

# RED LIGHT LABOUR

SEX WORK REGULATION,  
AGENCY, AND RESISTANCE

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# 1

## Contextualizing Sex Work

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### Challenging Discourses and Confronting Narratives

ELYA M. DURISIN, EMILY VAN DER MEULEN, AND CHRIS BRUCKERT

In recent years, we have witnessed major and unanticipated changes in the criminal regulation of prostitution in Canada, most notably the introduction of Bill C-36, the Protection of Communities and Exploited Persons Act (PCEPA), in 2014, which specifically criminalized the purchase of sexual services for the first time in Canadian history. This shift occurred within a broader context characterized by prostitution law reform in numerous countries over the past two decades, with the criminalization of those who obtain sexual services emerging as the new regulatory framework governing prostitution transnationally. Against this backdrop, discourses that frame sex work as violence against women and that locate state actors and police as agents of protection or salvation contradict sex workers' own narratives and analyses that centre human rights violations as rooted in social stigma, discrimination, and the criminalization of their lives and work.

Alongside these developments, we have also seen the continued mobilization of the global sex worker rights movement and the expansion of research on the sex industry that is rights-based, driven by sex workers, and challenges not only the legal regime but also popular understandings of sex work victimization (recent publications from the Canadian context include Benoit et al., 2014, 2016; Bowen, Bungay, and Zangger, 2015; Bruckert and Law, 2013; Bruckert and Parent, 2018; Ferris, 2015; Hannem and Tigchelaar, 2016; Krüsi et al., 2014; Lyons et al., 2017; Parent et al., 2013; Shannon et al., 2015; van der Meulen, Durisin, and Love, 2013). Situated

within the emerging and evolving field of sex work studies, this edited collection contributes to the scholarly literature that critiques conventional discourses on sex work and is a reflection of the rapid growth of a robust global movement actively advancing sex worker rights and justice. The chapters that comprise the collection highlight the range of actors, approaches, and perspectives found within the movement today. They showcase cross-disciplinary research from diverse contributors, including established scholars, student researchers, community activists, and sex workers; many of the authors occupy more than one of these positionalities, illustrating a fluidity between advocate, researcher, and researched.

An important factor in theorizations on sex work is the words used to describe it. For the purposes of this collection, we use the language of “sex work” and “sex worker” to connote a demand for social and economic justice for some of the world’s most marginalized and stigmatized workers. As Kempadoo (1998) explains, “The idea of the sex worker is inextricably related to struggles for the recognition of women’s work, for basic human rights and for decent working conditions” (p. 3). As we will explore further below, framing sex work as work broadens the conversation to include dancers in strip clubs, porn actors, phone sex operators, webcam workers, erotic massage providers, street-based sex workers, and in-call and out-call escorts, among many others. Reflecting the subject position of industry workers, the “sex-work-is-work” paradigm gained purchase as sex workers organized in what has become an international sex worker rights movement (see NSWPR, 2013).

Despite its undeniable importance for both advocacy efforts and redefining commercial sexual labour as legitimate work, we recognize that “sex work” also has practical and theoretical limitations. The emergence of “sex worker” as an identity category may exclude those who do not consider what they do to be a form of labour. As many aspects of sex work are criminalized and profoundly stigmatized, often falling outside of dominant norms surrounding respectable feminine sexual behaviour, there are incentives to distance one’s activities from the category of work. Framing sex work as work may also serve to elide the experiences of those for whom the sale or exchange of sex is not experienced as a labour activity or is perhaps experienced as a form of harm. It thus risks glossing over the wide diversity of sexual and economic relationships that exist within commercial and/or personal contexts. Although we acknowledge these limitations, “sex work” remains a central conceptual framework unifying this collection. The term “prostitution,” however, is also used when particular policies, such as specific

case law or sections of the Criminal Code, are being analyzed or when it is historically relevant. Further, some sex workers employ the words “prostitution” or “prostitute” to describe their labour activities. Thus the use of “prostitute” and “prostitution” in this collection signals the ongoing relevance of these terms for legal, policy, and personal matters.

With the significance of language in mind, we begin this chapter with a brief introduction to the common legislative frameworks, each with particular goals and objectives, that govern and regulate sex work in most international contexts: criminalization, which includes both full and asymmetrical criminalization, and regulation through legalization or decriminalization. Through an exploration of these frameworks and their objectives, we can better understand how and why the Canadian policy context developed the way that it did. Next, we engage in a more fulsome discussion of sexual labour, locating it within a “sex-work-is-work” paradigm, which acknowledges both the range of experiences of people in the industry and the diverse activities in which they engage. We then examine some of the challenges of the sexual labour framework, especially when conditions of coercion or duplicity are involved. Here, we advocate for social and economic justice for sex workers, regardless of occupational activity, social positioning, or geographic location. Finally, we introduce the collection itself, highlighting its tripartite structure – law and policy contexts, diverse experiences, and sex workers’ resistance – and the various chapters that explore sex work in Canada, each contributing unique scholarly and/or experiential knowledge.

### **Legislative Frameworks and Objectives**

The ways that sex work is conceptualized have a direct impact on how it is governed. In international contexts, policy approaches to sex work have tended either to criminalize sex industry activities and the people involved through various criminal law provisions or to regulate it through labour, public health, or other policies. Of course, there is also significant variability within criminalized and regulated contexts. For example, although all criminalized regimes are inherently prohibitionist (i.e., they endeavour to eradicate the industry through the application of punitive criminal laws), the term can apply to jurisdictions where only some aspects of sex work are criminalized as well as jurisdictions where virtually all are. Previous to the Supreme Court’s decision in *Canada (Attorney General) v. Bedford* (2013),<sup>1</sup> which is discussed throughout the collection, Canadian criminal laws on sex



work were aimed at virtually all of the parties involved in the sale and purchase of sexual services (e.g., sex workers, clients, drivers, third-party managers, and establishment owners/operators), as well as the locations where the sale and purchase occurred. While some politicians and others have suggested that the implementation of PCEPA in 2014 alleviated the criminal sanctions aimed at sex workers, who were described in many instances as victims of the commercial sexual exchange, the present legal framework is still one where criminalization reigns supreme.

Currently, the Criminal Code prohibits sex workers from communicating in specified public spaces, as well as stopping, or attempting to stop, a motor vehicle or impeding the free flow of pedestrians or traffic for the purposes of offering sexual services (s. 213). Purchasing sex is against the law, no matter whether it occurs in public or private locations (s. 286.1), and receiving material benefit in the context of a “commercial enterprise that offers sexual services for consideration” (s. 286.2) is criminalized. The laws against procuring a person to offer or provide sexual services (s. 286.3) make it illegal to have a manager or employer arrange a sex worker’s appointments with clients. Further, web hosts and others who advertise sexual services can face stiff penalties (s. 286.4); sex workers, however, are indemnified from prosecution in advertising their own services (s. 286.5). This framework of criminalization thus positions sex workers and the sex industry as both a public threat and a public nuisance, with the laws used to penalize perceived disturbances to social order (see the [Appendix](#) for text of the key anti-prostitution sections of the Criminal Code). The current legal context is not an improvement to the pre-*Bedford* era; indeed, because of the layers of additional Criminal Code provisions, it may be worse.

In many ways, Canada has followed other criminalized jurisdictions that have targeted their criminal laws most directly at certain parties and activities. In Sweden, for example, clients and managers are criminalized, but in most instances sex workers are not. Some have referred to this as asymmetrical criminalization to connote both the philosophy and the specific legal characteristics and asymmetrical application of the regime. In the Swedish context, sex workers are understood to be the victims of male sexual exploitation (Ekberg, 2004; Scibelli, 1987). Thus, in an effort to protect them from the perceived harms of the sex industry, this prohibitionist approach targets those who purchase sexual services as well as the third parties who are involved in managerial and other facilitative roles. Implemented in 1999, Sweden’s law is aimed at eradicating the sex industry by penalizing those who are seen to benefit from it (e.g., “johns,” “pimps,” and “traffickers”),

while “saving” the sex-working victims through exiting strategies. We saw this rhetoric advanced in Canada when PCEPA was being introduced. Yet, as noted above, the Canadian government has continued to maintain aspects of criminalization aimed at sex workers.

The Swedish model has been strongly advocated for by anti-prostitution and radical feminist groupings, often referring to themselves as “abolitionists” in their efforts to liken sex work to sexual slavery. In this collection, however, we avoid the term “abolitionist” and are judicious in our use of the term “feminist,” radical or otherwise, in reference to this legislative framework and those who support it. As editors, we perceive it to be an irreconcilable contradiction to advocate for policy approaches in the name of feminism that have been empirically proven to cause harm to sex-working women and that current sex workers – the population most affected by such policies – have vocally opposed. In our view, although there are numerous branches, traditions, and ideological positions within feminist theory and politics, some of which espouse conflicting views, it is untenable to support the criminalization of aspects of sex work when it is known to result in serious harms and violations of human rights.

As chapters in this collection show, by declaring themselves to be abolitionists and by mobilizing the affective language of the movement to end chattel slavery, prohibitionists have drawn on highly emotive and controversial language to describe the commercial sex industry and those who work within it (for example, as prostituted women who are bought and sold as sexual slaves and who suffer from post-traumatic stress disorder). This strategy has been highly successful in shifting both the public perception of sex work and the legislative and policy objectives surrounding it. Intended to evoke sympathy for victims of abuse and to prompt anger toward male perpetrators of violence, the terminology is not only misleading but often also makes “sweeping claims not supported by empirical studies” (Weitzer, 2005b, p. 212) and “is designed for maximum shock value” (Weitzer, 2005a, p. 935). Yet prohibitionists’ passionate zeal for the topic has influenced a growing number of countries to incorporate their perspectives into legislation, including Finland, Iceland, Ireland, Norway, Scotland, and Sweden.

Such legislative approaches rely on carceral systems, policing efforts, and criminal justice intervention to criminalize sex workers’ labour relationships and clients. Internationally, these prohibitionists tend to be highly politically organized and are often aligned with conservative religious ideologies and institutions (Bernstein, 2001). In their arguments in support of criminalizing the “demand side” of prostitution, however, they have neglected

nanced analyses and disregarded discussions of sex worker agency and self-determination (see Barry, 1979, 1995; Dworkin, 2004; Farley, 2004; Farley and Barkan, 1998). Interestingly, proponents of asymmetrical criminalization sometimes refer to it as decriminalization, as they suggest that sex workers are decriminalized (e.g., Baptie, Falle, Perrier, and Walker, 2014, p. 2). We contend that this likely intentional misuse of the term “decriminalization” not only obscures the ways that sex workers continue to be criminalized in these regimes (e.g., cited for contempt when they refuse to provide evidence in court or charged as third parties when they assist a colleague) but also obfuscates the harms that result from criminalizing clients. As a result, this policy approach fits squarely within a criminalization framework (see Amnesty International, 2016b).

True decriminalization can be found in New Zealand, which opted for a regulatory approach that upholds and advances the rights and dignity of sex workers. New Zealand introduced the Prostitution Reform Act in 2003, with the explicit goal to “safeguard the human rights of sex workers and protect them from exploitation” (s. 3a, 3b), relying on labour and public health policies, among others, to regulate the sex industry (Abel, 2014; Abel, Fitzgerald, Healy, and Taylor, 2010). Like the variability within criminalized systems, however, regulatory approaches are also not homogenous. Whereas decriminalization, discussed in further detail below, is the preferred framework of sex workers and their allies, other regulatory models, such as legalization, have been deemed problematic. The key differentiation is how sex workers and the sex industry are conceptualized.

In a legalized context, sex work is simultaneously understood to be a necessary, if unfortunate, reality and a public nuisance. Unlike criminalization, where sex work – and sometimes workers as well – is seen as a social evil or social ill that needs to be eradicated by punishing third parties and those seeking services, and unlike decriminalization, where sex work is a form of labour and sex worker rights are central, the legalization framework perceives sex work as a necessary evil that requires strict rules to keep it under control (Shaver, 1985; Wijers, 2001). In this way, sex work is conceptualized as an intractable problem that warrants often excessive regulation to reduce the most undesirable effects. The best-known examples of regulation through legalization include the Netherlands, Germany, and Nevada in the United States.

In legalized systems, discussions of prostitution are often underscored by a distinction between forced and voluntary sex work: forced workers are generally understood to be victims of trafficking or of exploitative third

parties, whereas voluntary workers are those who willingly choose the work. Some have argued that this characterization is imbued with gendered and racialized assumptions of guilt and innocence, such that the sex work of middle-class, white women is much more likely than that of working-class and/or racialized women to be deemed voluntary rather than forced (Ditmore, 2005; Doezema, 1998). Others have drawn attention to the strict penalties that are applied to those who violate various laws and bylaws, and they have critiqued legalized contexts as being overly onerous (Scibelli, 1987; Wijers, 2001). Moreover, due to the restrictions associated with legalization, as well as the exclusion of sex workers without citizenship or national status from the regulated sector, it is not uncommon for people to opt to work illegally in underground areas out of state view (Chapkis, 1997; Sullivan, 2010; see also Hydra e.V., 2015).

This regulatory approach is in contrast to decriminalization, which focuses on enabling sex workers to access their human rights and is supported internationally by those sex workers and allies who define sex work as a form of legitimate and socially valuable labour (NSWP, 2013). Contrary to legalization, where onerous polices and heavy state intervention attempt to manage and control the industry, decriminalized contexts remove prostitution-related offences from criminal law and instead rely on labour and health policies to regulate activities and to establish rights and protections for workers. Although sex workers are still protected by and subject to the criminal law in all work-related, private, and public activities, with decriminalization, sex workers enjoy improved workplace conditions and benefits as defined by employment standards and occupational health and safety provisions (Abel, 2014; Abel et al., 2010; Bindman, 1998).

Those who argue against decriminalization, such as prohibitionists who support the criminalization of clients, often claim that without criminal laws to protect them from exploitative “pimps,” sex workers would be left vulnerable to violence. However, with decriminalization, workplace harms and grievances can be adjudicated under more appropriate federal, provincial, or municipal policies. For instance, in Canada there are existing Criminal Code provisions that protect against extortion, sexual assault, forcible confinement, and threat with a weapon, crimes that prohibitionists claim are inherent to sex work. In addition, provincial labour laws regulate aspects of employer-employee relationships and can protect against problematic managers or supervisors and unfair labour conditions. Businesses causing public disturbances, such as brothels, can face municipal fines and even forced closure if operating outside of designated

zones. Indeed, in a decriminalized system, brothels and other commercial sex establishments would have to abide by the rules, regulations, and standards imposed on other businesses. Street solicitation, like many other public and outdoor activities, can be subject to nuisance, loitering, littering, and trespassing laws where appropriate. Regulation in the decriminalized context is established to support sex workers and communities. In a decriminalized system, sex workers could be eligible for worker's compensation, health and disability insurance, and statutory holidays under employment standards and occupational health and safety acts. They could also organize into unions, guilds, and associations to protect their labour rights with greater ease. Since decriminalizing its sex industry in 2003, New Zealand has seen an improvement in sex workers' access to labour protections (Abel, 2014; Abel et al., 2010) and enhanced relationships with law enforcement (Armstrong, 2017).

### **The Sex-Work-Is-Work Paradigm**

Locating sex work as a form of labour not only challenges embedded stigmatic assumptions of deviance, immorality, and pathology but also opens a rich analytic point of entry to think through the issues explored in this collection, and indeed there are now many decades worth of literature advancing this paradigm (early examples include Bell, 1987; Chapkis, 1997; Stein, 1974). The writing of socialist feminist Thanh-Dam Truong (1990) has been influential in theorizing sexual work as a productive labour category and in empiricizing the value of sex workers' contributions to the economy. Others have similarly applied labour theory to the analysis of sex work (e.g., Bruckert and Parent, 2013; Law, 2016) or have used the concept of care work as a point of entry to think through the work of sex work (Rivers-Moore, 2016). Much of this scholarship builds on Hochschild's (1983) concept of emotional labour, drawing parallels to the deep and surface acting required in many service-sector jobs (e.g., Bernstein, 2007; Bruckert, 2002; Sanders, 2005; van der Meulen, 2010, 2012). In short, understanding sex work as a form of labour enables connections to be drawn between it and other forms of emotional, caring, and/or service work, as well as – importantly – between the working conditions and experiences of those employed in these respective industries. Such labour-based analyses support the argument that violence and other forms of criminal exploitation are not inherent features of sex work. Instead, they are produced by structural factors, including legal regimes that criminalize prostitution and illegalize migrants, the

capitalist organization of the labour process, and gendered and racialized devaluations of work.

At the same time as alerting us to commonalities, thinking of sex work as work positions us to tease out nuances. Recognizing the occupational category, rather than job description, pushes us to think about labour processes and practices as well as the complex and varied ways that the work is organized; for example, the experience of independent sex workers who run their own businesses is very different from the work of service providers in massage parlours who are scheduled for shifts and receive a cut of the house fees that clients pay. The occupational category also alerts us to the role of third parties – those individuals who are neither the client nor the sex worker but who are integral to the sex industry, such as drivers, security, receptionists, and agency owners – whose policies, practices, and labour profoundly impact workers (see Bruckert and Law, 2013, 2018). And of course, thinking about sex work as service-sector employment highlights the similarities to consumers of other services; clients in the sex industry are purchasing a service – one that, as a number of authors in this collection demonstrate, may be sexual, erotic, and/or interpersonal (see also Atchison, 2010; Atchison, Vukmirovich, and Burnett, 2015).

Recognizing diversity also allows us to examine the operation of racism, classism, and citizenship within the specific hierarchies of a highly complex sex industry and the ways that sex workers' intersecting social locations affect their labour-related experiences. Histories of colonialism and racism have resulted in the eroticization of women who are considered to be different from the dominant group because of their ethnic, racial, and/or cultural backgrounds (Miller-Young, 2010, 2014; Nagle, 1997; Race and the sex industry, 2011; Raguparan, 2017; Ross, 2009). Kempadoo (1998) explains that this exoticization is as important as economic factors in positioning specific groups of women, particularly racialized women, in sex work.

This idea that sex work is nuanced and diverse is further reflected in the range of experiences of people in the industry. In recent decades, a growing body of literature written by sex workers, including scholarly books and articles as well as novels, blogs, and online magazines, has emerged that highlights the many layers of meaning that sex workers attach to their work (Aimee, Kaiser, and Ray, 2015; Bell, 1987; Dawn, 2010, 2013; Delacoste and Alexander, 1998; Leigh, 2004; Milne, 2005; Oakley, 2007; Sterry and Martin, 2009; see also <http://www.eminism.org>; <https://kwetoday.com>; and <http://titsandsass.com>). As is the case for workers in mainstream labour markets, for many sex workers their job is not *just* work. In addition to being an

income-generating activity that allows them to purchase the necessities and sometimes the luxuries of life, sex work may also be an expression of sexuality, a space to explore intimacy, or an act of resistance to heteronormative gender tropes and rigid gendered expectations of respectability.

### **Social and Economic Justice for Sex Workers**

Although the “sex-work-is-work” paradigm is fundamental to establishing and advancing sex worker rights and justice, it is important to include an analysis of situations where there are conditions of force or coercion, highly constrained options, or structural inequalities that limit income-generating options. For some sex workers, there may be a fine line between consent and coercion – or the “acceptable” limits of economic exploitation characteristic of so much precarious work. In the context of global neoliberal capitalism and severe economic and labour inequalities, justice necessitates enabling sex workers to live and work without discrimination based on occupation, race, gender, or sexuality; to access the material necessities of life and economic development; to live free from violence, detention, deportation, and arbitrary interference from the state; and to access health-care and maintain bodily and sexual autonomy (for a comprehensive discussion of sex work and human rights, see Amnesty International, 2016a; NSW, 2013). Removing barriers to social and economic justice not only necessitates changing laws and regulations, including those that criminalize sex work, but at a broader level also requires the redistribution of economic and other resources and the creation of conditions that foster social and economic equity.

Importantly, individuals in the sex industry who do not conceptualize their activities as work and those who are in situations of coercion, violence, or severe economic exploitation do not relinquish their entitlement to human rights and protection from harm. As we see in this collection, the penalization of sex work, including criminalization in any form, creates barriers to justice, including for those who may be most marginalized and vulnerable, such as youth or people experiencing trafficking or forced migration. There is abundant evidence to show that laws and policies, like those in Canada, directed toward eradicating prostitution and human trafficking produce widespread human rights violations (Amnesty International, 2016b; GAATW, 2007; Global Commission on HIV and the Law, 2012; Levy and Jakobsson, 2014). Similarly, we see that laws penalizing youth who sell sex are proactively creating harms rather than helping the people that they

purport to assist (Bittle, 2013; NSW, 2016a; Schaffner et al., 2016; WHO, 2015). Seen from this perspective, criminalizing aspects of sex work cannot be thought to improve sex workers' access to justice or quality of life, and indeed there is much to suggest the opposite.

Largely in response to human rights violations, and in an effort to improve their living and working conditions, sex workers around the world have been organizing for many decades; the international sex worker rights movement is now a global phenomenon (see Jeffrey, 2002; Kempadoo and Doezema, 1998; NSW, 2016b). The movement's demands, such as sexual autonomy and self-determination, access to health information, broader social understandings of prostitution as work, and the eradication of violence against sex workers by state actors and others, are globally supported (see NSW, 2013). That said, although many sex worker organizations in the Global South articulate their demands through a language of "rights" and "labour," their advocacy efforts speak to the local circumstances of the workers and are not simple reflections of North American or Euro-Western sex worker rights discourses (Kempadoo, 1998). Recognizing the organizing and resistance efforts of sex workers from the Global South challenges the portrayal of these women as homogeneous, ignorant, and easily duped (Mohanty, 1991), constructs that line up easily with discourses on sex slavery and trafficking (Agustín, 2007; Doezema, 2010).

Complicating the dichotomized narrative of the Global North and South are former state socialist countries in central and eastern Europe and in Russia. Fears over organized crime and trafficking in women from post-socialist territories have galvanized the contemporary international legal response to human trafficking (Suchland, 2015). Racialized constructions of legitimate victimhood are visible in the positioning of white women from such jurisdictions as passive and in need of protection (Andrijasevic, 2007) and of postsocialist territories as "lagging" behind the Western world (Koobak and Marling, 2014), highlighting the centrality of both race and imperialism to notions of agency, consent, and victimization.

International sex worker organizing has, importantly, sought to redefine these discourses of human trafficking and to position migrant sex workers as definitive sources of expertise on issues of forced and coerced labour in the global industry. As international attention to prostitution, migration for sex work, and sex tourism continues to increase, so too does sex worker activism against prohibitionist campaigns that largely define sex workers as victims (Pattanaik, 2002). Writers such as Agustín (2007), Andrijasevic (2010), Davies (2009), and Zheng (2010) capture the complexity of the



situation of migrant workers in the sex industry, showing how workers' own experiences of labour and migration undermine dominant narratives of trafficking. These authors illustrate how women's migration projects are complex, develop from a variety of motivations and circumstances, and involve varying degrees of agency and coercion.

## Introducing the Collection

In the context of recent regulatory shifts in Canada and the expanding Canadian and international sex worker rights movements that continue to challenge dominant discourses and narratives about sex workers' lives, we set out to develop an edited collection that brings together leading and emerging scholars, notable sex worker activists, and key movement allies. Building on an earlier collection by two of the editors, *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada* (van der Meulen, Durisin, and Love, 2013), this book represents a renewed intervention into, and engagement with, shifting legal and discursive frameworks in Canada. *Red Light Labour* features a small number of revised and updated chapters from *Selling Sex*, which demonstrates the connection between the two books, but we have substantially expanded the variety and diversity of topics presented. Most significantly, the social and legal context in Canada has changed considerably since *Selling Sex* was published five years ago. In what follows, many chapters engage directly with this new context, which includes both the Supreme Court's *Bedford* decision and PCEPA. As an editorial team, and as members of the global sex worker movement with over five decades of combined sex work research and advocacy experiences, we feel that dissemination of the most up-to-date research and discussion of lived experience are important.

Given the centrality of the state in sex workers' lives, we open the collection with a series of chapters that provide an in-depth analysis of the legislative and policy context in Canada, looking specifically at the ways that laws and those who uphold them have constructed, controlled, and criminalized sex workers and their loved ones, as well as their workspaces, colleagues, and clients. [Part 1](#) begins with Emily van der Meulen and Elya M. Durisin's ([Chapter 2](#)) examination of the historical trajectory of Canadian prostitution policy from 1860 to the present, providing an overview of changes to federal and municipal regulation. They show how sex workers historically and today, whether conceptualized as victims or as criminals, have been subject to laws that rarely help and instead often result in harm.

Brenda Belak (Chapter 3) follows with an analysis of Canada's most notable legal ruling on sex work: *Canada (Attorney General) v. Bedford* (2013). Drawing on her legal expertise, Belak suggests that by looking at the decisions of the three levels of court, we can see how legal and political discourses on sex work shifted to include an acknowledgment of sex workers' health, safety, and human rights. Also advancing a legal analysis, Naomi Sayers (Chapter 4) explores municipal authority to regulate street-based sex work with a focus on the overrepresentation of Indigenous women in this sector of the industry. Sayers suggests that in the current context, including the National Inquiry into Missing and Murdered Indigenous Women and Girls, a critical examination of municipal bylaws is particularly crucial.

Ummni Khan (Chapter 5) shifts our focus to an analysis of law and policy directed at clients. Here, she contrasts the recent criminalization of the purchase of sexual services in Canada with various time periods when different social constructions of clients prevailed and criminal justice interventions were not perceived to be necessary. Kara Gillies and Chris Bruckert (Chapter 6) consider other key individuals involved in the commercial exchange of sexual services by examining the criminalization of sex workers' partners and third parties. Drawing on primary data from two research projects, their chapter shows that the conceptualization of partners and third parties as always already exploitative and predatory is overly simplistic and fails to account for the diversity of sex workers' experiences and relationships. With the recent changes and additions to Canada's anti-sex work laws, particularly the new provisions aimed at prohibiting advertising, Andrea Sterling's (Chapter 7) primary research with "high-end" escorts demonstrates other impacts of criminalization, such as effects on sex workers' social networks and their ability to communicate with clients. Sterling argues that the new advertising law has engendered a new risk-space for independent sex workers.

The next two chapters likewise draw on primary research to explicate regulatory contexts and impacts. Tamara O'Doherty, Hayli Millar, Alison Clancey, and Kimberly Mackenzie (Chapter 8) critique anti-human trafficking approaches and discourses in their study with criminal justice personnel, specifically Crown prosecutors and defence attorneys. By examining trafficking statistics, reporting practices, prosecutions, and convictions, they expose the exaggerated claims of human trafficking in Canada and show the implications of these misrepresentations for sex work organizations. Frances M. Shaver, John Bryans, and Isabelle Bhola (Chapter 9) similarly interviewed criminal justice personnel, relying specifically on the

narratives of regulatory officials such as police and licensing officers as well as elected city and government officials. They examine such officials' views on the governance of sex work, finding variation in the perceptions of and responses to sex workers and the sex industry. Finally, Steven Bittle ([Chapter 10](#)) closes the first section of the collection with a look at youth engaged in sex work and various provincial policies aimed at "rescuing" them. From secure care to enhanced child welfare schemes, this chapter critically examines state responses in Alberta, British Columbia, and Manitoba to show how provincial governments individualize youth prostitution and ultimately fail to either protect or help young women.

[Part 2](#) moves from analyses of law and policy to chapters that highlight the diverse and complex experiences of sex workers in Canada. Contributors in this section foreground a range of commercial sexual labour activities as well as the ways that discourses and narratives condition the experiences of selling sex, emphasizing the need to recognize the ever-present interaction between structure and agency in conceptualizations of sex work. The first three chapters present sex workers' personal narratives, illuminating the complex relationships between systems of privilege and oppression that give form to experiences of, and meanings associated with, sex work. Elizabeth James ([Chapter 11](#)) shares her perspectives as an Indigenous woman and second-generation sex worker for whom sex work is a way to meet class aspirations and desires for erotic exploration, reconciling her past and present from within the tension of living a life of duality. River Redwood ([Chapter 12](#)) complicates the relationship between masculinity and class by drawing on his long career as a male sex worker, sharing his story and dispelling common myths. Victoria Love ([Chapter 13](#)) likewise draws on her lengthy career in sex work and discusses subjective identities and investments in relation to her shifting class positionality. Collectively, these theorizations of sex work from the perspective of industry workers complicate the simplistic framing of sex workers as empowered workers, sexual rebels, or hapless victims by shedding light on their complex and contradictory feelings and experiences.

The next chapters foreground the relationship between sex workers and the social, economic, and political structures in which they work. Menaka Raguparan ([Chapter 14](#)) explores the experiences of racialized and Indigenous sex workers, unpacking the complex interactions between race, class, sexuality, and the capitalist market place. Marginalized within the normative labour market, racialized and Indigenous workers employ specifically raced and classed strategies to position themselves within the sex industry

and paradoxically obtain economic rewards denied to them in their other economic roles. Nora Butler Burke (Chapter 15) bases her analysis in the everyday lived experiences of migrant trans women in Montreal, showing the intersection of criminal and immigration laws and how they function to regulate and control migrant sex workers. Andrea Krüsi, Brenda Belak, and Sex Workers United Against Violence (Chapter 16) present primary research on police enforcement strategies in Vancouver targeting the purchasers of sexual services and conclude that the criminalization and policing of clients creates negative outcomes for street-based sex workers' working conditions, health, and safety.

The last chapters of this section move to an examination of sex work in smaller centres and rural contexts, exploring the influence of geographic location. Stacey Hannem's (Chapter 17) research in a working-class region of Ontario describes the unique elements that condition sex work in this location and offers critical reflections about the role of drugs and third parties more broadly. Laura Winters and Gayle MacDonald (Chapter 18) provide an analysis of sex work in Newfoundland and Labrador, showing how social and geographic proximity, wilful blindness to the existence of sex work, and stigma based on cultural and religious understandings condition experiences of sex work in the province.

Whereas chapters in Part 2 challenge stereotypes and dominant discourses on sex work through powerful counternarratives, Part 3 moves on to consider some of the tactics employed, successes realized, and difficulties encountered by sex workers as they challenge legal repression and social/civic exclusion. While acknowledging the successes of the national sex workers rights movement in Canada, the chapters also serve to highlight the paradox that many ostensibly progressive social justice groups (e.g., organized labour and feminists) fail to align with, or actively work against, the efforts of sex workers to realize their human, labour, and social rights. The section starts with Mariana Valverde's (Chapter 19) critical examination of mainstream feminist engagement with sex work law reform. Reflecting on both the 1980s "sex wars" and more recent mobilization, she unpacks the failure of the women's movement to positively impact sex work policy. Like Valverde's cautionary tale, Becki Ross's (Chapter 20) contribution considers lost opportunities, examining why, in spite of their shared histories of persecution as "sexual outlaws," the potential allegiance between gay liberationists and "whorganizers" never materialized. The rise of whitened, neoliberal homonormativity and "gaybourhoods" that Ross examines is also at the heart of Morgan Page's observations (Chapter 21). Page brings

her insights as a trans sex worker rights activist to the conversation, demonstrating how the decriminalization of homosexuality, anti-sex work laws, and gay gentrification coalesce in the struggle over trans sex workers' occupation of public space.

Exclusion is also a central theme for Robyn Maynard (Chapter 22), who critiques anti-sex work prohibitionists for appropriating the imagery and language of slavery to support policies that criminalize and further exacerbate the harms experienced by Black women in general and by those with perceived or real involvement in the sex industry in particular. The next chapter, by Elene Lam and Chanelle Gallant (Chapter 23), considers sex workers' exclusion from a different point of entry, arguing that because of isolation, racism, language differences, and anti-immigrant xenophobia, migrant sex workers' voices are absent from conversations about sex worker rights. Drawing on their experiences establishing North America's first grassroots organization of sex workers, migrants, and allies, they highlight the importance of, and strategies for, working with migrant sex workers.

The final three chapters of the collection examine the Canadian sex worker rights movement more specifically. Jenn Clamen and Kara Gillies (Chapter 24) consider organized labour's engagement in sex worker rights, asking where Canada's labour unions were during the *Bedford v. Canada* Charter challenge. Kerry Porth (Chapter 25) focuses on movement mobilization in the policy realm in response to PCEPA. She lays bare the stigma, discredit, and disrespect that sex workers encountered when they bravely spoke "truth to power" in the House of Commons and Senate hearings on the new legislation. The closing contribution by Sarah Beer (Chapter 26) documents the emergence of the national sex worker rights movement itself. It is fitting that the collection concludes by celebrating the resistance, resilience, and tenacity of generations of sex worker rights activists – the brave people who paved the way for the conversations we are having today.

## Notes

This chapter includes updated and reprinted material from an earlier publication: van der Meulen, E., Durisin, E.M., and Love, V. (2013). Introduction. In E. van der Meulen, E.M., Durisin, & V. Love (Eds.), *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 1–25). Vancouver, BC: UBC Press.

- 1 The strategic litigation initiated by Terri-Jean Bedford, Amy Lebovitch, and Valerie Scott in 2007 resulted in three different court cases, each of which is referenced differently. The first, presided over by Justice Susan Himel of the

Ontario Superior Court of Justice, is known as *Bedford v. Canada* (2010). The subsequent decision by the Court of Appeal for Ontario is referred to as *Canada (Attorney General) v. Bedford* (2012). Finally, the decision by the Supreme Court of Canada, which is the case most frequently referenced in this collection, is *Canada (Attorney General) v. Bedford* (2013). Many of the chapters refer to the legislative process as a whole as *Bedford v. Canada* or simply *Bedford*.

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## Cases

- Bedford v. Canada*, 2010 ONSC 4264.
- Canada (Attorney General) v. Bedford*, 2012 ONCA 186.
- Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 SCR 1101.

## Legislation

- Bill C-36, *Protection of Communities and Exploited Persons Act*, SC 2014, c. 25.
- Criminal Code*, RSC 1985, c. C-46.
- Prostitution Reform Act*, 2003, Act of Parliament USC Wellington, New Zealand.

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