

BEYOND PIMPS, PROCURERS AND PARASITES:  
**MAPPING THIRD PARTIES IN THE INCALL/OUTCALL SEX INDUSTRY**

**RETHINKING MANAGEMENT IN THE ADULT AND SEX INDUSTRY PROJECT**

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By Chris Bruckert and Tuulia Law

## RETHINKING MANAGEMENT IN THE ADULT AND SEX INDUSTRY PROJECT

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This report is based on research supported by the Social Sciences and Humanities Research Council (SSHRC). The opinions expressed in this report do not represent the official policy of the Council.



Social Sciences and Humanities  
Research Council of Canada

Conseil de recherches en  
sciences humaines du Canada

Canada

ISBN: 978-0-88927-425-9  
March 2013

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## **ACKNOWLEDGMENTS**

This report would not have been possible without the help and support we received from many individuals and organizations. First and foremost, we would like to thank the sex workers and third parties who trusted us with their stories and took the time to talk to us.

This project would never have come to fruition without the other members of the research team: Jenn Clamen, Patrice Corriveau, Leslie Jeffrey, Sébastien Lachambre, Maria Nengeh Mensah and Colette Parent. We are also grateful to the many people who shared their expertise and wisdom and contributed to the research project in various ways: Sarah Beer, Frédérique Chabot, Cynthia Dubé, Elya M. Durisin, Mickael Chacha Enriquez, Lyne Généreux, Kara Gillies, Julie Marceau, Le-ann Patton, Kelly Phipps, Pascale Robitaille, Tara Santini and Emily Symons.

We are immensely grateful to the staff and volunteers at the sex worker rights organizations that helped us at various points in the project. In particular we would like to acknowledge the assistance of: Émilie Laliberté from *Stella*, Rene Ross from *Stepping Stone*, Keisha Scott from *Maggie's* and Emily Symons from *POWER*.

A heartfelt thanks to the people who helped us with the report including our reviewers who provided important feedback at various stages: Steven Bittle, Jenn Clamen, Patrice Corriveau, Kara Gillies, Stacey Hannem, Leslie Jeffrey, Maria Nengeh Mensah, Mellissa Munn, Colette Parent, Dominique Robert and Emily Symons. We would also like to thank those who contributed their particular expertise to the report: Leila Beheshti, who did the legal research and fact checking, and Lindsay Blewett for her assistance with the glossary.

Finally we would like to thank the Social Sciences and Humanities Research Council of Canada, for their financial contributions to the *Management Project*, without which this research would not have been possible. Thanks as well to the Faculty of Social Sciences of the University of Ottawa for their support.



# **INTRODUCTION**

## INTRODUCTION

Pimps, procurers and parasites – merciless exploiters of hapless women; these are the sinister characters that permeate the popular imagination at the mention of the sex industry. The terms speak to deeply ingrained (and often racialized) stereotypes, which, reflected in social attitudes and legal strategies, have a profound impact on the people who work in the sex industry. Stereotypes based on stigmatic assumptions persist in part because, in spite of renewed academic interest in sex work and the personal and professional lives of sex workers, there is a dearth of evidence-based knowledge about third parties – those individuals involved in commercial sex transactions who are neither sex workers nor clients. In this report we draw on data collected as part of a three-year study entitled *Rethinking Management in the Adult and Sex Industry Project* (hereafter the *Management Project*) funded by the Social Sciences and Humanities Research Council (SSHRC) to map and unpack the roles and relationships of third parties in the incall (services are provided in an establishment) and outcall (services are provided in a location selected by the client) sectors.<sup>1</sup> Not only are these the largest sectors of the sex industry, but they are also subject to an astounding array of legal prohibitions that effectively criminalize all third parties regardless of their roles or the nature of their relationship to sex workers.

This issue of third parties has become especially urgent in the current socio-political context. There is a scarcity of research on third parties in sex work at a time when governments around the world are grappling with questions of law and rights, and struggling to adapt policies to reflect today's moral and social climate. Here in Canada the issue has been pushed to the forefront by sex workers engaging in strategic litigation: the *Charter* challenge launched on May 5, 2008 by Amy Lebovitch, Valerie Scott and Terri-Jean Bedford (one current and two former sex workers) in Ontario has obliged the courts to reflect on the constitutionality of Canada's legislative approach to sex work. The plaintiffs assert that a number of *Criminal Code* (CC) provisions relating to sex work<sup>2</sup> violate their right to life, liberty and security of the person, guaranteed under section seven of the *Canadian Charter of Rights and Freedoms*.<sup>3</sup> The *Bedford*<sup>4</sup> case is to be heard by the Supreme Court of Canada in June 2013. There is also a real potential for a second, broader, *Charter* challenge in a British Columbia case in which the plaintiffs, *Sex Workers United Against Violence Society* (SWUAV), are arguing that the current context of criminalization violates sex workers' rights to life, liberty, security (s.7), freedom of association (s. 2(d)) and equality (s.15) under the *Canadian Charter of Rights and Freedoms*.<sup>5</sup> On September 24, 2012, the Supreme Court of Canada ruled that SWUAV be granted standing and the plaintiffs are poised to commence litigation.

In other words, it would appear that we, here in Canada, are standing at the precipice of a dramatically different judicial (or legislative) approach to sex work. What is much less clear at this juncture however, is what that approach will look like. Perhaps the Supreme Court of Canada will uphold the ruling of the Ontario Court of Appeal<sup>6</sup> and decriminalize incall establishments; or maybe they will agree with the ruling by Justice Himel of

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1. This is the first report to come out of the *Management Project*. Future publications will address third parties in other sectors, specifically street-based sex work and strip clubs.

2. The plaintiffs have challenged *Criminal Code* s. 213(1)(c), communicating in public for the purposes of prostitution; s. 210, being an inmate, owner or operator of a bawdy-house; and s. 212(1)(j) living on the avails of another's prostitution.

3. On September 28, 2010, Justice Himel of the Ontario Superior Court of Justice released the decision *Bedford v. Canada* (2010 ONSC 4264) that struck down the challenged provisions on the basis of Charter violation. On March 26, 2012, the Ontario Court of Appeal partially upheld the lower court's decision. The decision effectively decriminalized brothels (including keeping a bawdy-house), while retaining CC s. 213(1)(c). The Ontario Court of Appeal justices concurred with Justice Himel that CC s. 212(1)(j) (the living-on-the-avails offence) was overbroad and breached the principle of fundamental justice (*Bedford v. Canada (Attorney General)*, 2012 ONCA 186 at para 250)

4. *Attorney General of Canada, et al. v. Terri Jean Bedford, et al.*

5. *SWUAV & Kiselbach v. AG Canada* (British Columbia). Notably this case is challenging CC ss. 210, 211, 212(1)(a)(b)(c)(d)(e)(f)(h)(j), 212(3) and 231(1)(c).

6. *Bedford v. Canada (Attorney General)*, 2012 ONCA 186.

the Superior Court of Ontario<sup>7</sup> and also strike down *Criminal Code* sections 213(1)(c) (communicating in public for the purposes of prostitution) and 212(1)(j) (living on the avails of another's prostitution).<sup>8</sup> The *SWUAV* case may wind its way through the courts, and the Supreme Court of Canada may accept the plaintiff's arguments; setting in motion the decriminalization of the sex industry across the country. Alternately, it is entirely possible that Parliament will draft new laws similar to those in other countries. In the latter scenario the potential outcomes are diverse – from decriminalization (the removal of the criminal sanctions) as we see in New Zealand; to legalization (strict regulation through, for example, municipal and health acts with criminalization for non-compliance) as we see in the Netherlands; to the 'Nordic model' introduced in Sweden (which criminalizes all third parties, landlords and clients, but not those individuals who sell sexual services).<sup>9</sup> Or perhaps we will have a 'Made in Canada' model.

The dizzying array of policy options further affirms the importance of empirical data to allow for evidence-based decisions. One striking example of the significance of social science research is Justice Himel's<sup>10</sup> consideration of the rich body of Canadian research that transcends the traditional focus on deviance and/or violence, and uses innovative theoretical lenses to shed light on the Canadian sex industry. This emerging body of work is notable for its recognition of the diversity within the industry, solid research methodology and respectful attendance to sex workers' experiences.<sup>11</sup> Surprisingly, in spite of recommendations by key governmental committees established to study prostitution in Canada<sup>12</sup> and critical reflections on the prevalence and image of the 'pimp,'<sup>13</sup> this attention has rarely been extended to third parties. Indeed, "the management of prostitution is one of the most invisible aspects of the trade" (Weitzer, 2005b, p. 229, see also Lowman, 2001).<sup>14</sup>

### THIRD PARTIES AS PIMPS

In the absence of empirical research, stereotypes and sweeping generalizations persist. When we unpack the dominant discourse we see at its root profoundly moral assumptions that are most explicitly articulated by prohibitionist feminists. These anti-sex work activists maintain that sex work is inherently violent – regardless of sector, strategies or legal regime, it "is a form of sexualized male violence" (Day, 2008, p. 28) that exists "at the intersection of incest, rape, battery, and torture" (Holsopple, 1999, p. 49).<sup>15</sup> In order to explain women's participation in the industry, this body of literature frames sex workers as without agency and as victims (of, for example, their own troubled histories),<sup>16</sup> which, in turn, increases their vulnerability to men who abuse,

7. *Bedford v. Canada* (2010 ONSC 4264).

8. Note that appeal court justice also ruled that CC s. 212(1)(j) is overbroad but sought to remedy this by reading in the words of limitation "in situations of exploitation" into the law (*Bedford v. Canada (Attorney General)*, 2012 ONCA 186. at para 222).

9. For more on these models see Shaver (2012).

10. *Bedford v. Canada* (2010 ONSC 186).

11. See for example, Van der Meulen, Durisin & Love (2013); Law (2011); O'Doherty (2011); Brock (2009); Van der Meulen & Durisin (2008); Parent & Bruckert (2005), (2006), (2010); Jeffrey & MacDonald (2006a); Mensah (2006); Ross (2006); Lewis et al. (2005); Shaver (2005), (1996), (1993); Bruckert, Parent & Robitaille (2003); Bruckert (2002); Benoit & Millar (2001); Lewis & Maticka-Tyndale (2000); Lowman (2000).

12. The Fraser Committee (1985); The Federal/Provincial/Territorial Working Group on Prostitution (1998); and the Parliamentary Subcommittee on Solicitation Laws (2006).

13. See for example, Jeffrey & MacDonald (2006a); Shaver (2005); Benoit & Millar (2001); Lowman (2000), (1986); Lowman & Fraser (1996); Gemme & Payment (1992). See also Gillies (2013); van der Meulen (2010) & Gillies & Currie (2006) for notable exceptions.

14. This is not to say there is no literature on third parties in the sex industry. Notable writing includes: Gillies (2013); van der Meulen (2010) and Gillies & Currie (2006); On the topic of strip club management see Becki Ross's (2009) historical analysis of the Vancouver strip industry. For research on the sex industry that speaks of the role of third parties, see for example, O'Doherty (2011); Bruckert and Chabot (2010); Jeffrey & MacDonald (2006a); Lewis & Shaver (2006); Lowman (2001); Bruckert, Parent & Robitaille (2003).

15. See for example Raphael and Myers (2010); Raphael et al. (2010), (2009); Day (2008); Lakeman et al., (2004); Farley (2003), (2004); Poulin (2003); Holsopple (1999); Barry (1995); Louis (1994), (1991); Hoigard & Finstad (1992).

16. For example, according to this body of literature, sex workers are disproportionately the victims of childhood sexual abuse



manipulate and/or coerce them. At times this understanding also informs the discourse of state actors. In the factum filed by the Attorney General of Canada in *Bedford v. Canada's Attorney General* (2012 ONCA 186) is the following assertion:

Many prostitutes share certain background factors which make them more vulnerable to being lured into a life of prostitution. These pre-existing vulnerabilities include childhood physical and sexual abuse or emotional neglect, dissociation, isolation or alienation from family, lack of education and job skills and low self-esteem. These vulnerabilities can be exploited by pimps who prey upon a person's underlying insecurities, exacerbating the psychological harm.<sup>17</sup>

That these assertions are dialectally opposed to what much of the scholarly literature and, more importantly, what sex workers across the country are asserting – namely that sex work is work<sup>18</sup> – should give pause. However, in this framing sex workers' proclamations are dismissed. For example Professor Donna Hughes (2003, np) asserts that, while “there is no doubt that a small number of women say they *choose* from among the options available to be in prostitution” [emphasis ours] both the relevance and the authenticity of their consent is negated:

It is harm to the person, not the consent of the person that is the governing standard [...] When a woman remains in an abusive relationship with a partner who batters her, or even when she defends his actions, concerned people don't say she is there voluntarily. They recognize the complexity of her compliance. Like battered women, women in prostitution often deny their abuse if provided with no meaningful alternatives.<sup>19</sup>

The understanding of third parties flows from this position. If sex work is violence then “any man or woman who induces, promotes, and profits from the prostitution of women, and children” (Holsopple, 1999, p. 47) is a pimp. This means all romantic partners and third parties (at least of female sex workers<sup>20</sup>) are categorized as pimps who are culpable (either as abusers, or by virtue of their complicity) for the violence sex workers experience including the violence that *is* sex work. Distinctions on the basis of roles, relationships, services and industry sector are thereby rendered spurious.<sup>21</sup> This framing leads some anti-sex work activists to even dismiss those who advocate for the rights of sex workers, as “pimps posing as sex worker activists.”<sup>22</sup>

This point of departure on prostitution and third parties unfolds in a number of ways. First, the broad definition of pimping explains the statistics used by anti-sex work activists: if all but the most marginal and isolated sex workers can be classified as being pimped, then Richard Poulin's assertion that “between 85 and 90% of prostitutes in the Western world are under the control of a pimp”<sup>23</sup> makes sense.

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and trauma. Very often the source of this is Melissa Farley's (2003) research that has been largely discredited on the basis of methodological flaws (Lowman, 2013) and was “assigned less weight” by Justice Himel on the basis of contradictions and unsubstantiated assertions (2010 ONCA 4246 at para 353-355).

17. *Bedford v. Canada* (2010 ONSC 4264) [at para18].

18. See for example contributions in Van der Meulen, Durisin & Love (2013). See also the testimony of sex workers at the Parliamentary Subcommittee on Solicitation Laws (SSLR, 2006). It is also contrary to what much of the scholarly literature based on empirical research has found. See for example Van der Meulen, Durisin & Love (2013); Law (2011); O'Doherty (2011); Bruckert & Chabot (2010); Brock (2009); Van der Meulen & Durisin (2008); Parent & Bruckert (2006); Jeffrey & MacDonald (2006a); Mensah (2006); Ross (2006); Lewis et al. (2005); Parent & Bruckert (2005); Shaver (2005), (1996), (1993); Bruckert, Parent & Robitaille (2003); Bruckert (2002); Benoit & Millar (2001); Lewis & Maticka-Tyndale (2000).

19. For a recent Canadian example see Day (2008) who dismissed arguments of consent and, in her words, “so-called voluntary prostitution” (p. 42).

20. These authors embrace a gendered model defining ‘pimps’ as male and assert, “male prostitutes are rarely pimped” (Shelby 2002, p. 392).

21. Parker (2004) categorizes third parties into street, business or media pimps.

22. See for example Marr (2012). See also interview with Ruchira Gupta at <http://www.guardian.co.uk/global-development/2012/dec/04/sex-work-pimps-johns-prostitution>

23. Testimony before the Parliamentary Subcommittee on Solicitation Law, 30 May 2005 (SSLR 2006: 23).

Second, this framing interfaces seamlessly with the trafficking discourse. According to Melissa Farley et al. (2003) “our findings contradict [...] that prostitution is qualitatively different from trafficking” (np) thus the terms ‘pimp’ and ‘trafficker’ become fused into a new category of “pimps/traffickers” (Farley, 2004).<sup>24</sup> In other words, not only are all third parties pimps, they are also traffickers. The designation applies whether or not the individual engages in the types of egregious behaviour traditionally associated with pimps or traffickers – aggression, sexual assault or confinement. This is because trafficking, at least in Canada, hinges on the notion of ‘exploitation’<sup>25</sup> and does not, as people tend to assume, necessarily involve movement or confinement. In other words, if prostitution is sexual exploitation then it is also trafficking and “the prostitute’s consent is irrelevant, because you can never consent to sexual exploitation” (Ratansi, 2008, p. 5). In short, we see a discourse that draws on powerful and deeply-entrenched archetypes of pimps and traffickers and then redefines them to include all third parties – the result is forceful and emotionally compelling. Given that it is based on ideology not evidence, it is also misleading.

### **WHAT IS A THIRD PARTY IN INCALL AND OUTCALL SEX WORK?**

When we abandon preconceived notions we quickly see that the sex industry is large and diverse; even when we reduce the scope to the incall and outcall sectors (as we have done in this report) we see significant variability in sex workers’ labour sites, the organization of their labour, as well as their labour processes (how they work) and practices (what they do).<sup>26</sup> For example, some sex workers work out of their own homes receiving clients, others are employed in massage parlours or brothels, some work with a few colleagues in a collective establishment, others are outcall escorts who work for large, mid-sized or small agencies, and still others run their own small outcall business. Services offered are similarly diverse – for example erotic massage, BDSM, full sexual service, PSE or GFE.<sup>27</sup> Moreover, in addition (and sometimes instead of sexual services) sex workers also provide conversation, companionship, social and personal contact, and/or comfort to their clients. The possible configurations of services are, if not endless, then certainly considerable. Regardless of the what, how and where, sex workers do not labour in isolation. Like service providers in other sectors<sup>28</sup> they, to a greater or lesser extent, rely on the services of others to do their job.

In the business world third parties are individuals or entities, other than the principals (the buyer and the seller), involved in an arrangement, contract, agreement or transaction. They can be, for example, organizers, promoters, agents, middle-persons, service providers, or managers. Third parties often mediate the commercial services that increasingly permeate our lives. These would include agencies that arrange house cleaning; organize temporary (or more permanent) office, domestic, security or agricultural staff; special event organizers who will plan weddings or children’s birthday parties; investment consultants hired to manage personal financial wellbeing and realtors who sell houses. The list is long and varied. Not all service provision is mediated through a third party of course – contract or self-employed workers offer their services directly to clients or work in association with other third parties (e.g., an individual can hire a limousine driver to take their teen to the prom, but these chauffeurs may have arrangements with wedding planners).

Moreover, as the service provision market has expanded into areas previously considered the private domain (Hochschild, 2003), the purchase of services and commercial third parties play an increasingly large role in our personal relations. For example, we can hire life coaches to help us realize our ‘potential’ and, where we once

24. See also, for example, Raphael et al. (2010).

25. CC s. 279.01, the human trafficking law states: “For a charge under this offence, the evidence should indicate that the suspect has: recruited, transported, transferred, received, held, concealed, or harboured the victim, or exercised control, direction or influence over the movements of the victim; and done this for the purpose of exploiting the victim or facilitating their exploitation.”

26. See the report of the Parliamentary Subcommittee on the Solicitation Laws (2006).

27. See Glossary of Terms for definitions.

28. For example a licensed massage therapist may work for a clinic – in which case she is working for a third party. If she works independently she will nonetheless rely on some third parties for example, for advertising or accounting.

relied on friends and family for introductions to potential partners, we now turn to Internet sites.<sup>29</sup> Certainly third parties are implicated in organizing the care of children or elderly parents – there are agencies that match caregivers with clients interested in purchasing this service as well as agencies that coordinate workers (often women from the Philippines) to come to Canada and provide child (or elder) care under the government’s Live-in Care Program. In short, third parties are intertwined in the economic, social and personal lives of Canadians and operate at multiple, intersecting and overlapping levels.

In general, these third parties are providing (more or less) valuable services that allow us, as consumers or workers, to (for a price) access skills and competencies we do not possess, to avoid tasks we do not enjoy, to free up time for other activities or to connect with individuals/businesses with whom we do not, in the normal course of our lives, have contact.<sup>30</sup> It follows that relationships to third parties are complex and layered, and defy easy classification – a third party can be a boss, an agency or an individual one contracts, or an associate. Indeed, one can be a third party, hire a third party and work for a third party simultaneously.

In this report we will see that third parties in the incall/outcall sex industry fulfill the same sorts of roles they do in ‘mainstream’ businesses. Among other services they may provide access to customers, deal with clients, offer training and mentorship, arrange events, take care of administration, organize transportation, screen clients and provide security. Conversely, they may be contractors who chauffeur, offer protection, or do the advertising for sex workers or for other third parties such as agency operators. Notably, technological innovations like the cellular phone<sup>31</sup> and the Internet<sup>32</sup> have increased the feasibility of working as an independent<sup>33</sup> and have significantly impacted the composition of the sex industry (Bernstein, 2007). While these innovations have opened up a niche for a new form of third party – the website provider – they have not eliminated third parties who fulfill traditional roles. As we will see in Chapter Two, the increasing viability of working as an independent does not mean it is desirable or viable for all sex workers. For example, some sex workers do not have the resources and/or capacity to be independents and prefer to work for someone else rather than assume responsibility for running their own business. For others it is a matter of safety and security, some sex workers enjoy working in collaboration with colleagues and value the sense of community a workplace offers. Moreover, being an independent does not mean working in isolation and without third party involvement; independent sex workers contract services they find useful and may work with associates according to their personal style, interests and needs.<sup>34</sup>

In short, when we take off the moral blinders, are open to rethinking the role of third parties, and respect what sex workers say, we quickly move away from demonizing characterizations and come to appreciate that the situation is both more banal and more complex than such stereotypical representations suggest. As we will

29. For example according to a recent study 21% of heterosexual couples and 61% of same sex couples met through an online dating service (Rosenfeld & Thomas, 2012).

30. A simple example is real estate agents. Individuals can sell their own homes (it requires the Internet or simply a sign on one’s yard) and yet many willingly pay a significant fee to individuals because they do not have the connections, time, interest and/or the competencies to make the sale themselves.

31. For example mobile communication devices have significantly impacted the day-to-day lives of independent sex workers – like other self-employed contractors, sex workers can now use cell phones to deal with clients as they go about their daily responsibilities rather than waiting for business calls at home. As we will see in the next chapter this also renders incall and outcall sex workers vulnerable to *Criminal Code* charges for communicating for the purposes of prostitution (CC s. 213(1)(c)) if they are talking on their mobile phones with clients in public places.

32. The Internet is having a profound impact on how people work in the sex industry (i.e. sex workers and third parties use the Internet to, for example, help them screen potential customers, communicate with clients and organize their schedules). The Internet has revolutionized advertising and marketing strategies facilitating independent sex work – sex workers can now advertise on online forums rather than relying on the (sometimes prohibitively costly) Yellow Pages advertisements of a bygone era.

33. This too is an echo of non-sex work spheres, for example travel agents are seeing their business decline as individuals increasingly organize their own travel online. And new third parties have emerged in the market that has opened up as a result.

34. The current report is focused on indoor work however these kinds of relationships exist across sectors. Sex workers, regardless of if they solicit on the street, do incall or work outcall, may have arrangements whereby they engage the services of a third party. For example in our focus groups with street-based sex workers some individuals spoke of hiring individuals to act as protection and others spoke of intimate relationships.

see in this report, with the possible exception of the most marginal of street-based sex workers, there is always someone else involved in the transaction that is neither the client nor the worker – in other words, a third party. It may be someone who receives financial remuneration for the services they offer (e.g., providing transportation, web space); it may simply be a friend or partner who, as a favour, agrees to be the sex worker’s safe call; it may be an experienced sex worker who teaches a novice about the industry and how to keep safe; it may be an agency owner who schedules, books, provides security and arranges transportation in exchange for a reasonable (or outrageous) percentage of the worker’s fees. It may also be someone who is violent, coerces the sex worker and takes all or most of the worker’s earnings. The latter are indeed predators and/or abusive partners and/or ‘pimps’ but to define all third parties in this way (as the anti-sex work activists do) is not only unsubstantiated by the evidence, it is potentially dangerous in that it risks denying sex workers the myriad of diverse and useful services that third parties may provide – including those integral to their safety and security. Moreover, as we will see in this report, the criminalization of third parties further marginalizes and isolates sex workers, negatively impacts on their ability to realize their labour rights and has the potential to undermine their emotional and physical wellbeing.

## METHODOLOGY

This report is based on the findings from a subsample of 122 interviews collected for the *Management Project*. As part of this research we conducted 50 in-depth face-to-face interviews with individuals who work/worked as third parties in the incall and/or outcall sectors of the sex industry in the Maritimes, Québec and Ontario since the year 2000. After a preliminary analysis of the data from this first phase, a second phase of focus group interviews were conducted with 27 sex workers who work/worked for or with (many of whom had also hired) third parties in these sex industry sectors. This second phase allowed us to not only validate and nuance the findings on policies and practices collected during the first phase, but also to understand how these policies and practices ‘play out.’ In this report we rely heavily on these two sets of anonymized interviews.<sup>35</sup> In the interests of transparency we have appended an overview of our methodology with information on recruitment, interviewing strategies, participant demographics, coding approach, confidentiality protocol and analysis in *Appendix One: Research Methodology*.

## WHO ARE THIRD PARTIES?

The current report is focused on what third parties *do* as opposed to who they *are*. That said, the imagery proliferated by the media,<sup>36</sup> state actors<sup>37</sup> and anti-sex work activists,<sup>38</sup> depicting third parties in the sex industry as dangerous criminals, evil predators, or at best, callous, ‘creepy’ bosses, suggests that third parties are defined (and denigrated) on the basis of stereotypes. Moreover, these stereotypical assumptions are so profoundly embedded in social scripts that what third parties do (or more accurately are presumed to do) is read as who they are. In light of this ascription of a stigmatized “master status” (Hughes, 1945), it is important to at least start to nuance this image. Looking at the personal narratives of the third parties we interviewed in this research allows us to speak to some of these assumptions.

35. All potentially identifiable information such as the names of people and establishments have been altered to protect the anonymity of participants.

36. On this topic see Mendes & Silva (2009); Hallgrimsdottir et al. (2008); Jeffrey & MacDonald (2006b); Hallgrimsdottir et al. (2006); Lowman (2000).

37. For example, Det. Paul Gauthier of the Toronto Police service is on record as dismissing the security measures implemented by escort agencies and negating the perspective of sex workers. He asserts, “at the end of the day, they [escort agencies] are still exploiting her, even if the escort doesn’t see it that way,” (Davidson, 2011, np).

38. See for example Marr (2012); Raphael & Myers (2010); Raphael et al. (2010), (2009); Day (2008); Ratansi (2008); Lakeman et al., (2004); Farley (2003), (2004); Poulin (2004); Holsopple (1999); Barry (1995); Louis (1994), (1991); Hoigard & Finstad (1992); AWAN nd.

Our research challenged the notion that all third parties are men; of the 50 incall/outcall third parties we interviewed 38 were female, ten male and two transsexual women. The difference between sex worker and third party is also not as distinct or hierarchical as the stereotypes would suggest – we found that these roles overlapped, informed, and alternated for many of our participants. In this regard, 29 were sex workers at the same time as being third parties and 13 were former sex workers. For many of these individuals, their previous experiences working with third parties, which ranged from positive to less than ideal to abusive, influenced their decision to become a third party. Of the ten men we interviewed, five had never done sex work, however three had considerable experience as sex workers (indeed two of them still worked at the same time as being third parties), whereas two had done occasional sex work.

Particular lifestyles and characters are also often attributed to sex industry third parties, for example that they are unskilled ‘scoundrels’ whose social circles are limited to bad neighbourhoods and shadowy nightlife. Our research revealed a rather mundane counterpoint to such notions. For example, nearly half (23) of the third parties we spoke with had post-secondary degrees, and all but two had held jobs outside the sex industry – 29 had held ‘mainstream’ managerial positions. Similarly many of the reasons our participants became third parties are comparable to considerations surrounding ‘mainstream’ career paths. These factors included entrepreneurialism, career development, personal networks and contacts, circumstances and opportunity, serendipity, financial need, interest, and relationships. The 26 participants who had relinquished their positions as third parties did so for a wide range of reasons, including disagreements with bosses, new opportunities that emerged, waning interest, wanting more time for themselves, health reasons and intimate relationships. In addition, seven participants had been criminally convicted for their activities as third parties (under CC s. 210(1) or 212(1)). For some, in addition to ruining their business, the fallout of this was financially, emotionally and socially devastating.<sup>39</sup>

## OBJECTIVES OF THE REPORT

In response to the disconcerting lack of empirical evidence and the pervasive stereotypes about third parties, this report aims to:

- Shed much needed light on what third parties in the incall and outcall sectors of the sex industry do. Accordingly we present detailed descriptions of the various third parties roles and examines how these ‘play out’;
- Unpack the array of relationships between sex workers and third parties in the incall and outcall sectors and examine in detail questions of power, control, exploitation and service - the very elements at the heart of both the sex worker rights and anti-sex work discourses;
- Document the impact of the (current) criminalization of third parties on sex workers in the incall and outcall sectors attending in particular to questions of health, safety and security;
- Contribute to a growing body of literature that challenges, through the use of empirical research, myths and stereotypes about the sex industry.

## REPORT OUTLINE

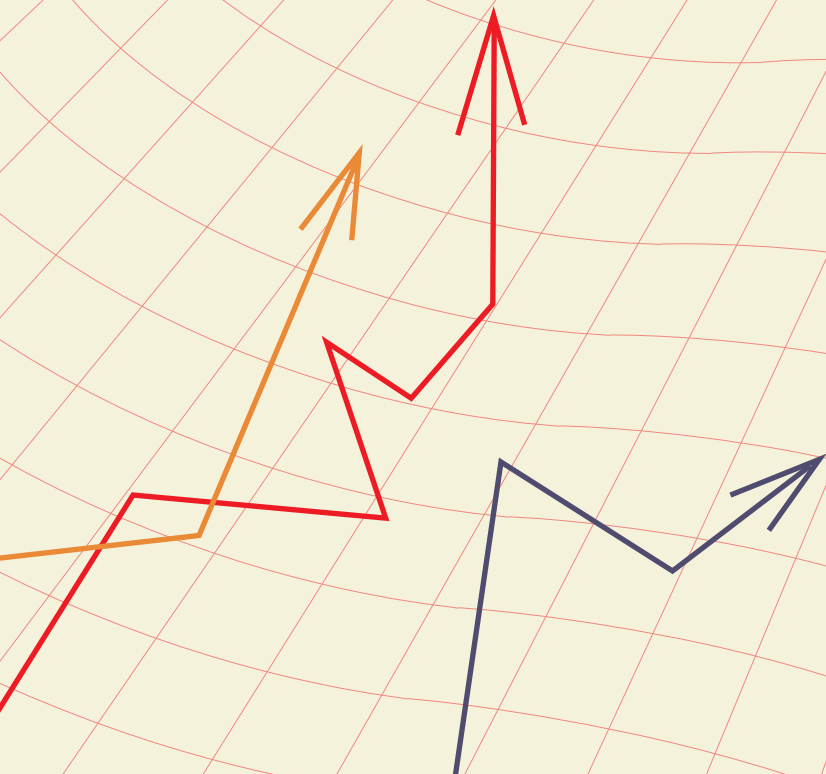
This report starts with a chapter on *Third Parties and the Law* in which we present an overview of the legal context and reflect on the breadth of the legal prohibitions that criminalize third parties in the sex industry. Chapter Two, *Why work for or with or hire a third party - What Sex Workers Say* seeks to understand the role of third parties from the perspective of sex workers. The remainder of the report shifts from the question of *what* third parties do to examine what this *looks like* and *how* it ‘plays out.’ We start with a presentation of the organizational models and the three categories of third parties that emerged from the research. The first,

<sup>39</sup>. For more on the career trajectories of third parties see Bruckert and Law (forthcoming).

*agencies*, hire sex workers and exercise the most control over when and where they work – this relationship is examined in Chapter Three. Our second category, *associates*, who work collaboratively with sex workers, is explored in Chapter Four. Chapter Five presents our final category of third parties, *contractors*, who are hired by independent sex workers or agencies to perform specific and specialized tasks. We conclude the report with the question that is at the heart our research: what does the criminalization of third parties mean for sex workers? Because we rely heavily on quotations from our interviews throughout the report, there may be language unfamiliar to readers who are not well versed in sex industry vernacular– for this reason we have provided a *Glossary* at the end of the report.



**CHAPTER ONE**  
THIRD PARTIES AND THE LAW





## **CHAPTER ONE: THIRD PARTIES AND THE LAW**

According to the *Criminal Code*, anyone who manages a prostitution business or lives off the avails of prostitution can be termed a “procurer”. This definition is in fact much broader than the traditional image of the pimp, which refers to a person who exploits one or more persons in forced prostitution. [...] The public generally believes that adults who engage in prostitution are forced into it by a third party. However, according to the evidence gathered, people who are forced into prostitution against their will by a third party are by no means in the majority, at least among adult prostitutes. (*Parliamentary Subcommittee on Solicitation Laws [SSLR]*, 2006, p. 23)

In the above quote the Parliamentarians get to the heart of a tension. On the one hand we have the popular image of the ‘pimp’ – an (often racialized) evil man who forces, manipulates or tricks women into the sex industry, keeps them there, imposes quotas and appropriates their earnings (Jeffrey & McDonald, 2006). On the other hand ‘pimping’ is never mentioned in the *Criminal Code* (CC). Instead a series of CC provisions – sections 210(1), 210(2), 211, 212(1) and 213(1) (c)<sup>1</sup> *define the activities of all third parties in the sex industry as criminal* – regardless of the services they provide, their relationship to sex workers, or the needs or interests of the sex workers they work for, with or hire. It should be noted that in Canada “the exchange of sexual services of one person in return for payment by another” the judicial definition of “prostitution,”<sup>2</sup> is not and has never been illegal. That said, the *Criminal Code* (CC) proscription of many activities associated with sex work creates a de facto criminalized sex industry. Sex workers and their clients are criminalized under s. 213 (the communicating offence), s. 210(2)(a) (being an inmate of a bawdy-house) and s. 210(2)(b) (being found in a bawdy-house). In this chapter we start by presenting the federal provisions criminalizing third parties and reflecting on case law applications before briefly touching on the municipal regulations, which, in some cities, layer regulation and surveillance over federal law.

### **FEDERAL STATUTES: THE CRIMINAL CODE OF CANADA**

#### **CRIMINAL CODE S. 210(1): KEEPING A BAWDY-HOUSE**

Incall establishment owners, managers, receptionists, bookers, sex workers who do administrative tasks, and any other individual who has managerial responsibilities in “a place kept or resorted to by one or more persons for the purposes of prostitution<sup>3</sup> or the practice of acts of indecency”<sup>4</sup> are criminalized under s. 210(1) of the *Criminal Code*. Premised on the legislative objective of “combating neighbourhood disruption or disorder and safeguarding public health and safety,”<sup>5</sup> *Criminal Code* section 210(1) states that “[e]very one who keeps a common bawdy-house is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.” In real terms a bawdy-house can be any space: a brothel, an erotic massage parlour, a house, an apartment, a parking lot or “a hotel room, even if rented for several hours at a time, for the sole purpose of committing acts of prostitution.”<sup>6</sup>

1. In practice the legislative net also captures many sex workers including those who help out at the establishments where they work and independent sex workers. Although not specific to third parties, CC s. 213(1)(c), criminalizes these individuals as well.

2. J. Latimer in the Prostitution Reference offered this definition(1990 CanLII 105 (SCC), [1990] 1 S.C.R. 1123. at para 1159).

3. Notably the courts have interpreted prostitution to “not require sexual intercourse. It is the act of a man or a woman offering his or her body or a part of his or her body for remuneration” Marceau c. R., 2010 QCCA 1155 (CanLII) at para 101.

4. Bawdy-houses are defined in s. 197(1) of the *Criminal Code*.

5. Bedford v. Canada, 2010 ONSC 4264 at 242.

6. R. c. Tynes, 2010 QCCQ 9767 (CanLII) at para 30. The Supreme Court of Canada held in R. v. Patterson, 1967 CanLII 22 (SCC), [1968] S.C.R. 157, that proof that premises were a bawdy-house required evidence that the premises were resorted to on a habitual and frequent basis but did not indicate a specific number. See also Bedford v. Canada (2010 ONSC 4264) at para 11.



Moreover, since 2010, when the definition of “serious offences”<sup>7</sup> was expanded to include “keeping a bawdy-house.” third parties who manage, or assist in the management of, an establishment defined as a bawdy-house can also be sentenced to up to five years for participating in a “criminal organization.”<sup>8</sup> A criminal organization is broadly defined in CC s. 467.1(1) as a group of “three or more persons [...] [which] has as one of its main purposes or main activities the facilitation or commission of one or more serious offences.” Furthermore, by virtue of the reframing of “keeping a bawdy-house” as organized crime, individuals convicted of this offence may also have their property seized under the “proceeds of crime” provision, CC s. 462(32).<sup>9</sup> Tangentially, if the third party has endeavoured to obscure the source of their income (for example, to avoid police attention) they may also be convicted of “laundering proceeds of crime” (CC s. 462.31), an offence that carries a maximum penalty of ten years in prison.

As we noted in the *Introduction*, a number of the *Criminal Code* provisions, including CC s. 210, are being challenged on the basis that they contravene sex workers’ rights guaranteed under the Canadian *Charter of Rights and Freedoms*. On September 28, 2010, Justice Himel of the Ontario Superior Court of Justice released the decision *Bedford v. Canada* (2010 ONSC 4264) that struck down the bawdy-house law. On March 26, 2012, the Ontario Court of Appeal partially upheld the lower court’s decision<sup>10</sup> – this effectively decriminalized incall locations (by removing the word “prostitution” from CC s. 197(1)). Both courts acknowledged working indoors to be safer than working on the street and on this basis interpreted current laws criminalizing those that “keep” bawdy houses to be unconstitutional because that they undermine sex workers’ *Charter* guaranteed right to life, liberty and security of person. In spite of these rulings, the decisions have been stayed. The stay remains in effect pending a ruling by the Supreme Court of Canada.<sup>11</sup>

#### CRIMINAL CODE S. 210(2)(C): PERMITTING A PLACE TO BE USED AS A BAWDY-HOUSE

Landlords, lessors or any other individual who has ownership or control of premises used as a ‘bawdy-house’ are criminalized under s. 210(2)(c) of the *Criminal Code*:

Everyone who as owner, landlord, lessor, tenant, occupier, agent or otherwise having charge or control of any place, knowingly permits the place or any part thereof to be let or used for the purposes of a common bawdy-house, is guilty of an offence punishable on summary conviction.<sup>12</sup>

Importantly, if the individual who has legal ownership or control is unaware that the premises are being used for sex work, they are not vulnerable to criminal prosecution.<sup>13</sup> It follows that individuals offering incall services must avoid being forthright with those who rent them space in order to retain their premises (which may of course also be their own homes). Indeed once an incall operator is criminally charged the landlord can no longer claim lack of knowledge and is legally obligated under CC ss. 210(3) and (4) to evict his or her tenants.

#### CRIMINAL CODE S. 211: TRANSPORTING TO A BAWDY-HOUSE

Taxi drivers, private citizens and drivers of sex workers for incall agencies are vulnerable to being charged under CC s. 211, which specifies that: “[e]very one who knowingly takes, transports, directs, or offers to take, transport or direct, any other person to a common bawdy-house is guilty of an offence punishable on summary conviction.” This sweeping law, which criminalizes merely offering to take someone to a bawdy-house, has possible ramifications for an array of individuals who are otherwise uninvolved in the sex industry. It also criminalizes drivers who work for independent sex workers or agencies, as well as sex workers’ partners, friends or colleagues who drive them to their place of work.

7. Parliament has the authority under CC s. 467.1(4) to expand the definition of serious offence.

8. CC s. 467.11(1).

9. Section 210(1) is an included offence according in CC s. 462.37.

10. See *Bedford v. Canada* (Attorney General), 2012 ONCA 186.

11. On October 25, 2012, the Supreme Court of Canada announced that it will hear the appeal by the Attorney Generals of Canada and Ontario and the cross-appeal launched by the three appellants. It is anticipated the hearing will take place in June 2013.

12. Summary conviction offences are, compared to indictable or hybrid offences, considered the less serious offence in the *Criminal Code*. The maximum penalty, in general, is 6 months in jail and/or a 2,000-dollar fine.

13. See for example *R. v. Kouri*, [2004] RJQ 2061, QCCA. An owner’s willful blindness can justify a conviction under s. 210(2)(c). This means that if an owner ought to have knowledge that a space is being used as a common bawdy-house, he or she is liable for conviction, even if there is no direct knowledge.

**CRIMINAL CODE S. 212(1): PROCURING/ LIVING ON THE AVAILS OF PROSTITUTION**

Unlike *Criminal Code* sections 210 and 213, which are intended to manage public nuisance, section 212(1) - which has its genesis in the Progressive Era moral panic about the ‘white slave trade’ perpetuated by dubious accounts of young women tricked and trapped into a life of prostitution<sup>14</sup> - is self-consciously about protecting sex workers (Currie and Gillies, 2006). To this end we see a series of provisions that endeavour to protect *adult* sex workers<sup>15</sup> from being involved in the sex industry (procuring and aiding), and from economic exploitation (living on the avails).<sup>16</sup> We also see, somewhat counter-intuitively, special laws that protect sex workers from acts already sanctioned under existing generic *Criminal Code* provisions. For example, the sexual assault statutes<sup>17</sup> are duplicated in s. 212(1)(i), which criminalizes administering a substance “in order thereby to enable any person to have illicit sexual intercourse with that person” and existing kidnapping and forcible confinement laws<sup>18</sup> already criminalize that which is addressed in s. 212(1)(c) (which makes it illegal to conceal a person in a common bawdy-house). Finally, CC s. 212(1)(g) criminalizes procuring persons to enter or leave Canada for the purposes of prostitution and s. 212(1)(f) makes it illegal for a person to direct or cause another to be directed or taken to a bawdy-house upon their arrival in Canada. If done for the purpose of exploitation or to facilitate a person’s exploitation, these acts are criminalized under the CC s. 279.01, the human trafficking law of the *Criminal Code*.<sup>19</sup>

In other words, although *Criminal Code* provisions already criminalize the types of egregious behaviours associated with the ‘pimping’ of adult sex workers,<sup>20</sup> we have an additional series of provisions intended to address those same behaviours when the victim is a sex worker. Currie and Gillies (2006) speak to the ideological significance of layering sex work specific laws over existing generic laws when they argue that this is “a form of ‘othering’ whereby women working the sex trade are positioned as inherently and negatively different from ‘normal’ women and hence subjected to discrete laws and treatment that reinforce this perceived difference” (2006, p. 57).<sup>21</sup> Ironically the existence of sex work specific laws may actually undermine sex workers’ ability to turn to the criminal justice system for help and, in practice, hinder their access to criminal justice redress. For example, the police practice of laying charges against an abusive partner of a sex worker under prostitution statutes (specifically knowing CC s. 212(1)(j)) is a powerful disincentive for an abused woman, who is also a sex worker, to turn to law enforcement, knowing she will be ‘outed’ as a sex worker (Currie & Gillies, 2006).

The remaining provisions of CC s. 212(1) are also ‘othering’ in that they paternalistically endeavour to protect individuals (presumed to be women) from becoming, or remaining, sex workers. Legal paternalism has been defined by Gerald Dworkin (1972) as “interference with a person’s liberty of action justified by reasons referring exclusively to the welfare,

14. Socio-historical researcher Marianne Valverde (1991, p. 93) asserts that “virtually no evidence was found of a traffic in Canadian women, either within or without Canadian borders.”

15. The procuring and living off the avails of those under 18 years of age is criminalized under section 212(2) of the *Criminal Code*. Sanctions for those convicted under this law are considerably harsher. Since this report is specifically focused on third parties in adult sex work we do not review these laws.

16. It should be noted, echoing the situation noted above in relation to individuals convicted of “keeping a bawdy-house”, a guilty verdict renders an individual susceptible to charges of “laundering proceeds of crime” (CC s. 462.31), and to having their property seized as “proceeds of crime” (CC s. 462.32).

17. *Criminal Code* section 271.

18. *Criminal Code* sections 279(1) and 279(2).

19. The human trafficking law states: “For a charge under this offence, the evidence should indicate that the suspect has: recruited, transported, transferred, received, held, concealed, or harboured the victim, or exercised control, direction or influence over the movements of the victim; and done this for the purpose of exploiting the victim or facilitating their exploitation.”

20. As previously noted, this research investigated third parties in the adult sex industry. Therefore a discussion of the laws regarding youth prostitution are beyond the parameters of this report. That said, it must be noted that in addition to elevated sanctions against clients who purchase services from, or third parties who are involved with, persons under the age of 18 (in the prostitution offences), there are numerous other *Criminal Code* provisions that sanction those who harm children. These include CC s. 172, corrupting children; s. 215, duty of persons to provide necessities of life; s. 218, abandoning a child; s. 43, correction of a child by force; s. 150.1, children under 16 are unable to consent to sexual acts; s. 151, sexual interference; s.152, invitation to sexual touching; s. 153, sexual exploitation of a young person; s. 155, incest; s.163, corrupting morals; section 173(2), exposure of genitals for sexual purposes to a child under 14 years of age; s. 212(2), living off avails of child prostitution; and s. 212(4), attempting to obtain the sexual services of a child. In addition, all provinces have child welfare laws that include provisions intended to protect youth from harm and exploitation.

21. On this topic see also Childs et al. (2006) and HIV/AIDS Legal Network (2006).

good, happiness, needs, interests, or values of the person being coerced” (p. 65). In other words, the state is authorized to limit individual freedom if there is adequate reason to believe that the harm being prevented is one that a ‘reasonable person’ would not wish to be subjected to. In the case of the procuring and living on the avails provisions of CC s. 212(1), this justification hinges on the assumption that working in the sex industry is an intrinsically and inevitably detrimental activity that no ‘reasonable person’ would wish to engage in – a rather striking contradiction of what sex workers,<sup>22</sup> including the plaintiffs in the *Bedford*<sup>23</sup> and *SWUAV*<sup>24</sup> *Charter* challenges assert. Moreover, while regulatory statutes such as provincial minimum wage laws endeavour to limit the economic exploitation of workers in Canada, in no other sector is it assumed that employees are so vulnerable (and predisposed to being taken advantage of) that they are incapable of even making decisions regarding the conditions of their employment.

Almost thirty years ago the *Fraser Committee* (1985) drew attention to the (already then) out-dated stigmatic assumptions about sex workers that are embedded in CC s. 212(1):

Prostitution is seen as something extraordinary which requires unique legislation. Laws which are designed to control activities such as extortion, fraud, blackmail or intimidation in normal businesses, are seen to be inadequate with respect to prostitution. [...] This legislation reflects the thinking of earlier generations which saw prostitution and related activities as immoral, the people engaged in these activities as truly deprived or of sub-normal intelligence, and always, the danger of innocent women being seduced into the business. (p. 388)

### PROTECTION FROM THE SEX INDUSTRY (PROCURING)

*Criminal Code* s. 212(1) includes a number of provisions against procuring. Anyone who:

- (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada,
- (b) inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution,
- (d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute [...] is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Here we see two sets of concerns – enticing or procuring someone who is not a prostitute to enter the industry (CC ss. 212(1) (b) and (d)) and procuring someone who is already a sex worker to continue (or return to) working in the sex industry (CC s. 212(1)(a)). The rather disconcerting juridical distinction between ‘fallen’ and ‘good’ women notwithstanding, the sections share a concern with protecting individuals from participating in the sex industry. While ‘procurement’ is sometimes about deceitful, evil men seducing and coercing naïve women (the image the term evokes), a much more banal picture emerges from much of the case law. Procurement is “to cause, or to induce, or to have a persuasive effect upon the conduct that is alleged.”<sup>25</sup> It is also about *attempting* to cause, induce or persuade someone to become, or work as, a sex worker in Canada or outside the national borders.<sup>26</sup> Conviction is not contingent on the third party being coercive, pressuring or deceptive. What is required is some form of persuasion. This can be in the form of financial motivations; for example, in *R. v. Juneja* the accused was convicted of procuring on the basis that he enticed workers with

22. See for example the testimony of sex workers at the Parliamentary Subcommittee on Solicitation Laws (SSLR, 2006). For more critique on the paternalism of the laws, see for example Bruckert & Hannem (forthcoming); Currie & Gillies (2006).

23. *Attorney General of Canada, et al. v. Terri Jean Bedford, et al.*

24. *SWUAV & Kiselbach v. AG Canada (British Columbia)*.

25. *R. v. Deutsch* (1983), 5 C.C.C. (3d) 41 (Ont. C.A.) affirmed (1986), 27 C.C.C. (3d) 385 (S.C.C.) at para 403. It should be noted that in *R. v. Newman* (2009 NLCA 32) the Newfoundland and Labrador Court of Appeal took a narrower approach to the definition of procuring in s. 212(1)(a), as adopted by the Supreme Court of Canada in *R. v. Deutsch* [1986] 2 SCR 2. In *Newman*, the accused was a person who drove the younger women, B.P. and V.B. downtown to engage in sex work, and watched out for B.P., allowed her to rent of his mother, and knew she was making money as a prostitute. The Court of Appeal held that these factors would not engage the offence under s. 212(1)(a), because B.P. was engaging in prostitution already, and intended to continue that practice independently of Newman. However, the Court of Appeal argued that this offence is better captured under s. 212(1)(h). The Court stated that s. 212(1)(a) should be read more restrictively; using words such as “cause” or “induce.”

26. It is not necessary that the individual who was procured subsequently actually work as a prostitute (*R. v. Barrow*, 2001 CanLII 8550 (ON CA) at para 38).

an advertisement in the classifieds that promised significant earnings.<sup>27</sup> Persuasion can be even subtler; in *R. v. Barrow* the conviction for the (attempted) procurement of a police officer posing as an individual seeking employment as a sex worker (under CC s. 212(1)(d)) was upheld at appeal because:

... despite the care with which the appellant conducted the interviews with the officers and her obvious intention not to pressure them into having either illicit sexual intercourse or to become prostitutes. [...] There was some evidence of an attempt by the appellant to have a persuasive effect upon the officer. The appellant advised the officer, whom the appellant had hired after the initial interview, to obtain condoms before going to the motel room and told her that she had to go through with the appointment because the appellant did not have another escort who could attend.<sup>28</sup>

The breadth of the law is striking; as is the case with most of CC s. 212(1) (with the notable exceptions of 212(1)(h) and (j)), there is no requirement that the procurement be for gain (financial or otherwise). As such, the law could potentially even criminalize a sex worker who provides advice and encouragement to a friend who is new to the sex industry.

### PROTECTION FROM THE SEX INDUSTRY (AIDING)

*Criminal Code* 212(1)(h) states that:

Anyone who for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally [...] is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Although CC s. 212(1)(h) has been referred to by the court as “the classic pimping section,”<sup>29</sup> the three elements for conviction under this law – a) the exercise of control, direction or influence; b) aiding, abetting or compelling; and c) gain<sup>30</sup> – are broad. Moreover, “any action exercised over a person with a view to aiding, abetting or compelling that person to engage in or carry on prostitution would be considered influence.”<sup>31</sup>

This law criminalizes all individuals who are compensated for helping (aiding) or facilitating (abetting) a person to engage in prostitution. In practice this includes activities that fall outside of the scope of what is generally considered ‘pimping.’ For example, in *R. v. Lukacko* the Appeal Court justices noted that the accused, who owned two escort agencies, “did not use violence or intimidation and the trial judge found that the escorts joined the service of their own free will.” Nonetheless, the conviction was upheld.<sup>32</sup> Moreover, other third parties, such as drivers,<sup>33</sup> are also potentially guilty of “aiding, abetting or compelling” – indeed by definition s. 212(1)(h) could include virtually all third parties who receive financial or other compensation for the services they provide.

### PROTECTION FROM EXPLOITATION (LIVING ON THE AVAILS)

*Criminal Code* s. 212(1)(j) states: “any person who lives wholly or in part on the avails of prostitution of another person [...] [is] guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.” This law, the only provision in CC s. 212(1) that is a *reverse onus offence* (the burden of the proof shifts to the accused persons who are presumed guilty; it is then their responsibility to prove their innocence),<sup>34</sup> is sweeping in scope; it potentially criminalizes

27. *R. v. Juneja*, 2009 ABQB 243 (CanLII) at para 24.

28. *R. v. Barrow*, 2001 CanLII 8550 (ONCA) at para 38.

29. *R. v. Grilo*, (1991), 2 O.R. (3d) 514 at pp. 516-518.

30. *R. v. Perrault*, 1996 CanLII 5641 (QCCA), [1996] 113 CCC (3d) 573 (Que. C.A.), cited in *R. v. G. (R.J.)*, 2001 CanLII 369 (SK PC) at para 45.

31. *R. v. Perrault*, 1996 CanLII 5641 (QCCA), [1996] 113 CCC (3d) 573 (Que. C.A.), cited in *R. v. G. (R.J.)*, 2001 CanLII 369 (SK PC) at para 46.

32. *R. v. Lukacko*, 2002 CanLII 41577 (ONCA).

33. In *R. c. Tynes* the accused, Mr. Lafferty, was working as a driver for an escort agency. In addition to driving, he also provided condoms and drugs and collected the agency’s money. The judge ruled “he was exercising control over both complainants for the sole purpose of keeping them working for the agency.” *R. c. Tynes*, 2010 QCCQ 9767 (CanLII) at para 78.

34. Under CC s. 212(3).

sex workers' personal relationships<sup>35</sup> as well as all third parties who hire, work with, or are hired by sex workers including receptionists, drivers, agents, web designers, managers and security persons. Evidence of exploitation or unfairness is not required unless the accused lives with the sex worker.<sup>36</sup> In other words, any individual who provides goods or services directly related to, or whose income is contingent on, a sex worker's work<sup>37</sup> is understood to parasitically live on the avails of another's prostitution, simply because their income would not exist otherwise. In this context it is irrelevant if the third party is providing valuable assistance in exchange for reasonable compensation. For example, in *R. v. Barrow*<sup>38</sup> the accused, a former sex worker and owner/operator of an escort agency, was convicted despite the Appeal Court recognizing and accepting that she, like many of the third parties we interviewed for this research, provided useful services (including advice, screening and security), and did not pressure sex workers:

The appellant rarely called an escort to work unless that escort had notified the appellant that she would be available to work at that time or that she could be called if one of her regular customers wished for her companionship. [...] On arrival at the residence or motel room, the escort would telephone the appellant and confirm that all was well and that the money was there. After the "date" the escort would arrange to meet with the appellant. The escort would hand over the appellant's fee at that time. The appellant received one-third of the money received from the client. The size of the fee or the appellant's share did not depend upon the services provided by the escort. The witnesses testified that they were not pressured by the appellant to be available for engagements nor to provide sexual services. [...] The appellant provided advice to escorts about various matters such as anal sex, bondage, how to handle the dirty or smelly client, the clothes to wear, the number of services to be offered and the expected duration of the encounter. (*R. v. Barrow* (2001 54 O.R. (3d) 417) at paras 5-7)

Three decades ago John Lowman argued, referring to CC s. 212(1)(j) among others, that the breadth of Canadian laws "extends from the most deplorably professional and thoroughly violent individual who exploits in every way possible a single prostitute to a group of prostitutes, to husbands or lovers, who, while they benefit from the prostitution of their partners, do not subject them to force or threat" (1986, p. 545). Justice Himel, of the Ontario Superior Court and the Ontario Court of Appeal justices, came to a similar conclusion, ruling CC s. 212(1)(j) was overbroad and breached the principle of fundamental justice.<sup>39</sup> Both courts also accepted that the "living on the avails" provision was grossly disproportionate. The Appeal Court justices found that: "The state response is out of all proportion to the state objectives. While the provision is ostensibly aimed at protecting prostitutes from harm, it prevents them from taking measures that could reduce harm and at worst drives them into the hands of the very predators that the law intends to guard against."<sup>40</sup>

Currently, in spite of the ruling by two levels of courts that the law in its present form is unconstitutional, CC s. 212(1)(j) remains in effect pending a decision by the Supreme Court of Canada.

35. Although it is outside the parameters of the current research, CC s. 212(1)(j) criminalizes some of the personal relationships sex workers have. CC s. 212(3) specifies that "evidence that a person lives or is habitually in the company of a prostitute [...] is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution."

36. See for example *Bedford v. Canada (Attorney General)* where the Ontario Court of Appeal explains the interpretive history of the living on the avails offence, in *Shaw v. Director of Public Prosecutions*, [1961] 2 All E.R. 446 (H.L.); *R. v. Grilo* 1991, 64 C.C.C. (3d) 53 (ONCA) and *R. v. Barrow*, 2001 CanLII 8550 (ONCA) at para 223ff.

37. In other words, individuals who provide goods or services (grocers, clothing, car dealerships, child minders, etc.) not directly related to the sex worker's labour is outside the purview of the law.

38. *R. v. Barrow* (2001 54 O.R. (3d) 417). As we saw above the accused was also convicted under CC s. 212(1)(d).

39. *Bedford v. Canada* (2010 ONSC 4264) at para 402; *Bedford v. Canada (Attorney General)*, 2012 ONCA 186 at para 250.

40. *Ibid.* at para 254. Unlike the lower court that struck down the provision, the Ontario Court of Appeal justices sought to remedy the constitutional defect in CC s. 212(1)(j) by retaining the reverse onus provision (assumption of guilt) and 'reading in' the words "in circumstances of exploitation" which they define as: "Where the prostitute is dependent on the accused for drugs or because of youth, where the accused has no legal or moral claim to the prostitute's earnings, or where the accused takes a portion of the prostitute's earnings that is out of all proportion to the services provided" [at para 270]. This ruling fails to consider the complexity of sex workers' relationship to third parties and problematically retains presumption of guilt. It is also inappropriate criteria in relation to youth who are outside of the scope of 212(1)(j); 212(2) and 212(2.1) criminalize living off the avails of another person who under 18 years of age.



**CRIMINAL CODE S. 213(1)(C): COMMUNICATING IN PUBLIC FOR THE PURPOSES OF PROSTITUTION<sup>41</sup>**

*Criminal Code* s. 213(1)(c) states:

Every person who in a public place or in any place open to public view [...] (c) stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction.

While we think of this law as applying to sex workers soliciting clients on the street (or perhaps an escort talking on her cellular phone or soliciting clients in a bar), the range of CC s. 213(1)(c) (the “communicating law”) is considerably broader, including intermediaries (third parties) who communicate on behalf of another (be it a client or sex worker) in public.<sup>42</sup> The definition of a public place as “any place to which the public have access as of right or by invitation, express or implied [...] or in any place open to public view” (CCs. 213(2)) includes not only cars and parking lots but also strip clubs and the public spaces (e.g., the reception area) of incall establishments. As a result, receptionists, bookers, agents and anyone else who organizes encounters between sex workers and clients are vulnerable to being charged under this law.

## **MUNICIPAL REGULATION**

Despite the fact that prostitution falls under federal jurisdiction, a number of municipalities in Canada have implemented by-laws that appear to open up a quasi-legal space for third parties in sex work.<sup>43</sup> We see, however, that in order to respect the jurisdictional authority of the federal government “municipal employees have to act as if there are no sexual services being purchased” (van der Meulen & Durisin, 2008, p. 298).<sup>44</sup> Cities such as Edmonton, Calgary, Ottawa and Toronto have introduced a series of by-laws that use euphemistic language and wilful blindness to regulate some indoor sex work through licensing<sup>45</sup> and zoning.<sup>46</sup> For example, in Toronto a body rub is defined under by-law 545-1 in a manner that alludes to the possibility of erotic services without being explicit about the process: “the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.”

41. CC s. 213(1)(c) was also the subject of the *Bedford* Charter challenge. Declared unconstitutional by the Ontario Superior Court (*Bedford v. Canada* (2010 ONSC 4264) at para 409) it was retained at the Appeal Court level. The decision on the constitutionality of s. 213(1)(c) was split 3-2, with the majority of the justices arguing that the law’s infringement on the rights of sex workers is justified by the legislative objective of preventing nuisance to the community. Writing for the minority, Justice MacPherson provided a powerful dissenting opinion challenging his fellow justices on the basis of legal reasoning, internal incongruence, and failure to attend to the entire record. He concluded “the communicating provision chokes off self-protection options for prostitutes who are already at enormous risk. The evidence in the record about the violence faced by street prostitutes across Canada is, in a word, overwhelming. [...] Any measure that denies an already vulnerable person the opportunity to protect herself from serious physical violence, including assault, rape and murder, involves a grave infringement of that individual’s security of the person.” (2012 ONCA 186 at para 359-360).

42. In *R. v. Petts*, the Court of Queen’s Bench of New Brunswick held that the accused stopped an undercover officer in a public place for the purpose of communicating with that officer so the accused could ‘obtain’ the sexual services of a sex worker for that officer. The court held that the offence was established whether the accused attempted to arrange the services of a sex worker for himself or for another person (*R. v. Petts*, 2003 NBQB 102 (CanLII)). See also *R v. Chiang*, 2010 BCSC 906 on the criminalization of an ‘intermediary.’

43. On this topic see Toronto Municipal Act, chapter 545-1; Lewis and Maticka-Tyndale (2000); Meulen and Valverde (2013); Auger, Durisin and van der Meulen (2012).

44. This also means municipal employees cannot provide appropriate advice or ensure security mechanisms.

45. Because sex workers and owner/operators have to be licensed in order to attain employment, “municipalities regulate who can work as an escort or open an agency in their city by imposing restrictions on who can be licensed” (Lewis & Maticka-Tyndale, 2000, p. 440). For owners/operators this generally entails not only a criminal record check but also the paying of an exorbitant and wildly disproportionate fee. For example, in Toronto an annual body-rub business license costs \$11,396.60; by contrast most other business licenses, including those for billiard halls, carnivals and circuses, cost \$211.46 per year and licenses for laundries and hair salons are \$210.30 annually (City of Toronto, np). These fees may be a significant impediment for sex workers to start their own small business.

46. See van der Meulen and Valverde (2013). Municipalities zone to control the land use (i.e., industrial, commercial, residential, mixed use) and establish parameters on how the space will be used. They are also empowered to introduce exclusionary criteria (e.g., in many communities strip clubs cannot be in the vicinity of churches or schools).

In Calgary, licences are available for dating and escort services which are defined as: “any business which offers to provide or does provide introductions, for a person or persons with another person or persons for a period of companionship for which a fee is charged, levied or otherwise imposed for each occasion an introduction is made.” (by-law 48M2006 (2)(i)).

In practice we see a layering of regulation: police accompany by-law officers and often lay concurrent charges against workers and third parties (Bruckert, Parent & Robitaille, 2003). Municipal licencing also facilitates increased police presence – indeed Lewis and Maticka-Tyndale (2000) concluded, based on their research on Windsor and Calgary, “the motive behind establishing licensing in both cities was to facilitate policing of the [sex] industry” (p. 439).

In the quasi-legal space created by municipal regulation third parties may operate provided they are wilfully blind to the exchange of sexual services by workers. Agency owners who are not wilfully blind can, and are, charged under the *Criminal Code* provisions identified above. For example, in *R. v. Manion* the accused was convicted of CC s. 212(1)(j) even though she and the women she employed were licensed by the City of Calgary and she believed she was complying with the law. The court ruled that her forthright discussion of sexual services and safer sex practices with individuals she assumed to be potential employees (one of whom was an undercover police officer) was evidence that she was aware that sexual services would sometimes be provided and was therefore guilty of “living on the avails of prostitution of another person.”<sup>47</sup>

In the following narrative, Pierrette, a long time sex worker who we interviewed as a third party (personal assistant), explains how municipal licencing plays out:

*Back in 1995, when I first began escorting, [...] every municipality had licensing requirements, and working as an indie—an independent, was unheard of. So if you wanted to work, you had to work for an agency. So the agencies would pay this exuberant, this high fee, to whatever city they were. I was in Alberta, and I think they paid 5000 a year. So of course their motivation was to recoup that money. [...] And because they were bound to leasing a commercial space, there were a lot of hours of sitting around, and these commercial spaces that they rented were dumps, okay. They met the bare requirements; it had to be commercial space with a dedicated telephone line, no cell phones, very, very strict requirements because the by-law would come around.*

In short, we see that in these quasi-legal spaces not only are safer sex supplies unlikely to be provided (and hence sex workers must surreptitiously store and dispose of them), workers are effectively discouraged from being open and forthright with their employer about any challenges related to their sex work<sup>48</sup> – issues we return to in *Chapter Three: Mapping Agencies*. Zoning also impacts third parties, and self-employed sex workers who have incall locations, in another way. These individuals are vulnerable to being charged for by-law infractions (e.g., operating a business in a residential building not zoned for commercial activity). The resulting charges not only increase the potential of coming to the attention of law enforcement but also jeopardize housing. Lilith (Ottawa) whose incall location was also her residence, explains what it meant when she lost her home as a result of by-law charges:

*It's very difficult to get another apartment when you don't have proof of income, and you don't have a landlord reference because your landlord knows what you do. And then there's also the income loss – not having an incall space to see clients for a couple months while you find a new place.*

Moreover municipalities will often require sex businesses to be located in industrial zones. This means that sex workers must “commute to an industrial zone that is not easily accessible by public transportation” (Auger, Durisin, & van der Meulen, 2012, p. 10) at the same time as CC s. 211 criminalizes transporting someone to a bawdy-house.

47. *R. v. Manion*, 2005 ABPC 35 (CanLII).

48. On this topic see van der Meulen and Durisin (2008).

## REFLECTIONS ON THE LEGAL CONTEXT

We end this chapter on third parties and the law with some preliminary comments on two questions that will be developed throughout this report: What do these laws mean to third parties?; What is the impact of these laws on sex workers?

Although the provision of sexual services for compensation is not illegal and municipal regulations sometimes even create a quasi-legal space for some third parties (provided they are wilfully blind to sex acts), *Criminal Code* sections 210(1), 211, 212(1) and, to a lesser extent, 213(1)(c), create a web of criminalization in which all third parties are not only defined as criminal but are, at least in principle, also often contravening a number of laws simultaneously. Indeed third parties are regularly charged under various sections of the *Criminal Code* for the same offence. Moreover, while at least some of the laws (specifically 212(1)) are premised on protecting sex workers, the brush strokes are exceedingly broad. Not only are the wide range of relationships (e.g., agents, associates, contractors) not reflected but, with the possible exception of CC s. 212(1)(h), issues of coercion and exploitation are extraneous to the question of a third party's guilt (although they may function as aggravating factors at sentencing). In other words, third parties can, and are, criminalized even if they provide useful services, if sex workers are freely choosing to work for or with them, if they are hired by sex workers and exercise no control over the worker, if the services they offer increase sex workers' safety and security, if their fees are reasonable compensation for the services they offer or if they receive no fees at all. As a result, the law 'captures' third parties that are very different from, and fulfill more diverse roles than, the exploitative 'pimp' that populates the public imagination.

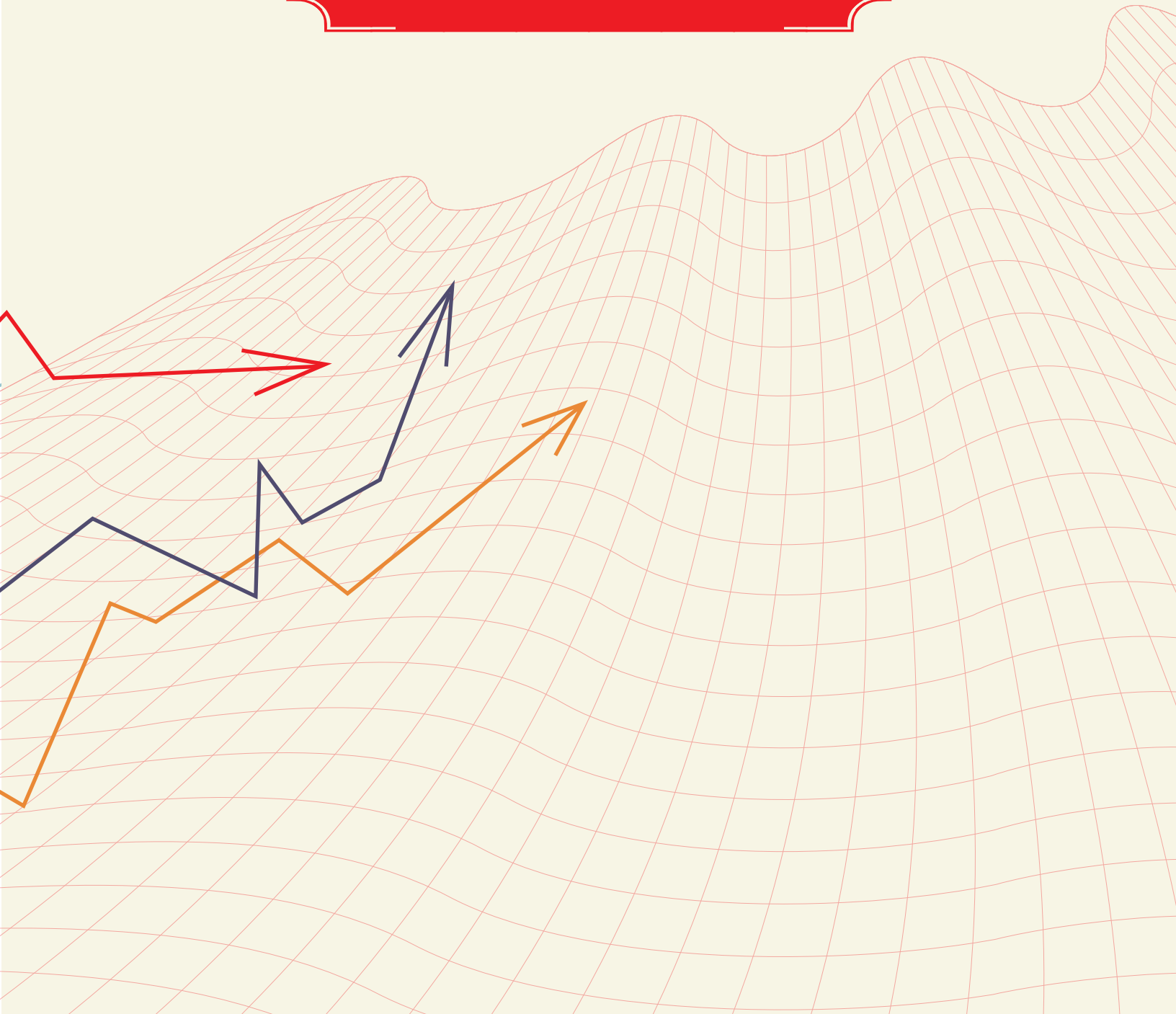
The laws governing third parties also have a profound effect on sex workers. Ironically, while some of these laws (specifically CC s. 212(1)) are ostensibly intended to protect sex workers, research has drawn attention to the ways that *Criminal Code* sections 212(1) and 210(1) operate against the interests of sex workers by, for example, by denying them access to safe working environments, undermining their ability to realize labour and human rights,<sup>49</sup> and rendering supportive practices (such as the sharing of information about the job, agencies, and clients) illegal (Currie & Gillies, 2006, p. 34). In the next chapter we develop this further by turning to our data to unpack why sex workers work for, with or hire the very people from which the laws are endeavouring to protect them.

49. See Gillies (2013); Love (2013); van der Meulen (2010); van der Meulen & Durisen (2008); Bruckert & Parent (2006); HIV/AIDS Legal Network (2006); Currie & Gillies (2006); Mensah & Thiboutot (2002).



## CHAPTER TWO

WHY WORK FOR, WITH, OR HIRE A THIRD PARTY?  
WHAT SEX WORKERS SAY



## **WHY WORK FOR, WITH OR HIRE A THIRD PARTY - WHAT SEX WORKERS SAY**

We have seen that anti-sex work activists frame third parties as individuals who exploit sex workers and that the law positions third parties as criminals. Implicit in both discourses is a conceptualization of sex workers working for, with, third parties as hyper-vulnerable victims who require state intervention. For critical researchers familiar with feminist scholarship on the importance of respectfully attending to experiential voices,<sup>1</sup> such ideologically-loaded legal paternalism and feminist maternalism (which justifies defining situations for others in, what are assumed to be, their best interests) appears, at a minimum, disrespectful and patronizing. It is for these reasons that we must turn to sex workers who work for or with third parties and ask the rather fundamental question – *why?* In this chapter we draw on our interviews with sex workers who had a wide range of experiences with third parties in the sex industry and are therefore exceptionally well placed to speak to this question.

A number of the participants (particularly in the Halifax focus group) spoke of incall/outcall sex work for a third party as an alternative to street-based sex work. According to Sweet, a sex worker in Halifax: “*Some of my advantages of working for an escort service – number one, you didn’t have to stand on the corner [...] I could sit at home, wait for my call.*” Although Kayla, another woman in the Halifax focus group, agreed that not having “*to stand on a street corner in the cold*” was an advantage to working for an escort agency, she found it to be “*the only advantage it had.*” Others in the focus group provided additional reasons; Moxie appreciated that there was “*less chance of getting busted,*” or as Sweet framed it “*you don’t get harassed by the policeman every time he drives around the corner.*” Christina, who works in Toronto, suggested that working for an agency was useful “*for somebody who’s especially brand new to the industry or does not have the funds to market themselves independently.*”

Like other sex workers who spoke positively about particular third parties, Sweet also told us, “*it was a relationship. There was respect there, so that was a perk.*” The idea of relationships extends to solidarity with other sex workers. Moxie spoke of “*sisters working together*” sharing information, supplies and protecting each other. This advantage is, of course, largely restricted to incall establishments. Alana, an Ottawa area sex worker, bemoaned that she “*didn’t know any of the other girls who worked for the agency.*”<sup>2</sup>

While collegiality speaks to emotional wellbeing, other sex workers appreciated the security that working for a third party afforded them: “*one security [measure] is [that]: ‘I’m not doing this at my place’ [...] That it’s in an apartment building gives me a certain sense of security, just because there is a lot of movement – there are people around*”<sup>3</sup> (Honey, Montréal). Whereas Honey valued the safety in numbers, others spoke of the significance of security protocols such as the ‘two-call’ and safety call procedures.<sup>4</sup> For Sandra from Toronto it was not only about security but also the accompanying reduction of anxiety, “*It’s absolutely safer, I think, when you’re working in a network of people. So I think safety and less stress.*” Other workers used the policies of third parties to safeguard their own health and wellbeing. For example, strict ‘no barebacking’ (sex without a condom) policies are a tool sex workers can use to insist clients respect their safer sex boundaries. Moxie from Halifax explained how she used third party policies to manage her drug consumption:

*The ones [brothels] that I went away to had no-drug rules. There were no drugs allowed; there was no drinking allowed. [...] That way, I’d have money saved up because otherwise, if there were drugs, if I were allowed to get high, I would do a client, get high, do a client, get high. [...] Because if it’s left to my own devices, that’s what I would do. [...] But if I worked in a place where the rules said none, then I would do none. I never snuck because I couldn’t enjoy myself anyway if I had to worry if somebody thought that I was high.*

1. See for example Morris & Bunjun (2007); Kovach (2005); Reinhartz (1982).

2. It should be noted that others were less enthusiastic about working collectively. However, Kayla (sex worker, Halifax) appreciated the way the agency managed interpersonal relationship problems at work, “*because they do answer the phones and deal with problems with the clients and problems with the girls [...] cattiness and whatnot.*”

3. Translation ours.

4. We expand on two-call and safe call procedures in *Chapter Three: Mapping Agencies*; see also the glossary at the end of this report.

Other sex workers spoke of increased financial security. Christina (Toronto) felt that her economic wellbeing was assured at the agency because:

*It was so clear that the money had to be collected up front and preferably counted just because you know you have to give money back. [...] Sometimes as independents, we're more relaxed, and we're like – maybe we'll count the money at the end, and then you look, and it's, like, half the money is there. But in an agency situation, I haven't ever had that happen.*

Some of the sex workers in the same focus group as Christina agreed that, “*just even being at the agency where you have to call in and confirm that the money was there made it a lot easier to collect and to talk about money*” (Eva, Toronto). Thus, working for an agency can simplify financial negotiation with clients. Additionally, Christina believed that “*clients are much less likely to try to fuck around with an agency than they are to try to take advantage of an independent provider.*” For Leda, a transsexual Toronto-based escort, as well as Eva, who was also from Toronto, another financial advantage to working for an agency was the option to leave her money with the driver. Leda explained: “*I've just handed over everything because number one, I had worked for the agency for a while, and, you know, we had a trust; number two, I just felt safer because I knew my money [...] couldn't be pinched.*” Sex workers also spoke of the economic advantage in another way. Rebecca (Montréal) noted: “*The agency I'm working for at the moment, it's 50 percent [cut] with the driver [fees included]. And, at first, I thought: 'Is this really fair? Is this really what I want?' But this agency, they negotiate higher prices, so I have more money in my pocket anyway. So, I am happy with that.*”<sup>5</sup>

In addition, sex workers highlighted that agencies obtain clients; as Christina (Toronto) pointed out, “*ultimately, their job is to get you business, and by getting you business, they get business,*” something that is particularly important “*if you're just starting out unless you have a friend in the industry who can really show you the ropes, but realistically, a lot of girls don't really talk about this to anybody.*” Alana (Ottawa) also suggested that third parties might have different skill sets that can be helpful to sex workers:

*I will totally gladly pay someone to deal with that shit. And the advertising – I can't keep up with that. [...] It's nice having someone else answer your emails and, like, talk to the guys because honestly, I'm good at the sex part and making you feel comfortable. I am not good at answering your stupid, inane, obnoxious questions. I'm just not. I lose my temper and I sound like a bitch, and I'm just like, 'Really? That's what you're asking me?' Like, you know, guys call me up, and they're like, 'What do you look like?' And I'm like, 'Well, you should be looking at an ad with pictures. I'm not going to describe myself.'*

That agencies secure work and take care of day-to-day tasks speaks to another reason sex workers work for or with a third party – the ability to realize a healthy work-life balance. As small business owners (in any sector of the economy) can attest, being your own boss necessitates a significant investment of time and energy. For some individuals this is worthwhile – for others it is not. Trina, an Ottawa area woman who had worked as both an independent and for a third party, spoke to this: “*I found working for third party was so much more simple. You came in; you left, and you brought your money with you. But being independent, you're working all of the time. Like, you're constantly answering emails, cleaning your location, shopping for new things.*” Moxie (Halifax) framed it a bit differently: “*Well, I don't want to work every day 12 hours, and when you run your own business, which I tried – like, there's never anybody to kind of help you. I mean if you're going to put an ad in then someone has to be there to answer.*”

Sex workers also talked about advantages in terms of the provision of supplies and workspace. Like Maxine (Ottawa), Lee (Toronto) told us she “*didn't feel like I needed to be independent because I thought the agencies were a good resource in the way that they did the advertising; they provided the location they had drivers. Now being independent, I had to find all those things.*” For Trina (Ottawa), “*the advantage was having someone else provide the location.*” She explained that “*they were in charge of paying the bills, cleaning – like, all of the day-to-day operations that I may not want to deal with.*” As we have seen the bawdy-house provisions mean sex workers are prohibited from seeing clients in any space repeatedly<sup>6</sup> – be it a brothel, an erotic massage parlour, their home or apartment, a hotel room or a parking lot.

5. Translation ours

6. The Supreme Court of Canada held in *R. v. Patterson*, 1967 CanLII 22 (SCC), [1968] S.C.R. 157, that proof that premises were a bawdy-

In this context working for a third party also decreases the potential legal implications for sex workers. It meant that, as Trina explained, “the legal liability for them was higher because they owned the place on paper.”

Many of the sex workers with whom we spoke had worked both independently and for third parties, and talked about the advantages and disadvantages of each. Maxine’s (Ottawa) reflections also alert us to the way third parties who are hired by sex workers (contractors) (e.g., photographers, web designers) are implicated in the work of independent sex workers:

*Now that I’m independent, I can pick who my photographer is; I can pick the words to describe me. Like, so I’m not compartmentalized. [...] You know how they [agencies] have tags, and they tag you as being curvy or blonde or white or black or whatever – so I think that’s an advantage to going independent. But definitely [...] [being an independent] is a lot of work, a lot of energy, and it’s not just the amount of clients that you see. [...] All the work that goes into it, like doing the laundry, etcetera.*

As an independent, Maxine (Ottawa) can control her image, but this comes with more business-related responsibilities, which require the investment of time and energy. For Eva (Toronto), one difference was in how much control she had over the selection of clients: “while I may not have chosen them [the clients she had been assigned when working for a third party], they also weren’t, like, bad clients, right? They were just people I wouldn’t have preferred to spend an hour of my life with.” Many of the advantages to working at an agency also have a ‘flip side’:

*I think that there’s pros and cons with both. Like, working for someone else, it’s nice because they take care of the management, and they’re booking the clients [...]. Working for myself, I liked that I earned more money, but advertising became very expensive, and taking care of my girls – you know, you get the drama that comes with that, (Kitty, Toronto).*

Finally, the trajectory of sex workers was not linear. Some participants alternated between independent sex work and working for, or with, a third party, depending on what was going on in their lives at that time (such as family, social or personal commitments and obligations): “When I was [at the agency], [...] and being a full-time student, [...] [sex work] gave me the money I needed, even though it wouldn’t work now, [...]. It’s really nice to have somebody take care of that stuff. Like, it’s been incredibly helpful in my life to have that there” (Eva, Toronto).

In short, sex workers mirror workers in the mainstream labour market in their desire (or lack thereof) to be independent and run their own business. The analogy here is simple – some plumbers start their own small business, others prefer not to invest the time and energy into branding, advertising, purchasing tools and a work vehicle, pricing and bidding on jobs and billing clients or they may feel they do not have the skills or self-motivation to undertake running their own business. In either case, these tradespeople elect to work for someone else. As we have seen, some sex workers make the same decision for the same sorts of reasons; and may move in and out of independent work in the course of their career.

## REFLECTIONS ON WHY WORK FOR OR WITH A THIRD PARTY

We started by asking the question: why work for or with a third party? The answers, while varied and conditioned by the personal and social situation of individual sex workers, collectively speak to the provision of useful services. Sex workers work for, with, or hire third parties for a variety of reasons. These third parties may:

- Provide the opportunity of working indoors which sex workers told us is safer, more pleasant (e.g., not standing in the cold) and less subject to criminalization and harassment;
- Provide an establishment that fosters a sense of community and workplace solidarity with others that is not available when working independently;

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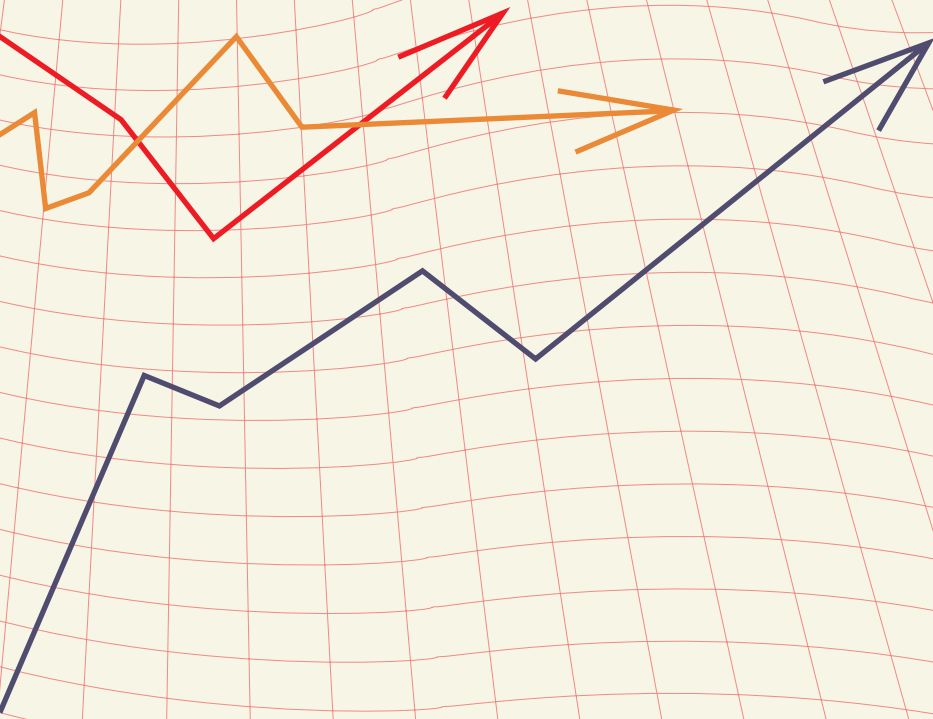
house required evidence that the premises were resorted to on a habitual and frequent basis. See also *Bedford v. Canada* (2010 ONSC 4264) at para 11.

- Provide an environment where sex workers can learn about the industry from third parties and other workers;
- Take measures (e.g., screening, safe calls) that increase the safety and security of sex workers;
- Provide an environment made more secure by the presence of others;
- Establish rules and protocols that assist sex workers in their negotiations with clients;
- Assume responsibility for tasks that the sex worker may not wish to do, or for which they do not have the skill-set;
- Assume legal liability so workers are not vulnerable to being charged as “keepers of a bawdy-house” under CC s. 210(1);
- Provide useful business (e.g., clients, booking) and security (e.g., drivers, security persons) services.

However, by no means do all third parties provide good services and operate in the interest of sex workers. As we will see throughout this report, sex workers told us of problematic policies and practices by third parties. For example, some labour practices are exploitative and some agency owners are less than transparent or ethical. What emerges is that, as is the case in any occupation, some bosses are good, some mediocre, some bad. These findings are consistent with those of other researchers who draw attention to the complexity and array of relationships sex workers have with third parties.<sup>7</sup> For example, Gillies (2013) found that sex workers who labour with, or for, third parties appreciated the occupational health and safety measures third parties implemented as well as the “support services and infrastructure such as administration, security, drivers, and advertising” (p.271). This was either because they “preferred to leave the work of client management and public relations to a third party because of the emotional labour and infringement on personal space that such service-industry interactions can entail” (Gillies, 2013, p.271), or because it was not economically beneficial and/or personally viable to assume these responsibilities.

7. On this topic see Gillies (2013); Love (2013); van der Meulen (2010); van der Meulen & Durisin (2008); HIV/AIDS Legal Network (2006); Childs et al. (2006); Lewis et al. (2005); Bruckert, Parent & Robitaille (2003); Lowman (2000), (1998), (1986); Lowman & Fraser (1996).

# ORGANIZATIONAL MODELS

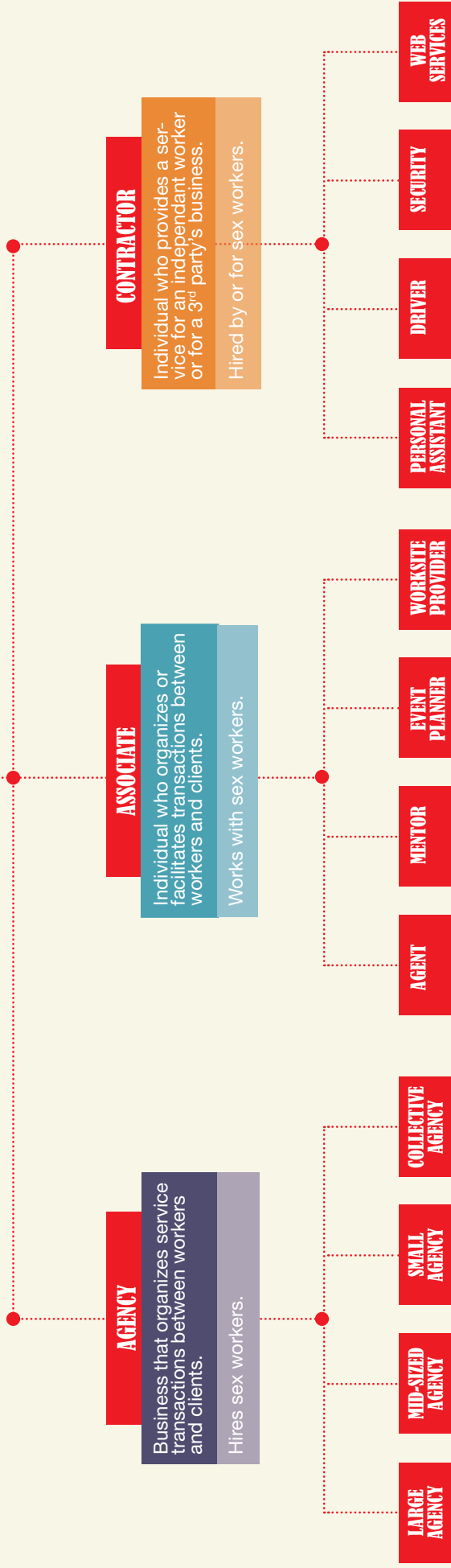


## **ORGANIZATIONAL MODELS**

Up to this point we have explored *why* sex workers work with, for, or hire third parties; in the remainder of the report, we turn to *how* sex workers work with third parties, and what this looks like. This framing is a ‘grounded finding’ that emerged when we analyzed the interviews with third parties (50) and sex workers (27). As we sought to identify the various relationships sex workers have with third parties we came to appreciate that the multiple third party roles in sex work can be categorized into three relationship models that move progressively towards less control/authority over the organization of sex workers’ labour (see Figure One). The first category, *Agencies*, hire sex workers, who then have a dependent contractor or employer-employee type relationship with the third party. *Associates* are third parties who are partners or collaborators with sex workers. Finally, *Contractors* are third parties who are hired by sex workers. In the next three chapters we examine these relationships as we map out the range and complexity of each. In the process we unpack what these third parties do and what this means for sex workers, while reflecting on issues of power/control, occupational health and safety and business practices.



# 3<sup>RD</sup> PARTIES: IN/OUTCALL WORK



FROM GREATER TO LESSER TO NO AUTHORITY/CONTROL OVER THE ORGANIZATION OF SEX WORKERS' LABOUR



**CHAPTER THREE:**  
MAPPING AGENCIES - THE 'FOR' RELATIONSHIP



## **MAPPING AGENCIES - THE 'FOR' RELATIONSHIP**

In this chapter we examine the third parties that sex workers work for – agencies. Agencies are businesses that organize service transactions between two other parties. In service market businesses (including the sex industry) there is no tangible product and instead “services disappear at the point of consumption and they cannot be processed [...] [moreover] production and consumption of a service are usually simultaneous and inseparable” (Doyle, 2011, p. 244). For example, in the ‘mainstream’ economy, commercial cleaning services coordinate and manage house and/or business cleaning for their clients. Confronted with the intangibility and inseparability of production and consumption, the agency must not only promote and attract clients but also endeavour to ensure that their customers receive a ‘good service’ – a clean premise, no damage or theft, efficient, reliable and punctual service delivery. In other words, it must manage service process and service delivery while not overseeing the service encounter. To that end, cleaning service businesses will, among other things, hire suitable staff, screen employees and train workers (many of whom are dependent contractors rather than employees) in cleaning techniques and safety strategies. They will also schedule appointments carefully, offer assurances for redress in case of dissatisfaction and perhaps provide transportation for their workers. Indeed, the managerial administration of services and quality control are precisely the ‘value added’ components that justify the fees third parties charge customers; and the reason why their middle and upper class clients use their services rather than hire an independent cleaner.<sup>1</sup>

Agencies in the sex industry fulfill much the same role in that they are businesses that coordinate and facilitate the delivery of an erotic, sexual or interpersonal service to clients. Some of these are incall agencies (e.g., massage parlour, brothel, dungeon) where clients come to the premises to receive services that will vary by type of establishment (e.g., erotic massage, full sexual services, ‘kink’). Other businesses offer outcall services that entail the sex worker going to the client’s hotel or home. Here too services will vary depending on the nature of the agency and the services the individual worker is prepared to provide. Some businesses have both an incall and outcall component.

There is also considerable diversity in the size and structure of agencies. Although other configurations may well exist, our research identified four broad models: large, mid-sized, small and collective agencies. These models are presented in chart form, in Figure Two, along with examples to provide a sense of the different ways they manifest. This chapter lays out the four agency models, explores their commonalities and considers what this means in terms of expectations, services, control and occupational health and safety.

1. Bardhan et al. (2009) writing about middlemen in production note that they play two roles: (a) value-added managerial activities essential to organize production and transform produced goods into marketable commodities; and (b) brand-name reputations, necessary to assure customers about product quality (p.1). Similarly managers in the service industry ensure that the ‘product’ of customer service, which is also tantamount to both the maintenance of customer satisfaction and the company image, is adequately delivered by workers (Bolton et al., 2010, p. 381).

# AGENCY MODEL

HIRES SEX WORKERS

## LARGE AGENCY

Hierarchically structured business (with 3+ managerial tiers) that organizes service transactions between SW and clients.

Percentage of SW's fees to agency; receptionists/bookers and, if applicable, drivers and/or security paid flat/per call rate.

**BEATRICE  
HAMILTON**

'EXCLUSIVE' OUTCALL ESCORT AGENCY

Owner/boss, 3 managers, receptionists, drivers, 40 female SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules, appearance specifications, code of conduct enforced.

**SECURITY**

Screening, drivers, 2-call system, training.

**SEXUAL HEALTH SUPPLIES**

Condoms.

**BUSINESS SUPPORT**  
Booking, personal/agency advertising.

**OTHER SUPPLIES/SERVICES**  
Stockings.

**MARIE  
MONTREAL**

'WORKING CLASS' MESSAGE PARLOUR

Owner/boss, manager, receptionists, 17 female SW (4 per shift).

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules, code of conduct enforced.

**SECURITY**

Screening, controlled entrance, on-site workers/managers.

**SEXUAL HEALTH SUPPLIES**

None.

**BUSINESS SUPPORT**  
Location, towels, alcohol, laundry, booking, agency advertising.

**OTHER SUPPLIES/SERVICES**  
Cleaning materials, Hepatitis vaccines.

## MID-SIZED AGENCY

Hierarchically structured business (with 2 managerial tiers) that organizes service transactions between SW and clients.

Percentage of SW's fees to agency; receptionists/bookers and, if applicable, drivers and/or security paid flat/per call rate.

**AJ.  
TORONTO**

PRIVATE HOSTESS CLUB OFFERING EROTIC MESSAGE

Owner/boss, 2 managers/receptionists, 15+ female SW (5 per shift).

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules, restricts services offered, code of conduct enforced.

**SECURITY**

Screening.

**SEXUAL HEALTH SUPPLIES**

None.

**BUSINESS SUPPORT**  
Location, training, booking, personal/agency advertising,

massage oils/lotions, towels, pays 50% of specialty equipment and massage course.

**OTHER SUPPLIES/SERVICES**  
Shampoos, body wash.

**ZOË  
QUEBEC CITY**

BBW BROTHEL

Owner/boss, 2 receptionists, 13 female SW (2 per shift).

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules, establishes minimum services offered, code of conduct enforced.

**SECURITY**

Screening, 2 people in agency at all times, buzzer, hidden camera in lobby.

**SEXUAL HEALTH SUPPLIES**

Condoms, lube, sexual health info.

**BUSINESS SUPPORT**  
Toys, location, personal/agency advertising,

special occasions/promotions.

**OTHER SUPPLIES/SERVICES**  
Body wash, shampoo, conditioner, razors, first aid kit.

## SMALL AGENCY

Relatively flat, owner-operated business that organizes service transactions between SW and clients.

Percentage of SW's fees to agency; if applicable drivers and/or security paid flat/per call rate.

**AVA  
TORONTO**

HOME-BASED IN-CALL SERVICE WITH OUTCALL OPTION

SW owner/boss, 3 female SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules (in consultation), code of conduct enforced.

**SECURITY**

Screening, 2 on-call security personnel.

**SEXUAL HEALTH SUPPLIES**

Condoms, lube, dental dams.

**BUSINESS SUPPORT**  
Booking, agency advertising, location.

**OTHER SUPPLIES/SERVICES**  
Lodging, laundry, taxi fare.

**HORETA  
HALIFAX**

'BROAD APPEAL' OUTCALL ESCORT AGENCY

Owner/boss, drivers, 10+ male and female SW (5 per shift).

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, schedules, code of conduct enforced.

**SECURITY**

Screening, driver/security.

**SEXUAL HEALTH SUPPLIES**

Condoms, sexual health info.

**BUSINESS SUPPORT**  
Booking, agency advertising, training on industry practices and presentation of self.

**OTHER SUPPLIES/SERVICES**  
Advice on physical and financial well-being, staff room, small loans, driver (occasionally).

## COLLECTIVE AGENCY

Cooperative business (with collective decision making about organizational issues) that facilitates service transactions.

Percentage of SW's fees finances business expenses including drivers and/or security.

**TANDY  
OTTAWA**

BROTHEL WITH OUTCALL SERVICES

6 SW including elected manager.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Rates and behavioural guidelines collectively determined, schedules organized in consultation.

**SECURITY**

Incall: screening, manager on-site, alarms in rooms. Outcall: screening, driver/security, arrangement with hotel management.

**SEXUAL HEALTH SUPPLIES**

Condoms.

**BUSINESS SUPPORT**  
Booking, location, agency advertising.

**OTHER SUPPLIES/SERVICES**  
Beauty products.

**BRENDA  
TORONTO**

COLLECTIVE OF INDEPENDENT INCALL PROVIDERS

SW owner/administrator, 2 male and 8 female SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Collectively determined behavioural guidelines enforced.

**SECURITY**

Administrator or other worker presence, mandatory screening enforced, building security, internal bad client list, on-call security personnel.

**SEXUAL HEALTH SUPPLIES**

Condoms, lube.

**BUSINESS SUPPORT**  
Location, mentoring, special event coordination.

**OTHER SUPPLIES/SERVICES**  
Cleaning.

## AGENCY ORGANIZATIONAL MODELS

### LARGE AND MID-SIZED HIERARCHICAL ORGANIZATIONS

Large and mid-sized organizations are hierarchical businesses with three or more managerial tiers (large) or two tiers (mid-sized). In mid-sized businesses there is an owner/boss and receptionists/bookers, while large organizations will also have middle managers who run particular aspects of the operation. In addition, there may also be transportation and/or security staff (see Chapter Five). In these establishments a percentage of sex workers' fees are paid to the agency (up to 50%) and, depending on the amount of support staff, workers may also be expected to pay a flat fee to their driver and receptionist/booker. Beatrice, a former sex worker who bought a small escort agency that she has expanded, described the organizational structure of her large outcall agency:

*I have got three core people that work under me, and I don't have to micro-manage them much, they know their jobs quite well, they've been with me for some time. Their responsibilities are answering the telephones, coordinating appointments, making sure that the girls have signed on, that the girls have signed off, that the drivers have had all of the proper information dispatched over to them, etcetera, etcetera. [...] We use software to be able to make sure we've got everything timing-wise, because in a given day we've got so many appointments that it does get very, very confusing. Well when you've got about fifty appointments happening it tends to be in usually about a six-hour time span, usually between about 6 pm to 12 am. And so in those six hours, you've got about ten appointments happening per hour and you've got to make sure that everything can go exactly where it's supposed to and you've got to make sure that girl A is able to get from appointment one to appointment three without a hitch, and make sure that everything goes smooth timing-wise. They have got very, very difficult jobs, I'd say that it's probably as close to air traffic control as it can possibly get.*

While there are definitely agency owners who are completely uninvolved in daily operations,<sup>1</sup> these individuals would not have fit the research criteria of the *Management Project* (see Appendix One). In our sample, owners of large and mid-sized organizations are the bosses – they oversee their businesses, are involved in the hiring, marketing and branding, establish rules and codes of conduct, and assume varying degrees of responsibility for the day-to-day running of the business. For example, Beatrice (outcall agency owner, Hamilton) told us – “*I don't work very much anymore, mainly because I don't answer the telephones, I have people that do that for me*” – however she does ensure that the organization is running smoothly:

*My roles of being an owner, is ensuring everyone's safety first and foremost. Secondly, making sure that everything works in the coordination aspects of it; being a larger agency, it does become very difficult having 40 plus women, and drivers and phone staff, and trying to make sure that everything goes exactly as it's supposed to. Clients get very irate if you're late or if we wind up having to cancel at the last moment, so having to minimize all of that. Making sure that I hire properly, and ensuring that the girls are taking care of themselves.*

Unlike Beatrice who hires managers, Sophie (incall/outcall agency owner, Ottawa) took care of most of the business-related responsibilities herself:

*When I became an administrator for the agency that I worked for, it was the same as running any business. I took care of advertising, bill paying, answering phones, schedule management, banking. And then as an owner, that simply expanded, I was involved in hiring, firing, training.*

In addition to owners and managers (in large agencies) and owner/operators (in midsized agencies), there are also receptionists (also known as booking agents or ‘phone girls’) whose primary task<sup>2</sup> in outcall agencies is coordinating calls. Kaya, a single, working class woman, who was a receptionist in an outcall agency, explained her responsibilities:

<sup>1</sup> For example Kathy told us the owner of the massage parlour she manages in Toronto is not involved in daily operations – he “*just collects the money.*”

<sup>2</sup> Receptionists also sometimes assume responsibility for such things as placing advertisements.

*I would have to go through my list of workers that was working— ‘What are you offering tonight? What are you not offering?’ Make sure that I had an understanding of how people looked, because people change their hair colour, people were shaven when one day they weren’t shaven, and people offer different services, you know, sometimes from week to week depending on whatever they were interested in doing. I made sure that I had all the drivers on for the exact time, and make sure that from the last shift that people were completely paid, that the money was secure.*

The tasks are different at incall agencies. Suzy, a massage parlour receptionist in Toronto, described her work as:

*Answering the phone, telling the guy what kind of girls are there, greeting the guys when they come in, hanging out with the girls. [...] You’re always trying to book the call no matter what and, like, trying to get the guy in or trying to get the guy into the room. But also like, trying to make it fair for everyone and make sure everyone got a call. At the end, cashing out. So, like, the girls had to pay a fee for the rooms [...] the rooms had little peepholes. [laughs] They told us we had to go make sure the girls weren’t doing full service.*

As we see in Kaya and Suzy’s narratives, receptionists (who are, as we have already noted, criminalized) are actively involved in security (an issue we examine below), responsible for allocating work and expected to supervise sex workers. In short, they have significant responsibilities with very limited authority. The stress of this classic middle management tension is exasperated when their efforts to impose consequences are undermined by owners or managers:

*One [sex worker], no matter what she did, she just could not get fired. And I realized pretty quickly that she was very close with the owner, you know what I mean? Beyond a pet I think even. So I basically learned to just, whatever, fine, you know ‘okay, she’s not there again.’ (Jackie, outcall agency receptionist, Toronto)*

In AJ’s massage parlour in Toronto, a cut of sex workers’ fees goes to the house, and for outcalls, to the driver as well. By contrast, Miss W, a former erotic dancer and current escort who works as an outcall agency manager in Montréal, “didn’t have drivers [...] because everyone’s responsible to get to their own appointment.” Although the service rates vary somewhat and are set by the management with some consultation with the sex workers, Miss W takes a cut of 20 percent, or 50 dollars, of the hourly fee. Their rates are low by industry standards because:

*It’s woman-run group, because we’re not quite an ‘agency’ agency, I feel like agency with a little ‘a’ because we take care of the money and the hope is actually for these girls to go and do their own thing [become independent]. I think there’s also a business reason for that. Well the business reason is, a lot of our clients always want new girls, they don’t want to repeat. So we need fresh girls.*

## SMALL AGENCIES

Small agencies are relatively flat organizations in which the owner is also the manager and booker; not infrequently (at least in our sample) these owner/operators are also active sex workers. For example, Lisa’s incall agency in Toronto had just four sex workers (herself included). She took care of all the business related responsibilities, including cleaning and maintenance: “I can’t really hire cleaning staff you know, because it’s criminalized and the less folks that know the better.” She described her work as:

*Things would vary depending on the day of the week because there were some days the ads had to be in on a certain deadline. [...] Ensure that whoever wanted to work that day for their shifts that they actually showed up for work. Make sure that all the supplies were ready, that we had clean sheets and towels, that the apartment was clean, that everything that one might need, oils, powders, lotions, all these different types of things, were readily available. Um, answer the phones. [...] Girls, if they had their own existing clients, that’s fine, they could also see them at the apartment, but that would work a little differently. So I had to kind of balance that. And I guess just go with the flow, answer the phones, try to book as many clients as I could, try to fix them up according to what they had their mind set on, what preferences they wanted.*

Stephanie (outcall agency owner, Montréal) also worked alongside her staff for the eight years she ran her agency. While Lisa took a 40 percent cut from the hourly rates, Stephanie’s cut ranged from 30 to 40 percent. Like Lisa, Stephanie, somewhat atypically, did not demand exclusivity from her staff – sex workers were permitted to work for other agencies



or independently at the same time as working for her. She used her reputation as an escort to attract both clients and sex workers, and as she explained, her primary role was to be a “*go-between, that is to say, to find clients for the girls and to find girls for the clients.*”<sup>3</sup>

### COLLECTIVE AGENCIES

The final agency organizational model that emerged in our research is the sex worker collective. In collectives, workers form an association and work cooperatively for their mutual benefit – be it social, fiscal, security or any other possible advantage they may derive. In (mainstream and sex worker) collectives “workers own the business and decision making is democratic” (RTC, nd, p. 1). Although, as Steven Bittle (forthcoming) reminds us, collective enterprises are embedded in a capitalist market economy and cannot, therefore, be conceived of as “anticapitalist strategies *par excellence*” (p. 26). They do, however, facilitate a more equitable distribution of surplus value and offer an innovative and relatively ‘flat’ organizational model in which workers are afforded greater control in the running of the enterprise.

As is the case in worker collectives more generally, the specific organizational models of sex worker collectives vary, and in our research we encountered two slightly different models. Brenda’s agency (Toronto) is a collective brothel comprised of a number of independent sex workers who share a space, which Brenda manages. Tandy’s agency (Ottawa), on the other hand, was more than a group of independents – it involved sex workers not only making decisions but also working together. In this respect Tandy’s agency more closely resembles the definition of a co-operative.<sup>4</sup>

However the two agencies share significant characteristics – policies are determined jointly, while day-to-day decisions and the running of the business are the responsibility of the manager. As is the case in other agency models, either a percentage of the sex worker’s fees or a flat per-call rate are paid by the worker to the agency. The objective is not to accumulate profit, but to maintain the business – accordingly the monies generated are reinvested in the business (e.g. paying for supplies, manager’s wages). Brenda, who manages a collective, was pleased to be part of a “*different*” business model. She explained, “*it’s not like I’m running an agency where, you know, I’m getting a cut of everybody’s take.*” As the manager of a collective of independents who set their own services and rates, but who share a location, Brenda’s responsibilities include:

*Organizing and basically keeping the space, paying the rent, doing all that stuff. But, you know, choosing have a say in who is part of it. Who is not, right. So, I interview girls on a regular basis. We have house rules, a code of conduct that everybody follows. So, basically, implementing that code of conduct and making it an equally shared space for everybody. So, it’s not just my space. It’s everybody’s space. [...] The girls use me as a check-in so if they’re doing outcalls, they know they can call me at any time. And, if they need, if they ever got in trouble, they know that I’m a phone call away. And if I have to drive from out of town to come help somebody, I’d be here for them. So, there’s a safety mechanism as a group.*

While the collective offers security, the sex workers are required to abide by a similar code of conduct as in other agencies. They also receive safer sex supplies and clean linens, although they are responsible for their own scheduling, booking, and must reserve a room in the ‘upscale’ incall location through Google calendar (paying \$50 for bookings of up to two hours). In this regard, Brenda does not organize calls but rather manages scheduling conflicts. Although, as independent workers are responsible for their own advertising, Brenda explained, “*If you go to my website, you can see everybody who I work with here. But we just do our own advertising.*” She also organizes promotional events and wants to expand the collective’s group activities:

*When I came up with my website and my name, I did a lot of research. I did! I spent a lot of time coming up with the ‘Loving Lady.’ And so when we started working together as a group and I started offering these parties, that became ‘Loving Ladies Parties.’ [...] And that’s kind of where I want to go with the group advertising [...] and giving incentives for clients to stay within the group.*

3. Translation ours.

4. According to the International Co-operative Alliance (2012, np): “A co-operative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise.”

Pinkie, who we interviewed as a worksite provider in Ottawa, gave us another example of a collective agency when she spoke of her experience as a sex worker:

*I actually first started working with two other girls [...] we shared an ad; we shared a location, and if one wasn't available, the guys were happy to see one of the other girls because they knew that the quality of the place and of the service was safe and that they liked coming back to that.*

By contrast, Tandy managed an incall/outcall agency in Ottawa that was a co-operative organization. The brothel emerged when a group of seven erotic dancers, including Tandy, “*wanted to make some extra money, so we all sat down and we decided we wanted to open up our own business on the side [...] we sat down and discussed the business plan, what we wanted to do and how we were going to do it.*” Tandy, who had sex work experience, became the manager. She explained, “*it was a majority decision. I didn't even want to be the manager, I was elected [...] [they said], 'Come on, you're the business woman, we want you to become the boss.'*” Fifty percent of the sex workers' service fees went towards the house and expenses, and profits were reinvested in the business including Tandy's salary. Tandy assumed overall responsibility for running the business – “*I had to make sure the house was spotless, the house was clean, the sheets were all done, the laundry was done [...] collecting the money, paying the rent. [...] Answering the phone, everything.*” In this collective agency there was a protocol that governed the distribution of work; clients were shown pictures and then Tandy would discuss the services with the sex worker. She explained how she ensured sex workers' personal boundaries (which can vary by the day or by the client) were always respected, “*say somebody wanted a dominatrix session right, if the girl didn't want to do a dominatrix session I had to go and tell this person, 'No the girl that you picked is not into that.'*”

The establishment Tandy managed came to the attention of the police when “*one guy didn't feel fully satisfied when the time was up, so he went right down the street and told the police. They put us under investigation and we didn't know we were under surveillance.*” They were subsequently raided and she and the sex workers were charged. That this nominated manager of a collective brothel was criminally convicted of procuring and being the owner/operator of a bawdy house<sup>5</sup> illustrates not only the broad reach of the procuring laws but also the way protectionist ideology and stereotypical tropes (on which the laws are premised), render good labour practices extraneous to findings of guilt.

## THE BUSINESS OF SEX BUSINESSES

Agencies vary not only in terms of size and organizational models but also in relation to such things as the kinds of services offered, the location of the service encounter, and branding/image. While the process of becoming an agency owner is, as we saw in the *Introduction*, sometimes fairly organic, there are a number of (more or less conscious) interconnecting market (e.g., demand, sector) and legal considerations that shape the location, services, branding and organizational structure of an agency. While a thorough review of this process is well beyond the scope of the present report, it is important to provide a brief sketch as it frames the subsequent reflection on issues of power, control, services and occupational health and safety.

## MARKET CONSIDERATIONS

Any successful business will endeavour to cater to an un/under-fulfilled demand in the market and ‘position’ itself in relation to competitors. In the sex industry this would require reflections regarding: What types of services are in demand? What are other existing agencies offering? What is not being offered? What markets are not being fulfilled? Although formal market research is not an option in the shadow economy, some third parties we encountered did cater to what they interpreted as unexploited niches. For example, Zoe (incall agency owner, Québec City) ran a BBW agency, whereas Andrew (outcall agency owner, Montréal) provided a selection of gender expressions at his agency to access what he perceived to be an underserved market for “*couples, men, women, transsexuals, big-breasted women – that no one else advertised. It was successful.*”<sup>6</sup>

5. The situation is not unique, in *R. v. Manion*, (2005 ABPC 35 (CanLII)) the accused was convicted in what the Crown described as being a “prostitute co-operative” [at 11].

6. Translation ours.

In the sex industry, as in any other service provision business, it is not simply a question of *what* services are offered and the *context* of the service encounter but also to whom the service will be provided. Not all market sectors are considered desirable by all agencies. This is presumably true for any business but holds particular resonance in an illicit industry where interpersonal services are being provided in a private setting, and where criminalization inhibits conventional security strategies (e.g., calling the police). In this context economic interests work in tandem with perceptions of risk and personal preferences/assumptions. Perhaps it is not surprising that class, age and gender stereotypes may play out. For example, Joe (website provider/outcall agency owner, Toronto) sought to attract upper class men on the basis of their disposable income and his classist assumption that *“the more high-class people you deal with, you, you’re minimizing your risk.”*

Sex businesses brand themselves according to the market niche they have identified and the clients they wish to attract. For example, an ‘upscale’ business will select a name and tag line that conveys exclusivity; use ‘classy’ images and/or high quality photographs; and position themselves at the higher end of the market price range. By contrast Lisa, a sex worker who owned and operated a small incall agency she describes as *“very warm and cozy, very aesthetically nice but it’s not high end”* and whose *“rates haven’t gone up. [...] It was just as accessible for someone who was working a 15 dollar an hour job as to someone who was working 115 dollar an hour job,”* was decidedly low key and *“old school”* in her approach – she did minimal advertising save for small print ads in local newspapers and corresponded by telephone with prospective clients.

### LEGAL CONSIDERATIONS

In this shadow economy characterized by the criminalization of third parties, concerns about legal consequences frequently (though not always, since some third parties are poorly informed about the law)<sup>7</sup> condition the approach to the business. Some agency owners are deterred from running an incall agency by the potential of being charged under CC s. 210(1) (which criminalizes the keepers of bawdy-houses). In this context incall agency owners will be very careful in choosing the location and endeavour to balance business considerations (e.g., parking, wheelchair accessibility, image) with security concerns (e.g., the availability of aid in case of emergency) and the need to minimize the possibility of attracting the attention of neighbours and risk coming (or being brought) to the attention of the police or by-law officers. Others keep their businesses small in order to avoid detection. Like Adele (outcall agency owner, Montréal), Stephanie (outcall agency owner, Québec City) told us: *“I didn’t want to have a lot of visibility and a lot of expansion. When you want to make more money, you risk not just losing your job, but you also risk being more visible, being spotted by the police.”*<sup>8</sup>

As we examined briefly in *Chapter Two: Third Parties and the Law*, some owners and managers of agencies will endeavour to protect themselves from criminal charges by distancing themselves from the provision of sexual services through ‘wilful blindness.’ In some cases these may be municipally licenced as body rub parlours, holistic health centers or massage parlours. The first place Robyn (sex worker, Toronto) worked had an unarticulated, but fairly clear, ‘don’t ask, don’t tell’ policy: *“of course, the girls gossip about, like, who does this – whatever, whatever. But she [the agency owner] specifically brought in girls that she knew did do full service because, like, that brings the money, right?”*

For sex workers this means that they are periodically confronted with a client who is really looking for massage or aromatherapy treatment. More troubling is workers’ inability to share concerns with their employers and the lack of safer sex supplies. For example, Eva (sex worker, Toronto) mentioned that, at a massage parlour where she had worked, management did not make sexual health supplies available to workers *“to protect them [agency owners], really, from legal problems.”* In ‘wilfully blind’ massage parlours the house fee is paid up front, and sex workers are left to negotiate services (mislabelled as ‘extras’) in private:

*All the receptionist said was: ‘You’ll take an hour, sir? Perfect, that’ll be 50 dollars. You can sort the rest out with the lady in the back.’ So like, he went into the room, had a shower, settled in. Then, the girl offered the 40, 60, 80. That was it. [translation ours]. (Coco, massage parlour receptionist, Montréal)*

7. Some of the third parties we spoke to were unaware that they were vulnerable to charges under CC s. 212(1) (the procuring/living on the avails law). A finding that certainly challenges deterrence rhetoric.

8. Translation ours.



Escort agencies may also be 'wilfully blind' to sexual relations between clients and sex workers, and present the fiction that they are organizing company only:

*In the initial interview with the girl, when I would hire them, I wouldn't talk openly about sex. It would be, 'I think you know what's involved. Just make sure you use a condom all the time. You don't steal customers.' [...] We always had to our business run, under the pretence of doing something else. (Joe, website provider/ outcall agency owner, Toronto)*

This lack of transparency may mean employers are not providing important information to their employees: *"I felt that most of them didn't explain to us about legal things to do with sex or about using condoms or any of that – because then they would have to admit that they were allowing sex to go on in their place"* (Moxie, sex worker, Halifax).

Sometimes these strategies essentially download legal liability onto sex workers. For example, Ava (incall agency owner, Toronto) and Horeta (outcall agency owner, Halifax) had their workers sign contracts saying that they would not provide sexual services. Other agencies implement strategies that also afford workers a measure of legal protection. For example, Gisele (outcall agency owner, Halifax) told her workers to carry around a bottle of massage oil so that they could inform clients, as a sort of symbolic disclaimer, that they were there to give a massage. Angelica, a sex worker in Halifax, told us her bosses *"made sure that I knew that I had to admit that the sex was free, and I was there only for a paid nude body massage."*

The lack of transparency imposed by criminalization plays out in other ways as well. Even agencies that are open and forthright with sex workers will be discreet in how they advertise their services to avoid coming to the attention of law enforcement and/or producing potential evidence. Some will endeavour to 'stay under the radar' by being extremely vague in their advertisements: at the agency Trina (sex worker, Ottawa) worked they were *"very, very low-key, no pictures, very little information. So that was definitely a barrier because people would assume that we were a legitimate massage place, which was kind of frustrating and awkward."*

Lilith, an Ottawa area mentor and sex worker who has her own incall location, spoke of the challenge of attempting to convey information in the context of criminalization:

*I will tell a client 'I do erotic massage only; I don't offer full service; I don't offer oral sex', and he says, 'Okay, I'm perfectly fine with that.' So he comes over to an appointment with me or with my friend [her apprentice] and says, 'Okay, so we're going to have oral sex?' And I say, 'No. I told you; I don't offer oral sex.' And he says, 'Oh, I thought you were just saying that, you know, for legal reasons, to be safe. Just in case I was a cop.' So clients, even when you do communicate things that you don't do, they often think that you're lying just to protect yourself from being criminalized.*

Others will use 'code' to convey information discreetly:

*[The law] has an impact on the presentation [of services]. Seeing as it's not legal to sell sexual services, you have to take 'detours' in order to explain what the client can expect. So, there's the term GFE, girlfriend experience, which, in the [industry] jargon, means particular services. So, the clients kind of know. But it also doesn't really mean anything [specific] – GFE isn't in the dictionary. [translation ours] (Karolanne, outcall agency owner, Montréal).*

As Karolanne's quotation highlights, the use of 'code' can easily result in miscommunication. Not only is GFE not in the dictionary, even among sex industry insiders the definition is not consistent. Alana, an Ottawa area escort, drew attention to the way vague terms are read: *"open-minded becomes code for I'll probably do greek, and I might let you come on my face."* Moreover, when agencies are less than forthright, clients may have unrealistic expectations and it is once again the sex worker who is left to navigate this. This has the potential to exacerbate tensions.<sup>9</sup> As Trina (sex worker, Ottawa) explains, sometimes it can also have financial ramifications:

9. Such frustration is, of course, not a cause of situational violence. It can, however, be a contributing factor. Lowman (2000) suggests that in the sex industry "situational violence occurs when a dispute arises during the course of a transaction and the client resorts to violence to resolve it" (p. 1004). By contrast, an individual who presents as a client (or as a community member) but whose intention is to inflict physical, sexual or financial harm on the sex worker is an aggressor. Lowman (2000) refers to this as predatory violence and notes that it is premeditated (p. 1005). We address this issue in greater detail in the "Occupational Health and Safety" section of this Chapter.

*The client would pay a door fee upon arriving, so the owner was guaranteed their money, but then you would have to negotiate in-room as to what you would offer and what the payment would be. And oftentimes, you didn't negotiate it upon arrival. Like, they were already naked, facedown on the [massage] table – you don't walk in and say, you know, 'What do you want?' And they're not going to get up off the table and get the money out of their pocket and pay you, so most times, you would go through with a session. You would agree to a price, do the session. At the very end, 'Oh, well, I only have this much money on me,' or 'Oh, I thought the price you quoted me included the door fee, which I've already paid.' So if I told them \$100, they assume that they were only paying \$50, and so I would often go through sessions and receive less money than what I had agreed to with the client because they didn't have it on them or – like, there was no recourse for me. The owner already had her door fee, but if they didn't have my money, they didn't have my money. (Trina, sex worker, Ottawa)*

## HIRING PRACTICES

Agencies hire workers in a more or less formal process.<sup>10</sup> Bridget, a Jamaican-Canadian woman, explains the approach she took when deciding who to employ in her mid-sized agency. She illustrates for us how hiring practices are interconnected to the issues we have been examining - security, the law, branding and advertising:

*I don't like young guys, and the reason why I don't like young guys is they have a sense of entitlement. [...] A lot of times they're intoxicated, there's more than one, and they're egging each other on, so it's not really a great environment to be in. So I try to steer clear of the kids. I don't like to advertise in the younger sites. So I don't like to advertise young girls, like 18, 19, I don't like that demographic; a) I don't like that it attracts the younger guys, and b) I don't like the type of men that [are] attracted to young girls like that. The men that are attracted to really young girls, really young girls, they are aggressive, they are more dominant, and I don't want to put my girls in that kind of situation, so I tended to stay away from advertising to that age. I like to stay in the 22 and older age bracket. I like affluent men; Caucasian, affluent men. I worked a lot in Ottawa, so we liked to target like MPs, government workers, things like that. So we try to brand ourselves as elite, classy, so our girls would have names like Tiffany, Amber, Scarlet, just so we could attract those types of clients. So when a guy is going through a list of girls to choose from, you know, we want the guy that's going to go for that kind of girl. They tend to book for longer periods of time, they're safer, they have families, they have things to lose, they're not going to get us involved in any kind of bad situation. [...] In terms of advertising, I guess choices of words, if we had pictures [...] in our advertisement, the girls were always in white garters or black stockings, and pearls, I'm really big on pearls in the ads.*

In the narrative above we see how the image of an agency and the clientele they want to attract also impacts on hiring practices. In the agency model sex workers are essentially dependent contractors – they are independent workers who labour, generally speaking, exclusively for one establishment; they are not paid a wage/salary but relinquish a portion of their fees to the agency upon which they are reliant to work (because it provides space, clients, equipment, etc.). It is the same contradictory labour location of many ostensibly self-employed workers in the 'mainstream' economy, including, for example, hair stylists and aestheticians. Alana (sex worker, Ottawa) was insistent that in her assessment "you [the agency] work for me, not the other way around. I'm paying you. You take half the fee, but I'm giving you that half." In practice however, in most agencies, except of course in collective agencies, sex workers might best be described as 'disguised employees'; while they are denied the rights and security generally associated with employment, they are nonetheless managed like employees. For example, they are hired (and fired), expected to respect the rules and protocols of the third party and potentially disciplined for infractions.

While hiring practices are conditioned by a number of agency-specific factors, they are also impacted by criminalization; agencies may not hire workers without the legal authority to work (e.g., irregular migrants) and consistently check identification to ensure workers are over 18. As one agency owner put it, "there was no way I was going to get busted

10. In collectives the workers are generally self-selected however if space opens up there is a hiring/selection process.

for child anything, you know” (Horeta, outcall agency owner, Halifax). Many third parties we spoke to make an effort not to employ sex workers who are more likely to come to the attention of the police (e.g., drug users). Sophie, who owned and ran a large incall/outcall agency, was particularly rigid in her approach. Not only did she assert that she “*wouldn't hire girls with a criminal background,*” but she also implemented:

*...drug-testing. It was very important because if you have a girl that's not involved in drugs she doesn't get on the radar from another area. We also made sure that they got things taken care of, like dealing with child custody issues, and getting them into support counselling so that they could better handle their personal lives so that they didn't end up in family court, they didn't end up with assault charges because they hit some guy with a frying pan.*

Hiring practices are also impacted by the perceptions of owners. That many, though certainly not all, agency owners/managers appear to have decidedly conventional and Eurocentric definitions of what is attractive can work to the disadvantage of women who fall outside the narrow definition of conventional appearance criteria – women who are older, racialized, full figured or ‘alternative’ find their employment options limited. Miss W (website provider/outcall agency manager, Montréal) speaks to her own discomfort and her compliance:

*We do have a lot [of clients] now who want models, like really model girls, very skinny. The clients seem to want skinnier and skinnier. We talk about it and we don't like it but what are we supposed to do? [...] The co-manager and I, we're troubled by it because we think these other girls, we think they're gorgeous, we think they're fantastic and interesting.*

Maxine (sex worker, Ottawa) struggled with such sizism:

*The parlour where I worked at didn't really cater to [a range of tastes]. They were more, like, into the stripper figure. So work was really hard to come by. I'd have weeks without work because the parlour didn't advertise my body type or whatever. They'd just be like, 'Oh, yeah, and this is Maxine.' [...] You would get things like, 'Well, she's a larger girl.' [...] Not, you know, 'she's curvy.'*

Of course not all agencies are restrictive. For example, Kathy, a massage parlour manager in Toronto, affirmed, “*there always was a variety of girls, different shapes, I didn't have all slim girls, you know. Because every man has their different tastes.*” By contrast, Zoe, herself a full-figured woman, hires only BBWs and jokingly informed our interviewer she was not voluptuous enough to work at her agency, “[*a*] *pretty girl like you, you're too tiny.*”<sup>11</sup>

In addition to sizism and classism, racism also plays out in the clandestine space of the sex industry, manifesting in disturbing ways. We see the narrow framing of beauty intersecting with perceptions of market demand. Trina, an Ottawa area sex worker, remarked, “*the wording that they used was always the same. [...] Like, you know, black girls were always referred to as chocolate. Or ebony. And Asian was always exotic.*”

Some agencies refuse to discriminate. For example, Sylvia, a racialized woman and long-time sex worker who ran an outcall agency in Hamilton, told us: “*I'm always working with all sorts of women. Like in different communities. [...] Meaning you know, like queer women, trans women, bi women, women of colour, all various women. I wanted a diversity of women [...] subculture and creed.*”

That said, a number of agency third parties spoke of having racial quotas:

*Well I know we usually can have maximum two black girls in our group, otherwise we can't give them enough work. Even one is usually an issue. We had a black independent for a long time and she would get very upset when a new black girl would join us. We're like, 'It can't just be you, and this girl doesn't look like you at all', and we had to talk her down. (Miss W, Website Provider/Outcall Agency Manager, Montréal)*

11. Translation ours.

Moxie, a Halifax area sex worker of black and aboriginal descent, who has worked in various sectors of the sex industry in cities across Canada and the US, spoke to this systemic exclusion when she recounted how agencies had told her: *“look, what we can do is you can stay home. If we get somebody specifically wanting, you know, someone, you know. But if they’re coming in to pick, they’re not going to pick you, to be honest.”* Evidently, this system, that restricts options for racialized and unconventionally attractive women, further privileges sex workers like Eva, a white Toronto area sex worker who recognized *“for me, it’s worked well because I have been what they were looking for.”* Lee, another Toronto area sex worker, spoke forcefully about how racial bias negatively impacted her. She recounted *“being told by agencies because I’m black that I may not get calls, I’m not popular, I’m difficult to market. So my only way of combating that was to be available as much as I could.”*

To summarize, to this point we have seen how market and legal considerations influence the size, organizational structure and marketing strategies of agencies. We have also seen how this plays out in hiring practices that work to the detriment of unconventionally attractive or racialized sex workers. Of course, it is not just in the context of hiring and firing where we see power and control in sex worker/third party relations, they are evident in worksite expectations and the disciplinary measures implemented when workers fail to meet those expectations.

### DISCIPLINE, EXPECTATIONS AND CODES OF CONDUCT

Agencies not only exercise authority in relation to who works for them but also impose expectations on workers. Some of these relate to security and sexual health, topics we address in the *Occupational Health and Safety* section of this chapter. Other expectations interface with the image, branding, services and organizational structure of the agency. Perhaps it is not surprising, given that agencies are service provision businesses and the sex worker is responsible for service delivery, many of these expectations focus on professionalism (e.g., no ‘attitude’) and customer relations (e.g. providing a good service and spending the agreed upon time with the client). Some agencies have policies around drug use and will terminate a sex worker if they believe that the use of illicit substances will undermine the sex worker’s ability to provide good services and be a reliable employee. In other cases we see expectations about presentation-of-self (e.g., clothing, make-up, cleanliness). Ava (incall agency owner, Toronto) explained: *“I expected them to dress at least in a skirt and nylons, high heels – you know, just dressed up, have their make-up done nicely and hair [...] I thought it was only proper if we were going to charge, you know, the amount that we were charging that it be only right that you should be dressed properly.”*

Agencies, and in particular incall establishments, may also impose ‘house rules’ around workplace etiquette (e.g., no smoking, no consuming alcohol, maintaining standards of cleanliness). Carole (incall agency owner, Toronto) expected sex workers who worked for her: *“To be polite, well groomed, you know, care about the clients, care about the place, get along with the other girls. You know, be friendly, sociable, to a certain extent at least. You know, even if you’re just quiet, that’s okay; just no troublemakers.”* At the same time, Carole was insistent that *“other than that, you know, people are never told when they have to work, what they have to do. All they have to do is, you know, bring in repeats and not get complaints.”*

There are also expectations around appropriate professional conduct, which in this context, includes being available when scheduled (for outcall) and arriving on time for shifts (for incall and sometimes outcall). Vanessa (outcall agency owner, Montréal) noted, *“the girl has to be punctual. She has to show up.”*<sup>12</sup> It also includes respecting the time limits of calls, which is particularly relevant in outcall agencies. Sandra, a Toronto area sex worker, explained why she supported not only the rule but the sanctioning of sex workers who fail to comply:

*If you don’t come out of the calls in an hour, or at the end of it, if it’s two hours or whatever. If you do have a driver on multiple calls it can screw everything up because they have to go pick someone else up at the end of her hour. So I actually found when they implemented the fines, and it’s a minor, minor fine, but it made a huge difference because it made it more efficient for the rest of us. So that we weren’t stranded because a driver had to wait 15 minutes extra for her, and then you’re waiting 15 minutes extra at your call.*

12. Translation ours.

As Sandra's quote above alerts us, in addition to efficiency, good time management also impacts sex workers' safety (they do not have to wait in an unfamiliar neighbourhood) and financial wellbeing (being late may decrease customer satisfaction, and thereby reduce tips and/or repeat business).

While most, though not all, agencies request exclusivity (that sex workers do not simultaneously work for another agency), an essentially universal expectation is that sex workers do not 'steal' clients by giving their contact information to customers so as to bypass the agency (and thus avoid paying them a cut) in the future.

Some agencies, particularly incall establishments, also expect workers to take on additional tasks in the form of cleaning, laundry and receptionist duties. Since workers are not paid by the hour, this amounts to agencies requiring a certain amount of 'free (uncompensated) labour' from sex workers. Trina (sex worker, Ottawa) describes what this looks like: *"Some of the girls would answer the phone, at some point, I would be managing the place out of default because I was the most senior girl there, so I would be answering the phones and doing the bookings, but I wasn't getting paid for it, and I wasn't supposed to be dealing with these issues"* (Trina, sex worker, Ottawa).

These responsibilities could result in sex workers like Trina, being charged under the same laws as a receptionist – CC s. 210(1) as they have care of the establishment and are therefore "keeping a bawdy-house," and CC 213(1)(c) since they are "communicating for the purposes of prostitution" in a place open to the public by right or by invitation.

In sharp contrast to the stereotypes, sex workers and third parties told us there is one very significant area that agencies do not impose expectations – the type of sexual services that are provided:

*[Agencies] ask you at the beginning what activities you're comfortable performing and what activities you're not comfortable performing, and they would list that on their websites. I do think that's a good procedure because that way you don't end up in a call where the client expects you to do something that you clearly don't. But where I've seen issues happen is when the agency does list an activity that the girl, in fact, does not perform, whether it was an error [...] or a miscommunication. In recent times, I've been asked, you know, 'What are you comfortable doing?' And they actually send me a list of the acronyms, and there's an explanation at the end of all the acronyms in case you don't know them. (Christina, sex worker, Toronto)*

Christina's narrative speaks to the importance of communication, which as we have seen, some agencies are reluctant to do in a criminalized context. Alana (sex worker, Ottawa), however, identifies a significant limitation of this 'list' approach that further highlights the importance of ongoing dialogue between third parties and sex workers:

*When I first got hired, they asked me what services I was comfortable doing – but then that's what they tell all the clients, all the time, so [...] that's just expected, regardless of what the guy is like. There isn't really any understanding of, like, 'your mileage may vary.' Because I was comfortable doing anal sex, so they would tell every guy, 'Yes, she'll do anal.' So then, I would get to the call, and they would be like, 'Let's have anal sex.' And it's like, 'Well, number one, I didn't know that that's what you wanted, so I haven't prepped.' It's kind of something you have to prep for. And two, it's like, what if I don't want to do it with this guy? Now he's going to be all cranky because he's been promised, 'She'll do anal,' and now, I don't want to do anal. And it's just like you see it on the review boards all the time – guys who bitch, 'They said she would do this, and then she didn't do it.'*

Ava (incall agency owner, Toronto) was aware that sex workers' preferences as to the services they wish to provide fluctuate. Accordingly, at her agency, these were not listed, but rather verified as calls came in: *"I would ask, if a guy wanted a certain thing, I'd say, 'Who's willing to, you know, do this?' And they'd say, 'Me.' I'd say, 'Well, then, you got the call.'"* This allowed workers the latitude to decide if they wanted to provide a particular service at the particular time.

That said, some agencies will only hire workers who are prepared to provide the kinds of services the agency offers – for example, because Adele's agency was a 'high class' traveling GFE escort service: *"the only thing that I imposed, and I felt bad for doing it, was bareback blow-job. But we were charging so much more for service anyway. [...] It's, 'If you*



want to do that, go for it, join the team. If not, then unfortunately, there are plenty of other agencies that offer services in a different way.”<sup>13</sup>

In other cases, workers whose boundaries are inconsistent with the norms of the agency may find themselves with less business:

*I was really upset when I found out that they paid girls more money for full GFE – so for bareback blow-jobs, which I don't do because I'm not comfortable with it. But when I found out they were paying more money, like, even just \$10 more, I was like, 'Thanks. Like okay, so I guess I can do what I want, but now I'm not making as much money.' So I eventually kind of got pushed out of the agency over that whole thing because the clients didn't want the services I was offering. (Eva, sex worker, Toronto)*

We conclude this section with the corollary to the imposition of expectations and codes of conduct – disciplinary techniques. How do agencies deal with non-compliance? Our research uncovered a number of very conventional strategies – verbal reprimands, warnings, temporary suspensions and in the case of Carole, an incall agency owner in Toronto, “a furrowed brow.” In a few cases sex workers and third parties told us about the use of fines, although they were less common than we had anticipated. Ultimately it would appear that when sex workers fail to meet the expectations of agencies they are fired: “I'd talk to them a few times, and if they wouldn't listen, they'd have to be let go” (Ava, incall agency owner, Toronto).

While it is reasonable for employers to terminate workers who are not meeting expectations, in an illicit labour market workers like Lee have, as we saw above, little recourse when fired without cause. Christina, a 31-year-old escort from Toronto, told us about being dismissed:

*She [the owner] did not want to hear what I had to say. So she just, like, lashed out at me and used really negative language. And she fired me on the spot based on hearsay. [...] I cannot believe the way she spoke to me, and this would not happen in another industry. I would go to the Human Rights Commission or something, you know?*

Christina's quote raises the issue of sex workers' inability to turn to labour laws for protection. Leda, who was in the same Toronto focus group, added: “Unfortunately, with this kind of workplace situation, there is no union or, you know, guidelines that they have to follow, right, so it's really hard because sometimes, you get the short end of the stick.”

While sex workers are denied access to labour laws, agency owners are cognisant that the criminal law does afford a powerful retaliatory weapon to disgruntled former employees – albeit one that current employees are, for obvious reasons, unlikely to use. Brenda, the manager of a collective agency, spoke about her concerns:

*One girl in the past who, I just couldn't believe her behaviour and I didn't even know how to deal with it. [...] I was actually afraid of her to a point of, if I tell her to leave, I don't know what she's going to do. I figured there'd be a chance that she would call the police on me. [...] My biggest fear was the fact that, because of the laws, she could have ratted me out and then I would be screwed. And all the girls who are working with me would be screwed.*

Brenda's comments certainly speaks to the complexity of power relations. In this way, we are also reminded of sex workers' agency and ability to resist unfair labour policies and practices by, for example, removing their labour power. That said, we have seen that sex workers are in an employee-employer like relationship with agencies at the same time as they do not enjoy the same labour protections and security usually associated with employment. In the coming section we start by reflecting on this situation before turning to consider a specific area employers are, in principle, required to offer safeguards - occupational health and safety.

13. Translation ours.

## OCCUPATIONAL HEALTH AND SAFETY

It has long been recognized that work can be dangerous to the health and wellbeing of employees – indeed provincial Occupational Health and Safety legislation speaks not only to this potentiality but also to a demonstrated need to impose standards on employers who might otherwise forgo measures in the interests of maximizing profits. In the shadow economy however, workers are not afforded the protection of provincial law. In effect, the criminalized context works as a de facto exclusionary mechanism that denies sex workers the legal protection and safeguards afforded to other workers. In this regard, Kara Gillies (2013) explains:

Unlike other workers, however, sex workers are unable to reduce exploitation or seek redress through labour or employment laws. This is due to the doctrine of paramountcy, which gives federal laws, including the criminal sanctions against procuring, precedence over provincial laws such as labour, employment, and human rights legislation. In this manner, the criminalization of managerial involvement in prostitution effectively precludes sex workers from accessing the labour protections afforded other workers. (p. 274)

Criminalization also eliminates other mechanisms that may ‘encourage’ employers to safeguard their employees’ health and safety – for example, professional associations or labour unions that can insist on measures, and (unless legislatively denied the right to strike) can threaten the withdrawal of labour power if demands are not met, and insurance companies that require protocols to be in place to minimize the risk of potential claims. Indeed, the Justices of the Ontario Court of Appeal in *Bedford v. Canada*<sup>14</sup> implicitly acknowledge that (ironically) the criminalized legal regime exempts third parties in sex work from the oversight of provincial regulatory (labour) bodies, and note that sex workers are: “a group that is uniquely vulnerable because of the nature of prostitution itself and *the legislative framework that surrounds most prostitution-related activities*” [emphasis ours].<sup>15</sup>

In the sex industry, the absence of regulatory pressures notwithstanding, agencies do appear to implement occupational health and safety strategies that echo, and in many cases exceed, the tactics of comparable ‘mainstream’ businesses. In the coming sections we examine the measures taken in relation to physical security and safety, sexual and physical health, and emotional wellbeing.

## PHYSICAL SECURITY AND SAFETY

Traditionally, occupational health and safety considerations have been preoccupied with workplace accidents and potential health hazards. Gradually it is being recognized that workers are also vulnerable to violence at the workplace. Indeed, in 2010 the *Ontario Occupational Health and Safety Act* was amended to include workplace violence and harassment. The law now obliges businesses with more than five employees to establish, write and post a workplace violence policy (32.0.1(1), 32.0.2). Employers under section 32.0.2(2) must also implement “(a) measures and procedures to control the risk [...] (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur” and to “assess the risks of workplace violence that may arise from the nature of the workplace” (32.0.3(1)).

The risk of the above-noted workplace violence can take different forms. According to LeBlanc and Barling (2004) individuals such as taxi drivers and gas station attendants who are “interacting with the public, working alone or in small numbers, working in the late evening or early morning, guarding something of value and exchanging money with the public” (p. 44) are at greater risk of “stranger-initiated workplace violence” (the offender enters the workplace for no other reason than to commit a criminal offence). By contrast, health care and social service providers are more vulnerable to “client-initiated violence [where] ironically the perpetrators are the very people to whom care or services is being provided” (p. 42).<sup>16</sup> Sex workers and third parties focus on these two types of workplace violence – stranger-initiated or predatory violence by an individual who may pose as a client but whose intent is to inflict harm on the worker, and

14. *Bedford v. Canada (Attorney General)*, 2012 ONCA 186.

15. *Bedford v. Canada (Attorney General)*, 2012 ONCA 186 at para 246.

16. Workplace violence can also be insider-initiated (a worker targeting a co-worker or manager in retaliation for real or perceived wrongdoing) or partner-initiated (e.g., a violent spouse who kills their partner at their place of work).



client-initiated or situational violence by a client who, for example, becomes aggravated and inflicts harm on the worker. This distinction is often ignored in the dominant discourse that, by dismissing the risks as inherent, conflates situational and predatory violence against sex workers. In practice, different types of violence necessitate different risk management strategies.<sup>17</sup>

The risks of workplace violence also intersect with social stratifications.<sup>18</sup> This is the case in ‘mainstream’ jobs. For example, we see how gender, class, ethnicity and citizenship status intersect to increase vulnerability in the high levels of violence, harassment and economic exploitation experienced by migrant workers who enter Canada under the Live-In Care Program (Hodge, 2006). Sex workers who navigate intersecting marginalizations also experience elevated levels of risk. Moreover, structural stratifications can limit employment opportunities.

In this section we are endeavouring to remove the ‘moral blinders’ and move beyond ideologically loaded rhetoric of ‘inherent danger’, and instead think about labour process, practices and location. This positions us to nuance the discussion, draw parallels to ‘mainstream’ occupations, and attend to how labour setting conditions risks and security strategies. For example, outcall workers like many other occupational groups – including, for example, electricians, plumbers and cleaners – go to the residences of clients to provide a service. To develop this further with a concrete example, home care providers go to private homes (for periods ranging from an hour to a day) to deliver personal health and support services to individuals. While the services depend on the needs of the particular client (e.g., toileting, bathing, providing food, feeding, cleaning and/or meal preparation), like outcall sex workers, these service providers travel to, and provide services in, private residences – this increases potential risks:

In the home environment, safety is a more complex issue than it is in a controlled setting. There’s more for you to think about and watch out for, and there may be more dangers facing you personally. Even in safe homes, you’ll need to maintain a level of watchfulness that’s typically unnecessary in dedicated health care settings. (Cray et al., 1998, p. 71)

In short, outcall sex work is not inherently risky any more than being a home care provider is inherently risky. However, both sets of workers face additional risks as compared to workers who labour in “controlled settings.”<sup>19</sup> In the sex industry “controlled settings,” incall locations, are precisely the space that empirical evidence has shown to be the safest sex work venue: familiar environments where access is restricted and security/deterrence measures can be most readily implemented.<sup>20</sup> Incall locations are, of course, criminalized under *Criminal Code* section 210; which also renders illegal the kinds of informal, low-barrier, supportive housing programs documented by Krüsi et al. (2012). Justice Himel, of the Ontario Superior Court, summed up the situation succinctly: “the evidence suggests that working incall is the safest way to sell sex; yet, prostitutes who attempt to increase their level of safety by working incall face criminal sanction.”<sup>21</sup> Contrary to the dominant discourse of inherent risk, sex workers and agency third parties (though the same is true of associates and contractors) take a more measured approach based on their years of experience. Recognizing the risks, they put them in perspective: “*Well there’s risks with everything in life, it’s not just in this industry. There’s risks if you’re working on a construction site or in a factory, you’ll lose a limb, or a leg, or brain damage, or get electrocuted, or drown as a lifeguard*” (EJ, incall agency owner, Toronto).

Here we found insider knowledge differs significantly from that of outsiders. Indeed, when we asked third parties about the emergency protocols they had put in place, very few had actually ever had occasion to use them. At the same time,

17. Again, a mainstream example might be useful. Bank robbers often enter banks pretending to be customers until such time as they make their intention known (pull a gun, slip a note to the teller). This is predatory violence, and banks initiate different strategies for this risk than they do to guard against the irate customer; who, frustrated at the financial losses they have suffered, lash out against the investment advisor (situational violence) (BSI, 2001).

18. For more on this see for example Allman (1999); Brown et al. (2006); Bruckert & Chabot (2010); Chabot (2012); Namaste (2005); Petro (2006).

19. Here too drawing analogies to ‘mainstream’ occupations is helpful. Perceptions of inherent risk deriving from sex workers being alone with clients in establishments become dubious when we think of the provision and consumption of other intimate services. After all, many individuals purchase the services of massage therapists and beauticians to receive services (a back rub, removal of unwanted hair) in private rooms, yet these service providers are not considered at risk of being assaulted because they are alone with customers.

20. See Lowman (2013); Krüsi et al. (2012); Bruckert & Chabot (2010); Jeffrey & MacDonald (2006a); Shaver & Lewis (2006).

21. *Bedford v. Canada* (2010 ONSC 4264) at para 361.

the security measures incorporated into daily operations, such as client screening (which we examine below), are likely more expansive than those employed by other direct service provision businesses; like the cleaning agencies alluded to above precisely because these agencies cannot readily access the security/protective services available to 'mainstream' businesses (e.g., police). The assessment of risk does not speak to a denial of risk, but confidence in the safety procedures that have been put in place. In the coming section we organize these strategies in terms of pre-call, at call, and emergency protocols.

### - PRE-CALL STRATEGIES

Pre-call prevention strategies are intended to reduce the likelihood that a sex worker will confront a potentially unsafe situation. In order to do this, agencies rely on a number of strategies. Some incall and outcall agencies have a zero-tolerance policy and maintain 'bad client' lists:

*If a client goes to see a girl and she feels uncomfortable in any way, shape or form, or if he does anything to her to make her uncomfortable in any way, shape or form, she is not to see the client again. I keep his name, his address and his phone number and I put it in my phone under bad dates.* (Mielle, outcall agency owner, Ottawa)

Incall and outcall agencies also rely heavily on the collection of personal information to deter clients from acting aggressively. Kaya, an outcall agency receptionist in Toronto, explained that:

*When I first started, the things that I was trained to do were to get all the details as required from the customer. So make sure that they're calling from an unblocked number, that I can call them back, that I have a clear understanding of their address. I would do 4-1-1 checks on the phone. [...] I had a checklist there because I was worried that I would send people into a situation that they weren't prepared for or that was potentially unsafe.*

In the following quotation, Beatrice, the owner of a large outcall agency in Hamilton, explains the logic behind collecting information as a security strategy:

*That's always something that people come to me at first and they're like, 'What happens if the guy hurts me?' It's like, well, this is an outcall situation so we know where the person lives, and even if they rent a hotel, even if they book with a false name, there's a credit card and driver's license that's on file. If someone wants to victimize a woman, they're not going to do it within their own home, they're going to go out to do so, and they're not usually going to go to an agency, they're going to go to an individual sex worker, because with an agency there are so many people that know exactly where that girl is at any given time.*

In addition to the deterrence that Beatrice describes above, agencies may also use this information to screen out potentially problematic clients based on experience, perception, intuition or prejudice. For example, outcall agencies may consider specific spaces (e.g., basements) as possibly dangerous; in other cases specific neighbourhoods are considered 'risky.'<sup>22</sup> For some of the agency third parties we spoke with, client screening was focused on specific characteristics. For example, as we saw in Bridget's narrative on page 52, such things as the age and class of clients were important. At other agencies the screening process focused less on profiling, but rather on attending to cues of potentially dangerous situations:

*Well my agency, we are very, very strict about the manners of clients, even on the phone. If someone calls in and uses foul language, we say, 'I'm sorry you're not the type of client we're looking for.' If a client calls and says, 'I'm looking for someone to party with', the term party is pretty much to do cocaine or drugs, we say, 'We're not that type of agency.' If someone sounds drunk we don't send anyone.* (Beatrice, incall agency owner, Hamilton)

22. The Ontario Association for Community and Healthcare (2008) has a similar approach and unapologetically refers to "high-risk areas" (p. 12) and "dangerous" neighbourhoods (p. 16).

Another screening technique is to require references. As Adele (outcall agency owner, Montréal) explained:

*Always ask for references. If you don't have any references because you're a newbie [...] you will not be seeing a girl of mine if I don't have your full name and a number where I can reach you. I always assure discretion with the telephone number. Then, when the [sex] worker arrives and it's a new client, 'you show your ID card, and it better be the same name. If it's not the same name, even if you have the money, thanks, bye.'* [translation ours]

Of course, it should be noted that screening is not only about eliminating potentially aggressive clients, but also about avoiding being criminally charged. In this context there is always the possibility that, preoccupied with ensuring the prospective client is not a police officer (i.e. Are they asking too many questions? Are they being too explicit on the phone?), the third party will 'miss' a significant indicator of risk.

Incall establishments may also employ additional strategies: a monitored entrance and a two-call process. In the following excerpt, Lisa (outcall agency owner, Toronto) explained the two-call strategy that was, in our research, employed quite commonly by agency third parties as well as by location providers:

*I had a screening process that they would have to go through before they could even find out the apartment number. They had to call from an indoor number, it couldn't be a payphone number. They would book a call and then have to confirm half an hour before coming over. And then I would direct them to where they could park in that vicinity, in that area, and direct them to a payphone that they would have to call me from down the street. I had all the payphone numbers memorized so I was able to know they were actually there. And then at that point I would give them the building address and the buzz code. And I could monitor them through the TV down in the lobby, and it wasn't until they actually rang up that they got the number itself.*

The sex workers we spoke with appreciated the security afforded by the screening process. That said, while recognizing that some agencies were rigorous, sex workers were dubious that all agencies consistently screened clients. Rose from Toronto told the following story to illustrate:

*I got called to go to an outcall – and all they told me was that the client's name is Buddy, gave me an address to meet him at. It was at a hotel – gave me the room number, gave me all of that information. I walk into this room, and there's my cousin. [...] I was walking right back out the door. And I got penalized for it; I got fined \$150 for not continuing with it. [...] [The agency should have known] it's kind of obvious. My cousin has the same last name as me.*

### - AT CALL STRATEGIES (OUTCALL AGENCIES)

The 'safety call' procedure was mentioned repeatedly as a strategy used by outcall agencies that hire drivers (a topic we examine in greater detail in Chapter Five). Essentially, workers call the agency or the driver when they arrive at the appointment to confirm that all is well, often with a prearranged code word to indicate possible trouble. Some agencies have a 'two-call policy' whereby workers are required to call when they arrive at the appointment and again when they are ready to leave. Kaya, an outcall agency receptionist in Toronto, explained how the code word is used:

*There was a word for some workers if they didn't feel okay, they'd say, 'Ask this question, and if my answer is, like, 'red', or something, then that means send the driver or something.' That never happened thankfully. As well, safety meaning, always to be available. You've got several lines going, but always to be available to answer every single call because that could be a worker saying, 'I need to get the fuck out of here, I'm not staying' for whatever reason.*

According to Christina, a Toronto area sex worker:

*The two-call procedure – it actually did make me feel safe. It was nice to know that there was somebody there waiting for me at the end of the call, and they would get worried if I didn't call in, you know, at the end of the hour. So, you know, I really think that's a good procedure, and it did make a difference. I knew that my driver was there. [...] It's a small inconvenience. [...] You get up to the client's house or hotel – sometimes you can*

*get carried away, and you forget to call, and they start calling you like crazy, and sometimes, I already put my phone on vibrate, so that can be an issue.*

At call strategies also entail tactics to circumvent or avoid potentially risky situations. To this end, some agency owners train workers in exit techniques:

*During my interview process I do go through a number of different safety aspects with the girls, and I tell them what to do under certain circumstances. For example, if they walk in to a room that they feel that their safety is compromised for whatever reason, such as there's drugs, multiple people, whatever else, I tell the girl: Act calm, act as though there's nothing wrong. Go to the bathroom and come out and apologize and say 'I just started menstruating, the agency can send someone over, I'm really embarrassed. I'm sorry, I'm going to go.' That way, if there is something wrong with the man, most men are scared of menstruation cycles and they won't want to do anything. (Beatrice, outcall agency owner, Hamilton)*

Part of the training can also be about how to avoid conflict. For example, AJ and Brenda, both incall agency owners in Toronto, spoke of abandoning the money:

*I tell the girls they only have to say 'no' once, if they have to repeat themselves, or if they ever feel like they're no longer in control of that session, they need to end it immediately. I tell them that you don't ask for the money. If the money was laid out, you leave it and you just walk away. Because it's not worth, you know what I mean, you want people to leave feeling embarrassed not pissed off. (AJ, incall/outcall agency owner, Toronto)*

#### - AT CALL STRATEGIES (INCALL AGENCIES)

As we examine in greater detail in *Chapter Five: Mapping Contractors*, incall (and occasionally outcall) agencies may hire on-call or on-site security staff. Others create a 'virtual' bouncer and the illusion of on-site security. For example, Zoe, who runs a midsized brothel in Québec City, keeps a pair of men's shoes visible at the entrance. However, more often incall agencies draw on the same strategy that retail establishments do when they schedule additional staff on night shifts – they rely on the presence of others to deter clients from acting inappropriately or aggressively and to intervene in cases of emergency. At small incall agencies (and at locations operated by worksite providers, see Chapter Four) it is often the owner/operators or other sex workers who fulfill this role. Lisa, who ran a small incall establishment where she also worked, explained: *"Well the door was never locked, the bedroom door was never locked. Again, there was always more than one of us there so we would outnumber the guy, right. And they're naked [laugh]. They're a little vulnerable when they're naked!"*

Midsized and larger incall agencies may also rely on receptionists or managers to deter clients or predators from acting aggressively: *"A girl is never ever left alone with a client. There's always somebody else in the unit with them – minimum one other person if not more so that if there's ever any trouble, which [knocking sound] knock on wood, hasn't happened. You know, there is support there for them right away"* (Carole, incall agency owner).

Sex workers appreciated the security afforded by the presence of others in the establishment. Trina, an Ottawa area sex worker, spoke of her unease when this was not the case: *"there was also nights where you would have a whole bunch of people working the day, but you would be the only person closing, and that was really problematic for safety."*

Additional at-call security strategies that emerged in the research were strict 'no locked door' policies (for service rooms) in incall agencies and always locking outside doors, so that if people showed up unexpectedly, or if there were more people than anticipated, third parties could prevent them from entering. As Marie (massage parlour manager, Montréal) said, *"If I wasn't sure, I didn't open it."*<sup>23</sup>

23. Translation ours.

### - EMERGENCY PROTOCOLS

The final strategy, which unlike the others is reactive rather than preventative, did not figure prominently in the narratives of the sex workers or the third parties, nonetheless warrants a brief mention. Reactive measures are implemented when a 'situation' is developing or has occurred – mindful that coming to the attention of the police renders them vulnerable to being charged with keeping a bawdy-house (CC s. 210(1)) (and their employees with being inmates (CC s. 210(2)) or with procuring and/or living on the avails (CC s. 212(1)), some incall and outcall operators put their own security in place. Sometimes security staff take on this responsibility (as we examine in Chapter Five) and sometimes agency owners have informal arrangements with neighbours. It may also be the sex workers themselves who respond. Moxie, a Halifax sex worker with many years of experience in the industry, explained, “*we had, at different times, eight rooms – one woman per room. And if there was a problem, if that woman could make a noise, it was only two seconds before the other girls opened the door and beat the shit out of Buddy.*”

Horeta, a brothel manager, reminisced about her time as a sex worker:

*I remember one day at the Cat's Meow we heard this slap, and this is in-service, so you very seldom ran into violence that much. But I heard this slap, so of course, every woman in the place has got one shoe off, and we're at the door. Ready to punch his -- one shoe off, and we all wore steel-shank stilettos, you know, the weapon you can carry and no one can charge you with.*

Of course, as Horeta's reference to making noise reminds us, people can only intervene if they are aware of a problem. Outcall agencies may be alerted by a call or text from a sex worker. Some of the incall third parties and sex workers told us of agencies that have alert systems in place: “*We had a buzzer hooked up, by the way, to every room, so that it was a panic button, it was hooked up to the front desk where I usually was when we worked*” (Tandy, incall agency manager). A few sex workers also mentioned security camera in the rooms.

Considering the criminalized nature of the enterprise and given that many agency owners told us they would not (retroactively) report a problem or offence against themselves or their workers to the criminal justice system, they, surprisingly, had the same emergency strategy as 'mainstream' businesses; “*The police. The receptionist has been told, the girls have been told, if anything happens, to call 911*” (Zoe, incall agency owner, Québec City).<sup>24</sup> Carole, an incall agency owner who is based in Toronto, spoke of priorities: “*I'm not afraid to call the police or security. I mean if that means I have to get busted, then so be it. You know, the protection of the individuals here is the number one goal.*” Andrew, an outcall agency owner in Montréal, recounted a story of calling the police:

*I call the police. I stayed on the line with them. I said: 'Right now, at this address, there's a guy who's trying to – [who has] a knife to the throat [of an escort].' I said: 'I'm telling you right now, I'm going over there, okay, and I'm not waiting for you, I'm going right now. I'm telling you so that you can get on your way.' Because then, he heard some banging, 'What was that?' I said: 'I tore up a fence post with a spiked end. [I'm] breaking down the door.' I put the spike to the client's throat, and he freed my escort – who ran away. The police said: 'What's the matter? What's happening?' Well, I said: 'Now he has a bat [...] If he makes a false move, I'm going to kill him, it will be legitimate self-defence.' Ten cars arrived within, geez, it took 70 seconds and they were all there. [...] The guy wasn't arrested. No one was arrested in that whole thing. Because no one wanted to lodge a complaint. [translation ours]*

As Andrew's story serves to illustrate, it is not always possible for sex workers to call the police themselves in an emergency situation. In those cases, having a colleague, friend or third party who knows where they are, and is prepared to call the police and/or act, is crucial.

### SEXUAL HEALTH

Sex workers face assorted health risks by virtue of their jobs. However, as with other kinds of jobs, health risks vary by industry sector and labour site. For example, just as factory workers may come into contact with hazardous chemicals

24. Translation ours.

that vary according to what is being manufactured; sex workers face different and specific risks depending on their sector. While erotic massage providers risk backaches if tables are improperly positioned, BDSM specialists are vulnerable to Repetitive Strain Injury (RSI) (OSH, 2004). In the sex industry, individuals who provide sexual services must also mitigate their risk of contracting a sexually transmitted illness. In this context, employers may, in principle, have a responsibility to provide safer sex supplies and ensure workers are well informed about how to protect their sexual health. Our research revealed that in the context of criminalization and absent occupational health and safety regulations, agencies exhibit a range of positions – from hyper-conscientious to less than desirable to negligible. That said, in our sample of agencies we found consistent recognition of the importance of safer sex practices. Some offered advice:

*I try to give the girls as much information as humanly possible because I know that if a situation does come about, say they do contract an STI, I can't help them with that. Like they're not working, we're not working. So try to make sure, don't take any amount of money for anything extra without a condom, it's not worth it.*  
(Bridget, outcall agency owner, Toronto)

Some managers, like Jane (incall agency owner, Halifax), had doctors come in to the establishment; while others encouraged testing. Still others, like Leah (incall/outcall agency manager, Ottawa), made it mandatory: *"I'd make sure all the girls were tested. They'd have to go through a physical and stuff like that to make sure they're not HIV positive, they don't have Hep C."*

Many agencies also had mandatory condom use policies: *If I found that a girl was not using condoms, I would just say to her that, 'I understand you're not' and warn her that she should. And, if I continuously found that she wasn't, then, I'd have to let go of her. Because then the other girls on staff would be pressured into not using condoms, from customers.* (Joe, website provider/outcall agency owner, Toronto)

In comparison to Joe's fairly casual approach, Sandra, a Toronto area sex worker, told us that at the agency where she worked, *"they'll actually terminate you if they find out you're doing that [having unprotected sex]."* Such policies take away sex workers' discretion at the same time as they provide a powerful tool in their negotiations with clients and position them to forcefully insist on safer sex practices.

The approach to the provision of condoms also varied widely. Amidst the agency owners, managers and receptionists we interviewed: seven provided condoms only, ten provided condoms and lube, six provided condoms and lube as well as additional safer sex supplies (including, for example, gloves and/or dental dams), four provided condoms in extenuating circumstances, whereas 23 did not provide any safer sex equipment at all. In other words, some agency third parties provide materials, like Beatrice (outcall agency owner, Hamilton) who told us that she is *"buying 10,000 condoms a year,"* while many others expected workers to supply their own.

We see the way criminalization impacts on sex workers' access to safer sex supplies when they are working for an incall or outcall agency that is 'wilfully blind' to the provision of sexual services. These establishments will not provide condoms or other safer sex supplies, as these would potentially be used as evidence in a criminal trial. Sex workers in these agencies do not have ready access to safer sex supplies and must not only procure, but also dispose of, condoms. Robyn (sex worker, Toronto) explained that *"you weren't allowed to have condoms in the room. If they found, like, condoms in the garbage, that was, like, a big issue because we would get inspected by the police. And so you couldn't [even] have, a condom wrapper somewhere."*

## EMOTIONAL HEALTH

The importance of safeguarding workers' emotional health is often overlooked by employers in many labour sectors and has certainly historically been seen as outside of the expectations mandated through provincial occupational health and safety legislation. This may, however, be changing. On January 16, 2013, the Federal Government unveiled voluntary standards on psychological health and safety in the workplace aimed to provide: *"systematic approach to develop and sustain a psychologically healthy and safe workplace, including: the identification of psychological hazards in the workplace; the assessment and control of the risks in the workplace associated with hazards that cannot be eliminated"* (Mental Health Commission of Canada 2013, p. 1).



The above-noted innovation notwithstanding, the restricted vision of many ‘mainstream’ employers was also characteristic of agencies in our research. While for the most part agency third parties were aware of the need for security and sexual health protocols, they were less preoccupied with safeguarding the emotional health of their workers. Some did however offer general emotional support, active listening, resource provision, preventative advice, debriefing and specific support after a crisis.

In terms of general emotional support, Carole (incall agency owner, Toronto) laughingly told us she thought of herself as *“the house counsellor. House guidance counsellor.”* She explained that, *“a lot of girls, like, will stay afterhours to, like, discuss things in their life with me, and you know, kind of where they should go or what they should do.”* Although Coco also offered *“active listening. I offered a friendly ear,”*<sup>25</sup> she lamented that the Montréal area massage parlour where she worked did not offer any kind of psychological support to sex workers. Sophie (incall/outcall agency owner, Ottawa) was unique (in our sample) in that she actually did offer this service: *“We had a couple of good mental health professionals. We had a psychologist that saw our girls and we had an MSW [Masters of Social Work]. So I would try to get them into counselling.”* While she did not organize this directly, Mielle (outcall agency owner, Ottawa) referred sex workers to resources when she identified a need: *“if I have a girl that’s dealing with an abusive boyfriend, I tell her different shelters in Ottawa that she can access.”*

Some agency third parties recognize that sex work is challenging both as emotional labour and because of the stress that its stigmatized status can cause. For example, Adele felt that it was her responsibility as an agency owner to:

*Keep track of the girls’ wellbeing, not just their wellbeing at work, but in their private lives, how that can have an impact on work, how work can have an impact on private life as well. So, at the same time, there was another responsibility of psychosocial support because, even people who worked weren’t necessarily ‘out’ in the rest of their lives. So I was the person they could vent to. [...] It was really wearing the boss hat, but also the friend-who-listens-when-you-want-to-vent hat. [translation ours]*

Justine (outcall agency manager, Montréal) had a different approach to emotional health – rather than think of it as psychological support, she wanted to support sex workers by boosting their sense of confidence, *“I confirm the fact that they’re all gorgeous or whatever’s gorgeous on them that day. I go on about it and I let them know, you know. ‘You’re smart, you’re this. Whatever you are, you are.’ [...] I make sure they’re happy.”*

It appears as though the emotional support offered at agencies – when it was offered – was largely informal. However, Zoe (incall agency owner, Québec City) built a debriefing element into her training: *“When it’s new girls who have never done this [...] there’s really an established process, where she is accompanied from the start of her first client to the end of her day when there’s, like, a report that’s done on: ‘How did you find it? Do you feel okay?’”*<sup>26</sup>

By contrast, Joe (outcall agency owner, Montréal) employed preventative (albeit rather crude) measures to safeguard sex workers’ emotional health: *“I used to just tell the girls, ‘Don’t get involved with the customers.’ [...] ‘Don’t take them seriously’, I used to warn them that it’s only work, ‘Do not get personally involved and just forget, as soon as you leave there, what they say to you.’”*

In addition to general and preventive measures, our research also revealed measures taken by third parties after a negative experience. Honey, a Montréal sex worker, told us about emotional support she appreciated after a bad experience at work: *The boss really took the time to talk with me, because I was shaking. [...] And he really took the time to sit me down, and: ‘Are you okay? Do you want to go home?’ [...] ‘Are you okay to keep going?’ You know, he didn’t force me to stay. So, really, there are places where the bosses, at the emotional level, will be there for you. They will attend to you. I’ve never had a place, actually, where they weren’t there [for me].*<sup>27</sup>

25. Translation ours.

26. Translation ours.

27. Translation ours.



## REFLECTIONS ON AGENCIES AND THE QUESTION OF ETHICS AND EXPLOITATION

As the focus groups made clear, Honey's experience of consistently encountering emotionally supportive bosses was not necessarily the norm. This section has, so far, focused on the labour practices and occupational health and safety measures that agencies do provide and, in this respect, foregrounded the good labour practices that exist in the sex industry. We now turn to the question of exploitation and bad labour practices and examine the shortcomings and unethical practices of some agency third parties. Here, our findings echo those of other scholars who, rather than framing all individuals who have personal or professional relationships with sex workers as pimps, have documented the complexity and array of relationships sex workers have with third parties.<sup>28</sup> While these authors argue that third parties can offer valuable services to sex workers, they also recognize that some third parties economically and/or sexually exploit their employees.<sup>29</sup>

Policies and practices that are harmful or fall short of meaningfully addressing the risks that workers face, are reprehensible. Recognizing them as labour exploitation allows us to contextualize them in a larger framework of worker rights and labour practices. Indeed, such shortcomings and inconsistencies are certainly not specific to the sex industry, as we have seen with the attrition of labour rights across 'mainstream' sectors in Canada (Vosko, 2000). Additionally, according to Tucker (2003), occupational health and safety measures have deteriorated with the shift towards (inadequate) industry self-regulation since the 1980s. Moreover, in the sex industry the potential for poor or exploitative labour practices and policies is exacerbated by criminalization which pushes the industry into the shadows and (ironically) away from oversight by regulatory labour bodies. It also (as we have already noted) denies sex workers recourse to labour protections afforded to other workers. It is interesting to note here that in New Zealand, where sex work has been decriminalized, sex workers were included in "the *Health and Safety in Employment Act*, which applies to the sex industry as it does to any other" (OSH, 2004, p. 11).

So what are some of these bad practices? As we have already seen, agencies have different fee systems in place; in the focus groups, sex workers complained about excessive, hidden or extra fees. Molly (Montréal) had worked at an agency where she felt there were too many fees: "*they made us pay for the rooms. Like, we already give almost half [of the hourly rate] per client, I find that that's already a lot [...] it's like you're giving more than half of your salary.*"<sup>30</sup> A mandatory driving fee, even if she drove herself, was what finally compelled Christina (Toronto) to quit one agency.

Maxine (Ottawa), Alana (Ottawa) and Leslie (Montréal) had all worked for agencies whose advertising was inadequate and/or who wanted sex workers to pay additional fees for this service. Kayla (Halifax) described the drawbacks of third parties' promotion strategies:

*I was, like, probably about 145–150 [...] and you see my hair's far from blonde, but they're advertising me as a blonde, 125 pounds, busty. So – and then, of course, [clients] pick me, and then I go to this room, but I don't know what she has said – you know what I mean? She just says, 'Kayla, you have a call.' I get to the room, and the gentleman's like, 'Well, you're not blonde,' and I'm like, 'No, by no means.' And he's, you know, 'You're not 125 pounds.' 'No, by no means.' [...] And a lot of times, they will turn you away.*

Whereas Kayla's comment above speaks to the ramifications of dishonest advertising, Leslie (Montréal) explained the consequences of a lack of transparency in hiring practices:

*You have a client for every type of girl, you have a client for every body type. But I think it's too bad when a girl, say, who has a certain physique, doesn't do well. [...] It happened to me, being in a massage parlour. I didn't fit the clientele there. [...] I maybe did my two, three clients a day, you know, just enough to tell myself: 'I have some money. So I won't complain.' But, you know, when you see your other co-workers doing seven, eight [clients] a day. Then at some point, your boss tells you: 'Listen, maybe you want to take fewer shifts?*

28. On this topic see for example Gillies (2013); van der Meulen (2010); van der Meulen & Durisin (2008); Currie & Gillies (2006); Lewis et al. (2005); Bruckert, Parent & Robitaille (2003); Lowman (2000).

29. On this topic see Gillies (2013); Love (2013); van der Meulen (2010); van der Meulen & Durisin (2008); HIV/AIDS Legal Network (2006); Childs et al. (2006); Lewis et al. (2005); Bruckert, Parent & Robitaille (2003); Lowman (2000), (1998), (1986); Lowman & Fraser (1996).

30. Translation ours.

*I have someone who would like more shifts.' Instead of clearly telling me: 'I'm sorry, but maybe you don't fit with my clientele.' [translation ours]*

Alana (Ottawa) described another kind of communication problem at the agency where she worked:

*They would never tell me, like, if it was a client that I had seen before, because a lot of my clients have special requests, like they want you to wear, you know, lingerie and stockings and stuff. And so they wouldn't tell me. And it's like I always had to – make sure that I had stuff in my bag just in case it happened to be someone that I knew and they would want a specific thing.*

Similarly, Lee (Toronto) had worked at an agency where she only received clients' room numbers, not even their names, and “*half the time, I never even knew [if] I was seeing someone who saw me before.*” This also begs the question of how much Lee's agency knew about their clients – in other words, it casts doubt on the rigour of their screening process.

Although several focus group participants had said they appreciated the client screening agencies undertake, others felt it was inadequate. In regard to drugs, Maxine (Ottawa) complained:

*At the massage parlour where I was working in Montréal, we also had this outcall service, and this one customer got past the screening for the incall location also did a lot of outcalls, and it was known that he did blow all the time. [...] And, like, he would bring coke into the parlour, and the owner knew about this; she would say, like, 'Tell him not to bring that shit over here.' [...] But then he would call for an outcall, and, like, she'd send her girls there, and obviously, there's blow everywhere, so she knew that this guy was using all the time. [...] Because he spent a lot of money, she'd just say, 'Oh, well, he just wants you there for a couple of hours, so you guys figure it out.'*

Sex workers told us some third parties operate primarily in the interest of their 'bottom line' to the neglect of workers' emotional and physical safety. As Moxie (Halifax) told us:

*I've seen times where I've had a bad date, and all the management then cared about is how long is it going to take to get yourself fixed up to get to the next guy. [...] Like, it wasn't about 'Are you okay? Let me take you to the hospital. Do you want me to call the cops?' None of that. It was: 'How long before you can get fixed up enough to go on to the next client because I've got a client waiting for you.' So it wasn't about caring about us. It was about caring about how many clients we got done, so how much money they got.*

Trina, an Ottawa area sex worker, also spoke of a striking disregard for her emotional (and physical) wellbeing:

*And in terms of emotional support, I was assaulted at the second parlour I worked at, and when I was working alone, and when I phoned the boss to tell her, she didn't offer to, like, come over, send anyone over. I was expected to complete my shift. I was expected to take a client within an hour of having been assaulted.*

The above examples speak to a disconcerting callousness among some agency third parties. Sex workers also identified instances of poor management. One such issue was that some third parties created unhealthy work environments. Although not as extreme as the above examples, the following stories also demonstrate a lack of solidarity by third parties. For example, Trina (Ottawa) found that her boss “*sometimes used to talk shit about the other girls.*”

Another poorly managed area identified by sex workers was that of work distribution by third parties. For example, Alana's (Ottawa) boss would not book calls for her in advance; while for Christina (Toronto), “*the biggest issue I had working with [outcall] agencies is there were simply too many girls on the roster, not enough business, not enough volume of business for every girl.*” Lilly (Montréal) thought the distribution of work was uneven at a massage parlour where “*we did line-ups and it was the clients who chose. [...] But that meant that there was a girl who had five clients in a shift, and others who had zero.*”<sup>31</sup> Maxine (Ottawa) found that there was favouritism at her agency, which she thought was deeply unfair:

31. Translation ours.

*There was this one worker that I have in mind that would be scheduled on shift, and then you would book her – because she was always fully booked – and she would decide not to show up. Like, she would come in when she wanted. Because she had the privilege of making the owner all this money, she thought that she could just walk in and make money when she wanted, leave at 7:00 pm – three hours before the end of her shift – we’d do all her laundry. So because she racked in so much cash, our boss wouldn’t want to get rid of her. So that was fucking annoying. It was, like, the worst.*

Maxine’s comment also alerts us to the expectation of ‘free’ labour at incall agencies (this seems to have been particularly common in massage parlours) – sex workers are expected to do tasks such as laundry, cleaning and/or answering the phone at the establishment, even though they pay a fee to use the facility and do not receive a salary.

Focus group participants also identified more profoundly unethical practices at agencies. Some of this reflected the ‘lookism’ and discrimination against individuals we also see play out in decreased employment, advancement opportunities and lower earnings for those deemed unattractive or ‘overweight’ in ‘mainstream’ jobs (YWCA, 2008). In particular, racism manifested in disturbing ways including: racial quotes; in the presentation of racialized women as the erotic/exotic other; in shift distribution.<sup>32</sup> While Lee (Toronto) described agencies refusing black women because “we already have a black girl on staff, and you’re particularly difficult to market,” Moxie (Halifax) described an agency that had no black women on staff at all:

*There was one place that I never went because there – it was that little old lady in New Orleans – because her clients like blondes and small girls, right? So she knew what her clients want. So to just take another girl just to have an extra body is unfair to the girl because I mean you know that this particular business, you have these same clients; you know the girls they usually pick, so say, ‘Look, you know, I’m really glad you applied, but my clients like tiny blondes, hon, you know, and you’re black and big. It’s just not going to work.’*

In addition to discrimination, other problematic practices sex workers spoke of were sexual harassment and bullying. For example, a third party that Moxie (Halifax) had worked for expected sexual favours from those who worked for him, “And the girls who would do him got the extra – got the better clients.” Similarly, Christina (Toronto) told us about one experience:

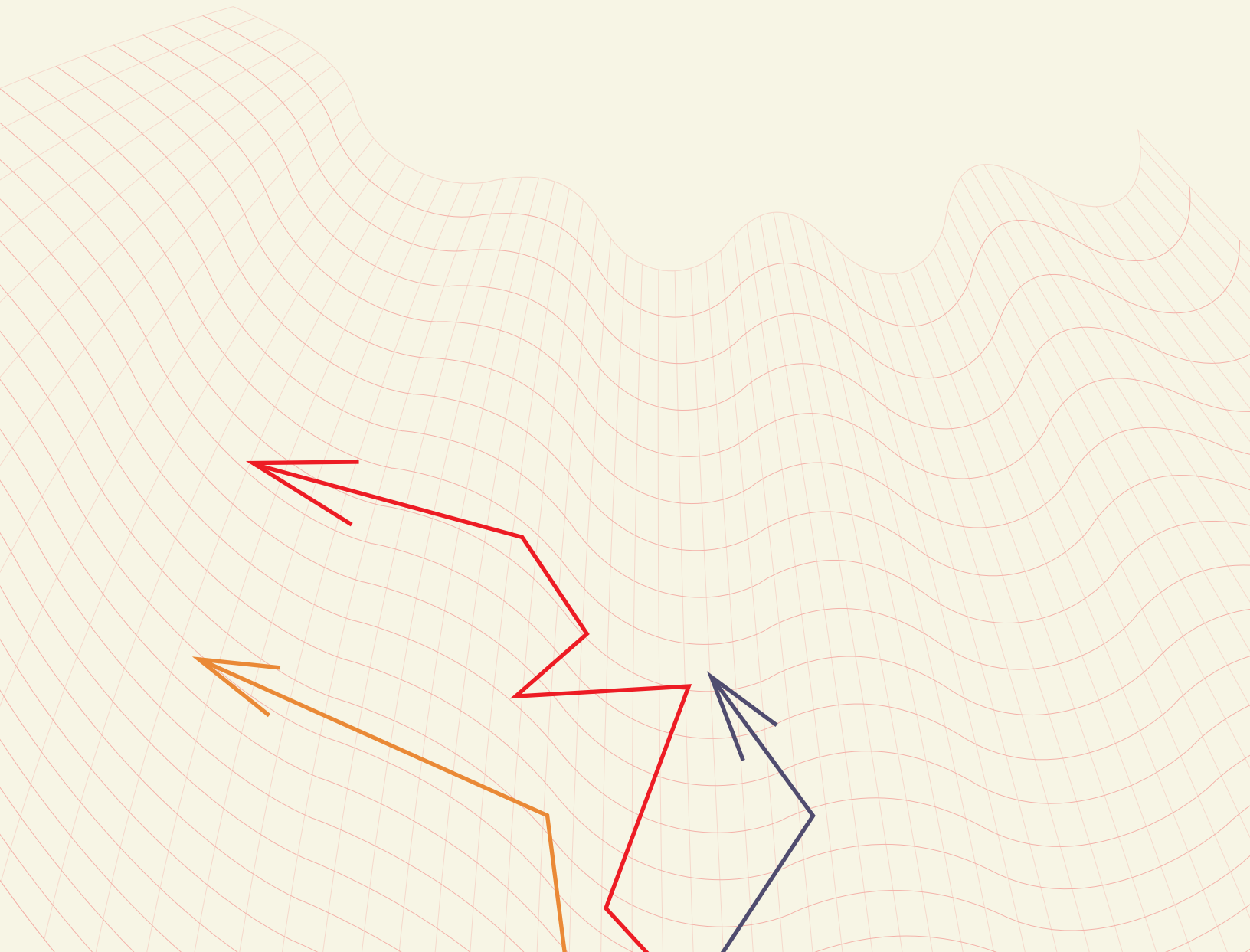
*What this owner would do is he would invite girls for interviews up at his condo and, you know, and just take his time talking to you, demanded to see your body. You know, I stripped down to my lingerie and just showed him. I mean but that was just, like, a dodgy practice because, you know, we don’t have work and safety procedures in place like other industries. Like, in any other industry, this would not be acceptable. And you know, he hinted that he would have liked a free service, and I know. I have personally met girls working for the agency who did do, you know, service for free [...]. I pretended I didn’t know what he was talking about.*

At another workplace, Christina described a female third party who subjected her workers to “anger outbursts [...] outrageous behaviour [...] yelling and name-calling.” Christina’s suggestion that scenarios such as these can happen in the sex industry because of sex workers’ inability to access labour regulatory mechanisms, further highlights the drawbacks engendered by criminalization.

For the most part, the problems sex workers described – poor labour practices, issues with organizational strategies and employer-employee relationship – are comparable to the problems encountered in other employment sectors. Indeed, business owners that prioritize their own interests above those of their employees is a drawback to working for someone else in any sector, just as being an entrepreneur is more time consuming, encompasses more responsibilities, and is not necessarily more rewarding. As Kitty (sex worker, Toronto) said, “it’s a bit of give and take on both ends of it, and I think probably it balances out at the end of the day.”

32. For more on racism in the sex industry see Ross (2009).

**CHAPTER FOUR:**  
MAPPING ASSOCIATES - THE 'WITH' RELATIONSHIP



## **MAPPING ASSOCIATES - THE 'WITH' RELATIONSHIP**

Associates are individuals who collaborate or work with sex workers in various capacities to facilitate or expedite the sex worker's business. These are symbiotic and mutually beneficial affiliations: for example, an independent sex worker could work, albeit perhaps less often or less securely, without the services of an associate. For the most part, we found that this relationship emerges out of, or is an offshoot of, other business ventures by the associate (most often sex work). As such, it is a sideline and therefore a secondary source of income for these individuals. Although it is likely that there are other associate relationships, our research identified four types: agents, mentors, event promoters and worksite providers. In this chapter we examine each of these occupational categories, reflect on 'mainstream' equivalents before we unpack the roles in terms of services, control, authority, skills and relationships.

In Figure Three we present an overview of the Associate Model detailing these service relationships organized from the greatest to least authority/control over the organization of sex workers' labour. As was the case in the Agency Model, the lowest (white) tier of the chart provides examples, drawn from the research, to give a sense not only of the range of associate relationships but also the diversity within specific roles.

# ASSOCIATE MODEL

WORKS WITH SEX WORKERS

## AGENT

Working on behalf of another, secures and books appointments.

Fee for service or portion of SW's earnings.

## MENTOR

Shares knowledge, skills and information in an apprenticeship-like arrangement.

Fee for service.

## EVENT PLANNER

Organizes, promotes and staffs special events.

Fee for service.

## WORKSITE PROVIDER

Provides, organizes and maintains work space for select workers.

Fee per use.

### DADDY TORONTO

**BROKER BETWEEN ESCORTS AND CLIENTS**

Informal representative of 4 SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Schedules events, establishes rates, informal code of conduct established.

**SECURITY**

On-site presence.

**SEXUAL HEALTH SUPPLIES**

None.

**BUSINESS SUPPORT**  
Booking, referrals, transportation.

**OTHER SUPPLIES/ SERVICES**

Lodging, drugs, social events.

### EDOUARD MONTREAL

**OCCASIONAL AGENT**

SW and informal agent for several male, female and trans SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets rates, determines location, establishes services offered.

**SECURITY**

On-site presence.

**SEXUAL HEALTH SUPPLIES**

Condoms, lube.

**BUSINESS SUPPORT**  
Booking, personal advertising.

**OTHER SUPPLIES/ SERVICES**

Taxi fare if not paid by client.

### LILITH OTTAWA

**MENTOR IN 'UP-SCALE' MESSAGE STUDIO**

Independent SW who accepts one (informal) apprentice to share workspace.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Sets hours of operation, insists fees appropriate for space/image, code of respectful, safe and discreet conduct.

**SECURITY**

Screening training, screening for duos, on-site presence if requested, pepper spray.

**SEXUAL HEALTH SUPPLIES**

Condoms, finger cots, sexual health info.

**BUSINESS SUPPORT**

Advice, location, advertising/booking of duos, massage lotion, bodywash, bottled water, candles.

**OTHER SUPPLIES/ SERVICES**

Cleaning, laundry.

### BRITNEY OTTAWA

**TRAINER FOR IN/OUTCALL**

Independent SW who mentors 1 or 2 novices on business and service aspects of sex work.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Code of conduct enforced.

**SECURITY**

Screening.

**SEXUAL HEALTH SUPPLIES**

Condoms.

**BUSINESS SUPPORT**  
Booking, location, driver, photos organized, advice on fees.

**OTHER SUPPLIES/ SUPPORT**

Advice on client interaction, appearance and hygiene.

### SANDI MONTREAL

**EVENT ORGANIZER/PROMOTER**

Engages SW to work at the special events she organizes.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Schedules events, sets rates, determines location, establishes activities.

**SECURITY**

Screening, on-site presence.

**SEXUAL HEALTH SUPPLIES**

Condoms, lube, gloves.

**BUSINESS SUPPORT**  
Event logistics, S&M transportation, equipment.

**OTHER SUPPLIES/ SUPPORT**

Debriefing.

### JONATHAN OTTAWA

**PROVIDES 'HIGH END' MESSAGE LOCATION**

Owner/manager of erotic massage space for other independent SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Code of respectful, safe and discreet conduct, expectation of workers to offer 'higher end' service.

**SECURITY**

Camera in lobby, on-site presence, screening of workers.

**SEXUAL HEALTH SUPPLIES**

None.

**BUSINESS SUPPORT**  
Location, schedule coordination, towels, oils, shower products.

**OTHER SUPPLIES/ SERVICES**

Mentoring/advice, stereo, cleaning, laundry.

### RHONDA TORONTO

**RENDS INCALL WORK SPACE**

Co-owner/manager of incall work space for other independent SW.

**AUTHORITY OVER**

**LABOUR PROCESS**  
Code of respectful, safe and discreet conduct enforced.

**SECURITY**

Security camera, on-site presence of manager (at times).

**SEXUAL HEALTH SUPPLIES**

Condoms, lube.

**BUSINESS SUPPORT**  
Equipment, toys, location.

**OTHER SUPPLIES/ SERVICES**

Mentoring/advice, alcohol, food, internet.

EXERCISES SOME AUTHORITY/CONTROL OVER THE ORGANIZATION OF SEX WORKERS' LABOUR



## AGENT

Agents fulfill many of the same roles that we saw in outcall agencies; here however, it is an *individual* who works with one (or several) sex workers, providing a customized service. In the ‘mainstream’ economy, agents act on another’s behalf – they are the representatives who negotiate between clients and workers. We can think, for example, of modeling agents who secure and book assignments for fashion models for a percentage of the fees. A good modeling agent is not only well connected with potential clients (e.g., magazine publishers, clothing designers, advertisers) but is sensitive to the strengths and capabilities of those she/he represents. An effective agent endeavours to ensure a good ‘fit’, a smooth modeling ‘gig’ and satisfied models (who are the agent’s clients after all). At the same time, in order to generate repeat business, the advertising executives (who are also clients) must be satisfied. In the sex industry, agents fulfill the same middle-person role between clients and escorts. For example, Daddy, a 40-year-old “*very classy black man*” from Toronto, spoke of how it made good business sense not only to connect clients and workers but also to ensure a good match:

*[I would] try and make sure I hooked them up with a girl whose personality wouldn’t clash with theirs. So if they’re happy, they call you first. Happy people call you first. So I know certain people with certain girls, this guy would drive her crazy so I can’t send them over there. So there’s a little bit of paying attention and personality-matching, you know, and seeing who had the right attitude.*

By contrast, Vicky, who described herself as a “*gender-fluid*” sex worker from an ultra conservative family, was aware that a failure to match well increases the risk of boundary violation and framed ‘matching’ as important to safeguard the physical and emotional health of the sex worker whom she represented (who was also her intimate partner):

*I would arrange that with the other individual [client]. [The] types of services, [...] I would arrange that with the other person as well. [...] No greek or anything like that – I was the one who made those boundaries clear to the other person. [...] I guess you’re the filter, right? [...] That was probably the hardest part for me. It was being responsible for somebody else’s mental and physical wellbeing.*

Agents not only match clients and sex workers, they also book appointments. This scheduling function affords them a measure of control over sex workers’ labour process since they establish the time and location of the service encounter. More significantly, at least in the case of Édouard and Vicky, they negotiated the services as well. As Vicky, who was very conscientious about respecting her partner’s boundaries, said, “*I kind of, I guess, played the role of being that middle person and she just showed up, did what she did [...] everything else was done by me.*”

In addition, agents may have access to customers through other businesses. For example, Daddy explained that his sex worker agent activities intersected with his drug dealing business: “*Clients that wanted weed or whatever else, a lot of them ended up later on wanting the girls. So we might have came for the girls and they ended up wanting party favours. Or they might have came for the party favours and they ended up wanting the girls. You know, it always worked well together.*”

Édouard’s role as an agent serves to expand his business as a sex worker by offering more of a variety, in terms of both services and providers. It also enables him to retain his clients by sending a reliable sex worker when he himself is unavailable. His role as an agent also supplements his income as he ages. He explained:

*Sometimes, I will send one [sex worker], but sometimes, I’ll go. [...] Also, what I suggest to my client, is that the two of us go the next time. That will cost him double. But, I’ll ask him what he wants. [...] And at a certain point, when I have too many calls at the same time, I have to call someone. [...] I need to have someone who is able to host [clients] at their place, because, otherwise, I’m losing clients and I’m losing [...] the opportunity for my employees to make money. [translation ours] (Édouard, agent, Québec City)*



Whereas Édouard advertised in the newspaper, Vicky, an agent in Toronto, solicited clients for herself<sup>1</sup> and her partner online. She described the niche market they were targeting:

*We advertised as queer. And that you could see both of us. So, there's definitely the duo aspect and that we were actually queer. We advertised that we were in the kink and fetish kind of realm. And I guess our target was not the typical guy, or the typical person. It was somebody who was alternative in their sexuality, wanted somebody who was alternative. And that's how we advertised it.*

Agents also offered security services. Daddy told us:

*If they were doing something I would accompany them, wait for them. I'd show up with them so it was obvious that they were taken care of. [...] Well, there's times when they'd want me to come right to the spot with them, even take cake [the fee] and go have a drink in the lobby of the hotel while they did that. Or I might just be in the lobby the whole time knowing what room they were in and whatever, and to answer my phone if there was a problem, and call them in at the desired time. [...] We had code word, or a code saying, and there was a certain time to call, call her phone to make sure, you text me these words, I'll be right there.*

Vicky would also provide transportation and sometimes waited in the lobby while her girlfriend was on a call. However, her security was preventive rather than about a menacing presence: screening calls, check-ins and debriefs. She also provided guidance in the form of “a lot of talk around safety and like it being okay to say, ‘No’ and stick by your boundaries.”

By contrast, although Édouard also told us that he screens clients, he is largely preoccupied with his own risk of being robbed by the sex workers he works with: “it's rare that I'll send someone to someone else's place. I would rather do it at home, and even leave my room available and be around to make sure that, when it's [the appointment] over, I get my money.”<sup>2</sup> He also worries about being assaulted by the sex workers he represents – and he told us that the only situation in which he would call someone “like a body builder who really likes me [...] [is] to protect me from my employees.”<sup>3</sup> Édouard's comments speak to how perceptions of risk may be conditioned by the gender of the workers and/or the third parties involved.

In short, considerable diversity emerged in the interviews with third parties and sex workers which highlights the range of ways the agent relationship can ‘play out.’ This is also reflected in the different ways income and fees are distributed. While Édouard's fees are sometimes negotiable, he likes to pay the sex workers he represents a greater percentage of the rate than he keeps: “what I expect, when I send someone, is that he gets twice what I get. So, if I get 40 dollars, he gets 80. If he stays two hours, then, it [the price] has to go up, it has to go to 240, well, then, I have 80.”<sup>4</sup> For Édouard, this is a strategy to ensure loyal colleagues who do not feel exploited by virtue of having to pay an unfair cut to the agent.

For Vicky, the distribution of income was more complicated because her relationship with the woman she represented was both professional and personal:

*I absorbed all the costs. On her part, there wasn't really much cost. When we did work, we pooled the money together. [...] There were certain, like, Internet specifically was just something that we both paid for. It was part of, you know, our daily bills. I did have like more phone bill costs. And that was something that I absorbed. [...] It was case by case, because a lot of the times we worked together, to start off with. And we both just used that money to pay bills and, like, rent. When she started working on her own, she definitely offered the money. She said, ‘This is for the both of us.’ Depending on where we both were financially, it was*

1. Although both Vicky and her girlfriend worked as sex workers, her partner was more successful because: “I'm not the stereotypical look. I'm not the stereotypical size. I'm not the stereotypical anything [...] but she was, a stereotypical whatever, you know, fill in the blank. And she marketed much better.”

2. Translation ours.

3. Translation ours.

4. Translation ours.

*a give and take. So if she was in a place where she was okay financially and I wasn't, then, we pooled it. [...]*  
*In general it was her work, she made it, she keeps it. Unless we're struggling. Which did happen.*

When we consider the role of agents the image of the ‘pimp’ comes to mind. Indeed Édouard told us “*I’m a pimp*”<sup>5</sup> and Daddy, clearly cognisant of the black pimp stereotype, laughingly explained “*I’m not a pimp but I play one on TV.*” There are certainly aspects of the agent relationship that raise ‘flags.’ For example, in a narrative above Daddy told us he will sometimes “*take cake and go have a drink in the lobby of the hotel*” while the sex worker does her call. This collection of the fees and menacing presence could easily be the enactment of classic ‘pimp’ behaviour. However it may also be a service Daddy is offering - as we examine in Chapter Five, sex workers sometimes appreciate being able to leave their money with third parties to mitigate the risk of being robbed. In the following narrative Wendy, a former sex worker in Ottawa<sup>6</sup>, describes her relationship with a drug dealer she casually referred to as her ‘pimp.’ Wendy had a professional, rather than romantic, relationship with this agent who afforded her the opportunity to work as an outcall escort instead of soliciting clients on the street – an option she welcomed but one she was not, at that time, able to coordinate herself. In Wendy’s account we see the importance of attending to specificity and lived experience; the actions and behaviours that are assumed to be markers of exploitation are experienced, and therefore must be understood, in contextually-specific ways:

*He paid for the phone. He paid for the ad in the paper. [...] I'd make the arrangements to go [on a call], and then he would take me there and wait. So if it was a half-hour call, he would be outside the door waiting for me in that half hour, and if not, he would knock. And if it was an hour call, then he would do the same thing. [So you went from street-based to outcall?] Yes. It was a lot better situation with him. I mean I would pay him. Like, we would split the money. No, I'm lying – not split the money. I got 60; he got 40. That included him, you know, being there and the gas and everything. [...] He provided everything. He bought me some clothes, and he got my nails done and my hair done, and you know. So it was a much better situation that way. It was a lot safer. [...] With Brent I couldn't go if I was high. So he would make me literally make my appointments, and then once I got home, all the money was tallied, so I could buy what I wanted, you know? I usually ended up spending it all, but that's not here nor there. But you know, then I could stay home for the night, right?*

In some cases there is a personal relationship that intersects with the professional one, and this complicates the power relations. In the case of Daddy, the four sex workers not only lived with him but they also socialized and ‘partied’ together – this afforded him a disciplinary technique:

*I'm not one to put my hands on girls, so I would cut them off. [...] Like, make them no longer a part of what we were doing. [...] There was times when girls owed money and, we were all going to a big party, it's like ‘no, you can't come to the party because you got work to do’ [laugh]. ‘So any work that comes through, you're taking it.’ ‘You know what I mean. ‘You're working tonight because you're behind.’*

Vicky told us that it was not “*until I saw the posting for this study that I realized that I was in a management sort of role. [...] It didn't really occur to me that that was something that was not legal.*” She was profoundly destabilized by how her role as a third party subsequently played out in her relationship:

*It [sex work] did cause a strain in our relationship. For sure. A pretty big strain, um, that was quite difficult. And led to us not being together anymore. [...] Because she had never worked before. [...] And then, being the person who had taken that role of, I guess, managing who she saw and when. And thinking that it was okay for her when it really wasn't. It was just really hard. Because it can be really hard work. [...] And then, I felt that there was, I guess, I recognized other places where we didn't communicate and there were pretty significant problems.*

5. Translation ours.

6. Wendy was interviewed in the focus group for street-based sex workers. Like many sex workers she had moved between industry sectors and spoke at length of her experience as an escort.

## MENTOR

In some occupations, such as brick laying and carpentry, apprenticeship is an institutionalized method by which experienced tradespersons impart their knowledge. In others, for example in medicine and law, there is a mandatory training period (such as an internship or articling). In many other occupations, though not institutionalized, there is an established expectation that skills and knowledge will be transferred to newly hired staff through more or less formalized mentoring. In all of these cases the novice has the opportunity for ‘hands on’ learning of concrete skills, is provided with information on official rules and is positioned to ascertain the many unarticulated expectations that govern an occupation.

It would appear that this same process operates in the sex industry. While often unrecognized, research has demonstrated that sex work necessitates a range of competencies including interpersonal, social, sexual and organizational skills<sup>7</sup>. Independent sex workers require an additional skill set. They must not only administer a small business and provide services, but also manage their security in a criminalized context – a dynamic that increases their vulnerability to aggressors.<sup>8</sup> At the same time, sex work’s illicit status restricts access to information about how to work safely, navigate the criminal justice system, intra-industry codes of conduct and professional ethics.<sup>9</sup> In this context the question becomes, how can novice sex workers acquire this knowledge? Some will ‘pick up’ this information from an agency. In these cases, however, the learning process may be impeded by agency third parties’ efforts to protect themselves from coming into conflict with the law and specifically facing charges of enticing or procuring someone who is not a sex worker (CC ss. 212(1)(b) and (d)):

*Because of the laws, the owners being afraid of being mistaken for procuring, or anything, when you went to work for an agency they didn’t tell you anything; they expected you to already know it or to get the information from the other girls, but you weren’t supposed to ask them anything. (Pierrette, personal assistant, Ottawa)*

Other workers are informally trained by an acquaintance or by “a friend in the industry who can really show you the ropes” (Christina, sex worker, Toronto). At times, sex workers may receive information in other associate relationships. For example, both Rhonda, a Toronto-based sex worker and workspace provider, and Pinkie (location provider, Ottawa) mentor less experienced colleagues. It would also appear that some sex workers are provided with information from individuals they hire as contractors, such as Pierrette, a personal assistant, who coached sex workers new to the industry. In some cases, an experienced sex worker may mentor new workers in an apprentice-like arrangement; sharing her/his knowledge, skills and information in order to foster the novice’s professional development. Here we see echoes of the arrangement detailed in Heyl’s outstanding 1978 ethnography of ‘Ann’; a madam who trained neophyte prostitutes in sexual skills, strategies to maintain their physical and psychological wellbeing, and client interaction. She also socialized these ‘turn outs’ into the ‘life.’ It would appear that mentoring today is both similar and qualitatively different. On the one hand, while instruction on skills such as fellatio may be less frequently required in our post-sexual revolution world, there are a plethora of sexual specialty services (for example within BDSM) that require particular expertise - without which serious injury can result (i.e. erotic asphyxiation). Knowledge of safer sexual techniques may also not be as widespread as sometimes assumed. For example, Pinkie, a sex worker and worksite provider, told us of acquiring safer sex skills when she started work: “I was trained when I first started. ‘Oh, you’ve got to use a rubber for this [and] this is how you do it.’ You know, because I didn’t know how to give a blow-job with the rubber on until I started working in an escort service, right. It never even occurred to me that that’s what you would do.”

There also continues to be knowledge transfer about the standards and practices of the industry; but unlike Ann, who trained brothel workers for pimps,<sup>10</sup> today novice sex workers are coached to be successful independent workers/entrepreneurs. Not surprisingly, the guidance they receive focuses on business strategies (including advertising, pricing,

7. On this topic see for example Law (2011); Bruckert, Parent & Robitaille (2003); Rickard (2001); Brewis & Linstead (2000).

8. See for example Jeffrey & MacDonald (2006a); Allinott et al. (2004).

9. This is not to deny the dissemination of important information by sex worker rights groups, in particular the BCCEC’s *Trade Secrets* (2011) and Stella’s *ConStellation Special Working Conditions* (2009). See also Brooks (2009).

10. Towards the end of her career Ann was also accepting “outlaws” or, in today’s language, independents. The times had changed, in part because of “women’s lib.” Sex workers were increasingly refusing to work under the auspices of a pimp; Ann found she had to adjust when the supply of trainees evaporated (Heyl, 1978).

branding), information on avoiding criminalization, and practices to maximize safety and security. The trainers bring to the task their years of experience in the sex industry, as well as other competencies. For example, Britney (mentor, Ottawa) has managerial experience in the food and beverage industry, and Lilith, a 26-year-old Ottawa area erotic massage provider and mentor, has pedagogical skills gleaned from her work as a modern dance instructor.

Lilith, who is mentoring a young woman who shares her incall location, explains the logistics of this work:

*There's basically two aspects to my work: one is mentoring, and then the other [...] is service-providing. And so [...] service-providing is making sure that all the supplies are available and that the room [...] is ready for her to work. And then the mentoring aspect is looking out for her wellbeing, looking out for her business, making sure that she's safe and that she's happy with what she's doing. Being available to answer her questions, being conscious of her work. So if there's a problem that's arising [...] I can point that out to her. So I guess the mentoring aspect is overall looking out for her wellbeing as a person and also the wellbeing of her business.*

We see then that mentors are current sex workers who, in a fee-for-service arrangement, work with new workers. They provide advice and training, as well as various logistical supports. For example, Britney, another Ottawa area student and sex worker, provides a range of services in addition to mentorship. Britney sees herself, and brands her business, as “the girl helping out”:

*Depending on how much experience she has, like if she has no experience, starting from ground one. First you just teach them the regular basic things about just doing their job correctly – cleanliness, hygiene, general kind of way of speaking with others and carrying yourself. [...] Maybe giving them information on places to advertise, people they should talk to, basic stuff like that. [...] Promotion, advertising, booking appointments and driver [...] or if she wants to set up a website, or god, anything else she could really think. If she wants to start touring, I have people in the States where they could go. [...] [Booking a] hotel room, I prefer that you do it yourself, however if it's your first time, you don't have a credit card, whatever, I'll cover it for you for the first couple of times but I'll get you set up so that you can do it yourself because that's part of the learning process. I don't want to be there to do everything for you, I'd rather that you progressively learn, go through stages, so that you can do it yourself, and then you're much more successful, and I think that's what I'm really there for.*

Lilith's mentoring, though less expansive, is self-consciously about giving another woman the assistance she herself once received, as well as training her in safety and security strategies. Lilith explained what her what mentoring around screening looks like:

*When she first started, we did all the screening together. So when a client – every time a client would email her, every time she was about to send an email, she would call and run it through me first to make sure it was done properly. And she's been working here now for about six months, so I'm at the point where I let her screen on her own, and she just calls me if she has a question. [...] I told her that she needs to ask six questions of clients, and she needs to ask for a reference, and she needs to get a legitimate phone number and talk to them on the phone. So when a client answered the questionnaire, we would go through the answers together, and if there was something that was maybe a little bit off, I would point it out to her, like, 'You know, this isn't good,' or 'You need to clarify this with him.'*

Lilith's training is also about strategies to mitigate sexual and physical health risks:

*I taught her how to not, you know, touch him between his legs and then touch herself [with the same hand], and I also have hand sanitizer, and I tell her to always use it after you're done your appointment before you grab the shower because you don't want to be touching doorknobs and things like that on your way to the shower. We don't offer kissing to clients, and part of that is just comfort, but it's also not to be susceptible to colds and flus.*

While Britney charges “a small percentage cut, like really small percentage cut, out of each call, just for taking the time to book, and that'll just include the advertising and all the other stuff that I've been doing,” Lilith does not charge for

mentoring but builds it into her ‘use of space’ charges of “*fifty dollars per hour and ten dollars for every half hour thereafter.*”

In terms of control over rates, it is worth noting that the fees the novices charge their clients do not impact the income of either of the mentors we interviewed. Nonetheless, Lilith exercises a measure of control in that she insists that the fees charged are comparable to her own rates, and in keeping with a ‘high end’ massage parlour. Britney, on the other hand, offers advice:

*If they’re starting and they’re not sure, I’ll just take a look at the market and I’ll set their price for them. Because they’ll either overshoot or undershoot, so you don’t want them to do that either. And then, as they go, if they decide that they want to raise their prices, then that’s on them. That won’t affect me at all in any way [...] whatever’s coming to me is coming to me regardless.*

Like Lilith, Britney is clear that she exercises no control over sexual services: “*services offered are always up to the girl, like I would have no influence on that whatsoever.*” However, they both exert a measure of authority over the neophytes’ non-sexual labour and are quite specific in their expectations:

*Clean, clean, clean. Please always do the laundry, always fresh sheets, wipe down the counters, vacuum please, do the laundry, whatever needs to be done to keep it always clean, fresh, organized like nobody’s been there, like the maid’s just left, that’s how it should always look.* (Britney, mentor, Ottawa)

For mentors, like other third parties, business concerns intersect with other preoccupations about safety, security and criminalization. Mentors, like Lilith and Britney, are not only potentially guilty of living on the avails of another’s prostitution (CC s. 212 (1)(j)) and aiding for gain (contrary to CC s. 212(1)(h)), but are also according to CC s. 212(1)(a), in that they are encouraging or aiding those who are not already sex workers to work in the industry. They are also keeping a bawdy-house (CC s. 210(1)) – indeed both women could be guilty of the latter offence even if they were not mentoring a novice. In this context, avoiding legal entanglement is a preoccupation. Lilith explains her rules:

*I expect her not to smoke [cigarettes] in my apartment. She’s not allowed to go in and out all the time because she goes out to smoke, but if I have people constantly going in and out the door, then it draws attention to me. [...] I always tell her that if you’re going to be talking about work or talking on the phone with a client, you have to talk in the massage room, not in the other part of the apartment because my neighbours can hear you. [...] There’s no talking in the hallway of the apartment with clients, and she has to tell clients not to knock, and they have to wait until they’re in the massage room and to say ‘hi’ [quietly] so my neighbours won’t hear.*

Lilith also imposes restrictions on her mentee’s clientele in the interests of security:

*My expectations of her are that she’s going to conduct her business in a way that I think it’s proper in terms of ensuring that all the clients that come here are safe, good people that nobody’s going to – nobody’s going to report me to my apartment building; nobody’s going to cause a scene in the hallway; nobody’s going to loiter; nobody’s going to come back at hours that they’re not invited. So I just expect her to follow the screening procedures that I’ve given her to make sure that that doesn’t happen. [...] I expect her to follow all my protocols to avoid us coming into conflict with the legal system.*

The control exercised by these mentors has to be understood in the context of both women’s vulnerability to *Criminal Code* charges. If the new sex worker fails to screen properly, is sloppy in her selection of clients, brings the establishment into disrepute, or draws the attention of the police, by-law officers or neighbours, at a minimum their own livelihood is threatened – at worst, their security and liberty.



## EVENT PLANNER

Event planners are service providers who design, organize and manage/administer activities such as meetings, parties, shows or conventions. These professionals assume logistical responsibility including budgeting, venue selection, transportation, entertainment, catering as well as ensuring that the event is well executed. In the sex industry, event planning is more likely a sideline that supplements and interfaces with an independent sex worker’s business, rather than a full-time occupation. Sandi is a Montréal-based, part-time independent sex worker with a Master’s degree in administration. She also has BDSM expertise “*having apprenticed for two years with a mistress.*” She explained how she became an event planner:

*When I started doing group scenes I became a manager. I would organize everybody. And set up everything. [...] I’m quite personable. And clients are really comfortable with me. So, they would end up calling me to help set up events. And, also, I was working as an independent. And I realized I had clients that were more corporate and often had guests from out of town. So, I would set up parties.*

Now, in addition to her part-time sex work and ‘straight’ management job, she runs a small business arranging, at the request of clients, special events including: hot tub parties, private corporate-type parties, SM parties, group role-playing, fetish club nights and dungeon parties. Sandi described one such event:

*It turned out it was at a country club. [laughs] Which was quite far out of the city. So, I had to rent a car and round up like four women who would be interested in doing this kind of work. And we set the parameters of what we would be doing. And it was a very soft kind of thing. Basic entertainment. And, when I arrived there, it was exactly how they had described it. There were about ten clients there. And some of them had their own mistresses. And we were the hired help for the night.*

Event planning entails a set of tasks and responsibilities. First, there is a staffing component:

*I have to know that I can work with them. They have to be pretty sociable. And congenial and it helps if, it’s a plus if they can actually hold a conversation intelligently. And grooming was always important. And their look. If they had a look together that worked and I thought I had clients for that, that was, that was the bottom line. And attitude. Punctuality. And a good sense of time. [laughs] And they have to have work ethic. Somebody who wants to work. (Sandi, event planner, Montréal)*

Sandi does not dictate sex acts, but matches workers with “*what the client is proposing.*” Her 15 years of experience in the sex industry positions her to invite suitable workers for specific events: “*I know these people. And I know what they do and they don’t do. [...] So, you know, you just work with what you have and make it very clear they [clients] have to respect the boundaries.*”

There are, of course, also logistical responsibilities. These include: arranging transportation, providing safer sex equipment, bondage and BDSM equipment (when required), collecting and distributing payments, tracking time during the event, and being on hand to ensure things go smoothly. Sandi also assumes responsibility for the health and safety of workers. She explained her strategies:

*Book with people over 55. [laughs] For a start. People who still have a sense of manners. [laughs] And lots, and lots, and lots of gloves, like boxes of gloves, and boxes of condoms in, like lubed and unlubed. What else? Just lots of alcohol spray, cans and like copious use of these things, almost as a ritual. [...] We keep the doors open in those kind of scenes, just because it can get spread out over a couple of condos. Right? So we want to be able to hear people. Just like keeping equipment clean and separated and checking in with people [...] like their comfort ‘How are you doing in there? Are you okay?’ [...] And, in a place like that one was a country club, there’s always security on site. So, had there had been any problem, we would have just contacted security. I always had somebody back at the ranch to call. And we did a security check with them.*

After the events, Sandi, in a process that speaks to her awareness of emotional wellbeing as an occupational health and safety issue, makes sure to do a “*debriefing afterwards. Like finding out ‘Okay, how did that go for you? ‘How could we do it better?’ ‘How could we have more fun?’ [Laughs] ‘Was the food good enough?’*”



What does Sandi’s business mean for the independent sex workers she hires? On the one hand, since Sandi organizes the events, workers must be confident in her ability to screen, offer security and manage event logistics. On the other hand, it means that workers are freed from these responsibilities. Sweet (sex worker, Halifax), speaking of a manager who organized duos, noted, “*I didn’t have to pay for my own drive. [...] We would be going on the same call.*” Working at these types of events can be financially lucrative for sex workers since Sandi’s fees are added to their usual rates: “*I would ask them what they charge an hour. And if they said 200 and I charge 300, I would take a 100. [laughs] And they would be happy and I would be happy.*”

## **WORKSITE PROVIDER**

Worksite providers supply an incall location on a fee-per-use basis to independent sex workers.<sup>11</sup> The relationship between sex workers and worksite providers is somewhat analogous to hair salons that rent booths/chairs to hairdressers; workers pay ‘rent’ to the owners of the worksite. In this type of salon, the hairdresser is responsible for her or his own supplies, service, and clientele (Gonzales 2010). In the sex industry, the worksites being provided vary. For example, it can be a room in the provider’s apartment or an apartment/house/condo used solely for sex work. Both Jonathan, who in addition to managing a restaurant has been providing erotic massage to men for seven years, and Pinkie, a 20-year sex work veteran, offer rooms in their own homes. By contrast, Rhonda and her business partner have set up an apartment they rent for their own use that they also make available to other sex workers.

This service is not just about providing a physical space, but also supplies: “*I provide everything in terms of the towels, the massage oils, the shower products. [...] All of the supplies required for their experience and their service is all provided*” (Jonathan, worksite provider). Rhonda (worksite provider, Toronto) told us she subcontracts some services: “*I hire [people] for security and for cleaning and for helping us get different people in and out of the building. [...] I hire somebody to clean the place. I hire someone to pass out keys to people when they need it.*” She also offers extensive supplies and services:

*We have some sex-specific supplies like ropes and tie-up stuff and blindfolds and sex toys and safer-sex equipment. It includes condoms and lubes and gloves. And then we have the other kind of stuff like linens and, you know, sheets and towels. In the kitchen, we have some booze people can have access to if they want to share a drink, glassware, snacks if people need it. What else? Just the actual equipment, so like beds and tables and the bed frame to tie people up to. We do have a couple, like, costumes and stuff like that that we would be open to sharing if people specifically ask. I – we have a first aid kit, for sure. We have a fire extinguisher in the kitchen we bought. We have juice if someone [...] you know, faints. We have foods people can have – painkillers, make-up if people forgot something, we have that. We have supplies for clients to use – mouthwash, bodywash to get themselves cleaned up for us. [...] A secure Internet connection - which is important because a lot of the people who work here do a lot of their advertising and communications online. And we have a kitchen [...]. And we have laundry for people to use.*

For sex workers (and beauticians), this type of arrangement may be appealing if they do not have the resources, inclination, skills, commitment or time to set up and maintain their own facilities. As Maxine, an Ottawa-area escort who had recently established her own incall location, noted, “*why didn’t anyone tell me it was this hard, because it’s a lot of work.*” In some cases, paying to use an incall facility is a security strategy for individuals who have their own workspace. Trina, now an independent escort in Ottawa, periodically rents space from the agency where she previously worked:

*When she [the agency owner] found out that I was going independent [she said] that if I ever wanted to book a room from her I could. [...] I have one client that I will see at the parlour just because I don’t want to see him in my private [space], so I do rent the room and pay her a fee and, like, book the room through her.*

11. The way rates were calculated varied. Pinkie, an Ottawa area worksite provider, charged “20 bucks for half an hour, 30 dollars for an hour, 40 dollars for an hour and a half, and 50 dollars for two hours”; Rhonda, in Toronto, charged “50 dollars for up to a two-hour call.”

Renting space from a worksite provider may have additional attraction for sex workers who are anxious to avoid being criminally charged under CC s. 210(1) (keeping a bawdy-house).<sup>12</sup> Worksite providers assume this legal liability. Indeed, Pinkie, who was fearful of being criminally charged again,<sup>13</sup> recognized that providing a workspace to others increased the likelihood that her activities would come to the attention of neighbours and that this made her more vulnerable:

*I'm taking the risk when they're seeing clients if they're high-volume or there's more than one girl here. That's a lot of traffic here. Now [that she no longer rents workspace] there's no traffic hardly at all, so you know, it's like, I see one client a day or maybe one every two days. That's perfect.* (Pinkie, worksite provider, Ottawa)

Rhonda, as we have already seen, provides many services but does draw some lines to minimize the legal risks she faces by being a worksite provider: “*I don't want the legal risk of advertising other people under the pimping laws [...] you know, violating that one [bawdy-house] is enough for me. [...] I try not to come in with people who are coming into the space.*”

There is also the risk of by-law charges in cities that require licenses. For example, because his location is effectively an unlicensed Body Rub Parlour, Jonathan (worksite provider, Ottawa), like a number of the third parties we spoke with, is vulnerable to being charged with by-law violations. Jonathan speaks to the layering of municipal regulation over federal laws (see Chapter One) when he identifies the risk of “*being accused of having a body rub parlour or any sort of body rub house [...] [is] the big one*” (Jonathan, worksite provider, Ottawa).

Worksite providers also endeavour to mitigate their legal risks by exercising a measure of control over the sex workers with whom they associate. Like Rhonda, who is clear that her incall location is “*not a party space*,” Pinkie discourages sex workers from bringing friends to her home. Worksite providers also require those who use their space to operate discreetly: “*I ask that people are very quiet, very respectful, not only of my own place but of noise as well, [...] that's required in order to keep the business running*” (Jonathan, worksite provider, Ottawa).

While only Jonathan restricts the services that can be offered to erotic massage with manual release, all worksite providers we interviewed insist that other sex workers screen properly and follow established protocols in order to mitigate security risks:

*It's my location, so my rules have to be kept. If they're going to give out the address beforehand, I'm going to get really angry. [...] The protocol is – with my clients and with theirs – is they make an appointment; you've got to have their phone number so you can call them back, and they need to call from the intersection close-by at that time that they arrive at the prearranged time. And then and only then, you give them the address. Yeah. And I want them to park over there, not in my driveway.* (Pinkie, worksite provider, Ottawa)

Another way worksite providers attend to security is to remain on-site. Rhonda (worksite provider, Toronto) will greet clients when requested to do so. She explained:

*The client just knows me as a friend or another worker, and I say, 'Have a fun time' and then go out the door so the client knows that someone else has seen them in the space. [...] And then the worker might feel more comfortable, too, having the client know that this isn't just happening in an empty vacuum of a space and that there's other people around who know what is going on so they wouldn't be as willing to do something risky.*

By contrast, Jonathan (worksite provider, Ottawa) is also on-site but rather than seeing this as a deterrence strategy, for him it is an emergency protocol: “*I like to be on-site, kind of out of sight out of mind, to be at an earshot of any problems that may come up.*” Of course, there is a tension inherent to ensuring security in a criminalized enterprise: “*It's a balance*

12. As we saw in Chapter Two, under the current legal regime a single sex worker who receives clients in his/her own home is guilty of an offence punishable by up to 2 years in jail. By contrast, being an inmate of a bawdy-house has a maximum penalty of 6 months.

13. Pinkie's prostitution related convictions (from when she was working alone) have a significant impact on her life, including preventing her from entering the United States.

*between wanting to work in a building and have this incall in a building that is safe - in that clients can't get in too easily - but also have it be safe in a way that there isn't too much surveillance of what we do” (Rhonda, worksite provider).*

The need to protect themselves and the other sex workers from both criminalization and violence also plays into whom they invite to use the workspace. Unlike agencies that may recruit sex workers, in our sample sex workers request access to the workspace – those who share the philosophy, work ethic and principles of the worksite provider may be accepted.

Additionally, and in contrast to salon ‘landlords,’ who exercise no control over the behaviour of the stylists and do not provide any direction, sex industry worksite providers may offer some mentoring. Pinkie, who describes her approach as, “*just advise, never supervise,*” provided an example:

*I remember the first day she started to [...] use my facilities [...] she had way too much perfume on right away, and I said the first thing to her is, ‘You need to go take a shower because you’re going to go home smelling – the clients are going to go home smelling of perfume. Did you think of that?’ You know, and she’d been already working for a while. She wasn’t brand new, but I’ve had that kind of experience a few times where girls are that silly that they think they’re going on a real date.*

As Maxine’s (sex worker, Ottawa) quote earlier in this section attests, running an incall location is “*a lot of work*” that is invisible to the uninitiated. Rhonda detailed what that work entails:

*It’s just making a location work smoothly, and that means managing relationships with lots of different kinds of people. Like managing relationships with the owner of the unit that I rent and use; there’s managing relationships with the building people and also hiding what’s really going on from all those people. So that’s like [laughs] making sure that they know me but don’t know too much about me – that’s a big role. [...] Then there is the piece of working with people that I hire for security and for cleaning. [...] And then the last category, I guess, of work is – and this one is the tricky one – is the managing the contractors, so a.k.a. other workers who want to use the space. So that includes, you know, screening people who want to use the space, assessing if they’re the kind of people who I trust and who work the way that I do.*

In light of the labour worksite providers invest, the question becomes: what benefits do they derive from the arrangement? First and foremost, one would presume it would be financial. Certainly Jonathan appreciated the additional income that supplemented his job as a restaurant manager and erotic massage provider. For Pinkie and Rhonda the motivation was less clearly financial. Rhonda spoke of her pride in providing a “*good working space.*” Pinkie, who stopped providing a worksite because “*the risks outweighed the benefits,*” explained that:

*The money that I ever made wasn’t really beneficial, you know. I always ended up feeding or providing other things for the girls and stuff like that. And it would cost me clients as well because when they were seeing somebody, I wouldn’t be able to see somebody, so I usually did it as a way to help someone else get a leg up in the industry rather than to make profit.*

Finally, for the worksite providers we spoke with, the provision of an incall location to other sex workers was about building, or being part of, a community. Pinkie framed it in terms of breaking the isolation of the sex industry, providing her with “*that whole kind of camaraderie of working together with other people that I miss in an office; so that group atmosphere.*”

**CHAPTER FIVE**  
MAPPING CONTRACTORS  
THE 'HIRED BY' RELATIONSHIP



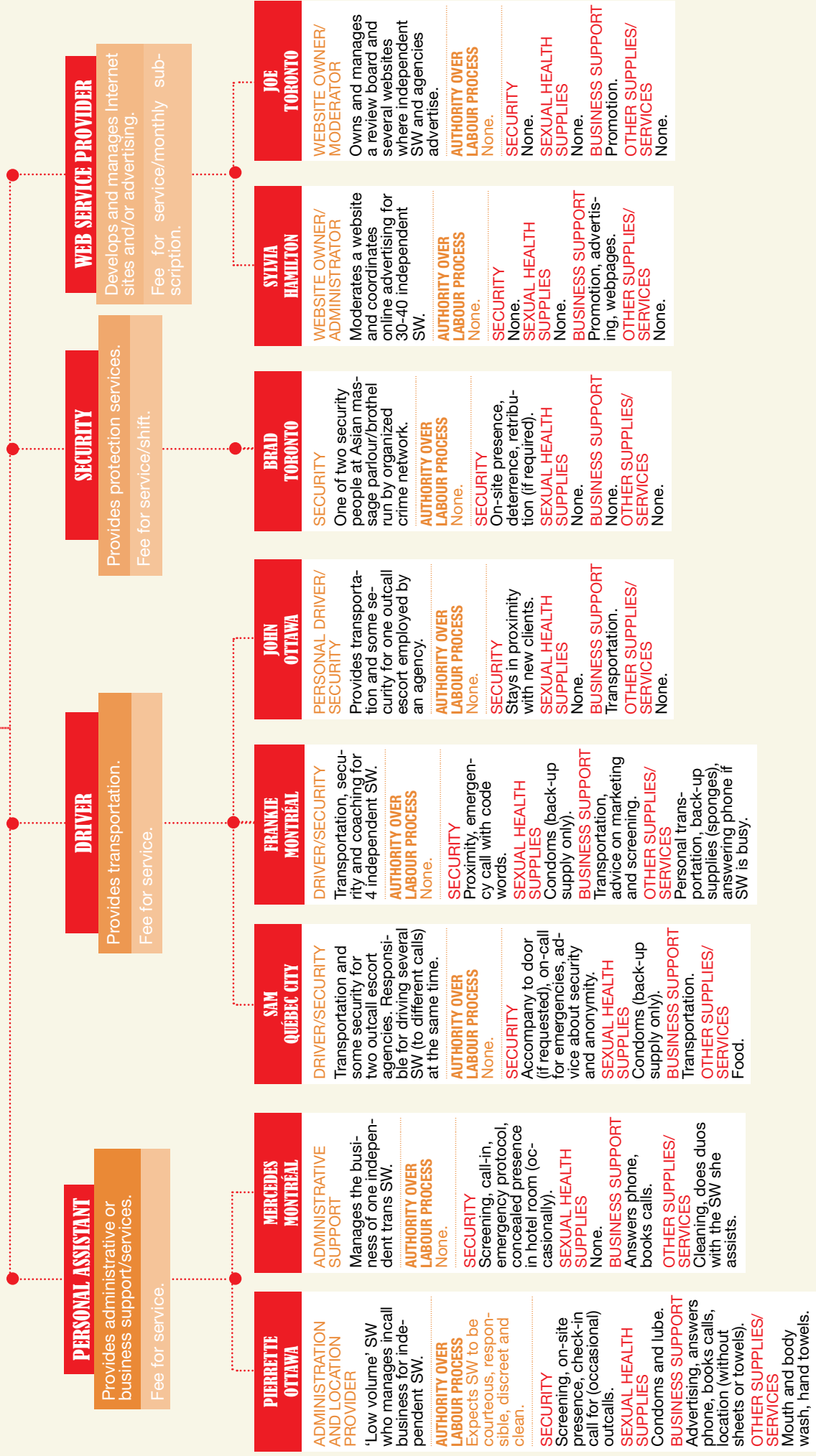
## **MAPPING CONTRACTORS – THE ‘HIRED BY’ RELATIONSHIP**

The Contractor Model is the final organizational model that emerged from our research. Here we are referring to freelance workers who are hired (and paid on a fee-for-service or shift rate), by independent sex workers or by agencies, to provide specific services or clusters of services including such things as administrative assistance, transportation, security and web support. Figure Four presents an overview of the Contractor Model, along with a description and examples of the four types of contractors that were interviewed for the *Management Project*.

In the coming pages we unpack the work of these third parties, paying particular attention to the power/control/service nexus. In the process the variability within each occupational category in terms of tasks, responsibilities and expectations, will come to light. Consistently though, these particular third parties exercise little or no control over sex workers' labour process. Indeed, as a general rule, sex workers have considerable authority over when and how these service providers perform their tasks although this is less clearly the case when these third parties are hired by agencies to provide services for sex workers and/or for the agency. Contractors, like all third parties, are criminalized because their occupation "would not exist if the women were not prostitutes" (2012 ONCA 186 at para 270). However, there is some recognition, at least by the judges of the Ontario Court of Appeal in *Bedford v. Canada*, that "the legislation as drafted and interpreted, however, prevents a prostitute from hiring a security guard, a personal driver, or an assistant who could work to reduce the risk of violence" (2012 ONCA 186 at para 240). In fact, the potential benefits of contractors (from the perspective of sex workers) extend beyond reducing sex workers' vulnerability to acts of aggression; these third parties also offer other forms of support and assistance upon which independent and agency-based sex workers rely.

# CONTRACTOR MODEL

HIRED BY/FOR SEX WORKERS



**PERSONAL ASSISTANT**  
Provides administrative or business support/services.  
Fee for service.

**DRIVER**  
Provides transportation.  
Fee for service.

**SECURITY**  
Provides protection services.  
Fee for service/shift.

**WEB SERVICE PROVIDER**  
Develops and manages Internet sites and/or advertising.  
Fee for service/monthly subscription.

**PIERRETTE OTTAWA**  
ADMINISTRATION AND LOCATION PROVIDER  
'Low volume' SW who manages in-call business for independent SW.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** Expects SW to be courteous, responsible, discreet and clean.  
**SECURITY** Screening, on-site presence, check-in call for (occasional) outcalls.  
**SEXUAL HEALTH SUPPLIES** Condoms and lube.  
**BUSINESS SUPPORT SERVICES** Advertising, answers phone, books calls, location (without sheets or towels).  
**OTHER SUPPLIES/SERVICES** Mouth and body wash, hand towels.

**MERCEDES MONTREAL**  
ADMINISTRATIVE SUPPORT  
Manages the business of one independent trans SW.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** Screening, call-in, emergency protocol, concealed presence in hotel room (occasionally).  
**SEXUAL HEALTH SUPPLIES** None.  
**BUSINESS SUPPORT SERVICES** Answers phone, books calls.  
**OTHER SUPPLIES/SERVICES** Cleaning, does duos with the SW she assists.

**SAM QUEBEC CITY**  
DRIVER/SECURITY  
Transportation and some security for two outcall escort agencies. Responsible for driving several SW (to different calls) at the same time.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** Accompany to door (if requested), on-call for emergencies, advice about security and anonymity.  
**SEXUAL HEALTH SUPPLIES** Condoms (back-up supply only).  
**BUSINESS SUPPORT SERVICES** Transportation.  
**OTHER SUPPLIES/SERVICES** Food.

**FRANKIE MONTREAL**  
DRIVER/SECURITY  
Transportation, security and coaching for 4 independent SW.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** Proximity, emergency call with code words.  
**SEXUAL HEALTH SUPPLIES** Condoms (back-up supply only).  
**BUSINESS SUPPORT SERVICES** Transportation, advice on marketing and screening.  
**OTHER SUPPLIES/SERVICES** Personal transportation, back-up supplies (sponges), answering phone if SW is busy.

**JOHN OTTAWA**  
PERSONAL DRIVER/SECURITY  
Provides transportation and some security for one outcall escort employed by an agency.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** Stays in proximity with new clients.  
**SEXUAL HEALTH SUPPLIES** None.  
**BUSINESS SUPPORT SERVICES** Transportation.  
**OTHER SUPPLIES/SERVICES** None.

**BRAD TORONTO**  
SECURITY  
One of two security people at Asian massage parlour/brothel run by organized crime network.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** On-site presence, deterrence, retribution (if required).  
**SEXUAL HEALTH SUPPLIES** None.  
**BUSINESS SUPPORT SERVICES** Other supplies/services.  
**OTHER SUPPLIES/SERVICES** None.

**SYLVIA HAMILTON**  
WEBSITE OWNER/ADMINISTRATOR  
Moderates a website and coordinates online advertising for 30-40 independent SW.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** None.  
**SEXUAL HEALTH SUPPLIES** None.  
**BUSINESS SUPPORT SERVICES** Promotion, advertising, webpages.  
**OTHER SUPPLIES/SERVICES** None.

**JOE TORONTO**  
WEBSITE OWNER/MODERATOR  
Owns and manages a review board and several websites where independent SW and agencies advertise.  
**AUTHORITY OVER** None.  
**LABOUR PROCESS** None.  
**SECURITY** None.  
**SEXUAL HEALTH SUPPLIES** None.  
**BUSINESS SUPPORT SERVICES** Promotion.  
**OTHER SUPPLIES/SERVICES** None.

EXERCISES VERY LITTLE CONTROL/AUTHORITY OVER THE ORGANIZATION OF SEX WORKERS' LABOUR



## PERSONAL ASSISTANT

Personal assistants are typically seen to be the purview of elites who can hire an individual to provide professional (e.g., scheduling appointments, note taking, correspondence, booking travel) and personal (e.g., errands, shopping) support, thereby liberating them from routine organizational and practical tasks and, presumably, facilitating the more effective use of their time. While there is little evidence that this is common practice within the sex industry, some independent sex workers do hire personal assistants to assume responsibility for a range of tasks. Some of these are similar to those provided by personal assistants in ‘mainstream’ sectors, while others are clearly unique to the sex industry.

It would appear that by hiring personal assistants, these sex workers have found a strategy that allows them to work as an independent without having to engage with aspects of the sex work business they find unappealing. We see this in the following narrative by Pierrette, a 50-year-old Franco-Ontarian sex worker who “*always did office work.*” She speaks of how she first came to be a personal assistant:

*[After working at an agency] I went independent with a girl because we were sick of being bossed around by these agencies. She was, to use a better word, a little diva; she didn't like talking on the phone, she didn't like details. She had classic model looks, so obviously would get more calls than me. So she said, 'I tell you what, if you answer my phone, I'll give you ten bucks every time I do a call.' [...] So that was my first job in managing someone.*

The tasks and expectations of individual personal assistants will vary depending on the job/sector, expectations and personality of the sex worker who employs them. Pierrette described her principal role in her current arrangement as:

*To represent your client. To try to facilitate getting them calls. The thing is that I'm working for them because the more calls that get booked the more I make, right. But also to be almost like, looking out for their best interest. So say somebody's calling, and on her phone she's got a program that she's seen this person before. It might be better to take a chance and let that person come rather than another person that's supposed to call back but they haven't called back to confirm. So there's decisions you have to make sometimes. Or just to say, 'Oh hi, she's not available' and try to give them other options. I guess what I'm trying to say is, look out for the person's best interest, don't just be mechanical about it.*

Pierrette's responsibilities extend beyond being a booking agent; she also provides a work space (but not sheets and towels), screens clients, remains on-site as a security measure during calls, places advertisements and also provides more personal support: “*Making sure, she's at home. 'You have to be here in 20 minutes. Are you showered? Are you ready to go?' because I can't keep this guy waiting. So it's communication, communicating with the person [...] when she says, 'Am I fat?' I say, 'No' [laugh]*” (Pierrette, personal assistant, Ottawa).

Not surprisingly, the job, like that of personal assistants in ‘mainstream’ occupations, necessitates an eclectic skill set:

*Multitasking. You have to be able to do a few things at once; able to type while you're on the phone; being mindful of time, like calendar management; it's going to be her monthly cycle on this day, and that guy wants to see you, that's not going to work; like being an admin assistant, you have to sort of being thinking: If I do this, what does it mean? Are there going to be any consequences or ramifications? ... You know, oh no, that won't work, she's got to be home because the kid's going to be home from school and the husband's not there that day, so I can't book the guy at this time because she won't have enough time to get home. Just being on top of what's going on. (Pierrette, personal assistant, Ottawa)*

Because Pierrette's tasks vary, she does not set or take a cut of the service rates of the sex worker whom she assists. She does, however, charge a booking fee and various sums for other services, including for the use of a room in her apartment, for which she charges 20 dollars for every half hour.

One other research participant, Mercedes, a transsexual woman living in Montréal, also (until recently) supplemented the income she earned as a part-time sex worker by working as a personal assistant. Mercedes' principal role was to “*answer the phone and book her calls.*” However, she too provided additional services: “*I would make sure the hotel*

room was cleaned. I mean there were maids always bringing clean towels and everything, but I would always make sure it's tidy in there. I would take care of the times and the dates, arrange the prices.” She also provided security by hiding in the bathroom of the hotel rooms the sex worker rented as temporary incall locations. For outcalls, Mercedes implemented security strategies similar to those used at agencies. She would:

*Make sure I got the [client's] first and last name, their room number, the hotel they're staying at, how much you were spending. Another thing is I'd get Julia [the sex worker] to give me a call as soon as she got to the hotel room from the hotel phone to let me know she was okay. And then if I didn't hear back from her in, like, half hour, 40 minutes, then I'd be on my way over there, right? And if I didn't hear from her, then I'd involve the police.*

Mercedes also provided assorted personal services; she would “make coffee runs [...] make sure her outfit was picked out sometimes.” However, while Pierrette takes care of advertising, Mercedes did not assume this responsibility.

As we have already seen with mentors and workplace providers, successful personal assistant arrangements are also a mechanism to combat the isolation of working in a criminalized and clandestine industry:

*[If] I'm having a bad day and I need to talk to somebody, yes I do have family members and friends that are escort-friendly. But they don't do what I do, they're not going to understand. And I don't want to be best friends with everybody out there, because like any business, you're not going to be friends with everybody. [...] Some days this job can be great, it's just bang, bang, I wish every client was like that. And there's other days, oh my god I just had one guy that was sweating on me or I had all these no-shows, you just want to vent, you know. [...] It doesn't have to be your whole life but you still have to connect, you can't work in isolation. (Pierrette, personal assistant, Ottawa)*

The personal assistants we spoke with did not dictate whom sex workers see. They, however, did exercise a measure of control in that they scheduled appointments according to the availability of the sex worker. Indeed, the relations of power are clear – while an agency is an employer and an agent is a sex worker's representative, the personal assistant is an employee. Pierrette struggled with this in her first personal assistant position:

*It was like, 'I want you to book my calls, but I still want to be in charge.' Well, the thing is, when you have a manager, you have to kind of trust them to use their judgment. [...] I didn't really agree with some of the things she did. She would book guys, like double book, 'Oh well, just keep them off, tell them to go to the corner.' Well, a lot of guys would get upset and leave, and then she'd get mad at me that I didn't keep them. Or she'd take forever to go on an outcall and then the guy would cancel. There were all these things that I had no control over and yet I was supposed to perform miracles.*

As the narrative above suggests, it would appear that in order to be successful, the relationship between the sex worker and personal assistant requires trust and a certain synchronicity. Mercedes and the woman she worked for had “known each other for almost 30 years”; Pierrette also has a long standing relationship with her current ‘employer,’ but more importantly, “we have the same work principles, so it works. And I know her, I know what she would do with a client, what she wouldn't do. [...] I trust her and she trusts me, and I think that's important.”

## DRIVER

Drivers are contractors (generally working on a fee-for-service basis) whose principal, but not necessarily only, task is to drive sex workers to appointments. Drivers ensure sex workers arrive punctually at an engagement and are promptly picked up after the call is completed. This task has a straightforward skill set according John, a personal driver for his friend who was an agency-based Ottawa sex worker, “driver's license, car, flexible schedule, that's about it.”

Some drivers, like Frankie in Montréal, are hired by an independent sex worker. Others, like John (driver, Ottawa), are engaged and compensated<sup>1</sup> by an agency worker. Still others, like Guy (driver, Montréal), are employed by agencies. At one level, this distinction is not inconsequential – drivers hired by a sex worker are responsible only to her/him; while those employed by an agency are supervised and answer to the agency owner, manager or receptionist who also allocates their work. In practice, however, the interests of sex workers and agencies converge around the desirability of reliable and efficient transportation. Both sex workers and third parties told us that they expected drivers to be dependable, have functioning cars, be good time managers, and professional in their attitude towards sex workers. Christina, a 31-year-old escort in Toronto, explained that she appreciated the latter policy:

*One rule that most agencies have is they don't allow drivers to get involved with the girls. [...] And, you know, I do think that's a good procedure. I mean just like in any workplace, you just don't want to have any awkwardness. [...] So that also made us feel safe knowing that that rule was in place – that these guys were not going to behave in a creepy way, because you know, you're driving in a car full of pretty women dressed in skimpy clothes.*

Some agencies had more expansive expectations of how drivers should behave towards sex workers:

*They can't flirt with the girls, the drivers. Not even joke [...] because these girls just went in [to see a client], maybe they don't feel like hearing a damn joke now. 'Be normal. Ask them how they're feeling. Do they want to hear music or not? Do they want a cigarette? Whatever. You know, don't be funny. She has to deal with a guy like you upstairs. God, listen!' Yes, I tell them right away [...] 'They're not getting paid to sit in the car with you and make you feel good, guy. So, don't try to do that.'* (Justine, outcall agency manager, Montréal)

That said, the organization of the driver's labour, which is determined by their employer – be it a sex worker or an agency – conditions their ability to provide a good transportation service. Some drivers simply chauffeur one worker to an encounter and wait nearby, although not so close as to be obvious since, “*they're not supposed to stay in the driveway*” (Sandra, sex worker, Toronto). Having a driver in the area and on-call was a security strategy that Sylvia, a web service provider and outcall agency owner, used: “*We did have a driver that I worked with. He was really good. He was really reliable. [...] He'd drive them to their calls. He'd phone. He'd make sure that everything was cool you know what I mean. If there was any problems, he would come to the door.*”

In those cases the driver can also deter wrongdoing by a client; Sylvia explains the value of having the driver “*make sure he knocks on the door in 20 minutes. Just to make sure the client knows that you're safe and someone's there.*” Even when not called upon, the presence of a driver in the vicinity can be a deterrent: “*the customers sort of knew that there was always an option that the guy in the car would be there. Even though she didn't tell them it was, you know, her nice guy friend was doing the driving*” (John, driver, Ottawa).

Some agencies, like the one Guy worked for, use the ‘all girls in the car’ model. In those situations drivers and sex workers spend the entire shift together in the vehicle (often interspersed with coffee shop breaks), and workers are dropped off and picked up throughout the evening. In other cases, drivers juggle picking up, and dropping off, several sex workers from their homes and calls:

*The driver sometimes is dropping off two or three women, so he'll drop off, say, Sue at one place, Betty at another, Jane at another. Then we're to call to let them know when we're ready to leave, where he could be over dropping off Betty, which means we may have to wait 40 minutes for him to pick us up. [...] I've had to run out of calls, right, and wait somewhere, hoping that my driver would come.* (Moxie, sex worker, Halifax)

As Moxie's quote alerts us, when drivers are providing transportation service to several sex workers, the workers may find themselves stranded outside waiting for their driver to return while doing their best to avoid drawing attention – a potentially unpleasant and even dangerous situation. More importantly, this practice can undermine the security strategies agencies implement; the effectiveness of the two-call system, safety call (check ins) and emergency protocols

1. John did not want to be paid for his service and instead his friend would cover expenses and periodically treat him to dinners and drinks out.

detailed in *Chapter Three: Mapping Agencies* of this report, are contingent on drivers being reachable, in proximity and competent. Ensuring this can be a logistical challenge:

*There often weren't enough drivers, so there wasn't like ten workers and ten drivers. What I had to do was that if I had a driver taking workers here, try to set it up so they could take more than one worker; if it's going to be in the same region. And make sure that if they needed to leave, the driver's at least close-by enough to get there quickly. (Kaya, outcall agency receptionist, Toronto)*

Jackie, who had started work as a receptionist in an outcall agency when she took time off sex work due to health issues, explained her preoccupation:

*I had had some experience with drivers who weren't necessarily the best. In fact one of those experiences was at that agency. So I made absolutely sure that new drivers came on, obviously it wasn't in my purview to train them, but when they called in I would let them know, I'd say, 'This is what you need to do, you need to stay until you get the call from that worker and she says everything is fine, and then you can go. Do not leave before then.' [...] So just making sure they understood clearly what their role was, and understood that they needed to be in contact with me if there was ever any kind of problem.*

When the system works well, it does, as we have already seen, increase sex workers' security. That said, some of the sex workers we spoke with complained that not all drivers are diligent: *"I had to sit and wait for a half hour, 45 minutes until my driver got back because he was at Tim Hortons having a coffee"* (Kayla, sex worker, Halifax). Other times, it would appear that not all third parties are as conscientious as Jackie and Kaya in the narratives above. Alana, an Ottawa-based escort, echoed the sentiments of a number of the sex workers we spoke with:

*Well, it would be helpful if they actually applied some of those things [...] because I mean in theory, I have a driver, but he doesn't actually wait around. [...] He just goes off to drive someone else or drop someone else off and then just comes back at the end of the call. So if I text or whatever and everything's okay and suddenly, things go wrong, he's not actually there.*

Finally, in addition to transportation and security, drivers may also have other tertiary responsibilities depending on the particular employer. If they work for an agency or for an independent worker they may be tasked with carrying supplies (e.g., for Beatrice, a Hamilton area escort agency owner, drivers were expected to have stockings and condoms on hand) or sometimes it is the policy of the driver himself to have supplies (such as condoms and lube) should a sex worker forget or run low. Furthermore, many agency owners told us they entrusted the driver with collecting the agency's money. At the agency where he worked, Guy (driver, Montréal) also occasionally took on the responsibility of booking appointments. Sam, who started driving for an outcall agency owned by an organized crime syndicate when he was unable to secure work in his occupational field, had certain supervisory responsibilities in that he reminded sex workers of agency protocols. Finally, although this was not the experience of most sex workers we spoke with, Lee (sex worker, Toronto) was disciplined by a driver at one of the agencies where she had worked:

*If I decided not to stay for a particular client [...] I would get in trouble. I would get yelled at. [...] And then they're like, 'Well, now you're difficult to book because you're not taking all the calls that they give you.' [...] Drivers yelling at me. I can't get driven home right away; I'm in the car the whole night. [...] So I'm in the car in a tension environment, and I may not get another call for the rest of the night because I refused that particular call.*

Focus group participants also spoke of other (unofficial) services provided by drivers – sometimes sex workers find drivers useful simply as *"someone to talk to after, and I found drivers to be a good social support, actually"* (Eva, sex worker, Toronto). Several mentioned that they periodically ask drivers to hold their money, rather than take large sums of cash with them on a call. Eva, who had worked in various sectors in the sex industry since 1996, said: *"The driver would keep my money [...] because I did trust the driver and I never had any reason not to. They always paid. I always got paid. But I didn't want to go in with a client having all that money on me, that could have been bad."*

In general then, drivers are service providers who appear to exercise very little control over the labour of sex workers. Indeed, sex workers and third parties indicated that, for the most part, this category of contractors has remarkably little

job security. That said, as the range of experiences in this section suggest, drivers have an impact on a sex worker's business. For example, a late pick-up of one worker may cause a subsequent late drop-off of another. This can, in turn, affect client satisfaction and repeat business for the agency or the second worker. We have also seen that while drivers provide a number of useful services, their ability to provide what is arguably a very important service – security – is sometimes compromised by the organization of their principal role (driving). This may be because agencies fail to afford this responsibility the priority it warrants, because of understaffing, or because the drivers are themselves not diligent.

## SECURITY

As we have already seen, security in the incall and outcall sex industry may consist of a number of different pre-call preventative measures including screening clients and maintaining a bad-client list of individuals who are problematic. We have also examined, in *Chapter Three: Mapping Agencies*, the deterrence strategies (e.g., the presence of other workers) and preventative tactics (e.g., monitored entrances) used by incall establishments. We have also noted that drivers are implicated in reactive security measures employed by independent outcall sex workers and agencies (e.g., the two-call system and safe calls). In addition, the emergency protocols of outcall agencies and independent escorts may include a contractual arrangement with on-call security. For example, Adele, a current sex worker and the owner/operator of a small outcall agency in Montréal, does not hire drivers in order to avoid coming to the attention of the police: *“The girls had to take responsibility for getting around by taxi. I didn’t deal with a driver because I was even afraid to put an ad and get busted by a cop.”* She does however have on-call security: *“he wasn’t on site, but he was a backup. [...] He had a cell. I paid for his cell. [...] If there was anything, I could call him.”*<sup>2</sup> Tandy, a manager of a co-operative incall/outcall agency had an arrangement with hotel management: *“They who would keep an eye on the girls and stuff in case there was any problems. They had to keep the phone, so if the phone line was picked up at all, it didn’t have to be dialed. We were paying that they would answer it right away. If they had no reply, they were up there.”*

At other times, there are somewhat more formal agreements with neighbours: *“I had two men that lived downstairs. All’s I had to do was call if there was a problem, and they’d be up the stairs in a hurry. [...] And if there was a problem they had to deal with, I had paid them”* (Ava, incall agency owner). As Britney, a mentor and the owner of an incall location, pointed out these sorts of arrangements are particularly important in a criminalized context: *“If your neighbour hears you [in trouble], they don’t know what happened [so] they may not call the police. They’re not aware because they’re not allowed to be aware. I think that really affects us because we always have to hide in the shadows and act like we’re not who we are.”*

In other cases, security personnel are hired for particular events. Leah (incall/outcall agency manager, Ottawa) told us: *“When you do a bachelor party, you can never be safe; there’s drinking, there’s drugs, there’s a whole bunch of guys and two girls, that can turn out pretty not good. So when we’d get bookings for that, I’d send three guys.”*

Some agencies have on-site security. Leslie, a Montréal area sex worker, described how cameras were used at a massage parlour where she had worked to unobtrusively communicate with security personnel:

*We had a particular system where, you know, say if I take my panties and toss them in the air, even if the client finds that rather odd, he doesn’t understand [laughs]. But it’s a code. Because we have someone who gets paid to look at the damn cameras in the six rooms they have there, and that’s his job. [translation ours]*  
(Leslie, sex worker, Montréal)

That said, it would appear, at least from the third parties and sex workers we spoke with, that dedicated security personnel hired specifically and exclusively for the purposes of reactive and/or preventive security in incall establishments are the exception rather than the rule. We did, however, interview one individual, Brad, who worked for what he described as an organized crime syndicate in Toronto. His job was *“part-time security for a quote unquote massage parlour.”* He explained:

2. Translation ours.



*It looked like it was in an office strip mall, and all the windows are closed up but when people came in there was the counter where the girls would be talking to the businessmen and so on. But there's always an open doorway to, like, two or three guys sitting in the back playing cards, watching TV, and they look sort of menacing, so it was deterrence. I mean, in my mind, in my experience, nothing serious ever happened, so I imagine that's why they had me there. So people didn't think they could take advantage of the girls.*

Understanding that his role was to deter wrongdoing he also appreciated that he could have been called upon to administer retributive justice. Brad recognized not only the limitations of this approach: “if we were to stop the crazy guys from doing something, they would have already started doing something to the girls,” but also the potential negative ramifications for enacting violence in a criminalized context:

*In that situation we would obviously like pull that guy out and [...] we would do some violence. And then we would call the boss and see what to do because it's a dicey situation. You don't want to just kick the guy out on the street because if he's pissed he's going to call the police and suddenly you've got a big problem. But did we end up having to do any of that? No, nothing ever happened.*

According to Human Resources and Skills Development Canada (2012), essential skills for security guards and related occupations are writing, oral communication, problem solving and decision-making. That said, Brad's work appears to have been straightforward – he and the other security guard played cards and watched television as part of a casual presence that “looked menacing.” While he did occasionally speak to the sex workers, “he was clear that “I didn't manage them [sex workers] so I certainly didn't say they had to do better with their business side of things. [...] I didn't have to entertain any of the guys sitting and waiting or whatever, anything like that.” In other words, he did not exercise any authority or control over the sex workers at the massage parlour. He explained that, “the mama-san managed them.” It would appear that she also managed Brad: “the mama-san, she tells us what to do; she tells us to clean up something, we'll clean up something.”

## **WEB SERVICE PROVIDER**

Web service providers organize online advertising for independent sex workers (and sometimes for agencies). They act as either the host of a site, such as a forum or review board, or in a coordinating capacity by developing and posting advertisements. In our sample individuals became website providers as an offshoot of other sex work related activities. They were sex workers or agency owners who were responding to an emerging service provision niche engendered by the Internet's profound effect on advertising and marketing strategies in the sex industry. Sandi, a 52-year-old Montréal area independent sex worker/event planner with over 15 years of experience in the sex industry, explains the shift:

*Like everything was very confidential and anonymous before. And I cannot get my head around the exposure, public exposure at this point. And I don't know if that's a stressor for people who are younger and in the business now or not [but] there's lots of implications. [...] When I started, you could literally put an ad in the classifieds.*

While some sex workers and third parties, like Lisa (massage parlour owner, Toronto), do minimal advertising (save small print ads in local newspapers) and have refused to engage with the technology, it is increasingly difficult to avoid an online presence. This is particularly true if the sex worker or agency is not already well established. Agencies who have their own websites (on which they may, or may not, provide personal as well as agency advertising) will hire a photographer, a web designer, and may invest in search engine optimization. Beatrice (outcall agency, Hamilton) spoke to how this interfaces with branding:

*I'm very careful about the branding of my agency [...] making sure that the website and every aspect of my agency is as high end and as polished as possible, trying to make sure that I stand above all of the other agencies out there. I use a better photographer. I have a better web design. Making sure that the search optimization is as high as it can get.*



Some independent escorts and small agencies do maintain their websites, organize their own photography and manage advertising themselves; it would appear, however, that running and maintaining a website is not always an option for those individuals who lack the prerequisite skill set, technological competence, inclination and/or time. Miss W (web service provider/outcall agency manager, Montréal) spoke of the skill set she brought to the job: *“I know how to advertise. Search engine optimization. I also think I’m pretty savvy about link exchanges for traffic. So I know who – like there’s so many escort directories so everybody wants you to put your link there – so I know how to do advertising to get the right eyeballs to the girls.”*

Sex workers who do not wish to, or are not able to, maintain their own websites may instead pay a monthly fee to post advertisements on a web server. Sometimes, the service is simply the provision of virtual advertising space. For example, Joe, a former escort agency owner turned his *“website from an escort agency website into an advertising website where independents would advertise for a set fee per month. And agencies would do the same thing.”* Websites may also host client review boards. Some sex workers find review boards frustrating, while others integrate them into their promotion:

*I was only reviewed a few times, and they were things that were – like, they weren’t bad or anything for me. I just never encouraged that very much. [...] But for some people, it worked really well, and some girls would really [...] pursue it. And there would be a lot of discussion around them, and that was their own marketing strategy. (Eva, sex worker, Toronto)*

At times, these contractors provide additional services beyond posting and moderating a website. Miss W, who concurrently manages an outcall agency, explains that she offers both concrete services and mentoring as part of her role as a web provider:

*Making sure the pictures are cropped appropriately and writing and helping them develop their profiles so it’s going to sell them, but also be accurate enough. You can’t have too much BS, because, well some clients don’t care, they don’t care who comes to the door, but I want them to have a successful appointment so they’ve got to advertise appropriately.*

Sylvia (web service provider/outcall agency owner, Hamilton) offers a somewhat different service. She started managing print advertising for a diverse group of sex workers before expanding her services to online promotion:

*You knew you had to have the ads in certain papers that were weekly. You would have to have your ads in at certain dates. And then the monthly ones. [...] I’d have to make sure that the women that wanted to have their ads in these papers – that I was getting the money from them – you know what I mean? So they would usually pay by the month, right. So within that, their monthly fee would cover their monthly advertising.*

It should be noted that web moderators exercise no power/control over the organization of a sex worker’s labour. They do, however, have the authority to suspend or ban workers from their sites; thereby reducing the sex worker’s advertising options and potentially their income. The impact of this is most significant in smaller centres with fewer advertising venues. Alana, who now works as an independent escort in the Ottawa area, noted, *“Toronto’s different. There’s multiple [online escort] boards that get, like, tons of traffic, so if you don’t like one board, or if you are suspended, you can go on another board. There is no other board for Ottawa.”* At other times, sex workers lose access to advertising venues as a result of protectionist social movements. For example, prior to December 2010, when Craigslist bowed to pressure by the Canadian government<sup>3</sup> and shut down its ‘erotic services’ section, this was a popular and free advertising venue for independent sex workers. With this option no longer available, many sex workers started paying for ads on other sites. Thus, it would appear that the closure of Craigslist inadvertently opened up business opportunities for third parties.

3. Craigslist removed its ‘erotic services’ section in Canada in December 2010 “In response to requests by Justice Minister Rob Nicholson and four provinces, fuelled by lobbying by groups opposed to prostitution and human trafficking”, and after a similar outcry led to its removal in the US (Kelly and Matthews, 2010, np).

Pierrette, an independent sex worker and personal assistant for another sex worker, explained her approach to locating an appropriate site to advertise when the free option was removed:

*On Friday when Craigslist shut down everybody's whining, not everybody but a lot of people. Okay, we know what the problem is, what's the solution? We know that the gentlemen are still going to want to come, right? Yeah. So what are they going to do? They're either going open the newspaper or they're going to Google 'escort Ottawa' or 'Ottawa escort', so what comes up? Ahh, this site, okay, that's where we should advertise. You have to think, how are the people going to find you? This is a reputable site. There were some different options and we chose the one we thought was the best.*

As a final note, ironically, though vilified in the media, demonized by anti-sex work activists (see for example Hughes, 1999) as pimps and criminalized under *Criminal Code* s. 212(1)(j) (living on the avails of another's prostitution), website providers (such as CERB and TERB) are not only integral to independent sex workers' business but also provide an important security tool; including virtual 'sex worker only' spaces where workers maintain bad date lists, share information and elicit client references from other sex workers. Moreover, these types of virtual spaces also facilitate the creation of online communities among independent sex workers who might otherwise feel isolated.

## **CONCLUSION**

## CONCLUSION

We introduced this report by reflecting on the stereotypes of pimps, procurers and parasites that flourish and take on an aura of ‘truth’ in the absence of empirical evidence. In this report, we have challenged these tropes by drawing on research to map third parties in the incall and outcall sectors of the sex industry. In the process, we also unpacked the range of relationships between sex workers and third parties. We have seen that some third parties are contractors (i.e. personal assistants, drivers, security and web designers) *hired by* independent sex workers or agencies to provide particular services; others are associates (i.e. agents, mentors, event planners and worksite providers) who *work with* sex workers and some are agencies who *hire* sex workers in an employer-employee type relationship.

Throughout this report we have seen that the organization of sex industry businesses, and the roles of third parties, resemble ‘mainstream’ sectors of the labour market. We endeavoured to tease out the parallels between these roles in the sex industry and those in ‘mainstream’ sectors through language and by highlighting the commonalities between, for example, outcall agencies and agencies that arrange cleaning for middle class patrons; agents that organize modeling gigs and those that organize sex workers’ calls; and the renting of a hairdressing chair and providing a space for incall services. The intent of this exercise was not to flippantly gloss over specificity, but to acknowledge that the sex industry is run in much the same way as other sectors of the economy. Indeed we suspect some readers will be disappointed with the ‘mundane’ findings presented in the report. Perhaps this is in itself significant. Shorn of moral outrage and absent of salacious framing, management in the sex industry, like management in other sectors, is rather unexciting. This further highlights the inevitable corollary to the assertion by sex workers that ‘sex work is work’<sup>1</sup> – if sex work is work, then those who hire, collaborate with, or provide assistance to sex workers, are also working.

Mapping third parties has also drawn our attention to the spectrum of ways sex workers organize their labour (e.g., independent, disguised employees) and to the wide range of possible configurations, the intra-role diversity of third parties and the complexity of the service/power/control nexus. This recognition positioned us to think about the roles of third parties and the reasons why sex workers work for, with, or hire third parties *in general*; and why they elect to work for, with or hire *particular* types of third parties. We have also come to appreciate that sex workers move in and out of relationships with third parties based on their shifting professional needs and personal situations. This allowed us to shed light on assumptions embedded in the binary construction of sex workers who are exploited (and without self-determination) and those who are ‘privileged’ independents (and exercise some self-determination). Sex workers told us that working as an independent (essentially running their own small business) was neither viable nor desirable for all sex workers: it necessitates skills (e.g., business, organization, public relations), assets (e.g., cell phone, a steady internet, an appropriate home or at least a credit card to book hotel rooms for incall work), knowledge (e.g., security strategies, how to organize photo shoots) and time and labour (e.g., to place ads, answer emails). Some sex workers do not want to work this way, some do not have the skills, some do not enjoy administrative tasks and for some, working for a third party was an alternative to street-based work – an option they welcomed.

Sex workers also welcome the policies and practices of third parties that increase their financial wellbeing and their safety, security and emotional health. Beyond the security afforded by the simple fact that the sexual service encounter is not occurring in a vacuum and that others know the sex worker’s whereabouts (not an in-

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1. Notably this does not negate the reality that the decision to do that work will be made in the context of constraints; see for example contributions in Van der Meulen, Durisin & Love (2013); Oakley (2007); Johnson (2002); Delacoste & Alexander (1997). See also the testimony of sex workers at the Parliamentary Subcommittee on Solicitation Laws (SSLR, 2006). As is the case with sex workers, scholars working in this area do not ‘buy into’ the neoliberal notion of unconstrained choice. They recognize that broader socio-economic stratifications and scripts (including gender, economic resource distribution, and racialization) condition the range of options open to individuals and create situations where some individuals are engaging in sex work in the context of few alternatives. That sex work is a choice within constrained options does not, in and of itself, negate that it is work. . See for example Law (2011); O’Doherty (2011); Bruckert & Chabot (2010); Van der Meulen & Durisin (2008); Parent & Bruckert (2007); Jeffrey & MacDonald (2006).

consequential advantage), our research identified a number of security strategies implemented by third parties (although no individual third party implemented all of these strategies). These included: screening, maintaining zero-tolerance policies and bad date lists, the collection and verification of personal information (e.g., name, phone number, employer), requiring references, matching clients to workers, providing a deterring presence, hiring on-site or on-call security persons, training workers in exit and conflict avoidance strategies, and establishing emergency protocols. In addition there are sector specific services; for example, outcall third parties might hire drivers who remain in the vicinity and collect information on the call location, use mandatory safe calls (at the beginning and sometimes at the end of the appointment), and pre-arrange a code word in case of emergency. Incall locations offer the presence of others, a monitored entrance, security cameras, no-locked door policies and a two-call system. Notably, the particular roles of certain third parties position them to provide some services and not others. For example, we have seen that website providers have online forums where sex workers post details about bad dates, share information on clients and elicit references about new clients from other sex workers; mentors train sex workers in screening and security protocols, and worksite providers offer a safe and secure workspace where there are other people around and alert clients that the worker's whereabouts are known.

Some third parties (including agency owners/managers, agents, mentors, event planners and sometimes even drivers), are also implicated in safeguarding sex worker's health by providing information on safer sex practices, supplying condoms and other safer sex equipment, training workers to identify the physical signs of illness and infection and/or by implementing strict no bare-backing policies. Finally, few agencies appear to be specifically attentive to the emotional wellbeing of sex workers. That said, sex workers (including third parties who are sex workers) spoke of the importance of being able to debrief, to share stories and strategies with other sex workers, and to collectively reflect on navigating stigmatic assumptions – all of which takes on additional significance for workers who are isolated by virtue of criminalization and enduring stereotypes. This highly-valued sense of community is often, with the notable exception of outcall agencies, an artefact of working with, for or hiring a third party. We saw this in incall agencies as well as with agents, mentors, event planners, worksite providers and personal assistants. Indeed, even website providers create a virtual sex worker community by providing sex-worker only spaces.

That said, it was clear that just because third parties offer useful services, and just because sex workers appreciate these, does not mean that third parties are the 'unsung heroes' of the sex industry. While some third parties may well be sincerely motivated to create a pleasant and safe working environment for sex workers, by no means can we ascribe such an altruistic impulse to all third parties. Moreover, all third parties are also running businesses,<sup>2</sup> interested in their 'bottom line' and motivated to generate a profit. Indeed that third parties (like any business person) have a vested interest in their business is to be expected. Arguably, the demonization of that vested interest hinges on the belief that sex work is inherently bad and therefore anyone who profits from it must be truly depraved. The truth is more complex. Third parties are individuals – some considerate, some apathetic, others nasty. In other words, as soon as we stop thinking about the role of third parties as *inherently* problematic, what comes into sharp focus is exactly what sex workers say - some third parties are great at what they do, others do an acceptable job, others are incompetent, and some are dreadful. For example, we heard (and spoke with) of third parties who are negligent in their duties; who are verbally abusive and sexual harassers; who take an unfair cut of the fees; who require excessive 'free' labour; whose organizational and business skills are atrocious; who do not convey the sex workers' boundaries to clients; and who have discriminatory hiring practices.

In short, by acknowledging sex workers as "knowers not as merely knowable" (y Rodriguez, 2002, p. 350) and examining the evidence, we have destabilized two intersecting and mutually affirming stereotypes that third parties are individuals who always manipulate, exploit and victimize sex workers on the one hand; and the conceptualization of sex workers who labour for, or with, third parties as necessarily manipulated, exploited

2. Though less clearly the case than, for example, agencies, even contractors can be conceptualized as essentially self-employed small business people.

and victimized on the other hand. Not surprisingly (although perhaps ironically), by rejecting a point of departure that defines third parties on the basis of their relationship to the sex industry (and abandoning simplistic caricatures and blanket assertions about pimps, procurers and parasites) we are positioned to shed light on problematic practices and policies and tease out issues of power, control and exploitation in a criminalized and stigmatized labour sector. Moreover, when we are not starting *a priori* from an ideological and/or moral position that understands sex work as inherently wrong, we are also not blinded to the services third parties offer sex workers. Instead, we are able to have a balanced point of entry that allows us to unpack the complexities of third party-sex worker relationships. It also allows us to examine the impact of criminalization, a subject which we will address in the remainder of this chapter. We start with a brief reflection on the breadth of the law.

In *Chapter Two: Third Parties and the Law*, we saw that in Canada a series of intersecting and overlapping laws criminalize third parties in sex work; sometimes in the interests of public nuisance and sometimes in a patronizing and paternalistic effort to protect sex workers ‘in their own interests’ (regardless of how sex workers themselves define the situation). It is against the law to: communicate for the purpose of prostitution in public (CC s. 213(1)(c)); keep a bawdy house (CC s. 210(1)); transport someone to a bawdy house (CC s. 211); entice or procure (cause, induce or have a persuasive effect) someone to become a sex worker (CC ss. 212(1)(b) and (d)); to either attempt to, or to actually, procure (to cause, induce or have a persuasive effect) someone to continue to work as a sex worker (CC s. 212(1)(c)); to, for gain, aid, abet or compel someone to engage in sex work (CC s. 212(1)(h)); and to earn an income for the provision of services directly related to the sex work of another person, “living wholly or in part on the avails of [the] prostitution” (CC s. 212(1)(j)). This is not a *hypothetical* criminalization, rather individuals who, according to the judges hearing the cases, increase the safety and security of sex workers, hire workers who freely choose to work in the sex industry and take reasonable compensation for providing useful services (in other words the antitheses of the ‘pimp’ stereotype) are charged and convicted.<sup>3</sup>

The web of laws we have sketched does, of course, have the potential to criminalize (albeit redundantly)<sup>4</sup> those who abuse a sex worker or coerce an individual to engage in sex work. It also criminalizes the third parties we have identified in this report. For example, the mentors we interviewed (and some of the other third parties, including Pierrette, a personal assistant, and Rhonda, a worksite provider) spoke of their motivation to help novices learn about the industry (including how to maximize their safety). However, in the eyes of the law they would be having a persuasive effect on someone to become a sex worker (CC ss. 212(1)(d)), exercising control and aiding a sex worker for gain (CC s. 212(1)(h)) and living on the avails (CC s. 212(1)(j)). Since both Lilith and Britney ran incall locations, they could also be criminalized for “enticing a person who is not a prostitute to a common bawdy-house” (CC s. 212(1)(b)), and of course “keeping a bawdy-house” (CC s. 210(1)). If they were to be charged with the latter, their landlord would have been obliged to evict them (CC ss. 210(3) and (4)).<sup>5</sup> Moreover, since neither Lilith nor Britney were municipally licenced, they could also have been charged under municipal by-laws. In short, under a criminalized regime these women risk losing their freedom, losing their assets and losing their home. The reach of the law also captures those who are merely helping out, with or without being compensated. For example, a friend or colleague who drives a sex worker to work in an incall location (CC s. 211), or who offers them a safe place to receive clients (CC s. 210(1)). It would appear that the laws that criminalize third parties, some of which are ostensibly intended to protect and further the interests of sex workers, have the exact opposite effect.

3. See for example, *R. v. Barrow*, 2001 CanLII 8550 (ONCA), *R. v. Lukacko*, 2002 CanLII 41577 (ONCA). As we saw, some of the people we interviewed had been criminally convicted because of their work as third parties. They lost their liberty and had their assets seized as a result.

4. Although they are not needed to sanction those behaviours given the existence of generic *Criminal Code* provisions including CC s. 279.01, the human trafficking law, which criminalizes anyone who has “recruited, transported, transferred, received, held, concealed, or harboured the victim, or exercised control, direction or influence over the movements of the victim; and done this for the purpose of exploiting the victim or facilitating their exploitation.”

5. Of course, they would be guilty of “keeping a bawdy-house” and lose their housing, even if they were not working with another sex worker.



Notably, the potential consequences of criminalization on the safety and security of sex workers was recognized by the Ontario Court of Appeal in relation to 212(1)(j):<sup>6</sup>

The living on the avails of prostitution provision can make prostitutes more susceptible to violence by preventing them from legally hiring bodyguards or drivers while working. Without these supports, prostitutes may proceed to unknown locations and be left alone with clients who have the benefit of complete anonymity with no one nearby to hear and interrupt a violent act, and no one but the prostitute able to identify the aggressor (2010 ONSC 4264 at para 421).

However, our research suggests that the laws do more than just increase independent sex workers' vulnerability to violence by undermining their ability to hire support and security staff (a contractor relationship) as the Appeal Court justices suggest. We have seen that the laws (including, but not limited to, the living on the avails provision that is being challenged in *Bedford v. Canada*) also inhibit sex workers' ability to access the support and services third parties offer when labouring for, or with them in agency or associate relationships including, among others, the issues of safety and security reiterated above. In the remainder of this chapter we present some of the other ways our research revealed that the criminalization of third parties is contrary to the interests and safety of sex workers.

- **Criminalization obscures and enables labour exploitation**

The law defines third parties as procurers, parasites that live on the avails of prostitution, and keepers of bawdy-houses. In effect, this means that all third parties (regardless of their relationship or the services they do, or do not, provide) are breaking the law and are equally vulnerable to *Criminal Code* charges and face significant sanctions. Of course, some third parties are exploitative and do have unfair labour practices however the prevailing definitions, and the very breadth of the law, frames the situation in such a way that obscures and denies *labour* exploitation at the same time as it pushes the sex industry into the shadows where unfair labour practices have the potential to flourish.

- **Criminalization excludes sex workers from protective labour legislation**

Unlike workers in 'mainstream' labour sectors, sex workers who work with, or for, a third party have no recourse to resolve workplace conflicts or unfair labour practices (e.g., inequitable shift distribution, failure to implement effective health and safety measures) or inappropriate behaviour on the part of managers or supervisors (e.g., verbal abuse, sexual harassment). Moreover, because sex workers are excluded from federal and provincial Employment Standards Legislation, not only do they lack protections other workers enjoy (e.g., minimum wage), they have no recourse when they are wrongfully dismissed or discriminated against at work. Nor can they draw on Occupational Health and Safety Legislation to pressure employers to respect the workplace health and safety standards imposed on 'mainstream' businesses. Tangentially, collective organizing (e.g., unions or professional associations) is not viable in the shadow economy. Not only would representatives be in an ambiguous legal position and lack authority, but in the context of criminalization and stigmatization, sex workers are unwilling to engage with these sorts of affiliations.

- **Criminalization prevents clear communication with clients**

In order to avoid coming to the attention of the police or providing evidence in case of criminal charges being laid, third parties are discreet and use 'code' language in both promotion and in interactions with clients. This can have a number of consequences. Not only may clients not know (or understand) the code, but as Kara Gillies (2013) has also pointed out, in this context third parties may not "establish the terms and conditions of service when screening and booking clients [and] as a result sex workers' boundaries such as condom use, types of service offered and additional fees are typically

6. The plaintiffs in *Bedford v. Canada* are, as we have already noted, only challenging only CC s. 212(1)(j) and not the remaining sections of CC s. 212(1).

not communicated to clients” (p. 273). If third parties are not communicating frankly with clients they are also less likely to be capable of matching clients and sex workers in terms of, for example, personality, style and services. This leaves sex workers to navigate fees, explain services and costs, and impose boundaries the client may not have been anticipating.

- **Criminalization constrains the organization of on-site or on-call security**

Third parties are motivated to reduce the potential of someone informing the police about their business; they do this in part by limiting the number of people who have specific information about the business. In this context, hiring security staff (or even making informal arrangements with, for example, acquaintances or neighbours) increases their risk of being brought to the attention of police or by-law officers. This may also be one of the reasons some third parties avoid hiring cleaning staff and instead rely on the ‘free’ labour of sex workers.

- **Criminalization obliges third parties to ‘fly under the radar’**

In order to mitigate the risks of coming to the attention of the police, third parties (particularly in the incall sector) endeavour to keep a low profile. In real terms this means implementing policies (e.g., restricting the number of workers that can come and go) to minimize the possibility of neighbours, the concierge and/or the landlord, becoming ‘suspicious.’ This also means, of course, that these individuals may not be readily available in case of trouble. Another way third parties endeavour to limit the possibility that they will come to the attention of the authorities is by refusing to hire sex workers who have other legal challenges (e.g., child custody issues), are not legally entitled to work in Canada or may come to the attention of the police due to leisure activities (e.g., drug use). This latter policy, of course, means that the worksite options of these workers are restricted.

- **Criminalization encourages ‘wilful blindness’ on the part of third parties**

Some agency third parties endeavour to circumvent the law by being wilfully blind to the provision of sexual services. Indeed, we have argued some municipalities are complicit in this by issuing licenses for such things as ‘body-rub parlours.’ For sex workers labouring for these agencies this means, for example, not only that safer sex supplies are not provided but that they are required to be extremely discreet about storage and disposal of these supplies. This also means that they can’t talk to other workers, or the manager, about the challenges they confront in their work including inappropriate behaviour by customers. In wilfully blind agencies workers must also negotiate services and compensation with clients who may sincerely believe the door fees are inclusive of sexual services. Such miscommunication of services and pricing can result in aggravated and frustrated clients.

- **Criminalization discourages openness and trust between third parties and sex workers**

In order to avoid charges for procuring, third parties may be less than frank during the hiring process, leading to misunderstandings about the exact nature of the work. Moreover, because agreements between workers and third parties must necessarily be verbal, it is difficult to hold managers accountable. This is exacerbated by the fact that in a criminalized context third parties are highly cognizant of the potential for sex workers to report them to the police. As a result, sex workers may have very limited personal information about the third parties they work for or with.

- **Criminalization hinders the training of new sex workers**

There are skills involved in being a sex worker, including the use of strategies to maximize safety and security. In the face of procuring laws (and in particular those that target procuring someone to become a sex worker) some third parties (including agency owners and workplace providers) are hesitant to train new workers and transfer important knowledge such as effective screening procedures, safer sex practices and crisis management. On this issue Kara Gillies (2013) notes that “uniformly women advised that access to support, training, and information were critical for their skills building and occupational health and safety when they first started the trade. However the procuring law discourages managers and colleagues from providing such assistance” (p. 273).

- **Criminalization can undermine screening procedures**

The various screening protocols implemented by third parties are significant security strategies. That said, effective screening relies on careful attention to ‘cues’ as well as the collection of verifiable information on clients. The ability to screen effectively is weakened in a criminalized context. For example, balancing the simultaneous screening for both police and aggressors raises the potential that the former may ‘trump’ the latter, and the third party may miss important information in his or her preoccupation with avoiding criminalization. Moreover, recognizing that in a criminalized context individuals may be hesitant to provide personal information, third parties may be less than vigilant and predators are more likely to slip through the screening process.

- **Criminalization limits access to the justice system**

While the third parties we spoke to are, in spite of the potential consequences, prepared to call law enforcement to intervene in an emergency or crisis situation (e.g., a sex worker being attacked), they are not willing to report acts of aggression, theft, or wrongdoing retroactively. Similarly sex workers are hesitant to report victimization to the police because they fear that they and/or their employer may be charged with prostitution-related offences. Of course, if the acts are not reported, the aggressors will not be held to account. This, as others have noted in relation to the impact of the criminalization of sex workers,<sup>7</sup> means not only that sex workers are denied access to criminal justice redress but also that predators may continue to prey on sex workers.

- **Criminalization increases the importance of customer satisfaction**

Given the “positive connection between customer satisfaction, loyalty and retention” (Singh, 2006, p. 1), client satisfaction is recognized in service delivery enterprises as important to ensuring that the business not only survives but also thrives. After all, dissatisfied customers take their business elsewhere. In the sex industry, however, disappointed clients can not only withdraw their patronage but also report the business to the police. However unlikely the latter scenario actually is, third parties and sex workers are mindful of the potentiality. They are also cognizant that such an action could result in (among other things) an investigation, criminal charges, loss of business or workplace, seizure of assets, legal costs, a criminal record and restricted mobility for third parties and sex workers. In this context, both third parties and sex workers are very anxious to keep clients satisfied. This can work against sex workers, for example, in the event that clients are requesting services or prices the sex worker would not otherwise provide.

- **Criminalization impedes the establishment of safe incall locations**

As the literature has demonstrated, incall locations (controlled environments) are the safest sex work venue. However, a number of third parties told us that, in light of the potential for *Criminal Code* charges under s. 210(1) and the greater vulnerability an establishment has to coming to the attention to the police, they elected to organize the provision of outcall services only. The location of the incall agency can also impact on sex worker’s safety. For example, in municipalities where body rub parlours are subject to zoning by-laws, some agency owners are obliged to locate their premises in less populated areas. In other cases, agency owners may feel they have little choice, given that landlords may not rent to them in light of the potential *Criminal Code* charges they may incur. These establishments will be located in areas that are isolated, dimly lit and poorly served by public transportation, particularly in the evening.

- **Criminalization makes sex workers vulnerable to being criminally charged as third parties**

The line between sex workers and third parties is considerably more porous than the dominant discourse suggests – sex workers move in and out of third party work and may inhabit both roles simultaneously. Moreover, the bawdy-house (CC s. 210(1)) and procuring/living on the avails (CC s. 212(1)) laws are so broad that they ‘capture’ any sex worker who provides assistance to a third party

7. See for example, Jeffrey & MacDonald (2006); Lowman (2000).

(e.g., answering the phone and booking calls for an escort agency, locking up at the end of a night in a massage parlour) or who helps out another sex worker, with or without compensation (e.g., sharing a call, providing information to a novice).

## FINAL THOUGHTS

Where does this leave us? We feel strongly that sex workers must take the lead in determining the policies and laws that should govern their industry – not only are sex workers the experts but they are the people who will live the consequences of any regulatory regime most profoundly. For that reason we do not end with policy recommendation per se. That said, our findings of intersecting and symbiotic relationships and documentation of how the criminalization of third parties works against the interests of sex workers speaks powerfully to a point of departure for policy discussions – full decriminalization of the sex industry. The benefits (for sex workers) of decriminalization are brought into sharp focus

when we look at the experience of New Zealand. In 2003 New Zealand's parliament passed into law the *Prostitution Reform Act (PRA)* that decriminalized many aspects of the sex industry, including brothels. According to the extensive research conducted by Elaine Mossman (2010) the result has, among other things: increased sex workers' rights; decreased the control and authority of brothel operators; made it easier for sex workers to negotiate safer sex practices with clients; given sex workers greater access to safer sex supplies; improved the reporting of violence; given sex workers the legislatively enshrined the right to refuse clients; and increased options for workers to control their labour environment. Sex workers now also have legal redress "if they have been unfairly treated, coerced or exploited by those running the brothel" (p. 129). Moreover, as we previously noted "following the enactment of the PRA, the sex industry could operate under the same health and safety rules as any other New Zealand industry" (Abel et al., 2010, p. 77). New Zealand's success does not mean we need to import their model – regional and national specificity speaks to the importance of a 'Made in Canada' approach. New Zealand's success does however suggest that we cannot continue to criminalize third parties in sex work if we, as a society, are truly committed to improving the safety, security and wellbeing of all our citizens.

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## **APPENDIX ONE: RESEARCH METHODOLOGY**

The multi-method qualitative research project that is the basis for this report endeavoured to shed light on sex industry management in Canada. The *Management Project* researchers first sought to understand the context by undertaking a literature review and analyzing media representations, legal/judicial decisions and parliamentary reports.<sup>1</sup> The heart of our research project consists of the textured knowledge that emerged from two phases of interviews. The first phase entailed a series of 75 in-depth face-to-face interviews with individuals who work (or worked) as third parties in various sectors of the sex industry (street-based, incall, outcall and strip clubs) in the Maritimes, Québec and Ontario. The second phase consisted of focus group interviews with 47 sex workers who work (or worked) for, or with (many of whom had also hired) third parties in those sectors. This second phase allowed us not only to validate and nuance the findings on policies and practices collected during the first phase, but also to understand how they ‘play out’ for sex workers. In short, the project employed multiple intersecting methods to accumulate distinctive data sets on the same topic, generating multiple lines of sight in order to realize a more global understanding; in methodological terms we used triangulation (Denzin, 1978).

We have little doubt that we will be criticized (indeed we already have been) for listening to what third parties (‘exploiters’, ‘pimps’ and ‘traffickers’) have to say. As social scientists we maintain that perpetuating a discourse by silencing individuals on the basis of stereotypical assumptions is unconscionable. Indeed it is precisely for those reasons that it is important. As criminologists and researchers we are committed to producing empirical research that sheds light on complex social realities, as feminists and social justice activists we take seriously the politics of voice and recognise: “That even the most conscious social actors are not immune to the deeply embedded social constructs that condition our understanding of the world [...] [and] when those with limited economic, social, and cultural capital attempt to challenge the discourses, they most often go unheard and unheeded.”<sup>2</sup>

In the interests of transparency, in this appendix we present the methodological approach employed for the *Management Project* focusing on the subsample of third parties and sex workers in the incall and outcall sectors of the sex industry.<sup>3</sup> We start by discussing the project’s relationship to sex worker rights organizations, before presenting the recruitment strategies, detailing the two phases of interviews with sex workers and third parties, and presenting demographic overviews of our samples. We conclude with information on the coding and analysis process.

### **WORKING WITH THE COMMUNITY ADVISORY COMMITTEE**

The *Management Project* was neither a community-based nor a participatory action research. The project was funded by SSHRC under the Standard Research Grant Program. At the same time, the researchers were committed to ensuring the project was pertinent for sex workers who labour for, with, or hire third parties.<sup>4</sup> We were also cognizant that Canadian sex worker rights organizations, particularly those that are sex worker led, have an unparalleled knowledge of the sex industry in general, and the challenges confronting workers in particular – after all, their membership is comprised of current and former sex workers from all sectors of the industry. Mindful of this, we invited four sex worker rights organizations, operating in the geographic areas of this project, to participate in the research in the capacity of advisors:

- *Maggie’s* is Canada’s oldest sex worker run organization. This by-and-for sex worker group is open to all genders and has been offering “education, advocacy, and support to assist sex workers to live and work with safety and dignity” (*Maggie’s*, 2012) since 1986;

1. These components inform the current report but are not presented. Accordingly those methodological components are not detailed.

2. Hannem & Bruckert, 2012, p. 176-178.

3. In the interests of data coherence, industry sectors are being analysed separately. Far too often sex industry research fails to attend to sector specificity and in the process obscures nuance.

4. This is also the rationale behind the production of the community booklet “*Managing your work.*”



- *Stepping Stone*, a sex worker rights and service organization has been providing (among other things) a drop-in centre, court support, community outreach and public education in the Halifax area since 1989;
- *Stella*, a by-and-for sex worker community organization that has been doing outreach, providing support and producing information tools for women who work in all sectors of the sex industry, as well as advocating on behalf of sex workers, since 1995 in Montréal; and
- *POWER*, an unfunded by-and-for sex worker organization formed in 2008 that undertakes public and social service education, hosts sex worker drop-ins, and advocates for sex workers' rights in the National Capital Region.

These community groups were implicated in the *Management Project* in three principle ways. First, we started the project by undertaking an 'environmental scan' – a consultation coordinated and facilitated by a member of the research team with sex workers in each of the four organizations. This process was intended to ensure that we had a holistic understanding of the issues, were sensitized to challenges, understood shifting dynamics and grasped some of the nuance of language around third parties.<sup>5</sup> Second, a Community Advisory Committee comprised of representatives from these four sex worker rights organizations was formed and met face-to-face with the research team (professors and graduate students) twice for two-day long meetings. Leading up to, and following these meetings, the Committee stayed in contact with the research coordinator who apprised them of the research project through periodic updates and received feedback at various pivotal moments throughout the process.<sup>6</sup> These individuals brought with them a wealth of knowledge about the sex industry, provided invaluable feedback and input into, among other things, framing the research questions, media analysis keywords and recruitment strategies. They also reviewed and worked with the researchers to refine the interview guide. Third, although the sex worker rights groups did not recruit specific participants, they did provide concrete support by posting our call for participants and spreading word of the research through their networks. We remain indebted to these community members and these four sex worker rights groups for their generosity and significant contributions.

## RECRUITING RESEARCH PARTICIPANTS

At the onset, in order to ensure consistency and cohesion, it was important to establish criteria for participants: "an individual who does (or did since the year 2000) for (direct or indirect) financial compensation or benefit, supervise, control and/or take part in the coordination of the labour process (what s/he does, when and where) and/or the labour practices (how s/he works) of an adult sex worker(s)." Our intentionally broad definition reflected sex worker community knowledge regarding the range of social actors such as receptionists, drivers, agents, and sex workers who work as third parties, but may not self-identify as a manager even though their role is (or was) to supervise, control and/or take part in the coordination of the labour of sex worker(s). Moreover, this framing allowed us to access the perspectives and unique insights of individuals who are neither sex workers nor upper level managers.<sup>7</sup> The criteria for participation of phase two similarly reflected these criteria. That is to say, sex workers who had laboured for, or with, a third party since the year 2000. Individuals who had been interviewed in phase one were not allowed to participate in phase two.

Recruiting research participants involved in criminalized behaviours poses obvious challenges,<sup>8</sup> which are exacerbated when the population is not only stigmatized but also demonized (as is the case for third parties) or dismissed and negated a priori as victims (as is sometimes the case for sex workers who work for or with third parties). In order to access an adequate number of participants we sought to minimize barriers to participation by, for example, providing a

5. This was a useful process. For example, based on sex workers explaining the role of 'pimps' in strip clubs, we expanded the parameters of the research to include this sector.

6. We did not, of course, consult about analysis or findings – to do so would risk skewing the results.

7. For example, in a 'mainstream' enterprise, an administrative assistant has a specific vision of the business and is not invested in preserving an image in the way her or his boss might be.

8. See Shaver (2005) for a discussion on the challenges of researching the sex industry

toll free phone number and dedicated voice mail, responding promptly to queries and offering an honorarium to cover expenses.

The goal of the research was exploratory in nature, oriented to investigating the range of experiences within the group. We therefore sought to minimize, to the extent possible, a particular methodological flaw that sometimes plagues studies on the sex industry:

Reliance on unrepresentative samples is widespread. Although random sampling of sex workers and customers is impossible, too often the findings and conclusions drawn from convenience and snowball samples are not properly qualified as nongeneralizable. Victimization studies are a case in point. Street prostitutes appear to experience high rates of violence in the course of their work, but the samples used in most studies consist of people who contacted service agencies, were approached on the street, or were interviewed in jail. (Weitzer, 2005a, p. 938)

Moreover, recognizing, as Weitzer notes, that it is impossible to ever claim to have a representative sample in a clandestine industry, we drew on a wide range of recruitment strategies that extended well beyond our own networks and those of the sex worker rights organizations that advised us. Indeed, while no claim of a representative sample is being made (nor could it ever be in the current socio-legal context) the richness (and at times disparity) of the data suggests we were successful in realizing a diverse sample.

Recruitment for the first phase of the research took place between October 2010 and January 2012; we recruited participants for the second phase from January to June 2012. Both processes were adapted according to the information and feedback we received throughout the process.<sup>9</sup> Ultimately recruitment strategies included:

- Posting the recruitment letter on the *Management Project's* website, hosted by the University of Ottawa: <http://www.sciencessociales.uottawa.ca/gis-msi/eng/index.asp>.
- Placing advertisements in newspapers, including the *Montreal Mirror*, in print, and *The Coast* (Halifax), online.
- Releasing press notices in the Maritimes and Ottawa with resulting media coverage in the *Ottawa Sun*, and radio interviews on CBC Ottawa and CBC Maritime (Halifax).
- Posting recruitment information on all CERB (Canadian Escort Review Board) endorsed sites and listings.
- Sending emails or mailing recruitment flyers to Ontario, Québec and Maritime incall and outcall establishments and strip clubs.
- Distributing information on sex work related email listservs including FIRST (Canada-wide), AFS (Québec wide), and NSWP (both North American and Caribbean).
- Distributing recruitment information through sex worker rights organizations and other organizations whose clientele include sex workers. In Ontario, Maggie's (Toronto) advertised on their website and announced the project at their RealWork group, POWER (Ottawa) advertised on their website and distributed the information through their email contact list, and the AIDS Committee of Ottawa (ACO) distributed flyers to street-based workers. In Québec, Stella (Montréal) posted the information on their website, circulated recruitment information monthly as part of their online bulletin, and also handed out flyers to street-based workers, at massage parlours and incall agencies. Projet Lune (Montréal) and Émiss-ère (Longueuil) also distributed flyers. In the Maritimes, Stepping Stone (Halifax), AIDS Saint John and Coverdale advertised the research.
- Distributing research information to (select) defence lawyers in Québec.

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9. For example, when our contacts informed us that much of the incall/outcall sector relies on online advertising and information, we posted on popular Internet sites.

- Circulating research information among the various personal, social and professional contacts of the researchers, Community Advisory Committee members and the interviewers we hired.
- Using snowball recruitment; requesting those we interviewed to forward the information to other third parties in the sex industry.

## PHASE ONE - INTERVIEWS WITH THIRD PARTIES<sup>10</sup>

The first phase of the research entailed in-depth interviews lasting approximately one-and-a-half to three hours in length.<sup>11</sup> Our methodological choice was informed by the established tradition of feminist writing that affirms the importance of respectfully attending to experiential voices.<sup>12</sup> Moreover, given the limited data available on third parties in the sex industry, we required an approach that would produce rich, textured knowledge by allowing researchers to explore a range of areas and by providing participants with the opportunity to reflect on their experiences. Accordingly, interviewers were trained in in-depth interviewing techniques and an interview guide was developed that employed non-directive, open-ended queries to elicit the stories and perceptions of participants, semi-structured interventions to probe experiences, and some more structured questions intended to obtain information on policies and practices.

Topics touched on in the interview guide included: entry into the third party work; daily schedules, tasks and responsibilities; organizational strategies, plans and practices; hiring, payment and discipline; risks; occupational health and safety; laws and policies; experiences of prejudice and social judgment; the impact of their work on their private life; work history; opinions of the sex industry; and demographic information.

In total we interviewed 50 incall/outcall third parties, of whom 38 were female, 10 male and two transsexual (MTF). Fifteen interviews were in French, with the remaining in English. Of those 50 participants, four identified as black, two as Asian, 39 as white, one identified as “mixed,” one as “Aboriginal and black,” one as “half Native and half Caucasian”, one as “Native [and] French”, and one participant identified simply as “a woman of colour.” Although not all participants identified their class,<sup>13</sup> of the 27 who did, five came from upper middle class families, 11 came from middle class homes, five from lower middle class families, four were working class, and the class of origin of two participants could best be described as underclass (extreme poverty). Twenty-three participants had children and two had stepchildren. Of this number, five were living with their children, two were living with their children part-time, and five had children who were grown. Most participants were single (29), however 11 were in a common-law union, two were married, two had a partner, three were separated and two were divorced.

Our sample varied widely in terms of age and experience; ages ranged from 24 to 62 years (with an average age of 38 years old) and from three months to 20 years experience working as third parties. Twenty-nine were sex workers at the same time as being third parties, 13 were former sex workers, one had tried sex work and seven had no experience as sex workers. In addition, 17 had worked as a third party in more than one organization or capacity in the sex industry, and 29 had held managerial positions outside the sex industry – four people had owned their own ‘mainstream’ business. Only two of our participants had never worked outside of the sex industry; the rest had worked in a variety of jobs including (from most to least common): service sector, retail, administrative, corporate, social services, education, manual labour, high-tech, the arts, healthcare, NGO, accounting, military, and government jobs. Third parties’ wide range of job experience is most aptly described by Jackie (outcall agency receptionist, Toronto): “I’ve worked in just about every conceivable sector you can name.” In addition to learning the skills they used in their jobs as third parties in previous employment situations, a number had also received relevant formal training and/or education. Although the level of education is not known for all the third parties we interviewed, four had graduate degrees, 11 people had

10. Ethics certificate was issued on June 22, 2010.

11. Several of the interviews were upwards of four hours while a few were only 45-60 minutes long.

12. See for example Morris and Bunjun (2007); Kovach (2005); Reinharz (1982).

13. Class location is based solely on the basis of self-identification. The following comment by Marie (massage parlour owner, Montréal) speaks to stigma and may help to explain why some participants did not identify their class: “Social economic class? I do not feel like I am part of any class given the [...] marginal context I have been in for a while.”

university degrees, eight had college degrees, two had some university education, seven had some college education, two had CEGEP certificates, four had finished high school and five had some high school education. The demographic profile of our participants, in and of itself, challenges stereotypes of third parties as 'shady characters' existing on the fringes of society.

## **PHASE TWO: FOCUS GROUPS WITH SEX WORKERS<sup>14</sup>**

Unlike the interviews with third parties which were intended, in light of the dearth of research on these individuals, to be wide-ranging and exploratory, the interviews with sex workers were specifically envisioned as a mechanism to verify information on policies and practices and uncover how these 'play out' and condition their work lives. For this purpose, guided focus group interviews with sex workers who had worked for or with third parties in the same timeframe (since 2000) as the third parties interviewed in the first phase of the research was an effective data collection method. Indeed, we found this approach that "explicitly use[d] group interaction as part of the data-gathering method" (Berg, 2009, p. 158) created a space where participants explored and discussed issues, and in the process we were able to collectively refine our understanding and reflect on unanticipated issues that emerged. The lively conversations and animated responses by focus group members to some of our assertions, or the stories of other sex workers, provided invaluable insights into industry norms and worker expectations.

For this phase of the research we developed sector-specific interview guides (street, strip club and incall/outcall) drawing on the preliminary analysis of a subsample of the data from Phase One of the project. The five focus groups for incall and outcall sex workers took place in Toronto, Halifax, Ottawa and Montréal during the spring of 2012.

There were two incall/outcall focus groups with a total of 11 participants in Toronto, of whom seven were white, two Aboriginal, one identified as bi-racial, and one as black,<sup>15</sup> three were trans with the remainder being cis-gendered women. Participants in the Toronto groups had been in the sex industry between two to 25 years, averaging 11 years of experience, and their ages ranged from 26 to 48 with an average of 35 years old. Six women aged 25 to 57 (with an average age of 42) participated in the Halifax incall/outcall group, one was white, two were black, one Aboriginal/white and one black/Aboriginal (one did not disclose her ethnicity). The Halifax women had two to 44 years experience in the industry, with an average of 22 years as sex workers. The Ottawa focus group was the smallest, with only three white women, aged 21 to 30, who had been in the industry between 1.5 and 4.5 years. Their average age was 27 and they had been in the sex industry for an average of three years. The seven women in the Montréal incall/outcall group had two to 14 years experience in the sex industry, averaging seven years as sex workers, and were between 24 and 36 years old with an average age of 29; three of the women identified as white, two as Québécois and two did not indicate their ethnicity.

In total there were 27 participants in the incall/outcall sex worker focus groups, ranging from 21 to 57 years old, with one to 44 years experience in the sex industry. Notably, while participants had to select one focus group in which they could participate, many had laboured in various other sectors of the sex industry – four had worked on webcam, eight had been erotic dancers, six had worked in the street-based sex industry, one had worked as an actress in pornography and another had worked as an erotic phone service attendant. In addition, a significant proportion (12) had been or were currently independent sex workers.

In the incall and outcall focus groups, the interview questions did not cover all the same topics as the individual interviews had. Rather, they focused specifically on such issues as the impact of managerial policies and practices around safety and security; sexual and emotional health; legal precautions; financial wellbeing; workplace rules; scheduling policies; marketing and promotion techniques; recruitment and hiring practices; and the distribution of fees. We also asked sex workers about their relationship to, and expectations of, the third parties with or for whom they worked, including what they considered to be a good and a bad third party.

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14. Ethics approval was obtained on January 18, 2012.

15. As in some of the other groups, not all participants disclosed their race or ethnicity on the demographic sheet.

## ANALYSIS OF DATA

Both the individual and the focus group interviews were recorded and transcribed verbatim. As with any research involving marginalized groups, the anonymity of all participants is of utmost importance. Accordingly, participants were asked to choose pseudonyms, any other identifying information was removed in the transcription process and all interviews were reviewed and further anonymized (i.e. names, places, non-pertinent personal details and identifiable speech patterns were changed). Transcripts were stored in password-protected computers and never transmitted electronically.

Each phase of the research was coded separately and the anonymized transcripts were team-coded using qualitative research software (NVIVO). For this process a semi-organic codebook developed that included conceptual codes informed by theory and the existing literature, information codes from the interview guide, and grounded codes that emerged from the interviews. Throughout this process, we paid particular attention to the relationships to, and needs of, sex workers. Once the coding of each interview was completed, a 'horizontal' trans-interview analysis (Pires, 1997) was undertaken to identify points of convergence and disjuncture, and analytic frameworks were developed that 'made sense' of the findings within each phase. Finally, we refined and nuanced our analysis by juxtaposing the data from the two phases of the research and 'making sense' of the tensions, the convergences and the points of rupture. Indeed, it was the need to engage with integrity and in a meaningful way with 'negative cases' that pushed us to nuance our analysis and refine our conceptual models. This analytic process proved fruitful and allowed for new and unanticipated findings to emerge from the data – for example, while we had initially sought to examine management in the sex industry we had not appreciated the full spectrum of the relationships that sex workers have with third parties. The information that emerged in the analysis - sex workers who work for, with, or hire third parties - frames this report.

## **GLOSSARY OF TERMS<sup>1</sup>**

This glossary provides definitions for some of the terms we have used in this report to assist those unfamiliar with terminology and specialized language employed in the sex industry.

### **AGENCY**

A business that organizes service transactions between two other parties in an employee-employer like relationship. The agency will typically take a percentage of the fees, set rates and have codes of conduct to follow. Agencies can be incall (the agency receives clients at location), or outcall (workers are sent out to see a client in his/her location).

### **AGENT**

An individual who, working on behalf of another, secures and books engagements or clients. The agent will typically take a fee-for-service or a portion of a sex worker's earnings.

### **ASSOCIATE**

An individual who organizes or facilitates transactions between sex workers and clients. Associates generally charge sex workers a fee-for-service.

### **BBW**

An acronym for Big Beautiful Woman used to describe plus-sized women.

### **BDSM**

A composite acronym for Bondage and Discipline, Domination and Submission, and Sadism and Masochism; a spectrum of erotic and non-erotic practices including restraint, sensory stimulation, role-playing and power differentials.

### **BODY RUB PARLOUR**

An establishment that provides erotic massage (also referred to as 'erotic massage parlour'). Body Rub licenses exist in some municipalities in Canada, while other erotic massage parlours advertise as Holistic Health Centres. Municipalities typically limit the number of licenses for Body Rub Parlours.

### **BOOKING AGENT**

An individual who arranges appointments between a sex worker and his/her client.

### **CALL**

Sex workers and third parties refer to an appointment with a client as a 'call' or a 'date.'

### **COLLECTIVE AGENCY**

Co-operative business with decision-making about organizational issues that facilitates service transactions between sex workers and clients. A portion of the sex workers' fees finance business expenses, including drivers and/or security.

### **CONTRACTOR**

A freelance worker who is hired to provide a service for another self-employed individual or for a third party's business. In the sex industry a contractor may, for example, be a personal assistant, driver, photographer, security or someone who provides web services to an agency or sex worker.

### **CUT**

The money given to a third party from the total fee for an appointment. This will vary by agency. The cut may also be a set amount per call, rather than a percentage.

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1. The *Glossary of Terms* is adapted from an earlier version prepared by Jenn Clamen.



### **DEPENDENT CONTRACTOR**

An independent contractor who is reliant on a third party for services (e.g., a location, booking calls) without which they would not otherwise be able to carry out their work. For example, sex workers who work at incall agencies would not have clients or a workplace without the agency.

### **DRIVER**

An individual who provides transportation services for an agency or individual sex worker. This person is responsible for driving a sex worker to and from an appointment, may be responsible for collecting the agency's cut, and will often act as security for the worker.

### **ESCORT**

A sex worker who, working as an independent or for an agency, offers 'full service.' Escorts are typically paid for their time (rather than per service), though they may negotiate additional fees for 'extras.'

### **EVENT PLANNER**

Someone who organizes, promotes and staffs special events for sex workers and/or their clients. This can, for example, take the form of parties at the request of clients. They may assume responsibility for screening and having an on-site presence.

### **EXTRAS**

Services that sex workers may offer that fall outside of regular services or services already negotiated with clients by the independent worker or a third party. Extra services entail additional fees.

### **FULL SERVICE**

Penetrative and oral sex.

### **GFE**

Acronym for 'Girlfriend Experience' (for male workers it is called the 'BFE' for 'Boyfriend Experience'). This service implies a more 'emotional' or intimate experience and can involve full service, kissing, cuddling, and eating meals together. In some cases it may also include the provision of oral sex without a condom. The exact meaning of the term, and what services are included, vary within the sex industry.

### **GREEK**

Anal sex.

### **INCALL SEX WORK**

Service provision that occurs in a sex worker's home, hotel room, apartment, establishment or at an agency. Clients come to the 'incall location' to receive services.

### **INCALL LOCATION**

This refers to work establishments that are created for sex workers to provide services indoors. This can be an individual sex worker's own home or a location that is rented. Third parties can also rent locations to individuals or agencies.

### **INDEPENDENT**

A sex worker who does not work for an agency. Independent sex workers may hire third parties (such as drivers or web providers) to work for them, or they may work with associates (although not all sex workers who work with associates are independents). Independent sex workers organize their own labour and are, in effect, small business owners.

### **LARGE AGENCY**

A hierarchically structured business (with three or more managerial tiers) that organizes service transactions between sex workers and clients. A cut of sex workers' fees goes the agency and to receptionists/bookers and (if applicable) drivers/security.

### **LICENSING**

Some establishments have a municipally issued license to operate. Also, some municipalities require escorts or erotic massage providers to acquire a license. In these establishments third parties must be 'wilfully blind' to the provision of sexual services.

### **LINE-UP**

At some incall locations, (e.g., brothels, massage parlours) sex workers are required to line up in the common area so that a client may see all the sex workers present that day in order to select the individual from whom he or she would like to receive services.

### **MENTOR**

An experienced sex worker who shares knowledge, skills and information to foster a novice's development on the job in an apprenticeship-like arrangement. There may or may not be a fee for this service.

### **MID-SIZED AGENCY**

A hierarchically structured business (with two managerial tiers) that organizes service transactions between sex workers and clients. A cut of sex workers' fees goes to the agency and to receptionists/bookers and (if applicable) drivers/security.

### **OUTCALL**

This refers to sex work that happens outside of an established location. Sex workers will meet clients in a location of the client's choice (e.g., a hotel, home).

### **PERSONAL ASSISTANT**

An individual, hired by a sex worker, who provides administrative or business support/services.

### **PSE**

An acronym for Porn Star Experience that refers to both the attitude of the provider, and to the services available, which resemble are typically portrayed in pornographic productions. For example it may include multiple sexual positions, 'facials' (ejaculation on the face), deep-throat oral sex and anal sex.

### **RECEPTIONIST**

Someone who answers the phone for an incall or outcall agency and books 'calls.' They may also be responsible for screening and may also have assorted other tasks (e.g., scheduling, upkeep of incall location).

### **REFERENCES**

A security strategy used by agencies and independent sex workers. This entails, requiring clients to provide the names of sex workers they have previously seen so that agencies or independent sex workers can contact the references prior to confirming an appointment with a client.

### **REVIEW BOARD**

An online forum where sex workers (for the most part indoor escorts and massage providers) advertise their services. Clients can post reviews of their experience with sex workers, and sex workers and clients can converse on various industry and non-industry related topics.

### **SAFE CALL**

This is part of a safety protocol set up between a worker and someone who is offering the worker protection (e.g., manager, driver, receptionist, or in the case of independents - a friend or partner). Safe calls can happen at various points during an appointment and are often accompanied with pre-negotiated code words between third parties and sex workers.

### **SECURITY**

An individual hired by a sex worker, or by an agency on behalf of sex workers, to provide protection services. Security can be on-site or on-call.

### **SCREENING**

The process by which undesirable (e.g., potentially violent, undercover law enforcement) clients are identified.

### **SM**

Acronym for sadomasochism (see BDSM).

### **SMALL AGENCY**

A relatively flat, owner-operated business that organizes service transactions between sex workers and clients. A cut of the sex workers' fees goes to the agency, and if applicable to the driver/security.

### **STEALING CLIENTS**

Third parties may have unspoken, or explicit, rules against sex workers exchanging personal information with clients and/or workers arranging appointments with clients on their own. These clients are viewed as customers of the business and not those of individual workers.

### **THIRD PARTY**

Anyone involved in a transaction who is not one of the principals. In the sex industry, that would be anyone who is neither the sex worker nor the client.

### **TOURING**

Independent and agency sex workers travel to different cities and provinces to work. These tours will often be advertised on the sex worker's or the agency's website or on review boards.

### **TWO-CALL SYSTEM**

Both incall and outcall agencies may use a two-call system. For incall services clients are required to call a first time to receive directions and parking instructions. Clients must then call a second time once they are at the location in order to obtain the exact address, apartment or hotel room number. In outcall agencies, a two-call system entails a sex worker making a 'safe call' - calling to advise the agency that all is well at the beginning of the appointment and again just prior to leaving.

### **YOUR MILEAGE MAY VARY (YMMV)**

Used in ads to indicate that the services offered by a sex worker are not fixed. A worker's boundaries may vary according to such things as characteristics of the client and the worker's personal circumstances.

### **WORKSITE PROVIDER**

An individual who provides, organizes and maintains a workspace for (select) sex workers. This may or may not include the provision of other supplies.

### **WEB SERVICE PROVIDER**

An individual who is hired by a sex worker or a third party to develop and/or manage Internet sites and/or online advertising.



**RETHINKING MANAGEMENT  
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