

# Challenges: Ottawa area sex workers speak out

By Chris Bruckert and Frédérique Chabot in collaboration with





# ACKNOWLEDGEMENTS

First and foremost, we would like to thank the Ottawa-area sex workers who took the time to share their stories and profound insights; it was an honour to have collaborated with you on this project.

Chris Boodram for having helped brainstorm what was to become the structure of this report as well as for his input and editing skills; Emily Symons for her support, input and editing; Jenn Clamen and Nicholas Little for their input, their support and for having been forces behind POWER's birth; Alex Baril for his insights; Melanie Leduc for her support; and Lindsay Blewett for her work as one of the research coordinators.

We would also like to recognize the guidance and research work of Karin Galldin and Leslie Robertson of Galldin Law and law student Joanna Mullen; Trina Forrester for managing the grid and the statistics; Julie Cameron for editing the document; and Stacey Hannem for her conceptual 'nudges' and concrete suggestions.

Heartfelt thanks to Ariel Troster for her expertise and advice; Michelle Ball and Kathleen Cummings of the AIDS Committee of Ottawa for their unwavering support; as well as Michael Burtch and Grant Cobb of the AIDS Committee of Ottawa for their contributions.

None of this would have been possible without the dedicated work of the interviewers: Leslie Robertson, Nicholas Little and Lee Allard; the support of the staff from Centre Espoir Sophie, under Melanie Leduc's direction; St-Joe's, AIDS Community of Ottawa (ACO), Oasis and Pink Triangle Services for providing space for the interviews. The help of Nina Biancardi, from the Elizabeth Fry Society, Jennifer Milton from the Storm Van (Minwaashin Lodge), Jina Rodas-Wright, Hannah McGeachie, and Pat Croteau was invaluable.

We'd also like to thank MTB and Chico for their awesome and constant support; and Sasha and Mimi for having successfully prevented numerous exhaustion-induced meltdowns.

Finally, we thank all POWER members, our allies in the community, and our colleagues and fellow activists in the sex worker rights movement across Canada for their inspiring work. In particular, heartfelt thanks to the amazing men and women at Stella, Maggies, SPOC and Pivot.

## Dedication

A special recognition goes out to 'Veronique' who shared her story with us.  
We mourn her passing and dedicate this report to her memory.

# FOREWORD

*In 2009, three Ontario sex workers (Amy Lebovitch, Terri-Jean Bedford, and Valerie Scott of Sex Professionals of Canada) challenged Canada's prostitution laws as unconstitutional, arguing that the laws violate their right to life, liberty, security of the person, and freedom of expression. On September 28 2010, after months of expert testimony and careful examination of the evidence, Justice Susan Himel of the Ontario Supreme Court agreed that the laws "are not in accord with the principles of fundamental justice" and struck down key components of the prostitution laws. In effect, under the ruling, Ontario would have de facto partially decriminalized sex work after the 30 day implementation period granted by Justice Himel.*

*The ruling came down just as we, at POWER, were preparing "Challenges: Ottawa-Area Sex Workers Speak Out" for publication. For 28 short hours, we revelled in the possibility that some of our research might already be obsolete. That said, like others in the sex worker rights movement, we were not naive enough to assume that a judicial ruling would address all the challenges confronting sex workers – indeed the research demonstrates how the complex intersections of stigmatization, marginalization and criminalization create the conditions of possibility for those challenges. Nonetheless, we rejoiced in Judge Himel's recognition that the harm caused to sex workers by Canadian Criminal Code provisions relating to the probation of soliciting in public, living on the avails of prostitution and keeping a common bawdy-house, are "simply too high a price to pay for the alleviation of social nuisance."*

*Our elation was short-lived. On September 29th Justice Minister Rob Nicholson told the House of Commons that he was "pleased to indicate to the House that the government will appeal and will seek a stay of [the Himel] decision." Shortly thereafter, the Ontario government made a similar announcement. Sadly, it is in the face of such political indifference to the violence experienced by sex workers that we add this report to the growing body of research that demonstrates the harms engendered by Canada's antiquated and moralistic approach to sex work.*



Prostitutes of Ottawa/Gatineau Work, Educate and Resist  
Prostitué-es d'Ottawa/Gatineau travaillent, éduquent et résistent

POWER (Prostitutes of Ottawa-Gatineau, Work, Educate and Resist)  
POWERottawa@gmail.com  
(613) 482-4133 · www.powerottawa.ca

**Report designed by:** Glenn Crawford - [www.jackofalltradesdesign.com](http://www.jackofalltradesdesign.com)  
**Date:** December 2010

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# EXECUTIVE SUMMARY

Sex workers around the world have been organizing into groups to defend their interests and campaign for their rights since the 1970s. By speaking out about their work and their lives, individuals in the sex workers' rights movement have sought to challenge stereotypes and misconceptions, inserting their voices in a conversation that has historically been 'about them, without them'. It was not until February 17th 2008, however, that POWER (Prostitutes of Ottawa-Gatineau Work Educate and Resist) was founded - the National Capital's first sex workers' rights organization.

POWER recognized that in order to appropriately respond to, and be relevant for, a broad cross-section of the sex working community, it was imperative that the group be knowledgeable of the specific challenges confronting local sex workers labouring in the industry's different sectors in the Ottawa-Gatineau region. Accordingly, POWER researchers interviewed 43 adult sex workers - male, female and transgendered - labouring in the erotic dance, out-call, in-call and street-based sectors of the Ottawa area. **Challenges: Ottawa-Area Sex Workers Speak Out** is the result of this community-based research initiative.

The report begins by describing the research **Methodology** used and provides information on how the data was collected and analyzed. The second chapter, **Situating the research**, positions the research project within the local context, legal parameters, academic conversations and activist dialogues. The remainder of the report presents the findings in six chapters. We recognized that the sex workers who took the time to share their stories with us are the 'experts of their own lives' and it was by respectfully attending to what these individuals had to say and the challenges they identified that the authors came to understand the complexity of sex workers' lives. The six 'findings' chapters, therefore, foreground the narratives of these men and women while drawing on the insights from the rich body of community and university-based empirical research that exists in Canada.

**Sex workers speak about labour site challenges** presents an overview of the Ottawa-area sex industry. Suggesting that sex work is an occupational category rather than a job description, the authors highlight the diversity of labour practices, processes and organizational structures. In this chapter, relationships with both managers and clients are explored. The chapter concludes that, while it is impossible to speak of universal challenges, the impact of the stigmatization and criminalization significantly conditions the labour experience.

**Sex workers speak about safety, security and well-being**, begins with a discussion of health and safety risks encountered by Canadian workers in general before reflecting upon the specific threats to the well-being of sex workers (physical and sexual health; physical and sexual violence). Cognizant of these risks, sex workers are not passive but actively seek to minimize the physical, sexual, financial and health risks that they confront. To this end, they develop strategies in an effort to maximize their security. Tellingly, however, one resource that sex workers, and most especially street-based workers, do not access is the criminal justice system itself.

**Sex workers speak about the police** documents what Ottawa-area street-based sex workers' say about law enforcement and categorizes these concerns as: harassment (verbal abuse, 'call-outs' and 'calling to account'); physical violence (assault, excessive use of force during arrest, 'jack-ups' and 'starlight tours'); sexual misconduct; destruction/confiscation of property (including the removal of condoms) and 'outing'. The chapter situates these collective experiences within a human rights framework and reflects on the possibility that Ottawa police are engaging in social profiling and failing to use the power that we, as a society, entrust them with in a responsible and ethical manner.

***Sex workers speak about the law and the criminal justice system*** provides an overview of the *Canadian Criminal Code's* provisions pertaining to prostitution in Canada. This chapter demonstrates that the tactics sex workers employ in an effort to avoid coming into conflict with the law may indeed diminish their likelihood of being arrested; however, they also increase their vulnerability to violence. At times, these strategies also exacerbate tensions with neighbourhood residents. The chapter concludes with an examination of the lived implications of criminal charges including criminal records and the imposition of red-zones.

***Sex workers speak about stigma, social judgment and whorephobia*** examines common assumptions regarding sex work that may not, in fact, be based in evidence. The chapter considers the implications of these stigmatizing views, particularly the way in which they connect, spuriously affirm one other, and are used to justify a web of regulation that excludes and marginalizes sex workers. This chapter documents the significant impact of these stigmatic assumptions (and workers' attempts to manage their implications) on the lives of workers. The chapter concludes by exploring the similarities between sex workers' experience of whorephobia and other marginalized populations' experiences of discrimination.

***Intersecting marginalizations***, the final findings chapter, extends the discussion by reflecting on the way sex work intersects with the well-documented oppression and disadvantage experienced by Aboriginal people, homosexual men and women, transgendered people and drug users. Throughout, the issue of poverty surfaces as a significant variable and the chapter concludes with reflections on how class, gender and the distribution of economic resources conditions sex workers' experience, and how it is implicated in the question of choice.

The report's ***Conclusion*** raises three key concerns. First, sex workers are criminalized for providing consensual sexual services – something that is not criminal. Second, sex workers are stigmatized and there is widespread whorephobia. It is this moral stigma and the cluster of associated stigmatic assumptions that positions sex workers not only as 'other' and not like us, but a toxin to be eliminated from the social body. Third, there is individual, community and structural marginalization and the liminal grey zone sex workers inhabit. It is here that the threads of stigmatization and criminalization intersect. The report concludes by arguing that the challenges identified in this report are not inherent to sex work; rather, they are a consequence of the legal, social and discursive context in which that work occurs.

The final component of the report is ***POWER's call to action***. This call is divided into three sections: Immediate Actions such as a moratorium on the enforcement of Criminal Code sections 210-213, the end of over-policing of street-based sex workers by Ottawa police, and the development of meaningful channels of communication between sex workers and the police; Mid-term Actions including ending the imposition of 'red-zones' by the courts and as a release condition, an end to social profiling by the Ottawa Police, and the development of lines of meaningful communication between neighbourhood residents and sex workers and; Long-term Actions including the decriminalization of Criminal Code sections 210-213; the building of alliances across social movements; and the meaningful involvement of sex workers in the development of programs, policies, regulations and legislation addressing any aspect of sex work at the federal, provincial, and municipal levels of government. *Nothing about us without us.*





# INTRODUCTION

Sex workers around the world have been organizing to defend their interests and campaign for their rights since the 1970s. By speaking out about their work and their lives, individuals in the sex worker rights movement have sought to challenge stereotypes and misconceptions, inserting their voices in a conversation that has historically been *about us, without us*. It was, however, not until February 17th 2008 that Prostitutes of Ottawa-Gatineau Work Educate and Resist (POWER), the National Capital's first sex worker rights organization, was founded. Envisioning a society "in which sex workers of all genders practice their profession free of legal and social discrimination, harassment and violence,"<sup>1</sup> POWER engages in public education campaigns; fights for the legal, social and human rights of sex workers; supports health promotion efforts; and participates in research projects.

Committed to social, labour and human rights, POWER recognizes that in order to appropriately respond to a broad cross-section of the sex worker community it is imperative that the group be well-educated in policy<sup>2</sup>; informed about Canadian sex worker activities/activism<sup>3</sup>; and be knowledgeable of the specific challenges confronting local sex workers labouring in different sectors of the industry in the Ottawa-Gatineau region<sup>4</sup>. To accomplish this latter objective, POWER researchers interviewed 43 adult sex workers - male, female and transgendered - labouring in the erotic dance, out-call<sup>5</sup>, in-call<sup>6</sup>, and street sectors of the Ottawa area about the challenges they confront in their work lives and, to a lesser extent, how their work impacts on their private lives. Mindful that the concealed nature of the industry precludes the possibility of obtaining a statistically valid representative sample, researchers sought instead to capture a breadth of experiences. *Challenges: Ottawa-area Sex Workers Speak Out* is the result of this community-based research initiative.

The report begins by detailing the research methodology and provides information on how the data was collected and analyzed. The participants' demographic profile is also presented. The second chapter situates the research project within the local context, legal parameters, academic conversations, and activist dialogues. In particular we attend to the tension between the abolitionist discourses that conceptualize sex work as victimization and sex workers and their allies who argue that sex work is work – work that is conditioned by its criminalized, marginalized, and stigmatized context.

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<sup>1</sup> Excerpt from POWER Vision Statement (2009)

<sup>2</sup> See POWER Policy Report (forthcoming).

<sup>3</sup> See POWER Taking Action (2010).

<sup>4</sup> In November 2008, POWER secured \$27,000 limited-time funding from the AIDS Bureau of Ontario. Approximately a third of these funds were used to fund two reports and the research.

<sup>5</sup> Workers, who may be independent or labour under third party control, provide services at a client's place of residence (permanent or temporary as in the case of a hotel room). Fees are usually according to time not per service. Many of the workers identified as escorts in this research work as out-call workers.

<sup>6</sup> Workers, who may be independent or labour under third party control, provide services in an establishment (i.e. brothel, 'massage parlour'). The client comes to the place of business. Fees may be based on time or on a fee per service basis. In the report some in-call workers may be identified as escorts if they are paid according to time and not service. When workers labor in massage parlors this is indicated as their labor sector.

The research results are then put forward and discussed in six chapters that reflect the broad themes that emerged from the interviews. Chapter Three, *Sex Workers Speak About Labour Site Challenges* is an introductory chapter that speaks to labour process and practices as well as issues around management and clients. Chapter Four concerns itself with *Safety, Security and Well-being* and examines issues of health, situational violence, and predatory (or criminal-intent) violence. In Chapter Five we turn to policing. Much of this chapter is devoted to documenting police abuses of power which are categorized as harassment, physical violence, sexual misconduct, destruction or confiscation of property and 'outing'. Building on the insights from the Policing chapter, Chapter Six examines *The Law and Criminal Justice*. In this chapter the particular challenges engendered by the criminalized nature of the sex industry are presented. In Chapter Seven, *Stigma, Social Exclusion and Whorephobia*, we bring the threads of the report together, presenting the experiences, negotiations, and implications of the whore stigma. The final findings chapter, *Intersecting Marginalizations*, attends to the situation of sex workers who are also Aboriginal; lesbian, gay, bisexual or transgendered; or who misuse drugs or alcohol. We conclude this chapter with a discussion of social class and poverty. The report concludes with a brief summary and a call to action.



# CHAPTER ONE:

## Methodology

POWER is a sex worker-led organization and membership is restricted to current and former sex workers and their allies. As such, many members have lived the challenges of labouring in this stigmatized, marginalized, and criminalized sector of the labour market. In spite of this experiential knowledge, POWER recognized that for us to remain relevant to the sex worker community, it was imperative that we understand the experiences of a diverse range of sex workers (including those who may not be interested in participating in POWER) regarding their work and the challenges they confront in their professional and private lives. To address this need, POWER undertook a comprehensive needs assessment of sex workers living and working in the Ottawa-Gatineau area. This was a community-based research initiative that is grounded in community concerns, is relevant to that community and “is carried out in community settings” (CCBR, np, 2010). As will become clear in the coming sections, the research was also characterized by the active participation of the community in all stages of the research process.

POWER began by reviewing empirical studies undertaken in Canada in the past decade – research based on what adult sex workers themselves say about their lives. Fortunately, in Canada there is a substantial body of such literature coming out of sociology (Jeffrey and MacDonald, 2006; Lewis and Shaver, 2006; Lewis et al, 2005; Benoit and Millar, 2001); criminology (Bruckert, Parent and Poliot, 2006; Lowman, 2006; Maloney, 2004; Bruckert, Parent and Robitaille, 2003); law (Pivot 2006, 2004, 2002) and sex worker rights organizations (Currie and Gillies, 2006; DERA, 2006; Stella, 2005; Cler-Cunningham, 2001).

Information regarding sex worker challenges was extrapolated from this literature and thematically organized into work-related challenges and social issues that may be linked or exacerbated by sex work. Work-related issues included: the geographic community, clients and aggressors, criminal justice, employers, health, economic issues, police, regulatory costs, stigma, and support. Social issues included the following: education, family, friends, housing, education, partners, stigma, post-sex work, poverty, social support and substance use/misuse. Some issues identified in the literature did not emerge during the interviews, and were therefore not addressed in this report.

### *The Interview Guide*

An interview guide was developed by the POWER research committee. Drawing on the thematically organized list of sex worker challenges obtained from the literature, questions were developed to:

- a) ascertain the relevance of these issues for sex workers in the Ottawa area;
- b) identify the nature of specific challenges confronted by Ottawa-area sex workers, including those challenges not identified in the literature;
- c) Identifying gaps in POWER’s knowledge of sex worker challenges, needs or services.

The interview guide, consent form and, recruitment texts were subsequently translated into French to ensure francophone sex workers could participate in their first language.<sup>1</sup>

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<sup>1</sup> Ultimately only one interview was conducted in French in spite of the fact that 3 of the 4 interviewers were fluently bilingual and that a number of the sex workers we spoke with were Francophone.

## *Recruitment*

There are evident barriers to obtaining a representative sample of individuals who labour in criminalized, marginalized, and stigmatized commerce.<sup>2</sup> Quite simply because it is impossible to accurately determine the contours of a clandestine industry, a generalizable sample is unachievable. In light of this POWER assumed a methodological approach that consciously avoided the pitfalls and flawed methodologies employed in some sex work research (such as contacting workers through service agencies, speaking only to incarcerated workers, limiting recruitment to street-based workers, and ignoring the experiences of male and transgendered workers).<sup>3</sup> Appreciating that the challenges confronted by sex workers may be conditioned by labour organization, labour practices, and gender, we sought (within the fiscal and temporal constraints with which we were contending) to generate as broad and varied a sample of Ottawa-area sex workers as possible.

Accordingly, a number of recruitment strategies were employed. Under the direction of the POWER Research Coordinator, participants were recruited by the following means: the personal, social, and professional networks of POWER members and allies; posting flyers at locations known to be frequented by sex workers, including stores, community centers and health clinics; and advertising via Internet sites used by sex workers.

## *Data Collection*

A total of 51 interviews with self-identified Ottawa-area sex workers took place between April 2009 and February 2010. Lasting between 45 and 90 minutes, the interviews were conducted by POWER members or allies trained in research methods, interviewing techniques, and ethical considerations. Participants had the option of having the digitally-recorded interviews administered in person or over the phone, and each received a \$20 gift card as a gesture of gratitude for their contribution. In keeping with established tri-council ethics procedure, all participants were presented with a consent letter which was orally reviewed with the interviewer. Consent was then asked to be given verbally and included as part of the interview's recording. Due to problems with the recording equipment, only 43 of the interviews proved to be useable.

## *Data Analysis*

The *Challenges* project is a qualitative research initiative that sought to generate both numerical data and denser qualitative descriptions: the former providing an overview of the relative significance of particular challenges; and the latter serving to capture the nature and range of challenges confronted by sex workers in the Ottawa area. The interviews were therefore subject to two forms of analysis: one statistical and the other qualitative. Interviews were first transcribed and coded using a spreadsheet in order to synthesize and thematically organize the large amount of data. This proved to be a useful way to facilitate the cross-referencing and broad overviews necessary for analysis. Very rudimentary statistics were then compiled and used for descriptive purposes and to provide broad indicators across this small and non-representative sample.

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<sup>2</sup>This is not a difficulty that is specific to sex workers but characteristic of research on 'hidden' populations. For example research on battered women often draws on samples from women in shelters or through service providers or the police and courts leaving the experiences of the women who never come to the attention of officialdom 'off the record' (Hoyle, 2000).

<sup>3</sup>See for example Wietzer, 2005 of a discussion on methodological problems in sex work research.

## *Ethical considerations*

POWER is a by-and-for sex workers' organization and is therefore highly sensitive to the importance of protecting and preserving the anonymity of sex workers. Participant identity protection measures were therefore taken: no identifiable information was collected during the interview (i.e. name, address); all potentially identifiable data was deleted or altered during transcription; and in some cases, we elected not to use quotes that would identify participants. In addition a series of measures were implemented to ensure the integrity of the data during its collection, during analysis and after the research was completed: confidentiality agreements were signed by all interviewers; all data was transmitted in person; and all electronic data was encrypted. Ethics approval for secondary use of the Challenges project data was sought from the University of Ottawa<sup>4</sup> and obtained on March 3rd 2009.

## *The Sex Workers*

A diverse group of 43 sex workers were at the heart of this research project. Thirty-four were women, 5 of which were Aboriginal. Two were transgender females. Seven were men, all save one of whom were providing services to men. Participants' ages ranged from 20 to 54.

Each participant had a wide array of experiences to share. The time they had worked in the sex industry ranged from six months to 44 years, the average being 14.6 years. There is a clear difference between the average length of time in the industry of indoor workers (7.8 years) and street-based workers (17.9 years). The age at which participants began sex work varied considerably as well. Most of the workers (including street-based workers) started to work in the sex industry in their early 20s to early 30s, the average age of entry being at 22.5 years. Eleven of the participants (all street-based) started working as minors, in two cases these women's participation in prostitution (though not commercial sex, per se) started at the extremely young age of nine.

The majority of participants were street-based workers - 24 women, one man and two transgendered people - with the remainder working indoors. Of these, 11 were escorts - six women, five men; two were erotic dancers - both women; and three worked in massage parlours doing in-call sex work - two women and one man. Within our sample there was considerable movement between industry sectors, with over half (22) having worked in at least one other sector of the industry, eight of whom had worked in multiple sectors over the course of their career. There was little evidence of upward or downward mobility between industry sectors<sup>5</sup> - instead we see workers change sectors as their needs or interests alter.

All but five of the sex workers with whom we spoke (two massage parlour workers, one escort and two erotic dancers) worked independently at the time of their interview. However, 14 participants had previously worked in situations of third-party management,<sup>6</sup> ten of whom were escorts. The remaining four—three women and one man—were street-based workers and spoke of having had 'pimps', (including one woman who identified her father as her street-manager).

Nineteen worked full-time, 16 part-time and eight considered themselves to be occasional workers. In addition to working in the sex industry, workers were employed as, for example, music teachers, personal trainers, child development workers, social workers, parking enforcement officers, house cleaners, construction workers and freelance journalists.

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<sup>4</sup> Chris Bruckert, one of the authors, is employed as an Associate Professor at the University of Ottawa.

<sup>5</sup> We are not suggesting that there is a stratified industry, recognising that workers make choices according to their needs and opportunities.

<sup>6</sup> In one case the woman worked for only two days before deciding to work independently.





## CHAPTER TWO: Positioning the Research

The sex industry has long been a topic of dispute and we continue to see lively debate between some radical feminists (for whom prostitution is a symptom and a symbol of patriarchy, positioning sex workers as victims); social conservatives (for whom the selling of sexual services is immoral) and sex workers and their allies (for whom sex work is work).<sup>1</sup> Untangling these conversations and the implications of the various positions is an important undertaking and one POWER engages with elsewhere.<sup>2</sup> While hesitant to tread down this well-worn ideological path we nonetheless feel it is important to position the research. Rather than a traditional literature review, we elected to draw on the rich body of community and university-based empirical Canadian research<sup>3</sup> throughout the report and dedicate the current chapter to laying out the context of the research. We do this by first discussing the Ottawa-area sex industry before moving on to consider the legal context; we conclude the chapter with reflections upon the discursive context.

### *Sex Work in Ottawa*

The dominant image of a sex worker is a woman soliciting customers in a public space. In fact, although the majority of Criminal Code charges for prostitution-related offences are laid against street-based workers and their clients,<sup>4</sup> this type of activity represents only 5 to 20% of the industry (Canada, 2006:5). Moreover, male workers, comprising an estimated 20 - 25% of the industry (Canada, 2006:10), are a significant, albeit often overlooked population. Most Ottawa-area workers, like their colleagues around the country, are men and women who labour in out-call (providing services in the homes or hotel rooms of clients) or in-call (providing services to clients who come to the worker's home or place of business) sectors.

However, in light of the attention paid to the street-based sector by the media, police and neighbourhood associations - and indeed by us in this report - some contextualization is warranted. Street-based sex workers peacefully co-existed with working class inhabitants of the Byward Market area for over 150 years. Tension emerged in the early 1980s when, in a process of urban renewal, upwardly-mobile citizens began purchasing property in this centrally-located area. These new residents brought with them cultural, political and economic capital that allowed them to redefine the neighbourhood. As a result, "original residents who did not represent the ideal of the suitable neighbour were forced out, usually under the guise of safety concerns" (Fagan, 2010:1). Speaking to the strategies employed by the Hintonburg Community Association, Cheryl Parrott, an original member of that group, explains that "part of the process we have gone through is finding out what laws we have and where the gaps are, then trying to figure out how you fill that in. At what level of government and what committee is it provincial or is it federal?"<sup>5</sup> Sex workers are displaced because of this mobilization. Today, there are three main prostitution 'strolls' in Ottawa - the Byward Market area, Vanier and Hintonburg/Gladstone. Each area is unique and characterized by its own rhythms, pay scales and cycles.

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<sup>1</sup> See Parent et al (2010) for a detailed discussion.

<sup>2</sup> See POWER's Policy Report (forthcoming).

<sup>3</sup> See, in particular, Benoit and Millar 2001; Cler-Cunningham 2001; Bruckert, Parent and Robitaille 2003; Maloney 2004; Pivot 2004, 2006; Lewis et al, 2005; Lowman, 2005; Stella, 2005; Currie and Gillies, 2006; DERA, 2006; Lewis and Shaver, 2006; Bruckert, Parent and Poliot, 2006; Jeffrey and MacDonald, 2006.

<sup>4</sup> According to Statistics Canada, in 2007, 94.5 % of all prostitution related charges were classified as "prostitution other", in 2006 the rate was 93.6% and in 2006, 94.7%. (Uniform Crime Reporting Survey 2007, 2006a). Statistics Canada classification of "other prostitution" is presumably limited to s. 213 as it excludes charges under the bawdy house provisions s. 210 and s.211 and procuring s. 212, 170, 171.

<sup>5</sup> Quoted in Fagan 2010:1

## *The Legislative Context*

The exchange of sexual services for compensation, financial or otherwise, is not and has never been illegal in Canada. There are, however, three laws that have a profound impact on sex workers. The most frequently enforced law and the one used to police street-based sex workers is Section 213 (1) of the *Canadian Criminal Code*. It decrees that communicating for the purposes of prostitution is a summary offence<sup>6</sup> and specifies that:

Every person who in a public place<sup>7</sup> or in any place open to public view (a) stops or attempts to stop any motor vehicle; (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction.<sup>8</sup>

Section 210 of the *Canadian Criminal Code* (the “bawdy house” provision) is specifically concerned with owners/operators and workers who labour in establishments. In terms of the former, Section 210(1) specifies that “everyone who keeps a common bawdy-house<sup>9</sup> is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.” Workers and their clients are more likely to be convicted for the summary offence as outlined in the *Canadian Criminal Code* Section 210(2):

Everyone who (a) is an inmate of a common bawdy-house, (b) is found, without lawful excuse, in a common bawdy-house, or (c) as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house.<sup>10</sup>

Section 212 of the *Canadian Criminal Code* is a wide-ranging ‘procuring’ law. This law potentially criminalizes anyone who (j) lives wholly or in part on the avails of prostitution of another person” and also managers. In terms of the latter, of particular significance is the following which specifies that:

Everyone who (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada, ... (h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally...is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.<sup>11</sup>

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<sup>6</sup> Summary offences are “punishable to a fine of not more than five thousand dollars or to a term of imprisonment not exceeding six months or to both” (R.S., 1985, c. C-46, s. 787; R.S., 1985, c. 27 (1st Supp.), s. 171; 2008, c. 18, s. 44.). It also means that cases can be tried in a lower court and without full legal proceedings.

<sup>7</sup> In this Section, “public place” includes any place to which the public have access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view. R.S., 1985, c. C-46, s. 213; R.S., 1985, c. 51.

<sup>8</sup> R.S., 1985, c. C-46, s. 213; R.S., 1985, c. 51 (1st Supp.), s. 1.

<sup>9</sup> In the *Canadian Criminal Code*, a bawdy-house is defined as “a place that is kept or occupied, or resorted to by one or more persons, for the purpose of prostitution or the practice of acts of indecency.”

<sup>10</sup> R.S., 1985, c. C-46, s. 210; R.S., 1985, c. 51.

<sup>11</sup> R.S., 1985, c. C-46, s. 212; R.S., 1985, c. 19 (3rd Supp.), s. 9; 1997, c. 16, s. 2; 1999, c. 5, s. 8; 2005, c. 32, s. 10.1.

Of course, it is not only laws but also their enforcement that are relevant to the understanding of the legal parameters sex workers negotiate. In some cities such as Toronto and Edmonton, some police programs work to foster open communication with sex workers and their organizations. Unfortunately, Ottawa Police Service do not attempt such an approach and instead appear to rely on repressive measures. Intended to “deal with community-identified prostitution and prostitution related problems” (Ottawa Police Service, 2010), a ‘Street Crimes Unit’ was established on November 19th, 2007 and continues to arrest street-based sex workers in regular ‘prostitution sweeps’.

### *The Discursive Context*

While feminist engagement with the question of prostitution dates back to the progressive era of the early 1900s, it was at the time of the broader rethinking of gender and patriarchy in the 1970s that prostitution emerged as the symbol of the social, sexual and economic domination of women by men. Developed by radical feminists, this framework positions prostitutes as victims of social structures like discriminatory laws and their enforcement; as victims of the socio-economic system, of sex-role stereotypes, and of patriarchy as a whole; as victims of individual men as pimps and customers; as victims of the male collective which objectifies women, expresses its hatred, and experiences a sense of power over all women through the ‘purchase’ of one of womankind’s representatives; as victims of childhood sexual abuse, incest, and/or rape; and finally as victims of the general circumstances of their lives.<sup>12</sup> This perspective continues to resonate in recent research work which evokes powerful and disturbing images by likening sex work to slavery (Barry 1995; Carter 2004; Jeffreys 2004) and suicide (Lee 2004), and by asserting that all sex work must be coerced and cannot be a matter of choice because “no one wants to rent out her vagina as a garbage can for hordes of anonymous men” (Hoigard and Finstad 1992:180). The underlying assumption that sex work is inherently degrading is, of course, shared by moral conservatives. Arguably, the mainstream acceptance of this discourse speaks to the convergence of the assumptions and the agendas of radical (second wave) feminists and the ‘moral right’.

Challenging the views of this particular strand of radical feminism, sex workers themselves maintain that the victim identifier is, in the main, inappropriate. These individuals speak of their identity as workers and, in some cases, as sex radicals.<sup>13</sup> In the 1990s, some feminists started to reassess sex work, listen to industry workers, and integrate their discourse into their analysis. The result is research that includes an examination of the labour challenges of sex workers (Chapkis 1997); anti-sex industry moral panics (Brock 1998); myths and misconceptions about sex work (Shaver 1996; Benoit and Millar 2001); sex workers’ identity management (Phoenix 1999); the history of erotic dance (Ross 2000); emotional labour and power relations in strip clubs (Price 2000; Wood 2000); dancers’ narrative resistance strategies (Ronai and Cross 1998); the relation between sex work and sexual identity (Parent 2001); negotiations around intimacy (Frank 1998); and the regulation of the escort trade (Lewis and Maticka-Tyndale 2000).

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<sup>12</sup> See for example. Millett 1972; James 1977; Barry 1979; Wilson 1983; Jeffreys 1985; O’Hara 1985; Wynter 1987.

<sup>13</sup> Some sex workers, at the same time as they advocate for a labour approach, position themselves as sex-radicals (cf. Aline 1987; CORP 1987). Re-inserting sexuality into the debate, these workers challenge the appropriation of sexuality of women by men and maintain their right to control their bodies, and to define their sexuality not only outside of traditional moral discourse but also outside of the feminist discourse which associates feminine sexuality with love and warmth. In short, these sex workers are part of a broader re-thinking of sexuality as a contested terrain, the site and source of subversion (McClintock 1993; Chapkis 1997).

In short, scholars are increasingly attending to what sex workers have long said and are thinking about sex work as work (and in some cases using labour theory to do so). At the same time, they are examining the challenges confronted by workers including “sex workers’ vulnerability to assault, substandard and unsafe work conditions, the absence of appropriate health and social services to meet their needs, their marginalization or exclusion from mainstream social and community institutions” (Lewis and Shaver, 2006:12). Researchers are also drawing attention to the implications of the legal context sketched above, including the ways the laws and their enforcement increase workers’ vulnerability to violence (Jeffrey and MacDonald, 2006), and highlighting the paradox of protectionist laws that endanger workers (Currie and Gillies, 2006). Other researchers have identified the significant problem of ‘*the whore stigma*’:

Stigmatizing attitudes that paint sex workers as backwards, victims, uneducated, addicted and whores are, according to sex workers, common among the wider public as well as among police, government and the media and they contribute to the climate of violence and marginalization that sex workers face (Jeffrey and MacDonald 2006:135).

It is increasingly evident that stigma, criminalization and marginality are intersecting and mutually reinforcing processes. While they can be conceptually ‘pulled apart’ they remain experientially intertwined and constrain, but do not confine, sex workers. Speaking to the interplay between these factors, the Canadian HIV/AIDS Legal Network (2005) explains:

The criminal law reflects and reinforces the stigmatization and marginalization of prostitution and sex workers. The marginalization has a concrete dimension and predictable outcomes. The criminal law limits sex workers’ choices, often forcing them to work on the margins of society, thereby increasing the risks they face (2006:iii).

Appreciating that sex work is stigmatized, criminalized and marginalized work opens up the question of what this context looks like, what it means to sex workers in their day-to-day lives, and how it conditions workers’ ability to realize their human, social and labour rights.<sup>14</sup> This is the point of departure for this research.

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<sup>14</sup> This is the argument put forward by sex worker rights groups. See in particular the 2005 *Declaration of the Rights of Sex workers in Europe*, endorsed at the European Conference on Sex Work, Human Rights, Labour and Migration 15 - 17 October 2005, Brussels, Belgium. See also the NSWP (Global Network of Sex Work Projects) at [www.nswp.org](http://www.nswp.org).



## CHAPTER THREE: Sex Workers Speak about Labour Site Challenges

This project set out to explore the challenges Ottawa-area sex workers experience. Accordingly, we are not presenting an overview of the sex industry, nor are we seeking to illuminate the work sex workers do – others have already done an admirable job of that (see for example Benoit and Millar 2001; Jeffrey and MacDonald 2006; Pivot 2004, 2006). Instead, we start with the insights of the existing research, and focus our attention on the challenges engendered by the intersections of stigma, marginality and criminality – the space Ottawa-area sex workers inhabit. Michael's narrative weaves through and around these issues:

*The pariah status has to end. You have all those agencies trying to make an appreciable difference in sex workers' lives without questioning the structure in which we exist and in which this work takes place - which is that it is criminalized. How could it be anything else than giving them warm socks and hot lunches? In the long run, it does not make a huge difference if it does not happen simultaneously with a fight for decriminalization. Basically, you are a criminal at all time of the day and you have your rights stepped on at all times of the day. How can you have self-esteem if you are a social pariah constantly under the threat of being thrown in jail? Can we really break the stigma around sex work if we are still criminals? Decriminalizing sex work is definitely the first step to take.*  
(Michael, escort)

This is an introductory chapter that sets the stage for the subsequent more focused chapters on very specific challenges (safety, security and health, police, law and stigma). We start this chapter by looking at how Ottawa-area sex workers work, their labour practices, and the organization of the work, before reflecting on how the socio-economic, legislative, and discursive context conditions the labour site and workers' interactions and relationships with management and clients.

Before proceeding, it is first important to think about sector location. Both the dominant discourse and significant amounts of research conflate sectors of the industry or reproduce a crude hierarchy. However, an increasing number of researchers are now recognizing that the sex industry is characterized by diversity.<sup>1</sup> In other words, sex work is an occupational category rather than a job description or an identity. Of course, diversity of activities and ways of working is not unique to the sex industry: while both a university professor and a kindergarten teacher are educators, their jobs are markedly different. For a sex worker, or a teacher, or an administrator, or a salesperson, the variations in labour practices can profoundly impact that individual's experience of their work.

What *is* different though, is that for sex workers the conflation of sectors and the pre-eminence of the street-based industry in the dominant discourse conditions prevailing conceptualizations about their work and delimit the conversation:

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<sup>1</sup> The SSHRC funded Sex Trade Advocacy and Research Project lead by Professor Fran Shaver of Concordia University is an excellent example of research that attends to this diversity.

*What you see in the media, the stories you hear about attacks on sex workers, the stigma against them - there is a lot of that going on that plays in the judgment that is experienced. It comes from religious grounds, insecurities, homophobia, gang mentality. I don't feel too affected by it. But while I don't identify strongly as a sex worker, the fact that I face homophobia makes me understand that judgment. The assumptions work in a similar way in terms of social stigma. For a sex worker to take pride in what they do, it would be necessary to have a more standardized job description. So there are the high-end escort agencies and massage parlours, then the ones working on street corners. We're all in the same box. When someone thinks of a sex worker, who do they see first, the high-end gigolo or the street-based one? We are being grouped with people that are outside of any control. It's a tough concept. I'm not denying that person's right to do that, but for the industry, it's not a good sign. The impact of the fear associated to the image or concept of a street-based worker comes into play in the lack of pride. People are afraid of ALL sex workers and ALL sex work. (Simon, masseur)*

## *Labour Practices*

Among the sex workers we spoke with, there was a wide range of labour practices (what workers do) and processes (how workers do it). Some workers meet their clients on the street, others on the internet, while others rely on agents.<sup>2</sup> Most are independent, but several work for someone else. Some workers provide services inside cars, others in hotel rooms, and still others in very structured environments like massage parlours. Some have a clearly articulated political stance on sex work, some get considerable pleasure from the work, for others it is simply an income-generating activity, and for some sex work is profoundly distasteful and something they would not do if they perceived themselves to have alternatives. Some fully support themselves through sex work, others work occasionally. Many have alternate sources of income. For some, sex work is their 9-to-5 job, some are 'end-of-the-month' workers; some have no schedule but work erratically according to their needs. Some workers are proud of their work, skills and identity; others feel shame and some are deeply ambivalent. The services they offer vary as well: two offer lap-dances, three provide massage with 'happy endings'<sup>3</sup>; one provides phone sex, one offers domination services, some provide full sexual services and others offer oral release only.

In short, we see considerable variability not only from sector to sector but also within each sector, making it impossible to identify the 'essential sex worker' or the 'typical sex work situation'. This point is particularly salient as most laws, policies, and public discourse determine 'remedies' for sex workers based on a singular view of the work itself. It is also impossible to provide a comprehensive 'checklist' of challenges. That said, when we viewed the data through the lens of challenges, the distinct differences between workers who work indoors (dancers, escorts, massage parlour workers) and those who are street-based was brought into sharp relief. It is for that reason that throughout this report we periodically use this somewhat broad categorization – not to deny labour differences but to shed light on how this significant variable is implicated in the challenges faced by workers.

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<sup>2</sup>As in other labour market sectors, agents fulfill a number of roles. Most especially they represent their clients (sex workers), seek out customers. In other words agents work for the sex worker who pays them a percentage of the earnings for the services.

<sup>3</sup>'Happy ending' means the client is brought to orgasm, usually by manual stimulation.



## *Management*

In many labour sectors, workers can choose to work for themselves or for someone else. Generally this decision depends on the amount of time the individual wishes to invest, concerns about job and financial security, skill sets, and personality. For example, some electricians are independent (self-employed), others are wage labourers working for a contractor and still others find steady work in places like schools or factories. Those who are not self-employed are secure in the knowledge that they can avail themselves to provincial labour protection boards for redress if they are not paid, if they are injured while at work, or if they are denied labour rights to which they are entitled.

Like electricians and other labour market participants, sex workers grapple with the same decision: some prefer to work as independents,<sup>4</sup> while others find working for someone else (i.e. an establishment manager, an agency or a street-level manager/‘pimp’)<sup>5</sup> appropriate at that time. For example, sex workers may elect to work as independents to ensure they retain control over their labour conditions, hours or earnings, and also sometimes to avoid working collectively. Some workers do not want to build up their own business, or are not able to: perhaps they lack the interest or the skills, or might perceive their participation in the sex industry to be a temporary short-term measure. It is not in the interests of such individuals to invest in attracting clients and building up a business, which could entail having pictures taken, setting up a web site, placing advertising, developing a client list, or receiving reviews on a client site. Reflections on risk may also impact this decision and some workers chose to seek out, and work with, third parties because of the security this labour arrangement may provide.<sup>6</sup>

That said, because sex workers occupy a particular “grey-zone” (Chabot, 2009) of the labour market where they are simultaneously over-regulated and under-protected, the context as well as the implications of their decisions are dramatically different. This is further complicated by the stigmatization and marginalization of sex work. In the coming sections we reflect on the challenges this ‘grey zone’ creates for workers—particularly the implications of Section 212 of the Canadian Criminal Code which prohibits both ‘procuring’ and ‘living on the avails of another person’s prostitution’ and Section 210 (1) which criminalizes owning and/or operating a ‘bawdy house’.<sup>7</sup>

### *Why work for someone else?*

Research has drawn attention to the complexity and array of arrangements that sex workers have with bosses, managers and other third parties involved in prostitution (Meulen and Durisin 2009; Lewis et al. 2005; Lowman 2000). These authors assert that some employers, managers or agents, economically and/or sexually exploit their employees while others offer workers valuable services including equipment, protection, health and safety standards, advertising and information. Here we present what participants in this research had to say about their relationships with bosses and other third parties and attend to the benefits and limitations of these labour arrangements. We also include sex workers’ reflections on working with third parties given the criminalized and marginalized context of the industry.

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<sup>4</sup> Independent sex workers (which include the overwhelming majority of street-based sex workers) establish for themselves when they will work, where they will work, and what services they will provide. Moreover, within market constraints, they also determine the fees they will charge.

<sup>5</sup> Workers under third-party management are managed like employees. They are scheduled for shifts where they must be on-site or available; labour practices are sometimes (but not always) stipulated including what services are to be offered; they are subject to labour site demands (e.g. – management may specify attire); and there is sometimes an expectation of ‘free’ labour (i.e. receptionist duties and cleaning). Moreover under third-party control fee scales are determined by management with the worker receiving, in general, 40 – 60 percent. Some workers pay a ‘flat rate’. For example dancers generally pay between 10 and 20 dollars as a ‘dj fee’.

<sup>6</sup> On this topic see Mensah and Thiboutot 2002; Currie and Gillies 2006; HIV/AIDS Legal Network 2006; Bruckert and Parent 2010). We reflect on the issue of security later in this chapter and return to it throughout the report.

<sup>7</sup> “[A] place that is kept or occupied, or resorted to [A] by one or more persons, for the purpose of prostitution or the practice of acts of indecency.”



Our Ottawa-area findings echo those of university and community-based researchers across the country. A number of sex workers told us that some employers, managers and agents provide useful services. Britney, a 29 year old former escort, and current street-based worker, speaks of a fortuitous business relationship she had with “an older gentleman. He was very nice and very kind. He wasn’t ripping me off. I had to make money quick and he was just managing the business side of it and it worked for me.”

Lori, another former escort (currently street-based), speaks about the security an agency offers:

*It’s hard to do our job. It’s mostly around the safety issue. I think a lady should have someone look out for her safety [...] It would be the best case scenario if a woman could have a safe roof over her head when she works and if the work is legalized and we could work in a structured environment. Because I worked in an agency before, I know how such a structured environment makes our job easier. It’s a lot safer to have all those measures put in place. They have all the client’s information, they know where he lives, most of the time it’s a clean environment, clean men.*

For some, establishments provide a setting in which to learn how to work safely: “That is what built my tools for how I need to behave right now. They screened people, they called, they checked on clients. They had a spot where you could bring clients; they always made sure that we were safe” (Sarah).

Others carefully calculate the costs and benefits of working for a third party. Isabelle an escort who entered the sex industry two years ago at the age of 24 feels that, for her, this is an economically sensible arrangement:

*It works fine for me. I would probably end up paying the same amount if I took a cab or booked a driver service. Also, personally for me, it’s worth it to give up half my fee to not have to worry about scheduling or booking my appointments, discuss what I do and don’t do. Also there is the added security of having a driver that takes you to the call, they call you when you’re there, and they’re waiting for you outside. (Isabelle, escort).*

### *What are some challenges of working for a manager?*

Not all sex workers perceive working with third-parties positively. Serena, an escort with four years of experience, made an analysis similar to Isabelle’s but came to a different conclusion regarding the economics of the situation:

*Typically, when working for an agency, you make 240 dollars a call. You have to give 40% of that money to the agency plus pay for a driver. That’s a lot! I have a car now and I make 400 dollars a call now and it all goes to me. (Serena, escort)*

Some workers complain not only about exorbitant agency fees but also the other unreasonable financial demands on workers:

*The worker was asked to assume all liability. I mean, every so often, you’ll have a bad client but I was expected to pay for a client who stole money from me [by removing money from the pile that was on the bed side table] and pay for the remaining two hours of the date as I left when I saw he didn’t have the money to pay me. Basically, at the end of the night, I owed about 1500 dollars. I decided to quit the agency after this incident. (Mia, escort)*

Meredith, a 22 year old full time escort, was frustrated by the agency’s expectations and lack of professionalism:

*There was a point where they wanted me to go from one client’s house to another and I had to tell them I couldn’t. I had to go home and shower. They didn’t get that cleanliness thing so it wasn’t just about safety that I had trouble.*

At times, the relationship can be abusive. For example, Shannon (escort) tells us that at her agency she had “*to have sex with the boss if you want to make money.*” Mia (escort) speaks of a different form of abuse:

*The agency I worked with was run by a female. In terms of physical abuse, there was none of that, but there was a lot of mental abuse. It was very catty and she would tell me things like ‘I own you’. There was a lot of harassment and phone calls, text messages. She shut down my website when I wanted to leave her.*

Other workers are offended by particular policies or practices at their workplace. For example Sophie, an erotic dancer, is disturbed with the racist policies she encounters at work but feels powerless to affect change:

Unless they have been working there for many many years, Black dancers can only work the day shift, when for me, because I am White, I can work any shift I want. I just show up. The managers will often make racist comments to the girls. For example, once I was in the dressing room with a Black dancer. She was busy brushing her weaves. The manager was urging her to go back to work and she told him she was busy brushing her hair. He responded ‘That’s not your hair’, a comment I interpreted as racist. They will also act in more subtle ways such as banning rap music but not stuff like Marilyn Manson, which is not necessarily the kind of music a middle-aged White man would like either. In certain clubs, they will go as far as to ban artists like Rhianna. It’s not rap but she’s Black. Girls complain about it all the time, it bothers all of us. We all wish we could see it addressed.

### *What is the significance of working in the ‘grey’ zone of the labour market?*

Ottawa-area sex workers reported that employers, managers and agencies may offer benefits including security and training, but can also be economically exploitative, unprofessional and even the sites of abuse. The very existence of a range of labour policies suggests that problematic behaviour is not an inherent characteristic of the sex industry, but rather that the criminalized context of sex work creates the conditions of possibility for such abuse to occur. Because sex workers are working in an unrecognized ‘grey’ sector of the economy, they (unlike other workers<sup>8</sup>) cannot take advantage of, for example, the provisions of the Employment Insurance Act. Nor are they protected by legislation such as the Occupational Health and Safety Act in Ontario (Loi sur la santé et la sécurité du travail, in Quebec) or the Industrial Accidents and Occupational Diseases Act (Loi sur les accidents du travail et les maladies professionnelles in Quebec). Their work is simply not recognized as work under these policies. Finally, they do not have the option of organizing into provincially recognized labour unions which can then negotiate in their interests (Lewis et al. 2005; Bruckert and Parent 2006; Currie and Gillies 2006; Pivot 2006). In short, unlike other Canadian workers, they are excluded from pursuing legal avenues to protect themselves (when they are discriminated against, or exploited, or unfairly paid) and/or to further their rights as workers.<sup>9</sup>

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<sup>8</sup> This is not to suggest that all workers have access to the labour protection to which they are entitled. Sadly lack of labour rights are being eroded in the new economy characterised by non-standard labour arrangements (Fudge et al, 2002). For example many aestheticians, massage therapists, and hair stylists are also ‘disguised’ employees.

<sup>9</sup> It should be noted that the obstacles to accessing the above-noted rights are significant. Since 2000 the Dancers Equal Rights Association (DERA), an Ottawa-based organisation has petitioned the Ontario Labour Board for recognition of dancers as workers and the enforcement of their statutory labour rights. To date the requests have been ignored or categorically dismissed by bureaucrats, in spite of the evidence that a) dancers labour in legal municipally and provincially licensed establishments; b) meet the legal criteria of workers under the *Occupational Health and Safety Act*; and c) meet the *Employment Standards Act* four-fold test for employees (Smyth, 2003; private communication with Samantha Smyth, Acting Administrative Manager, September 9, 2008). While EDRAC continues to fight on behalf of dancers, workers in the street-based, in-call and out-call sectors of the sex industry are denied even the right to lobby for their inclusion under protectionist labour and human rights laws.

A number of the sex workers with whom we spoke are frustrated with their lack of labour rights and suggest that the criminalization of their work creates the conditions under which labour exploitation as well as the denial of rights (including the right to equality and protection against racism) can occur. Samantha (massage parlour worker) is particularly forceful on this point:

*There are a lot of fuckers out there! And unfortunately, when you force anything underground, like the sex industry, you open the flood gates to the exploiters, the mother-fuckers, the sleaze-bags that fuck people over; and it's partly our responsibility as individuals to inform ourselves. But if things were a bit more protective, we wouldn't have to. Why isn't there a certain code of ethics for this industry? Because nobody is there to police it!*

Sophie, a 22 year old erotic dancer explains the implications of these constraints:

*I don't like that I have no recourse when I'm dissatisfied with my employment. I do have real world job experience and in those jobs, if for example a co-worker treats you badly, you can go to your manager. If the manager doesn't listen, you go to human resources. If they don't listen, you go to the president; and if they don't listen, you go to the labour board. At the club, I can't go anywhere. If I go to the manager and say 'Hey, this is what happened', what does he care? There are no consequences for not listening. The only leverage I have is to leave and then I won't be able to make my house payments. There are so many girls out there that they don't care. There are no clubs in this city that have good employment relationships with their dancers. I couldn't just leave and leave them cut and dry. So my options are to put up with it, stand up to them and be out of work, or quit. If I do speak up, they will either not listen or I will get fired.*

In short, sex workers who labour in conditions of third-party management are denied the income security, the access to statutory protection and the legal recourses generally associated with employment. At the same time as they are unprotected, they are exposed to hyper-regulation. In principle, sex workers can turn to the legal protection afforded by the *Canadian Criminal Code* under Section 212. In practice however, this law constrains rather than enables workers to protect their rights. These tensions are brought into sharper focus when we consider the issue of 'pimps'.

### *What is the relationship between sex workers and 'pimps'?*

While the dominant discourse conceives of managers as immoral and exploitative, the heaviest disdain is reserved for the 'pimp'. Generally associated with the street-based industry the (often racialized, and gendered) 'pimp' has long populated public imagination; many Canadians believe that the majority of street-based sex workers are coerced or forced into the industry by a procurer who uses violence to control workers and lives parasitically off their earnings. When we examine the empirical evidence, this assumption is not supported.<sup>10</sup> Indeed, Canada's Parliamentary Subcommittee on Solicitation concluded: "[...] according to the evidence gathered, people who are forced into prostitution against their will by a third party are by no means in the majority" (Canada, 2006:23). Our research echoes these findings: when asked if they had, in the course of their careers worked for someone else, five participants indicated that they had had a street-based 'pimp' although none were currently working under this form of third-party management.

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<sup>10</sup>There is considerable evidence that, while always a small part of the industry, the street-pimp has become increasingly rare over the course of the last decade (Curry and Gillies, 2006; Jeffrey and MacDonald, 2006). This may explain why participants who had worked under a pimp had done so between 10 and 20 years ago.

Though relatively rare within the Ottawa-area industry, it is nonetheless important to consider the nature of these relationships in light of the prevalence of these images and stereotypes in popular discourse and policy. For some like Dustin, who at 40 years old is a 25 year veteran of the street-based industry, working for someone else was a highly negative experience characterized by physical violence and economic exploitation. He recounted:

*Being beaten up, have our money taken; there is always a beating in the end because there's never enough money. Sometimes, we'd be so screwed up that they would tell us that they paid us but they hadn't. We didn't see the money, we'd see the dope. I don't work for a pimp anymore. We were getting ripped off.*

Like Dustin, Fiona, a former street-based worker and current escort, speaks to an exploitative situation in which violence became (disturbingly) normalized: *"I got beat up several times. At one point, you get to a point where you just kind of accept that it's a part of it. You chose to do this so you kind of have to accept that part too. You deal with it."*

The abuse, violence and coercion these workers speak of are clearly unacceptable. What is less evident however is whether the *Canadian Criminal Code* Section 212 is an effective and appropriate tool to combat such abuse. Indeed, is it necessary to have sex worker specific laws at all? After all there are already ample Criminal Code provisions to address these sorts of behaviours (against assault, forcible confinement, uttering threats, extortion and harassment)<sup>11</sup>. According to Currie and Gillies (2006) using "generic criminal laws [would] [...] place the focus directly on the abusive activity itself; not on the woman's<sup>12</sup> occupation or relationship" (2006:55).

In Marci's narrative we see a nuance that is strikingly absent in the legal definitions. Marci (street-based worker) describes her 'pimp' as *"really good"* and speaks of a strong personal, though not romantic, relationship:

*We ended up being good friends and he became best friends with my children's father. It's not like in the movies with the typical scenario of having a pimp or a manager [...] It's very friendly. We hang out together, we go out for coffee, we go out to the bars.*

Marci reminisces about the camaraderie she felt with her colleagues:

*I always had great relationships with my wives-in-law. A wife-in-law is a man you work for's main girlfriend. If you don't have a man, you can get bumped: basically, you can get approached by another girl who tells you she has a great man and then you integrate the family. We share information all amongst each other.*

It would appear that the relationship may have been economically exploitative *"I'd give all of my money to my man and then whatever I needed, I got,"* however, Marci considers that this *"was fine at that time"*, noting that she had control of her work although her safety was not assured, *"If I didn't feel safe, I'd just leave. There is no way really to screen clients. We had a shit-list of bad clients, but aside from that, not much can be done [...] I had control over my hours but not over who I saw."*

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<sup>10</sup> There is considerable evidence that, while always a small part of the industry, the street-pimp has become increasingly rare over the course of the last decade (Curry and Gillies, 2006; Jeffrey and MacDonald, 2006). This may explain why participants who had worked under a pimp had done so between 10 and 20 years ago.

<sup>11</sup> *Criminal Code of Canada*, R.S.C. 1985, c.C-46, ss. 265, 279 (2), 264.1, 346, 264.

<sup>12</sup> The excellent Currie and Gillies (2006) research focused exclusively on the situation of women workers.

### *What is the impact of the ‘procuring’ laws?*

While not a common experience, some Ottawa-area sex workers do work for a ‘pimp’. While some of these individuals may be violent and exploitative, Marci’s retrospective reflections alert us to the range of relationships that may fall under the rubric of ‘the pimp’. The procuring law defines all third-party management as negative: more to the point it fails to recognize that “procuring arrangements vary according to the type of relationship – for example coercive relationships, business relationships, romantic relationships and friendships” (Canada, 2006:23). The broad brush strokes of the law fail to reflect this complexity. Not surprisingly then, these laws have been critiqued as paternalistic, protectionist and potentially criminalizing sex workers’ personal relationships (cf. Currie and Gillies 2006; Benoit and Millar 2001; Lowman 2000, 1998, 1986; Lowman and Fraser 1996; Fraser 1985). At the same time as they “negate (or simply ignore) many women’s<sup>13</sup> lived experiences and dismiss their ability to evaluate their own circumstances and make decisions for themselves” (Currie and Gillies, 2006:29). In effect the stigmatic assumption that sex workers are not competent neo-liberal subjects capable of making ‘good’ choices are embedded in law. We return to such structural stigmas (Hannem, forthcoming) throughout the report.

In short, these laws override sex workers own definitions of their relationships, legitimate a heightened level of state intervention and permit the State to redefine those relations (exploitation instead of partnership) based solely on the worker’s participation in the sex industry.<sup>14</sup> According to the Canadian HIV/AIDS Legal Network (2007:6):

“Living on the avails” casts the shadow of possible criminal charges over anyone who regularly spends time with a sex worker, including a sex worker’s spouse or partner, family members, roommates or friends. This Section is also characterized by an unconstitutional “reverse onus” — instead of being presumed innocent until proven guilty, the person charged must prove that he or she is not living “parasitically” off the money the sex worker makes.

Currie and Gillies (2006) have also drawn our attention to two other significant implications of these laws. On the one hand, sex worker-specific laws and the exclusion of sex workers from generic laws is ideologically significant, “a form of ‘othering’ whereby women working the sex trade are positioned as inherently and negatively different from ‘normal’ women and hence subjected to discrete laws and treatment that reinforce this perceived difference” (2006:57). On the other hand, these laws may not only be ideologically significant but counterproductive in that they can undermine workers ability to turn to the criminal justice system for help; after all individuals may be unwilling to subject themselves to being labelled.

It would appear that the state is subjecting sex workers to differential treatment and different laws premised on the workers labour location, rendering their job a master status.<sup>15</sup> In other words, in legal discourse, sex work is something someone is, as opposed to something a person does. In fact, like other social actors, sex workers have multiple identities (they are for example parents, daughters or sons, sisters or brothers, secretaries or lawyers or waitresses, friends, social activists, and partners). These laws negate all these other identities and view (and more to the point, evaluate) all actions and relationships through the lens of one activity (sex work).

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<sup>13</sup> The research by Currie and Gillies, funded by Status of Women Canada was specific to women workers. Our evidence suggests that the findings might apply to male workers as well.

<sup>14</sup> For example, Currie and Gillies’ (2006) research highlights that women sex workers in abusive relationships are denied support as battered women and are defined as “pimped” rather than victims of domestic violence - notwithstanding their own understanding of the relationship.

<sup>15</sup> The dominant identity that is employed to assess all other aspects and characteristics of the individual.



## Clients

Service work is about the provision of services as opposed to the production of goods (Paules, 1991:17). Without a manufactured product “production and consumption are simultaneous [and] [...] the useful effects of the labour themselves become commodities” (Braverman, 1974:360). That is to say direct service sector workers are financially compensated for the service they provide. With the shift towards a service economy that has characterized the last decades (Statistics Canada, 2006c), this sector has expanded and there is a plethora of services available – from house cleaning, to tax preparation, to child minding. In these sorts of industries, the relationship between worker and client has transformed to one that is characterized by interaction and personal contact. Not surprisingly, while clients are evidently an essential component of any service sector endeavour, for workers they can also present a challenge – for example, it is a rare waitress who does not have stories of annoying rude customers and tales of being ‘stiffed’ (Paules, 1991).

### *What is the relationship between sex workers and their clients?*

In this section, we explore sex workers’ relationships with their clients and the challenges they encounter while attending to how the criminalized, stigmatized and marginalized nature of sex work impacts - and sometimes exacerbates - these challenges.

Overwhelmingly, the sex workers interviewed for this study reported positive interactions with their clients. Lori (street-based worker) describes her relationships as “*generally friendly, I am a very easy going and ‘up’ kind of person and I’ve had good luck,*” and Isabelle (escort) tells us that her clients were “*generally very respectful. They also are generally just as much concerned with my pleasure as their own, which is always nice.*”

That said, not all sex workers are this positive. Two male workers describe their relationship in explicitly negative terms. Dustin, a street-based worker states “*I try to not get to know my clients. All my relationships with my clients are negative,*” and Peter, an escort who provides services for women speaks of his interactions as “*very distant, very cold, very fake. I go along with what they want, do the work but still have them respect my limits.*”

Though most sex workers across sectors report generally positive relationships with their clients, there is a distinct difference when we compare the narratives of street-based and indoor workers. For the most part street-based workers use the terms ‘professional’, ‘straightforward’ and ‘business’. For example, Julie tells us “*it’s purely business, sex is sex*”, however, some offer a more nuanced presentation. Janette, an Aboriginal woman with 25 years of experience in the street-based sex industry relates:

*It is professional and it’s consensual. My clients trust me, they don’t try to hurt me, they are respectful of the arrangements we have. Also, it can be exciting at times, like for example, today, I was riding my bike and a regular of mine saw me and asked me if I could see him later today, smiling. I see all kinds of men.*

While street-based workers speak of a professional relationship, the discourse of off-street workers is ‘warmer’, peppered with phrases such as “*mutual regard*” and “*genuinely enjoyable relationships.*” Samantha, a 29 year massage parlour worker with 8 years of experience is particularly positive:

*My relationships with my clients are meaningful. I believe that I provide a very needed and welcomed service that is deep and genuine to the people that I see. Every single person I see, I care very much about and I want to make them feel wonderful.*

Mia, an escort with 2 years of experience, suggests that her ability to select her clients is a significant factor, “*as for a general picture of my relationship with my clients, well, it’s a great one. It’s great to be selective now in terms of who I see, and who I don’t see. If you choose who you see, you don’t end up with a bitter chip on your shoulder.*”

### *How do sex workers see their clients?*

None of the Ottawa-area sex workers we spoke with demonize their clients. Many are adamant that their clients are “*just regular people*” (Mallory, street-based worker), “*normal people who want company and have sex like everybody else*” (Thomas, escort).

Michael (escort) makes a point of drawing attention to the disjuncture between the popular image and his own experience, “*you often get to read articles about sex workers and how they are exploited by their clients. In my experience, I have never felt exploited by my clients.*”

Isabelle, an escort, clearly articulates a position that not only normalizes clients but also the sex industry:

*I just want to add that not all my clients are losers. People think that when you pay for sex, it's because you can't get it for free. It's not necessary the case. A lot of the time, my clients are in a position where they don't want to go to the clubs and try to pick up someone, they don't want to date or deal with the emotional attachment. They just want to get laid. They just need to get fucked and that is what I am there for. I deal with married men or newly divorced men. I have a client whose wife just died and he just wants to talk and cuddle. Some may be socially inept, for sure; maybe some don't know how to talk to women. But for the most part, they are people with their own lives, they have families, they have kids.*

### *What is challenging about the job?*

Sex workers who participated in the study were asked “generally speaking what are the challenges you confront in your interactions with your clients.” Evidently, the positive or neutral regard expressed for clients in general does not preclude particular challenges. Perhaps it is a testament to the variety of labour situations and relationships to that labour that there was no homogeneous set of challenges identified. We also see that a number of other factors come into play including personality and gender. There is also a *physiological* component to their work that can be difficult for workers (for example, men whose services include taking the insertive role in anal or vaginal intercourse report sometimes having difficulty maintaining an erection). Three of the seven male workers spoke of the difficulty in providing sexual services and intimacy to clients they do not find physically appealing. Paul, a 24 year old escort who had been working for 2 years finds it difficult to be “*with people that I am not attracted to*”; Peter echoes this, “*being with women that I am not really attracted to and then perform so they are still satisfied.*” By contrast, some issues were raised by indoor and street-based workers of both genders including the challenge of interacting with intoxicated and/or “*men with poor hygiene*” (Lori, street-based worker).

Perhaps the most consistent challenge outside of the risk of violence, which will be addressed separately in the next chapter, was safeguarding and maintaining the integrity of interpersonal boundaries. These issues emerged more frequently (though not exclusively) in the interviews with indoor workers whose services are more likely to include intimacy.<sup>16</sup> Sophie (erotic dancer) explains:

*I see myself as having two different types of clients. One are more the sexual clients, where they have some sort of sexual fantasies, or they are interested in exploring their sexuality but are not necessarily interested in having sex with someone and they don't necessarily want to go see an escort. For them, the strip club is a safe and public place for them to get their fantasies acted out. My other type of clients, the ones I actually prefer, are the ones who almost want a relationship with me. They want to know me, I demonstrate interest in them, we drink together, we cuddle. We also do erotic things as well. It's like a whole relationship that includes the sexual side as well as the personal side.*

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<sup>16</sup> While as we see street-based workers also offer interpersonal intimacy it seems a more consistently requested services among escorts (particularly those who offer GFE – Girlfriend Experience) and erotic dancers.

As a result, some workers find that “with a couple of my regulars, they seem to think that there is more of a relationship there and that can be challenging at times” (Mallory, street-based worker). It is not surprising that in the context where boundaries are being contested, the financial nature of the interaction can become a site of tension:

*Sometimes, it will start with them giving me a lot of money for very little time. But as we get to know each other and develop a relationship, they might want more time and pay less money. It is a challenge to make sure that they understand that our relationship is not a personal one, it's a financial one. (Sophie, erotic dancer)*

### *Does criminalization increase workers' challenges?*

In this section, we examine how the sorts of challenges other service sector workers might also confront are exacerbated by the criminalized nature of the industry. For example, some workers spoke of how difficult it could be to judge clients' expectations since “some clients are not always upfront about what they want and their expectations” (Simon, erotic masseur). Simon goes on to explain that miscommunication can be an (unintended) consequence of the criminalized nature of the industry, sometimes with violent consequences:

*It is set up as a legitimate massage business and some people get very aggressive in a sexual way right away and some people expect sexual services that I don't necessarily provide. Not knowing who I am dealing with and not really understanding the legalities of what I am doing, it's hard to be very clear about what they can expect. I can't say like 'yes, you are gonna have an orgasm at the end' or 'I am going to jerk you off' because of my fear of police entrapment. Some people get aggressive because I don't want to say that there is no sex, but I don't want to say that there is sex either. There is sometimes that built in assumption.*

Michael, a male escort with 2 years of experience, also notes the potential negative consequences of sex workers' efforts to protect themselves from legal entanglements:

*I also am less clear in my ads than I want to be and it affects the negotiation process. The way I personally communicate with clients before hooking up with them is completely counter intuitive to the way most people would run a business. For most businesses, its' considered good business practice if you have clear and open communication with your clients and in actual fact, I do the opposite because of the laws.*

### *Does stigmatization increase workers' challenges?*

In *Stigma: Notes on the Management of Spoiled Identity*, Goffman defined stigma as “an attribute that is deeply discrediting” and that transforms a person, (in the minds of others) “from a whole and usual person to a tainted, discounted one” (Goffman, 1963:3). More to the point, Goffman drew our attention to the significance of the “relationship between attribute and stereotype” (1963:4). In other words, an individual possesses a particular attribute (i.e. being a sex worker) which is defined by others as an undesirable trait. Hannem (forthcoming) explains that “it is this perception that can result in discriminatory behaviour directed toward the stigmatized person. This behaviour is the observable evidence of stigma. It need not be realised in overtly discriminatory action, but often operates on a sub-surface level, colouring interactions and creating tension or avoidance behaviour.”



Though the issue of stigma will be addressed in more detail in Chapter Seven, the current section will consider that even if “*the typical client is respectful*” (Meredith, escort) pervasive stigmatic assumptions sometimes get played out in sex workers’ interactions with clients. A recurring preoccupation of the workers who participated in the research was the lack of respect afforded to them and their work. At the heart of this is a disconnect between their own understanding of themselves as citizens, as skilled workers, as service providers, and the general public’s perception:

*For some reason, people don’t like girls who make money from sex. I could dress the same, go to a bar and do what I do for free and that’s not a problem anymore. It all comes down to the fact that money is involved. I don’t know why they treat us different. Why would they treat me different than the girl at the bar that dresses the same way? I am not ashamed of who I am. I am happy to be who I am and I am happy to be a prostitute. I make a lot of money. Why should people care?* (Janette, street-based worker)

Samantha (massage parlour worker), who has worked in multiple sectors of the sex industry in the course of her eight year career, is clearly frustrated not only with the lack of recognition that ‘sex work is work’ but also the general failure to recognize the value of the services she provides. She draws our attention to the implications when clients act in relation to these prevailing scripts:

*My biggest challenge is the people that don’t understand sensuality and who either do not respect or understand the concept of respecting providers. I am very clear when anybody contacts me to use my services about what I offer and why I offer it. What I mean by not respecting the services or the idea of the services that I offer is the whole ‘bang for the buck’ attitude, like ‘what can I get’. It’s not just about me but about women who offer such services. So the misunderstanding is my biggest challenge.*

Rachel, a 40 year old occasional street-based sex worker with 5 years of experience also has experience with clients who “*feel like they can take advantage of the situation. I’m not a robot. They blame you for stuff, if they can’t get it up.*”

Sometimes, bias is expressed overtly, “*I can’t remember all the words, but there is a lot of name calling, bad names*” (Rachel, street-based worker), and at other times is more ambiguous:

*It’s more a vibe that you get. It’s in their body language; it’s in the way they interact with you. [...] They don’t see you as a person who has thoughts and beliefs and a life outside of sex work. But those people are few and far between.* (Isabelle, escort)

When widely held stigmatic assumptions are enacted, the discriminatory behaviour can be profoundly hurtful:

*People are rude sometimes. Sometimes I want to tell them ‘You’re the one paying me for sex and you’re treating me like a piece of shit?’ We both work for our money and you might have just worked two hours to pay me for ten minutes of my time. This one guy, he was waving a ten dollar bill at me, saying he was going to fuck me for ten bucks. ... I cried nights because of it. It’s quick money, but it’s not easy money.* (Charlotte, street-based worker)

Bianca (street-based worker) suggests that this contempt is so deeply engrained that sex workers may need to educate clients on the inappropriateness of their behaviour:

*You’ve got the odd client who will push you by the back of the neck and say stuff like ‘bitch, do this, do that’. You gotta be firm with them and most of the time, if I say something, they will apologize, like ‘oh, I didn’t realize it was wrong’.*

The negation of sex workers can also be enacted in relation to financial negotiation. Leigh, a 22 year old massage parlour worker, is clearly annoyed when she states, “*some people will call in and will ask if there are some specials on and that really offends me. I am not day old bread!*” This issue emerges repeatedly, “*yeah, it happens but I just leave if they want to negotiate. If you wanna play, you gotta pay. I’d rather leave and wait for someone else*” (Kayla, street-based worker).

## *Discussion*

We started this chapter by putting forth that sex work is an occupational category not a job description. As we have seen, mirroring the sex industry in general, the Ottawa-area industry is characterized by a wide range of labour practices, processes and organizational structures. We have also seen that there are diverse relationships to that labour. It is therefore impossible to speak categorically about the work challenges. It is nonetheless possible to think about the impact of the social, legal and discursive context in which that work occurs, and to outline in general terms some of the resulting challenges. For sex workers this context includes a range of intersecting factors including the ‘discourse of disposal’ (Lowman, 2000), moralistic judgments and stigmatic assumptions. It also includes an ambiguous legal situation: sex workers are criminalized for providing consensual sexual services – something that *is not criminal*. This ambiguous situation does not, of course, *define* the reality of sex workers; it does however *condition* it. It has very real and multifaceted consequences for workers. It is to these questions we turn in subsequent chapters of this report.

## *Summary of Labour Site Challenges*

- The conflation of sectors of the sex industry in the public’s eye obscures the specific and unique challenges faced by those working in particular labour sites (street vs. indoor; independent vs. third-party management)
- While third-party management can allow for a safer working environment, the *Criminal Code*, sections 210 and 212, make it difficult to access standard worker protections and in some cases facilitates exploitation and abuse.
- “Living on the avails” criminalizes a wide range of sex workers’ personal, business, romantic and sexual relationships.
- Criminalization of communicating with clients creates challenges for maintaining interpersonal boundaries and limits the sex workers’ ability to negotiate their services and expectations
- The stigma and lack of value for sex work encourages disrespect and discrimination against sex workers and at times legitimizes and perpetuates the disrespect and demeaning behaviour.



# CHAPTER FOUR:

## Sex Workers Speak about Safety, Security and Well-being<sup>1</sup>

The extraordinary high levels of violence, including fatal violence, perpetrated against sex workers is well documented in the literature,<sup>2</sup> was accepted by the Parliamentary Subcommittee on Solicitation Laws (2006), and is further affirmed by a 2006 Statistics Canada report that 171 female sex workers were murdered between 1991 and 2004.<sup>3</sup> Not surprisingly, issues of safety and physical well-being were a consistent theme in the interviews, particularly with street-based sex workers.

*I've been raped twice. This one time, I was just coming out of an alley, I had just been raped, I have been hit over my head with a brick. My head was gushing blood. I flagged a cop and he told me to call my own fucking ambulance. He called me a fucking crack whore and told me he had no time for me. Then he left. After you have been told you are a piece of shit you don't try a second time [...] They didn't give a shit. I couldn't walk even. I ended up just sticking my piece of gum in the hole in my head. I wasn't gonna go to the hospital either; they don't treat you well there. I took care of myself. I did what I had to do. (Beth, street-based worker)*

In light of this violence, the question becomes: is sex work inherently more dangerous than other comparable jobs and are sex workers *inherently* at risk of victimization? Certainly this has long been the argument put forward by anti-sex work lobbyists and it is one that continues to be used to justify the abolition of the industry (Farley 2004, 2005). Increasingly, researchers are questioning this assumption and drawing attention to the significance of the stigmatized and criminalized context of the sex industry. On this point John Lowman (2000) writes:

It appears that the discourse on prostitution of the early 1980s was dominated by demands to get rid of prostitutes, creating a social milieu in which violence against prostitutes could flourish. The same exclusionary discourse continues to be broadcast today [...] the association of this discourse of disposal to violence against prostitutes is clear enough. After 1985, the year the communicating law was enacted; there was a large increase in British Columbia of murders of women known to prostitute. (2000:1003)

In this chapter, we examine risks to the physical well-being of sex workers. We start with the distinction between *health risks, situational violence and predatory (or criminal-intent) violence*. This will allow us to situate sex work within broader conversations of workplace risks at the same time as it provides a point of departure to think about the significance of the criminalized, stigmatized and marginalized nature of the sex industry. We then move on to examine the issues of health, violence and workplace safety identified by the sex workers who participated in this research. Throughout, we attend to the challenges workers confront and the strategies they employ to manage those challenges.

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<sup>1</sup>The title of this chapter is borrowed from the excellent 2006 report submitted to the Parliamentary Subcommittee on the Solicitation Laws by Jacqueline Lewis and Fran Shaver.

<sup>2</sup>See for example, Jeffrey and MacDonald, 2006; Lewis and Shaver, 2006; Lewis et al., 2005; Benoit and Millar, 2001; Lowman, 2000; Lowman and Fraser, 1996.

<sup>3</sup>45% of these murders remained unsolved prompting the authors to mention that “violence against sex workers often goes unnoticed” (Statistics Canada 2006b:39). These high levels of violence are also found in other countries that criminalize the sex industry such as the United Kingdom (Sanders 2004, 2005; McKegney and Barnard, 1996).

## *Health Risks, Situational Violence and Predatory Violence*

We know that work can endanger workers' physical well-being: "according to data collected by the Association of Workers Compensation Boards of Canada [...] there were nearly five work-related deaths per working day" (Sharpe and Hardt, 2006:3). We also know that the nature of the risk posed by the labour site is conditioned by its particular context; workers labouring in mines, quarries or oil wells are much more likely to experience fatal work-related incidents than workers in the finance or insurance sectors (2006:35). The same sector specificity holds true for injury and health concerns as well. For example, while women health care professionals' exposure to hazardous chemicals and the physical demands of their work increase their risk of, among other things, spontaneous abortion (Figà-Talamanca, 2000), secretaries and other workers who spend much of their day in front of computers are prone to Computer Vision Syndrome (CVS).<sup>4</sup>

Workers can also be at risk of injury or death not because of accidents or toxins, but because they are the victims of violence. Labour is perhaps riskier than is generally assumed. According to a 2007 Statistics Canada report: "nearly one-fifth of all incidents of violent victimization, including physical assault, sexual assault and robbery, occurred in the victim's workplace" (Léséleuc, 2007:6). A case in point is the abuse experienced by nurses: "In 2005, 34% of Canadian nurses providing direct care in hospitals or long-term care facilities reported physical assault by a patient *in the previous year*" (Shields and Wilkins, 2009:7) [*emphasis ours*]. While there are undoubtedly many intersecting causes for the violence, including the psychological makeup of the perpetrators, the context in which workers labour is a significant factor, "under-resourced staff are more likely to experience violence from patients, families and co-workers who are frustrated with not having enough staff and resources to provide quality care" (Hesketh *et al*, 2003:318).

Nurses are particularly vulnerable to high levels of *situational* violence; after all patients are unlikely to be getting themselves admitted into hospital in order to act out their aggression against the health professionals upon whom they rely. Other workers are at greater risk of predatory or criminal-intent violence. That is they are either convenient readily available victims for opportunistic criminals, and/or they represent a particularly despised group (in the mind of the assailant). While many of us may assume that police officers are most at-risk of targeted violence, taxi drivers and sex workers<sup>5</sup> are as (or more) vulnerable to fatal violence,<sup>6</sup> and much more at risk to other forms of violence and robbery. In fact a 1996 Department of Justice funded survey of taxi drivers in three major Canadian cities undertaken by criminologist Philip Stennings found:

Taxi drivers are a highly victimized occupational group in Canada. Overall, their victimization while at work may be as high as twenty times that of Canadians generally. [...] Eighty-five percent of respondents reported having experienced some form of criminal victimization other than 'fare-jumping' at least once during their taxi-driving careers, and 60 percent reported having experienced such victimization at least once during the twelve months preceding the interview. Just over one-third (36 percent) of respondents reported having been robbed at least once (1996: xi).

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<sup>4</sup> Symptoms of CVS include dry eyes, headaches, blurred vision, eye strain and neck, shoulder or back pain.

<sup>5</sup> According to The International Labour Organization (1998) workers labouring alone in "small shops, gas stations and kiosks [...] are often seen as "easy" targets by aggressors. In the United States, gas station workers rank fourth among the occupations most exposed to homicide. Working alone outside normal hours - cleaners, maintenance or repair staff appear at special risk of suffering physical and sexual attacks."

<sup>6</sup> According to a 2007 Statistics Canada report "Among the most common occupations of homicide victims between 2001 and 2005, 11 were taxi drivers, 10 were police officers, 8 were bar or restaurant employees, 8 were retail employees, 4 were labourers, 3 were health or social service workers, 3 worked in inspection or enforcement occupations, and 3 worked as security guards [...]. In 2005, police reported a total of 9 prostitutes killed" (Léséleuc, 2007:8). According to Statistics Canada Report (2008) "Police reported that 15 prostitutes were killed as a direct result of their profession in 2007, up from an average of 7 per year for the previous decade" (Li, 2008:7). Other authors suggest that the rate of fatal violence experienced by taxi drivers " may be as much as four or five times as high as that faced by police officers while on duty; precise calculations have not been made, however, due to inadequate information about the numbers of active taxi drivers at risk" (Stenning, 1996:xii).

It would appear that taxi drivers are particularly vulnerable not only to situational violence<sup>7</sup> but also predatory violence; working alone in dimly lit locations, carrying cash and meeting new customers every day (Government of Nova Scotia, 2007:1) makes them convenient targets. Some may also be the victims of racial targeting and anti-immigrant sentiments. According to the 2008 Toronto Taxi Drivers report: “drivers reported physical attacks, routine verbal abuse, often racist in nature, thefts, and especially fare-jumping” (Abraham et al., 2008:24).<sup>8</sup>

The distinction between situational and predatory (or criminal-intent) workplace violence is relevant for understanding the violence sex workers may experience as it draws our attention to the difference between aggressors and clients. All too often aggressors and clients are conflated in the dominant discourse, leaving one with the mistaken impression that sex workers’ clients are invariably violent. A client is an individual who pays for the agreed upon sexual services from a sex worker. Lowman (2000) suggests that in the sex industry “situational violence occurs when a dispute arises during the course of a transaction and the client resorts to violence to resolve it” (2000:1004). An aggressor is an individual who *may* present themselves as a client (or as a community member) but whose intention is to inflict physical, sexual or financial harm on the sex worker. Lowman (2000) refers to this as predatory violence and notes that it is premeditated (2000:1005).

Reflecting on workplace risk provides an important point of entry to think about the violence experienced specifically by sex workers ‘on the job’ (on this topic, see also Shaver, 2005). On the one hand, it forces us to recognize that (sadly) Canadian workers confront threats to their physical well-being at work; risk is part of being a worker in Canada. On the other hand, if we have learned anything from victimization studies, it is that violence can only be understood in relation to the particular social, political and legal context in which it occurs. In other words, we must factor in the specificity of sex work. Like nurses, sex workers confront aggrieved and frustrated men; and like taxi drivers, sex workers are often working in isolation and sometimes represent a despised group in the eyes of their assailants. What *is* different, however, is that sex workers are labouring in a criminalized and stigmatized sector of the economy. As we will see in the coming sections this is a significant variable that increases workers’ vulnerability to both situational and predatory violence at the same time as it undermines their ability to implement strategies that would allow them to manage this elevated risk. It would appear (to borrow a phrase from drug anti-prohibitionists): that sex work is not illegal because it is dangerous; it is dangerous because it is illegal!

## *Sex Work and Health*

As already discussed, there are health concerns associated with many jobs: for operating nurses it is the risk of spontaneous abortions<sup>9</sup>; for office workers there is the risk of CVS, and those who are regularly exposed to asbestos risk developing lung cancer. Like other workers, sex workers cope with a cluster of job-specific labour site risks to their health.

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<sup>7</sup> For example, Stenning (1996) suggests that taxi cabs that are not well maintained may cause “inconvenient and irritation for the passengers which may lead to violent disputes between taxi drivers and their passengers” (1996:21).

<sup>8</sup> According to this report, racialization may also factor into the drivers lack of faith in police protection. They note that “drivers frequently reported that police officers did not treat them with respect, or respond promptly to their calls. Some respondents reported racist comments from police officers when being charged with an infraction. This sense of alienation leads to non-reporting of incidents, especially those considered relatively routine, such as fare-jumping, and would suggest that police statistics do not reflect the full picture (Abraham et al., 2008: 24).

<sup>9</sup> And of course there are a number of other risks associated with nursing including back injuries and exposure to viral and bacterial infections.



### *Are there physical health risks associated with sex work?*

According to Lewis and Shaver (2006): “the [street] sex worker’s day is arduous (e.g. standing in high heels for 5-8 hours), the waiting period between dates is often substantial, and in winter it can be cold” (2006:23). While some of the sex workers with whom we spoke identified issues associated with the particular services they provide, “*I give a damn good massage. My back and my shoulders are aching all the time. I give a lot when I give a massage*” (Samantha, massage-parlour worker), many others echo the sentiment expressed by Lewis and Shaver. They told us of “*lots of back pain, lots of leg pain from walking around, especially in the winter*” (Bianca, street-based worker).

For these workers, the issues are further compounded by the hostile environment in which they solicit clients. Here again, the context is significant – it is the criminalized and stigmatized nature of the industry that engenders marginality and creates a situation in which workers are denied a safe space to rest: “*In the winter time, standing on the corner, it’s freezing cold. And it’s hard to rest too, police know you so if you sit on some steps, they stop and they ask you to move along. They just don’t understand. It’s hard to do our job*” (Lori, street-based worker). Others spoke of stigma and how the stress of being marginalized has implications for their health. For example, Faye (street-based worker) complains about her “*gut because of the stress.*”<sup>10</sup>

### *Are there sexual health risks associated with sex work?*

Sex workers have long been vilified as vectors of disease. Today, despite the lack of epidemiological data linking sex work and the spread of HIV,<sup>11</sup> individuals in the sex industry continue to be responsabilized. As a case in point, the Ottawa Police Service’s safety letter states: “There is a clear correlation between street prostitution and drug use, including crack cocaine, as well as a variety of health concerns including H.I.V. [sic] and Hepatitis” (Ottawa Police Services, Community Safety Letter).

In fact, as the Canadian HIV/AIDS Legal Network reminds us, “HIV transmission is about unprotected sex, not prostitution, and prostitution does not inherently carry a risk of HIV infection” (2005:26) In other words, all sexually active people can be vulnerable to STIs (including HIV) depending on what behaviours they engage in and what the precautions they may or may not take when engaging in sexual activities (Canadian AIDS Society, 2005). Sex workers are aware of potential threats to their sexual health:

*My sexual health is always a concern for me. Not necessarily HIV because I don’t do anything high risk with regard to HIV but STIs do concern me for a few reasons. First, they are inconvenient. They are not a big deal but if you have one, you can’t work, so you lose the income. As an HIV negative man, STIs make me more vulnerable to HIV. For example, if I suck cock, it’s not high risk for HIV but if I have an STI in my mouth, it increases the risk. Also, I have a boyfriend and he knows that I do sex work and he knows that it comes with some risks for STIs just like any sex for that matter. But if I come to him in a short period of time with STIs, at one point he will get annoyed or frustrated. It was his choice to make but I don’t want to inconvenience him. If I get an STI, he will most likely get it too and then it’s inconvenient for him too. I think about it a lot. (Michael, escort)*

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<sup>10</sup> It often goes unmentioned that, as social actors, these individuals take responsibility and engage in strategies to maximize their health. These include ranging from “*I go to the YMCA*” (Lauren, street-based worker); “*I do yoga and I try to eat right. I quit smoking*” (Meredith, escort); “*I bike. I walk everywhere. I eat well*” (Janette, street-based worker) to participating in “*sports and karate*” (Jamie, street-based worker).

<sup>11</sup> Indeed, in both the 2008 *Epidemiology of HIV Infection in Ontario* (Remis et, al) and the information on the epidemic provided by the Public Health Agency of Canada (*Populations at Risk*), at no point are sex workers mentioned as a high risk group.

### *Are there physical health risks associated with sex work?*

As is the case with physical health, and consistent with the findings of other researchers (Jeffrey and MacDonald, 2006; Lewis and Shaver, 2006), we found that sex workers in all sectors of the industry are anxious to protect themselves and their clients against Sexually Transmitted Infections (STIs) and almost always refused to perform high-risk activities without condoms: “I refuse to work without a condom” (Mallory, street-based worker). In the words of Kayla, another street-based worker, “*no glove, no love.*” Sex workers are, after all, well aware that “*it’s my health, it’s my body, it’s my life,*” not surprisingly Alice, street-based worker goes on to note “*even them just asking for it makes me feel unsafe.*”

All the workers reported using condoms to keep themselves and their clients healthy and were all well versed in safe sex practices:

*I take care of myself. I am conscious of that. I use condoms. That is non-negotiable. I use dams, I use gloves and I have a lot of products. Having access to products is not hard. I go once every two weeks and I stock up, it’s free.* (Fiona, escort)

In fact Meredith (escort) explains how her participation in the sex industry has not only opened up new avenues of sexual exploration but has increased her ability to negotiate safe sex practices:

*My sexual health is probably better because of work. Everything is always done safely and cleanly. I am way more educated now about sexual health issues. My sex life also improved greatly as well. I was introduced to new things and I am much more able to talk about things now too.*

Clients will however sometimes pressure workers to provide services they are not prepared to offer (such as intercourse) or seek to negotiate unsafe sexual practices – a request very few sex workers are prepared to grant. Veronique, a 48 year old francophone escort tells us:

*A challenge I encounter is negotiating with clients who want nothing to do with wearing a condom. I have heard every story in the book ‘it’s not the same’, ‘I don’t like it’. ‘I’m going to take my business elsewhere’. I find this difficult because for me this is non-negotiable [translation ours].*

Other times, clients seek to circumvent the worker’s safe sex boundaries by actively engaging in deception:

*When I was escorting from my apartment, I would have guys try to sneak around and take the condom off while we were having sex. Sometimes guys will come but try to pretend that they didn’t to keep going. One time, I had a guy do that and there was so much liquid in the condom that when he pulled out, the condom slipped off and I got cum all over myself.* (Marci, street-based worker, former escort)

Great financial pressure can put a worker in the precarious position of balancing potential health risks with their financial needs. Shannon (street-based worker) tells us that: “*A couple of times, I had guys argue with me because they didn’t want to wear a condom for blowjobs but I just ended up giving them their money back and getting out of the car.*” In other words, these workers’ decision to protect their health has real financial consequences. Perhaps it is not surprising that workers are sometimes not in a position to resist the pressure: *It happens. Some will ask and ask and then sometimes, for more money, you give up. I lived on the street for three years and I had no choice but to work* (Rachel, street-based worker).



It would appear that, rather than being a risk to public health, sex workers are rendered at-risk of Sexually Transmitted Infections when clients circumvent their boundaries and thereby undermine their ability to preserve their health. Bruckert, Parent and Robitaille (2003) point out that *Canadian Criminal Code* Section 210 also inadvertently affords clients a tactic to coerce workers into providing services which may endanger them (i.e. sex without a condom). According to the sex workers these researchers consulted, clients can (and do) threaten to inform the police of the bawdy house. Workers take this threat seriously – they are aware that the police are likely to respond to a citizen complaint (and even more so if it includes some suggestion, albeit fabricated, that underage women are providing sexual services on the premises); a client may appreciate that since the law stipulates that one must be ‘found in’ the bawdy house in order to be charged, he can lay such a complaint with no risk of legal repercussions to himself.

## *Sex Work and Violence*

Violence against workers is a serious issue consistently identified by research on the sex industry (Jeffrey and MacDonald 2006; Lewis and Shaver 2006; Cler-Cunningham 2001; Benoit and Millar 2001). That being said, researchers are careful to explain that not all sex workers are equally vulnerable. Drawing on the findings of 120 interviews with sex workers in Ontario and Quebec, Lewis and Shaver (2006) note that: “the physical safety of individuals working in the sex industry depends upon the location and organization of the work and the extent to which the work environment can be made secure” (2006:21). In short, workers’ susceptibility to violence, and their strategies for managing that risk, are influenced by labour processes and therefore differ by labour sector; street-based workers are far more vulnerable than sex workers in other sectors. In other words, the literature suggests that it is not the work per se, but the conditions under which the work occurs, that determines vulnerability to violence (Lewis *et al* 2005).<sup>12</sup>

### *What do Ottawa-area sex workers’ say about their experiences of on-the-job violence?*

Like the above-noted research, we found that street-based sex workers are more vulnerable than those in other sectors and often (though not always) experience high levels of violence. Four of the 16 indoor and 21 of 27 out-door workers (22/34 women; 4/5 Aboriginal women; 1/7 of the men; 2/2 transgendered) reported having been the victims of physical assault during the course of their sex work careers. There is considerable range of experiences of violence. Six of the street-based sex workers reported that they had never experienced on-the-job violence. When asked about violence, forty-four year-old Claire, who has 15 years of experience as a full-time street-based worker, was unequivocal: “*I never had any problems.*”

Research has consistently found that “nurses face a high risk of on-the-job abuse, but that they tend to accept it a ‘part of the job’. Many nurses do not bother to document incidents of violence, either because they feel that no action will be taken or that they will be held accountable” (Shields and Wilkins 2009:14). Similarly, in the narratives of five of the street-based workers, a problematization of the violence was coupled with a disturbing normalization.<sup>13</sup> Marci, who previously worked as an escort and currently works street-based, says:

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<sup>12</sup> These high levels of violence are also found in other countries in which sex work occurs in the context of criminalization such as the United Kingdom (Sanders 2004, 2005; McKegney and Barnard, 1996).

<sup>13</sup> This issue is one that is debated in the literature. Some researchers suggest that violence is so common that street-based sex workers normalize it as ‘part of the job’ (Maloney, 2004) while others such as Jeffrey and MacDonald (2006) maintain that “violence in the trade is not seen by sex workers as an inherent problem of the sex trade itself: rather, it is viewed as a product of stigma and public attitudes (2006:88).

*The first time I got assaulted, I was about 17. I got into a car and the guy started driving super fast and he was grabbing my breasts; I had bruises on my breast. He ripped up my shirt and then assaulted me. He threw me out of the car. He also kept my purse. After that, I kinda got used to it. You don't think it's okay but you roll with it. I had my nose broken. [...] We pretty much have to fend for ourselves. The reality is, if you're gonna get the shit kicked out of you or get raped, it's just gonna happen. If you can't fight them off, it's gonna happen.*

Beth's (street-based worker) narrative unsettlingly echoes a similar sentiment:

*I'm so used to it [violence] that it doesn't bother me anymore, I guess it's like a part of the job for me. I know it's wrong but I'm so used to it that I expect it and as long as you pay me, I don't care. It's sad eh?*

By far the greatest number of street-based workers who have experienced acts of aggression - sometimes extreme acts - speak of this not as regular but as an exceptional occurrence:

*I did have clients twist my nipples till it hurt. I had a client fist fuck me and I bled. I had a guy who grabbed my throat. But it only happened only three times in ten years so it's not that bad. (Zoë, street-based worker)*

Bianca's (street-based worker) narrative similarly speaks to the horrific nature of the acts of violence she has experienced in her seven years in the industry:

*Yes I did experience violence a couple times. This one time, I got a gun put to my head that was a very scary experience. The police was called and everything but they didn't find the guy. I don't think they believed me at first. It was right outside of my red-zone, in a parking lot. They got the tapes from the surveillance cameras for the parking lot and they saw me running across the parking lot. Other times, I got locked in houses and not let go until I had performed what they wanted. One time, I sneaked out a window while the guy was in the bathroom and another time I sneaked out when the guy fell asleep. I had to get out of there.*

### *Do Ottawa-area sex workers experience situational or predatory violence?*

Earlier in this chapter, the broader scholarship on workplace violence was linked to the insights of John Lowman (2000) who distinguishes between situational violence by clients and predatory violence by aggressors. To recap, a client is an individual who pays for the agreed upon sexual services from a sex worker. Lowman (2000) refers to violence perpetuated by this population as situational violence that arises out of a dispute (2000:1004) and an encounter "can start with the client being all sweet and nice and then it turns sour" (Mallory, street-based worker).

Conversely, while aggressors may present themselves as clients to gain the trust of the sex worker (or they may forgo any pretence whatsoever), they intend to do harm and may come equipped: "[they have] what they need to tie you up or beat you." (Marci, street-based worker)

[Such predatory violence] is premeditated. It may be financially motivated – a planned robbery – and it may be misogynist, sexual and serial. The offender is not a client as such, because he sets out with a different agenda. He knows what he is going to do before he does it, and he knows where to find victims: the unregulated and mostly unmonitored strolls of a city. (Lowman, 2000:1005)

Aggressors target sex workers precisely because they, like taxi drivers, work in isolation and carry cash – however sex workers are not only members of a stigmatized and despised population (as we explore in greater detail in Chapter Seven) but they labour in a quasi-criminal grey zone which positions them (practically speaking) outside of police protection and excludes them from judicial avenues of redress. The words of Gary Ridgeway, Seattle’s ‘Green Valley Killer’, who was convicted of the aggravated murder of 48 women (mostly sex workers) in 2003, captures this convergence with disturbing clarity: “I hate most prostitutes. I did not want to pay them for sex [...] I also picked prostitutes as victims because they were easy to pick up without being noticed. I knew they would not be reported missing right away, and might never be reported missing.”<sup>14</sup>

Shannon, a 44 year old street-based worker recalls her encounter with an aggressor:

*This other guy handcuffed me, strangled me. He was going to kill me. He had me on my stomach in his car. It was right after another girl, Sheppit,<sup>15</sup> was found dead, handcuffed. He was parked on a side road; it was about five in the morning. Thank god, a lady happened to walk by and heard me scream. She called the cops. He was going to murder me just like the Sheppit girl. The cops laid charges on the guy.*

The following story by Adrienne (street-based worker) resonates with the same theme:

*One guy would pick a couple of us up and then would handcuff us. He’d leave bad marks on us. He was well known on the street and nobody was doing anything. He was a nice guy up until he would have us behind closed doors. He wouldn’t even have sex with us, it was all about power. He wanted to take our freedom away from us.*

Lucy’s (street-based worker) experience is chillingly reminiscent of Gary Ridgeway (the Green River Killer):

*This one time, a client picked me up, dragged me into an alley way. He knocked my head on the brick wall and strangled me till I went under. I had black and blue marks on my neck for about three weeks, I wasn’t able to swallow. He left me there, thinking he had killed me. A couple of weeks later, I saw him trying to pick another girl up. I was shaking. I called the police from a restaurant, anonymously. He got arrested. The police were already looking for him; he was the guy who had put a girl, her body, in a bag, in an alley. The whole time he was bashing my head against the wall and strangling me, he was yelling ‘I hate hookers’, ‘I hate sluts’, ‘I hate women’.*

## Sexual Violence

Sometimes, the violence experienced by sex workers is economic, such as robbery, and other times it is sexual. As was the case with physical violence, sexual violence was reported with disturbing frequency by both the indoor (5/16) and out-door (16/27) workers with whom we spoke. In the coming pages we present the range of forms this violence can take.

Sex workers’ commitment to safe sex practices notwithstanding, sometimes the decision is taken out of their hands. Alice, an Aboriginal street-based worker with 15 years of experience in the business, recounts: “I was forced to give some guys blowjobs without condoms because they forced me. I gave their description to the bad date list. I wouldn’t wish that to my worst enemy.” Similarly Lucy, another street-based worker, notes: “Oh they ask all the time [for sex without condoms] but I won’t do it. Mind you, I’ve been raped without them.”

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<sup>14</sup> Quoted in Tuchman (2003).

<sup>15</sup> Melinda Sheppit, a 16 year old street-based sex worker, was murdered in Ottawa on September 30<sup>th</sup> 1990. At the time of writing, no one has been charged with her murder.

Leigh, a 22 year-old massage parlour worker recounts a somewhat different scenario:

*This one time, I had a client who wanted to massage me so he laid me down on the massage bed. He was massaging me with one hand and with the other, slipped a condom on, crawled on top of me and tried to penetrate me.*

Sometimes the assault may be situational:

*On many occasions I would go with clients and I'd tell them that its 40 dollars and then we'd do it and then they would just not pay me and drop me off back where they picked me up. And I am ashamed so I don't say anything. So I've been raped many times. That happens quite a bit. Clients who don't want to pay the price that I set is something that I find very much degrading. (Faye, street-based worker)*

When Faye, who has 18 years of experience, affirms that “those are rapes when they don't pay you after”, she is engaging with the wide-spread belief that individuals who sell sexual services are responsible for their own victimization or that failure to pay is, at worst, robbery. She also alerts us to the need for a broader examination regarding the issue of consent. Indeed not all the sex workers we spoke with agreed with Faye. For example Rachel (street-based worker) frames this as a robbery and explains that: “It happens and it makes me angry. It would make anybody angry. But what I am gonna do, I'm four feet fuck all and I am tiny. So some leave without paying me.”

### *Do Ottawa-area sex workers experience verbal or physical violence from community members?*

There is a considerable body of research that street-based sex workers are subjected to physical violence by community members, including accounts of having objects flung at them, being physically threatened and assaulted (Jeffrey and MacDonald, 2006; Lewis et al, 2005; Benoit and Millar, 2001; Cler-Cunningham, 2001) by community members.<sup>16</sup> We found little evidence of this. It was only Janette (street-based worker) who reported having rocks and mud thrown on her (and whose story we turn to later in the report). That said, sex workers, most especially street-based workers, do perceive that their very humanity is not acknowledged and they are treated as pariahs when “people change sidewalk when I walk on one side of the street, they lock up their door, they roll up their windows” (Beth, street-based worker).

Mallory, another street-based worker, draws attention to a more general social exclusion:

*Once you're in an area, and you're working there, people get to know what you're doing. You are not welcomed anywhere anymore. You can't go into restaurants or anything and in the winter, that sucks. [...] Prostitution will always be there so if only we could go somewhere and not get harassed, it would just make more sense.*

Mallory's final point alerts us to a convergence of sex worker and community needs. Safe spaces for sex workers would also address a key preoccupation of some residents – the public nuisance<sup>17</sup> aspect of the street-based industry. Sex workers are cognisant of this tension and, while they may be frustrated at “people giving you bad looks or people yelling at you from cars” (Lori, street-based worker), some are also aware that “nobody wants that [sex work] in their backyard.” Mallory (street-based worker) goes on to develop this later in the interview:

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<sup>16</sup> According to Cler-Cunningham (2001) the violence extends beyond workers to those offering support: “PACE outreach workers report having urine, bleach, pennies and beer bottles thrown at them by passing cars” (2001:40).

<sup>17</sup> A public nuisance is something that unreasonably interferes with the health, safety comfort, moral or convenience of the entire community.

*When I was a dancer, I would judge the girls on the street so I know what people are thinking. I know why they feel like that. I feel it very strongly now that I am the target. I am torn between thinking that it's a service that I am providing so who are you to judge me, but then I also understand the point of view of people living in the neighbourhood where it happens.*

In order to counter the hostility they experience in the community and negotiate the above-noted tension, some sex workers seek to 'humanize' themselves in the eyes of others. The following story by Adrienne (a street-based worker who was introduced to the industry when "my Dad sold me") is telling both for the fundamental inhumanity (taking a cherished and essential possession from a homeless woman) and the transformation that was realized through simple interpersonal contact:

*We used to get bugged by the ladies out there but some turn around. One of them at one point would bring us coffee and sandwiches. She got to know us. She used to take our sleeping bags from us but then she felt bad. She would take care of us.*

Sex workers are well aware that individual efforts to humanize themselves are merely a stop-gap measure and that the social exclusion they experience is rooted in broader social (mis)perceptions and in deeply embedded stereotypes about sex work that get played out in interpersonal actions. According to Samantha (massage-parlour worker) what is needed is:

*Changing the view on this business, more specifically, the societal view on sex work. It would be about informing mainstream society and letting them know that were not such horrible bitches. It would be our biggest tool for changing this business. I love what I do. I feel like I provide an incredibly valuable service. As a sensual massage provider, I love seeing people walking away feeling wonderful. This is a business, it shouldn't be ignored or hid in the closet, it should be recognized. Hopefully one day, it will be.*

## *Workplace safety*

Sex workers across sectors, regardless if they have actually experienced violence at the hands of clients or aggressors, are cognisant of the potential for violence and must "deal with the physical consequences of violence and also the psychological repercussions of knowing their lives are at risk every time they go to work" (Pivot, 2004:16). As Caroline (street-based worker) put it: "I always worry about getting hurt. I always wonder 'is this the guy who is gonna change it all for me?'" Not surprisingly, workers conscientiously take measures to protect themselves and mediate their risk of experiencing violence. Here we see a sharp demarcation in terms of strategies between sex workers who labour indoors and those who are street-based. In this section, we explore the former before turning our attention to street-based workers.

## *What measures do indoor sex workers take to protect themselves?*

According to the literature, indoor workers are less vulnerable to violence than their street-based counterparts, by virtue of their labour structure and their ability to avail themselves to a wider range of protective strategies<sup>18</sup> (Jeffrey and MacDonald, 2006; Benoit and Millar, 2001). However "[violence from clients and/or aggressors is] a continuing threat for escort workers (particularly those on out-call) and exotic dancers, who still do not have full protection of labour codes" (Jeffrey and MacDonald, 2006:81).

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<sup>18</sup> Independent workers take measures, such as always informing a friend of their destination (leaving the information or text messaging upon arrival - sometimes ensuring that the client sees them doing so), confirming the address via the internet, never consuming illicit substances with clients and being very prudent in the consumption of alcohol, and only providing services in hotel rooms rather than private residences (Bruckert and Parent, 2010) Agency workers can avail themselves to security measures such as drivers and client screening. There is also an element of deterrence as clients are aware that the worker's whereabouts are known and recorded by agency personnel (Lewis et al, 2005)



As we saw in the previous chapter, indoor workers who labour under third-party management benefit from a measure of security afforded by their employer. For example, in-call establishments may have bouncers, a screening process and security cameras; out-call agencies may offer a driver, check-ins and client verification. These measures increase the likelihood that help is available in case of a physical or sexual assault, or if the worker is robbed. Moreover, a client is presumably less likely to assault a worker in the vicinity of potential witnesses, and aggressors may be deterred by the possibility of arrest. Workers who work independently must however assume responsibility for their own security.

Independent workers draw on similar strategies as do agencies/establishments. Meredith a 22 year-old escort with 2 years of experience tells us:

*I have screening processes in place; I have enough personal information that I could have something if something violent ever occurred. I try not to worry about it too much because you don't want to have those worries in your head while you're seeing someone. But at the same time I have to make sure I am safe so I would never break from my screening process.*

Mia, another escort, who like Meredith had not experienced violence at work, relies on drivers (real or virtual) to dissuade clients from acting aggressively:

*Violence and safety are always a concern. For example with clients, if I don't use a driver, I always make sure they think I am using one. I also set a timer for my phone to ring so it seems like someone is waiting for me. Safety is always something that is in the back of my head.*

Michael, an independent escort, also relies on deterrence to maximize his security:

*There is always that nervous moment, a bit of anxiety, when you first meet them. It's a very strange thing to go and to knock on someone's door. I take steps to offset that. I let the client know that I left their address and their phone number on my computer screen so that the first person who opens my laptop would see it. I make a call to a friend when I arrive, even if I fake it and call my own answering machine and say like 'Hey, I'm here, I'll be here for about an hour and a half'. The client knows that I am in communication with someone and often it's quite honest, my friends or my roommates actually know where I am going and expect a call when I leave. So there is nervousness about that but truthfully, I never had problems with my clients and I don't anticipate problems with my clients.*

Like Michael, Isabelle has confidence in her security strategies; however, she is also aware that the ability of even (relatively speaking) privileged indoor workers to protect themselves, is constrained by the paradoxical implication of the law. The bawdy house provisions (Section 210) of the *Canadian Criminal Code* “denies workers a safe space to work and contributes to stress and risk of arrest” (Lewis and Shaver 2006: 23):

*The law means that you can't work out of your own house which would mean being able to work on your own turf where you can implement whatever security measures you want. The only legal way to work is to go to clients' house so you're on their turf. It can be a lot more dangerous. (Isabelle, escort)<sup>19</sup>*

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<sup>19</sup> We return to this issue again in Chapter Six when we explore how Criminal Code Section 210 (1) undermines workers access to a safe work environment.

## *What measures do street-based sex workers take to protect themselves?*

Street-based sex workers are keenly aware that conditions under which they provide services are not always safe. Maud (street based worker), who at 55 years old was the most mature sex worker we spoke with, is unequivocal:

*We work in cars so we usually end up getting caught. Or in alleyways, and then you get kicked out. It would be a lot easier if we had some structure, a place to go. Then they could also monitor a little. Girls are missing and get beat up and we still haven't found them years later. Nobody has a clue where they are. Some of them don't have families so they just disappear. We need a place where we could go.*

As we will explore in more detail in the chapters on policing and legal challenges, street-based workers find themselves juggling their risk of violence with their risk of arrest. In Marci's (street-based worker) narrative this tension culminates in a rather problematic definition of safety:

*Some clients were really nice about wanting to find a place that would feel safe and comfortable for the both of us. Like somewhere with not too much light and where the cops don't go. It would definitely be nice to have a nice, comfortable place indoor where to be doing that work.*

Denied access to a secure labour location, some street-based workers are fatalistic: *"Getting picked up by strangers is a concern, but what can you do for me? Nothing! You people cannot do anything about it. [...] If I get beat up, I get beat up".* (Zoë)

Others are more proactive. Armed with experiential knowledge and the ability to 'read' multiple small indicators, Brook's (street-based worker) strategy is to *"trust my gut"* and rely on instinct. The efficacy of this strategy is contingent on the worker taking adequate time to assess the potential client – something workers are less likely to do when they are trying to avoid police attention. Similarly, workers may *"feel safer when there is another girl down the block. We look out for each other"* (Britney, street-based worker) but are likely to work in isolation to avoid police detection (this will be developed further in Chapter Five).

Christian, a street-based worker who often solicits clients in bars, makes sure that *"everything is all worked out before we actually get to their car, and that makes things very simple."* His story speaks to the reduced risk of situational violence when there is adequate time to carefully assess a potential client, negotiate the services, and establish fees. This process is not always viable for street-based workers who must instead draw on different strategies: Marci (street-based worker) makes sure that when she enters a clients' car *"to never wear my seat belt [...], that the doors are unlocked."* Bianca (street-based worker), opts to put considerable effort into reassuring her clients. In her narrative, she speaks directly to how a safe labour site would mediate the risk of situational violence:

*If we had a safe place to go in the area where we work, maybe safety wouldn't be an issue. It would be safer for clients too. They wouldn't have to be nervous about being robbed or beaten. It's a two-way street and if we can't have faith in each other, then we're all unsafe. Sometimes, to reassure them, I am like 'Listen; let me just take care of what we are here for and then you'll pay me.'" Then they have faith in me but it puts me and my money at risk, you know. It does work better for me though as it calms them down. And then, there is always the question of where can we go that is safe, you know? It might take 20 minutes of driving around to find a safe place and then everybody is frustrated. So, of course safety is always on my mind.*



Finally, another strategy to decrease their vulnerability to violence was to cultivate regular clients. Indeed over half the sex workers with whom we spoke have ongoing relationships with some of their clients. Establishing and maintaining these ‘regulars’ has a number of positive implications for sex workers. These “*trusting enduring relationships*” (Charlotte, street-based worker) affords sex workers financial stability but also security, “*I have regulars and those are the ones I feel the safest with. It’s easier to practice safe sex with them too because I know them and they know me*” (Alice, street-based worker).

### *Do sex workers turn to the criminal justice system for redress?*

As we have seen, sex workers employ a range of strategies to minimize their risk and maximize their security. However, it would appear that one potent strategy used by the vast majority of the population, namely the ability to call on the police for protection or for criminal justice redress is, in practice if not in principle, denied to them. First, sex workers are not always cognisant of their right to protection under the law (DERA 2006, Pivot 2006, Shaver and Lewis 2006).<sup>20</sup> Second, according to Lewis and Shaver (2006) “the ‘just a whore’ mentality of some police officers and/or the belief on the part of sex workers that this would be the response to their complaints, resulted in few seeking assistance” (2006:26).<sup>21</sup> Third, the criminalized or quasi-criminalized nature of their work undermines sex workers’ ability to draw on criminal justice resources (Jeffrey and MacDonald 2006; Pivot 2006, 2004).

Some municipalities, recognizing that the criminalization of sex work undermines workers ability to access the criminal justice system, have developed innovative approaches. For example, in Toronto, the ‘Special Victims Section’ of the ‘Sex Crimes Unit’ has been established to, among other things, “investigate allegations of criminal sexual offences which have occurred against any person identified to be a sex worker” (TPS 2010:1) and provide sensitisation training to Toronto police officers. In Ottawa, however, no such philosophy is in evidence; perhaps it is therefore not surprising that when we asked sex workers whether or not they would turn to the police if they were attacked, the response was generally negative. That said, while the overwhelming majority of escorts we spoke with were very leery of seeking aid from the police a few did have confidence in the criminal justice system, “*I never had to but I would definitely turn to the police if something was to happen*” (Serena, escort). Others consider the police a resource provided they can conceal their occupation.<sup>22</sup> Isabelle (escort) tells us she “*would turn to the police if I was to be victimized; but I wouldn’t tell them I am an escort.*” She further explains her position on the matter:

*I am always concerned that, if something happens to me and I go to the police to report it, are they gonna take me seriously? Are they gonna help me out? Or are they going to say ‘oh you’re an escort, you deserved it’. I do have the luxury to be able to not disclose my work. What bothers me is that, if I didn’t tell them, they’d be all over it and would be so concerned for my health and my well being and wanting to ‘get the guy who did this’. If I told them I was an escort, it would be completely different. I don’t think they would care at all.*

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<sup>20</sup> The question of *in principle* rights may be, practically speaking, irrelevant: sex workers report that police officers are often negligent, either failing to respond to violence against them or not adequately investigating such incidents (DERA, 2006; Jeffrey and MacDonald, 2006; Pivot, 2004; Benoit and Millar, 2001; Cler-Cunningham, 2001). For example, one of the dancers interviewed by DERA (2006) recounted that when she attempted to report a sexual assault the police “looked at me and started laughing - they were like ‘go home you’re wasting our time’” (2006:84).

<sup>21</sup> For male workers, the stigma appears to be further complicated by police officers’ homophobia (Jeffrey and MacDonald, 2006; Pivot, 2004). Perhaps it is not then surprising that Benoit and Millar (2001) found that of the 201 sex workers they interviewed “the police do not factor at all into respondents’ first choice [...]. and only 1.1% of respondents chose the police as their second choice in a crisis” (2001: 54).

<sup>22</sup> Concealing ones involvement in sex work is evidently not an option for street-based workers known to the police.

By contrast, workers in establishments, who are vulnerable to charges under *Canadian Criminal Code* Section 210, may (wrongly) assume that they are outside of legal protection since they are engaged in criminalized activities:

*What recourse do I have if I have a bad client? Can I really walk into a police station and say 'I offer erotic massage services and this guy took it too far, raped me and beat the shit out of me?' I would never do that; I would never walk into there and try to have them go after the people that know that we have no recourse. The laws are set up in a way to protect everybody but us. (Samantha, massage-parlour worker)*

Street-based workers were consistent in their conviction that the police are not a resource. Often this is premised on their perception of police attitudes:

*A lot of them, they have the mentality that we're asking for it or we deserve it because of what we choose to do. They know what I do so because they think I am asking for it, it would be the last place I'd go for help. In their mind, you deserve it. (Fiona, street-based worker)*

Marci voices a similar concern and, like Fiona, speaks to the implications of a discourse that responsabilizes sex workers for their victimization at the same time as it denies that victimization:

*They don't take violence against us seriously; they think that we're asking for it. That whole attitude is why I never pressed a charge against a single one of the clients that abused me. I am afraid to be in a court room and have them say that I am a prostitute. For them, it's an oxymoron that I am a prostitute and that I got assaulted. "It can't happen." (Marci, street-based worker)*

For some, their hesitancy is conditioned by previous encounters:

*I called the police once when someone pulled a gun on me. It was in a parking lot. They didn't believe me at first, up until they saw the security tape. Then they drove me home. Nothing happened. They never found the guy. When they responded to that call, they knew I was a sex worker. If it would have been a 'normal woman',<sup>23</sup> it would have been different. I was out there on the street at 4 or 5 in the morning and I was known so they didn't take me seriously. (Bianca, street-based worker)*

Indeed, the story by Beth (street-based worker) that introduced this chapter, details an instance when a police officer was not only neglectful but uncompromising in his refusal to provide even rudimentary assistance in the face of evident need, demonstrates with disturbing clarity why sex workers do not turn to the police.

Some workers have turned to the criminal justice system in the past and were upset with being re-victimized:

*I went to the police a couple times. I had been raped by customers and held at knife point and it actually made it to court. But in court, they made me look so bad, the guy had rape charges before but he ended up walking because I was a prostitute (Lauren, street-based worker).*

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<sup>23</sup> It is notable that Bianca herself has internalized the distinction between sex workers and 'normal' women.

Finally, some workers do not turn to the criminal justice system because for them, the police are not so much a resource to combat violence but, as we will explore in detail in Chapter Five, a source of violence, “*sometimes, they grab you and smash your head*” (Adrienne, street-based worker). Workers who have suffered violence at the hands of police officers are unlikely to consider them as allies or sources of protection and support to whom they can turn for assistance. When sex workers are unwilling to turn to the police for assistance, they become even easier targets for predators who assault sex workers - sometimes with virtual impunity. In the words of Maud (street-based worker) “*[the police] make it look like we’re the bad guys so the guys on the street treat us like bad people, they take advantage of it.*”

## *Discussion*

This chapter began with a discussion of health and safety risks confronting Canadian workers in general before reflecting upon the specific threats to the well-being of sex workers. Cognisant of these risks, sex workers are not passive but actively seek to minimize the physical, sexual, and health risks that they confront. To this end, they develop strategies in an effort to maximize their security. Tellingly, however, one resource that sex workers, and most especially street-based workers, do not access is the criminal justice system itself. We turn back to the question, is sex work *inherently* more dangerous than other comparable jobs and are sex workers therefore *inherently* at risk of victimization or do intersecting factors including criminalization not only deny sex workers’ labour and human rights (as we saw in the previous chapter) but render them *more* vulnerable to sexual, physical and economic violence. Of particular concern is that, in practice, the criminalized context of sex work is certainly a compounding factor in the denial of sex workers’ human, labour, and social rights, which all workers are entitled to in Canada. This denial of rights also undermines workers’ strategies for working in security by prohibiting them from relatively secure indoor locations, denying them police protection and excluding them from judicial avenues of redress.

## *Challenges of Safety, Security and well-being*

- The criminalized and stigmatized nature of sex work can make it difficult for workers to mitigate the health risks of their work.
- Ottawa-area sex workers sometimes experience situational and predatory violence on the job at the hands of community members, clients, and aggressors preying on sex workers’ because they are vulnerable to stigma and the law.
- Street-based workers seem to be at higher risk of violence.
- Bawdy house provisions criminalize working in a safe space familiar to, and controlled by, a worker.
- While indoor workers can and do take measures to protect themselves, criminalization of communicating and living on the avails makes these measures illegal, making workers more vulnerable to violence.
- Criminalization forces street-based workers to balance the risk of violence with the risk of arrest, forcing them to curtail client-screening and service negotiation, and to work in isolated, dimly-lit places such as clients’ cars or alleyways and rendering them more vulnerable to violence.
- Criminalization makes it difficult for workers to access police services for protection from violence, and the criminal justice system for redress when they are victimized.
- Many workers assume wrongly that they are outside the protection of the law because of the criminalized nature of their work. Workers are also reluctant to utilize police for protection due to fear and lived reality that they will not be taken seriously because of their work (the “just a whore” mentality), fear of further victimization at the hands of the criminal justice system (the “they deserve it” mentality), or fear of actual violence at the hands of the police.



## CHAPTER FIVE: Sex Workers Speak about the Police

The Ottawa Police Services website identifies their organizational values to include: “providing quality services in an equitable and accessible manner; openness and accountability; maintaining the highest ethical and professional standards; and being a diverse and non-discriminatory police service.” These values do not correspond with the experiences of many of the sex workers who participated in the research. While cognisant of the fact that police officers are not lawmakers and have a duty to enforce existing laws, these sex workers spoke of assaults and destruction of property; of verbal abuse and physical harassment; of call-outs and outing; of illegal detainment and violence; of ‘starlight tours’ and the seizure of their condoms.

*I have never been arrested but I have been working the streets for a very long time so they know me very well: ‘If I get one more complaint about you Janette, I’ll yank you off the street by the fucking pony tail and cut it off’ or ‘I’ll punch you in the rotten mouth because you have such a rotten mouth’ [...] I don’t feel safe because I am scared of getting hurt or harassed by the cops! They might overstep their job description because of the way they see prostitutes. I haven’t heard of any deaths yet but that might happen. I’m scared of it happening. That’s pretty much what’s next. [...] They tell me I’m going down; they tell me that they’re going beat the shit out of me. Once a woman heard a cop say that and [she] stopped. She asked the cop if she heard right, that he was going to beat the shit out of me. He drove away. They make me feel unsafe, not just the men, the cops. (Janette, street-based worker)*

In light of the dominant discourse that demonizes clients and valorizes the police as the ‘thin blue line’, Janette’s comment that “*I don’t feel safe because I am scared of getting hurt or harassed by the cops!*” is jarring. In fact, she voices a recurring theme in the research. We were astonished to discover that, in response to our wrap-up question which asked sex workers to identify their main challenge, fifteen workers singled out the police. It is not, as one might have assumed, aggressors, violence by clients, stigma, health, housing or even money and basic needs that are their biggest preoccupation; it is their fear of, and their profound powerlessness in the face of, the police: “*the police and the violence. Put the two together and this is my biggest concern*” (Brooke, street-based worker).

At times, the actions by individual officers appear to chillingly mirror the continuum of violence and misconduct perpetrated by clients and aggressors that was previously detailed.<sup>1</sup> Sometimes the police behaviour appears to be the enactment of ‘morality’ scripts based on stigmatic assumptions and misconceptions. At other times the actions seem systemically rooted in a (discriminatory) institutional approach. Regardless of its genesis - and indeed they can hardly be neatly separated and categorized - the findings are profoundly disturbing. Police “occupy a uniquely powerful role in our society [...] sworn to serve and protect the interests of all citizens, they bear the heavy responsibility of enforcing the law in an impartial manner” (Pivot, 2002:1). It is precisely for that reason that individual law enforcers, along with the Police Services more broadly, must be accountable and obligated to maintain the highest standard of conduct.

In the first part of this chapter, we provide context before turning to what sex workers told us about their experiences with police in Ottawa. The narratives of the sex workers suggests that Ottawa police are engaging in social profiling and failing to use the power that we, as a society, entrust them with in a responsible and ethical manner.

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<sup>1</sup> See Chapter Four.

## *Relationship to the police*

In order to contextualize the remainder of this chapter, we first address the distinction between behaviour and identity by deconstructing two common misconceptions regarding the status of sex workers and the question of citizenship, before moving on to present what Ottawa area sex workers had to say about their relationship to the police.

### *Since sex workers are ‘criminals’ are they entitled to rights?*

*Once I was with a friend and we were discussing the case of the guy who went after girls on Craigslist. That guy robbed a sex worker he hired from Craigslist and then murdered the next one. I was telling my friend about it and what she had to say when I talked about going to the police if I had been in this situation, was that it would be like if a drug dealer tried to go to the police if he was robbed. I told her it was completely different. She argued that because the drug dealer is doing something illegal in the first place, he can't really access the system to get his money back. Sex work is not illegal. People should be okay to go to the police if they feel the need to. I feel the whole Craigslist story would have unfolded very differently if it had nothing to do with sex workers. (Mia, escort)*

This story by Mia draws our attention to two erroneous, albeit widely-held, assumptions. The first is that sex workers are not entitled to the same rights as everyone else (though as we will see their rights are not respected, protected and/or fulfilled). In fact, all of our rights are enshrined in the *Charter of Rights and Freedoms*. These include the right to life, liberty and security of the person (section 7) and the right to be secure against unreasonable search or seizure (section 8). While workers who are convicted of a criminal offence may lose certain rights (for example the right to liberty if they are sentenced to a period of incarceration), this is not a function of their participation in the sex industry but a consequence of the sanction handed down by the courts upon *conviction*.

The second erroneous assumption is that the exchange of sexual services for financial compensation (i.e. prostitution) is illegal in Canada. In fact, until 1972, the regulation of the street-based industry fell under the purview of the Vagrancy 'C' provisions of the *Canadian Criminal Code* (s.175(1)(c)) according to which "a common prostitute or nightwalker found in a public place and who does not, when required, give a good account of herself" is guilty of vagrancy. In the face of feminist mobilizing against this gender-specific status-offence (it was the status of being a common prostitute not their actions that was illegal) the soliciting law (s. 195.1) which criminalized soliciting "in a public place for the purpose of prostitution" was enacted in 1972.<sup>2</sup> Today, as we have already discussed in Chapter One, the *Canadian Criminal Code* specifies that it is against the law to communicate for the purposes of prostitution (s. 213), and the bawdy house provisions (s. 210) make it illegal to be an owner/operator or an inmate of a bawdy house - a home, a bath house, a car or any other kind of premises that is "kept or occupied, or resorted to by one or more persons, for the purpose of prostitution or the practice of acts of indecency".

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<sup>2</sup>This was in turn replaced by *Canadian Criminal Code* s 213, the communicating law.



## *How much contact do sex workers have with police?*

Though sex work per se is not illegal, its regulatory context makes it difficult for sex workers to operate without contravening the law. That being said, it is the street-based workers who are disproportionately criminalized; over 94% of prostitution related charges are laid under Canadian Criminal Code Section 213. In light of these charging practices, it is not surprising that there is a sharp demarcation between indoor and street-based workers in terms of their interaction with the police. Only two of the indoor workers with whom we spoke had contact with police in their capacity as escorts, massage parlour workers or dancers<sup>3</sup>; in one case a worker's client was a police officer. The second case involved Cait, a 44 year old erotic dancer whose story speaks to the arbitrary nature of criminal justice intervention:

*When lap dancing was iffy, I got charged once because I got mouthy with a cop who had had a bad day and he charged me because of a client who was touching my hip. The charges were dropped because it was my first offence. I had to donate to a charity. It was a farce. I am sure there are some good cops out there, there was this one undercover cop that would come to the club a lot and he knew the girls and he understood how we worked, but if someone comes in and they don't know, they treat us badly.*

By contrast, 26 of the 27 street-based workers had had contact with the police, 27 year-old Caroline being the only exception. She tells us, *"It's just fine because they don't know what I do for extra money. If they knew me, it would be different."*

## *What is sex workers relationship to the police like?*

Street-based workers are not only much more likely to come into contact with the police than their counterparts who work indoors but some have considerable interaction with the police. Occasionally this contact proves to be positive, for example Lauren, a 50 year old worker, who spoke of many negative experiences including a sexual assault by police officers in Toronto, notes that, in Ottawa, *"I went to see them a couple times for rape and they were actually pretty good with me. They were with me up until I went to court."*<sup>4</sup> Lori, another street-based worker, felt respected:

*My interactions with the police have always been positive. I always speak to them with the utmost respect, I don't fight them, I am quiet, I am calm, I don't resist arrest, I don't curse at them, I don't yell at them and in return, I get a lot of respect back. I did spend some time in jail but for the most part, I have had a good relationship.*

Zoë (street-based worker) recounts a pre-emptive act by the police for which she was grateful:

*Once, I got picked up by a trick and it was a known murderer and rapist. They recognized the license plate and stopped us. They asked me if I got my money, I said 'yes' and they told me 'to go now, they were gonna put him in jail because he's a murderer and a rapist and is not allowed around women'. They saved me from getting killed that day. They were good for me that day.*

Others are careful not to over-generalize. According to Adrienne (street-based worker) *"there are some good cops out there that want to work with us and are very caring, but not many."* She went on to praise one particular female officer.<sup>5</sup> Adrienne also draws attention to the need for better communication:

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<sup>3</sup> One indoor worker had drug charges, and three out of the four escorts (Veronique, Fiona, Thomas) who had previously worked street-based had interactions with the police at that time in their careers.

<sup>4</sup> Although as we have already seen, the charges against her assailant (who had previous convictions for sexual assault) were dropped; according to Lauren this was based on her participation in the sex industry.

<sup>5</sup> Indeed this officer (name withheld), whose name surfaced on numerous occasions as an example of the presence of a few allies in the police ranks.



*I think cops should be sent to John School. I think that we should go too, and explain what is going on with us to all these police officers. They could see another side of us. They should get a training to understand better [...]. We should work together instead of having all of them against us.*

Overwhelmingly, however, the street-based workers who participated in the research report negative encounters with the police. It is notable that, while many workers question the criminalization of activities associated with consensual sex between adults, as was previously mentioned, they appreciate that the police enforce rather than make the laws, "*prostitution is illegal, so I understand that they arrest us*" (Zoë, street-based worker). In other words, sex workers' assessment of the police is not based on their law enforcement activities but on the mis-use or abuse of power.

### *Are sex workers treated differently by police even when they are not working?*

According to Ottawa area street-based sex workers, "*once you're labelled, you're screwed. You can't even go to the grocery store. They stop you. They pull you right over, tell you to get off the street*" (Lucy, street-based worker). Many are frustrated with the attention they receive from the police when they are clearly not soliciting clients:<sup>6</sup>

*They also harass us when we're not working. It's an ongoing thing. Sometimes I just want to say 'Fuck it!' because working or not, we're treated the same. We're being judged. They still look at you. Even when you are not working - you are working. Its 24 hours a day in their eyes. They don't understand. Once, I was not working and they were trying to charge me for solicitation but I wasn't doing anything. I ended up getting pulled in. As soon as they see a group of us together, they presume that we're working. (Adrienne, street-based worker)*

Like Adrienne, Brooke a 30 year old street-based worker tells us that, "*even if I am actually waiting for the bus, they ask me to move because I am known [...] I have been pushed around and hit with their night sticks - even when I wasn't working!*"

Lauren also found herself arrested when she was engaging in a mundane everyday activity, "*I have been charged with loitering in the past. Once, I had ordered a pizza, I was waiting downstairs for my pizza, in the lobby of my apartment, no shoes on, and I got taken in a sweep.*"

By definition, public space is not private and is therefore open to all citizens. In practice, it would appear that this terrain is not neutral but a place where individuals who labour in the sex industry are being subjected to a panopticonic gaze and cued that they are unwelcome:

*The first thing they do when I walk to go to the store is to jack me up because they know me. They call my name, they run my name, some cop will search me, threaten to arrest me. That's just me going to go buy cigarettes at the corner store. (Beth, street-based worker)*

Explaining what it means to live this 'unwantedness', Rachel invites us to 'walk in her shoes':

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<sup>6</sup> We will be examining the issue of arbitrary detention in greater detail later in the chapter. Here we want to note that this is in contravention of Section 9 and 10 of the *Charter of Rights and Freedoms* individuals have the right to be free of arbitrary detention.

Arbitrary detention is when someone is stopped by police without reasonable grounds. Reasonable grounds [...] must be based on specific information related to a particular individual and offence. *Criteria based on stereotypes such as race and apparent income is discriminatory and not reasonable* (Pivot, 2002: 18) [emphasis ours] (v. Mann, 2004 S.C.C. 52, [2004] 3 S.C.R. 59, R. v. Simpson (1993), 12 O.R. (3d) 182 (C.A.).

What if I am driving around with my dad or my uncle and they [the police] start treating me bad, bad mouth me, tell them I'm a prostitute, detain me for 20 minutes? Then they start harassing my friend? Sometimes, I only want to go and have a drink. Think about it!

Although as noted earlier in the chapter, Canada abolished the gender-specific status offence of being a 'common prostitute' in 1972, some police officers appear to continue to operate in accordance with this concept and thereby violate workers' fundamental right to the presumption of innocence. Moreover, street-based sex workers' relationship to the police may be conditioned by the worker's master status<sup>7</sup> and the stereotypical attributes that inform that status.

If the relationship between street-based sex workers and police is, as it seems to be, largely defined by workers' participation in the sex industry then the treatment of these individuals is in direct opposition of the values espoused by the Ottawa Police Services to "provide quality services in an *equitable* and accessible manner; and being a diverse and *non-discriminatory police service*" (Ottawa Police Services) [*emphasis ours*].<sup>8</sup> It would appear that street-based sex workers are constructed as 'other' and not perceived to have the same ties to the community as other 'normal' residents. They are therefore, practically speaking, excluded from citizenship (Rohde 2010:16). This is a subject that we revisit throughout this chapter.

Police are in a position of power. When they abuse that power and operate in relation to their own or societal biases and prejudices, the consequences for sex workers can be severe. We now turn to how this relationship is played out in the experiences of sex workers as they interact with the police. In the coming sections, we examine the five areas that emerged from the interviews: harassment, physical violence, sexual misconduct, destruction/confiscation of property and 'outing'.

## 1. Harrassment

Harassment is a violation of the fundamental human rights of the targeted person, and is defined as:

Any unwelcome physical, visual or verbal conduct. Any behaviour that insults or intimidates is harassment, whether it is on a single or repeated basis. It is the expression of perceived power and superiority by the harasser(s) over another person. (ACO, 2010)

In the research, three types of harassment emerged: verbal abuse, 'call-outs' and 'calling to account'. The narrative of Faye, a 31 year-old street-based worker, sheds light on what the experience is like on a day-to-day basis:

*They harass me all the time. They recognize me, they ask me what I'm up to, what do I have on me, they try to check my pockets. I'm just walking around and people are watching. [...] They've got the power, you don't. [...] I've got charged for loitering, jaywalking, just standing there, panhandling. They charged me with mischief because I threw a cigarette.*

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<sup>7</sup> Master status denotes when one element of an individual is held to be so significant that it defines who that person is. We will address this issue in greater detail in Chapter Seven.

<sup>8</sup> The Ottawa Police Services practice of sending 'Community Safety Letters' to individuals "found in the company of a sex trade worker" (Ottawa Police Services) suggests that not only are sex workers presumed guilty but those found in his or her company are immediately suspect.

## Verbal abuse

In principle, police are to use respect in their dealings with the general public.<sup>9</sup> That all of the street-based sex workers who took part in this research spoke of police disrespect, and that fully 19 out of the 27 explicitly recounted incidents of verbal misconduct, draws into question whether or not police appreciate that individuals who work in the sex industry are citizens and members of the general public. Veronique's reflection that "*in Ottawa, it is not very agreeable. It is verbally violent. They make me feel like garbage*" [translation, ours] was echoed by many other participants whose stories shed light on the flavour of these interactions:

*They are rude, disrespectful to us. When they arrest us, they are insulting. They treat us badly. Once I got arrested, they'd make fun of me and ask me like 'how much do you weigh? Eighty pounds?' They just assume I'm a drug addict (Mallory, street-based worker).*

Charlotte's (street-based worker) story below speaks to a flagrant disregard for the presumption of innocence, a cornerstone of our justice system, and one that is protected under Section 11(d) of the Canadian Charter of Rights and Freedoms which states "that every citizen has the guaranteed right to be presumed innocent until proven guilty according to the law in a fair and public hearing by an independent and impartial tribunal." Her comments also demonstrate how hateful this verbal abuse can be:

*They see me from a mile away and they stop me, call me names. Both myself and my boyfriend are really well known by the police. They can't tell if I am working or not. For them I am always just that junkie 'ho. I could be going to the store; 'Oh Charlotte, what are you doing?' Some of them are assholes too, asking me stuff like 'Charlotte, how much to do charge? In case one day I'm desperate, I can come and see you'.*

For Janette (street-based worker), the harassment by Ottawa police officers was accompanied by a physical component when officers tossed items including eggs, lit cigarettes and fast food packages at her:

*One [Ottawa police officer] threw an egg at me in Vanier, right on my shin. One threw a lit cigarette at me when I asked him for a smoke, he was like 'Take this fucking cunt!' Burnt my chest. I remember all of that, how can you forget? If I wanted to be a secretary, I would be one, I have the smarts, I have the know-how. I am a resident of Ottawa and I am not going anywhere.*

Janette's bewilderment at this behaviour is evident later in the interview when she tells us of another instance: "*One of them threw his old McDonald's package right at me. I had Kleenexes in my pack and I scooped the pickles that landed right at my feet. Who does that? What mature person does that?*"

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<sup>9</sup>This is also consistent with the *Police Services Act*, (R.S.O 1990, c. P-15, s. 1 which states that the " Police services shall be provided throughout Ontario in accordance with the following principles... 2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*." According to the *Human Rights Code* ( R.S.O. 1990, c. H-19, s. 1) " Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

## 'Call-outs'

Sex workers speak of uniformed police officers 'calling them out' in public spaces. By drawing attention to the worker, the police are identifying them as 'the kind of person known to the police':

*They harass me all the time, even when I am not working. Even like, if I'm at a restaurant eating, they'll come right in 'Whatcha doing Holly?' (Holly, street-based worker)*

Public space is communal space. Unless constrained by release of bail conditions, everyone "has the right to be present and move in public areas free from any interference by police officers"<sup>10</sup> (Pivot, 2002: 28). When police breach this right, public space is rendered an unwelcoming and even risky space:

*They harass me. Every time they see me, if I am walking around in the market, they stop me. They pull me right over 'Hey Mallory, how are you?', even if I haven't been working for a week or so, I'm just walking around. (Mallory, street-based worker)*

Like Mallory, Lori also finds herself stopped and questioned on a regular basis:

*I have been stopped a few times. At that time, I was working a lot and they knew my face, so they'd stop and ask me questions. For example, one officer stopped me while I was just walking around and was like 'Lori, I saw you a couple of weeks ago' when it was in fact more than two months before and I wasn't in my red zone and I had no conditions. (Lori, street-based worker)*

That these 'call-outs' are not restricted to the street where the police could, at least in principle, presume workers are "communicating for the purposes of prostitution" (and hence in contravention of the *Canadian Criminal Code* s.213), raises the question, are these practices about law enforcement or about enacting a script of 'unwantedness'? Is there a subtext of toxicity that justifies the imposition of an extra-legal punishment in the form of public shaming?

*They make sure to harass me every time they see me even if I am not working. They try to empty my pockets all the time. Once they found an empty condom wrapper in my pocket. They bugged me because of it. They did that in front of people at the bus stop, with the lights flashing and everything. (Janette, street-based worker)*

These public shaming rituals may also increase individual sex workers' vulnerability to violence. As we will explore in greater detail in the next chapter, when workers elect to solicit clients in more secluded areas where they are free of police surveillance, they also become 'easier' targets for aggressors who might otherwise be deterred by witnesses.<sup>11</sup> Bianca speaks to this:

*I get stopped and then they ask me my name. They know my name. They just want to know what's going on. Sometimes, they'll also call my name out 'Hey Bianca! If I go and work in places where they won't do that, I take my freedom into my own hands. That's hard. (Bianca, street-based worker)*

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<sup>10</sup> This right is enshrined in the *Charter of Rights and Freedoms*, Section 7 and the *Declaration of Human Rights*, Article 13(1). See *Victoria (City) v. Adams*, 2008 BCSC 1363, 299 D.L.R. (4th) 193, where local by-laws were deemed unconstitutional that kept local homeless people from setting up tents in a public park.

<sup>11</sup> Essentially we are talking about target hardening which premised on the assumption that since much crime is opportunistic, making one's home/establishment/self a more challenging (and therefore less desirable) target of a criminal act is an effective strategy to minimize one's risk of victimization. For example a homeowner may install video cameras and home security systems to deter individuals from breaking into a home.

## *'Calling to Account'*

Echoing the by-gone era when “a common prostitute” could be obliged to “give a good account of herself”, the sex workers we spoke with reported that police routinely stop them and demand they justify their presence on the street:

*When I stand on the street, they stop and ask me what I'm doing there and I always have to give them excuses for standing there. (Britney, street-based worker)*

Julie, whose ‘sexy’ clothing would not be out of place on an urban university campus, is infuriated at the practice. She is well aware that, while police may stop and question individuals (a form of detention), they should only do so if they have objective ‘reasonable grounds’:<sup>12</sup>

*Just because of how I dress, I get stopped. I get very insulted. They keep watching me, they ask rude questions. They bug me all the time. I asked for badge numbers, they had no reason to stop me, I don't have to tell anybody who I am and what I'm doing. (Julie, street-based worker)*

Police officers calling workers to account suggest that these law enforcers conceptualize sex work not as an activity but rather as an indicator of a particular deviant and criminal status. The practice also breaches workers’ rights under Sections 9 and 10 of the *Canadian Charter of Rights and Freedoms* to be free of arbitrary detention:

Detention occurs when an individual’s freedom of movement is restrained. Detention can result from psychological as well as physical restraint. Psychological detention exists when the state assumes control over the movements of a person by demand or direction, the demand or direction has significant legal consequences and the person reasonably believes that he or she has no choice but to comply. The courts have found that detention includes being stopped by police and asked for your identification. (Pivot, 2002: 18)

## *Is this social profiling?*

This behaviour raises the spectre of social profiling which was recognized as discriminatory and in contravention of the Quebec *Charter of Human Rights and Freedoms* by the Commission des Droits de la Personne et des Droits de la Jeunesse in 2009.<sup>13</sup> The Commission found that social profiling, like racial profiling, is a form of discrimination: “in the case of racial profiling, skin colour is the factor that triggers police intervention, in the case of social profiling, the trigger is more likely to be the visible signs of poverty or marginality” (CDPDJ, 2009a). In this case the testimonies of workers suggest that police officers assess individuals on the basis of visible signs (appearance, behaviours, attitude etc.) and those who are ‘read’ as sex workers are subject to intense (and disproportionate) monitoring. But it goes further, the ‘call-outs, ‘calling to account’ and verbal abuse can certainly be understood as “uncalled for or offence remarks” (CDPDJ, 2009b) based on the (perceived) social status of the workers. According to the *Commission des Droits de la Personne et des Droits de la Jeunesse* ruling, “social profiling also occurs when police officers make unusual decisions concerning the homeless, for example by making identity checks without reasonable grounds” (CDPDJ, 2009b).

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<sup>12</sup> In *R. v. Storrey* [1990] 1 S.C.R. 241 the Supreme Court of Canada ruled on the authority of police officers to make an arrest. The Court added an additional requirement that an officer must have objective belief that there is “reasonable and probable grounds” upon which to affect an arrest. In his judgement, Cory J. stated:...the Criminal Code requires that an arresting officer must subjectively have reasonable and probable grounds on which to base the arrest. Those grounds must, in addition, be justifiable from an objective point of view. That is to say, a reasonable person placed in the position of the officer must be able to conclude that there were indeed reasonable and probable grounds for the arrest. On the other hand, the police need not demonstrate anything more than reasonable and probable grounds. Specifically they are not required to establish a prima facie case for conviction before making the arrest.”

<sup>13</sup> <http://www.cdpedj.qc.ca/en/homeless/>



## 2. Physical Violence

The issue of police assaulting sex workers is mentioned in a number of research projects (Jeffrey and MacDonald 2006; Lewis and Shaver 2006; Bruckert, Parent and Poliot 2003). In addition, the Pivot affidavit project *To Serve and Protect* (2002) which examined policing of the Vancouver's Downtown Eastside found widespread violence by city police. This appears to be the case in Ottawa as well: 16 of the 26 street-based workers who answered this question had experienced physical violence at the hands of the police; 4 of the 5 Aboriginal women). The narratives of the street-based sex workers with whom we spoke described physical assaults, excessive use of force during arrest, and illegal confinement.

### Assault

In the previous chapter, we saw that some sex workers experience acts of outrageous violence at the hand of aggressors. This is mirrored in the extreme acts of police violence sex workers report, *"four of them attacked me, they were really violent. That is why I cannot see out of this eye and why I have a prosodic ear because of what they did to me"* (Maud, street-based worker). Holly (street-based worker) likewise suffered long term damage from an assault by police officers, *"Oh fuck yeah, they even broke my arm and everything. They beat me up. They jumped on me and broke my arm, kicked me in the face, all that at the station [shows scar on her neck]. That's the way it is."*

In Holly's account, her matter-of-fact assertion that *"that's the way it is"* speaks to a disturbing normalization of police brutality. In the following quote, Adrienne (street-based worker) not only normalizes the violence but voices a destabilizing logic when she rationalizes the violence with reference to her own actions, *"some cops are very aggressive. I have to say that I can be a smart mouth so I guess I would blame it on myself. Sometimes, they grab you and smash your head. If you're nasty to them, they're nasty with you. It's vice-versa."*

Both Holly and Adrienne's approaches are consistent with a coping strategy women in abusive relationships sometime employ – in the face of their vulnerability in a relationship characterized by violence and extreme power differential, abused women may minimize, normalise or even rationalize that they 'deserve' the violence they experience at the hands of their abusive partners (Kelly, 1988).

By contrast Janette (street-based worker) whose quote about police threats introduced this chapter is uncompromising:

*One tried to run me over because I told him his wife was a bitch. He reversed his car and tried to hit me. I had to jump on the curb really quick. I was wearing 9-inch stilettos which makes it hard for me to even move, and when I realized that he was actually backing up to come back and hit me, I yelled at him 'What are you doing, are you crazy?' I took his badge number but then, nothing happened.*

### Excessive use of force during arrest

The *Canadian Criminal Code* Section 25 (3-5) authorizes police to use force only should it be required to arrest someone who is fleeing, capture someone from a penitentiary or "for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm" (CCC S. 25(3)). In other words it is a constrained right and police are obliged to use that right in a judicious and responsible manner. Ottawa area sex workers' accounts of their experiences suggest that this responsibility is not always respected.

Speaking of her experience, Jamie (street-based worker) tells us, the police *"are always aggressive. Even [if] you are compliant with them. There is no need to be so forceful and aggressive. They have no right to treat us like that."* Again, we see the lack of respect afforded workers:

*Jeffrey and I got caught last week by an undercover. He picked me up, I had been drinking so I told him where to go, and then all these other cars showed up. They started man-handling me; I have marks all over; pushing me, talking shit. (Rachel, street-based worker)*

Jamie, an Aboriginal street-based worker, found herself arrested and tasered twice after she went to the defence of a friend:

*What happened is that a friend of mine was panhandling at the liquor store and they were harassing him. He wasn't even drunk so I stood in the middle. The next thing I knew, I was getting arrested. It was the second time I was seeing this one cop harassing this Native man at the liquor store, so I stood up for him. While I was in the car, I heard him on the radio telling other cops that I had spit on him, which I hadn't; then that I was aggressive, which I wasn't! I was scared to get out of the car at Elgin Street, so the cop tasered me then, then a second time in my cell. I wanted my phone call, I wasn't guilty of anything and then I don't remember anything but he tasered me again.*

Verbal abuse, physical violence and excessive use of force are evidently not discrete experiences; Marci's (street-based worker) story illustrates these intersections and this overlap with disturbing clarity:

*I got charged last year and I had an abscess on my back and when I was in the paddy wagon, I managed to get one of my handcuffs off and I lit a cigarette because I was pissed off. When I got off the van, a cop punched me right in the back, where my abscess was, an abscess I had to be hospitalized for. He called me a 'stupid bitch'. Listen, I am already in the back of a police car! They were fucking assholes.*

### *Illegal confinement: 'jack-ups' and 'starlight tours'*

In the section on 'calling to account', we discussed sex workers experience of psychological restraint noting that, while in principle arbitrary detention without charge (including demanding that an individual justify their presence in public space) is outside of police authority, in practice, the power optics are such that individuals may not perceive noncompliance to be a viable option. Ottawa-area sex workers speak of being physically restrained without charge; what lawyers call 'illegal confinement' and what the workers we spoke with refer to as 'jack-ups' and sometimes 'being taken for a ride'.

Adrienne (street-based worker) speaks of her experience:

*Then the phoney charges; they tell you that you are being charged but then when they bring you in to the police station, you are not even being charged. Then they beat the shit out of you. They did that to me and then they let us go. Dropped us off at the Y. Sometimes we don't even make it to the police station; they just drop us off somewhere else.*

According to Lucy (street-based worker), police also use the threat of criminal charges to justify a search, "sometimes I get picked up, brought to the station and then let go without charges, or then they'll say that they'll charge me for trespassing just so they can search me."



In other cases, the ‘jack-ups’ bear the marker of a ‘starlight tour’.<sup>14</sup> Beth found herself stranded far from the city when the police unceremoniously ‘dumped’ her:<sup>15</sup>

*I hate them. Oh my god, they are mean. I’ve been slapped around, been taken for rides. They pick you up as if they are arresting you, with the handcuffs and all, then they bring you to the country, then they just dump you there to walk back. Sometimes they smack you around. [Name withheld] does that quite a bit. You never know what to expect when you get arrested.*

Faye (street-based worker) also spoke of her experience of starlight tours:

*Cops drive you far away and then they beat us up. They drive us to Orleans at two or three in the morning and they make us walk back. There are no buses. They make you walk back from the woods. The next day, you see the same cops and they don’t say anything. If you say something, they arrest you for obstruction.*

### 3. Sexual Misconduct

Police are afforded authority in our society but those rights are accompanied by responsibilities to use that power in a judicious, fair and ethical manner (Pivot, 2002:1). As previously noted, police are held to a higher standard of conduct precisely because of the authority afforded them.<sup>16</sup> In light of this, the stories told by the street-based sex workers who participated in the research are deeply troubling. Britney (street-based worker) speaks of questionable police behaviour – certainly a man placing a woman’s hand on their crotch contravenes normative definitions of socially acceptable behaviour:<sup>17</sup>

*I have had some problems with the police. An undercover picked me up once, they were doing a sweep in Vanier. I kind of felt like something was off, so I asked him if he was a cop and then he said ‘Would a cop do this?’ and then he grabbed my hand and forcefully put it on his crotch. So then I told him it would cost sixty dollars but he ended up being a cop. When another cop came to pick me up, I asked him if his partner was allowed to do that and he said he was but I still think it was a little strange [laugh].*

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<sup>14</sup> A ‘starlight tour’ occurs when a person is detained or arrested, placed in a paddy wagon, driven to another location and dropped off” (Pivot, 2002:29).

<sup>15</sup> In 2001, Amnesty International included the freezing deaths of Aboriginal men as the result of “starlight tours” in their report of international human rights abuses, marking the first time Canada joined the list. The *Third Report of Canada on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* with respect to developments in Saskatchewan between April 1996 and April 2000, noted that: 1. In February 2000, Darrel Night, an Aboriginal man, alleged that two Saskatoon City Police officers picked him up, drove him outside the city and dropped him off in sub-zero weather to walk back to Saskatoon. The frozen bodies of two Aboriginal men had been found earlier in the winter near the Queen Elizabeth Power Station. It was alleged that these individuals may also have been the victims of police drop-offs.; 2. Since that time, an extensive investigation of these two deaths, plus three others (Darcy Dean Ironchild, Lloyd Dustyhorn, Rodney Naistus, Lawrence Wegner and Neil Stonechild), as well as other allegations of police mistreatment, has been under way. 3. The investigation of the Darrel Night incident resulted in the charging of two Saskatoon City Police officers who were convicted of unlawful confinement in October 2001.

<sup>16</sup> The Canadian Encyclopaedic Digest cites *R. v. Kearney*, (1957) 119 C.C.C. 99 (N.B. S.C. (A.D.)) to demonstrate “police officers have a duty to conduct themselves as to meriting the respect of the public, including youth.” (at para. 8).

<sup>17</sup> This behaviour certainly begs the question, if these police officers consider this a justifiable tactic used to obtain the info necessary to arrest, do they think sex workers have the same rights as any other citizen to not be sexually touched? And how would these officers respond to sex workers needing assistance if they were the victims of sexual assault?

There is little ambiguity in Adrienne's (street-based worker) experience. In Canada, the law is clear that sex without consent is sexual assault. Moreover, according to Section 265 (3) (d) of the Canadian Criminal Code "no consent is obtained where the complainant submits or does not resist by reason of the exercise of authority":

*I used to fuck one police officer, actually a lot of us used to. He was nasty. He promised us a lot and it never came through. He would promise us that we wouldn't get charged, that he would help us, that we'd get housing, that we wouldn't have to live at the Shepherd [Emergency Shelter]. We were always pushed around. At first, he would help us to get to meetings but then he just left us. We were back on the street. He would arrest us anyways.*

Lucy, a street-based worker, experienced a strip search that directly violated her right to be searched by a member of the same sex<sup>18</sup>: "And these are all male officers who then search me when they are supposed to call a female officer. They never do. It happens all the time."

Three participants spoke of having their clothes removed by police officers in populated public spaces. This behaviour is particularly notable in light of the 2001 Supreme Court ruling in *R. vs. Golden*:

The fact that a strip search is conducted as a matter of routine policy and is carried out in a reasonable manner does not render the search reasonable within the meaning of s. 8 of the Charter. *A strip search will always be unreasonable if it is carried out abusively or for the purpose of humiliating or punishing the arrestee.*<sup>19</sup>[*Emphasis ours*]

Here, we see how this *gendered* form of public shaming can result in a brutally humiliating extra-legal sanction:

*They pull my pants down in front of everybody, in public. Right outside, on the street. It happened in the parking lot at the Salvation Army and in front of the Shepherds [of Good Hope]. People know me there, I know everybody there. (Beth, street-based worker)*

Like Lucy, Holly (street-based worker) speaks of being subjected to a strip-search by men - in this case it occurred in public space:

*I got strip searched on the street, in front of everybody, right in front of Hartman's [corner of Bank and Somerset], by male police officers, they left with my phone book. I get tickets for jaywalking, loitering as soon as they run my name in their computer.*

The following narrative, where Faye (street-based worker) vividly describes her humiliation, draws our attention to two things. First, members of the general public are unlikely to perceive these actions on the part of police officers, who are sworn to serve and protect, as appropriate. Second, sex workers rarely consider lodging a complaint to be a viable option, a subject we return to at the end of this chapter:

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<sup>18</sup> According to Legal Aid Ontario in their document *Police Powers: Stops and Searches* "A strip search is not a routine procedure. The police should not do a strip search unless they have reasonable grounds to believe that it is necessary. You should not have to take your clothes off in front of someone of the opposite sex or in a public place" (Legal Aid Ontario, 2009, 13) *R. v. Golden*, 2001 S.C.C. 83, [2001] 3 S.C.R. 679. However, this case does not discuss strip searches of women. Cases that directly deal with strip searches of women by male police officers: *R. v. Mattis* (1998), 20 C.R. (5th) 93 (Ont.Ct. J, (Prov. Div.)) and *R. v. Hornick* (2002), 93 C.R.R. (2d) 261 (Ont. C. J.). Quoted heavily in these cases is the report done by Louise Arbour as head of the Commission of Inquiry into certain events at the Prison for Women in Kingston (1996). In this she summarizes the law "Men may not strip search women. The only exception is where the delay in locating women to conduct the search would be dangerous to human life or safety, or might result in the loss of evidence." (2.4.1) *Commission of Inquiry into certain events at the Prison for Women in Kingston*, (Ottawa: Public Works and Government Services Canada, 1996).

<sup>19</sup> *R. v. Golden*, 2001 S.C.C. 83, [2001] 3 S.C.R. 679.

*I got arrested a couple times and it was not good. Once I got arrested and I was in front of a bunch of people and they pulled my pants down. A lady came up to them and asked if she could pull my pants back up and they told her no, to get the fuck away. My twat, my butt, was there for everybody to see. I wasn't even doing anything! They put me in jail and I wasn't able to complain. Nobody would have believed me.*

Lastly, a number of participants spoke of sexual assaults when they were confined. Fiona (street-based worker) recounted her horrific experience that also included verbal assaults and physical violence and left her emotionally and psychologically scarred:

*I've been hurt bad by female officers that arrested me. They ripped my clothes off, thrown me in the shower, told me I smelled and that I was a dirty whore and stuff like that. I have had to sit in the waiting cell, naked, for 24 hours, waiting for someone to come and talk to me. I'm still in counselling for that. It does happen. It's traumatic. It's not right.*

#### **4. Confiscation and/or destruction of property**

In particular and clearly constrained circumstances, police are authorized to seize the property of individuals: “in general, the police may only seize property they have reasonable ground to believe is connected to a crime. Section 17(2) [of the Canadian Criminal Code] protects the rights of all people not to have their property taken or withheld from them without lawful basis” (Pivot, 2002:26).<sup>20</sup>

This regulation notwithstanding, over and over again sex workers, especially the most economically marginal of the street-based workers we interviewed spoke of having their possessions taken from them by police officers. In the context of the dire poverty that characterises some of their lives,<sup>21</sup> the destruction and/or confiscation of their meagre belongings is particularly objectionable.

Dustin (street-based worker) tells us, “*they destroy everything on us. They steal from us, confiscate things; means that you need to start all over again.*” Adrienne (street-based worker) speaks of the police taking “*our sleeping bags and that several times. They don't care.*” Kayla, another street-based worker, had a similar experience: “*I lost 3 or 4 different bags to them. They give me a choice between going to jail or to the hospital. Then, when I wake up later and look for my stuff, the hospital tells me that I showed up with nothing.*”

Workers also speak of thievery: “*This one time, a cop took all my money, gave me five bucks and kept the rest*” (Beth, street-based worker). Jamie (street-based worker) tells us “*I've lost money; I've lost jewellery when getting arrested. They take me for rides, they take my stuff, they confiscate everything, my money, my jewellery, my change, my pipes, my drugs, they break the pipes or keep them.*” According to Lucy (street-based worker) “*sometimes they just take our money or our drugs and let us go.*”

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<sup>20</sup> *Lagiorgia v. Canada*, [1987] 3 F.C. 28, 42 D.L.R. (4th) 764 (C.A.).

<sup>21</sup> We discuss the issue of poverty in more detail in Chapter Eight.

Workers report not only losing money and possessions but also speak of the destruction of their drug paraphernalia; in particular crack pipes (distributed through a number of community organizations including Somerset West Community Health Center and the AIDS Committee of Ottawa) and syringes (distributed through the City of Ottawa's Clean Needle Syringe Program).<sup>22</sup> These losses can be devastating – not because of the monetary value but because of the potential health risk to which individuals are exposed as a consequence. There is ample evidence that one of the most effective ways of slowing the spread of infectious diseases including the potentially fatal HIV and Hepatitis C, is by providing drug users with clean equipment. Put simply, harm reduction saves lives (World Health Organization, 2007). The City of Ottawa's own website states: "the availability of these programs has been deemed a necessary public health measure to prevent the spread of communicable diseases, primarily HIV and Hepatitis-C virus, and to minimize the risks associated with substance use in society." It is tragically ironic that, at times, police officers appear to undermine this public health approach and in the process put the lives of sex workers at risk. Indeed, the police officer's attitude and comments in the following quote by Charlotte (street-based worker) resonate with chilling cruelty:

*I get searched a lot. They would dump my purse on Montreal road. There is this one cop, [name withheld] who has a hard-on about smashing people's crack pipes. He did that to me a few times. And then he looks and laughs at us 'What are you gonna do now?'*

There was another, and perhaps even more shocking, way police practices may undermine sex workers' ability to keep themselves healthy through harm reduction strategies. As we noted in the previous chapter, sex workers are highly motivated to engage in safe sex practices in order to protect both themselves and their clients from infectious disease. Their ability to do so is however undermined when police confiscate their condoms and/or attempt to use these as evidence of sex work: "they asked me to empty my pockets at times. One time, I had a handful of condoms and a handful of money, so they were like 'we know what you're up to' (Brook, street-based worker).

In other words, it would appear that unlike the rest of the Canadian population for whom condoms represent a strategy for managing risk, sex workers are at risk of arrest (or at least harassment) when they use this harm reduction tactic:

*They pull you over and then they make you empty your purse on the hood of the car. If you have condoms on you, they try to have you incriminate yourself. They harass you. They run your name in their computer. They also try to make you say things (Marci, street-based worker).*

Adrienne (street-based worker) explains her frustration:

*It's bad enough that they take our pipes from us, they also take the condoms. I can't fight the law. What am I supposed to do? If they know you're a street worker, they will take the condoms first. They want the condoms. That's what they are looking for on you. If they find some, I get busted.*

At the same time, as Ottawa police officers appear to be undermining workers' ability to protect themselves from HIV and Hepatitis, the same organization, in a self-professed attempt to educate, is sending 'Community Safety Letters' to suspected clients of sex workers in which they warn of the "clear correlation between street prostitution and drug use, including crack cocaine, as well as a variety of health concerns including H.I.V. (sic) and Hepatitis" (Ottawa Police Services). It would appear that the actions of some police officers may be contributing to a situation that the Ottawa Police Services use to justify their actions.

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<sup>22</sup> On the website of the City of Ottawa website the program is described as "an effective mandatory health program, which has been in operation since 1991. (City of Ottawa).

## 5. Outing

As we will discuss in detail in Chapter Seven, sex work is a stigmatized activity. Therefore, not surprisingly, sex workers seek to manage their experience of being judged by practicing selective disclosure. Ottawa-area street-based sex workers report that their efforts at information management are undermined by police officers who disclose their labour activity to family, friends and employers. Unlike ‘call-outs’, which may embarrass an individual by publicly identifying them as ‘the kind of person known to police’, ‘outing’ is a much more targeted process. While it would require cerebral gymnastics to rationalize this as a law enforcement strategy, it does have potential serious repercussions by increasing the social isolation of the individuals targeted.

In the following story, Lucy (street-based worker) tells of how her connection to her uncle was severed before she even had a chance to build the relationship:

*This one time, I met up with my uncle. It was the first time in decades that we were seeing each other. He didn't know me and I didn't know him, and we were going to go play a game of pool and get to know each other. A cop stopped us, called me by my name, told him I was a hooker, that I had been in jail, told him everything. Needless to say, we didn't get to play pool. He dropped me off and I haven't talked to him since. The cops didn't even know who he was. They didn't know he was my family and then they went and told him my whole life history.*

Other workers speak of how ‘outing’ threatens their personal support network:

*They make sure that whoever I am with knows that they are with a prostitute. Anyone they see me with, they try to put me down in front of them. Working or not working. Once I was going to the corner store with a friend of mine. They asked me, in front of her, if I was training her. (Janette, street-based worker)*

Janette continues with another example in which her embarrassment at being ‘outed’ and at the well-intentioned efforts of her new acquaintance to come to her defence is palpable:

*Another time, I was showing my new neighbour around, walking him up to the food bank. And as we were walking, one cop turned around and told the young man I was with ‘Do you know you are with a prostitute? You could get in trouble for that’. He yelled at the cop ‘She is my neighbour and I don't care what she does for a living, she is helping me out. She is still a person.’ I was so embarrassed. That did bring tears.*

Holly (street-based worker), whose ability to negotiate public space is undermined by police calling her out, “*Watcha doing Holly?*” found her private space compromised as well:

*They harass me all the time. For example, I went to a friend's house and they followed me right in, talked to the superintendent, telling him that I have a history. A history of what? Of visiting a fucking friend? For fuck's sake! It was really embarrassing. Fuck you, that's embarrassing.*

Perhaps the most dramatic example, and one that would appear to confirm that such ‘outing’ is not about community safety, was provided by Fiona (street-based worker). The ability of this 44 year old mother of two daughters to transition out of the industry was undermined when police disclosed her previous participation in the sex industry to her new employer: “*One time, I was working, it was a straight job and they came in and told my boss what I did.*”

Ottawa area police are not alone in ‘outing’ sex workers. In the recent Arrest the Violence Report that documents police abuse of power and human rights abuses in Eastern Europe, Anna Louise Crago speaks to the profound implications of this practice:



Such outings sensationalized police action against sex workers and functioned as a form of public shaming and humiliation of sex workers. In addition, revelations about individuals' involvement in sex work put them at increased risk for discrimination and violence by relatives and members of the community. These outings also served to further isolate sex workers and bring them more fully under police control, increasing police officers' ability to extort and abuse them (Crago, 2009:39).

### *Who do sex workers turn to when they are victimized by police?*

In the last chapter, we saw that Ottawa-area sex workers employ strategies to minimize their risk of violence and abuse at the hands of clients and aggressors. We also saw that most workers would not turn to the police for protection or redress. Based on their perception of police attitudes or their past experiences, they have little confidence that their complaints will be taken seriously. The findings from this chapter further illuminate just why sex workers, and most especially street-based workers, do not perceive the police as a source of assistance. While many sex workers accepted this state of affairs as inevitable (if not right), others, like Fiona (street-based worker), were clear and articulate about their frustration. This brings us back to the power relations with which we started this chapter:

*The police. The law. They have so much power over us. We're so defenceless when it comes to them and I hate the powerlessness. We need a voice; we need a loud voice that would tell them: 'Hey, you can't do this to us! This is not right! We're not animals, we're not freaks, we're people for fuck's sake! We have rights too! Wake up!'*

It comes as little surprise then that while in principle, sex workers who are the victims of police misconduct can turn to the well-established internal complaints process; in practice they do not perceive this as a viable option. When asked who she would turn to if she was ever victimized by the police, Beth (street-based worker) voiced an answer given by many: *"Not the police. They are the ones who fucking assaulted me in the first place. I'd be too embarrassed and they wouldn't do anything."* Notably, there is a structural component to this inability: *"you can't get legal aid for a civil suit against the cops, only for criminal activities. So if I want to complain against the Ottawa police, basically, I can't afford it"* (Jamie, street-based worker).

### *Discussion*

In this chapter, we have documented Ottawa-area street-based sex workers' experiences of police misconduct and abuse of authority. It is hard to imagine how harassment (including verbal abuse, physical harassment and calling to account); physical violence (including physical assaults, excessive use of force during arrest and illegal confinement); sexual assault; theft and destruction/confiscation of property (including the seizure of condoms); and 'outing' sex workers to friends, family and employers, can be about enforcing the law or maintaining order. In fact, it is hard to imagine any justification for this treatment at the hands of those men and women sworn to protect and serve. How then can we make sense of this? While not rendering it illegal per se, the *Criminal Code* provisions related to sex work criminalize many aspects of this activity. This situation effectively constructs sex workers as criminals with all the negative connotations such a status carries. This in turn influences law enforcement practices. A vicious circle is created: sex workers constructed as criminals are subject to control, excluded but not protected. That said, while this explains control, it is hardly sufficient to explain the abuse reported by sex workers. Perhaps we must also consider issues of power. When we juxtapose the power and authority enjoyed by police officers to that of sex workers, and most particularly that of marginal street-based workers, the potential for abuse comes into sharp focus. As feminist working on the issues of violence against women have demonstrated such differentials of power set up the conditions of possibilities for abuse to occur. When this abuse is legitimated through generalized whorephobic<sup>23</sup> discourses that dehumanize these individuals, the potential for abuse is further exacerbated.

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<sup>23</sup> Whorephobia is the prejudice and bias against of sex workers. We address this in greater detail in Chapter Seven.



## *Summary of Challenges of the Police*

- While generally recognizing that the job of the police is to enforce the law, workers (especially street-based workers) highlighted the police as a major challenge.
- Workers reported being publicly harassed and outed even when not working, verbally abused, stereotyped, physically and sexually assaulted by police.
- Police abuses of authority include public strip-searches, strip-searches by opposite-sex officers, illegal confinement, confiscation of destruction of property, and “starlight tours.”
- The combination of criminalization with the police powers and abuse of powers creates conditions ripe for abuse.



## CHAPTER SIX: Sex Workers Speak about the Law and Criminal ‘Justice’

As we saw in Chapter One, in Canada the consensual commercial exchange of sexual services (between adults) is not illegal; however, the regulatory context makes it difficult for sex workers to work without risk of criminalization.<sup>1</sup> This ambiguous legal situation is summed up by Janette: “*I am not a criminal. I am being treated like a criminal.*” The ambiguities of the law notwithstanding, the criminalization of activities related to sex work have significant implications in the lives of workers. In the previous chapter we noted that sex workers are over-policed at the same time as they are denied access to police protection:

*We should all feel more comfortable going to the police without being embarrassed about it or scared to get in trouble if they do it. We should be able to go see them and be like ‘I needed to make some money so I gave a blowjob and the guy beat me up, can you do something about it’. If we’re hurt in any way, the police should disregard the fact that they were making money that way and just make sure that something is done.* (Britney, street-based worker)

So while sex work is not a criminal act, it is a criminalized activity. In practice, this means consensual sex acts between adults are governed and delimited by law; a state of affairs that has been widely critiqued by Canadian parliamentarians (Subcommittee report, 2006),<sup>2</sup> lawyers (Pivot 2004, 2006), academics (Jeffrey and Sullivan, 2009; Lewis et al, 2005; Lowman, 2001); sex worker rights organizations (Stella, 2008; Canadian HIV/AIDS Legal Network, 2007) and the sex workers with whom we spoke:

*I personally believe that people are people, whether they are police officers or sex workers or judges. I think it’s unfair that anybody should be looked down upon because of their jobs - and that in a legal sense. [...] I think that the legislation is kind of a witch hunt and it sends the law enforcement after anybody for no real reason really. There are some good reasons for which the law should be involved, like exploitation and underage workers. It should be for people that are really doing harm to other people. There is too much focus on people that want to be where they are. Myself for example, I am 29 and I make my own decisions, I run my business independently, I do what I want, why the hell should they care about me?* (Samantha, massage parlour worker)

In this chapter, we build on previous findings and examine the law’s impact on how sex workers experience their work. We start with a discussion of sex workers’ knowledge of the law before examining what criminalization means for sex workers’ labour practices and safety; how the law conditions their experience of the geographic communities in which they work (and often live); and the nature of criminal justice sanctions. We end by considering the impact of criminal justice sanctions (including a criminal record) has on workers.

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<sup>1</sup> Specifically the *Canadian Criminal Code* s. 210(a) states that “Every one who is an inmate of a common bawdy-house [...] is guilty of an offence punishable on summary conviction” and under *Canadian Criminal Code* Section 213 (1) “Every person who in a public place or in any place open to public view (a) stops or attempts to stop any motor vehicle (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or; (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction.”

<sup>2</sup> The Bloc Québécois, the NDP and the Liberal party members of the Parliamentary Subcommittee on the Solicitation laws asserted that: “the Canadian government must come to terms with this contradiction and the inefficiency of the law, and engage in a process of law reform that will consider changes to laws pertaining to prostitution” (2006: 89).

## *What do sex workers know about the laws?*

We were interested in finding out how extensive participants' knowledge of the law was, and how this information impacted on their work lives. Consistent with other research (Walby, 2010), we found that, in general, sex workers' understanding of the laws that regulate their activities is less than complete, a paradox that was not lost on some of the workers. Fiona, a street-based worker with 20 years of experience in multiple sectors of the industry noted, "*how long have I been doing this and I still don't know the laws.*"

Like other Canadians (Valverde, 2003), sex workers report that it is: "*really hard to find an actual definition of the law [...] like it tries to be black and white but it's very shaded; it's very confusing to read*" (Meredith, escort). The obscurity of the law notwithstanding, several of the individuals who participated in the research had an accurate, albeit incomplete, understanding: "*Anything that is private between two consenting adults is legal. Anything that has to do with working in a brothel or soliciting is illegal*" (Mia, escort). Only one of the respondents could precisely and accurately sum up Canada's prostitution laws, although he did not make reference to the other federal, provincial or municipal provisions enforced by police to regulate the sex industry:

*I know that the federal laws that regulate sex work are Sections 210 to 213. I know that technically, it's legal to exchange sex for money but it's not legal to communicate for the purpose of doing it. It's not legal to not be found in a bawdy-house, which technically could count as my house, so that is why I don't do in-calls. So I do out-calls, which is less safe. I would be breaking the laws if I saw a client in the same place more than once. It's illegal to transport someone to a bawdy-house. Living off the avails is also illegal.* (Michael, male escort)

While some workers know that "*communicating for the purpose of prostitution is illegal*" (Zoë, street-based worker), others think that "*prostitution itself is not illegal but solicitation is*" (Lori, street-based worker). Still, others have no knowledge or are under the mistaken impression that "*prostitution is illegal, that's all I know*" (Shannon, street-based worker). Perhaps this misinformation is the result of police using "*the prostitution word when they arrest us. I have been arrested four times. At this point, they tell me it's for prostitution. That is what is written down too.*" (Rachel, street-based worker)

As it will become clearer in the coming section, sex workers may not know the specifics about legislation applicable to their work, but they are generally highly cognisant of the criminalization of their work and how it undermines their ability to work safely.

## *Vulnerability to criminalization*

As previously noted, in spite of the fact that it is generally accepted that just 5 to 20% of the sex industry is street-based (Canada, 2006:5), it is this sector that is subject to the most vigorous policing. For example, in 2006, 94.7% of all prostitution related charges were for communicating for the purposes of prostitution (Statistics Canada, 2007). Speaking to this Serena (escort) tells us:

*I think police only target street sex workers. As long as you work quietly and behind closed doors, the police do not bother you. If you work on the street, it puts a damp on the overall Ottawa community so they target these workers.*

Serena's comments notwithstanding, indoor workers are aware that they too are vulnerable to criminalization:

*I do in-calls, which is illegal. It constitutes a common bawdy-house offence according to the Criminal Code of Canada. My boyfriend could get arrested because we live together and he could be accused of 'living off the avails' unless he could prove that he is not living parasitically off my money.* (Isabelle, escort)

In light of this the overwhelming majority of sex workers make a concerted effort to avoid coming into conflict with the law. Here labour sector is significant and we examine the strategies of indoor workers before turning to look at the tactics employed by sex workers in the street-based sector.

### *How does the law impact on indoor sex workers' lives?*

In order to avoid the potential for *Canadian Criminal Code* charges, indoor workers first and foremost seek to 'stay under the radar' by not coming to the attention of the police. As Thomas points out, this also makes business sense: "*clients pay for discretion as well so I am discreet. I use my head and common sense; don't do it in front of the police*" (Thomas, escort).

Samantha, who currently works in a massage parlour but has worked in a number of other sectors, speaks of being vigilant and well-informed:

*What I offer is a private service from a private citizen in my private residence. I only talk about it through emails. I keep it as low-key as possible. I don't advertise my escort services. I traveled once to Edmonton and did my homework, I got myself a license. I always try to keep myself aware; I read a lot because your best weapon is information.*

Many indoor workers are careful when they interact with potential clients: *I use the Internet exclusively because you never know who is an undercover cop. I do not discuss services or prices in emails or over the phone.* (Isabelle, escort). According to Simon, an independent masseur, the laws are highly restrictive: "*I work out of my home and I only have limited advertising on the Internet. It [the law] really limits what I can do and what I should be able to do in terms of how I want to work.*"

Of course the use of a 'code' language to avoid being charged under *Canadian Criminal Code* Section 213 can result in misunderstanding regarding, for example, services and fees. Michael (escort) who also uses this strategy speaks to the ways this can lead to miscommunication:

*I also am less clear in my ads than I want to be and it affects the negotiation process. The way I personally communicate with clients before hooking up with them is completely counter-intuitive to the way most people would run a business. For most businesses, it's considered good business practice if you have clear and open communication with your clients and in actual fact, I do the opposite because of the laws.*

A worker's decision vis-à-vis industry sector may also be conditioned by the criminal law; some workers elect to work in the out-call sector in order to avoid the potential of being charged under Section 210 of the *Canadian Criminal Code*, "*I would occasionally do in-calls if I could, but I don't because that is a way to remain off the police's radar*" (Michael, escort).

Since in-call work is the most secure sector (Jeffrey and MacDonald, 2006; Benoit and Millar, 2001), these workers are making a conscious decision to forego the greater security afforded by this labour site in an attempt to minimize their risk of criminalization. Isabelle (escort) tells us:

*The law means that you can't work out of your own house which would mean being able to work on your own turf where you can implement whatever security measures you want. The only legal way to work is to go to the client's house so you're on their turf. It can be a lot more dangerous.*

Michael, an escort, goes to some length to explain his rationale:

*The law on common bawdy-houses does affect me. I wouldn't necessarily work out of my house, but what I would do is set up with one or two other guys and rent a studio downtown. That would be ideal. It would suit the clients too. Sometimes, they want a neutral space as well; they don't necessarily want a sex worker in their home, that close to their personal life. It would suit the clients and the escorts best. I would have set it up, I would know where the doors are, the windows, how it's set up. I would be there before the clients get there. It would be way safer to have a studio like that and make way more sense. It wouldn't cause the community much inconvenience because, truly, if a guy comes over to my house for sex and then, at the end of it, hands me money, it's not much different from meeting a guy online, have him come over for sex but at the end there wasn't an exchange of money. Currently, as far as I know, my neighbours have no idea that I do this, so renting a studio would make very little difference to the community, but it would make a huge difference in terms of my life, my safety and better business practices.*

Michael concludes by suggesting the criminalization of the industry creates a set of conditions that renders workers more vulnerable:

The other thing that laws do is push sex workers underground so you're invisible, you don't tell your friends, you don't tell anybody. It's a disincentive to tell your doctor. It basically encourages you to make yourself invisible, which is less safe.

### *How does the law impact on street-based workers' day-to-day lives?*

Street-based sex workers are well aware that they are more vulnerable to being criminally charged than their colleagues who solicit clients on the Internet. Alice, a street-based worker, shared the advice she received from an apparently well-intentioned police officer, "I once met this cop, he told me I should get into the escort business so I wouldn't get busted."

Of course, as we examine in greater detail in the final section of this report, not all street-based workers have the option of working indoors; while not all street-based workers are socially disadvantaged, the most socially disadvantaged workers have few options in terms of industry sector. Instead, these workers draw on the tools at hand in order to avoid, as best they can, coming into conflict with the law.

One of those tools is vigilance. For example; Maud (street-based worker) is watchful: "as soon as I see them coming, I go the other way. I wait at bus stops or I hug somebody I know." Janette, also a street-based worker, draws on her understanding of police practices:

*When I get into a car and the man is like: 'I don't care who you are, what your name is, condom or not, I just want to know how much.' It is kind of obvious that it's an undercover. 'Like really? You don't care who I am, what my name is or if I use condoms or not? Let me out of your fucking car.' Sometimes you can just tell too. After 25 years, you get very perceptive, you have street smarts. I use my brains and my gut instinct and listen to myself if something feels off. Cops need to get to that part right away; they want to have you talk about money. And any ploy or any coy they can use, they will.*

In addition to vigilance, we see street-based workers employing a range of other strategies to mitigate their risk of coming into conflict with the law. As Lewis and Shaver (2006) point out, there are "a number of paradoxes they [sex workers] face in trying to maintain or maximize their safety while simultaneously minimizing their chances of being arrested" (2006:22). In other words the strategies street-based workers employ to protect themselves (which we have already considered in Chapters Four and Five) also increase their chances of coming to the attention of the police. In the coming section, we examine these tensions before turning to a consideration of how some of these strategies may also put workers in conflict with nearby residents.



First, workers may endeavour to avoid the attention of the police by shifting their solicitation to less populated/less residential areas and avoid conspicuous locations (i.e. in front of stores). Dustin, a male street-based sex worker, tells us he works *“in isolation. That’s why my ass is not getting busted right now. Nobody knows what I am doing.”* Of course, working in isolated areas means workers *“have to go to certain places, certain areas, at certain times that are not necessarily the safest but where you are less likely to get arrested. You get yourself in situations where you are less likely to be safe and protected”* (Mallory, street-based worker).

In real terms, this means that there is a reduced chance of assistance being readily available should the worker be attacked. Moreover, there are fewer witnesses in cases of abduction. The potential significance of this is highlighted in the following story by Shannon (street-based worker):

*This other guy handcuffed me, strangled me. He was going to kill me. He had me on my stomach in his car. [...] He was parked on a side road; it was about five in the morning. Thank god, a lady happened to walk by and heard me scream. She called the cops.*

Second, deterrence is a well-entrenched rationale of our criminal justice system and one that is embedded in the strategies many private and corporate citizens use. For example retail stores routinely install video surveillance equipment reasoning that someone is less likely to steal knowing that they are being filmed (which in turn increases the likelihood that they will subsequently be apprehended and criminally charged). Sex workers draw on the same deterrence rationale when they seek to increase their safety (or more accurately decrease their risk) by working in the company of another worker: *“[we] watch each other’s back. We go and pair, if someone gets in a car, we take a license plate”* (Beth, street-based worker). Unfortunately, several women working together are also more likely to come to the attention of the police. In order to guard themselves against the possibility of being arrested, many abandon this strategy. Lauren (street-based worker) tells us, *“I work alone and I work in areas where there are not a bunch of girls [...] People are not seeing me. I don’t have another girl watching me. I can’t do that.”*

Third, as noted in Chapter Four, before entering a car, sex workers carefully ‘check out’ the vehicle and driver, using the ‘intuition’ they have developed over the course of their careers: *“after 25 years, you get very perceptive, you have street smarts, I use my brains and my gut instinct and listen to myself if something feels off”* (Janette, street-based worker). This strategy speaks to a significant preoccupation. Lori (street-based worker) tells us, *“right now, there are two men out there, driving a green sedan, attacking women. One lies down on the backseat and then when they get a woman to get in the car; they attack her and rape her. I do think about that every time I go out.”* In the context of the hyper-policing, this option is not available to workers. Bianca (street-based worker) tells us: *“Well, if a car pulls up, I get right in the car. I have no time to screen, take the licence plate number or anything. I work alone; I don’t have a work buddy so lots of time, I get in the car without having that information, that’s dangerous.”* Researchers have also pointed out that during a period of intense police activity all clients are likely to appear nervous as they are also vulnerable to charges under Section 213. This makes it difficult for workers to accurately assess the risk posed by an individual (Working Group, 2004).

Fourth, altering or modifying appearance was a tactic employed by several participants. For example, Lucy (street-based worker) notes: *“I change clothes every day, I wear a hood. I walk in side streets. I wear extensions, change my hair color.”* Workers who employ this strategy appreciate the potential negative consequence; the likelihood of their absence being noticed is diminished. Bianca (street-based worker) explains: *“I change how I look so people can’t recognize me, [and say] like, Oh weird, she’s not here today or something.”*

John Lowman argues that aggressors may target street-based sex workers, aware that there is limited risk of criminal justice sanction (Lowman, 2000). Rachel (street-based worker) says much the same thing when she articulates a connection between the law and her vulnerability to aggressors: *“I have to wear different hats, different clothes, a wig. It [trying to be invisible] gives them [aggressors] a reason to do bad things to us. They know we’re hiding from cops. Nobody cares.”*

Fifth, street based workers are more vulnerable to both violence and criminal code charges than their counterparts who labour indoors; some street-based workers are however deterred from working in establishments on the basis of the potentiality of being charged under the bawdy-house provisions. Sarah (street-based worker) notes that she doesn’t *“bring my work home.”* Of course, this means they are providing services in cars often in alleyways or other isolated areas where, to reiterate an earlier point, there is less likelihood of witnesses or of help being available should the worker be attacked.

Janette (street-based worker) speaks to this: *“a client took me to Fallowfield and when I refused to work for 20 dollars, he told me to get out of his car. I refused as we were in the middle of nowhere.”* Again, sex workers are highly cognisant of what the law means to their safety:

*You can be charged for the bawdy-house in various ways. Who are these laws made for? Because if you go to a place that you don’t know and that is unsafe, you’re fine. But if you bring clients to a place that you know and where you feel safe, you can be charged with a bawdy-house offence. And then if someone is in that house where you work, they can be charged too! (Lori, street-based worker)*

Over and over again, we see how the strategies sex workers use to protect themselves from coming into conflict with the law result in them being more vulnerable to violence from aggressors. This tension is clearly captured in the following story by Marci (street-based worker) where she weaves together the various strategies she uses to try and keep herself safe from these two threats:

*When I get in a car, I make sure to never wear my seat belt; I hold it with my hand so the cops don’t pull us over. I also tell them my real name and I ask for their name too in case the cops pull us over. I make sure that the doors are unlocked. I always have a story set with the client if we get arrested. When I see the cops doing rounds, I keep on my feet, I walk around.*

In short, the law and its enforcement undermine street-based workers ability to work securely. In fact this tension results in a situation where the definition of safe is counter-intuitive to most citizens and particularly women. It is sadly ironic that the Ottawa Police Service’s website, on their on the *“Crime Prevention for Women”* page, conscientiously advises women to *“be wary of isolated spots - basements, laundry rooms, and parking lots,”* at the same time as the laws, and the enforcement thereof, compel some women to engage in exactly these behaviours. Again, we see that it is not the occupation, but the context in which the work is undertaken, that is at the root of the violence.

Similarly, and again ironically, the law and its enforcement may also create conditions that position sex workers in conflict with area residents. Here one strategy is particularly significant: ‘normalizing’ appearance and behaviour.

Sex workers sometimes adjust their behaviour and appearance to ensure they blend into the community, *“I make sure that I don’t look like I am a prostitute. Sometimes I need to circle to block about four times before a client gets that I am working”* (Lori, street-based worker). Janette (street-based worker) tells us, *“I also walk, I don’t stand around.”* Similarly Britney (street-based worker) reflects that:

*Certain nights, like Friday and Saturday nights, it’s really good client-wise. But I try to do it earlier in the night, when it’s still light out, so I can still look like I’m waiting for the bus or for a friend. I dress so I don’t look like a sex worker. I avoid them as much as possible. I work in the mornings as well because they [the police] are not out as much.*

There may be an unanticipated consequence of this strategy: as potential clients find it increasingly difficult to distinguish sex workers from those women who are not involved in the industry they are more likely to mistakenly approach the latter. This in turn may set in motion a scenario community members often mention when discussing the street-based sex trade ‘problem’ - women are being approached and propositioned by clients – something women who are not sex workers often find highly disagreeable. For example, in the Hintonburg Community Association document *Dispelling the Myths: Street-Level Prostitution*, one young woman writes of her experience of being mistaken as a sex worker first by a client and then by community members:

It must have been after 10 p.m. when the car pulled up on the sidewalk next to me. It wasn't my ride. The man in the car was waiting. He kept looking in his rear-view mirror, trying to catch my eye. I was starting to get nervous. He reached down and pulled out a stack of bills, holding them so that only I would see them in his mirror. The realization that he thought I was a hooker struck me. I grabbed my school bag and wedged myself into the alcove of the store's doors, hoping that he would go away. He didn't. He just sat in his car and waited. After what seemed like hours but must have only been a couple of minutes, he backed up his car. I was really scared. But he didn't get out of his car as I had feared; he didn't come to me like some predator. He drove away, looking for a girl who would take his money. Across the road, some men saw the car drive away from me and yelled, "Why don't you get a real job!" I was stunned. Why did they all think that I was a prostitute? (HCA, 2006:23).

### *How does criminalization impact sex workers experience in the community?*

In the excerpt above stigma and (mis)conceptions converge in the unidentified Hintonburg community member's narrative of her experience: the presumption of violence by clients, the verbal harassment by community members and her horror of being mistaken for a sexual labourer. This alerts us to another implication of the law. Sex workers' ascribed status as criminal not only taints their relationships with the police but with area residents as well. Moreover, it is also used to legitimate their exclusion from the very communities in which they reside. In the words of Maud (street-based worker): "*They make it look like we're the bad guys, so the guys on the street treat us like bad people, they take advantage of it.*" Here, we see an interface with police actions. The following story by Britney (street-based worker) speaks to police attitudes, as well as their perception of community interests:

*Once, I was standing on the corner and the police arrested me and before taking me away, the officers opened the car door and showed me to the people in the building across the street, telling them to take a good look at me, that they were cleaning up their neighbourhood.*

Care must be taken, as we have seen throughout the report it is often local residents who come to the aid of sex workers and sometimes even intervene to protect workers in the face of police misconduct. In other words, we are not making stigmatic assertions about community members in general. Indeed, we appreciate that communities are comprised of diverse individuals whose positions and attitudes vis-a-vis sex work/workers vary greatly (though some voices may be louder). Rather, we are suggesting that the criminalization of sex work sets up the *conditions of possibility* for some local residents to mobilize around this issue and implement strategies to displace workers (who are also members of the same geographic community) without consideration of the violence engendered by their actions. It also encourages the silencing of sex workers' voices. Of course, suppressing another's voice speaks to power relations - sometimes this is played out quite literally as in the following quote by another Hintonburg community member who is describing his encounter with a sex worker: "*The window rolled down and the prostitute started to talk. Not really caring what she had to say, I told her she had better move on or I was calling the police — which they did quite promptly*" (HCA, 2006: 16) [*emphasis ours*].

There may also be an interface with violence:

*Yes I do think about violence and safety. I think about violence from neighbours and people in my neighbourhood a lot. Some throw rocks at me. This one man, he put mud in a bag, tied it with an elastic and threw them at me. I had to go home and change. I had to walk about 8 blocks, covered in mud. I was embarrassed. That man was on a bike. He biked by me and threw that mud at me from very close. He could have hit me, that's how close he was. And obviously he had a plan. Who bikes around with bags of mud when they don't intend to throw them at someone? (Janette, street-based worker)*

In Janette's story, we see how porous the line between vigilantism, hate crimes and violence can be. It is unclear from her account if the violence are the acts of aggressors who know they can assault a sex worker with virtual impunity; if these were indeed neighbours who transformed the discourse that negates sex workers' rights into concrete actions; or if these are targeted hate crimes? Indeed on the latter point, it is not clear if Janette is targeted as a sex worker, as an Aboriginal woman; or if it was her location at the intersections of these stigmas that is at the root of the violence. It is hard to imagine how violent acts such as these benefit any community member, sex worker or otherwise. Rather, it makes the community a less safe, less unified space for everyone. In other words the vigilantism of a vocal minority can serve to taint and discredit the intentions of the more moderate majority.

## *Criminal charges*

As we saw in Chapter Five, there is a sharp demarcation between street-based sex workers' relation to the police and that of indoor workers; that is to say, consistent with the findings of other research (Jeffrey and MacDonald 2006 Lewis and Shaver 2006; Lewis et al, 2005; Lowman 2005, 2000; Benoit and Millar 2001), it is predominantly street-based sex workers who come into conflict with the law on the basis of their work in the sex industry. The strategies sex workers employ are not necessarily effective in protecting them from arrest: *"I do have some strategies but at the end of the day, I still got arrested and I still don't feel safe. You know, once the police know you, they know you"* (Mallory, street-based worker). We now turn to what criminal charges mean in the lives of sex workers and examine the types and consequences of the charges laid against them.

### *What kinds of charges are laid against sex workers?*

Not surprisingly, workers are commonly charged for "communicating for the purposes of prostitution" under Section 213 of the *Canadian Criminal Code*. For the most part, the accounts of workers are matter-of-fact: *"A couple times, I was on the corner of the street and they asked me how much it was and I answered and then they put handcuffs on me"* (Zoë, street-based worker).

Sometimes, however, the arrest process itself can be traumatic:

*I went to jail. The charges were dropped though because the undercover fucked up. He came up to me while I was walking home and he offered me a ride home. I asked if it was free and he said 'Yes'. I got in and he locked the doors right away. He scared the shit out of me! I asked him why he was locking the door. Because when people lock their doors, it's to beat you or to kill you. He pulled out his badge; I was ready to kick his window right in. He told me he was a cop even before talking about anything so I told him I had done nothing wrong and that he had scared the shit out of me. (Julie, street-based worker).*

Some workers speak specifically of the ‘street sweeps’<sup>3</sup> that have been a recurring feature of the Ottawa policing landscape since the creation of the nine-member Street Crime Unit<sup>4</sup> in November 2007. According to Charlotte (street-based worker), “*last summer, the cops in Vanier were brutal; if they are having a bad day or need to reach their quota of arrests for hookers and junkies, you’re screwed.*” Lori (street-based worker) recalled with embarrassment the verbal abuse she endured when she was arrested in one of these sweeps “*last August, they had a sweep and I got picked up by an officer. They were very polite with me but some of them were making jokes and laughing, that was really humiliating.*”

In addition to facing criminal code charges related to sex work, street-based sex workers are also regularly charged with a variety of other offences including jay-walking, loitering, mischief, vagrancy and trespassing; municipal and provincial regulations that are rarely employed to police the general public. Such hyper-regulation is the hallmark of social profiling. In practice it not only means that sex workers are penalized and fined for behaviours that are generally not criminalized but this marginal population faces the additional burden of economic sanctions.<sup>5</sup> Faye (street-based worker) tells us “*I’ve got charged for loitering, jay-walking, just standing there, panhandling. They charged me with mischief because I threw a cigarette.*” Workers speak of this as an additional regulatory tool that police employ:

*If they can’t charge you for sex work, they charge you for public mischief. They harass us. They push us around. They’re aggressive, especially the rookies. The jail is jam-packed. People are sleeping on the floor and they are still arresting us for ridiculous stuff.* (Julie, street-based worker)

When “*almost every day they stop me or fine me*” (Kayla, street-based worker) police charging comes perilously close to harassment. Certainly the following story by Lucy (street-based worker) appears to indicate unreasonable regulation:

*I have 163 trespassing tickets. And those are from me getting charged when I am at friends’ houses, houses in which I have been invited into. Because of who I am and of my record, they never leave me alone. Sometimes I get picked up, brought to the station and then let go without charges.*

### *What are the implications of criminal charges?*

In light of the vigorous enforcement of Section 213 of the Criminal Code of Canada, it is not surprising that 26 of the 27 street-based sex workers who participated in the research have been criminally charged for sex work. This is exacerbated by the über-policing explored in the preceding chapter. While the configuration and implications of charges vary from individual to individual, a number of common experiences can be identified. Many of these workers have been incarcerated as well as fined and subjected to release and/or probation conditions. Beth’s (street-based worker) experience speaks to how convoluted the list of conditions given can be: “*I had like 20 conditions. I can’t even remember half of them because it was so complicated.*”

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<sup>3</sup>By conducting these sweeps, the Ottawa Police Service is aiming to reduce “the harms associated with street-level prostitution which include an increase in street crime, public nuisance and safety and security concerns in affected neighbourhoods.” (Ottawa Police Services website, Press releases).

<sup>4</sup> The unit was created to target drug users and sex workers.

<sup>5</sup> Stella, a sex worker rights organization in Montreal, has mobilized around police use of these laws and regulations to penalize sex workers.



While all 26 of the street-based sex workers who had been in conflict with the law had been incarcerated, there was considerable variability in the extent of their confinement. Adrienne (street-based worker), “*went to jail for a couple of nights*”, while Angela (street-based worker) matter-of-factly notes that she “*always got 30 days*.” By contrast Claire (street-based-worker) tells us “*pretty much my whole life was spent in jail*.” How that time was experienced is outside the parameters of this research. That said, Bryonie Baxter (Executive Director of the Elizabeth Fry Society of Ottawa), who has extensive experience, is on record as saying “the Ottawa-Carleton Detention Centre is built to hold 42 women and typically, almost always, holds more than the capacity — and has been as high, in the summer months, as 70 women” (Fagan, 2009).

In Canada, the imposition of release conditions, a common feature of our criminal justice system, extends the supervision of convicted individuals into the community.<sup>6</sup> For sex workers, these conditions often include “*probation, good behaviour, having to go to court on certain dates, not drinking alcohol, red zones, a curfew*” (Marci, street-based worker). While any and all of these conditions may have a considerable impact on an individual’s life, boundary restrictions or ‘red-zones’<sup>7</sup> are increasingly considered to be significantly disruptive by street based sex workers themselves, as well as by the social service providers they work with. Here we are talking about what Massey (1993) refers to as ‘power-geometry’: it “is not merely the issue of who moves and who doesn’t [...]; it is also about power in relation to the flows and movement [...] some initiate flows and movement, others don’t; some are more on the receiving-end of it than others” (1993: 25). It is these sorts of power-geometry that bring power-relations into sharp focus.

According to Beckett and Herbert (2010), this sanction, reminiscent of banishment,<sup>8</sup> seeks to “eradicate disorder” (2010:2) by regulating public disorder offenders – principally drug users and sex workers. Cresswell (1996) wrote:

The easiest way to establish order is through the division of space, mobility becomes a basic form of disorder and chaos constantly defined as transgression and trespass. It is no accident then that the control of mobility is foremost in the minds of those who have an interest in *maintaining their own definition of order*. (1996: 87) [*emphasis ours*]

These court- or police-imposed boundary restrictions, or *red-zones*, are precisely delimited areas (defined by four streets) from which the individual is prohibited from entering. In practice, as either a probation condition (imposed by the courts) or as a ‘promise to appear’ condition (imposed by the police), an individual must remain outside of a specified area (their red-zone) – failure to comply, is considered a breach of probation for which the individual can be criminally charged and immediately sent to jail. Indeed, the potential sanction for breach of a probation order is greater than the 6 month penalty for communicating for the purposes of prostitution.<sup>9</sup>

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<sup>6</sup> Stan Cohen (1988) refers to these correctional practices as “net widening” and draws our attention to the fact that this is a layering of sanctions that extends judicial control.

<sup>7</sup> Red-zone is the term commonly used in Ottawa. In Vancouver and Halifax they are referred to as ‘no-go zones’.

<sup>8</sup> Banishment was a widespread sanction in Europe throughout the middle ages. Essentially individuals were banished and left to fend for themselves without the support and security of their community.

<sup>9</sup> Section 161 (4) of the *Canadian Criminal Code* specifies that “Every person who is bound by an order of prohibition and who does not comply with the order is guilty of (a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or (b) an offence punishable on summary conviction. (R.S., 1985, c. C-46, s. 161; R.S., 1985, c. 19 (3rd Supp.), s. 4; 1993, c. 45, s. 1; 1995, c. 22, s. 18; 1997, c. 18, s. 4; 1999, c. 31, s. 67; 2002, c. 13, s. 4; 2005, c. 32, s. 5; 2008, c. 6, s. 54.).



The prohibited area is situational: based on the individual's location at the time of their arrest as well as on the boundaries of known prostitution strolls. Given that, as like any other population, sex workers tend to reside, shop, socialize, and access health and other services in the same geographic area in which they work, this sanction can be hugely disruptive. This is compounded when we factor in the social and financial context some of these individuals must negotiate (and to which we will turn to in Chapter Eight). This is particularly the case because, within the three commonly designated red-zones (Hintonburg-Lebreton-Gladstone; Vanier; Byward Market) are also the locations of the majority of the Ottawa's emergency services including food banks, emergency shelters, drop-ins, methadone clinics, health clinics, needle-exchange programs, and much of the Ottawa-area social housing. The map found in the Appendix illustrates these parameters and the implications for worker's ability to access social and other services.

As a result, some workers find that they have to choose between retaining their housing and risking being incarcerated for breaching their conditions: *"I was red-zoned right on Gladstone, where I lived. I was telling them 'I live there!' and they didn't give a shit".* (Kayla, street-based worker)

Kayla's distress over possibly losing her housing must be understood in the current situation: in Ottawa there is a less than 1% vacancy rate for market-priced housing and the wait times for subsidized options are up to five years (City of Ottawa Housing Department).

Red-zoned sex workers who make use of the city's shelters find their ability to access a (relatively speaking) secure place to pass the night undermined. Bianca (street-based worker) had to sleep on the street in order to avoid getting arrested for breaching her conditions. She explains, *"There are lots of places I can't go to because of it. I can't go to a shelter; I live on the street right now. I can't go eat there either. It's not good."*

Lori's (street based sex worker) decision to risk breaching her red-zone condition to keep herself safe had serious consequences:

*The red-zone is very difficult for me right now. I just came out of treatment. I went to a Detox Center after to keep myself safe. Detox had to close for a couple days because they had training to do and I called the City of Ottawa and they didn't have a bed anywhere. The only bed available was at the Sheps [Shepherds of Good Hope] which is right in my red zone. Because it was the only option, because there was nowhere else for me to stay, I went there, knowing full well that I could get arrested. So I was doing well and everything, but on St-Patrick's Day, I decided to go for a walk with a friend to keep myself away from the drugs and from the alcohol. Just as I got out, an officer tapped me on the shoulder and that was it. I got a breach.*

As noted above, the clustering of Ottawa area social support services around in the Byward Market, Vanier and Centertown areas means that an individual's ability to access a variety of services are impeded:

*The red-zones affect my life tremendously. I do a lot of volunteer work at the Shepherd and then I can't go to any of the places I go to, like 454 or the Shepherd. When you don't have any money, that's where you go to eat. But the cops, they are just waiting for you to go down that street. Then you go to jail. [...] My red-zone was from Gladstone right down to the Market for a whole year. I couldn't go to the food bank or to any agencies for a whole year. I wasn't allowed to go to the community center on Bell Street.* (Maud, street-based worker)

Red-zones can also undermine an individual's ability to access health care. Lori, a street-based worker, tells us how she risked breaching her probation conditions in order to remain sober. For Rachel, the relationship is even more straight-forward:

*I have red-zones in Vanier. I also have a curfew at 11. I am not allowed in Vanier but my methadone is in Vanier. The reason I go to Vanier is because Somerset is full! It's my life, it's my health!* (Rachel, street-based worker)

Finally, for many sex workers, these red-zones are essentially zones of social exclusion. They effectively deny contact with social workers, members of their family, their friends, and their community. The impact is profound:

*[I have a] pretty big red-zone. It was from the end of St-Laurent Boulevard to Charlotte, then to Montreal Road to MacArthur to Beechwood, then to King Edward, Rideau all the way back down to St-Patrick, Vanier and the Market. [...] It has constricted me in many, many ways. My whole social network is gone. I can't go nowhere, can't talk to anyone. (Bianca, street-based worker)*

The purpose of red-zoning sex workers is unclear. In the drug courts, this strategy is discursively framed as a way to protect the addict from the risk posed by a toxic environment (Moore, et al. forthcoming).<sup>10</sup> By contrast, there is not even the pretence of a therapeutic intervention in the case of the attribution of red-zones to sex workers. Arguably, the lack of support and the punitive nature of the sanction suggests it is the *worker* that is the toxin, the risk that must be evacuated to preserve the integrity of the community; a clear “articulation of largely repressive state power intended to ghettoize” (Wacquant 2000), as well as “exclude and banish” (Beckett and Herbert 2010). The end result of these strategies is a sanitized city in which ‘undesirables’ are denied access to certain parts of the urban landscape (Davis 2003; Moore, et al. forthcoming).

Ottawa’s approach to sex work appears to be punitive law enforcement as opposed to, for example, harm reduction. Ottawa Police Service’s press releases that announce a ‘sweep’ routinely conclude with the assertion that: “The Ottawa Police Service conducts prostitution sweeps throughout the year and will continue to make this a priority when developing strategies to improve community safety.” In light of this, it is not surprising that Ottawa has the highest number of administrative charges, including probation breach charges, in the Province (Ministry of Attorney General, 2008). In a 2009 interview, Frank D’Aoust of Ottawa Police Services affirms that re-occurring indictments may well be related to previous prostitution charges: “Usually, they are arrested for soliciting. Once we find out their names, we verify them, and we find out [if] they are breaching conditions such as curfews, failing to keep the peace, failing to remain out of a specific boundary” (quoted in Fagan, 2009).

For some sex workers, the criminal justice system is a ‘revolving door’; they find themselves entrenched in a system that further criminalizes and marginalizes them with each contact. In the end “*we’re always in jail. It’s so tiring. They recognize you*” (Julie, street-based worker). It is to the consequences of having a criminal record that we now turn.

### *What are the implications of having a criminal record?*

There is ample documentation of the obstacles those with criminal records must contend with, including disrupted social relations and difficulties finding employment or housing (Munn, 2010). For sex workers, these challenges are compounded by the moral stigma that accompanies sex work. Marci speaks to this when she voices her annoyance:

*In reality, we’re really the bottom-of-the-barrel type of criminals. We’re selling something that belongs to us. What I do with my body is my own business. If I take care of myself, nobody has any reason to harass me or bother me. They need to go after real criminals. It’s so petty to me. (Marci, street-based worker)*

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<sup>10</sup> In fact it is often the therapists in the courts, and not the legal actors, who assign bail restrictions in this context designated spaces are read as barriers to recovery.

Workers are clearly cognisant of the significance of layering moral stigma over that of ‘the criminal’: *“I have been arrested before, but not for sex work. They can be very forceful. And I wouldn’t want to be arrested for sex work because that would give them more to intimidate me with”* (Sarah, street-based worker). In practice, the implications of the two intersecting stigmas reverberate through the lives of these individuals: *“it’s harder to get a job; it’s harder to get housing. It affects a lot of areas”* (Fiona, street-based worker). Adrienne (street-based worker) speaks of how it conditions her relationship to the police: *“If I get arrested by the cops, that’s the first thing they throw in my face.”* In fact, so profound is the stigma that Julie, another street-based sex worker, who does not have a criminal record, nonetheless finds herself ‘marked’: *“The charges were dropped but it’s still on my record. When a cop does a CPAC, they assume I am working right away so it does affect me. It’s discrimination.”*

Criminal charges do not encourage individuals to leave the industry (Lowman 2005). Criminal records may in fact have the opposite effect as they can be a significant barrier to transitioning<sup>11</sup> into other work, *“Anything with a criminal record affects you, job wise and socially. You are labelled. You don’t get jobs and everybody starts shunning you”* (Lucy, street- worker). Jamie, a 45 year old Aboriginal woman, tells a story which captures this well:

*Last year, I moved back up North to change my life around. I got this job in a day care. I am really good with children and in that town, people know me and I know them. I was really excited about it. My employer asked for a police check so I went to the local police station. For a job with children, the only thing they need to know is if there are any charges related to children. They pulled out a file thick like this with everything I had ever done since the age of 16. I got fired. I moved back here. They did that just because they don’t like me. I’ve had a police check before and when it’s done properly, it’s one freaking page long and only has to do with the job you’re applying for. Ottawa sent my whole history, they didn’t have the right to do that.*

## Discussion

In this chapter, we saw that the tactics sex workers employ in an effort to avoid coming into conflict with the law, such as not working in the in-call sector, working in isolated areas and entering cars quickly, may diminish their chances of being arrested but increase their vulnerability to violence. At times, these strategies also exacerbate tensions with members of the geographic community. We have also discussed how the law constructs sex workers as criminals and positions them as ‘other’, not only outsiders in the very communities in which they live, but a threat to them. Finally, we have discussed the implications of criminal charges including the imposition of punitive red-zones. Throughout the chapter, the recurring theme has been exclusion and the denial of rights. We end this chapter with a quote from the Parliamentary Subcommittee on Solicitation Laws (2006) who unanimously agreed that in regards to the prostitution law the “status quo is unacceptable” and then explained:

The Subcommittee had a mandate seeking to improve the safety of individuals selling sexual services and communities overall. After reviewing the criminal laws pertaining to prostitution with that mandate in mind, members agree that the status quo is unacceptable. The social and legal framework pertaining to adult prostitution does not effectively prevent and address prostitution or the exploitation and abuse occurring in prostitution, nor does it prevent or address harms to communities. This framework must therefore be reformed or reinforced. This view reflects the position of the vast majority of witnesses who appeared before the Subcommittee, as well as the conclusions of the major studies on prostitution conducted over the last 20 years (2006:100).

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<sup>11</sup> Language is important. We use the word transitioning as opposed to the abolitionist ‘exiting’ to avoid the association with escape and salvation. Moreover transitioning more accurately reflects the process, while some sex workers labour simultaneously in the sex industry and in more mainstream labour sectors, and others do so sequentially may find themselves moving between labour sectors (Law, forthcoming).

## *Summary of Challenges of the Law and Criminal Justice*

- Criminalization forces workers to make decisions that may render them unsafe in order to comply with the law or at least reduce the risk of arrest
- Criminalization reinforces whorephobia, making it easier for communities to justify the stigmatization and exclusion sex workers. “Whorephobia” refers to the stigma faced by sex workers, including conceptions of them as dirty, immoral, hyper-sexualized and vectors of disease.
- Criminal charges related to sex work mean that sex workers are at risk of limiting criminal records and onerous release conditions such as “red zones” that restrict them from community connections, needed health and social services, sometimes their homes or shelters, and of course the ability to work.
- Criminal conviction of sex work-related charges makes it more difficult for workers to obtain housing or employment outside of the sex industry, and reinforces the stigma and discrimination they already face at the hands of the community and police.



# CHAPTER SEVEN:

## Sex Workers Speak about Stigma, Social Judgment and Whorephobia

In 1963, when feminist pioneer Betty Friedan wrote of the ‘problem that has no name’<sup>1</sup> she alerted us that “experience is silenced and made invisible by the lack of words to name it” (Kelly, 1988:115). When social problems are conceived of as ‘personal troubles’, commonalities and intersections are invisible and individuals whose problem ‘has no name’ are denied a conceptual framework to ‘make sense’ of their experiences. Mindful that a word must exist before a social reality can be named (Spender, 1980), French activists Maitresse Nikita and Thierry Schaffauser, coined the term ‘putophobia’<sup>2</sup> or ‘whorephobia’ thereby naming “all of the discrimination we face as prostitutes.” They write:

Whorephobia is one of the most widespread discriminations in our Western culture, so much so that it goes unnamed. [...] There are many rationale underlying the whorephobic sentiment. The two main ones are defining prostitutes as 1) victims, too dim-witted to be able to know what is good for them [...] 2) delinquents, vectors of disease and epidemics, whose mere visibility is a nuisance. In both cases, whorephobes act with the will to feel superior. Consciously or not, they get the feeling of either being saviours or policemen at the service of humanity. These two rationales, victims or delinquents, can intersect and are not necessarily contradictory in the minds of whorephobes. (Nikita and Schaffauser 2007:24) [translation ours]

At the root of whorephobia is stigma - an attribute that reduces an individual “from a whole and usual person to a tainted, discredited one [...] [it is] a special case in the typification of difference; that is one that is very much in the foreground of our attention and negatively evaluated” (Goffman, 1963:4). Stigma is about discrediting and ‘marking’ people as ‘other’ - as being, in some very significant way, ‘not like us’. People who are ‘not like us’ can be denied the rights and privileges we hold dear. This process reflects power relations; what is stigmatized - much like what is normalized - reproduces social stratifications and hence is profoundly implicated in processes that legitimate marginalization at the same time as they become the justification for discrimination, sanction, neglect and the denial of fundamental rights, including the right to protection and criminal justice redress.

All of the sex workers with whom we spoke are affected by stigma, and for many this has profound implications that reverberate through their lives:

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<sup>1</sup> In *The Feminine Mystique*, Friedan wrote of suburban American women’s dissatisfaction: “The problem lay buried, unspoken, for many years in the minds of American women. It was a strange stirring, a sense of dissatisfaction, a yearning [that is, a longing] that women suffered in the middle of the 20th century in the United States. Each suburban wife struggled with it alone. As she made the beds, shopped for groceries ... she was afraid to ask even of herself the silent question — ‘Is this all?’”

<sup>2</sup> As is so often the case with terms that emerge in the context of social movements it is difficult to ‘pin down’ the origins of ‘whorephobia’. To the best of our knowledge, the writing of Thierry Shaffauser and Maitresse Nikita is the first time the term has appeared in published work. We also found the term in the writings by Scarlet Alliance the Australian sex workers association. For example, in 2010 they assert: “One of the barriers to sex workers rights is the extent of stigma sex workers face when coming out about sex work. Whorephobia affects every part of our lives.” Tracey Quan in her 2008 book *Diary of a Jet Setting Call Girl* also offers insights into the term as well as reflecting on the significance of reclaiming words conventionally used to denigrate (2008:92).



*The first day I started at this restaurant, a co-worker was talking about seeing some prostitutes on the street. She was saying how she didn't understand why anybody would do that and how she wanted to pick them all up, bring them home, and fix them. What are you gonna say to that! Someone at work wants to fix you! That means something is broken. That affects every part of my life negatively. So much was negative beforehand though that it felt like it wasn't that big of a deal. I am also scared of being rejected by future partners if I ever talk about it. I worry about it if I want to be totally honest with someone I want to be in a relationship with. The idea in my mind that I am being judged all the time and that I am not a good person, that they are seeing 'whore' when they see me, is hard. My work offers me some great financial opportunities but with hooking, there is good and bad. And then, in the gay scene, if you tell anyone, the word gets around so my work keeps me from really letting go because then, you'd say too much. (Paul, escort)*

Attending to variations within the industry, we see that, while stigma affects sex workers across sectors, disparate (and often class-based) access to stigma management techniques conditions how stigma is lived. In this chapter we present the stigmatic assumptions identified by the participants and their experience of stigma before moving on to the implications of stigma on health care, social/personal support and social exclusion. The final section of this chapter presents the strategies sex workers (as social agents) employ to manage stigma.

### *What are the stereotypes about sex workers?*

Sex workers are highly cognisant of prevailing stigmatic assumptions. In particular the stereotypes that sex workers are 'dirty', 'immoral', 'hyper-sexualized' and 'home-wreckers', 'coerced', 'victims' and 'not workers', emerged repeatedly in the narratives.

#### *'Dirty' workers/'dirty' people*

Constructions of the unclean are, as Mary Douglas (1966) alerted us almost a half century ago, not a neutral/objective assessment but one that powerfully reflects and reinforces normative boundaries. Not surprisingly, one of the prevailing themes that emerged was captured by Fiona (street-based worker) when she tells us, "everybody has this idea that we are so dirty."

The idea of dirt/dirty plays out in a number of ways, and frequently includes the spectre of contagion<sup>3</sup> – that those who come into contact with the stigmatized risk contamination. For example some workers speak of the perception that they are diseased. Bianca a street-based worker tells us:

*I never talk about what I do because I fear being judged hard by people 'Oh what do you do?' 'Oh I am a prostitute!' 'Oh really, great!' you know what I mean? Automatically, you get a negative reaction: 'Oh my God, she must have HIV'; 'Oh my God, she must have some kind of disease'; 'Oh my God, she's gonna try to get with my husband'; something like that. It's a million and one things, all negative. When people get to know, they treat me differently. Hell, they stop talking to me!*

Mia (escort) picks up this theme in recounting her experience:

*I had people I slept with tell me they wish they knew before because now they feel dirty. Obviously, in their heads, because I am a worker, I am dirty and carry diseases when in the end, it's no different than being with someone who has been casually sleeping with different guys.*

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<sup>3</sup> See Hacking, 2004; Kilty, (forthcoming).

Assumptions of contagion can also be structurally embedded in law enforcement initiatives. The Ottawa Police Services practice of sending ‘Community Safety Letters’ to individuals “found in the company of a sex trade worker” (Ottawa Police Services) suggests that, not only are sex workers presumed guilty, but those found in his or her company are immediately suspect by association. This was well illustrated in the story Janette (street-based worker) recounted earlier about the police who advised her new neighbour (with whom she was walking to a nearby food bank) of the fact that he was in the company of a sex worker.

At times, the association with ‘dirt’ extends beyond disease or “courtesy stigma” (Goffman 1963:30). Dustin, a male street based worker, invokes the term ‘trash’ to describe society’s image of sex workers, suggesting that dirt becomes synonymous with the people themselves: *“I dream of a van like the SITE van<sup>4</sup> but only for sex workers but nobody gives a shit about us, we’re pieces of trash, we’ll never get a van.”* Drawing on much the same imagery, Bianca (street-based worker) suggests that the police perceive sex workers as not only dirty but toxic: *“They don’t like us, they think we’re dirty, they think we’re bad for the community [...] let’s just say that they don’t treat you very nicely. They treat us like we’re pieces of shit.”* Indeed the very language of ‘prostitution sweeps’ that is routinely used by the Ottawa Police Services powerfully evokes images of dirt removal and suggests that once prostitutes are ‘swept away’ the streets will be clean. Here we see echoes of the “war on queers”, as Kinsman and Gentile (2010) remind us “the notions of maintaining cleanliness, associating gay sex with dirt, has often been invoked to justify the moral regulation central to sexual policing” (2010:321).

Others speak of sex work being constructed as a corporally unclean activity. Here we see a discourse that evokes, and then amplifies, the class-based prejudice against those individuals whose livelihood relies on physically dirty work.<sup>5</sup> Zoë (street-based worker) speaks of the hierarchy implicit in stigma and tells us: *“You get judged all the time by the general public. If you know I am a whore, you will eventually judge me, feel superior because you don’t suck dirty dicks.”* When she returned to this theme later in the interview, her narrative vacillates between exasperation and acceptance of the dominant discourse: *“Of course I experienced that. So you have to deal with that. It’s justified though if you are a prostitute. You are at that level, the scums, the low-life people. You can’t expect the level of respect to be higher than that. You do a dirty job!”*

### *‘Immoral’*

As the quotes above suggest, the line between dirt and immorality is somewhat porous. At times sex workers perceive themselves to be seen not only as dirty but as morally suspect. Here again we see how workers struggle with public perception, *“people judge sex workers big time, they look down on you. Maybe because of the Bible”* (Lucy, street-based worker), and their own internalization of this discourse:

*Everything I know about sex workers comes from the church since my life was the church until I was 18 and got out of there. So it was the whores and how the whores will destroy the world. They are demonic, fucked-up things, the most filthy things. (Paul, escort)*

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<sup>4</sup> The SITE van is a mobile service run by the City of Ottawa’s Public Health department that provides access to harm reduction supplies for safer injection such as needles and sterile water. The van is staffed by Public Health Nurses and Outreach workers who offer a wide range of health services such as anonymous HIV testing including point-of-care, Hepatitis B and C testing, Hepatitis A, B and influenza vaccinations, pregnancy tests, screening for sexually transmitted infections, related counselling, referrals to health and social service agencies including drug treatment agencies. They are on the road year round, seven days a week from 5 to 11:30.

<sup>5</sup> Here we are referring to the social stigma on physically dirty work: trash collectors, house cleaning.

Sophie, an erotic dancer, worries about the implications of moral judgement:

*My main concern is that I do want to pursue my education and I do want to pursue a career, especially as a violin teacher. If any of my students' parents knew I was a stripper, that might be a concern for them. They might think that since children look up to adults and want to become like them, they might see me as a potential bad influence. Their kids might want to become like their violin teacher. They might think that I would impress my values on their children. For that reason, they might not want me around their children, which sounds awful to me since I feel like I am the least likely person to ever hurt a child. I like to think that I am a positive adult in the lives of my students and the fact that they might think otherwise really bothers me.*

Other sex workers explicitly challenge this judgmental discourse, drawing attention to moral regulation: "Society has got to change its views on sex work. There is prejudice out there. It makes it illegal. Naked bodies are beautiful and we're making it wrong" (Thomas, escort). Julie, a street-based worker, employs a somewhat different logic:

*Prostitution; it's been going on forever, since Mary Magdalene, Jesus loved her. Police don't think like that. Some are really annoying, you are not always selling yourself but you're always a prostitute. Ottawa is a tougher city. It's rough here because of the cops. It's such a conservative city.*

### 'Hyper-sexualized' and 'home wreckers'

A number of participants spoke of the public perception that sex workers are hyper-sexualized and 'home-wreckers';<sup>6</sup> "people just look at you like you're a slut" (Isabelle, escort). Mia, an escort, draws attention to the projected slippage between personal and professional identity, "sometimes, relationships change. I get a different amount of sexual energy from some people after they hear about the kind of work I do. Suddenly, I'm not their buddy anymore, I am a sexual object." Holly, a street-based worker, has a similar point: "Sometimes I just don't tell people. People are judgmental. They figure that right away, you're different or that you're gonna eat their dick or something."

The sexual revolution and the omnipresent sexualized representations that characterize our society notwithstanding, it would appear that the conventional and hetero-normative distinction between 'good' sex (caring, loving, in a committed relationship) and 'bad' sex (recreational, casual, perhaps anonymous) continues to inform the stigma experienced by sex workers:

*You get judged a lot by people walking on the street or people who are driving by you, especially the women. They put a sticker on your forehead: 'home wrecker'. I came across some pretty hostile individuals, very hateful people. They don't get that we don't want a relationship with their men: it's just sex, it's just money. (Marci, street-based worker)*

Sometimes, workers become the embodied representative member of a despised population and, as a result, are personally targeted:

*Once a woman came to my door. I don't know how she found my address but she was one of my client's wife, and she came to my door at seven in the morning on a Sunday to beat me up. She grabbed me by the throat. She said she was tired of her husband's infidelities and I had to be one of them. (Janette, street-based worker)*

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<sup>6</sup>This discourse also features in the Hintonburg Community Association's 2001 booklet *Street-Level Prostitution: Dispelling the Myths*.

## *'Victims Not Agents'*

One of the most prevailing myths about the sex industry is that workers are victims. Many of these assumptions may be grounded in second-wave radical feminist writing. In this literature,<sup>7</sup> the ability of workers to choose to labour in the industry is categorically discounted and they are instead presented as victims of individuals or of circumstances (including for example, men, abusive childhoods, drugs<sup>8</sup> and their low self-esteem). Mia (escort) explains that when she tells people about her job, "*some people don't know how to react to it. Some feel I need help or ask me if I was ever abused as a child to be able to do this job.*"

The positivistic determinism that is at the root of this assumption, and the subsequent bestowment of victim-status, is premised on myths and misconceptions perpetuated by the media, the police and special interest groups.<sup>9</sup> For example, the Hintonburg Community Association asserts in the booklet *Street-Level Prostitution: Dispelling the Myths*: "Working the streets is not a safe activity, but prostitutes have no choice, as they are trapped in a life in which they must make money to buy drugs or to supply a pimp" (HCA, 2001:4).<sup>10</sup> The misinformation widely circulating prompted Meredith (escort) to suggest that people:

*Seem to have absolutely no idea about sex work and the industry. They don't understand it. The education should happen there too, not just for sex workers. People think we're all the same, that we've all been abused, or are addicted to drugs or think lowly of ourselves.*

To label sex workers as victims is deeply discrediting – victims may garner pity (or at best sympathy) but never respect.<sup>11</sup> Sex workers are clearly frustrated with both the misconception and the implicit denial of their agency. The very idea that workers must be saved or rescued is not only patronizing, paternalistic and profoundly disrespectful, it is also hurtful and alienating. We saw in Paul's quote that introduced this chapter, "*someone at work wants to fix you! That means something is broken.*" Closely associated, in effect the inevitable extension of the victimization discourse, is the assumption that sex workers are operating outside of choice:

*Every single day, every person you meet, you never know if you'll get judged. That is a tough thing to deal with. Especially if you are happy with what you are doing and you chose to do what it is that you do. It has been about a year and a half that I do my own thing, I am independent, I make my own choices, I see who I want to see, I do what I want to do. Even that is not enough! I think about telling my mom and all I can hear is her saying 'Oh my gosh! Who is making you do this?' Well it's me, I choose to do this! (Meredith, massage-parlour worker)*

Sophie, a 24 year old erotic dancer who is also a university student and (as we have already noted) a violin teacher, speaks about how this discourse of victimization denies her agency and negates the choices she made and continues to make:

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<sup>7</sup> See for example Millet, 1971; James, 1977; Barry, 1979; Wilson, 1983; Jeffreys, 1985; 1999; O'Hara, 1985 and Wynter, 1987 and Hoigard and Finstad, 1992.

<sup>8</sup> The stereotype that sex workers are substance (ab)users and/or drug addicts is one that emerged in many interviews. We will be addressing this issue in Chapter Eight on intersecting marginalizations.

<sup>9</sup> For more on myths and misconceptions see POWER's fact sheet available on the POWER website.

<sup>10</sup> From the booklet *Street-Level Prostitution: Dispelling the Myths*. This position is somewhat incongruous when considering their approach described in Chapter Two which is to mobilize around displacing sex workers, further victimizing individuals they here identify as victims.

<sup>11</sup> This is not a matter of semantics. We need only reflect on Canadian feminists' fight to redefine battered women as survivors and not victims.

*People who don't know me, they almost view me as not a real person when they get to know that I am a stripper. They also tend to assume that I do drugs, that I don't have education, a future, that I don't have other employment experiences, that I live very much outside of society. And I do live outside of society, in that I engage in unconventional work, but I also very much live within society, I go to school, I have a job, I shop at the local grocery store.*

The denial of sex workers' choice is in turn closely tied to another (mistaken) supposition; that sex workers have no other income-generating options. This is clearly not the case for the many participants who spoke of their work experience outside of the sex industry.<sup>12</sup> Serena (escort) recalls the time she confronted this stereotype:

*I did receive an email from a woman once. She claimed I was one of her husband's SPs [service providers]. I answered to her very nicely and at one point in the exchange, I mentioned that I had a degree. Her response was 'What a waste of a degree,' she was astonished that I could work in this field and that I had a child. Ignorance is always hurtful.*

The presumption of lack of choice, like the ascribed victimhood to which it is related, permeates not only the discourse of moral conservatives but also radical feminism. There is, of course, a profound contradiction here; the radical feminist fight for women's right to control their bodies and therefore their right to choose to have an abortion is incongruent with their denial of sex workers' right to control their bodies and to employ those bodies in sexual commerce.

### *"Sex Work is Not Work"*

If it is believed that sex work is not a choice and that sex workers are victims, then it follows that sex work cannot possibly be a labour activity. Thirty-one year-old Faye, who started working at the age of 13, challenges this assumption and asserts that sex work requires skills and competencies:

*It's a job, its work and you get underestimated. You need knowledge and skill. And people want to take that away from you and treat you badly. Even though we think we're strong, we're always vulnerable.*

Samantha (massage parlour worker) also draws attention to the fact that the skills are going unrecognized, a situation she finds exasperating: *"I think women in the industries have incredible skills, how could you balance all that if you didn't have skills? But these skills don't relate to the mainstream."*

Sophie (erotic dancer) is frustrated with the lack of recognition of sex work and goes to some length to explain the professionalism of her approach:

*I work very hard to make my money. I work very, very hard at my job. I have read millions of sales books, I have taken sales classes, I keep a journal of techniques that worked with clients. Some people might think that I just show up and throw my panties at men and make money automatically. I actually work harder at stripping than at violin teaching. I wish it was recognized how much work it involves and how much I use my brain, not just my body. [...] The difference between the lowest-earning dancers and the highest-earning dancers is very very much and I am one of the higher-earning girls, not because of my looks but because, when I am at the club, I work very very hard. I am constantly hustling customers, reading sales books, networking, trying to establish regulars.*

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<sup>12</sup> Although workers spoke about their experience in a range of occupations including violin teacher, personal trainer, child development worker, social worker, waitress, 'meter-maid', house cleaner, construction and author, it is important to remember that for all workers, choice is constrained by the options available. And that these options are in turn conditioned by socio-structural factors including class, gender, ability and ethnicity.



The disconnect between her own understanding and the dominant discourse is clearly destabilizing for Serena (escort):

*I really enjoy what I do and I am really good at what I do. I am a really good service provider and I have really good relationships with my clients. I have hundreds of reviews saying how good of an escort I am and I was rated in the Top 100 on review boards. I don't think that if I told anyone outside of the SP [service provider] world, they would appreciate what it means. I have a really strong client base; they are very supportive of me. For example, if I get the flu, my clients offer to go buy groceries, they don't know my son personally but I get clothes and toys for him all the time. They are all very supportive.*

Finally, there is the stereotype that workers are somehow ensnared in the sex industry (and therefore need to be 'rescued'). Samantha (massage parlour worker) alerts us to the irony that, while she is not trapped because of something intrinsic to the work, the stigma and misconceptions about the industry do undermine her ability to transition into other work should she wish to do so:

*Let's say I wanted to quit tomorrow, which I don't, but let's say I do. There is absolutely no place I could go to and say 'Hi! I have these skills that I have acquired in such a way'. Doesn't that look sweet on a resume! Who the fuck would hire me? I couldn't get a fresh start. If you keep it anonymous, it's not legit and then, it's a catch-22. Where do you start if you want to do something different?*

As we have seen, stigmatic assumptions are based on a number of stereotypes that connect, intersect and affirm/confirm each other. Based on ideology, not evidence, the strands become bound together into a discourse that has little basis in fact, but comes nonetheless to be seen as 'true'. This web of falsehoods, projected assumptions and occasional half-truths, informs a regulatory web that justifies the exclusion and marginalization and has a profound impact on sex workers' lives. It is to this subject we now turn.

### *Living the Stigma*

The significance of stigma was raised previously in this report. For example, sex workers speak of clients who were disrespectful and who assume that they are 'desperate' and will therefore not impose limits; of police officers who refuse to come to their aid and who subject them to verbal and physical abuse; and of community members who subject them to ostracism, eviction and hurtful remarks. In short, stigmatic assumptions have real implications in sex workers' lives. In this section, we expand on this discussion by identifying other areas where stigma, or "stigma consciousness" (Pinel, 2004) (the expectation that stigma will be encountered), conditions workers' experience of their social and interpersonal world. We will also reflect upon the impact of internalized stigma.

### *Is stigma implicated in sex workers' access to health care?*

Sex workers, like the rest of the Canadian population, are health care consumers – that is to say they turn to the medical profession to address their physical and sexual health needs. As noted in Chapter Four, the medical needs of this population can be extensive as their work engenders a particular cluster of health concerns. When asked what sort of health care they access, we see a range of venues identified. While some workers turn to their family doctors and even specialists, the vast majority make use of walk-in clinics, community health clinics, sexual health clinics and street health professionals. In other words, while in principle all participants were able to access health professionals, in practice, the care received by many workers, and particularly those who are street-based workers, lacked continuity and consistency. Alice's (street-based worker) experience illustrates this:



*Before, when I was moving around so much, when I was such a transient and I didn't have a safe place to call home, it was very difficult to access health care. I think that is why I was on the waiting list for so long. At that time, I would go to walk-in clinics and it was difficult, I wouldn't get as much information. Plus, because I didn't have a permanent place, I couldn't follow up.*

For sex workers, this lack of consistency is further complicated by their participation in the sex industry. Mindful of stigma, many workers are hesitant to disclose their labour activity, “*I don't want to be treated differently because of the work I do so I don't tell anyone*” (Angela, street-based worker).

The many stories sex workers tell about the stigmatic responses they received when they did disclose their work location to health care professionals suggests this reticence is warranted. We can recall that Beth, after she was brutally assaulted “*ended up just sticking my piece of gum in the hole in my head. I wasn't gonna go to the hospital either; they don't treat you well there. I took care of myself. I did what I had to do.*” Other street-based workers have similar experiences: “*If you go to the hospital, they look down on junkies and hookers. They treat you badly, you're just a hooker. The way they look at you - they judge you*” (Shannon, street-based worker).

Indoor workers also report comparable negative responses. Isabelle (escort) tells us:

*I don't disclose all the time. Some people, you can tell, are going to lecture you on safe sex and talk to you like you're stupid, as if you don't practice safe sex already. You can assure them that you always use condoms and they look at you, like, 'Yeah right'. So at times, I just don't disclose. For example, I had one nurse once who was kind of brisk, less friendly, after I told her I was a sex worker.*

Michael, another escort, confronted stigma when a health care provider inadvertently divulged her stigmatic assumptions about the ‘kind of person’ who is a sex worker. This in turn prevented him from disclosing potentially significant information:

*I had a casual sex partner who called me and told me he had tested positive for Chlamydia. Obviously, I needed to go get tested for it too, no problem, no big deal. So I go to this clinic and they do contact tracing, that is how Public Health works, which means that they want to trace my boyfriend. The nurse asks me all sorts of questions that I find irrelevant, like his eye color, his height, etc. So I am answering her questions and then she gets to this one: 'Is he a sex worker?' and she giggles, says 'Obviously, he's not a sex worker' and checks 'No' for me. If I gave him Chlamydia, does it make a difference if he's a client, a boyfriend or a sex worker? If you're gonna ask me that question, do it properly and not in such a judgmental way! Why did she assume that my boyfriend is not a sex worker? Because I look rich and like I'm 'on the ball'? Because for her, sex workers crawl out of alleys with puss dripping out of their dicks? That's judgmental! I am not ashamed of my work, so if I was asked directly 'Do you engage in sex work?' and if I felt like the question was relevant, I would tell them. But they ask so many stupid, irrelevant questions without taking into account any evidence-based research and information that most of the time; I will just skip the question.*

Michael's experience speaks to the crux of the problem: when sex workers do not disclose their occupation because they fear judgement they may not receive appropriate healthcare. As Simon (erotic masseur) notes: “*the ability to allow your health care provider to know what your life is really about is important. It is in your best interest. But if you get a negative reaction, there is an impact.*”

Fortunately, it would appear that the limited access to healthcare by street-involved persons including some sex workers has not been lost on Ottawa-area Public Health officials. Since 1996, the Sandy Hill Community Health Center has hosted *Oasis*, a street health clinic.<sup>13</sup> For the research participants who access this clinic, this has resulted in better healthcare characterised by consistent and non-judgemental service. The praise of these participants is sadly telling of their past experiences. Dustin (street-based worker) speaks of the question of safety, “they have a lot to offer at Oasis. It’s very safe for us. They have a lot of resources there for us. It helps with the feeling of isolation.”<sup>14</sup> Maud also speaks to this, “It’s really safe. Dr. Jones<sup>15</sup> is maybe the first person I could talk to in my entire life.” Others speak of the unique experience of not being negatively assessed: “Dr. Jones actually doesn’t judge you and that is a big thing. I never felt inadequate or stupid or ashamed of what I did with him” (Fiona, street-based worker). Lucy’s comments center around her delight at being heard by a health care provider, “I go to Oasis. Dr. Jones is the first one who ever listened to me. He pays attention. It makes a difference big time. I went and saw lots of doctors before and they didn’t care, they weren’t listening” (Lucy, street-based worker).

In fact it appears that some Ottawa-area health services are responsive to the needs of this population. In addition to Oasis, sex workers who participated in the research singled out a few other sites. For example, Alice, a street-based worker, who makes use of the *Centertown Community Health Centre*, tells us:

*I go to the clinic on Cooper. I have a family doctor there. She has been my doctor for the last two years. I was on the waiting list to get a family doctor for the last ten years. I love her, she is great. We talk to each other about everything and if I have any concerns, I can tell her. I trust her.*

Public Health programs, and particularly the SITE van, also appear to be addressing a significant need. Not only do they provide “resources, and a lot of info” (Fiona, street-based worker) but also a measure of support, “the people from the SITE Van for example stop and always ask me if I am all right, if I need anything, like food or supplies, or anything. They are very supportive” (Britney, street-based worker).

### *What does stigma mean in terms of workers’ health?*

As we saw in Chapter Four, sex workers experience challenges in terms of physical and sexual health. Throughout this report we have drawn attention to the significance of the socio/legal context and put forward that it significantly conditions workers’ experiences. Here we again turn to this theme and suggest that the analysis into health must be broadened to factor in socio-economic location; this would amount to employing a ‘social determinants of health’ approach. According to the International Center for Health and Society:

Medical care can prolong survival and improve prognosis after some serious diseases, more important for the health of the population as a whole are the social and economic conditions that make people ill and in need of medical care in the first place. Nevertheless, universal access to medical care is clearly one of the social determinants of health. (Wilkinson and Marmot, 2003:7)

Building on this body of literature, and asking how stigma is implicated in the health of sex workers, we must be mindful that “it is not simply that poor material circumstances are harmful to health, the social meaning of being poor, unemployed, socially excluded or otherwise stigmatized also matters” (Wilkinson and Marmot, 2003:7).

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<sup>13</sup> Oasis is part of the Street Health Coalition is a partnership of community organizations that strives to improve the health of people who are homeless, unstably housed or who use Ottawa’s shelters and day-program services.

<sup>14</sup> This feeling of isolation is of course a function of the stigmatic assumptions that exclude and marginalise.

<sup>15</sup> The name of the physician has been changed to protect the identity of research participants.

## *How does stigma impact on sex workers' personal and social lives?*

We have already considered how stigma conditions sex workers' interactions with clients, police, the criminal justice system, and health care professionals. When we turn to examining the experience of stigma on sex workers' personal and social lives, the significance of this dynamic comes into even sharper focus. Sex workers speak of being rejected by their families:

*I have nothing to do with my family. My family looks down on me. When they would see me on the street, they would walk right past me without seeing me, without acknowledging me. My sister laughed at me when I got HIV, told me that I deserved to have HIV. That led to a depression. They always put me down (Dustin, street-based worker).*

Like Dustin, Angela (street-based worker) tells us:

*My family disowned both me and my mom [who is also a sex worker]. They don't want to hear about us at all. They cut us off. Family would be very important for me but they don't want anything to do with us.*

Other workers speak of the judgement they have experienced from partners and friends. Isabelle (escort) explains, "people just look at you like you're a slut. Any relationship you get into, when guys find out that you do it, they don't want you or they treat you bad. They'll abuse you. It changes everything." Meredith (escort) expresses her frustration: "It is kind of scary that the most judgmental people are friends. The people that surround you every day - that you see all the time." Beth (street-based worker) tells us she "got evicted because of that. My neighbour figured out what I was doing and told my landlord. He gave me 7 days to leave. They took my stuff." Isabelle shares a highly disturbing incident with one of her acquaintances:

*I did get an anonymous email once from someone who knew me very well. I never found out who it was. It was like 'I was so shocked when I found out you were doing this, I hope your boyfriend doesn't know. It's even worse if he does, you're so pathetic, etc'. To this day, I still don't know who in my circle has a problem with what I do.*

Although, as we will see later in the chapter, social workers are often a sources of significant and much needed support to sex workers, social service providers also sometimes stigmatize and exclude:

*They usually are pretty good. Some old-school ones can be pretty bad though: 'Oh it's your own fault, you put yourself there so take yourself out of there' type of thing. It's pretty ignorant. (Bianca, street-based worker)*

At times, social workers' prejudice can render workers more vulnerable to violence. For example Veronique (escort) found herself excluded from a battered woman's shelter:

*Once, I had to go to a battered woman's shelter because I was living domestic violence and I wanted to leave my partner. I told them at the shelter that I was a sex worker. When he beat me up, I asked them for help but they told me that because I was a hooker and because I use drugs, that it wasn't the place for me. They denied me a service I was entitled to. [translation ours]*

### *Does stigma impact on workers sense of self?*

The experience of stigma is not confined to specific interactions but is interwoven and indeed embedded in language and ‘common-knowledge’. This is not unique to sex workers of course, volumes have been written on the significance of language and the subtext of words.<sup>16</sup> As we noted at the beginning of the chapter, so pervasive is the everyday denegation of sex work that French activists Maîtresse Nikita and Thierry Schaffauser, taking their cue from the gay rights movement against homophobia, coined the term ‘putophobia’ or ‘whorephobia’. Certainly the stories and experiences in this report suggest that there is merit in naming the ‘prejudice and bias against sex workers’. Whorephobia, cemented in conceptual frameworks and expressed in taunts, renders workers’ labour an identity - and that identity an insult. Workers speak of being surrounded by this:

*Say a girl is walking down the street, in a mini-skirt. She looks good and everything, and then I hear people commenting on how she looks like a whore or calling each other whores. You hear those comments all the time. People say it as an insult, you hear it constantly and it kills me, it kills me.*  
(Lucy, street-based worker)

Michael (escort) points out that this emerges even from places that one might assume to be less tainted by this moral judgment:

*I hear so many people use words like ‘whore’ and ‘slut’. So many gay guys have casual sex and are proud to have overcome the sex negativity and the shame and have lots of sex and celebrate it. They think of themselves as these sex radicals for having the sex they want, the way they want it. But as soon as cash is exchanged, they go all puritan again and get all judgmental. I think that’s bullshit.*

Perhaps sex workers’ experience is best captured by Sophie’s (erotic dancer) response to a probe asking if she experiences social judgement:

*Basically everywhere. At school, at work, with my family, with my friends, with my landlord because landlords want to know where the money comes from to pay the rent. I am open about what I do with pretty much everybody in these categories. Most people don’t personally know a stripper, so they have an image of what a stripper is. So when they learn that I am a stripper, they just paint that image on me. I think lots of people’s minds have changed about strippers just by getting to know me.*

In light of the pervasive nature of whorephobia, some workers internalize the stigma. While all sex workers are vulnerable to being confronted with stigmatic assumptions, and seek to manage (as we will see in the next section) the implications of both interpersonal and structural stigma, those that internalize the discourse must contend with the shame and self-loathing that accompanies accepting that one is a member of a group you come to believe to be justifiably despised. For Beth (street-based worker) this means, “*I don’t have any, friends or partners. I don’t have time for that. I don’t want to bring somebody down to my level so I don’t bother.*” Zoë, a trans-gendered street-based worker, who at other times is able to take critical distance, tells us:

*We should be discriminated against. We’re whores, ‘You suck, you fuck dirty men’. We get what we deserve. We can’t expect to be treated like ladies, we’re whores and it’s against the Church’s laws and every law. People calling us whores, that’s what we are. So if we accept who we are, that’s fine. Why would you want to talk about that? ‘Oh that girl gives such a good blow job!’ That you can talk about with other sex workers, but not with anybody else. You get judged. That’s part of the job.*

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<sup>16</sup> Certainly second wave feminists drew our attention to the significance of language. See for example Spender, 1980.

We can also recall Paul's (escort) struggle to overcome the self-alienation he experienced as a result of his internalized whorephobia having been taught that "*[whores] are demonic, fucked -up things, the most filthy thing*" which he says "*kept me in a state of depression. Just now am I starting to think that what I do is not so bad, that I am just providing a service.*" This alerts us to the potential for internalized stigma to have a significant impact on self esteem. As Jeffrey and MacDonald (2006) report, this draws into question another stigmatic assumption:

While many commentators understand low self-esteem as a problem for sex workers and a cause of entry into the trade, sex workers frequently turn this discourse around to talk about stigma as a major cause of low self-esteem. That is, sex workers resist the individualizing and psychologising discourse of self-esteem and repoliticize the issue by pointing to the attitudes of the public rather than the psychological makeup of the sex workers as the problem (2006:137).

The Sex Workers Alliance of Vancouver (SWAV) draws attention to a fundamental incongruence in the misconception that sex workers have low self esteem because they are sex workers when they write: "prostitutes are people -- some have better self-images than others, and each one responds differently to his or her circumstances. Being rewarded for being physically attractive or sexually competent is not an obvious barrier to self-esteem" (SWAV np. 1996).

### *How do sex workers manage stigma?*

Evidently, sex workers are profoundly impacted by stigma, "*no matter how happy you are or comfortable you are in your skin, it sucks to be judged*" (Samantha, massage parlour worker). They are also highly cognisant that, "*a lot of people say they are open-minded; they talk so differently in a group setting about such issues: being judged is always on my mind*" (Paul, escort). Christian (street-based worker) is fearful of social judgement as well:

*I don't feel at ease with myself, I don't want anybody to know I am doing that. Because of that, I get a funny feeling inside of me. People would treat me differently if they knew. Some would disown me as a friend if I told them. They wouldn't bother with me no more. Judgement is a reality. Good friends would do that to me.*

Not surprisingly, workers develop strategies to manage the implications of stigma, strategies that sometimes have negative consequences. Here we see another hidden cost of stigma. Whether or not an individual actually confronts stigma, their "stigma consciousness", or their anticipation of stigmatic responses, means they are perpetually organizing their actions and presentation-of-self to guard against being stigmatized. They may also find themselves 'reading' social responses accordingly – that is to say they may interpret any negative response as a result of their stigmatized identity (Pinel, 2004).

Many negotiate their public identity; while a few of the workers we spoke with are fully 'out',<sup>17</sup> and some are totally 'closeted', many select to disclose their labour location selectively and struggle to find a personally comfortable position on the spectrum. Mia (escort) explains:

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<sup>17</sup> A sex worker may be very public as a political stance however some street-based workers find the public nature of their work and their engagement with the criminal justice system denies them the ability to chose. We return to this issue later in the chapter.



*Being a sex worker is a big part of who I am right now. It takes a lot of my time and not just at night when I am going on dates. I spend a lot of time during the day managing my appointments, being on the computer, advertising, etc. So it's a toss-up between keeping it completely to myself and being completely open about what I do. For both, I feel there are consequences you need to deal with, like judging yourself of having others judge you or treat you differently. It is in a way like coming out, in a gay sense, because it's a big part of who I am in my day-to-day life. In a perfect world, I would be very open about it with everyone, but as of right now, one of the things I deal with is this toss-up between telling no one or telling everyone. If one or two people know, then some people can use that secret of yours. But still, I always wonder about the consequences of coming out completely.*

As Samantha (massage parlour worker) explains, maintaining the balance can be difficult:

*It's tough to always be judged and to never really know who is going to judge you. It's hard on relationships. It's hard on the family. My family knew that I was doing webcam. They weren't terribly cool with it but they accepted it. Could I tell them what I do now? I could, but I don't want to because I don't want to worry them. It's hard to always keep a part of you secret. I have to say, it's probably the hardest thing, or maybe the only hard thing for me in this business, not being upfront about who I am, what I do and why I do it. So many people don't understand it.*

Much like closeting one's sex orientation can be arduous; hiding one's labour location requires continual vigilance and self-monitoring:

*Social stigma definitely creates a rift. When someone asks you about your work, you leave out one of your jobs and you notice in the back of your mind that you're leaving it out and at first, it's not a big deal but you notice that you are continually doing it. It's having to separate parts of your life and keep on top of that. (Paul, escort)*

Sometimes, the consequences of managing the implications of stigma through (partial or full) non-disclosure can render the worker susceptible to blackmail. In Mia's story, we again see how the intersection of structural and interpersonal stigma increases workers' vulnerability, at the same time as it decreases their options for protection and/or redress:

*It would make my life way easier if I didn't have that fear to go to the police if something was to happen. There is fear there. For example, I had two friends this week who threatened to 'out' me to my family and who are harassing me. That is a very serious threat. I have an eight year-old and my family thinks I have a goody-goody job. How can I even think about going to the police to have them deal with the threats I am subjected to? I can't be working the way I want because there is no help there if you are not perceived as a victim. If I say that I am still working, I am not perceived as a victim.*

While many sex workers mediate stigma and manage their engagement with it through selective disclosure (and find themselves stressed and alienated as a result), not all sex workers enjoy equal access to this tactic. By virtue of the public nature of their labour many street-based sex workers have limited capacity to insulate themselves from stigma by managing the flow of information about their labour. Some assume fierce bravado and demonstrate admirable strength of character:

*Even if we don't work, we get judged. But what matters is what I think of myself. So if I am in a healthy place, the less it has an impact on me. [...] A lot of girls die out there and who cares? I think that will always happen, that's the reality of what we do. (Maud, street-based worker)*

At other times, workers draw on the limited options available and isolate themselves. Veronique, who was escorting at the time of the interview but who frequently worked street-based as well, tells us:



*I don't have any friends, I am alone with my boyfriend and I don't really have any social life. It's problematic. I feel trapped, I can't talk about everything, I'm always careful. It's very stressful. [translation ours]*

In short, we see that while sex workers' labour location conditions their access to strategies to mediate information, stigma is a significant factor in their lives. In practice then, stigma is an instrument of social exclusion. Meredith, an escort, reflects that:

*After many years in the business, you get used to not being able to turn to a lot of people, to keep a lot of yourself private. [...] The only people that I feel I can trust are people that are in the business, so clients, other men or women in the business. I also come from a very good home, so I know I could turn to them. That being said, I don't want them to have to deal with the judgment. They would be my last resort. I want to spare them. So I would turn to friends, although I can't say that there are very many friends. You don't really know who you can turn to for support until you do need it. It's a catch-22, because you don't know that if you expose yourself you'll be slapped in the face or welcomed with open arms. I count on myself for the most part.*

Perhaps the isolation experienced by street-based workers is best captured by the finding that while escorts generally had some (select) friends who offer support, 14 of the street-based workers identify their social worker as their primary source of support: *"I have a counsellor and an addiction counsellor; also social workers. Aside from that, I have no support"* (Caroline, street-based worker). Faye, another street-based worker tells us: *"I became lost, and having no family and no home, I got referred to them [mental health professionals]. They helped me."*

In light of this isolation, the efforts of social and outreach workers from ACO (AIDS Committee of Ottawa), the Gateway program of the Elisabeth Fry Society, Center 454, Public Health and the SITE Van and the Somerset West Community Health Center (all of which were mentioned by participants), are significant and should be recognized. Bianca (street-based worker) explains how she values her relationship with "Winnie" (name changed) a highly praised outreach worker:

*My outreach worker - I call her almost on a daily basis. She is great. She is always there for me. She understands. She is very understanding and is not judgmental and she's been there. She gets it. I love her. If ever I call her and tell her I have a warrant and needs to turn myself in, she'll tell me to wait for her and then go with me to make sure it goes well.*

The support that can be offered by of a handful of overworked social workers and dedicated health care providers is a fragile 'band-aid solution', and certainly does not address the fundamental isolation experienced by some individuals. Claire, a street-based worker, dreams of having *"people watching our back. Like socially, you know. A lot of people harass the girls."* Jamie, an Aboriginal street-based worker, poignantly captures with striking clarity what living social exclusion means:

*When I was more heavily into it [sex work], I was totally isolated and there is a point where when you are that isolated, you should just take a gun and shoot yourself.*

## Discussion

We started this chapter with the need to ‘speak the truth to power’ and name whorephobia. As is so often the case, hatred is legitimated through stereotypes and stigmatic assumptions. Based on misconceptions rather than empirical evidence, widely-perpetuated myths become ‘common-knowledge’ that in turn transform a physical trait, a behaviour, an illness, or in this case, a job, into a definitive identity. This identity in turn becomes the justification for the regulation and the discrimination of a population who are not only, *not like us* in some fundamental way, but profoundly *threatening to us*. We have seen this process in the recent past when homosexual men and women were, in the absence of any empirical evidence, defined as (among other things) pedophiles, national security risks, threats to the moral fabric of society and mentally ill – all of which justified criminalization, electroshock treatment and other ‘cures’, systematic denial of rights, regulation, systemic and interpersonal discrimination, and social exclusion (Kinsman, 1987).<sup>18</sup>

In this chapter, we have seen echoes of the experiences of other marginalized populations in the discrimination experienced by sex workers on the basis of their occupation. Workers speak of having to cope with people assuming their labour defines *who they are* rather than one element of *what they do*. In other words the ‘mark’ of sex work is so significant that it threatens to become the individual’s “master status” (Goffman, 1962) – that component of a person that fundamentally defines them. We also saw that these stigmatic assumptions, and workers attempts to manage their implications, has a significant impact on the lives of workers and conditions their ‘being in the world’. Adrienne’s narrative sums up many of the themes of this chapter and we end with her words:

*Us prostitutes, we’re nobodies, we have no money, no power, we have nothing. They [police officers] wouldn’t take us seriously; they look at us like we’re fucked up. Is what we are saying true, is it not? They know they are in the wrong too so they don’t want to hear it. We’re just the victims. I am always searched by males too, that’s another issue, they don’t tell us our rights. Some of us go for help with our social workers after, some don’t. The police never believe us. We’re not even identified after we die, we’re nobodies.*

## Summary of Challenges of Stigma, Social Judgment and Whorephobia

- Widespread whorephobia and criminalization reinforce each other, stigmatizing and isolating sex workers from their social circles and communities.
- Institutionalized whorephobia can be seen in policing policies in Ottawa and other communities that refer to “cleaning up the neighbourhood” through “street sweeps,” creating an official discourse of sex workers as “dirt” and as bad for the community.
- Whorephobia essentially reduces a sex worker to her/his occupation, completely overlooking the rest of his/her life and denigrating the relationship, business and erotic skills acquired and used by workers on the job.
- Whorephobia has a negative impact on the ability of sex workers to access health care, including sex work positive health care services.
- Whorephobia taints the relationships workers have with family, friends and the community at large, contributing to their isolation.
- When workers internalize the stigma they experience, this can lead to low self-esteem. To manage this stigma, workers often are not open about the work they do, which contributes to their isolation.

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<sup>18</sup> Of course this process continues and the individuals from the gay and lesbian communities continue to experience profound discrimination – an issue we speak briefly to in the coming chapter.



## CHAPTER EIGHT: Intersecting Marginalizations

In the previous chapter on stigma, we examined sex workers' experiences of marginalization and social exclusion and identified whorephobia as a significant social problem that is structurally and interpersonally enacted. We saw that stigma has a considerable impact on the lives of sex workers and conditions their experience of the social world, their interactions, and even their self-image. In this chapter, we extend this discussion by reflecting on intersections. That is to say that the stigma experienced by individuals is shaped by the intersection of whore stigma and whorephobia with other social-structural factors which in turn further condition individuals access to resources to mediate the stigma and/or manage information. As we will see throughout this chapter, it is the most marginal street-based sex workers who most profoundly live these intersections.

The intersections are captured well by Jamie, a 45 year old Aboriginal lesbian woman who grew up on a remote reserve and has been involved the street-based sex industry for the past 22 years:

*I feel it [judgment and stigma], as a woman, as an Aboriginal, as a two-spirited person and definitely as a sex worker. You are the worst part of society. You might also be on ODSP [Ontario Disability Support Program]. Try to go look for an apartment! If I could tell somebody: 'Ok so here I am, this is what I do, I do sex work' well that's all they are gonna hear, and they are going to look at you like you're insane. So you end up having to hide this huge part of your life yourself. Hiding that brings about shame which lowers self esteem, so you end up stuck in that rut. There is no incentive to get out of it because the only people you hang out with do the same thing. The others don't want you so you stay stuck.*

Jamie's narrative alerts us to the intersections of marginality and the importance of attending to specificity. All the individuals we spoke with were sex workers, however, how they experience that work, what it means to them, and how it shapes their 'being in the world' is in turn influenced by their specific social location. Of particular interest are the intersecting and layered systems of oppression and privilege that individuals negotiate. In this chapter, we reflect on how ethnicity, sexual orientation, gender identity and substance use intersect to condition the work and private lives of the sex workers we whom we spoke. We end with a discussion of class, gender and poverty.

### *Sex Work and Ethnicity*

The intersection of racialization and sex work is a significant topic that warrants much more serious research than it has hitherto received. Unfortunately our sample allows us to speak only to the experiences of Aboriginal workers, and that in an unfortunately superficial manner. The experiences of Canada's indigenous peoples cannot be understood without reference to poverty, violence, discrimination, systemic and interpersonal racism, and the long-term impact of cultural genocide and residential schooling: "The colonial legacy is continued through systemic violence within law enforcement, such as over-surveillance and abuse by police, and in the criminal justice system" (NARCC, 2009:2). We see the implications in a plethora of ways, including rates of incarceration that are almost nine times the national average (Sapers, 2009 14), in poor health and in life expectancy that is four to five years lower than the national average (Statistics Canada 2006c:191). We also see it played out fiscally. According to a Statistics Canada study, compared to non-Aboriginal women, Aboriginal men and women are more likely to be unemployed<sup>1</sup>; have lower average incomes<sup>2</sup> and live in greater

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<sup>1</sup> 17% of Aboriginal women, 21% of Aboriginal men and 7% of non-Aboriginal women were unemployed in 2000 (Statistics Canada 2006c:199).

<sup>2</sup> In 2000 the average annual income was \$12,300 for Aboriginal women, \$15,500 for Aboriginal men and \$17,300 for non-Aboriginal women (Statistics Canada 2006c:199).

poverty<sup>3</sup> (Statistics Canada 2006c:199-200). Every one of these indicators suggests that the economic position of Aboriginal men and women is significantly more precarious than is the case for non-Aboriginal women. Speaking to these intersections, the *National Anti-Racism Council of Canada* (NARCC) explains that: “policies have contributed to a *racialized feminization of poverty*. Women’s issues do not belong in water tight compartments as they are connected to issues of race, class” (NARCC, 2009:44).

### *What do the intersecting marginalization of Aboriginal peoples and sex workers look like?*

Five of the sex workers who participated in the research were Aboriginal individuals (4 women, 1 a transgendered woman), all five of whom were street-based workers. Though this sub-sample is small, it nonetheless provides us with the opportunity to reflect on specificity and attend to the potential implications of intersections. Alice (street-based worker) explains:

*It is especially true because I am Aboriginal. We’re a minority who has very big issues. I am a residential school survivor and it’s such a huge barrier. And I often see a difference, like, sometimes I tell myself ‘If I was a White woman, this would not be happening to me’. As an Aboriginal woman, I am automatically nothing but trash, you know, I don’t like being considered that way. I feel that from the community as whole, it’s racism, and then the judgment of being a sex worker. I am a minority and I get treated differently.*

Canada’s indigenous peoples disproportionately bear the burden of poverty. For some workers, this poverty is clearly implicated in their decision to work in the sex industry. Alice continues:

*I have to live you know. My welfare is 200 dollars a month, it doesn’t work. I have to get toiletries, food so I have to do what I do and I won’t ask them [estranged family] for it. It affects my relationship with them for sure.*

It is notable that two of the five workers indicated they did not have adequate money for food or basic needs. In the following quote, Adrienne (street-based worker) paints a picture of what that poverty looks like:

*I go to Oasis. They have a drop-in clinic there and you can get anything there. I go for everything I need. It’s for the homeless and they offer good services. I go there and take showers, take naps, programs, watch TV, access the washing machines, talk, eat.*

Four of the Aboriginal workers spoke of violence and abuse by people in their neighbourhoods, compared to 15 out of the 32 non-Aboriginal workers. It is Janette, with her dark skin and beautiful long straight black hair, who tells us: “*some throw rocks at me. This one man, he put mud in a bag, tied it with an elastic and threw them at me.*” Jamie recounts that, “*a lot of people that harass women on the street [...]. They ask all sorts of questions, make fun, it’s just bullshit. They get off on it.*”

The cohesive and very strong family networks that characterize many Aboriginal communities have been identified as a significant source of support. For some of the Aboriginal workers, this very closeness may engender an additional challenge. Alice adjusts her work practices to avoid detection by her family:

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<sup>3</sup> In 2000 36% of Aboriginal women, 32% of Aboriginal men and 17% of non-Aboriginal women lived in poverty. (Statistics Canada 2006c: 200).

*I keep walking around, I am paranoid about that. I also make sure it's dark out. I don't want my family to see me do that, so if I work at night, I don't run into them. [...] As an Aboriginal sex worker, I have no support. It is such a shameful thing where I come from. It's a shameful issue. There is an Inuit Friendship Center here in Ottawa but I wouldn't ask for help there because it is shameful. It would make a difference if there was an outreach worker who would also be Inuit. There are a lot of young Innu women out there who get here from up North and they are so naive and young. They have a different culture. It would be very important.*

Alice's narrative points to the need for culturally relevant social support. Jamie (street-based worker) positions the experience of Aboriginal peoples within a broader context of historic oppression, paternalistic repression and ongoing state racism:

*When it comes to Aboriginal people though, I would say that we don't get enough support from the government. No one is acknowledging how much damage was done to us. I'm really pissed off right now. How come we can raise so much money for Haiti but most reserves still don't have running water? Everybody forgets about us. My reserve, for example, is so isolated if you want to go to school, you have to board in town, with White families, still to this day. We can't buy houses because the houses we have on our reserves are government-owned, so if you go to the bank because you need a loan, you don't own anything, any land. So you have no collateral. So there is no betterment.*

### *How does the intersection play out in terms of the criminal justice system?*

The over-policing of Aboriginal peoples is well-documented (Winterdyk, 2005:201). Moreover, there is a long-standing conflictual relationship between Aboriginal people and law enforcement representatives. A 2006 Department of Justice report asserts that Aboriginal peoples experience "systemic discrimination every time they come into contact with the justice system. Systemic discrimination is the norm and affects offenders and victims indiscriminately. It is pervasive and endemic" (Chartrand and McKay, 2006:43).

We certainly found this to be true in this research. Three of the five Aboriginal workers had been criminally charged for sex work, however four of the five (all except Alice) reported experiencing physical violence and police abuse of power. Many of these stories have been told earlier in the report. Here we present Janette's (street-based worker) powerful recounting in its entirety:

*I have never been arrested but I have been working the streets for a very long time, so they [the police] know me very well: 'If I get one more complaint about you Janette, I'll yank you off the street by the fucking ponytail and cut it off!' or 'I'll punch you in the rotten mouth because you have such a rotten mouth'. I don't like those words, they're not me. One tried to run me over because I told him his wife was a bitch. He reversed his car and tried to hit me, I had to jump on the curb really quick. I was wearing 9-inch stilettos, which makes it hard for me to even move, and when I realized that he was actually backing up to come back and hit me, I yelled at him: 'What are you doing, are you crazy?!?!' I took his badge number but then, nothing happened. One threw an egg at me in Vanier. Right on my shin. One threw a lit cigarette at me when I asked him for a smoke, he was like 'Take this fucking cunt!', burnt my chest. I remember all of that, how can you forget? If I wanted to be a secretary, I would be one, I have the smarts, I have the know-how. I am a resident of Ottawa and I am not going anywhere. [...] They throw things at me. One of them threw his old McDonald's package right at me. I had Kleenexes in my pack and I scooped the pickles that landed right at my feet. Who does that? What mature person does that? I didn't provoke them. It's their philosophy to do that. They recognize me even when I am not working. They bug me when I am with my mom or my daughter even. They make sure that whoever I am with knows that they are with a prostitute. Anyone they see me with, they try to put me down in front of them. Working or not working. Once I was going to the corner*



*store with a friend of mine, they asked me, in front of her, if I was training her. Another time, I was showing my new neighbour around, walking him up to the food bank, and as we were walking, one cop turned around and told the young man I was with 'Do you know you are with a prostitute? You could get in trouble for that'. He yelled at the cop: 'She is my neighbour and I don't care what she does for a living, she is helping me out. She is still a person'. I was so embarrassed. That did bring tears.*

Janette's narrative is potent but her story is not unique. In fact, a wildly disproportionate number of the horrific stories of human rights violations by police were recounted by Aboriginal workers (who, in our sample, were all street-based sex workers). Adrienne spoke of regularly experiencing abuse, including having her head smashed on a car; Kayla reported being 'outed' to a client by police; and Jamie told us about being repeatedly tasered when she stepped in to defend an Aboriginal man who was being harassed by police.

Of the five Aboriginal women we spoke with, it was only Alice who did not report any physical abuse by police. That said, she too has first-hand experience with the problematic racist remarks of police officers: *"I got charged for assault. My partner was White and he was so much bigger than me, and I was just told that Innu women have so much anger! I am 4'11!"*

## *Sex Work and Sexual Orientation*

The historic marginalization, criminalization and exclusion of gay, lesbian and bisexual men and women is well documented. We need only consider such things as the criminalization of homosexual sex acts until 1969; the exclusion of homosexual individuals from the civil service; the RCMPs enthusiastic support for the development of the 'fruit machine' to identify homosexuals (Kinsman, 1987: 120-123), as well as the bathhouse raids of the 1980s and 90s when hundreds of gay men were criminalized for consensual sex. Today in Canada, the realization of full legal equality for gay, lesbian and bisexual people (including the right to marry) notwithstanding, we continue to see discrimination by the State in such things as the differential age of consent for anal sex<sup>4</sup> under *Canadian Criminal Code* Section 159.1 and the ongoing ban by Health Canada of the donation of blood and organs by men who have sex with men. Moreover, lesbian, gay and bisexual people continue to experience significant social exclusion, marginalization, discrimination and violence as a result of persistent heterosexist bias and outright homophobia.

### *What does it mean to be a gay sex worker?*<sup>5</sup>

In this section, we examine the experiences of gay sex workers. In our sample, six workers identified as homosexual (five men and one woman) and an additional heterosexual man (Christian) provides services to men. In the opening quote of this chapter, Jamie speaks of her experience as a two-spirited woman and alerted us to the significance of her sexual orientation. This issue emerged in a number of the interviews. For Paul (escort), his entry into the industry was prompted by his 'coming out', *"when I hit 18, I lived on the street because my parents confronted me about being gay."*

Perhaps it is not surprising that during analysis we came to realize that many of the heterosexual workers draw on the language and experiences of gay men and women to make sense of their negotiation of their deviantized identity. Gay participants said much the same thing:

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<sup>4</sup>Under Section 159(1) of the *Canadian Criminal Code* the age of consent for anal sex is 18.

<sup>5</sup> We recognize that not everyone in the sample might have identified specifically as gay. We are using this term to refer to those who identified as same-sex oriented people during our research.

*When I am in there [the sexual health clinic], I am just hoping that I don't have anything. I don't really think about that [disclosing sex work]. It is possible that subconsciously, I don't really want to tell anyone about it. It's an extra conversation; it's like when people find out you're gay: 'oh you're gay?!' and then, what line of questions do they have? It's just so much energy to pour into a conversation and people's judgment. (Paul, escort)*

Michael, demonstrating his ability to transform adversarial experiences, was able to draw on the strength and personal fortitude he had to develop as a gay man, to work through the stigma of being a sex worker. His narrative highlights the intersections and connections between these stigmas and speaks powerfully to costs:

*I feel like, the experience of realizing I was gay, realizing that society in general doesn't like gay people, realizing that there is nothing I could do about it and then making the choice, based on my personal circumstances and privileges, to say fuck it and live as a gay man, publicly, kinda prepared me for the experience of then being a sex worker in a society that doesn't like sex workers. They already didn't like me so what did I have to lose? I don't like encountering judgment, sometimes it hurts but I am still public about it. Does it affect the sense of pride I could have about my work? It's like being gay. Does homophobia affects the pride I could have? The fact that I survived homophobia and that I am still surviving it, makes me more proud. But it takes energy to be proud of yourself in the face of all the messages you get everyday telling you that you shouldn't be proud of yourself. Sometimes, I wonder, if I didn't use all that energy to reaffirm myself despite people trying to humiliate me for what I am, what would I be using it for? What a loss! What a loss that I spend time and energy that I spend part of my spirit and soul repairing the damage that is done just walking through my neighbourhood, that is done by all that stigma and judgment.*

Michael's (escort) reflection on the intersections does not mean that the gay community provides a safe haven. He finds himself marginalized (and therefore potentially isolated) within this community as well:

*The grief it causes though comes from the stigma attached to sex work that I notice amongst gay friends. Some guys get it, but most guys don't get it. Most of them, you can educate. Some, I tell them 'Do you have casual sex?' [...] So many gay guys have lots of casual sex and have pride to have overcome the sex negativity and the shame and have lots of sex and celebrate it, think of themselves as these sex radicals for having the sex they want, the way they want it but as soon as cash is exchanged, they go all puritan again and get all judgmental. I think that's bullshit.*

The implications of intersecting stigmas are not limited to identity and social isolation. Christian, a 46 year-old heterosexual, speaks to the violence experienced by the gay community:

*I would like to talk about the violence that exists towards gay people in the community. A lot of people don't like them and I don't like to see that. The straight people don't see that they have rights too; they are like 'Look at these fucking queers'. It shouldn't be like that. It puts people at risk. People have no respect.*

Simon (masseur) suggests he confronts additional risks because he provides services for men:

*It always will be in this type of work because you never know who will show up, what their reactions will be. Seventy-five percent of my clients are married men, a lot of them who are engaging in MSM<sup>6</sup> contact for the first time, so their reaction can be hard to predict. They could freak out, be in denial, could become aggressive and physical. What is behind that is homophobia.*

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<sup>6</sup>MSM: Men who have sex with men. – originally an epidemiological term used to describe a risk behaviour for HIV, now increasingly used to identify men who have sex with men who do not necessarily identify as homosexual, gay or bisexual.

Michael (escort) finds his ability to turn to the criminal justice system for protection and/or redress is undermined in this context:

*I generally assume that if I was raped by a client and chose to go to the cops about it, how it would unfold would depend on the particular personality of the cops that I happen to come into contact with. I would probably go to the police to try it if it was something as serious as being raped, but I wouldn't go into it with great faith that it would be taken seriously. Because as a gay man who has been physically attacked on the street, these complaints weren't taken very seriously. There would be the added stigma of not only being gay but also a sex worker. [...] It's a disincentive to go to the police because one, you're gay and the police don't take that very seriously and then you are a sex worker and on top of not taking sex workers seriously, a lot of cops think sex workers can't get raped.*

Later in the interview, Michael postulates that his gender and class privilege coupled with intersecting marginalization renders him, a gay male sex worker, invisible and without social support:

*Social services for sex workers are aimed at women and less at men and they are aimed at street-based workers. I don't have a problem with services targeting these populations. [...] What bugs me though is that because of these services being the only ones servicing sex workers, you would think that all sex workers are women and street-based when I have heard that maybe only 15% to 20% of sex workers are street-based. If that is true, that means that 80% aren't. [...] I want to talk to someone who will understand that my needs are different as a gay male non street-based sex worker.*

## *Trans Sex Workers*

As our society is organized around a binary concept of gender, those that transgress this norm experience a multitude of oppressions. According to the Queen's University Human Rights Office: "when there is some ambiguity in gender cues [...] typical responses range from embarrassed silence to violent assaults" (Trans Accessibility Project). These authors define 'transphobia' as "the term used to describe the prejudice and discrimination directed at people who stray from the rigid gender expectations of our society." Oppression experienced as a result of transphobia includes: "constantly being referred to as male when you are female (or female when you are male); being denied housing, employment, medical care or legal protections; or being unable to walk down the street without being insulted or assaulted" (Trans Accessibility Project).<sup>7</sup>

## *How does the marginalization of sex workers and transgender people intersect?*

Lewis et al (2005) report that several of the transgender sex workers they interviewed:

*...reported feeling targeted for violent attacks because of the way they looked and where they worked, and, like the men, they were fearful of being 'gay bashed'. In addition to the stigma associated with their work, they had to contend daily with stigma, harassment and potential violence resulting from reactions to their TS/TG status (2005:158).*

Perhaps it is not surprising that, in light of the marginalization this population experiences, that transgendered individuals who work in the sex industry face a particular cluster of challenges. On this topic Kayla, one of the two transgender women interviewed for this research,<sup>8</sup> is particularly outspoken. Speaking about the situational violence she endured from clients:

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<sup>7</sup> Document available at <http://www.queensu.ca/humanrights/tap/3discrimination.htm>.

<sup>8</sup> The other is transgender woman is Zoë. We did not interview any transgender men.

*When some clients found out I was a guy, they'd freak out 'Oh my god, you're a fucking guy!' I got stabbed a few times; I got hit over the head. It's bullshit. It's a physical challenge because I can take care of myself, but being stabbed is scary.*

In Chapter Five, we spoke of sex workers having their labour activities 'outed'.<sup>9</sup> Kayla reports that police also 'outed' her as a transgender woman. She tells us not only that "some of them [police officers] still use my birth name. They harass me all the time." She also recounts one chilling incident:

*This one time, I got arrested. It was right on Cumberland and the cop car pulls up. I was in a trick's sports car and just sucking him off and then the cops show up, and I was like 'Oh fuck'. So 'You're under arrest' and all, and then the cop turns to the trick and tells him, 'Do you know that's a guy?' and the client goes [gagging and vomiting sounds]. He didn't know and he started puking.*

Ultimately, after enduring years of violence, Kayla, who was denied sex reassignment surgery for health reasons, has made the difficult decision to present as a man in public. She explains:

*When I was passing, I had breasts, I was wearing makeup, I had long hair and all, I was always scared and needed to drink to go out there and work. Now, I just don't give a shit. I just go out and do it. It's not a concern anymore, I don't care anymore. I got stabbed, I got shot, I got smashed over the head with a fucking brick, I got robbed, I got raped. All that because people got confused by who I was and because I am a hooker. I got shot and cut, everything. Now, I don't care anymore.*

## **Sex Work and Substance Use**

The law-and-order approach to substance use favoured by the United States, and more recently also in Canada, has culminated in an increasingly violent, expensive and ineffective 'war on drugs' (Werb et al, 2010). It has also perpetuated the conceptualization of substance users/misusers as criminals and undeserving of compassion. In their research on stigma and substance misuse, Jones et al. (1984) brings attention to an important facet of the stigma that burdens drug users which is the issue of responsibility. When an individual is held responsible for his or her stigmatizing condition, he or she is apt "to be treated negatively and to be viewed unfavourably" (Jones et al, 1984:58). In other words, moral judgments about the 'personality flaw' of people who use drugs become a factor in how they are perceived and then treated by their communities. In this research, CAMH also points out how the ability to resist a stigmatizing label is hindered by one's membership in a low socioeconomic class. Indeed, when associated with people who are poor or "with socially marginal persons, (substance use and misuse) is more likely to be considered deviant than the drug use among the well-to-do."<sup>10</sup>

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<sup>9</sup> According to Alexandre Baril (Phd candidate, University of Ottawa), the use of the term 'outed' is debated in the trans community. The term refers to a discourse including dichotomies such as closet/out of the closet, invisible/visible as well as the concept of 'passing'. More and more critiques are emerging in regards to this concept as a trans person is not 'passing' for the other sex or gender but 'is' of the other sex or gender. This discourse feeds the idea that a trans person is not really a woman or a man but is trying to convince others that she/he is. To address this problem, Julia Serano (2007), a trans activist suggested the more careful language of 'being misgendered' or 'correctly gendered'. In the incident related here, the police officer would not have 'outed' her but misgendered her. If he had said: This woman is a transgendered woman, this would have been an instance of 'outing' but when he said, this woman is in fact a man, he is not outing her but identifying her gender incorrectly. (personal communication).

<sup>10</sup> Schur cited in CAMH, 1999, p. 4.

One of the prevailing myths and stereotypes around sex work is the assumption that most or all workers are habitual substance users/misusers.<sup>11</sup> This myth, like so many of the misconceptions about the industry (as we have seen previously in the report), is reproduced by the police and some community groups. Our research suggests that, consistent with what one finds in the general public, among the sex working population, there is a range of relationships to illicit and legal intoxicants.

### *What is the relationship of sex workers and substances?*

Some of the sex workers we spoke to were, like Sophie (erotic dancer), abstainers:

*I made the conscious decision to not drink any alcohol at work or in my personal life. It is hard sometimes to maintain that go-go-go attitude so I used to drink energy drinks [...]. When I was diagnosed with anxiety disorder, I gave those up and I have to say, it is harder now. I work earlier shifts now and I make less money.*

Janette, a street-based worker, adamantly refuses to use drugs or alcohol and will not associate with those who do so noting that “*even if I had personal friends who were on drugs, I wouldn’t want to hang out with them.*” Others, like many Canadians might do after a bad day at work, have the occasional drink as part of their self-care routine: “*When I do have a date that didn’t go too well, I take care of myself, I go have a drink, I take a shower, etcetera*” (Mia, escort). In other cases workers are careful to avoid substances at work. In order to maximize their safety:

*I smoke pot and I drink wine. But I never smoke or drink before work because I need to keep my wits. I use it to unwind. It doesn’t feel like I use that as a crutch. I smoked pot and drank wine way before I started working in the adult industry. (Samantha, massage parlour worker)*

While Samantha cannot work if she is intoxicated, a few workers found it easier to work if they consumed moderate amounts of drugs or alcohol. Holly, a street-based worker, says, “*I’m a tough girl and I’ve been out there my whole life. And I drink, I call it liquid courage.*”

Some workers find that their relationship to substances has changed over the course of their careers. Adrienne, a street-based worker who no longer uses substances, explains that, “*it used to be because it used to kill the pain,<sup>12</sup> but it’s not really an issue anymore. When you’re doing drugs, you want to have sex and you need the money.*” Christian, another street-based worker, also used to consume substances explaining, “*I was into heavy-duty drugs and I would have needed some support for that: counselling, addiction counselling, support, etcetera. I got out of it by myself but it took more than 10 years.*”

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<sup>11</sup> Of course while some sex workers use/misuse substances, these over-generalizations are highly problematic. As the *Sex Workers Alliance of Vancouver* somewhat cheekily point out: “so are many accountants. Although voluntary drug rehabilitation programs should be open to prostitutes (and accountants), forced rehabilitation seldom works” (SWAV, np:1996).

<sup>12</sup> Adrienne who speaks often in this report is a charming charismatic and very strong Aboriginal woman. The pain she speaks of has deep roots going back to her seriously abusive childhood during which “*my dad, he sold me.*” She is defiantly and proudly, asserting “*I am who I am; I do what I do.*” The reader may recall that it was Adrienne who suggested that the “*the chief [of police] should put it in their training for them to understand who we are and what we’re about.*”



Finally, 14 of the 27 street-based respondents (and one of the indoor workers) did make very explicit links between their substance use/abuse<sup>13</sup> and their sex work. For most of these individuals, sex work is an income-generating activity that allows them to manage. Zoë was very clear to note, *“It supplies my drug addiction. But I don’t do drugs because of the sex work; it’s the other way around. I do sex work because of my drug addiction.”* Only Mallory speaks of using drugs to cope with the stress of sex work, *“it’s one of the factors in the fact that I work on the street. You use after working because of the shame and the embarrassment you know.”* Mallory’s comments remind us again to exercise caution in how we ‘make sense’ of correlations – in this case it is not the work per se but the stigma (both external and internalized) that she identifies as a problem.

### *Are habitual substance using/misusing sex workers really workers?*

We now come face-to-face with a significant question, one that is used to justify paternalistic efforts to ‘save’, rather than support, sex workers: If workers are labouring primarily to pay for licit or illicit substances, does the language of work resonate? Here, a number of issues are worth considering. First, many Canadian have jobs not careers, and these jobs are first and foremost income-generating activities. Certainly the rapidly disappearing<sup>14</sup> ‘good jobs’ to which working class men aspire are prized for their good pay and steady hours – the job may also be personally rewarding but is not envisioned as a vehicle for self-actualization (Dunk, 1991). In short, we are asking; is the motivation for one’s engagement in a particular income-generating activity even relevant? Or is the question itself deeply rooted in class bias?

Second, care must be taken not to over-generalize and infer causality. Certainly, for some workers like Zoë and Beth who, when discussing her drug use, tells us *“that’s why I work”*, the link is self-evident. Other workers, however, challenge this. Lucy (street-based worker) is unequivocal that while substances are a *“problem in my life. But it’s not about sex work. I have been drinking and doing drugs since I was 9 years old so before I ever worked.”* Moreover, she is frustrated with the lack of recognition afforded her work: *“people have to realize that it’s work. It’s hard work mentally and physically. People don’t treat it the same way.”*

Lucy’s last point also brings to mind the feminist imperative to respect the subject position of individuals and appreciate that people are the experts of their own lives.<sup>15</sup> Julie, a shelter-housed street-based worker says: *“I don’t think we should feel ashamed. Sex is sex, it’s work too. We give pleasure which makes me happy at times.”* If drug using/misusing sex workers tell us they are working – to override their voice and define what they are doing as, for example, ‘victimization’ or ‘survival’ (as abolitionists are prone to do) appears questionable at best, forbiddingly arrogant at worst.

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<sup>13</sup> Common substances include opiates either prescribed or purchased on the street (including Heroin, Oxycotin, Percocet, Fentanyl); stimulants (such as crack cocaine, cocaine, Crystal Methamphetamine, Ritalin, etc) or alcohol.

<sup>14</sup> In the face of globalization and the assault on unions that characterized the 1990s (Luxton and Corman, 2001).

<sup>15</sup> This is a well established principle; see for example Smith, 1987 for an early articulation.



That said it is important to recognize how substance use/misuse conditions the work these sex workers do. The research speaks to four significant ways in which it does, all of which speak to constrained options – issues upon which we will reflect again in the coming section on poverty. First, habitual substance use/misuse severely reduces the range of options for generating income. Angela, a 20 year old street-based sex worker tells us *“I do opiates so I need money every day for it. That’s why I do the work. Your body aches if you don’t have it [...] if I didn’t have a drug problem, I would not be doing this.”* Second, in order to purchase their drugs, individuals may require significant amounts of money. For Christian, a street-based worker who no longer uses substances, sex work was an ethical way to amass the funds he needed, *“I never did anything illegal like hold-ups to support my habit so I’d have to work in bars.”* Third, habitual substance use/misuse may also limit workers choices in terms of industry sector. That is to say, the time commitments, scheduling demands, and presentation-of-self expectations of employers renders working in an establishment unrealistic for someone who is using significant amounts of illicit or licit substances. Finally, habitual substance use/misuse may condition labour practices. Zoë (street-based worker) explains this:

*You are out 24/7 on the street. If you are addicted to drugs, you need to be there a lot. If you work to pay bills and buy groceries, you do two or three tricks a week, 150 dollars each and you have enough money to take care of that and feed your three of four kids so you’re not out a lot. If you smoke crack, you suck dick for 20 dollars to 40 dollars and then you go do a puff and then you’re right back for the next one. So you’re out there all the time. It’s more dangerous because you’re always out there.*

As Zoë’s narrative highlights, substance using/misusing sex workers appear to exercise less control of when they work, to whom they provide services, and how they provide those services: *“If I didn’t feed a habit; I wouldn’t be out for three or four days in a row with no break. It would be done differently. I take more risks”* (Britney, street-based worker). In other words, a substance using/misusing worker may be less able to turn down clients and is therefore potentially more vulnerable to violence and even STIs. Rachel (street-based worker) speaks to the times she conceded to a client’s pressure to have sex without a condom: *“It happens. Some will ask and ask and then sometimes, for more money, you give up. I lived on the street for three years and I had no choice but to work.”*

### *What are the implications of the ascribed identity of ‘drug addict’?*

We now turn away from the question of how drugs and alcohol are implicated in sex work and consider the significance of the intersecting marginalizations experienced by individuals who are both sex workers and substance users/misusers.

*As a panhandler, as a crack head, I am always targeted. They would always believe the other person before they’d believe me, you know. They know me so they treat me differently. If there was a crime against me, or if I got raped, or somebody broke into my house, they wouldn’t even come over. They don’t take violence against me seriously, they wouldn’t investigate or look into it. (Faye, street-based worker)*

“The Canadian Human Rights Act defines substance addiction as a *disability*, stating that disability includes ‘dependant on alcohol or a drug’. The courts have held that [...] drug dependence includes dependence on illegal drugs” (Pivot, 2002:15). That said, here in Ottawa there is limited evidence of the consideration, protection and/or rights that should be afforded disabled citizens. Indeed the sex workers who are substance users/misusers find themselves dealing not only with the construction of them as criminal because of their engagement in sex work but, layered over and intersecting with this, also as ‘drug addicts’. In short, they find themselves inhabiting a particularly negative subject location: they become the *‘crack-whore’*. As such they embody the very essence of this intersection.

Beth (street-based worker) who, as the reader may recall, spoke of being called a “crack-whore” by the police officer who turned her away when she appealed for help after being brutally attacked in an alleyway, reflects, “*I don’t walk around calling them pigs! I call them ‘Sir’. Why do they yell ‘crack-whore’ or ‘hooker’ at me when I’m walking around?*”

Peter, an escort, tells of his encounter with the police:

*The drug use, which I link to my sex work, impacts the way I am looked at, more than for sex work per se. I got my jacket pocket cut open by the police once, right in the middle of the street, like I was a complete freak.*

In his interview, Peter takes care to tell his story and in the process, challenge the discourse that would ascribe “master status” on the basis of his substance use:

*They don’t know my story, they don’t know me, they just know that I had needles on me. I raised a family for 12 years. I owned my own home; they don’t see it as a disease, the addiction. They don’t know that whoever you are, it can happen to you. If they had more of an open mind when it comes to this, it would be better.*

Adrienne (street-based worker) suggests that the police hold substance using/misusing sex workers in such disregard that they can be endangered without consideration, “*That one cop, once during a scoop, arrested 29 of us and lined us up, took all of our stuff, our drugs, our clean needles, all of our stuff.*”

As we noted in Chapter Five when we discussed police targeting drug users, this practice undermines harm reduction strategies that have been shown to be effective in slowing the spread of infectious diseases. The risk to the health and safety of this population is increased as a result of stigmatic behaviour, and compounded when health care providers sometimes enact the same attitudes:

*They treat you differently. They already know that I use drugs and when they know that you are a drug addict, they just treat you as less valuable. If you tell them you have Hep C, they know. I am in pain a lot of the time and they won’t give me anything.* (Lauren, street-based worker)

Beth (street-based worker) echoed these sentiments when she says: “*If they [health care providers] know you are using, they don’t treat you well. I’m just a junkie.*”

Ultimately, it is Bianca’s painfully clear statement that best sums up what the intersections mean: “*I live on the street and I am alone working. I use.*” Bianca’s succinct words powerfully speak to living in the intersectional crevices – we see that her homelessness and poverty inform both her sex work and her drug use. It is to this layered space we turn in the final section of this chapter.

## *Class, Poverty and Gender*

Throughout the report, questions of power and privilege have emerged as recurrent themes. In this chapter we saw that sex work intersects with the well-documented oppression and disadvantage experienced by Aboriginal people, homosexual men and women, transgendered people and drug users. Throughout, the issue of poverty has surfaced as a significant variable. It is therefore fitting that we end with some reflections on how class, gender and the distribution of economic resources conditions sex workers’ experience, and how it is implicated in the question of choice.

## *How does class play out in the sex industry?*

Poverty is a significant problem in Canada. In its 2009 report, the *Senate Standing Committee on Social Affairs, Science and Technology* found devastating levels of poverty and noted that: “when all the programs are working, when the individual gets all possible income and social supports, the resulting income too often still maintains people in poverty, rather than lifting them into a life of full participation in the economic and social life” (2009:5).<sup>16</sup> Though obscured in the dominant ideology of classlessness and the myth of meritocracy (Luxton and Corman, 2001), class stratifications not only exist, they are becoming increasingly entrenched.<sup>17</sup> As such they are a significant variable with far-reaching cultural<sup>18</sup> as well as socio-economic consequences. Sex work is not outside of the social order but embedded within it – perhaps then it is not surprising that class and privilege are significant factors that condition an individual sex worker’s relationship to their work, and subsequently how that work is experienced.

Serena, a 25 year old escort who has a university degree in child development and also works as a personal trainer, tells us:

*I am only able to provide for all my basic necessities through escorting. I have two BAs so after six years of school I had racked up close to 37 000 dollars worth of debt and close to 11 000 dollars in credit card debt. Through escorting, I am now down to 15 000 dollars OSAP debt and zero credit card debt. That is the only way that I can maintain some kind of existence and getting further ahead especially since everything costs so much money. Daycare for my son alone costs me 1 200 dollars a month.*

Care must be taken not to superimpose class onto sex work sector into a simplistic hierarchy that effectively juxtaposes ‘high-class escorts’ to ‘lower-class street-based workers’. In fact, the relationship is considerably more nuanced – some street-based workers are working class individuals, others are middle class. For example Sarah (street-based worker) subsidizes her income as a ‘meter-maid’ with street-based sex work. She explains: “*I rent a hotel room and then, when it’s finished, I go back home.*”

Our comments above notwithstanding, some workers are part of the underclass – in fact while not all street-based workers are members of the most disadvantaged segment of society, the most economically marginal sex workers are street-based. When we compare Serena’s (escort) narrative above to that of Alice (street-based worker) who tells us, “*If I want a beer, I have to go work because I don’t have that money*” or Zoë, who says “*nobody can accept what I am. If I suck dick for a T-bone steak or for a puff of crack, 99% of the people don’t understand people like that,*” differential relationships to the work are brought into sharp relief.

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<sup>16</sup> In 2004 more than 11% of the population was living below the poverty line. For unattached individuals, the average low income gap in 2004 was \$6,100 meaning that it would take \$6,100 of annual income before the individual would reach the poverty line (CCSD, 2006).

<sup>17</sup> According to a 2007 Statistics Canada Report not only that “Canada’s middle class, defined by income, became smaller during the 1990s, while incomes became more polarized” but that this trend in family market-income inequality extends back at least to the late 1970s” (Canada, 2007).

<sup>18</sup> One’s class location is not just about economic resources but about possessing social and cultural capital and access to discursive resources conditions the relationship to work by positioning. It is also about symbolic capital – significant in conditioning the legitimacy and social status afforded to one’s voice in the public sphere (Bourdieu, 1984).

In short, while only 5 to 20% of the sex industry is street-based (Canada, 2006:5), and not all street-based workers are über-marginalized, there is a population of particularly socially disadvantaged and disenfranchised workers who are precariously housed, may be substance users/misusers and socially isolated. For many, their only income (beyond the money they generate in the sex industry) is the Ontario Disability Support Program (ODSP) or Ontario Works.<sup>19</sup> Here we are not talking about relative deprivation but a level of poverty most Canadians would find unimaginable. Christian (street-based worker) tells us “*I have been poor my whole life. That 1 285 dollars was the most money I had in my entire life and I am 46 years old!*” Christian poignantly speaks of his dream of living “*in one of those apartments with a balcony. In my own place, not in someone’s house, renting a room. I’m sick of sharing bathrooms and kitchens. I just want my own little bachelor.*” These individuals rely on the tattered social safety net and flounder. Asked if she has adequate funds to meet her daily needs, Alice tells us “*I never do. Thank God for drop-ins and food banks.*”

This population of hyper-marginalized sex workers are not poor because they are sex workers; they are poor people who are sex workers. As such, they are social agents making choices within the conditions of possibility available to them. That said their range of options is extremely restricted, their choice is constrained. This brings us to the next question.

### *How do class and gender factor into choice?*

Labour market choice must be understood within its broader socio-economic context. The last several decades have seen a number of significant trends, many of which are being exacerbated by the most recent economic downturn. We are referring here to the global transition towards disorganized capitalism and the subsequent economic restructuring that resulted in an expansion of the service sector, a rapid increase in non-standard and precarious forms of labour and an erosion of labour rights (Lash and Urry, 1987:298). For women, who comprise an estimated 80% of the sex industry,<sup>20</sup> the situation is particularly bleak. Women, who continue to be ghettoized in sales, service and clerical occupations (Statistics Canada, 2000), and are disproportionately employed in non-standard and precarious labour arrangements (part-time, unprotected), have found their economic position diminished. According to a Canadian Labour Congress Report, “in 2005, [...] women working full-time for the full year earned an average of 39 200 dollars, or 70.5% as much as comparable men who earned an average of \$55,700. In the mid 1990s, such women earned 72% as much as men” (CLC 2008:1).

Within the context of these constraints, women are choosing to work as cashiers at McDonalds, as Wal-Mart greeters, or as sex workers. None of these choices deny that these individuals have agency and are making decisions for themselves, they merely affirm that choice is constrained and that the allotment of those constraints is not evenly distributed across all classes of society.

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<sup>19</sup> In 2009 Ottawa, Ontario Works provided a single person with \$585 per month. Individuals who are eligible for Ontario Disability Support Program (ODSP) receive 1 040 dollars per month. It is worth noting that the last time disability benefits were raised in Ontario was in: 1993. The increase in the cost of living since 1993 is approximately 18%.

<sup>20</sup> This statistic by Allman (1999) is an estimation that is consistent with that of other scholars, however in a criminalized and marginalized labour sector such as the sex industry it is evidently difficult to estimate numbers. The Parliamentary Subcommittee on Solicitation Laws also accepted that 20 to 25% of the industry is men (Canada, 2006:10).

## *What are the implications when poverty and sex work intersect?*

Individuals who inhabit the liminal space where poverty, sex work and marginality on the basis of ethnicity, gender identity, or drug addiction intersect, live out that intersectionality in a myriad of ways every day. This has emerged throughout this report in reference to basic needs, social judgment, police action, violence, health needs, social support and labour structure. Here we present just five concrete and interconnected examples:

Britney (street-based worker), who is currently housed, speaks of how her inability to secure a safe place to sleep pushed her to work in a manner that increases her vulnerability to violence: *"I went to shelters at times and sometimes, I'd show up and they wouldn't have a place for me. So instead of having to sleep on the street, I'd just keep working. I could work many days in a row."*

Not only are these workers' labour practices conditioned by their precarious location at the crossroads of marginality, but their choice as to industry sector is severely restricted as well. In practice, they are excluded from more lucrative indoor sectors,<sup>21</sup> which are also considerably less dangerous. Working as an independent in-call worker is evidently outside of the realm of possibility for someone who is homeless or precariously housed. So is working as an escort, which necessitates consistent Internet access. Michael describes his escort business as: *"administratively, it takes a long time. Emailing back and forth can take a lot of time."*

This brings into sharp relief just how unrealistic such a proposition would be for Bianca (street-based worker) who lives *"on the street right now so, it's pretty difficult."* Not only does Bianca have, at best, sporadic access to the Internet in public spaces, engaging with the time consuming aspect of managing the administrative side of escorting is simply not viable for a woman for whom *"housing is obviously the biggest thing on my mind so it's hard for me to think of anything else."* This is not to say that Bianca has no political discourse; she goes on to say:

*But in the big picture, legalizing prostitution would be it. It would make me safer, richer. I would be a normal citizen. I wouldn't have to worry about the embarrassment. Not have to worry about people telling me that I'm not supposed to be there, to move on. Not worry about the police, not worry about people wanting me to be in jail.*

In other words, these workers can choose to do sex work, but cannot choose how they work. As a result of this severely constrained choice, they are exponentially more likely to come to the attention of law enforcement. Zoë (street-based worker), is aware of this noting: *"It's not like working on the Internet and being an escort where you're not on the street for everybody to see you so they arrest you."*

Michael, a part-time escort well-acquainted with the intersection of whorephobia and homophobia, is nonetheless highly cognisant of his relative privilege and articulates his outrage:

*So I do think that it's an abuse of power that a certain segment of the sex industry is being targeted more than others. Obviously, I am not suggesting that all areas of the sex industry should be targeted, but it is an abuse of power if you create laws but you only apply them to poor people.*

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<sup>21</sup> Here we have Serena, an escort who speaks of the money she can expect from an hour of work: *"I have a car now and I make 400 dollars a call now and it all goes to me"*, which goes to show the gap with outdoors workers who speak of quick and less lucrative encounters: *"If you smoke crack, you suck dick for 20 dollars to 40 dollars"*. (Zoë, street-based worker)



As a result, it is this population that is “*always in jail. It’s so tiring [it is because] they recognize you*” (Julie, street-based worker). Of course the implications of this vigilant policing extend beyond the human rights abuses they endure and the incarceration these workers experience. It can have a real impact on an individual’s ability to subsist. In principle, residents of Ottawa who live below the poverty line have the right to services including food banks and emergency housing (i.e. shelters).<sup>22</sup> Individuals who have been red-zoned as a bail or probation condition are in practice denied access to these essential services:

*I got probation, red-zones which was all downtown, which is ridiculous. Some of the streets in my red-zone I had never been on. Then it also means that I can’t go to the shelters and food banks and stuff like that.* (Beth, street-based worker)

Criminalization for sex work traps individuals in cycles of poverty. Individuals like Lucy with her “163 trespassing tickets”; like Jamie whose criminal record undermined her ability to keep a ‘straight’ job; like Rachel who “*would like to go back to waitressing at night, but I have a criminal record.*”

## *Discussion*

In this chapter we have considered the intersections and seen some of the ways this can condition the experience of sex work. We end with some reflections on the implications of neo-liberal discourses that render these struggles invisible. Within the context of the individualization and responsiblization discourse that characterizes our neo-liberal society, people are conceptualized as (equally positioned) choice makers who are accountable for the decisions they make. In other words the disadvantaged can be blamed for their plight on the basis of their poor choices; and those who are well-positioned can perceive themselves to be entitled to their privilege (Rose, 1999). What is obscured, and therefore rendered invisible, is social inequity. Moreover, all too often, when socio-economic and structural factors are exposed as being implicated in the disadvantage of certain populations, they quickly become understood as deterministic which effectively denies the agency of marginalized social actors. It behoves us to appreciate that while social actors are agents using the ‘tools at hand’ to the best of their ability, it is, however, socio-structural factors that determine the range of options available. In other words, individual choices are constrained; people make choices but not in the conditions of their own choosing.

## *Summary of Challenges of Intersecting Marginalizations*

- Some sex workers’ marginalization and stigmatization is compounded by, and intersects with, other social stratifications premised on, for example, ethnicity, sexual orientation, gender identity, substance use and cultural, social and economic capital. These individuals profoundly live layered systems of oppression (structural and interpersonal racism, and/or homophobia, and/or transphobia and/or classism etc.). Their experiences (the depths of which we have barely touched upon in this chapter) speaks to the need for the sex worker rights movement to build alliances, to engage and to collaborate with other social movements as we mobilize for real and meaningful social change that respects the complex intersections of oppression.

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<sup>22</sup> See the Social Planning Committee for Ottawa’s Poverty reduction Strategy at [http://www.spcottawa.on.ca/poverty\\_reduction\\_eng](http://www.spcottawa.on.ca/poverty_reduction_eng)





# CONCLUSION

The research started with POWER's need to understand the situation of a wide cross-section of the sex working community in the Ottawa region. To this end we undertook a qualitative research project in which we interviewed sex workers across labour sectors. Recognizing that sex work is not work like any other because it is criminalized, stigmatized and marginalized work, we were motivated to understand the significance of the context and how it plays out in the lives of workers. In the report you have just read, we have endeavoured to foreground the voices of those workers as they 'speak out' and in the process produce the 'thick' textured descriptions that are the hallmark of qualitative research.

Throughout, we have positioned our findings in relation to the empirical Canadian research and considered the insights of these authors. In the end, we found ourselves back where we started. And while we have 'fleshed out' what it means to work in the Ottawa area sex industry and certainly realized a more profound and global understanding, in many ways our findings confirm what others have said before – the context in which sex work occurs is at the root of the challenges sex workers confront. Indeed it is the only logical way to *respectfully* reflect what sex workers say.

The issue is complex and rather than attempt to summarize the findings, and in the process obscure the very nuance we took pains to highlight, this short concluding chapter provides a point of entry to the 'Call for Action' that follows.

First, sex workers are *criminalized* for providing consensual sexual services – something that *is not criminal*. As we have seen, this ambiguous situation has very real and multifaceted consequences for workers. Of particular concern is that, in practice, the criminalized context renders workers *more* vulnerable to sexual, physical, and economic violence by undermining their strategies to work in security; prohibiting them from working in relatively secure indoor locations; undermining their ability to negotiate labour conditions with their employers; excluding them from accessing their human and labour rights; denying them police protection; excluding them from judicial avenues of redress; by 'justifying' social profiling, and dramatically increasing street-based workers vulnerability to police misconduct. The current law, while not solely responsible for, is certainly complicit in, the denial of human, labour, and social rights to which sex workers, like all workers in Canada, are entitled.

Second, sex workers are *stigmatized* and there is widespread whorephobia. It is this moral stigma and the cluster of associated stigmatic assumptions that positions sex workers not only as 'other' and not like us, but as a threat and even a toxin (or perhaps a more accurate metaphor, as a cancer) to be eliminated from the social body. As a result, the people working in the sex industry are, for example, subject to concerted efforts of community banishment; are obliged to hide their occupation for fear of judgement and rejection; and are unable to speak candidly with their health providers. This stigma is powerful and pervasive – evident in the media (that foreground workers' labour, ignores the complexity of their lives, and normalizes the violence), and in public discourses (that responsabilize workers at the same time as they denies their agency) and in the 'discourse of disposal' that constructs sex workers as unwanted, unmissed, and ultimately disposable (Lowman, 2000). When stigmatic assumptions are embedded in law enforcement policies and practices it gets played out in social profiling and subsequent over-policing. When stigma is also embedded in State regulatory policies the resulting structural stigma (Hannem, forthcoming) is not only oppressive in its own right but a powerful legitimization of the (mis) information upon which the stigma is premised in the first place.

Third, there is individual, community and structural marginalization and the liminal grey zone sex workers inhabit. It is here that the threads of stigmatization and criminalization intersect. We see this exclusion from meaningful participation in social and economic life when sex workers are denied housing, are evicted, or are unable to secure financing because they cannot prove income. We see this when workers cannot transition out of the industry because of a criminal record, or because their skills are not transferable, or because they are unwilling to disclose for fear of rejection. We see this when sex workers are silenced by researchers who speak over and for them, by courts that dismiss them as ‘unreliable witnesses’, and by communities that deny their membership. We see it when sex workers are denied their rights, because structural barriers undermine their ability to advocate on their own behalf, or because exercising those rights engenders vulnerability to criminalization and stigmatization, or because their truths are dismissed and they are simply not believed. We see this when sex workers are vulnerable to victimization, because aggressors target them with virtual impunity, or because they are pushed to dark and isolated areas, or because law enforcement police but do not protect.

In the end the threads of criminalization, stigmatization and marginalization are intertwined – we come full circle. It is not that the challenges identified in this report are *inherent* to sex work; it is the way our society chooses to regulate the trade, which is informed by stigmatic assumptions and the ‘discourse of disposal’ (Lowman, 2000); which are in turn are legitimated by the laws that are its embodiment. These laws then not only criminalize multiple aspects of sex workers’ lives but further stigmatize those who engage in the trade. Ultimately these processes culminate in a profound marginalization and social exclusion that has a significant impact on sex workers’ private and professional lives.



# CALL FOR ACTION

POWER calls for:

## *Immediate Actions*

- A moratorium on the enforcement of sections 210-213 by the Ottawa Police Service.
- An end to the over-policing of Ottawa street-based sex workers, including an end to “street sweeps” targeting sex workers and the “john letter” program targeting clients.
- The development of meaningful channels of communication between sex workers and police

## *Mid-term Actions*

- An end to ‘social profiling’ of actual and suspected sex workers by police.
- An end to the imposition of ‘red-zones’ on sex workers by the courts and police.
- The development of effective avenues for sex workers to access police services when their safety is in jeopardy and criminal justice redress when crimes have been committed against them.
- The development of meaningful channels of communication between sex workers and others who share the geographic community in order to facilitate dialogue and create forums where sex workers and other interested parties can collaboratively create communities that are safe for all.
- The development and implementation of specific sensitivity training modules for criminal justice personnel including police officers, health care and social service providers, and the media to facilitate sex worker access to essential public services and to begin to address the structural and interpersonal stigma sex workers face.
- Public education aimed at demystifying sex work and sex workers to the general public, in order to reduce the stigma, isolation and discrimination sex workers face as a result of whorephobia.
- The establishment of sex work positive safe spaces where sex workers can access services, rest and socialize.

## *Long-Term Actions*

- The repeal of sex work-related provisions in the Criminal Code, sections 210-213
  - The development of alliances with other social justice movements to envision strategies that will address the unique cluster of challenges of sex workers who experience intersecting marginalizations.
  - The meaningful inclusion of sex workers in the development of programs, policies, regulations and legislation addressing any aspect of sex work at the federal, provincial, and municipal levels of government.
- Nothing about us without us!*





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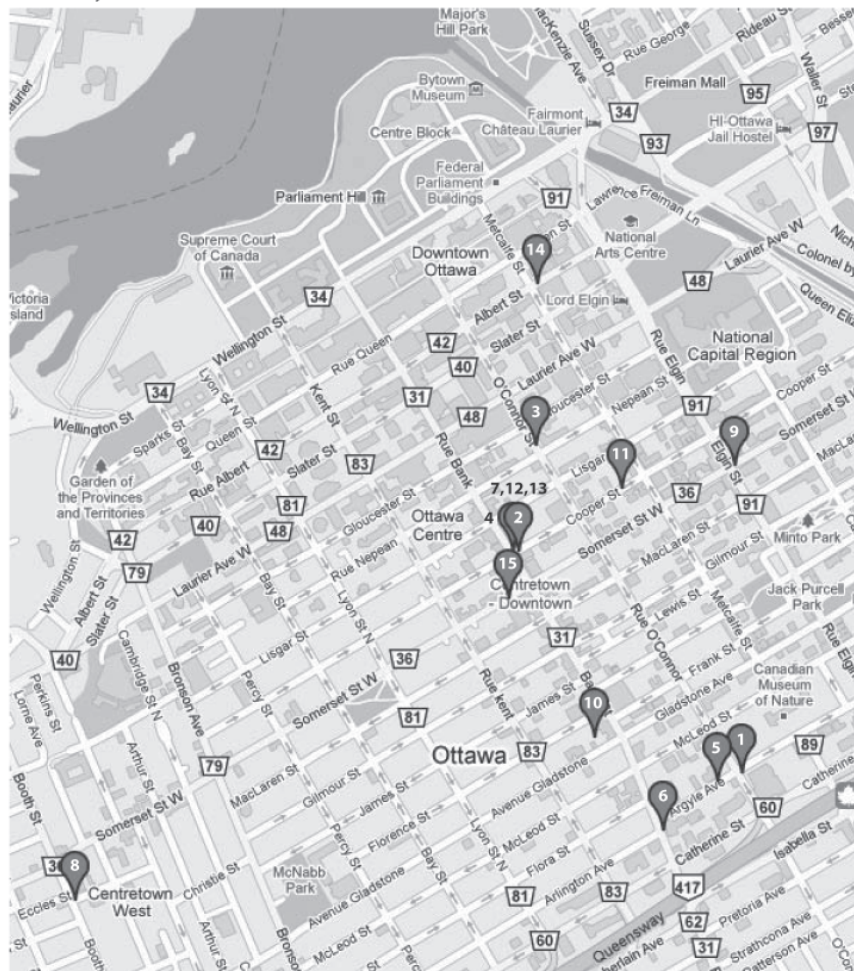
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# APPENDIX: Common Red-zones in Ottawa

## Centertown Resources

Gladstone-Centertown  
Queensway-Somerset-Bronson-Preston



### 4 Centertown Community Health Centre

420 Cooper

#### Services Provided

- Medical drop-in clinic
- Doctor's appointments
- Anonymous HIV testing
- Gay zone Gaie
- Legal advice clinic
- **Support Services**
  - o Life skills workshops
  - o Identification documents clinics
  - o Identification of community resources
  - o Workshops with a focus on physical, emotional and mental health
  - o Diabetes education
  - o Cooking groups
  - o Prenatal classes

### 5 Immigrant Women Services Ottawa

219 Argyle Street

#### Services Provided

- **Support Services**
  - o Counseling for immigrant women and women of color
  - o Support Services for abused immigrant women and their families
  - o Housing Help
  - o Employment help

### 6 Centre 507

507 Bank Street

#### Services Provided

- **Practical Support**
  - o Drop-in Center
  - o Meals
  - o Needle exchange program
  - o Referrals
  - o On site flu shot clinics, foot care clinics, and testing for HIV, TB and hepatitis
  - o Social events
  - o Street outreach
- **Support Services**
  - o One-on-one personal support
  - o Referrals and advocacy with other service agencies
  - o A money management program
  - o Placements as cooks and cleaners within the centre
  - o The 507 Job Bank
  - o Cooking classes and nutrition on a budget
  - o Resume-writing
  - o Managing emotions
  - o On the job training
  - o Crafting

### 1 YMCA and Shenkman Residences

180 Argyle Avenue

#### Services Provided

- **Emergency Shelter**
  - o Women
  - o Families
  - o Youth
- Domestic Violence Program
- Second Stage housing for youth
- Licensed child care
- **Support Services**
  - o Employment
  - o Enterprise
  - o Newcomers

### 2 Pink Triangle Services

251 Bank street

#### Services Provided

- Support Services for all gay, lesbian, bisexual, trans, two-spirited and queer (GLBTQ) individuals in Ottawa
- Educational Services for GLBTQ individuals in Ottawa
- Advocacy Services for all GLBTQ individuals in Ottawa

### 3 Cornerstone

172 O'Connor

#### Services Provided

- Emergency Shelter for homeless women in Ottawa
- Supportive Housing for women



## 7 AIDS Committee of Ottawa

251 Bank Street

### Services Provided

- **Support Services for people living with or closely affected by HIV**
  - o Support and Advocacy: Individual and Group offered
  - o Health Promotion and life skills information sessions/workshops
  - o Crisis support
  - o Referrals to health and social services
  - o Legal clinics and workshops
  - o Housing support
  - o Prison phone support
  - o Peer-led support groups such as Survive to Thrive, African-Caribbean Women's Support Group, Youth Group and Harm Reduction Group
  - o Population-specific socials for gay men, women, children, straight men and the francophone community
  - o Monthly community kitchens
  - o Nutritional meals during socials and support groups, as well as holiday dinners
  - o Practical services include access to food bank, laundry machines, internet and computers, phones, fax/photocopying, subsidized YMCA memberships and harm reduction supplies
  - o Learning Centre where people can access online tutorials and workshops on various topics
  - o Complementary therapies
  - o Fun activities like summer BBQs, movie outings etc.
- **Prevention and education services**
  - o Information workshops for participants as well as service providers
  - o Peer-led support groups
  - o Resource development
  - o Outreach including distribution of condoms, syringes and crack kits (street/prison/online/bars/health fairs, etc)
  - o Health promotion initiatives
  - o Systemic advocacy

## 8 Somerset West Community Health Center

55 Eccles Street

### Services Provided

- **Health Services**
  - o Ongoing primary health care
  - o Referrals for addiction treatment
  - o Needle exchange and safer inhalation program
  - o Walk-in Clinic
  - o HIV testing
- **Support Services**
  - o Individual counseling
  - o Women's counseling
  - o Crisis intervention
  - o life-skills training
  - o educational and support/self-help groups
  - o long term case management
  - o housing support
  - o Referrals

## 9 The Well

154 Somerset West

### Services Provided

- **Practical Services**
  - o Free clothing boutique
  - o Free light breakfast and hot lunch
  - o Access to shower and laundry facilities
  - o Practical support (personal hygiene)
  - o Drop-in center for women and their children
  - o Literacy group
  - o Wheelchair accessibility
  - o Haircuts, nail care and footbaths
  - o Computers, Internet, Telephone, Fax access and computer instruction
  - o Emergency food
- **Support Services**
  - o Housing outreach
  - o Housing referrals
  - o Personal support
  - o Peer and group support
  - o Crisis intervention
  - o Advocacy and referrals
  - o ODSP application support
  - o 12 steps

## 10 Salvation Army Gladstone Community Church

391 Gladstone Ave

### Services Provided

- Drop-in hours
- Street health nurses
- Foot care
- Referrals
- Counseling

## 11 Housing Help

309 Cooper Street

### Services Provided

- Housing support
- Information and assistance
- Tenancy questions
- Advocacy
- Homelessness crisis support

## 12 Bruce House

251 Bank Street

### Services Provided

- House Program
  - o Housing for PHAs who require high levels of care and support
- Independent Living Program
  - o Rent-geared to income housing units
  - o Counseling
  - o Coaching
  - o Family support

## 13 Planned Parenthood

251 Bank Street

### Services Provided

- Education on sexual and reproductive health choices
- Counseling
- Referral services

## 14 Legal Aid Ontario

73 Albert Street

### Services Provided

- Legal Aid services

## 15 Ontario Addiction Treatment Centers

401 Somerset West

### Services Provided

- Methadone Maintenance Program
- Addiction Counseling
- Regular Medical follow-ups
- Post-methadone treatment



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# Resources and Agencies in the Market

Market:  
Laurier to River to Sussex to river



## 1 Oasis 221 Nelson Street, Ottawa

### Services Offered

- Medical services for people living with/at risk of/affected by HIV and Hepatitis C
- Social services for people living with/at risk of/or affected by HIV and Hepatitis C
- Assistance is offered to those who encounter barriers to services because they have mental illness, use street drugs, are homeless or are involved in the sex trade.

### Features

- o Drop In Centre
- o Medical staff,
- o Counseling,
- o Health card assistance
- o Dietician
- o Street health outreach
- o Needle exchange services
- o Complementary care.

## 2 Shepherd of Good Hope

3-256 King Edward Avenue

### Services Offered

#### - Support Services

- o Soup Kitchen
- o Grocery Program
- o Clothing Program
- o Evening Drop-In
- o Christmas Hamper

#### - Shelter Services

- o Emergency Men's Shelter
- o Women's Hope Outreach
- o Hope Recovery
- o Managed Alcohol Program
- o Street Community Outreach Team
- o Supportive Living Services
- o Housing options – various levels of support

## 3 Brigid's Place

78-80 Nelson Street

### Services Offered

- Transitional Housing for Women moving from Emergency Shelters
- Support Services offered to those who encounter barriers to services because they have mental illness, use street drugs, are homeless or are involved in the sex trade.

## 4 The Ottawa Mission

35 Waller Street

### Services Offered

- Emergency shelter 203 hostel beds
- Meal Services 1100 nutritious meals daily to residents & community members.
- Shower Facilities
  - o Free toiletries
- Clothing Program
- Family Grocery Program
- Treatment Program and Addiction Counselling
- Home hospice
  - o Housing and care offered to homeless individuals with terminal illnesses
- Free Health Care Services – for the homeless or at risk of being homeless
  - o Walk in Clinic – primary care
  - o Dental Clinic – emergency care

## 5 Center 454

216 Murray Street

### Services Offered

#### - Drop In

- o Support Services
- o Social and Recreational Activities for those who are homeless or at risk of homelessness

#### - Individual Support

- o Housing
- o Relationships
- o Parenting
- o Employment
- o Addiction
- o Anger Management
- o Mental health

#### - Group Support

- o Addictions
- o Reintegration
- o Harmony Six Program - peer support for people with mental illnesses

#### - Practical Support Program

- o Laundry
- o Shower Facilities
  - o Free Toiletries
- o Telephones, mail and message service, and fax availability
- o Free socks & underwear, seasonal clothing, sewing & repair services.

## 6 Centre Espoir Sophie

145 Murray Street

### Services Offered

- **Francophone Drop in**
  - o Services to Marginalized Women
  - o Emotional support
  - o Meals
  - o Workshops
  - o Recreational Activities
- **Practical Support Program**
  - o Food Cupboard
  - o Peer Assistance Program
  - o Outreach Services
  - o Laundry
  - o Shower Facilities
  - o Hair Salon
  - o Computer, Telephone and Fax Services

## 7 The Salvation Army Booth Center

171 George Street

### Services Offered

- Emergency Shelter
- Short and Long Term accommodations
  - o Residential Programs
  - o Addiction
  - o Intermittent Sentencing
  - o Mental Illnesses
- Support Services
  - o Meals
  - o Counselling
  - o Housing
  - o Street Outreach

## 8 The Anchorage Program

175 George Street

### Services Offered

- 24-bed facility that offers rehabilitation to men suffering from drug and alcohol addiction.

## 9 Downtown's Food Bank Location

165 George Street

### Services Offered

- Bank provides 43,000 people each month with emergency food assistance, 40% of users are children.

## 10 The Sexual Health Clinic / Public Health Site Office:

179 Clarence Street

### Services Offered

- Sexual Health Clinic
  - o Free counseling on healthy sexuality
  - o Information on STIs (sexually transmitted infections) and contraception,
  - o Free testing for STIs,
  - o Free treatment for some STI's,
  - o Confidential or anonymous HIV testing, rapid HIV testing,
  - o Emergency contraception (ECP) and affordable contraception
  - o Pregnancy testing & options counseling,
  - o Pap testing
  - o Hepatitis A & Immunization
  - o Free condoms and resource materials
- SITE - The City of Ottawa's Clean Needle Syringe:
  - o Access to harm reduction equipment
  - o Health education to promote safety and minimize risks associated to substance use
  - o Referral (e.g. to addictions treatment services or social service agencies).

(SITE is an effective mandatory health program, which has been in operation since 1991. The availability of these programs have been deemed a necessary public health measure to prevent the spread of communicable diseases, primarily HIV and Hepatitis-C virus, and to minimize the risks associated with substance use in society.)

## 11 Youth Service Bureau (Downtown)

147 Besserer Street

### Services Offered

- Drop in for youth 12-20 years of age, who have complex needs, and are homeless, unstably housed or living on the street.
  - o Daily Lunch
  - o Workshops
  - o Recreational Activities
  - o Young Women's Space
  - o Aboriginal Crafts
- Practical Services
  - o Shower Facilities
  - o Laundry Facilities
  - o Telephone
  - o Needle Exchange Program and other Harm Reduction Services
- Support Services
  - o Outreach
  - o Employment Support
  - o Anger Management
  - o Needs Assessment
  - o Short-term Counselling
  - o Referrals
- Medical Walk for Youth
  - o Sexual Health Nurse
  - o Dental work
  - o Testing

## 12 Operation Come Home

179 Murray St (office) /

Besserer St (Drop-in)

### Services Offered

- Drop In for Homeless Youth age 16 – 30
- **Support Services**
  - o Supported education and Employment Program
  - o Social Enterprise Assistance
  - o Street Outreach
  - o Emergency Services
  - o Assistance in reuniting runaway youth and their families.

## 13 Center 510 (Shawenjeagamik (House of Compassion) Aboriginal Drop-In Centre)

510 Rideau Street

### Services Offered

- A secure and culturally appropriate space for Aboriginal peoples
- **Support Services**
  - o Life Skills Workshops
  - o Financial Management
  - o Hygiene
  - o Self Confidence
  - o Time Management
  - o Nutrition
  - o Team Work and Cultural Teachings
  - o Referral Services
    - Health centers,
    - food banks,
    - Housing,
    - Addiction centers
    - Employment services
  - o Crisis Intervention
  - Suicide Prevention
  - Counseling Services

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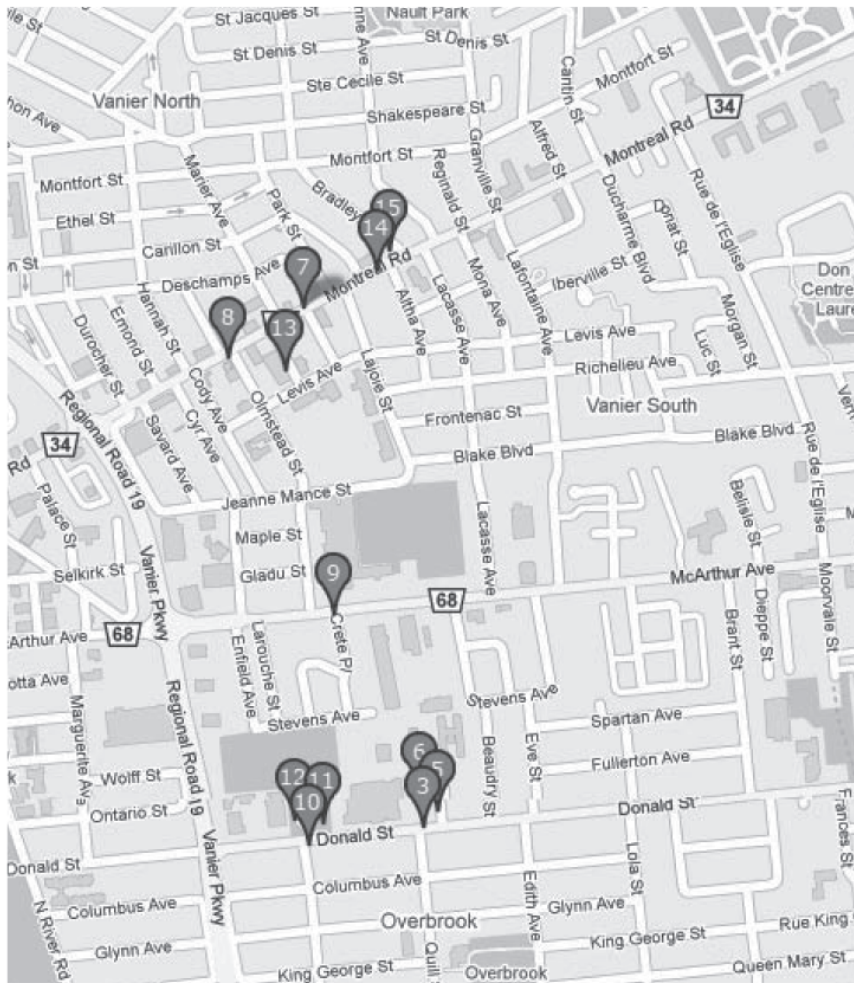
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# Vanier Resources

Vanier: River to River  
St-Laurent-Queensway



## 1 Buns In the Oven Ottawa

780 de l'Église St

### Services Provided

- Support services for Pregnant teens and high-risk pregnant women

## 2 Centre psychosocial Vanier

150 Montreal Rd E, Ste 300

### Services Provided

- Health Services:
  - o Mental Health Services assessments, consultations and treatment
  - o Treatments and therapeutic interventions: individual, family, parenting, play therapy, sexual abuse, group, intensive, field interventions
  - o Les Petites frimousses" child care centre: preventive childcare
  - o Integrated Crisis Service
  - o Mental health crisis line

## 3 Centre Moi j'apprends Ottawa

235 Donald St, Ste 226

### Services Provided

- Educational and support services
  - o Literacy and Basic Skills program: assistance to obtain employment
  - o Workshops in writing
  - o Introduction to computers
  - o Job preparation
  - o Self-management
  - o Home management
- Family literacy program
  - o Parenting skills workshops
  - o Educational packages and workshops on helping children in school

## 4 Catholic Family Service Ottawa Ottawa

310 Olmstead St

### Services Provided

- Social Services for individuals and families
  - o Counseling programs (individual, couple, family and group /Newcomers, victims of torture, sexual abuse survivors, adults from dysfunctional families
  - o Therapeutic, educational and problem solving groups
  - o Workshops and presentations
  - o Individual and group level advocacy
- Family Violence program for
  - o Francophone women victims of domestic abuse
  - o Early intervention program for children witnesses of partner abuse / Group for mothers
  - o Intensive program for women who have experienced sexual abuse or incest as adult or children
  - o Transitional support program for women and children
  - o New Directions Program, educational program for abusive partners
- Child and youth witness support program for trial processes

## 5 Children At Risk Ottawa

235 Donald St, Rm 212

### Services Provided

- Training and Support Services
  - o Friendship Social Skill Therapy Groups: to children with Autism
  - o Intensive Behavioural Training Groups: to Autistic children with higher behaviour requirements
  - o Sibling Support Groups
  - o Half-day science camp: march break, Christmas holidays, summer
- Educational Services

## 6 Coopérative Horizon emploi Inc. Ottawa

235 Donald St, 2nd Flr, Rm 263

### Services Provided

- Employment Support
  - o Job placement agency
  - o Job creation projects
  - o Training
  - o Integration into the workplace
  - o Post-employment monitoring

## 7 Focus Vanier

261 Montréal Rd, Ste 206

### Services Provided

- Prevention program for drug and alcohol abuse and related problems
- Information and prevention of risks for youth in Vanier schools
- Public awareness initiatives

## 8 Ottawa Independent Living Resource Centre Ottawa

214 Montreal Rd, Ste 401

### Services Provided

- Support Services for individuals with disabilities
  - o Information and referral
  - o Peer support
  - o Empowerment Skills Development
  - o Research and Development (consumer control, cross-disability focus on upgrading existing services and new services)
- o Direct Funding (Program enabling adults with physical disabilities to become employers of their own attendants)
- o Individual Advocacy
- o Youth Empowerment
- o Transition Support program

## 9 Ottawa Inuit Children's Centre (The) Vanier

230 McArthur Ave, 1st Flr

### Services Provided

- Cultural relevant programs for Inuit children
  - o The Sivummut Head Start program: half day program for Inuit children to teach children about their Inuit culture
  - o School readiness programming
  - o Healthy food / traditional food
  - o Field trips
  - o Social events
- Support services
  - o Parenting classes
  - o Parenting workshops
  - o Home visits
  - o Individual family support
- Educational and cultural services
  - o The Inuit Family Literacy program: literacy circles, elder story telling, Scrabble Night, parent and child circles, parent workshops.
- The Tumiralaat Childcare program
  - o Full day childcare
  - o Cultural activities
  - o Field trips
  - o Nutritious food, traditional food
  - o School readiness programming
- The Youth Central program
- Bridging the Gap program
  - o Cultural training for school staff
  - o Support and workshops for parents
  - o Referrals and support for children

## 10 Emergency Food Program Ottawa

225 Donald St, Ste 120

### Services Provided

- Food program / Food bank

## 11 Overbrook-Forbes Community Resource Centre

225 Donald St, Ste 120

### Services Provided

- Support Services
  - o Intake and crisis intervention
  - o Information and referral
  - o Short-term counseling
  - o Community development services
  - o Child-parent drop-ins
  - o Emergency food program
  - o Youth counseling
  - o Youth drop-ins
- Integrated Social Services from various partner agencies on site
  - o Community health promotion
  - o Home support for Francophone seniors
  - o Home management
  - o Budget counseling
  - o Help with parenting
  - o Counseling
  - o Income tax clinics

## 12 Snowsuit Fund (The) Ottawa

225 Donald St, Unit 134

### Services Provided

- Collects and distributes new and nearly new snowsuits \* used coats, mitts and scarves also available

## 13 Vanier Community Service Centre Vanier

290 Dupuis St

### Services Provided

- Support Services
  - o Crisis intervention
  - o Information and referral
  - o Short term counseling
  - o Baby cupboard
  - o Community Development
  - o Food bank
  - o Employment services
- Programs for children and families:
  - o Early Years Centre: playgroups and monthly activities
  - o Toy Lending Library
  - o Vanier Circle of Care: support group for mothers of children up to 6 years old
  - o Family Outreach: respite program for lone-parent families
  - o Home Instruction for Parents of Preschool Youngsters (HIPPIY)
- Practical support
  - o Millennium Learning Centre: Offers free access to computers and the Internet.
  - o Contact Ottawa: voice mail box services for those who are unable to maintain a home phone line.
  - o Legal Clinic
  - o Income Tax Clinics during the income tax season.

## 14 Wabano Centre for Aboriginal Health Vanier

299 Montreal Rd

### Services Provided

- Aboriginal community-based health care centre for First Nation, Inuit and Métis Peoples.
  - o Integrated holistic approach to health and wellness
  - o Contemporary medical model of health care complemented by traditional Aboriginal teachings and healing practices
  - o Family physicians by appointment
  - o Walk-in clinic and laboratory services
  - o Anonymous HIV testing and counseling
  - o Perinatal care
  - o Health promotion/education: diabetes, Fetal
  - o Alcohol Spectrum Disorder, cancer, smoking cessation
- Support Services
  - o Client advocate
  - o Cultural services
  - o Child and family art therapy
  - o Community development
  - o Community kitchens
  - o Counseling: addictions, individual and family therapy
  - o Youth programs: Wolf Pack, homework support, youth diversion outreach
- Homeless outreach and needle exchange program
- Inter-generational cultural program (for youth and seniors)

## 15 Walk-In Medical Clinics

292 Montreal road

- Vanier Medical Centre

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