

Labor on the Margins

SEX INDUSTRY
Safety and Stabilization



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Labor on the Margins

Foreword

Labor Standards and occupational health and safety have been the rights of Canadian Workers for over 100 years. The sex industry and its workers have however never enjoyed the privileges of being acknowledged for providing a safe work space or been able to complain about dangerous conditions. This has forced the system at large to impose what it believes is right for sex industry workers with disastrous results for decades in the BC/Yukon region.

In the Vancouver area from the 1920's all the way up until the early 1970's the sex industry enjoyed peaceful and profitable times. The industry for the most part existed in what were called "Supper Clubs" where a lonely gentleman could be entertained with a nice diner, an escort to keep him company, and a Las Vegas style exotic dance performance. Dancers, escorts, cigarette girls, waitresses, and bartenders all worked together under one roof. A community where everyone worked within their own physical boundaries and relative to today in safe, stable and supportive work environments. In 1973, the Penthouse Show Lounge was shut down and the owners, the Philiponi Family, charged with living off of the avails of prostitution for allowing the escorts to come to the club to meet customers. As a result, NO supper club owners in Vancouver were willing to work with escorts anymore. Immediately, the visible street level trade in Vancouver emerged and the first recorded murder of a sex worker in Vancouver took place, a direct result of a well meant action taken without clear understanding of the sex industry and without any consultation with the community affected sex workers. In 1985 the federal criminal code law revisions governing sex work had equally disastrous effects seeing the mortality rate of Vancouver sex workers jump 500%. In 1990/91 the City of Vancouver threatened Downtown Eastside Hotel owners with criminal charges and the loss of their businesses for allowing sex workers to use hotels rooms on an hourly basis. The hourly room rentals allowed sex workers to be safe and at least wash after entertaining a client but with the City applying pressure the hotel owners were no longer willing to do business with sex workers. This left nowhere for sex workers to meet their clients except for the dark, isolated industrial area down by the Port of Vancouver. The number of sex workers going missing jumped sharply in that year and since 2 serial murders have been arrested for killing and torturing Vancouver sex workers. Once again a direct result of a well meant action causing prolific harm to Vancouver sex workers through the loss of this relatively safe work environment. Recently the targeting of Health Enhancement Centers and increased enforcement against Exotic Show Lounges has once again jeopardized the safety of Sex Industry Workers. The need for a community based process through which the sex industry can govern itself and have input to its future and stability has never been more urgent.

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Section One:

About the British Columbia Coalition of Experiential Communities

The British Columbia Coalition of Experiential Communities (BCCEC) is a consortium of sex worker activists who work to eliminate the oppressive systems and forces that create harm for individuals in the sex industry. We operate under the principle that members commit to creating an environment of inclusion.

We support diverse perspectives and experiences except where they contribute to harm of sex workers. The BCCEC does not support enforcement or rehabilitation models that either promote the continued criminalization of sex workers or sex worker dependency on social programs.

Our Mission

The BCCEC is a mechanism for the voices of experiential communities to:

- influence legislation and policies that pertain to sex workers to become inclusive of their goals and desires;
- advocate for a continuum of peer driven programs, initiatives and services.

The BCCEC may also serve as a:

- consultative body of expertise on sex work issues;
- Host organization for sex worker workshops, events and initiatives; and
- Research and data collection body.

Philosophy and Guiding Principles

The BCCEC:

- Supports and promotes experiential leadership;
- Supports development of essential services and a continuum of services for active sex workers through class advocacy, media response and public awareness;
- Creates a supportive network for sex worker activists to have opportunities for leadership and action on issues that impact their lives and the well being of their communities;
- Works to ensure the fundamental recognition of human rights for sex workers including dignity, safety, equality, and empowerment;

Guiding Principles

The following Guiding Principles reflect the collective and longstanding activism of BCCEC members who have worked and will continue to work to eradicate racism, poverty, sexism, and violence by every practical means possible. BCCEC

principles are built on our experiential analysis of sex work issues and are intended to advance dialogue and activism within the coalition and within our communities.

We value, embrace and mobilize the authentic experiential knowledge, leadership and skill sets of people in the sex trade as the vehicle towards change;

We work to ensure opportunities for self-advocacy among people in and from the sex trade;

We work to open dialogue for the reduction of harm and the elimination of the social, economic, and political conditions that lead to the survival sex trade, sexual slavery and trafficking in persons;

We provide access to our expertise and our published materials to stakeholders in the BC/Yukon region and beyond!

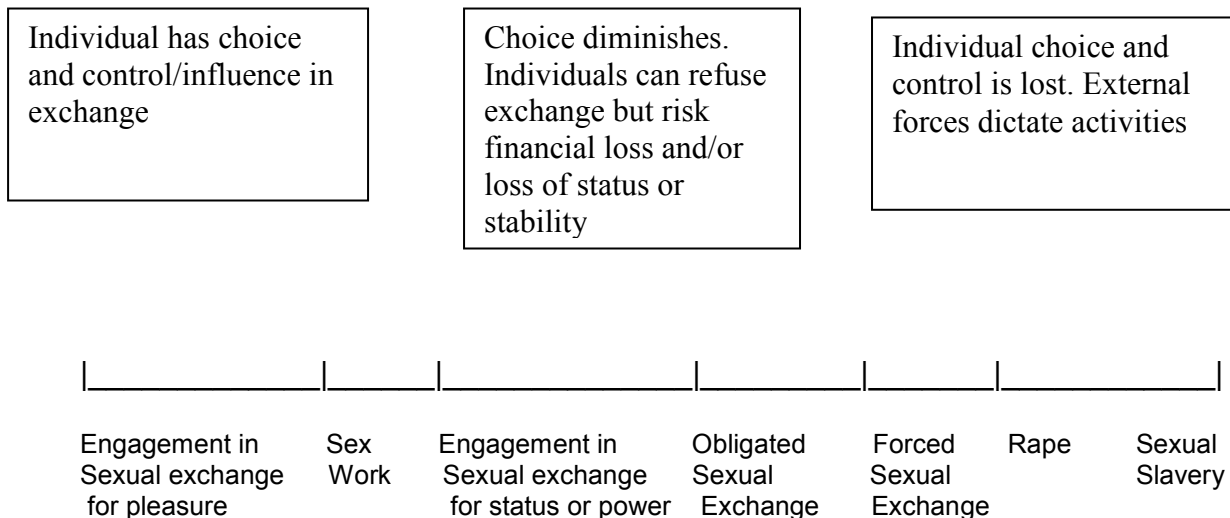
Section Two

Continuum of Sexual Politics

The BCCEWC has developed the following definitions and Continuum of sexual exchange to illustrate the breadth of sexual exchange and where choice falls in relation;

- **Sex Work:** Sex work is defined as the exchange of sexual services for remuneration where both parties consent and negotiate the details of the transaction.
- **Survival Sex:** Survival sex is defined as a state in which an individual lacks the opportunity to refuse work. Consequently, a survival sex environment is one that minimizes or eliminates a workers right to refuse work and otherwise imposes emotional or psychological pressure forcing the surrender of will. Self determination is subsequently lost.

Graphic Representation



Section Three

Project Background and Rationale

During the “Developing Capacity for Change Project”-coop development work shops, workers expressed how a trade association and a branding or certification process could support safer work conditions over all and stabilize the existing safer indoor venues that exist now. The development of occupational health and safety training was also seen as a way to give people entering and in the sex industry the tools to make safe decisions about their work. It was agreed that all stake holders including business owners and consumers should be engaged to contribute to the design of the future of our industry.

Currently a charter challenge is underway to bring down the laws governing sex work. This action will only be successful if as an industry we can prove our ability to self govern and police ourselves. In the next 10 years we must agree to respect each other and treat each other with dignity. This will be an enormous task but an absolutely necessary one none the less. If we cannot demonstrate the ways in which we have traditionally maintained the stability of our industry, the system at large will most likely impose whatever laws it sees fit and we as an industry will be faced with another disaster.

With this in mind, the BCCEW/C set out to engage sex industry workers in beginning the process and determining whether or not there is industry support for such an action and what the structure of such an organization might look like.

Section Four

First Meeting-Initial consultation with BC Federation of labor.

After taking into consideration the huge number of the factors and stakeholders involved in bringing stability to the sex industry, it was decided that further exploration of what it would take to see these ideas to fruition was required. An initial meeting was held between BCCEW/C members and John Weir from the BC Federation of Labor to discuss how best to engage the sex industry and increase sex worker knowledge of union building, it's history and it's benefits.

Discussion

What do you hope to achieve through Union Organizing?

- To stabilize workers ability to negotiate transaction within their personal boundaries.

- To stabilize the Industry and create more jobs within the safer indoor work venues.
- To impact the safety of survival sex workers through education
- To give new sex industry workers and business owners the tools to make safe and ethical decisions when entering the industry or opening a business.
- To give consumers away to determine which sex industry workers and businesses support safe and healthy work environments.
- To implement minimum standards for businesses and acknowledge businesses who already do support healthy standards.
- To design a certification process including a seal/branding and a complaints process based on labor law, human rights and occupational health and safety standards.

Describe the purpose of organizing a union in terms of;

Services

- health and safety training development and implementation
- information and support for new workers and veterans about the industry and its different opportunities from people in and from the industry.
- centralize sex industry specific information and support for all stakeholders
- increase community education about the industry and health services
- standardize training for new workers taking pressure off of business owners
- implement a complaints process for all stakeholders to receive fair treatment and be protected from bad business practices as well as to protect good businesses from being wrongly accused of bad practices.
- Offer standardized materials such as contracts, and training manuals

Advocacy

- Act as a go between or liaison for the sex industry and the system at large who have traditionally made blanket assumptions about the sex industry resulting in disastrous damage to the health and safety of ALL community members.
- Ensure businesses that support the health and safety of their employees are acknowledged, supported and defended from increased enforcement or scrutiny.

- Ensure that sex industry employees are supported in court for criminal offenses or supported through the complaints process when they have made a complaint or are the subject of a complaint
- Protection of confidentiality of any stakeholder engaging in due process. Do we want to support collective bargaining?

Benevolence

- Group medical plan
- Pension Plan
- Scholarship Fund
- Emergency fund

Do you have the membership base needed to accomplish these goals?

- more and more sex industry workers and business owners are coming forward to be heard
- confidentiality will be key in making it safe for all stakeholders to take part
- how are we going to keep people engaged and unified?
- we will have to make sure all stakeholders feel they have been heard honored throughout the process.
- It will mean a lot of work for the core group and development team but it must happen in order for the laws governing the industry to fall and re determined by the industry itself.

Note: There needs to a communication strategy to educate the public about organized crime and the impacts of the war on drugs or organized crime on sex industry workers.

Does your Trade Association need to be incorporated?

A union or trade association is not a legal entity. Incorporation as a not for profit society is the general approach of most union/trade associations to ensure transparency and accountability for the union to its membership but is not mandatory.

Meeting Wrap Up

The meeting wrapped up with John Weir outlining his ideas for presentation to the group as follows;

- history of unions and union building

- risks and benefits of union building
- information on a variety of industry association and trade association models so the group may decide where we must begin and our ultimate goals.

Section Five

Second Meeting- Engagement of Sex Industry Workers

A group of 8 sex workers and 2 BCCEW/C members were engaged to formalize the Industry Association Development team. A meeting was held and the BC Federation of Labor Union Development specialist presented to the group.

John Weir-BC Federation of Labor Educator

- Group should decide whether to form our own labor organization or join an existing one;
- Consider working and living conditions for workers;

History

Labor unions existed as early as 3000 BC.

- Consists of people with a common set of interests and contribute collectively to the benefit of all involved;
- People organize around occupation, e.g. the Silversmiths guild who work together to improve their trade;
- In the 1500's people worked waged labor under the Feudal system. Most were part of a guild;
- They ran cities, farms etc
- They trained others through Apprenticeship-hands on learning;
- Protected Intellectual property: new manufacturing ideas; techniques and skills developed by guild workers; they also set labor rates so that there would be standard minimum rates for products and services; Benevolence: governments did not provide pensions and benefits. Guilds provided resources to elderly, widows, and children and provided specialized medical services. Also provided resources for people to travel to find work.

What do unions do- A historical perspective:

1. Apprenticeship;
2. Protect Intellectual Property;
3. Set labor rates;
4. benevolent services: care for the elderly; widows, children; medial services
5. Travel funds for employees to find other work

Organizing Principles:

1. Crafts- people sell a product
2. Industrial- represents people in an industry;

Guilds

Guilds have split into communities of interest. What do people have in common? One guild was corporate and one was trades. Guilds became the companies of the future and the ones with money lobbied the government to wipe out the guilds that represented the workers. In Britain it was a hanging offence to be part of a union. Workers would organize for collective bargaining and would set the rates for their labor.

*Workers did not want to compete with each other for wages and not undercut others into poverty.

Employers have historically wanted to de-legitimize unions and they were illegal in the west until 1936 and would deport people. This is the time that labor received legal legitimacy.

Unions Today

Industrial- negotiate standards that are based in equality of all

In Crafts- a base line wage is set for an actor but based on talent there is a rising scale. Not one size fits all solution. But everyone shared pension and meals and standard hours etc.

- Can only bargain with one employer at a time, e.g. Escort agencies- would have to negotiate with one agency at a time;
- Must have continuity and members that stay around unlike farm workers because they work for a few months and leave. No membership base;
- What would define community of Interest for workers in the sex industry: decriminalization or safety is prominent issues. Other things can be of interest like retirement, medical. Can have clinics specific to health needs of workers;
- Intellectual property for things written or crafts and items created through the cooperative.

Membership:

- Do we want broad based membership organization: or do we want to have a small group?
- If we want to be political we need to have membership;
- Unions are not a legal entity and not incorporated under society's act;

Idea:

- Can eventually ask agencies to buy into “standard minimum rules” and then urge them to support workers in RRSP and nest egg for when they leave and safety issues.

Guild Organizing:

- Must ask what do people have in common? Some unions have special sub-organizations so that all members are in groups and have things in common.

Group Discussion:

Workers in the industry need safety and security. We need to do mapping of what the industry is now and what is needed.

The Occupational groups:

- Porn,
- Webcam;
- Male hustlers;
- Exotic dancers;
- Trans-workers;
- Urban street
- Rural street
- In call
- Out call
- Massage
- Booking human
- Security personnel
- drivers

After the mapping process, we need to define what the needs of all groups are and discover what the commonalities are, e.g. Safety. Don't want to have to spend time on fights among each other. This will hopefully demonstrate to all stakeholders that there is common ground where we can begin stabilization.

Sex Industry

Labor Standards

-Stabilize Jobs

Trade Association Seal of approval; could promote workers who do not rob dates and who agencies provide safe places to work and occupational health and safety training. This would allow consumers to distinguish ethical businesses and workers.

Guilds or Sub Organization for separate industry professionals

A Sex Industry Federation of Labor:

- Is an umbrella organization that has craft unions under each one? For example the BC Federation of labor is organized by sect. Sue says that there should be one over all organization whose purpose is to stabilize and bring our industry together. If there are no businesses, then there are no jobs and no need for craft unions to evolve.
- The Federation can be a place that supports constituents to self-actualize and provides the bridge between different craft unions, each other and business owners.

Unions can get so general that they do not represent the issues of their workers. The Federation may focus on health and safety. Porn may want to focus on royalties from their films; security guards may have different concerns.

Also may need specialized services for workers medical issues or Post Traumatic Stress Disorder.

Some want to be inclusive of the men who are bartenders, drivers and security. They may have concerns or insights that are common to the industry and relevant to health and safety discussions.

Branding of agencies and workers by the Federation with the kiss seal of approval is useful for both buyers and sellers; compliance function.

- Agencies and workers voluntarily comply with the seal and what it stands for;
- What does it mean and what does the seal stand for. What are the standards that all agencies and workers will agree to;
- What are the consequences;
- We must have a system to investigate complaints;
- Monitor establishments that provide space for workers to work;
- then regulate the membership: but members must have certain qualifications and competency;
- Then consumers: if we were to monitor consumers there may be administrative fairness issues. Organizations have a tough enough time monitoring their own members

Check out the WCB as most of the people that are named as independent contractors actually have employment relationships. Check out what the requirements are for independent contractor.

This system of branding seems to have the potential to provide the self policing aspects of our industry association and would not likely exclude many business owners most of whom already subscribe to standards above what we would require for certification. The businesses who do not meet these standards

are few and have caused wide spread harm to the industry and its workers. Establishing which venues are ethical and which are not will be a starting point for protecting long standing safe work spaces from increased enforcement and action by the greater community.

Meeting Wrap-up

The meeting wrapped up with the group agreeing that;

- The meeting wrapped up with the group agreeing that the industry itself must be stabilized first in order to ensure jobs are available in the safer indoor venues.
- The group also agreed that the up coming project “Trade Secrets” (occupational health and safety training for sex industry workers and consumers) would be a great way to begin the process.
- It was decided that the Industry Association model with the craft unions or guilds underneath as members would be the best template for the sex industry.

Section Six

Actions/ Recommendations

The following actions and recommendations emerged as common themes from dialogue with all stake holders including consumers, business owners and workers.

Establish a consortium of sex industry stakeholders to develop an Industry Association and negotiate where there are areas of commonality. i.e. violence, consumer theft, health and safety, and industry stability.

Relevance

Sex Industry Workers

- Stability for the sex industry means jobs and safe places to work. If the industry bands together behind some basic minimum standards, the greater community will no longer be able to attack business owners arbitrarily. This will mean fewer closures of these businesses and more places to work. The systematic vilifying of business owners has lead to the loss of most safe work options for sex industry workers and pushed some workers to chose work options beyond their personal physical boundaries (17 show lounges have closed in the last couple of years and forced some exotic dancers to chose other forms of sex work such as escorting) The minimum standards aspect will mean that workers can distinguish which businesses are good to work for and which may not be. The Industry

Association will provide a tool for sex industry workers to make safe decisions about their work.

Sex Industry Business Owners

- Stability for the sex industry means a business owner's lively hood and hard work will no longer be subject to uninformed scrutiny by police, license inspectors, and so called "good will" groups promoting the abolition of the sex industry.) History has shown us how the greater community has targeted business owners and cast them as pimps, abusers, traffickers and "organized crime". An Industry Association could de-mystify our industry and advocate on behalf of longstanding businesses that have provided safe and stabile work environments distinguishing them from those who may be of a less honorable cast. New business owners could also be educated on the minimum required standards and ensure a level playing field for all.

Sex Industry Consumers

- Stability for the sex industry means that consumers will be able to engage sex workers use a business's services secure in the knowledge that they will be treated with dignity and respect and be able to engage in these activities safely. Also, a consumer would be able to support ethical business practices and the businesses that uphold them.

Greater Community outside of Sex Industry

- Stability for the sex industry means that the greater community will no longer have to wonder about conditions within the industry or be forced to impose uninformed actions against it. Through development of minimum standards and occupational health and safety training the greater community can be comfortable in the knowledge that sex industry workers are being given the tools to make safe decisions and have safe places to work.
- This will remove the burden of sex industry governance from people whose actions have historically (for more than 100 years) had disastrous effects for the safety and quality of life of Vancouver's sex industry workers.
- The greater communities concerns are generally centralized around the street level sex trade. The public sex acts, violence, unwanted advances from consumers and condom mess reflect the lack of safer indoor jobs in the sex industry. The systematic removal of these safer indoor environments must be halted to stem the number of workers entering the dangerous street level trade. It is hoped that through education and

industry stabilization the numbers of sex industry workers working in harmful conditions will dramatically decrease.

Develop Standardized Health and Safety Training for Sex Industry Workers and consumers in partnership with ALL stakeholders including business owners.

Relevance

Sex Industry Workers

- Standardized Health and Safety Training will give sex industry workers clear and concise information about their work. It will give them the tools to make safe decisions about engaging business owners, engaging consumers, safe sex, their emotional health, and about finding support should they need it.

Sex Industry Business Owners

- Standardized health and safety training would mean business owners could prove they had provided their employees with the information necessary to work safely. Most business owners do provide training for employees and are very conscious of the safety of their workers. However, they have never been able to demonstrate their attention to this most important aspect of the sex industry. Through a standardized training system developed in partnership with ALL stakeholders (including business owners) these ethical, safe and healthy business practices could be recognized and supported.

Sex Industry Consumers

- Standardized health and safety training will also include information for consumers. Because of criminalization, consumers have been cast as somehow dysfunctional, rapists, and perverts. This makes it difficult for them to ask for information about their sexual health and the risks involved with engaging in the sex industry. This will provide consumers the tools to make safe decisions when purchasing sex industry services. Also, consumers engaging sex industry workers or businesses who are members of the industry association can be assured that the workers are well versed in safe and healthy sex work practices.

Greater Community outside of Sex Industry

- Standardized health and safety training will allow the greater community to be confident that all sex industry stakeholders have been given the tools

they need to protect their health (including exiting and support services), safety and stability while engaging in the sex industry.

Develop and implement a certification process in partnership with all stakeholders to stabilize and promote sex industry businesses (inclusive of independent workers as businesses). Design an industry association seal or brand to distinguish those businesses that support and have received certification for the negotiated health and safety standards and training.

Relevance

Sex Industry Workers

- Developing a certification process in partnership with all stakeholders will allow sex industry workers to ensure their concerns and insight are addressed and included. An industry association seal will allow workers to distinguish which businesses support safe work environments and support the minimum negotiated standards.

Sex Industry Business Owners

- Developing a certification process in partnership with all stakeholders will allow business owners to ensure their concerns and experience are included, that the process is accessible and within reason as far as the operation of sex industry businesses. An industry association seal would allow businesses to distinguish themselves in the market for consumers and potential employees as businesses who support safe work environments and the minimum negotiated standards.

Sex Industry Consumers

- The industry association seal will allow consumers to make ethical choices in the sex industry businesses they choose to support.

Greater community outside of Sex Industry

- The industry association certification process and industry association seal will allow the greater community to make informed decisions about any actions taken against the sex industry. Blanket assumptions about our industry and the businesses engaged in it from the past have had disastrous results for our industry. The certification and seal will protect those businesses that do support health and safety from being targeted and allow the greater community to support actions in relation to the sex industry from a better informed perspective.

Design a complaints process and penalty system in partnership with all stakeholders to provide a system of self governance and enforcement for the sex industry.

Relevance

Sex Industry Workers

- Sex workers have never had a way to report unethical business owners or dangerous business practices. A balanced system of investigation and penalty would begin to stabilize the health and safety of sex industry workers and eliminate the increasing number of dangerous working environments emerging as a result of our industry being pushed further and further underground.

Sex Industry Business Owners

- Sex Industry business owners have also never had a way to complain about industry workers who take advantage of their good business practices or steal clients. This would allow these problems to also face due process and protect business owners from these types of behaviors.
- Business owners would also be able to protect themselves from industry workers making false allegations about their business practices.
- A process of self governance and enforcement would take these issues out of the hands of the greater community and prevent decisions being made by an outside party with no understanding of our history and traditions. This would mean the police, license inspectors and “end the sex industry” groups would no longer have the power to completely disrupt our lively hoods and jeopardize our safety.

Sex Industry Consumers

- Sex industry consumers have never been able to lodge complaints about bad service or business practices except in the on-line forums where “service providers” are reviewed. Offences like being robbed or noticing a worker appears to be too young are difficult to report due to the stigma and close scrutiny an investigation can bring on the consumer himself.
- A community based process which ensures the confidentiality of complainants will allow this process to work without harming peoples personal lives and stability.

Greater Community outside of Sex Industry

- The greater community has always felt the need to carry the burden of policing our industry. Through this confidential, community based process

this will no longer be necessary. Businesses that go beyond what is reasonable (marketing youth, trafficking persons) can be identified and prosecuted without causing widespread de-stabilization of the entire industry.

Support the formation of craft unions or trade guilds for all aspects or jobs within the sex industry.

- The **Sex Industry is as diverse** as the people who engage in it and encompasses more than actual one on one physical contact sex work. There are many job choices within actual sex work and there are also all of the support positions. This is an Industry and all employees' health, safety, and job security are important. Once the industry is stabilized and self governing different craft or trade guilds could form to support issues specific to different sex industry workers and businesses.
- **Sex Work Diversity**- some of the identified genres of sex work were; Exotic Dancing, Web Cam work, pornography, massage, escorts, male hustlers, phone sex, and on street sex work.
- **Sex Industry Support Staff**- some examples of support staff were; booking girls, dj's, waitresses, bartenders, bouncers, camera people, make up people, producers, film editors, computer experts, security guys, drivers, and costume makers.
- These work specific guilds could allow **dialogue** between more experienced and less experienced workers and improve knowledge specific to their individual work. The sharing of knowledge would allow sex industry capacity to increase over all.
- The Industry Association could act as a bridge between these craft unions should any issues arise between them and facilitate reasonable negotiation between all sides.

Establish a system of communications between the sex industry and those agencies who have traditionally had the role of policing or monitoring the industry such as the police, license inspectors and social work/ support agencies to prevent misunderstandings about safety issues within the industry.

These agencies have taken action against the sex industry with disastrous effects in the past. A system through which these actions can be vetted by or scrutinized by the industry itself is necessary to prevent these problems repeating themselves in the future. The lived experiences of sex industry workers, consumers and business owners are key to actions that will have meaningful and sustainable impacts on the safety of the entire community.

Section Seven: Graphic representation of Industry Association Model

Sex Industry Association
For the stabilization, promotion and safety of
the sex industry

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Section Eight: Acknowledgements

The BCCEWC would like to thank and acknowledge the sex workers who shared their knowledge and insight with us during this project.

We would also like to thank the Canadian Heritage Foundation for generously funding these activities and Simon Fraser University, in particular Shanti Besso and Alex Stursberg for their tireless efforts supporting sex workers in Vancouver.

And we would like to thank the BD Federation of Labor and John Weir for supporting sex worker safety and stability and for showing great patience with us as we learned about the benefits and history of Union building.