



nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

Sex Work as Work





Introduction

Sex work is work. This simple yet powerful statement frames sex workers not as criminals, victims, vectors of disease, or sinners but as workers.

Sex work is first and foremost an income-generating activity that encompasses diverse workplaces and working arrangements.

The struggle for the recognition of sex work as work is closely tied to the struggle for decriminalisation. Central to the demand for decriminalisation is the argument that sex workers should be afforded the civil and labour rights and social protections that are the entitlement of all workers, regardless of occupation.

Exploitation, unsafe and unhealthy working conditions exist in many labour sectors. Work does not become something other than work in the presence of these conditions. Indeed, criminalisation creates the conditions in which violations of sex workers' rights, including their labour rights, can continue with impunity.

Recognition that sex work is work is the starting point for addressing these conditions.

A Decent Sex Work Agenda

The right to work, to choose one's work, and to fair and safe working conditions are fundamental human rights. The International Labour Organization's (ILO) Recommendation 200 establishes principles and standards on the rights regarding HIV in the workplace. Recommendation 200 applies to "all workers working under all forms or arrangements, and at all workplaces", including sex workers.

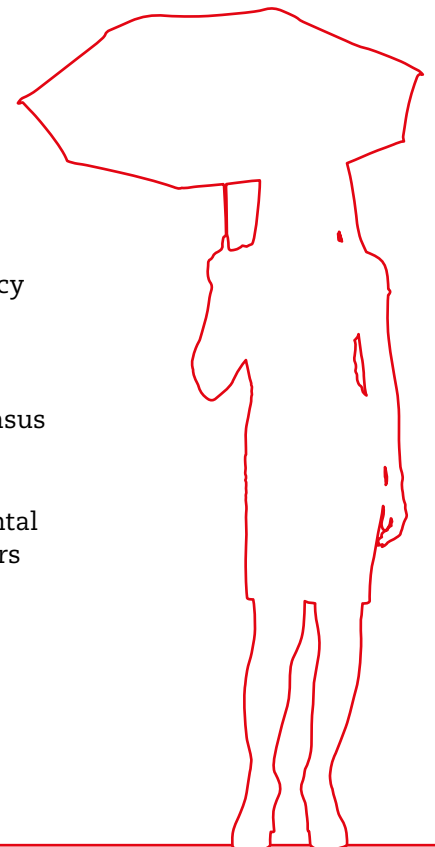
The goal of 'Decent Work', which has been advanced by ILO, is a useful framework for the development of decent sex work standards. NSWP members were consulted about what decent sex work would look like, and articulated the following characteristics:

- Decriminalisation of all aspects of sex work.
- Fair labour practices, in line with existing labour laws.
- The right to a working arrangement of their choosing.
- A clean, healthy and safe working environment, free from violence and sexual harassment, with health and safety standards established by sex workers.
- Access to a full spectrum of health care and social services.
- The right to form workplace associations and unionise.
- Rights for migrant sex workers.
- The right to social protections and benefits.
- Access to statutory complaint mechanisms.

Sex worker organising using a labour framework

The framing of sex work as work, and the consequent advocacy for sex workers' rights as workers to be recognised and protected, is a central issue around which sex workers organise. NSWP's Consensus Statement clearly affirms that the right to work and free choice of employment is one of 8 fundamental human rights to which sex workers are entitled.

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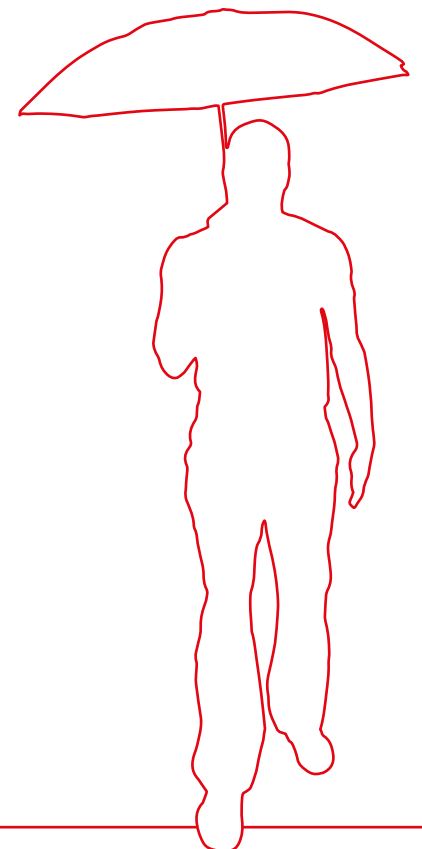




Ten benefits of a labour approach

- 1 **Legal protection:** If sex work is acknowledged as work, criminalisation is an inappropriate legal model. Sex workers are protected by the same labour laws that protect the rights of all workers.
- 2 **Reduced stigma:** Framing sex workers as workers is fundamentally non-stigmatising. Sex work is accepted as a job, and can be judged by the same standards that are applied to other jobs.
- 3 **Setting standards for decent work and reduced exploitation:** Within a labour framework, exploitation can be addressed more easily.
- 4 **Freedom to organise and unionise:** The ability of sex workers to organise and form associations, collectives and/or unions would be improved.
- 5 **Reduced violence and police harassment:** Sex workers can expect to be able to report crimes committed against them without fear of arrest or having complaints dismissed.
- 6 **Improved occupational health and safety:** A labour framework is conducive to improved health for sex workers and creates working conditions which reduce sex workers' vulnerability to HIV and STIs.
- 7 **Improved access to social protection:** Sex workers should be able to access the range of social protections to which all workers should be entitled, including sick pay, pensions, unemployment benefits, maternity or paternity benefits, disability benefits and workers' compensation for injury at work.
- 8 **Improved access to social services and resources:** Barriers to accessing housing; social, legal and justice services; counselling; dealing with financial institutions; and other services would be reduced.
- 9 **Free choice of employment:** Sex workers could more freely access education and development opportunities, whether they wish to stay in the industry and improve their skills, to develop additional skills, or to transition out of the industry entirely.
- 10 **Alliances with other workers and broader social movements:** A labour analysis opens up opportunities to form alliances with other groups of workers and to link the struggle for sex workers' rights to broader social movements.

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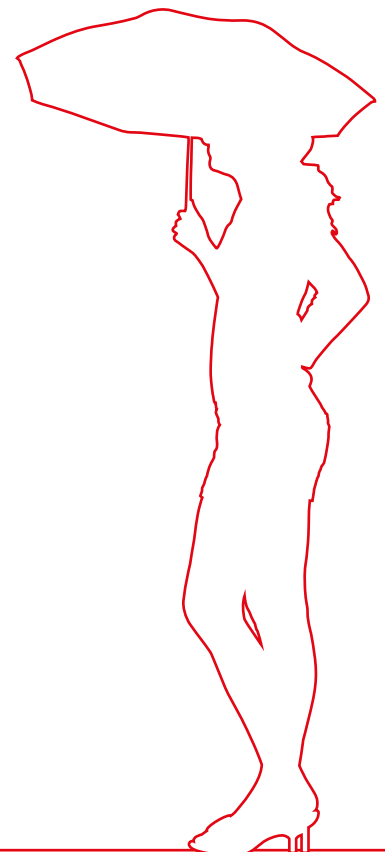




Recommendations

- States should recognise sex work as work and extend to sex workers all the legal protections and rights to which all workers are entitled.
- Recognising that decriminalisation protects the right of sex workers to freely choose and practice their occupation, all states should decriminalise all aspects of sex work and remove all punitive and discriminatory laws and policies.
- Governments (including departments of labour, police and justice) should collaborate with sex worker organisations and other key stakeholders to work towards the elimination of all forms of exploitation in the sex industry.
- Governments should implement measures which will improve safe working conditions for sex workers, including an end to police harassment and abuse of sex workers and access to justice when crimes are committed against them.
- ILO should take the lead in supporting sex workers in advancing a decent sex work agenda and emphasising that sex work is work.
- Sex workers should have access to occupational health services that address the full range of sex workers' occupational health needs, in a respectful and confidential manner, and are not limited to a focus on HIV.
- State and private institutions should not discriminate against sex workers with regard to access to social protections, benefits and financial entitlements; labour mediation services; housing; financial institutions; or any other services.
- Sex workers should have access to learning and development opportunities which are person-centred, and which support their occupational needs and choices, and are not solely focused on exiting the industry.
- Trade unions and federations should extend their membership to sex workers and support sex workers in their struggle for the realisation of labour rights.

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This Community Guide is the result of desk research and gathering case studies from NSWP members.

Community Guides aim to provide simple summaries of NSWP's resources, further detail and references can be found in the accompanying Policy Brief.



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NSWP is part of Bridging the Gaps – health and rights for key populations.

Together with almost 100 local and international organisations we have united to reach 1 mission: achieving universal access to HIV/STI prevention, treatment, care and support for key populations, including sex workers, LGBT people and people who use drugs.

Go to: www.hivgaps.org for more information.

