



Editorial

Editorial: Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation: Current Issues and Policy Implications

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1. Introduction

The impetus behind this Special Issue emerged from a quest to move beyond binary thinking in the contemporary period about people who sell sexual services, including recent disputes about “sex trafficking vs. prostitution” and “criminalization vs. decriminalization”, to encourage theoretical and empirical scholarship by exploring how sex work actually operates under different regulatory regimes. By doing so, I assume that global capitalism is our current reality. However, capitalist societies do not treat sex work in a uniform manner, nor do they integrate and/or exclude them and other marginalized groups in the same way. In particular, the laws and regulations shaping the organization of sex work have a crucial impact on public policies that empower or disempower sex workers and create the conditions that improve or worsen their health, safety and social rights. Social science research that manages to capture the voices of sex workers about their working conditions, the extent of exploitation they experience in their economic contexts and what they want in regard to state protection, and social rights more generally, is both germane and timely. Additionally, studies that clarify the conditions of labor exploitation and willing participation in sex work, and studies of the intended and unintended effects of policy, are pertinent. This Special Issue invited submissions that report on these interrelated issues.

The call for papers yielded contributions from scholars of different social sciences backgrounds, based in five countries: New Zealand, the United Kingdom, Brazil, the United States and Canada. While the article topics range widely, and both quantitative and qualitative research methods are showcased, two core issues unite the scholarship included. I examine these matters briefly below before describing how the contributors extend our knowledge base to date.

2. Crosscutting Themes

2.1. Prostitution, Sexual Exploitation and Sex Trafficking

Across most countries today, the “prostitution problem” is viewed as an issue of “sexual exploitation” of women perpetrated by men (Coy 2012; Farley 2006). Kathleen Barry (1979) conceptualized the problem as “female sexual slavery”, which involves “controlling women through the sex-is-power ethic, either directly through enslavement or indirectly using enslavement as a threat that is held over all other women” (p. 194). As such, radical feminists do not distinguish between victims of sex trafficking and prostitution, as both are considered forms of enslavement. The argument understands prostitution as fundamentally based on unequal gender relations, therefore, there should be a “moral limit” to capitalist markets, so men are banned from purchasing women’s sexuality (Satz 2010). Even if in a minority of cases women do consent to engage in prostitution, most prostituted women experience overwhelming harm (Dempsey 2010). Most recently, the representation of this problem has focused on “sex trafficking” of prostituted women across borders,

where they are forced into prostitution against their will (Miriam 2005). Sex trafficking “sustain[s] and perpetuate[s] patriarchal structural inequalities” (Dempsey 2010, p. 1733). The assumption is that prostitution and sex trafficking are concurrent and, thus, permitting the purchase of sexual services undermines the principle of sexual consent itself (MacKinnon 2011).

In short, placing the terms prostitution, sexual exploitation and sex trafficking alongside one another suggests they are referring to the same phenomenon and have similar consequences for those involved. However, is this actually the case? Alternatively, can this “problem” be thought about otherwise (Bacchi 2009)? What silences are revealed if we place this moral reasoning to an empirical test (Benoit et al. 2019)? In addition, what if we ask sex workers themselves what they think?

If we conceptualize prostitution along a continuum of social-economic exchanges between the seller and buyer that range from more or less forced to free, we create the conditions for studying commercial sex as an income-generating activity where labor exploitation is possible, both within the work relationship and at the structural level. The latter is due to multiple intersecting forms of social inequality (including gender, class, race, sexuality, age, geography) that characterize contemporary capitalist societies (Benoit et al. 2019). I offer a conceptual framework—Figure 1: Determinants of Labor Exploitation in Sex Work—as a potentially useful tool for examining, comprehending and acting on the manner that gender overlaps with other relevant factors, resulting in unique incidents of oppression and privilege. This framework demonstrates how we approach the historical conditions of colonial domination (Kempadoo 2021), and interacting distal, proximate and structural factors linked to different degrees of labor exploitation in sex work (Benoit et al. 2020a). The framework shows that the diversity among sex workers is significant and cautions against regarding them as similarly exploited (Benoit et al. 2017).

Conceptual Model: Determinants of Labor Exploitation in Sex Work

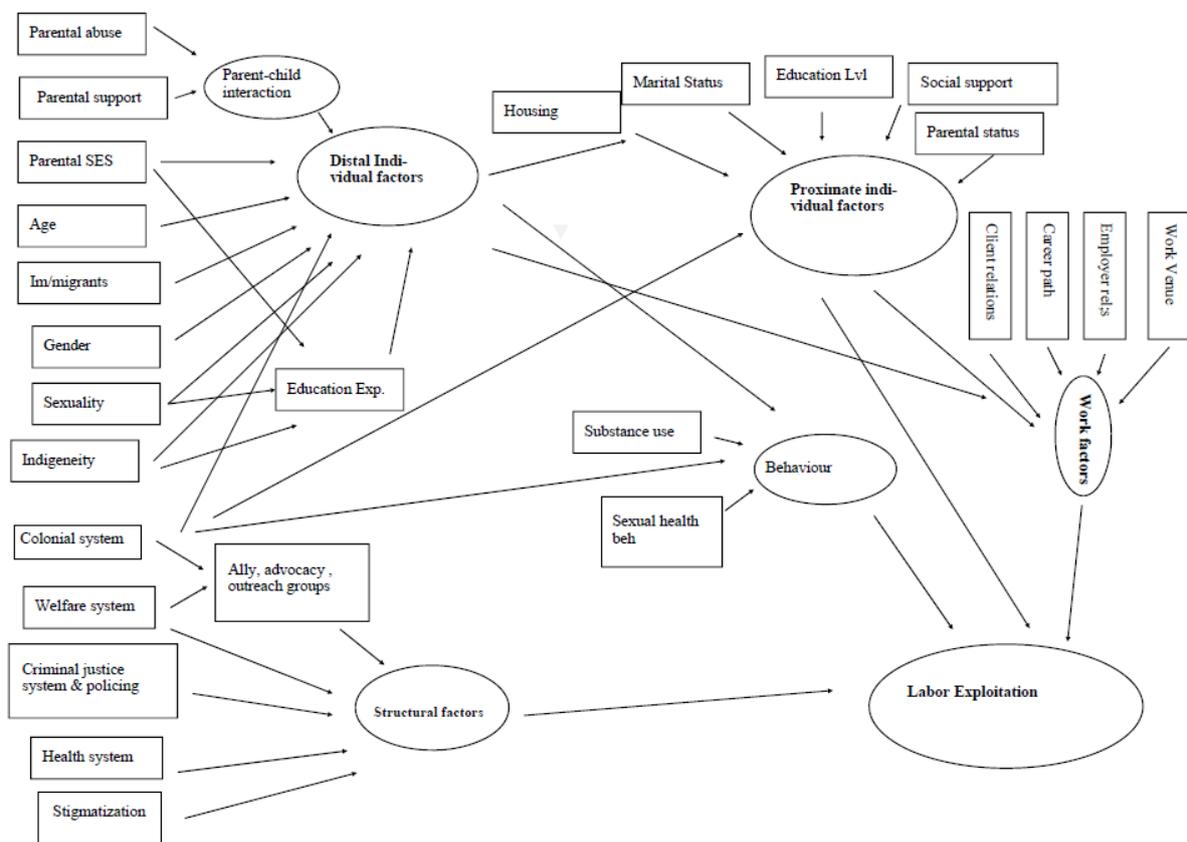


Figure 1. Determinants of Labor Exploitation in Sex Work.

Emergent scholarship shows that commercial sex work involves several hierarchies of exclusion that increase vulnerability to labor exploitation, similar to the society-wide labor exploitation that disadvantaged workers face in precarious jobs that are on the rise across most capitalist societies (Benoit et al. 2020a; Campbell and Price 2016; McCarthy et al. 2018; Sallaz 2017). In this conceptualization, exploitation is normative for the majority of workers across capitalist markets (Hallgrimsdottir and Benoit 2007; Hardt and Weeks 2021). The most prominent of these hierarchies are the following: childhood and adult economic vulnerability, inequities based on gender, race, sexuality and restrictive welfare, and educational, health and legal systems. Challenges to occupational health and safety have been identified across all forms of sex work found in global capitalism, although the specific concerns and their severity vary by historical conditions, work location, the degree of control over working conditions and, of particular focus for sex workers, legal contexts (Benoit et al. 2019; Bungay and Guta 2018; Constable 2009; Foley 2017; Fudge 2021; Kotiswaran 2011; O'Doherty 2011; Sanders et al. 2016; Shannon and Csete 2010).

2.2. Problematic Prostitution or Problematic Prostitution Policies?

A second principal issue uniting the scholarship included in this Special Issue book concerns policy approaches to the alleged “prostitution problem”. From this vantage point, the obstacle is less to do with prostitution than the problematic policies underway in many countries that severely limit sex workers’ occupational and wider social rights (Agustín 2008; Benoit et al. 2019). Much of recent government policy is based on the assumption that commercial sex relationships are, by nature, unequal: female sellers are forced to engage and male buyers are in control of the interaction. The Swedish repressive prostitution policy is a case in point, as it understands prostitution as patriarchal oppression (Östergren 2017), casting “sex selling females as victims of ‘men’s violence against women’” (Florin 2012, p. 217). The legislation bans sex workers from working together, and makes it harder for those without other options to earn a living, rendering their situation less secure and safe.

A number of other governments have followed this “end-demand” policy approach involving the banning of sexual purchase and most other prostitution related activities (sometimes referred to as the “Swedish model” or “Nordic model”). This includes Norway and Iceland in 2009, Northern Ireland in 2015, France in 2016 and the Republic of Ireland in 2017 (Harrington 2017). Canada is another recent example, whereby its 2014 Bill C-36 contends, “prostitution [is] a form of sexual exploitation that disproportionately and negatively impacts on women and girls” (Department of Justice Canada 2014). Under the Protection of Communities and Exploited Persons Act (PCEPA), enacted in 2014, sex workers are not criminalized for providing sexual services indoors, nor are they criminalized for advertising their own sexual services or paying third parties for related services, so long as the payment is commensurate with the services rendered. However, the PCEPA outlaws the purchasing of sexual services, receiving material benefits from another person’s sex work and procuring clients. The law makes it illegal for newspaper/magazine publishers, website administrators and web-hosting services to publish advertisements for sex work (Department of Justice Canada 2014). Further, the PCEPA makes it illegal for workers to communicate their services in a public place close to a school, playground or daycare center. The federal government also forbids foreign nationals from working for an employer offering striptease, erotic dance, escort services or erotic massage. Canadian studies show the PCEPA is having significant negative impacts on health, safety and access to services for people working in the sex industry—the very people these laws are designed to protect. Most of the violence against sex workers goes unreported to authorities, and many opportunities to provide supports are missed (Benoit et al. 2021; Kunimoto 2018; Lyons et al. 2017).

Integrative policy strategies are based on a view of consensual sex work as an economic activity that involves a continuum of choice exploitation, similar to the economic circumstances faced by other precarious workers in capitalist societies (Benoit et al. 2015;

[Benoit et al. 2019](#)). These employment conditions require multi-level government protection for sex workers through the engagement of occupational health and safety policies and labor laws that are enjoyed by the majority of workers in other sectors of capitalist economies ([Östergren 2017](#)). [Deering et al. \(2014\)](#) & [Armstrong \(2016\)](#) found that the decriminalization and regulation of sex work in New Zealand (NZ) in 2003 shifted the balance of power between sex workers and police by removing the risk of arrest, and by legislating specific sex worker rights. The result has been greater safety for sex workers, increased occupational options and a reduction of the debilitating stigma that currently keeps them misunderstood, marginalized and largely left out of social programs accessible to workers in standard jobs ([Benoit et al. 2020b](#)). In sum, as [Judy Fudge \(2021\)](#) argues, instead of anti-trafficking and prostitution criminal code laws, we need “to tackle the state policies, business practices, and labour market actors associated with the avoidance and violation of basic labour standards” (p. 12).

To sustain long-term change, given the widespread stigma attached to sex work that persists and the structural marginalization towards most sex workers, they also need access to other integrative policies, including enlightened migration policies, programs to combat stigma, guaranteed minimum income standards, educational and childcare supports, and long-term stable funding for sex workers organizations ([Benoit and Unsworth 2021](#)). I turn to this matter in my concluding remarks.

3. Contents of the Thematic Issue

Three papers examine the philosophical debate about sexual exploitation, objectification and consent in sex work. The first paper in this section, by Francine Tremblay located in Canada, argues that viewing voluntary prostitution as “sex work” is not merely to make an abstract claim, but to describe a viable option and everyday practice for people who earn a living selling sexual services. Tremblay maintains this stance is fundamental, given the structural inequities sex workers face that marginalize them as the social “other”, the people standing at “the edge of the social” (p. 8). She reviews philosophical and legal debates over the concepts of consent and exploitation, before examining their meaning from a lay perspective. Conversations with 14 Canadian sex workers revealed consent and exploitation in sex work vary dependent upon the work context and other factors, supporting a view that sex workers are not helpless victims of predatory clients. Some participants had more ambiguous relationships with consent, while others were empowered to bargain consent in their sex work, using both their words and actions. Most participants talked about labor exploitation in sex work, but at the same time noted they had chosen it among the other jobs within their reach and that they did not experience less or more labor exploitation in sex work than in their other jobs. Tremblay calls for the end of the “legal discrimination” embedded in Canada’s current PCEPA and other punitive laws, a topic some of our other authors take up in their articles.

A second article by Thaddeus Blanchette, Ana Paula Da Silva and Gustavo Camargo, authors based in Brazil, interrogates the concept of exploitation by zeroing in on the debate over “objectification”, or the understanding that sex workers sell their body in prostitution. While radical feminists draw upon the pre-Kantian concept of sexual objectification to argue a singular effect of sex work on women’s bodies, rendering it inherently exploitative, the authors draw on ethnographic data comparing sex work with other forms of service work in Rio de Janeiro, Brazil, and New Orleans, USA, to show that this notion of sex objectification has little relevance in 21st century capitalist societies. They argue sex workers are no more transformed into “objects” than other workers who exchange their physical and mental labor for a wage under capitalist relations and that, indeed, sex work under some conditions is not only productive but also comparatively more attractive than other service jobs within their grasp.

A third article that examines the philosophical debate about sexual exploitation, objectification and consent in sex work is by José Miguel Nieto Olivar and Natália Farias, authors also located in Brazil. It shows the disconnect between the campaign against

sexual exploitation championed by government bureaucrats and ‘rescue’ organizations, and the reality of disenfranchised young people selling sex for money or other goods. The article draws on anthropological and ethnographic research conducted in two cities along the Amazonian border between Brazil and Colombia. The authors argue the Brazilian government’s “institutional logic” of sexual exploitation as a moral, political and legal category is inherently linked to its parallel “logic of the street”. In fact, the former logic produces the latter logic, with state social workers and health providers acting as “guardian angels” involved in rescuing and saving the young people—imagined as female, vulnerable and Indigenous—from sexual exploitation/sex trafficking. The youth involved in sex markets reported that this top-down decontextualized view of themselves has little to do with their lived reality, one based on a struggle for existence in a hierarchal society based on gender, class, race, religion and other divisions.

Other papers bypass the debate about whether prostitution is regarded as sexual exploitation/sex trafficking by adopting a labor perspective and reporting on benefits and challenges for sex workers under different punitive policy regimes. Bill McCarthy, Mikael Jansson and Cecilia Benoit, located in the USA and Canada, analyze quantitative data they gathered over three points in time on selected job attributes and mental health for people in sex work and hairstyling in Victoria, Canada, and Sacramento, USA. The authors adopt the view that sex work, like precarious service jobs under capitalism, offers disadvantages and advantages, and all are open to labor exploitation, depending on job qualities, work context and worker characteristics, among other factors. The authors found that job insecurity and stigma are associated with poorer mental health in both sex work and hairstyling. They also report two occupation-specific relationships: mental health is positively associated with self-employment for hairstylists but not sex workers, and job insecurity and limited decision-making has negative effects for sex workers but not hairstylists. These results lend support to the perspective that sex work is not inherently exploitative, but rather experienced by sex workers in a range of ways dependent upon job attributes and other factors. This finding points to the importance of utilizing a labor perspective to understand the complexity of sex work as a form of labor, the importance of inter-occupational labor comparison for studying sex work in the capitalist economy and a longitudinal methodology for examining these changes across time.

The article by Belinda Brooks-Gordon and Euan Ebbitt, located in the United Kingdom (UK), sheds light on the situation of men in sex work and the challenges of drug dependency in a punitive policy regime, where the sexual exchange of sex for money is not criminalized, but most other aspects of the exchange are illegal and possession of many drugs is also criminalized. Sexualized substance use, or “chemsex”, is a key factor related to the high instances of sexually transmitted infections and interpersonal violence among a minority of gay, bisexual and other men who have sex with men, and between some male sex workers (MSW) and clients. The authors’ qualitative study, based on interviews with service providers and their clients, sex workers and customers, aimed to better understand the conditions of economic exploitation that can occur in consensual sex for pay, and identify new strategies to improve the health and safety of MSW. Results show a stepwise process of chemsex using in a “ladder of consent”, whereby the process starts with sex workers’ willing participation that is both gratifying and manageable, but sometimes descending to lower rungs, where sexual consent becomes dubious, leading to physical harm and economic exploitation. Participants also suggested ways for sex workers to become empowered and move back up the consent ladder. The study concurs with other studies recommending the decriminalization and regulation of both sex work and recreational drugs in the UK, which in turn could reduce prostitution and drug addict stigmas, increase the negotiating power of MSW in their commercial sex interactions and increase their access to sexual and other support services.

Sunny Jiao, Vicky Bungay and Emily Jenkins, located in Canada, take a different angle on the determinants of control in the commercial sex exchange by examining the role of information and communication technologies (ICTs), including mobile phones, email and

the Internet, in facilitating sex work negotiation between workers and clients. The authors examine the link between ICTs and the health and safety of indoor sex workers through analyzing qualitative interviews with 35 sex industry actors who were part of a national, mixed-methods study researching how sex workers, clients and third parties use ICTs to assist in commercial sex exchanges. The authors report on key factors of relevance, including screening, confidentiality, privacy, disclosure and malice. Due to the overarching sex work stigma and an absence of legal protections, because most aspects of sex work are presently criminalized in Canada, participants were left on their own to handle these avoidable occupational harms. The exploitation experienced by sex workers in this study was, thus, not inherent to commercial sex exchanges, but rather largely due to laws and policies currently in place that deprive workers of the occupational health and safety rights enjoyed by other workers.

Anna-Louise Crago, Chris Bruckert, Melissa Braschel and Kate Shannon, also situated in Canada, focus on a similar concern for sex workers working under the PCEPA law, specifically those accessing protective services when escaping violent situations and confinement. The authors investigated access to police and associated resources through surveys with 200 sex workers in five cities. While the majority of participants reported violence or confinement at work in the past 12 months, fewer than 20 percent had called 911 or made a police report. One-third of participants reported being unable to call 911 if they or another sex worker were experiencing an emergency due to the fear of police finding out about their own sex work status, or that of other sex workers or sex work managers. An assortment of structural issues linked to the criminal code law, including fear of harassment, arrest, being ticketed or fined by the police and being outed, were linked with higher odds of not calling 911 when escaping violent situations or confinement. In fact, police were one of the least likely groups for participants to contact. The authors' findings show that Canada's latest prostitution laws, premised on the notion that eliminating demand for purchasing sexual services and other restrictions on the exchange of sex for money will improve the health and safety of sex workers, has had the opposite effect, instead worsening access to protective services for people working in the sex industry, the very people these laws were designed to protect in the first place.

Treena Orchard, Katherine Salter, Mary Bunch and Cecilia Benoit, likewise located in Canada, examine concepts of money, agency and self-care from the viewpoints of cisgender and trans people in sex work in two medium-sized Canadian cities under the PCEPA. Their qualitative study aimed to better understand cis and transgender women's experiences relative to health challenges, occupational risks and the organization of sex work in their city, premised on the idea that even structurally marginalized people in sex work have constrained agency over how they make a living. Participants did not necessarily identify as sex workers, nor see themselves as victims/sexually exploited persons. Rather, they described moving in and out of various money-generating activities to meet their economic and other needs, calling attention to the situation they shared with other precarious workers in their geographical location. While aware of the public taint attached to sex work, participants were largely able to resist internalizing the stigma. The paper contributes to research on consensual sex work at the micro level, where people of different sexual identities, predominantly living in poverty and often coping with drug use challenges, maintain a positive sense of self in a social environment where economic hardship is a daily lived reality, and punitive laws criminalize their clients and most of their sex work activities.

A final article by Gillian Abel and Melissa Ludeke, situated in New Zealand, examines sex workers employment rights in a decriminalized and regulated policy regime. As noted above, New Zealand changed its prostitution laws nearly two decades ago by taking the crime out of consensual sex work and regulating it, similar to other personal service industries. In this paper, the authors take up the challenge posed by advocates of the sexual exploitation/sex trafficking position by asking whether brothels in their country are actually the site of third-party exploitation or are workplaces where workers have

negotiating power. Qualitative interviews were carried out with four brothel operators and seventeen brothel-based sex workers, with the aim of studying the dimensions of sex workers' employment status and agency within the country's "visible" (formal) brothels. The findings suggest there are both benefits and challenges with brothel work. While many participants enjoyed working independently, they noted that working in brothels helped them with time-consuming activities, such as advertising, and brothel work also gave them a workspace outside of their own home. Difficulties included that brothel operators treated sex workers as employees but without any of the rights of an employee, including standard shifts and wages for work rendered. Most sex workers understood their rights and limitations as independent contractors, but when operators impinged on their rights, the usual action was to leave the brothel for another one rather than make an official complaint, which would open them up to sex work stigma. In short, sex workers working as independent contractors are not completely free from labor exploitation by brothel owners in NZ where sex work is decriminalized and regulated. However, this is the case for independent contractors in other service industries where workers weigh the pros and cons of the viable options of independent and contractor work, and where full-time, ongoing employment with guaranteed rights to decency and fairness at work are elusive (Benoit et al. 2020a; Kalleberg 2012).

4. Concluding Remarks

I hope this Special Issue book adds to our current understanding of the complexity of this phenomenon of sex commerce/prostitution, as shown in the conceptual framework displaying the determinants of labor exploitation in sex work presented above. Commercial sex/prostitution is largely a problem of social inequality within and across capitalist societies. Unless we address gender inequities alongside economic, race and other injustices, our efforts are impoverished and may even worsen the situation for the diversity of people in sex work.

As the articles in this volume have shown, the merging of the terms consensual sex commerce and sexual exploitation/sex trafficking, and the criminalization of sex work, gives police and other state actors, including social workers and health providers, the right to target people who sell sexual services. This disproportionately affects people who are structurally marginalized, including those of color and Indigenous people, disenfranchised youth, sexual minorities and people who use substances. Many of the issues facing sex workers, such as precarious working conditions and workplace vulnerability, are the same as those they face in other precarious jobs within their reach, but unique to sex work are negative impacts from criminalization and stigma. Rather than punitive laws, we need policies that create real choices for people in sex work, including access to occupational health and safety policies, access to a universal basic income, supports for education, childcare, housing and other essential needs, stable funding for sex worker' support organizations, as well as strategies to combat prostitution stigma (Benoit et al. 2020b).

In the final analysis, the best way to reduce exploitation experienced by people in sex work and other precarious jobs is to think about freedom and focus on fostering people's capabilities rather than constraining them (Sen 1985). In addition, their voices should be center in discussions about how to develop integrative policies to improve their labor and other human rights (Benoit et al. 2021; Fudge 2021). Tackling core social problems of poverty and inequality grounded in the lives of marginalized workers will create genuine opportunities, regardless of their demographic characteristics and where they were born (Nussbaum 1998, 2003). This will help ensure they are given the ability to thrive by being able to live the lives they hope for themselves and their children, with full human dignity.

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