

COMMUNITY
report SUMMARY



EXPLOITATION

Unfair labour arrangements and precarious
working conditions in the sex industry

INTRODUCTION

This community report aims to engage in the discussion over exploitation in the sex industry, while simultaneously challenging the neo-abolitionist definition of sex work (or ‘prostitution’) as ‘sexual exploitation’. It argues that this approach obscures the complex realities of sex workers’ lives and work arrangements, and in consequence fails to address the diversity of exploitative working practices that do occur in the sex industry. Both sex work, as form of work and income-generating activity, and exploitation in the sex industry, i.e. labour arrangements that enable one person to take unfair advantage of the work of another, belong to the realm of work and should be viewed and analysed through the lens of labour. Only by focusing on sex workers’ working conditions as well as employment practices and arrangements under which sexual services are sold and exchanged can we come to a better understanding of and challenge exploitation in sex industry.

CONFRONTING MYTHS AND REALITIES OF EXPLOITATION IN SEX WORK

Engaging in the debate over exploitation in sex work is a challenging task, as it requires confronting misconceptions about the nature of sex work. One particularly problematic myth is that of all sex workers being forced into an industry believed to be inherently and exceptionally exploitative. From this neo-abolitionist perspective, sex work is seen as the quintessential expression of gender-based violence because it is seen as completely commodifying women’s bodies and selves for the pleasure and benefit of men. For this reason, neo-abolitionists claim that ‘prostitution’ should be defined as the ultimate form of ‘sexual exploitation’, to which no woman could ever consent.

This perspective is problematic because first of all, it constructs all sex workers as powerless victims and refuses to acknowledge their agency in making decisions about their lives and work. Secondly, it further victimises sex workers and misrepresents the diverse realities of their lives by failing to recognise them as workers. And thirdly, by deeming all sex work ‘sexual exploitation’ and refusing to regard it as work, neo-abolitionists are complicit in the concealment of the many forms of labour exploitation sex workers can be, and in various settings in fact are subjected to. Sex workers cannot be protected from exploitative and unjust working conditions for as long as their work is not recognised as work and they are not granted access to labour rights that empower them as workers.

‘Sexual exploitation’ and the law

It is noteworthy that the neo-abolitionist notion of sex work as ‘sexual exploitation’ is often embodied in the law, as in the case of the Sexual Offences Act implemented in the UK in 2003. British lawmakers, the judiciary, and neo-abolitionists therefore view exploitation in the context of sex work as a sexual offence that cannot be consented to, and as inherently different in kind to regular forms of labour exploitation. In practice, the fact that ‘sexual exploitation’ is located within a sexual offences framework has meant that there is no conversation about which labour conditions in the sex industry might or might not be acceptable.

IDENTIFYING EXPLOITATION IN THE SEX INDUSTRY

Although much has been said about labour exploitation in capitalist societies, the nature of exploitation in the sex industry is still poorly understood. There is no formal definition of exploitation in sex work, nor are there any internationally binding standards that could help to determine what constitutes exploitative or just conditions of work and employment in the sex industry. In this report, we highlight examples of exploitative practices in sex work that were identified and reported by members of the sex worker community in the European region. Crucially, many of the cases of exploitation reported were related to unjust labour relations between sex workers and third parties, meaning those who in some way organise, facilitate and profit from their work.

Job insecurity

Numerous representatives of sex worker collectives participating in the consultations reported that one of the main challenges faced by sex workers across Europe and Central Asia is the contingent and casual character of their labour arrangements. The vast majority of sex workers in the region are engaged in insecure, irregular and flexible labour arrangements, which do not grant them certainty of employment or income stability.

Absent benefits and protections

Unfair and casualised labour arrangements prevalent in the sex industry also translate into an absence of those workers' protections usually guaranteed by social security and labour laws. Sex workers in Europe and Central Asia very rarely enjoy welfare benefits and work-related social and financial provisions usually secured within (full-time) standard employment relationships. Their ability to exercise their rights as workers and access protections is usually extremely limited, whether they are entirely excluded from labour codes and regulations, when working in illegal or informal economies, or are legally recognised as individual entrepreneurs. Furthermore, whilst being denied legal recognition and protection as workers, sex workers face great challenges when trying to voice work-related concerns, access justice, or join trade unions to bargain collectively.

Vanishing earnings

Criminalisation of sex work and unfair internal organisation of workplace economies within the sex industry allow third parties to take advantage of sex workers and capitalise on their earnings and labour. Regardless of sex work settings and sectors of the industry, sex workers are often obliged to share significant portions of their earnings with third parties in the form of commissions, house fees, entry fees, room rental fees, fines, and many other ways. All of these severely curtail sex workers' income and sometimes lead to their economic disempowerment. (Undocumented) migrant sex workers are particularly prone to various forms of economic exploitation and wage manipulation by a variety of third parties.

Hazardous working conditions

It has been reported that sex workers in Europe frequently operate in hazardous work environments and are often unable to exercise sufficient control to limit the health and safety risks they are exposed to. Since sex work is often criminalised or not recognised as a legitimate occupation, it is not covered by occupational health and safety regulations or other labour laws that usually hold employers accountable for safeguarding their respective businesses' work environments. As a result, sex workers' safety, welfare, and well-being at work are frequently compromised by employers, managers, agents, and venue owners. Excessive or constantly changing working hours, pressure to work while ill, menstruating or exhausted, and pressure to provide services to more clients per shift than they feel comfortable with were identified as some of the most common exploitative and hazardous workplace practices in the sex industry.

DISENTANGLING LINKS BETWEEN EXPLOITATION AND CRIMINALISATION

While acknowledging that the complex system of relations connecting sex workers with third parties can often translate into unfair and exploitative workplace practices, it is important to stress that these work relationships and arrangements do not exist in a vacuum. They are often determined, and in many cases made possible by oppressive laws criminalising sex workers, their workplaces, third parties and their clients. When criminalisation drives sex work into the shadows, unfair and exploitative practices have the potential to emerge and thrive.

CONCLUSIONS

Neo-abolitionists frequently depict sex work as inherently degrading, 'slavery-like', and a form of 'sexual exploitation'. But while extreme conditions, exploitative arrangements and unfair workplace practices are indeed common in sex industry, they are neither unique to nor uniform across the sex industry. In fact, the exploitation and unjust treatment of workers of any profession are prevalent in the majority of labour markets within the global capitalist system. But among all those selling their labour power, sex workers are singled out and denied recognition as workers and either directly or indirectly criminalised. If sex workers are to enjoy fair and just working conditions, sex work needs to be fully decriminalised and treated as legitimate economic activity. Sex workers must also be given the opportunity to self-organise, bargain collectively, and demand their rights at their workplaces.

Exploitation in the sex industry, as well as the social and structural factors that enable it, have been at the centre of sex workers' struggle for decades already. The following paragraph illustrate some of the strategies undertaken by sex worker collectives to denounce and challenge exploitative working conditions in the sex industry.

Supporting self-organisation and collective mobilisation among sex workers

One of the key strategies to challenge exploitation and unfair practices in the sex industry is the collective mobilisation and self-organisation of sex worker communities. Building a strong sex worker movement and supporting the self-determination of sex workers at the local and national level is essential in reducing sex workers' vulnerability, overcoming their isolation and marginalisation, and fostering solidarity.

Advocacy against the criminalisation of sex work

Oppressive laws targeting sex workers, their workplaces, clients, and third parties adversely affect sex workers' working conditions and render them vulnerable to exploitation. Therefore, many sex worker collectives engage in struggles against exploitation in sex industry by demanding the removal of penalties and all other criminal and non-criminal laws used to target sex workers in many European and Central Asian countries and for the adoption of legal frameworks that fully decriminalise and de-penalise sex work.

Advocacy for the recognition of sex workers' labour rights

Another strategy that sex worker collectives across Europe use to tackle exploitation in the sex industry is advocacy for the recognition of sex work as work and a legitimate income generating activity. In order to guard themselves against exploitative conditions in the sex industry and to limit unsafe and unfair workplace practices, sex workers have to be able to enjoy the same labour rights and protections as all other workers.

Promotion of safer and non-exploitative workplaces for sex workers

Sex worker collectives also attempt to tackle exploitative practices in the sex industry by empowering sex workers operating in different venues to demand fair and safe working conditions and the implementation of occupational health and safety measures.

Sex worker unionisation

Another strategy used by community-led collectives across Europe is the promotion of unionisation among sex workers in order to advocate for the recognition of sex workers' labour rights and to address exploitation at sex work venues. Many sex worker collectives forge alliances with (mainstream) national trade unions, workers' movements and various workers' organisations, and join a common struggle against exploitation and the precarisation of labour in the global capitalist economy.

Empowering the most vulnerable sex worker communities

The level of sex workers' empowerment and autonomy at work differs across the various sectors of the sex industry and depends on a variety of different factors. Some sex worker communities, however, are particularly vulnerable to exploitation, unfair treatment and precarious working conditions due to their legal status, nationality, ethnicity, economic situation, sexual orientation, gender identity, drug use, or health condition. For that reason, many community-led collectives in Europe and Central Asia

have developed interventions and projects to address the needs of the most severely marginalised members of the sex worker community, foster their self-determination and self-organisation, and provide them with support to increase their bargaining power vis-à-vis third parties and law enforcement agencies.

Supporting sex workers access to justice

Many sex workers across Europe and Central Asia face severe barriers when attempting to assert their rights in the justice system. This contributes to their vulnerability to exploitation and unfair treatment, as it creates a climate of impunity for exploitative third parties and others, including the police, who might take advantage of sex workers. Therefore, many sex worker-led organisations in the region engage in legal activism and undertake actions to facilitate sex workers' access to justice when exploitation occurs.

Advocacy for social justice and expanding job opportunities for all

Many sex worker collectives treat the fight against exploitative and unfair labour arrangements in the sex industry as part of a greater struggle for social justice and better working conditions for all workers. They acknowledge that precarisation of work and unfair workplace practices in sex work venues reflect trends prevalent in many labour markets, in which millions of workers are vulnerable to exploitation, while simultaneously seeing their rights to redress and bargain collectively reduced.