

Intuiting illegality in sex work

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Introduction

In the sex work sector, the link between migration and crime is most pronounced in discourses around human trafficking. Human trafficking – that is, the recruitment or transportation of persons through deceptive or coercive means for the purposes of exploitation (UNODC 2004) – is still strongly associated with sex work, despite empirical evidence that trafficking in the sex work sector is not as prevalent as suggested by media or anti-prostitution organizations (e.g. Agustin 2007; GAATW 2007; Jeffreys 2009; Mai 2009; 2012; Segrave, Milivojevic and Pickering 2009; Weitzer 2011). The strong public association between human trafficking and sex work contributes to the aura of illegality that surrounds immigrant or migrant¹ women in sex work. Immigrant or migrant sex workers (or those assumed to be) may often find themselves relegated to one of two simplistic categories in anti-trafficking discourses, representing either the passivity and weakness of racialized sex workers (as trafficking victims) and/or the foreign threat of criminality (as ‘illegal’ migrants engaging in oft-criminalized work).

This chapter investigates the link between illegality, migration and ethnicity in indoor sex work, by exploring how immigrant, migrant and racialized women sex workers in the Greater Vancouver² area define and manage ideas of illegality in sex work. First, an overview of the legal environment for sex work in Canada is provided. Second, the meanings and different interpretations of illegality in sex work (as perceived by sex workers) are discussed. Third, I discuss how sex work renders citizenship suspect for non-White immigrant citizens in Canada. The preoccupation by government authorities with sex workers’ citizenship *status* contrasts sharply with how workers discussed the effect of sex work on their *practice* of citizenship. I conclude with a comment on the relevance of these findings for law enforcement, policymakers and other stakeholders.

Thirty-seven women in the Greater Vancouver area were interviewed between August and December 2013. Interviews were part of a broader research project concerning sex work, migration and women’s agency. In order to interrogate the category of ‘migrant sex worker’, the recruitment criteria were kept deliberately broad in order to capture the range of what ‘immigrant’ and ‘migrant’ mean in sex work. In summary, research participants included interviewees who self-identified as immigrant or migrant, participants legally defined as migrant

or immigrant, and participants who may be assumed to be non-citizens and targeted by anti-trafficking measures (e.g. non-White women who speak English with non-Western accents).

The vast amount of resources channelled into anti-trafficking efforts globally has often resulted in invasive and punitive measures against sex workers (Brock et al. 2000; Suthibhasilp, Petroff and Nipp 2000; Busza 2004; 2005; GAATW 2007; Ditmore 2009; Jeffreys 2009; O'Doherty 2011; RATS-W Team & Empower Foundation 2012). In the Greater Vancouver area, a glaring example of this was the anti-trafficking raids by law enforcement in 2006 of 18 massage parlours predominantly staffed by Asian women (*Vancouver Sun* 2006). Although the ostensible aim of these raids was to identify victims of trafficking, more than 100 Asian women sex workers were arrested. Further investigation revealed that most of the workers were Canadian citizens or permanent residents³ and that none reported exploitation.

This demonstrates an anti-trafficking sector that, while well-financed, still continues to use ethnicity and racial difference as a clumsy stand-in for migrant status. There remains a public certainty that migrant sex workers are at risk of being trafficked, but much less certainty about who the 'migrant' is. In public and city government discourses, there also remains an association between illegality and ethnicity in the sex work sector. Despite public or policy assumptions that the majority of non-White sex workers are either trafficked or not legally allowed to be working in Canada, the majority of research participants were immigrants who had obtained citizenship ($n = 21$ or 57 per cent) or permanent residency ($n = 6$ or 16 per cent) in Canada. Those who were not immigrant citizens or permanent residents were international students ($n = 2$ or 5 per cent) and Canadian-born citizens ($n = 4$ or 11 per cent). Citizenship status was not identified for 3 participants (8 per cent).

Sex work in Canada: criminalized but not criminal

The Canadian criminal laws governing sex work are structured so that sex work itself is not illegal but it is very difficult to undertake sex work without committing a criminal offence. Sex workers' rights advocates are specifically concerned about four laws that criminalize aspects of consensual adult sex work: (1) owning or occupying a 'bawdy house' (i.e. a place regularly used for sex work); (2) living on the avails of prostitution (e.g. earnings); (3) talking in a public place to arrange a commercial sex transaction; and (4) procurement, or assisting anyone to work in sex work (e.g. security, receptionists, accountants, etc.).⁴ On 20 December 2013, the Supreme Court of Canada struck down three criminal laws on sex work as unconstitutional and a violation of workers' right to security of person: (1) s.210 (keeping or being found in a common bawdy house); (2) s.212(1)(j) (living on the avails of prostitution); and (3) s.213(1)(c) (communicating in public for the purpose of prostitution) (Bennett 2013; Fine 2013). The Supreme Court of Canada has stayed their ruling for one year (i.e. the decision will not be put into effect for one year) (Bennett 2013; Fine 2013).

These laws essentially criminalize sex workers' agency and safety strategies. Practising sex work within the limits of the Canadian Criminal Code – that is working alone, working at unfamiliar locations for each interaction, and not negotiating terms with the client – may decrease the risk of arrest but it also decreases the amount of power sex workers can exercise with their clients. Strategies such as negotiating with clients, working with others, and having a regular workplace have been reported to decrease the risk of client violence (Sanders 2004; 2005; Lewis 2006; Sanders and Campbell 2007; Chez Stella 2010; Krüsi et al. 2012; BCCEC n.d.), but would put workers at increased risk of arrest. In essence, these laws set up an extremely difficult choice for sex workers between increasing their vulnerability with clients or increasing their vulnerability with law enforcement.

The criminalization of sex work can perhaps be understood as a moral statement regarding sex work, rather than an effective strategy to address the harms of sex work. There is an increasing amount of evidence that criminalization produces more harm than benefit, for both sex workers and the communities they work in. Criminalization approaches to sex work have been shown to do the following:

- encourage a culture of corruption (Harcourt, Egger and Donovan 2005; Crofts and Summerfield 2006);
- threaten public health objectives (Crofts and Summerfield 2006; O'Doherty 2011; Ross et al. 2012);
- suppress the rights of sex workers (Harcourt, Egger and Donovan 2005);
- foster the isolation of sex workers and deter sex workers from seeking help (O'Doherty 2011);
- increase the economic vulnerability and risk of violence by law enforcement personnel and clients (van der Meulen and Durisin 2008; Shannon 2010; Bungay et al. 2011; O'Doherty 2011; Shaver, Lewis and Maticka-Tyndale 2011; van der Meulen 2011).

The intersections between Canadian sex work and migration policy suggest an ambivalent orientation towards both sex work and migration, as well as confusion about what trafficking is. The most prominent example of this may be what has been referred to as Canada's 'stripper visa' (i.e. temporary work permits for exotic dancers). In the 1970s and 1980s, this temporary work permit allowed American dancers to cross the border to work in Canadian exotic dance clubs (Macklin 2003). When the Canadian exotic dance industry shifted to lap dancing with more physical contact in the 1990s, Canadian and American dancers protested these industry changes (Bouclin 2006), and more Asian and Eastern European dancers applied for these visas (Macklin 2003). The changes in worker demographics resulted in heightened public concerns about trafficking, and immigration officials agreed to deny visas to women suspected of entering for the purposes of employment in the sex work sector (though the visa category was retained) (ibid.). In 2012, the Canadian Parliament passed Bill C-38, which prohibits Canadian employers from hiring temporary foreign workers in the sex work sector (Payton 2012a). It has also given immigration officials more discretionary power to refuse migrants entry into Canada on the basis that they *might* be exploited in sex work (Payton 2012b; *CBC News* 2012).

Intuiting illegality

The majority of women interviewed were either Canadian citizens (including both immigrants who had obtained citizenship and Canadian-born women) or permanent residents. A number of women had experienced administrative migration status checks by government authorities and law enforcement in sex work businesses but issues of immigration status were largely not a concern for the majority of women interviewed. Rather, it was the confusion around the illegality or legality of the sex work sector that shaped how women worked on a day-to-day basis. The ambiguity of both sex work and migration regulatory frameworks in Canada can create confusion about what is technically legal or illegal, leaving workers in a context where illegality may be (wrongly) assumed (O'Doherty 2011).

Interestingly, women's notions of illegality and legality had relatively little to do with the actual criminal laws concerning sex work. Instead, ideas about illegality and legality revolved around anticipating or trying to intuit what events might trigger punitive responses by law

enforcement and other regulatory bodies. On a day-to-day basis, 'illegal' appeared to be defined as anything that might invite an unwanted law enforcement response (even if the triggering event is legally permitted), rather than what is defined in the Canadian Criminal Code. In some instances, this involved workers going to great lengths to protect themselves against activities that were not illegal and/or using strategies to protect their safety that are illegal under the Canadian Criminal Code.

When asked about the laws that sex workers needed to be mindful of, typically interviewees paused, appeared struck by the question, and stated that they actually weren't sure what the laws were. Although a few women were aware about the criminal laws around sex work, most felt a very strong need to avoid detection and interference by law enforcement. In particular, the long-term consequences of a criminal record were recognized to be quite serious. Women were concerned that a criminal record for prostitution-related offences would jeopardize their 'day job' or would result in having their child taken away by child protection services. Several women felt clients were aware of workers' reluctance to call the police in situations of violence and were able to use this as leverage against sex workers. Another perceived consequence was the risk of losing one's job or business. One worker argued that calling the police in situations of violence would only result in attracting the attention of 'bad police' or the closure of their workplace by law enforcement authorities.

'Isabella',⁵ an immigrant citizen and 'massage shop'⁶ worker, thought that involvement in sex work would threaten her application for Canadian citizenship and waited until she had obtained her citizenship before applying for a job in the sex work sector:

Isabella: I was doing, like, minimum wage job, but then I was scared that, what if the police caught me. I wasn't aware of the law, and then, like, I'm going to lose my citi-, not my citizenship, I'm going to lose my working permit. Then I got residence, then I'm going to lose my resident. Then citizen, even though I have a citizenship, Canadian passport, it could be taken, revoked – that's what I think, like, no?

Julie: No, no, no. They, they can deport permanent residents. But they can't deport citizens.

Isabella: Yes!

Julie: Although, but with citizens, I mean, citizens can go to jail, right?

Isabella: Well, the jails here are like so, like, 5-star hotels. If I have to go to jail, this is the best place to go.

Women also identified prohibitions against working from their home as a rule they had to consider, though this more often referred to specific property/strata rules against home-based businesses rather than the criminal law against keeping a 'bawdy house'. Women correctly identified solicitation as an illegal activity, but were confused whether solicitation referred to selling sex or selling sex *in public view*.

I just know we have to keep it discreet. And I have been asked by clients, cause they'll be, like, 'Is this ok? We have to lock the doors. Will cops bust into this?' And I was just, like, 'We were discreet about it and I honestly don't know.' Because, I mean, it confuses me because, if someone really did want to do a bust, it's actually quite easy. I mean, in the [media], there's a whole section where it's like erotic services or something . . . I mean if you did a search-up on Google or the Net, it's quite easy to find. So that's why if someone did want to do a crackdown, it's – I mean, it's, it's just right in their hands.

(*Nara, massage spa worker, Canadian-born Asian*)

The other perceived offences that were identified were largely outside women's experiences. For example, one worker felt law enforcement were only interested in finding undocumented migrant workers, underage workers, and trafficked workers; as these categories did not apply to her, punitive law enforcement responses were not a concern. One worker said that operating without the appropriate business licence would be illegal, so that a shop with a 'massage licence' would be allowed to do [sensual] 'massage' while businesses with a 'beautician' licence would not be permitted to provide [sensual] 'massage'.

There were two kinds of strategies workers used to avoid triggering punitive law enforcement responses: (1) strategies that relied on social inclusion and 'fitting in'; and (2) using language to re-frame worker-client interactions. When they were asked how workers could protect themselves from law enforcement, social acceptance and understanding were common underlying themes. Women stressed staying 'under the radar', being a good citizen, and not being someone anyone would have any complaints about.

In some instances, operating 'legally' was not permitted to workers who wanted to do so:

The place I worked at before wanted to change to a Health Enhancement Centre (HEC).⁷ The City didn't give the licence because they advertised on Craigslist. But the Craigslist ad didn't say sexual services, it just said her size, not saying anything about sexual services. They didn't give her the HEC licence and the place had to close down. This very affected the owner, who signed a lease. They don't want problems but they don't want it public with the police. They say no [to a licence] but they [the applicants] don't know why, don't know how seriously to follow.

(April, massage spa worker, permanent resident, Asian)

One common strategy of remaining 'under the radar' was concealing one's involvement in sex work. It was routine for many research participants to conceal their work from friends, family and communities. One worker said she had also not submitted taxes because she was not sure how she should define her work. Another worker said disguising one's working relationships with clients as personal relationships or personal dates could be a strategy she could use if she came under law enforcement scrutiny.

But in addition to these strategies, staying 'under the radar' also meant monitoring the perceived impact of their presence on their neighbours and in their communities and taking care to appear 'ordinary'.

I know that as long as I don't cause problem with neighbours, I treat them with respect, do 'what makes sense', it's not just law – also about not booking too early or too late, having general respect for my neighbours, no scenes, asking clients to be quiet, being appropriate inside and outside . . . Respect for everybody . . . I don't read the laws, I just keep quiet or discreet. No one could complain what I do, but if they do, then I change what they're asking for, or move on, find another place.

(Jenny, apartment-based worker, immigrant citizen, Eastern European)

For 'Lily', an Asian permanent resident, not 'sticking out' also meant not being too successful or working in popular, well-known businesses. She spoke about the reasons for choosing the massage shop she currently worked in and said 'I prefer a quieter place.' She doubted law enforcement would check her relatively low-profile workplace in a less affluent neighbourhood, where 'nobody care about you, it's more safe.'

The second group of strategies women used to avoid triggering harmful law enforcement responses revolved around language. Although issues of English-language literacy and fluency often arise in public discussions about immigrant and migrant sex workers, research participants also spoke about understanding how to use the English language in a criminalized sex work sector. The Canadian legal context for sex work demands proficiency in talking about sex work without explicitly talking about sex work.

Euphemisms are commonly used around payment and services provided. Sex workers advertising online commonly referred to rates and prices as ‘donations’ or ‘honoraria’. In massage shops, workers spoke about ‘tips’.

But basically, I think, it’s, it’s on how you ask. Like there’s codes, like ‘donations’, how much are your ‘donations’? And it’s, like, you know, you don’t say ‘Do you want to do, you know, service now?’, you just say ‘Is there anything else you’d like?’, right. And it’s all ok, I think.

(Pia, massage shop worker, immigrant citizen, Asian)

In addition to discussing payment in terms of donations and tips, workers also re-framed their work in various ways, with several workers specifying payment for their time or companionship, rather than sex.

You don’t really call it rates, you kind of call it donation, honoraria, gifts, roses, whole different things, but then not put the dollar sign. So that and then a lot of girls will put up a little thing saying, ‘The donation is for my time, and time only. Anything that happens during that time is between two consenting adults.’ So that keeps you safe.

(Amra, apartment-based worker, international student, South Asian)

So when I talk to clients, I obviously do not say ‘Do you do this?’. I say, I say, ‘Sorry, we can’t discuss these terms,’ you know, I use kind of the acronyms, like FS for full service.

(Fatima, apartment-based worker, Canadian-born citizen, Asian/European)

The use of language can have serious consequences, as one worker noted:

This girl got busted – the police and the city – they used [hotel], a very nice hotel in [Edmonton]. And they call all this callgirls. So she show up for the appointment and she pay for her licence, OK. So she didn’t have a problem. So the guy ask her: ‘I’m gonna pay you 300 dollars, what are you gonna to do with this 300 dollars?’ And she said: ‘I’m going to give you a massage.’ ‘So, for 300 dollars, you’re going to give a massage?’ ‘Yes.’ And then a woman came out from the washroom and she told them: ‘I don’t do couples.’ And they’re, like, ‘No, this is the police.’ And then the City person, and she’s, like, ‘Eh, I know you. I just paid my licence. What is this?’ And she said: ‘Well, you said the word “massage”. You were to use the word “body rub” because you’re not licensed for massage.’ So she have to pay this fine. I think it was 500 or a thousand dollars. Are you kidding me? And, and then she said that, if she didn’t pay this fine, then it goes into criminal. And then it’s in your criminal record.

(Isabella, massage shop worker, immigrant citizen, Latin American)

The contradictory and hypocritical nature of Canada criminal laws around sex work (in which sex work is not illegal but working in a brothel or providing information to clients is) means that workers have to expend considerable effort determining what is meant by the terms in

anti-prostitution laws, such as ‘solicitation’ and ‘prostitution’. The interview excerpt below provides an example of how the laws are a confusing terrain for sex workers who are trying to work within the confines of the law.

- Natasha (apartment-based worker, immigrant citizen, European):* So, like, I don’t post on my website, ‘I do handjobs.’ I’m not sure about the legality of it . . . Yeah, but I don’t think I’m even in the wrong, law-wise. I just do it in case.
- Julie:* . . . having sex for money is not illegal.
- Natasha:* Oh, I thought it was, like, you could pay for companionship but not for sex itself. That’s what I was under the impression of . . . So I can say that I do handjobs on my website and that’s not –
- Julie:* You could, well, it’s, I mean, according to the federal law, that wouldn’t be . . . you wouldn’t be breaking any laws. But then in the criminal code, it’s, like, if you talk about it, then that’s solicitation and then that’ll get you in trouble. So I don’t know how –
- Natasha:* What if I phrase it and say ‘upon re-’, no, ‘upon request’?
- Julie:* But then, I mean, I have come across workers’ websites that say ‘I do handjobs but nothing else.’ So, it’s –
- Natasha:* Cause handjobs are not penetration . . . So they’re not considered sex. Whereas oral sex is considered sex, anal sex is sex, so it’s, like, maybe they have that distinction. Cause it could be part of massage . . . I could just maybe say, part of the massage is massaging your penis or something or say ‘for therapeutic reasons’ (laughs) . . . But it’s good to know that sex for money is not illegal itself.

For all the confusion in determining what the criminal laws around sex work permit and what they don’t, being informed of the laws may still reduce fear or concern about law enforcement. A couple of workers discussed how realizing the hypocrisy of the laws around sex work helped reduce concerns about the legality or illegality of one’s own work practices.

To be honest, it’s quite weird. I used to be so scared when I was younger of being caught by the police or in a brothel. Actually, now I don’t care at all. I would actually be happy if a police came to me – . . . I know it sounds crazy, but maybe it’s because I studied laws and how they are, you know. So I would feel like, OK, arrest me, you know, please do this, it will give me a lot of fuel to what I write later. So, I, I really don’t care. Yeah, I don’t really care.

(Fatima, apartment-based worker, Canadian-born citizen, Asian/European)

Undermining citizenship, practising citizenship

The presence of diverse ethnicities in the Greater Vancouver area is prevalent and valued as an indicator of the region’s tolerance, progressive attitudes and status as a global city. However, in the sex work sector, non-White ethnicities and non-Western accents are more likely to be taken as (inaccurate) indicators of vulnerability to exploitation or illegality (i.e. undocumented status) by law enforcement personnel and regulatory bodies.

This section considers how sex work enables or obstructs the practice of citizenship or one’s day-to-day life as a citizen, resident or member of society. Ethnicity is a significant element in the sex work sector, particularly in advertising. The prevalence of ethnicity as an integral part of

business in the sex work sector contrasts with government's and law enforcement's suspicion of 'migrant' (or ethnically diverse) women in the sex work sector. Within Canadian public discourses, law enforcement and border control systems, non-White ethnicities and non-Western accents in the sex work sector still carry strong connotations of illegal migrant status. For instance, a number of research participants in predominantly Asian businesses reported having their identification checked at their workplace by government authorities or law enforcement personnel.

The aura of illegality around ethnicity in the sex work sector is perhaps due to a number of factors. As an occupation, some workers perceived sex work as a chance to earn 'quick money', although they specified that 'quick' money is not the same thing as 'easy money'. Sex work is perceived as a sector where English language fluency is not required. And there still unfortunately remains a strong association between trafficking and racialized women in sex work, despite evidence that this link is unsubstantiated in many contexts (e.g. Agustin 2007; GAATW 2007; Jeffreys 2009; Segrave, Milivojevic and Pickering 2009; Mai 2009; 2012; Weitzer 2011). There is also an extensive body of feminist scholarship that argues that this link has more to do with colonial ideas about non-White women than it does with actual incidences of trafficking (e.g. Kempadoo 1998; 1999; Doezema 2001; Jeffrey 2005; Agustin 2006; 2007; Kim and Fu 2008).

This results in a sex work sector where the citizenship of non-White sex workers who speak English with non-Western accents continues to be regarded with suspicion or disbelief. This is despite the fact that non-White citizens, both immigrant citizens and Canadian-born citizens, do work in the sex work sector. For example, there are a large number of Asian women in the sex work sector in the Greater Vancouver area, which includes immigrants who have gained citizenship or permanent residency, Canadian-born Asians, international students, and temporary migrants, to name a few examples.

The preoccupation of Canadian law enforcement and border security systems with non-White sex workers' citizenship *status* contrasts sharply with the interview narratives that emerged about workers' citizenship *practice* or their day-to-day lives as citizens, residents or members of society. Citizenship status was secure for the vast majority of interviewees and was only mentioned in regards to administrative checks in the workplace. Instead, what emerged was deeper discussion about women's relationship to the society or city they worked and lived in.

In interviews, women spoke about what sex work enabled them to accomplish. These objectives included caring for their children and families, subsidizing their Canadian education, learning English, enjoying the city, and accumulating economic security.

I had a problem since I moved to Canada because we didn't have a good income with my ex-husband. So, but, it was a big help for my family. I, I increased my, you know, my life with that, you know, with the job. But as I, you know, know more people, know more experience, so I got the, you know, like, get my own home, get like a good car, like a, and take care of my two little kids very well. So this is, I'm happy God gave me this power, to be staying by myself, even I didn't have good support from my ex-husband.

(Jasmine, home-based worker, immigrant citizen, Middle Eastern)

The relationship between motherhood and sex work is complex. On the one hand, workers spoke about their fears of having their children taken away by child protection authorities because of their involvement in sex work, and their fears of having their children taken away if they placed them in daycare while they worked. Workers worried about how the stigma around sex work would affect their children's future opportunities. The emotional labour involved in concealing their work from their family was also a concern. However, motherhood was also

strongly invoked in interviews to legitimize or explain one's involvement in sex work. Women felt that the risk of engaging in a marginalized work sector such as sex work demonstrated one's commitment to spending time with one's children (permitted by the liveable part-time income that sex work affords). Motherhood was also associated with a commitment to safe sexual health practices among workers. As Lisa, an Asian worker explained, 'I always use condom, I care. I'm a mom, I have to be responsible.'

I'm alone here [in Canada], my parents, mom passed away, there's no one I can rely on. I'm responsible for my son so I have to be really safe, never take chances – keep it short and sweet.

(Jenny, apartment-based worker, immigrant citizen, Eastern European)

I decide to stay with my kids and take care of my kids and work at home. Just for my kids. Yeah, after two years, my daughter born and I can, I have two kids at home. But I, I want to be with my kids because my kids need me.

(Lucy, apartment-based worker, immigrant citizen, Middle Eastern)

Sex work also enabled women to finance their studies, pay their children's university tuition fees and avoid accruing personal debt. Furthering one's education in Canada was identified as an aspiration but also as a necessity by some, particularly if one's international university education was not deemed sufficient for the Canadian labour market. One worker, 'Lisa', emphatically stated that 'even if they offered a million dollars' she would not engage in sex work in her country of origin but that sex work in Canada was preferable to the risks of accruing expensive Canadian student loans with no guarantee of a liveable wage after gaining a Canadian education.

When I first came here [to Canada], I was going to school, I didn't know much English, I wanted time to learn language, spend time on my studies. The only thing that would give me flexibility to work anytime I wanted, and get more money was through this . . . When I was going to school, I had a baby, that's why I keep going on.

(Jenny, apartment-based worker, immigrant citizen, Eastern European)

Sex work provided avenues to practising citizenship that other employment options did not, given its relatively higher income compared to other employment options available, the work environment with relatively longer periods of 'downtime' or time between bookings, and the relative flexibility of hours. Sex work also became an option when women were excluded from the mainstream Canadian labour market or found the mainstream labour market insufficient to ensure income security. Women spoke about the de-valuing of international credentials and international experience in the Canadian labour market. Educated immigrants found themselves in a quandary as their credentials and experience were de-valued in the Canadian labour market; yet the fact that they had higher education also excluded them from 'unskilled' labour opportunities.

The theme of resilience was present in many interviews. Although workers expressed different levels of comfort with the sex work sector, many expressed pride that they were employed. 'Lily' (Asian permanent resident working in a massage shop) said that as someone coming from another country, her attitude was to 'steady here . . . every day I have to go out, find something better, always searching for better. . . . I have to try, I have to make money.'

I need a job, I need cover my life ... If I talk [ask] government, government don't pay, government don't give you money.

(Kiki, massage shop worker, Asian)

Indeed, numerous workers placed sex work in a hierarchy and valued it over accessing welfare or other perceived 'social ills', particularly drug use. Workers commonly argued for the sex work sector by comparing it favourably to welfare or drug use. 'Lisa' admitted to feeling guilty for engaging in sex work and guilty for concealing her work from her family, but explained that she tried to reduce feelings of guilt by comparing sex work to other, less desirable options: 'I didn't get government money, I didn't spend others' taxes, I use my body ... better than stealing or welfare.'

We're new citizens, we're immigrants and we're trying to do the right thing. We want to study, we want to survive. But other jobs doesn't provide enough and we don't want to take welfare.

(April, massage spa worker, permanent resident, Asian)

Although women spoke at length about how their involvement in sex work allowed them to fulfil their numerous responsibilities (to their family, in their community), they also suggested limits on the responsibilities they felt to the state. For example, 'Lily' (massage shop worker, permanent resident, Asian) argued that while that sex work was a job, she didn't agree that income from sex work should be taxed. She was adamant that income from sex work was to 'feed family, not country' and that income from sex work should not be used to bolster government economies: 'How do other countries respecting that country' if 'female citizens [sex workers] supporting the whole economy of the country'? She argued that instead, countries such as Canada were already routinely bringing in many immigrants each year 'to support country' and that the income derived from the immigration system (e.g. fees) was part of how the government sustained pensions, child benefits, and national development.

While workers spoke about trying to 'do the right thing' as long as it didn't threaten their health or their family's security, they also stated they did not know, not only the laws governing sex work in Canada, but also what this meant for their other legal responsibilities. One worker spoke about not paying taxes for several years because she was unsure how she should report her occupation and her worry that disclosing her occupation to the government would result in her child being taken away by child protection authorities.

Conclusion

In Vancouver, a city that prides itself on its multiculturalism and global identity, ethnic communities are for the most part taken for granted in the urban culture. In the sex work sector, however, ethnicity still continues to be viewed with suspicion by immigration and law enforcement, even as advertising and performing ethnicity remain a routine part of the sex work sector. This is likely due to the public anti-trafficking discourse in Canada, of which the 'migrant sex worker' remains a central figure. The administrative immigration checks in predominantly Asian businesses in some districts of the Greater Vancouver area suggest that law enforcement and immigration officials continue to be suspicious about non-White sex workers who speak English with non-Western accents.

The preoccupation with sex workers' legal status stands in sharp contrast to interviewees' in-depth discussion about their day-to-day lives as residents and citizens in the Greater Vancouver

area. Women spoke in detail about trying to find the healthiest balance between their work and their private lives, and reflected on how their work enabled or hindered their other roles as mothers, partners, community members, taxpayers, consumers and workers (in non-sex work sectors).

Women's narratives also challenge the public and government focus (or some would argue, paranoia) concerning foreign sex workers crossing Canadian borders for work. Most of the women interviewed had entered sex work after they obtained citizenship or permanent residency. For researchers, policymakers and other stakeholders concerned about the experiences of 'immigrant' and 'migrant' sex workers in Canada, it may be more productive to consider how structures and social norms on citizenship in Canada come to situate sex work as a viable employment option, rather than tracking potential sex workers at national borders (Pickering and Ham 2014) or undocumented migrants in sex work businesses.

These findings are particularly relevant for Canadian policymakers and law enforcement personnel. On the one hand, the statement that non-White sex workers with non-Western accents can be citizens sounds embarrassingly obvious and a little racist. However, national anti-trafficking efforts in Canada suggest that convincing law enforcement personnel and policymakers of this fact will continue to be a struggle. As of early 2014, the Ottawa Police Service announced an anti-trafficking initiative focusing on the sex industry that included City Police Services in every province except for British Columbia (where Vancouver is located) and Prince Edward Island (Ottawa Police Service 2014). In addition, the Royal Canadian Mounted Police (RCMP) has also announced their intention to scrutinize immigrants in erotic massage establishments as an anti-trafficking strategy (Hachey 2013; Lalonde 2013; Valiante 2013).

Another question remains for sex workers and their allies about whether emphasizing the citizenship, social inclusion and belonging of non-White sex workers in Canada is enough to neutralize law enforcement suspicion. At local, micro-interaction levels, reinforcing messages about 'immigrant' and 'migrant' sex workers' inclusion and residency in the Greater Vancouver area may help as a basic self-defence strategy. In a conversation with an Australian sex worker activist (personal communication, 27 June 2013), it was pointed out that humanizing oneself when faced immediately with a potential abuser is a common self-defence strategy. In this context, the more often local law enforcement personnel can recognize non-White sex workers as likely citizens or residents may reduce suspicion of or harassment of non-White sex workers in anti-trafficking efforts. Anderson, Gibney and Paoletti's (2011) analysis of anti-deportation campaigns in the UK have outlined the limitations of using affective narratives about individual and family struggles to change an immigration apparatus that is ultimately concerned with administrative citizenship and legal status. However, it may be that disseminating messages about 'immigrant' and 'migrant' sex workers' belongingness, residency and citizenship can help reveal the anti-immigrant sentiments that continue to ground Canada's anti-trafficking framework.

Notes

- 1 For the purposes of this chapter, 'immigrant' refers to persons who have moved to Canada from another country for the purposes of settling and achieving residency or citizenship in Canada. I use the term 'migrant' to describe persons who live and work in Canada temporarily and/or persons who do not hold the legal rights that citizens or permanent residents have (e.g. international students).
- 2 The term 'Greater Vancouver area' refers to what is known locally as the 'Lower Mainland'. It includes the City of Vancouver and the surrounding cities and municipalities, including Burnaby, New Westminster, Richmond and Surrey.
- 3 Citizenship and Immigration Canada defines a permanent resident as 'A person who has legally immigrated to Canada but is not yet a Canadian citizen.' See: <http://www.cic.gc.ca/english/helpcentre/glossary.asp#p>.

- 4 Sections 210–13 of the Canadian Criminal Code. For more information, see <http://lawslois.justice.gc.ca/eng/acts/C-46/>.
- 5 All names have been changed to protect the interviewees' identities.
- 6 'Massage parlour' is the term commonly used in the media but almost no interviewees used this term. Interviewees used a variety of terms to describe businesses providing sexual services (though not all provided sex). The most common term used was 'shop' and this is used in this chapter, rather than 'parlour'.
- 7 The City of Vancouver has a business licence category for 'Body Rub Parlours'. However, given the numerous restrictions and expensive fees required for this licence, many 'massage parlours' opt for the less expensive and less restrictive 'Health Enhancement Centre' business licence.

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