase of sexual services. This section targets off-street commercial sex enterprises, and employs the term “sexual services” rather than the more restrictive term “prostitution.” This shift in language potentially broadens the reach of the criminal law to massage parlours, escort agencies, and dance establishments. These

¹⁰⁶ The Justice Minister characterized purchasers as “perverts” at the press conference following the Parliamentary session on June 4, 2014. See: <http://www.ipolitics.ca/2014/06/04/new-prostitution-law-criminalizes-buyers/>

establishments were licensed, legal businesses prior to the *PCEPA*. The SCC declared the former bawdyhouse provision unconstitutional because it infringed sex workers rights to security. My participants identified numerous strategies they employ to mitigate risk, such as working with other sex workers, working with third parties, structuring their commercial sex establishments as legally as possible, and employing business practices that professionalize their work. Depending on how it is enforced, the *PCEPA* may well bar sex workers from engaging in these harm-reduction practices.

Section 286.4 prohibits knowingly advertising an offer to provide sexual services for consideration. This section targets the off-street sector of the sex industry by extending the criminal law to prohibit both paper-based and online advertisements. Advertising is a risk-mitigating part of a sex worker's communication with a potential client: sex workers communicate the type of services they provide, their expectations of their clients, and other parameters of the exchange prior to meeting them. Since the *PCEPA* prohibits third-party advertising, sex workers must either undertake their own advertising or communicate in person, alone, which may expose them to greater risk. Not only will they be in far more vulnerable circumstances, but also inter-personal conflicts will likely increase because sex workers may feel restricted in their abilities to explain their services, fees, and other important details about the exchange prior to the physical encounter.

Underlying all of these provisions are unsubstantiated claims about sex workers and commercial sex. The *PCEPA* treats all sex workers as victims, refers to “children” frequently,¹⁰⁷ notes the social conditions that force some people into prostitution as

¹⁰⁷ In spite of the fact that the laws in question only address adults in commercial sex, the Justice Minister referred to children 25 times in his speech introducing the *PCEPA* to Parliament.

characterizations of all people in prostitution (such as poverty, addiction, mental health problems, and childhood and inter-generational violence), and defines the sex industry as exploitative and harmful to women. The truth claims underlying the *PCEPA* hold that people sell sex only out of desperation, and that no individual would choose to sell sex if s/he had realistic options. While there is no doubt that force of circumstance accounts for "survival sex work," the evidence from my research shows that many sex workers exercise choice in the process of entering the commercial sex trade and working in it. My research included the perspectives of many well-educated adults who actively chose to sell sex. Some saw their work as a valuable contribution to society; others saw their work pragmatically, as a way to make more money than they would in mainstream jobs. They rejected governmental interference in their decisions regarding sex, and insisted that rather than rescuing them from deplorable conditions, criminalization puts them at risk, and negatively affects their lives and work.

The Minister of Justice has indicated that he considers the *PCEPA* "likely" to survive a Constitutional challenge;¹⁰⁸ however, numerous legal experts and academics disagree.¹⁰⁹ Some provincial governments, municipalities and police departments have expressed concern about the *PCEPA*, its potential harm to sex workers, and its apparent contradiction with the SCC decision in *Bedford*. The City of Vancouver concluded, "The *PCEPA* undermines the health and safety of sex workers and increases social exclusion,

¹⁰⁸See: <http://www.theglobeandmail.com/news/politics/battle-over-canadas-controversial-prostitution-bill-spilling-into-the-senate/article20490536/>

¹⁰⁹ More than 200 legal experts signed a letter expressing their concern about the harms caused by criminalization and their concern that the *PCEPA* was unconstitutional. Retrieved from: https://d3n8a8pro7vhm.cloudfront.net/pivotlegal/pages/667/attachments/original/1410193873/Harper_07_07_2014.pdf?1410193873

and pushes sex workers to work in more isolated areas.”¹¹⁰ The Premier of Ontario referred the *Act* to her Attorney General for an assessment of its constitutionality after receiving a letter of request from Toronto’s City Councillors.¹¹¹In the end, the Attorney General found that the *PCEPA* was not “clearly unconstitutional.”¹¹² In spite of expressing concerns about the *Act*, the Province will enforce the law.

Police responses to the *PCEPA* have varied: Vancouver Police Guidelines instruct members to prioritize sex worker safety over law enforcement.¹¹³ Other police departments have issued statements to the effect that they will continue to employ harm-reduction rather than strict enforcement approaches.¹¹⁴ Still other police officials, such as Calgary’s Police Chief, hailed the *PCEPA* as a “balanced approach” to addressing prostitution and commended the continued availability of criminal justice measures to target street-based prostitution.¹¹⁵

While some commentators support the *PCEPA*, others have expressed serious concern that the *Act* is unconstitutional, and reproduces many of the problems of the laws that the SCC struck down. My findings indicate that the *PCEPA* reflects a narrow construction of

¹¹⁰ See: <http://vancouver.ca/news-calendar/city-response-to-passing-of-bill-c-36.aspx>

¹¹¹See <http://www.macleans.ca/i/?ap=http%3A//www.macleans.ca/news/canada/roundup-canadians-respond-to-the-new-prostitution-law/&ac=houseinter&aa=%2Frogers.publishing%2FMacleans.CPGBusiness&at=10>.

¹¹² <http://www.nationalnewswatch.com/2015/04/09/ontario-still-has-concerns-about-prostitution-law-despite-constitutionality/#.VSIdPpPNXSm>

¹¹³See <http://www.theglobeandmail.com/news/british-columbia/vancouver-police-to-prioritize-safety-over-anti-prostitution-laws/article21980647/>

¹¹⁴See

http://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.northernhoot.com%2Fnews%2Fraw%2Fsault-ste-marie-police-new-prostitution-law-and-business-as-usual%2F&ei=s72hVPbjNdLloATi2YLYDg&usg=AFQjCNEpIIKvh2A6ikmYMCyPoxPXq5Abag&sig2=L4ysU-KSRRd40r4_SPTA3A&bvm=bv.82001339,d.cGU

¹¹⁵ <http://www.cbc.ca/news/canada/calgary/calgary-police-chief-praises-ottawa-s-prostitution-bill-1.2665883>

commercial sex; the *Act* fails to account for the full range of commercial sex experiences. This does not mean that there is no role for the criminal law to play in addressing the victimization of sex workers. Canada's *Criminal Code* already prohibits violence and exploitation; it is not necessary to enact specific forms of prohibitions for each context in which victimization occurs. As an example of a more measured legal response that directly addresses victimization in a labour context, consider Bill S-221, a recent amendment to the *Criminal Code* that targets assaults against public transit operators. Bill S-221 provides an example of law reform that emerged out of social science evidence on victimization of transit workers in Canada. The Canadian Urban Transit Association (CUTA) demonstrated that transit workers, predominantly drivers, report an average of five assaults per day, or 2,000 assaults per year.¹¹⁶ To address this victimization, the CUTA is implementing a range of preventive security measures, including video cameras and protective barriers between drivers and their passengers. The CUTA lobbied a Minister of Parliament to submit a private member's Bill (Bill S-221) to amend the *Criminal Code* to consider the employment status of the victim as an aggravated factor in sentencing. *Bill S-221* received unanimous support from the House of Commons and became law on February 25, 2015. Judges are now required to treat assaults against public transit operators engaged in their duties with a relatively higher level of seriousness.

Sex workers should be included as labourers and receive the symbolic benefit of this type of measure and immediate response to victimization. Violence committed against sex workers—indeed violence in any context, including in any form of labour—is unacceptable. This *Criminal Code* section should extend to victimization in the course of labour generally.

¹¹⁶<http://www.cutaactu.ca/en/public-transit/publicationsandresearch/Assaults-on-Transit-Operators.asp>

The same strategies proposed to address victimization in the context of public transit should apply to commercial sex: remove barriers to preventative security measures, and support sex workers in obtaining their labour rights, access to justice, and equal political status as other Canadians.¹¹⁷

Limitations of the Study

This study set out to investigate the empirical support for truth claims about commercial sex in Canada, especially the claim that violence is inherent to commercial sex. I do not suggest that these findings represent *the* truth about *all* commercial sex, or even *the* truth about *all* off-street commercial sex. Instead, I suggest these findings offer information about some sex workers' experiences and that they complicate any determinative statement about the nature of the sex industry. Furthermore, when we contextualize these data in the growing body of literature on indoor sex work, it becomes possible to identify emerging trends and determine the strength of evidence about victimization in commercial sex and factors influencing degrees of risk in different sex-work venues.

Self-administered questionnaires and in-depth interviews both rely on memory for individuals to recollect incidents and report information about their experiences. Human memory can be inaccurate and errors can occur when filling out surveys and communicating experiences. There will undoubtedly be an element of volunteer bias present in the sample; some participants may have been politically motivated to participate; some may wish to represent their experiences in specific ways.

¹¹⁷ New Zealand decriminalized their adult sex industry in 2003 to address victimization through the extension of rights and protection. For more information, see Abel et al. (2010).

My own political biases and reputation also may have played a role in some people's decision to participate in the study. Because I refer to commercial sex as "sex work," some sex sellers may not have wanted to participate, because they do not view prostitution as a form of work. As we saw, by focusing on victimization, some sex workers who did not experience victimization felt that the study did not apply to them. Male and transgender sex workers may have felt that the study sought participation from female sex workers, again because of the focus on victimization and criminal laws. This study does not include psychological harm, except in relation to stigma and perceived negative impacts of state-based victimization via criminalization. The fact that I have never worked in the sex industry, in spite of the collaboration model I employ, may have led some to decline to take part. Other cultural and language restrictions may play a role in excluding participants: the survey and all advertisement were only available in French and English.

These limitations do not detract from the value of this research. I provided a mechanism for sex workers from across Canada in all forms of off-street commercial sex to provide information about their experiences, particularly victimization. My goal was to seek a diverse sample of sex workers in order to ascertain whether essentialist and universalistic depictions of sex workers and sex work are empirically sound; I believe the findings reported here met this objective.

In general, my findings were consistent with several other Canadian and International studies on off-street sex work. However, one study in particular—Bungay, et al. (2012)—produced different findings in three important ways. First, Bungay's participants reported higher rates of victimization and violence than did my participants. Second, Bungay's participants reported a higher frequency of contact with police. Third, Bungay et al.'s study differed from mine (and other the other Canadian studies referred to in this dissertation)

in terms of its sample demographics. While 87% of my survey participants were born in Canada, only a minority (38%) of Bungay et al.'s participants were born in Canada—most were born in Asian countries. The country of origin for Bungay et al.'s participants relates to the second point of differentiation, too. Bungay's participants reported experiencing much higher levels of police harassment than my participants. Future research into non-white racialized sex workers' experiences is necessary as results appear to indicate that at least some samples of racialized sex workers experience differing levels of victimization than are reflected in my findings.

Finally, these data reflect sex workers' experiences under the former criminal laws in Canada. I hope to replicate this study within five years to determine whether sex worker experiences of victimization and violence differ, and to what degree they remain the same or vary, under the *PCEPA*. At that time, in addition to incorporating more attention to such issues as human trafficking—which has become a primary concern in Canadian discourse on commercial sex—I also will re-visit the technological limitations of online research and ensure that my ethics certificate allows me to create profiles and accounts in private online spaces.

Victimization, Criminalization, and Commercial Sex

After nearly 15 years of exposure to the varied experiences of sex workers, I am not convinced that commercial sex is inherently any more problematic than many other contemporary forms of work. The evidence presented in *Bedford* demonstrated that criminalization leads to devastating effects on some of our most marginalized and vulnerable citizens. The criminalization of adult consensual commercial sex—regardless of the specific form of criminal prohibition—entrenches racism, sexism, classism,

xenophobia, and heterosexism (Bruckert, 2015; Meaghan, 2008). Indeed, these concerns recently led Amnesty International to pass a resolution urging state parties to decriminalize sex work.¹¹⁸ My findings suggest that increased criminalization of commercial sex will continue to harm sex workers.

Feminists have been debating for decades the way to bring about gender equality and end male violence against women. I support Smart's (1995) assertion that feminist universalism is flawed and that we ought to take great care in arguing for expansive criminalization in the name of protectionism. Sex workers' demands to choose the conditions in which they have sex echo the core tenets of feminism. Gender equality and restrictions on sexual autonomy cannot co-exist. Consent in commercial sex occurs on a continuum. Consent to sexual conduct is complex in some ways, clear in others. Consent occurs in varying conditions of pressure, consent is highly constrained at one end of the spectrum and entirely free at the other. Nevertheless, when adult women assert that they consent, we ought to respect their decisions. I agree with Bruckert (2015, p. 3) that, "knowing that the free choosing, neo-liberal subject is elusive, and that women's choices are very often made in less than ideal circumstances, we defend and respect a woman's *ability to make decisions for herself.*" We ought not to refuse to assist sex workers to mitigate risk in their work because we do not approve of the conditions in which they choose to have sex.

Violence against sex workers varies based on individual, work-environment and social-structure factors. Gender is one of the grounds on which victimization rates varied. In my study, women reported more victimization than did men or transgender sex workers.

¹¹⁸ See: <https://www.amnesty.org/policy-on-state-obligations-to-respect-protect-and-fulfil-the-human-rights-of-sex-workers/>

However, violence against women is a serious and enduring problem throughout Canada; arguably, it is less about sex than it is about power and control. By constructing commercial sex as inherently violent, the *PCEPA* normalizes the victimization of sex workers as a core component of sex work. Bruckert (2015, p. 2) concludes that treating commercial sex as inherently violent eliminates the need to try to reduce sex-worker victimization. In this way, sex workers are distinguished from other labourers and their victimization dismissed as inherent to commercial sex. The segmentation of types of women against whom violence is expected only serves to exacerbate the larger problem of violence against women. We ought to stop seeing exploitation as if it only occurs in marginalized settings; exploitation occurs in many different ways, in every industry, and in many different social interactions. We can work to reduce vulnerability to victimization. To do so, we have to take into account the dynamics of opportunity, economics, and discrimination.

Evidently, the symbolic role of law forms a key component of our legal response to commercial sex. However, historically, our attempts at prohibition have consistently failed. They have not only failed to reduce commercial sex, but also they have failed to address the victimization of sex workers. Perhaps one of the reasons for these failures lies in the inappropriately narrow construction of commercial sex now codified in the *PCEPA*.

In this dissertation, I explored some of the key truth claims that support asymmetrical criminalization and have some empirical referent. My intentions were not only to describe the participants' experiences of commercial sex in Canada; I also sought to apply the findings to legal policies. My findings demonstrate a lack of evidentiary basis for the assertion that commercial sex is an inherently violent occupation. Instead, my findings suggest that sex workers experience varying levels of violence in their work, reflecting

specific constraints related to individual, work-environment and social-structural factors. However, my findings also demonstrate that some sex-worker victimization flows from criminalization, in which case, law reform is necessary.

Methodologically sound social science evidence should form one of the main bases of our laws. We cannot hope to target a social problem effectively if we do not understand its social origins, or if we fail to account for the full range of experiences associated with a particular issue. Social science evidence about commercial sex demonstrates diversity, contradiction, and complexity; to be effective, policy responses will need to account for variations in sex-work experiences. Where the evidence is contentious, some caution may be advisable prior to law reform. Where the evidence demonstrates serious harm may flow directly from a policy, we have a social responsibility—indeed a constitutionally enshrined requirement under s. 7 of the *Charter*—to respect rights to safety, security and life, as well as equal protection and equal benefit of the law (s. 15 of the *Charter*), in accordance with fundamental principles of justice.

Removing harmful laws is only the first step in addressing the marginalization of sex workers and in developing more nuanced policy responses to commercial sex. I believe that there is not sufficient evidence to support the criminalization of adult commercial sex. If the concern is violence or exploitation, Canada already has criminal laws that target these forms of victimization. Instead, we ought to extend labour rights to sex workers so that they can benefit from equal citizenship in Canada. In his review of the legal measures to abolish slavery internationally, Quirk (2011) contended that, while an initial formal legal measure was necessary, it was not sufficient to effect lasting social change. Labour exploitation continued unabated post-abolition because the legal measure did not target the underlying economic and structural factors that led to slavery in the first place. Quirk

recommends that governments turn their attention to legal reforms that extend citizenship and labour rights as measures to reduce exploitation. Effective emancipation—through the extension of equality rights, and the removal of legal barriers to justice—ought to be the focus moving forward.

The same redresses suggested for all victims of labour exploitation and violence—legal recourse, legal protection, and social support—ought to extend to sex workers. Many of the same factors are present when we look at why women generally do not report the violence that they experience, and why sex workers do not report the violence that they experience. One difference is that sex workers face increased barriers to reporting; Canada’s legal response to commercial sex has made it *harder* for sex workers to achieve justice and to prevent victimization.

Social scientists ought to produce nuanced, methodologically and ethically sound data to create a holistic understanding of the sex industry. The criminalization of commercial sex is not the solution to poverty, social vulnerability, colonization, racism, sexism, gender-based violence, nor any of the violence done to sex workers. As Ana so aptly expressed:

A lot of these issues aren't just in the industry. They are broader cultural issues of misogyny that sex work shines a bright light on to. None of it is inherent to sex work. If we could start treating women like genuine equals, people with their own agency, then sex work will get better along with everything else.

We need to work to address each of these systemic factors as a whole, and then to the specific circumstances in which they are present. Inclusive work in alliance with sex workers will lead to solutions while empowering the participants to seek social justice.

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Appendices

Appendix A. Consent Forms

Consent statement: Survey

A survey exploring experiences of victimization in the off-street sex industry

This project is designed to explore sex workers' experiences working in off-street venues of the commercial sex industry in Canada. The project consists of two components: 1) an online survey and 2) in-depth interviews. The survey focuses on rates of violence and other forms of victimization such as theft, harassment, and disagreements about safe sex practices. I also ask about safety practices which prevent or limit victimization and experiences of reporting incidents if they occur. Finally, I ask a series of questions about how the current legal system shapes the experience of sex work in Canada.

I am asking women, men and trans-gendered individuals who have, or who are currently, involved in the commercial sale of services of a sexual nature, to share information about their working experiences. Anonymity is guaranteed; all information submitted through the online survey will be maintained on a secure server. You are free to withdraw your participation at any point up to the submission of the dissertation for defence at SFU. Please feel free to skip any question; should you feel any discomfort arising due to your involvement in this project, I have listed agencies which provide non-judgemental support to sex workers on the homepage of the online survey at www.workviolence.ca.

The information shared in this research will be used to complete the dissertation requirement of my Doctoral degree in the School of Criminology at SFU. I will also try to publish it more widely in books, journals and other media in order to contribute to the existing literature about the commercial sex industry in Canada.

The final result will be a detailed examination of worker's experiences in the off-street commercial sex industry. Ultimately, it is hoped that this research will contribute to law reform and expose experiential voices to the academic and legal communities. To obtain a copy of the research results, please contact me.

In the event of any kind of complaint about the project, please contact the Director of the Office of Research Ethics.

By clicking, "I agree" at the bottom of this page, you are indicating voluntary consent for your participation in the online survey.

Consent statement: Interviews

An interview to explore experiences of victimization in the off-street sex industry

This project is designed to explore sex workers' experiences working in off-street venues of the commercial sex industry in Canada. The project consists of two components: 1) an online survey and 2) in-depth interviews. The survey focuses on rates of violence and other forms of victimization such as theft, harassment, disagreements about safe sex practices and other experiences that may occur in the course of work related to the sex industry. The interviews will cover similar ground, but will allow participants to share their experiences in more depth.

I am asking women, men and trans-gendered persons across Canada who have, or who are currently, involved in the commercial sale of services of a sexual nature, to talk about their working experiences. I would like to audiotape the interviews. As soon as possible afterwards, I will transcribe the recording and delete all identifying information. Confidentiality will be guaranteed; I will not disclose your identity. I will ask you to read through the transcript to make sure that it is accurate and free of any identifying references. You are free to withdraw your participation at any point up to the submission of the dissertation.

The following is a list of possible topics for our conversation: personal background; details around your work and working environment; your thoughts about the work; how your work is regulated by the law and the impacts of those laws; issues relating to violence and safety in the workplace.

If there are other subjects that you think are important to discuss, please let me know. Please feel free to skip any question should you feel any discomfort. I have contact information for various agencies which provide non-judgemental support to sex workers. The list of agencies is available from the homepage of the online survey at www.workviolence.ca.

The information shared will be used to complete the dissertation requirement of my Doctoral degree in the School of Criminology at SFU. I will also try to publish it more widely in books, journals and other media in order to contribute to the existing literature about the commercial sex industry in Canada.

The final result will be a detailed examination of worker experiences in the off-street commercial sex industry. Ultimately, it is hoped that this research will contribute to law reform. To obtain a copy of the research results, please contact me.

In the event of any kind of complaint about the project, please contact the Director of the Office of Research Ethics.

Please give me your verbal consent if you agree to participate in this study.

Appendix B: The Survey

PART ONE: INVOLVEMENT IN THE INDUSTRY

I would like to begin by getting to know a bit about your past and present involvement in the Canadian sex industry.

1. Do you identify as a sex industry worker?
 - a) Yes
 - b) No, I prefer the term, _____ (fill in the blank).
2. How old were you when you first started working in the industry?
 - a) What kind of sex work were you first engaged in?

3. Please use the following chart to indicate the kinds of sex work you have ever participated in (check all that apply), the duration of your experiences and the geographic location of the work. (duration & location will pop up wherever checked)

Type of sexual labour	Years (if less, pop appears for days)	Province (list of provinces to be inserted so the participant can select a province, or the "multiple places" option which will open an additional pop up asking for a description; also insert option outside Canada with a pop up asking for country)
Full service in-call Agency (massage parlour, body rub, rented apartment, brothel)		
Full service out-call Agency (clients' homes, hotels or other locations)		
Full service independent in-call or out-call work (for yourself, no agency)		
Erotic massage		
Exotic Dance (including both clubs & private parties)		
Adult film (pornography or erotica)		
Nude modelling		
Web cam work		
BDSM/Fetish work		
Telephone-based sex work		
Street-based sex work		
Other work: please describe		

4. What kind(s) of sex work are you **currently** engaged in?

5. Please indicate the approximate percentage (number of clients out of 100) of your services that are provided to each of the following groups of clients.
- a) Men _____%
 - b) Women _____%
 - c) Couples _____%
 - d) Transgender persons _____%
 - e) Other: please describe _____%
6. How often do you work (on a weekly basis)? (e.g., indicate how many clients you see per week or, if that is inapplicable, how many shifts you work per week).

PART TWO SAFETY & SEX WORK

In this next section of the survey I would like to ask you about your thoughts on safety issues for sex industry workers.

7. What conditions or factors make you feel **safe**(rollover definition "unlikely to face violence or victimization") while working in the sex industry?
8. What conditions or factors make you feel **unsafe** (rollover definition "more likely to face violence or victimization") in your sex industry work?
9. Does safety change depending on the venue you are working in?
- a) Yes
 - b) No (skip question 11)

10. Based on your definition of safety, drag the arrows below to indicate the level of safety you feel is offered to Canadian sex workers at each of the following working environments.

a) In call Agency

0 1 2 3 4 5 6 7 8 9
 Not safe at all.....Very Safe

b) Out-call Agency (including stags/ private parties if done for an agency)

0 1 2 3 4 5 6 7 8 9
 Not safe at all.....Very Safe

c) **Independent work** (including live sex shows, stags/parties, erotic massage)

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

d) **Exotic Dance** (strip clubs, show lounges)

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

e) **Pornography** (adult film, modelling)

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

f) **Webcam Work**

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

g) **Telephone-based sex work**

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

h) **BDSM/Fetishwork**

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

i) **Other sex work** [please identify]

0 1 2 3 4 5 6 7 8 9
Not safe at allVery safe

11. On what grounds would you refuse to provide services to a client?
12. Do you take any precautions to ensure you remain safe when you are working? If so, could you tell me what you do before work, during work and after work to ensure or enhance your safety?
- a) Before work:
 - b) During work:
 - c) After work:

PART THREE: EXPERIENCES OF VICTIMIZATION

This part of the questionnaire is designed to find out about experiences of crime or victimization that you may have had in the different off-street venues. If you have been victimized while working in the industry, I will ask you about the type of victimization, how often it occurred and who perpetrated the incident(s). Please do not include any experiences from street-based work.

13. (1) Have you ever experienced any of the following forms of **violence** while working in the industry? *Please check the appropriate answer(s)*
- a) No, I have never experienced violence while working in the sex industry.
 - b) Threats (where someone threatened to cause you harm if you didn't do what was asked.
 - c) Threats with a weapon (same as above, but where the person had a weapon (knife, gun or some other weapon)).
 - d) Physical Assault: For example being hit, kicked, or held down.
 - e) Sexual Assault: Physically forced to do something sexually that you were not prepared to do, or having something done to you without consent.
 - f) Kidnapping/Confinement: Physically restrained and/or not allowed to leave when you wanted to.
 - g) Trafficking for the purpose of sexual exploitation: being forced, by another person or group of persons, to relocate and provide services of a sexual nature.

Pop ups wherever yes (for items a-f):

13. (2) Where were you working at the time? *Please tick all that apply.*
- i. In-call Agency [How many times?]
 - ii. Out-call Agency (including agency-based private parties)[How many times?]
 - iii. Independent escort/in-call work/live sex shows [How many times?]

- iv. Exotic Dance (club-based) [How many times?]
- v. Pornography [How many times?]
- vi. Telephone or web cam work [How many times?]
- vii. BDSM/ fetish {How many times?}
- viii. Other: please describe [How many times?]

13 (3)Pop up after # of times:

a) Who perpetrated this form of violence against you? *Present following as a chart*

- i. client [How many times?]
- ii. police [How many times?]
- iii. significant other [How many times?]
- iv. boss/manager [How many times?]
- v. co- workers[How many times?]
- vi: other: who? [How many times?]

13 (4). Is there anything else you would like to share about the incident(s)?

Pop up for 13(1)(g) (i)From where were you forced to move? Please identify the city and province if within Canada or country if applicable.

(ii) To where were you forced to move? Please identify the city and province.

(iii) Who did this to you?

(iv) Is there anything else you would like to share about the incident?

Other forms of victimization: *this section of the survey asks you if you have ever experienced other forms of victimization such as theft, condom refusal, issues with appropriate payment and harassment.*

14. (1) Have you ever had money, jewelry or other items stolen from you as a result of your work in the industry?

- a) No
- b) Yes

Pop up where yes:

14(2) Where were you working at the time? Please indicate how often for each relevant venue.

- i. In-call Agency [# of times]
- ii. Out-call Agency (including agency-based private parties)[#of times]
- iii. Independent escort/in-call work/live sex shows [#of times]
- iv. Exotic Dance (club-based) [# of times]
- v. Pornography or web cam work [# of times]
- vi. Other: please describe [#of times]

14(3) Pop up wherever at least once:

Who perpetrated this form of violence against you?

- i. client [# of times]
- ii. police [# of times]
- iii. significant other [# of times]
- iv. boss/manager [# of times]
- v. co- workers[# of times]
- vi: other: who? [# of times]

14(4) Is there anything else you would like to share about the incident(s)?

15.(1) Have you ever been the victim of any form of harassment (including stalking, blackmail, misuse of information related to your involvement in the industry, or other) related to your work in the industry?

a) No

b) Yes

15(2) Where yes: Where were you working at the time? Please indicate how often for each relevant venue

- i. In-call Agency [# of times]
- ii. Out-call Agency (including agency-based private parties)[#of times]
- iii. Independent escort/in-call work/live sex shows [#of times]
- iv. Exotic Dance (club-based) [# of times]
- v. Pornography or web cam work [# of times]

vi. Other: please describe [#of times]

15 (3)Pop up wherever at least once:

Who perpetrated this form of violence against you?

i. client [# of times]

ii. police [# of times]

iii. significant other [# of times]

iv. boss/manager [# of times]

v. co- workers[# of times]

vi: other: who? [# of times]

15(4)) Is there anything else you would like to tell me about the incident(s)?

16.(1) Has a client ever refused to use a condom with you?

a) Not applicable to my work.

b) No

c) Yes

16(2) Pop up: How many times? _____

16(3) Pop up: What typically happens when the client refuses to use a condom?

16(4)Pop up: Where were you working at the time(s)?

17. (1)Has a client ever refused to pay you, or left without paying, while you were working in the industry?

a) Not applicable to my work.

b) No

c) Yes

17(2)Pop up: How many times? _____

17(3)Pop up: What typically happens as a result of a disagreement about payment?

17(4)Pop up: Where were you working at the time(s)?

18. (1) Have you ever been pressured to participate in sexual activities that were beyond your level of comfort?

a) No

b) Yes

18(2) Pop up: How many times?

18(3) Pop up: Who pressured you?

18(4) Pop up: What happened as a result of the pressure?

18(5) Pop up: Where were you working the time(s)?

19. (1) Have you experienced a form of victimization while working in the industry that is not listed here?

a) No

b) Yes

19.(2)Pop up: please describe the incident(s) and the venue you were working at the time.

*Note: The next questions are designed to find out more about workers' experiences of violence and other forms of victimization in the industry. In my previous research, I found that many workers had experienced theft, threats and assault from **co-workers**. Now, I would like to know about the circumstances where co-worker victimization occurs.*

20. (1) Have you ever stolen from another sex worker?

a) no

b) yes

20(2)Pop up: How many times?

20(3) In what venue(s) were you working at the time(s) of the incident(s)?

20(4) Please describe the incident(s).

21. (2) Have you ever threatened another worker?

a) no

b) yes

21 (2)Pop up: How many times?

21(3) In what venue(s) were you working at the time(s) of the incident(s)?

21(4) Please describe the incident(s).

22. (1) Have you ever assaulted another worker?

a) no

b) yes

22(2)Pop up: How many times?

22(3) In what venue(s) were you working at the time(s) of the incident(s)?

22(4) Please describe the incident(s).

23. Is there anything else you feel I should know about co-worker victimization?

Note: Like co-worker victimization, in my previous research, I found that some workers reported stealing from, threatening and/or assaulting clients. If this applies to you, I would like to know more the circumstances where this occurs. Please note that the purpose of these questions is NOT to blame sex workers for the violence done to sex workers—the purpose of these questions is to learn more about the circumstances in which violence occurs and to provide a space for sex workers' perspectives on their own participation in victimization.

24. (1)Have you ever stolen from a client?

a) no

b) yes

24(2)Pop up: How many times?

24(3) In what venue(s) were you working at the time(s) of the incident(s)?

24(4) Please describe the incident(s).

25. (2) Have you ever threatened a client?

a) no

b) yes

25(2)Pop up: How many times?

25(3) In what venue(s) were you working at the time(s) of the incident(s)?

25(4) Please describe the incident(s).

26. (3) Have you ever assaulted a client?

a) no

b) yes

26(2)Pop up: How many times?

26(3) In what venue(s) were you working at the time(s) of the incident(s)?

26(4) Please describe the incident(s).

27. Is there anything else you feel I should know about the situations when clients are stolen from, threatened or assaulted?

PART FOUR: REPORTING PRACTICES

This section is designed to find out how often workers report violent incidents, to whom they report the incidents and what happened with the report.

***** linked in to Q.14: if never experienced, skip.**

28. (1) Have you ever reported an incident of victimization to anyone?

a) No: 17(1)(a)(i)Pop up-why not?

b) Yes:

28(2) Pop up How many times have you reported incidents of violence? [enter # of times]

Please fill in the following information for up to five incidents.

28(3)(a) Incident One:

(i)Where were you working (which province and which venue)?

(ii)Who did you report the incident to?(police, agency owner, friend, support agency, business owner, security, etc.)

(iii)If you reported to police, how satisfied were you with the response to your complaint?

0 1 2 3 4 5 6 7 8 9

Not satisfied at allVery satisfied

28(3)(b) Incident Two:

(i)Where were you working (which province and which venue)?

(ii)Who did you report the incident to?(police, agency owner, friend, support agency, business owner, security, etc.)

(iii)If you reported to police, how satisfied were you with the response to your complaint?

0 1 2 3 4 5 6 7 8 9

Not satisfied at allVery satisfied

28(3)(c) Incident Three:

(i)Where were you working (which province and which venue)?

(ii)Who did you report the incident to?(police, agency owner, friend, support agency, business owner, security, etc.)

(iii)If you reported to police, how satisfied were you with the response to your complaint?

0 1 2 3 4 5 6 7 8 9

Not satisfied at allVery satisfied

28(3)(d) Incident Four:

(i)Where were you working (which province and which venue)?

(ii)Who did you report the incident to?(police, agency owner, friend, support agency, business owner, security, etc.)

(iii)If you reported to police, how satisfied were you with the response to your complaint?

0 1 2 3 4 5 6 7 8 9

Not satisfied at allVery satisfied

28(3)(e) Incident Five:

(i)Where were you working (which province and which venue)?

(ii)Who did you report the incident to?(police, agency owner, friend, support agency, business owner, security, etc.)

(iii)If you reported to police, how satisfied were you with the response to your complaint?

0 1 2 3 4 5 6 7 8 9

Not satisfied at allVery satisfied

29. Do you have anything else you want to share about reporting incidents of victimization?

PART FIVE: LAW & THE SEX INDUSTRY

While exchanging money for sexual services is legal in Canada, the Criminal Code prohibits many activities associated with “prostitution” such as: communicating in a public place for the purposes of prostitution; owning/operating a bawdy house, or using any place on a regular basis for the purposes of prostitution; living off the avails of prostitution; assisting anyone to work in prostitution; or transporting anyone to a bawdy house. Similarly, exotic dancing is subject to indecency laws and pornography can be affect by obscenity laws. This section of the survey asks you about your experiences with the enforcement of the Canada's laws as a result of your sex industry work.

30. (1) Have you ever been charged with, or convicted of, a criminal offence related to prostitution, obscenity or indecency?

a) No

b) Yes:

30(2)What offence(s) were you charged with?

30(3)How many times were you charged with the offence(s)?

30(4) Were you convicted?

30(5)Please describe the incident(s).

31. Are you at all concerned about being investigated or charged with a prostitution, obscenity or indecency-related offence?

a) No

b)Yes-

31(1)Pop up: how concerned are you about future criminal charges?

0 1 2 3 4 5 6 7 8 9

Not very concernedVery concerned

32. Have you ever had your involvement in the sex industry used against you in other legal proceedings (child custody, taxes, immigration, other)?

a) No

b) Yes: please describe

33. a) Have the prostitution, obscenity, indecency or other laws impacted your work in any way? Please explain.

34. b) Have the prostitution, obscenity, indecency or other laws impacted you personally in any other way? Please explain.

PART SIX: PERSONAL INFORMATION

Information collected in this section is not for identification or "profiling" purposes. I am collecting this information to find similarities and differences among groups of people in the industry as well as to highlight the uniqueness of your particular experience. The information shared in this section will not be used to identify you in any way.

35. In what year were you born?

36. How do you describe or define your gender?

- a) Female
- b) Male
- c) Transgender
- d) I prefer the term, _____ (fill in the blank).

37. How would you describe your sexual identity?

- a) Heterosexual
- b) Homosexual
- c) Bisexual
- d) Queer
- e) Transsexual
- f) Two-Spirited
- g) I prefer the term, _____ (fill in the blank).

38. (1) Are you currently a student?

- a. No
- b. Yes -Pop up:

38. (2) What type of educational program are currently pursuing?

- Highschool degree or equivalency
- College/ university degree
- Trade/ technical/ vocational school
- Graduate degree
- Other (please specify) _____

39. What is your highest level of education completed?

- Some high school
- High school
- Some college/ university
- Some trade/ technical/ vocational school
- Diploma or certificate
- University Degree
- Masters (inc. LLB or JD)
- Ph.D.

Other (please specify) _____

40. Do you currently have another occupation besides sex industry work?

- No
 Yes, please

describe _____

41. Please list other full-time jobs that you have held in your lifetime.

42. Over the past year, what is your **average monthly take home income** from your work in the sex industry? (Please tick the most appropriate box)

	Less than \$1000	1000-\$2000	2000-\$3000	4000-\$5000	5000-\$10,000	More than \$10,000
Agency In-call						
Agency Out-call (including stags/private parties for an agency)						
Independent (either in or out, including live sex shows)						
Exotic Dance (club-based)						
Pornography/web cam work						
Other sex work (please identify)						

43. What is your marital status?

- Married/ common-law
 Single
 Widowed
 Separated/divorced
 Other _____

44. Do you have any children?

- No
- Yes- Pop up: 45(1)how many?

45 (2) Are they currently living with you?

Yes

No 45(3) why not?

45. In what country were you born?

46. In addition to being Canadian (or other country of citizenship) people often feel that they belong to a particular ethnic or cultural group (for example, people might think of themselves as Irish, French, Indigenous, Italian, Chinese, Sri Lankan or East Indian). To which ethnic or cultural group do you see yourself belonging to?

47. Is there anything else you would like to tell me about your work?

48. Could you please tell me briefly why you decided to participate in this research and where you found out about the research?

Thank you very much for participating in this survey. If you are interested in participating in an interview about your work, please email me at tco@sfu.ca

Appendix C: Interview Schedule

Why did you agree to participate in this research?

How do you describe what you do? Are there any terms that would offend you? Tell me about your first job in the industry.

Does your family know about your work? What about partners/boyfriends/girlfriends? Are there times when you discomfort talking about your sex work?

What are you most concerned about while working? What do you think are the biggest costs of working as a sex worker? What's the best part of working in the sex industry?

How do you respond to the allegations that the sex industry exploits and harms all women?

How concerned are you about the legal status of your work?

Have you ever been impacted by criminal laws, tax laws, immigration or family laws related to your sex work?

Tell me about the people you know who work in the industry- do you know of any women who have "pimps"? What about drug use?

Do you know anyone who has been coerced, or pressured to work in this industry? Have you ever felt pressured to do something you were uncomfortable with?

Have you ever reported an incident of violence? To whom? What were the results?

How do you manage risk while working in this industry? What kind of safety strategies do you employ?

How do you think the industry should be regulated?

What should we be most concerned about in relation to the sex industry? Minors? Pimping? Drug use? Violence? STD's? Trafficking (what percentage of workers do you think have been trafficked into the sex industry?)?

Would you encourage others to work in the sex industry?

What are the biggest misconceptions about working in the sex industry?

Is there anything else that you think people should know about sex work?