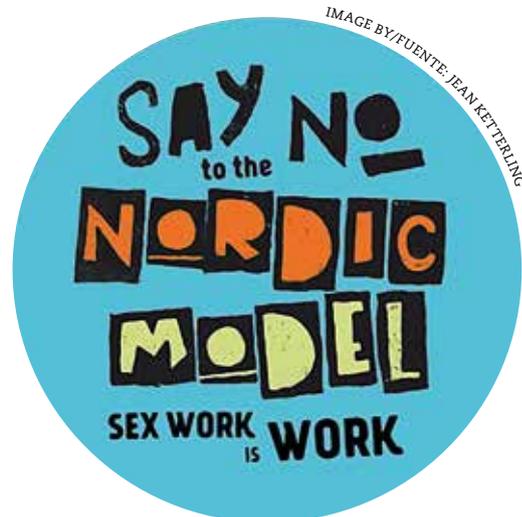


The Influence of Time to Negotiate on Control in Sex Worker-Client Interactions

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**Dile NO al Modelo Nórdico:
¡El trabajo sexual es trabajo!**

In 2013, a landmark ruling by the Supreme Court of Canada declared three laws regulating adult prostitution in Canada unconstitutional. In its decision the Court used the term 'work' close to 50 times to describe the activity of people who provide sexual services¹. In the spring of 2014 the Government of Canada responded to the court ruling by advancing Bill C-36, the 'Protection of Communities and Exploited Persons Act.' In its preamble the Bill states, 'Whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it.' Moreover, it makes clear that the explicit objective of the Bill is to eradicate the sex industry by 'prohibit[ing] the purchase of sexual services' and encouraging those currently selling services to exit the sex industry.

Characterising the relationships between people who sell and purchase sexual services as inherently exploitative and risky is, as we show below, inaccurate. Moreover, such characterisations stand in the way of recognising and analysing interactions that are neither exploitative nor violent. Realising that there is a wide spectrum of interactions allows us to compare those that are not violent or exploitative to those that do result in conflict that has a potential to result in violence. Such analyses not only allow us to identify the contexts that are most likely to result in conflict, they also help us understand what aspects of a particular interaction reduce or compromise the ability of either party to keep safe.

Conceptualising sex work

Rather than assuming that the sale of sexual services is inherently exploitative, many are calling for this activity to be seen as 'work'. Using this term emphasises that sex workers share similarities with other forms of patient or client service, as is the case with nursing, hairstyling and food and

beverage service^{2,3}. Understanding commercial sexual interactions in terms of service and drawing parallels to other types of commercial services helps to highlight the fact that the relationships between sex workers and people who purchase sexual services (clients) are not one-dimensional or inherently exploitative. Rather, they are complex and multi-faceted and heavily influenced by the socio-cultural and legal environments where they take place. When we assume the relations between clients and workers are de facto based on an asymmetrical distribution of power there is less impetus to investigate interactions that occur between sex workers and their clients. In contrast, a multi-dimensional understanding of the relationships allows for the analysis of control and power as they are perceived, experienced and negotiated by sex workers and their clients.

Study and results

In our recent Canadian Institutes of Health Research funded Team Grant study we were particularly interested in exploring issues around safety, conflict, violence, vulnerability, and power across different contexts and spaces, from the vantage points of both sex workers and clients. In order to accomplish this we conducted a mixed methods investigation with a diverse sample of 218 adult sex workers and 1217 adult clients from across Canada (for details see Benoit et al., 2014)⁴.

Our research provides insights into perceived control and power within sex industry transactions. We asked sex workers and clients identical questions about who sets the terms of service, who gets their way in a disagreement and who has more power in the relationship. Two thirds of sex workers agreed or strongly agreed that they control the terms and conditions of the exchange when they are with a client – an understanding shared by almost 60% of clients. Interestingly, the

vast majority of clients (75%) said that when they are with a sex worker, they usually do what they (i.e., the client) wants, while about half of workers reported they usually do what they (i.e., the worker) want. So while the terms of service are set by workers, most clients believe that they determine the activities. Having said this, only a small minority of workers (12%) felt clients have more power in the exchange, while just under half of clients stated that they felt that sex workers have more power. Accordingly, almost two-thirds of sex workers said they usually get their way when they have a disagreement with a client – a statement endorsed by one-third of clients.

We also looked at what factors affect the perceived control that sex workers and clients felt they had over various aspects of the exchange. For this analysis we focused on comparing sex workers who exclusively advertised their services in a manner that necessitated their first contact with a client would be face-to-face (n=36) vs. workers who advertised services in a way that allowed first contact to occur over the phone or internet (n=122). Our results indicate that sex workers who advertise in 'newspapers', 'online classifieds' or on 'sex worker advertisement websites' are more likely to communicate extensively with potential clients before meeting with them in person, while sex workers who advertise on the 'street', in a 'bar/club' or a 'hotel/motel' are less likely to communicate extensively with potential clients before meeting with them in person. Those in the first group (i.e., advertise in media, over the phone or on the Internet) report having significantly more control regarding condom use, are less likely to be quiet when with a client, are less likely to agree that clients have more say than they do about the terms of service or that the clients they visit have more power in the relationship, and, finally, are more likely to state they feel empowered to set the terms and ◻

conditions of the exchange. Moreover, the type of advertising that sellers engage in is directly related to the opportunity to communicate with buyers before meeting in person. This is linked to feeling more in control of the exchange and empowered as a sex worker. When we analysed clients that visit workers who they have contact with prior to physically meeting (n=937) and compared them to clients who only met workers in face-to-face settings (n=91), the results that emerged echoed what we found with sex workers. Furthermore, most of the clients we surveyed commented that they appreciate the opportunity to discuss the terms of service before actually meeting in person. They too stated that this allowed for critical information about the parameters of services being offered to be understood and enhanced their feelings of safety. In short, the added time spent creating and reading advertised services and then negotiating terms and conditions provides greater opportunity for both parties to clearly communicate and understand boundaries and expectations, leaving less room for misunderstanding and greatly reducing the chance of conflict. As one worker stated:

[B]lack in the days where... there was no Internet, those were really hard days. ... [N]ow like I can work independently, I can see who I want to see, and set all my own rules, I don't have to deal with anyone.

Infocards about PCEPA (sex work related laws, formerly known as the 'Protection of Communities and Exploited Persons Act') written by NSWP member, Stella, l'amie de Maimie

Información sobre la PCEPA, la legislación relacionada con el trabajo sexual, conocida oficialmente como la 'Ley de Protección de las personas y comunidades explotadas', redactada por un miembro de la NSWP, Stella, l'amie de Maimie

Adding to this, one client commented:

When I was younger it was like okay well here's where you go pick up girls a couple of places around town and okay great and after you've done this a few times and kind of seeing and getting more familiar with what happens on the street, well this isn't so smart! [laughs] I didn't realise what I was getting myself into, I better be a little more careful, I think that's kind of where I slowly moved away from the street into the ads in the paper that's a little safer.

Summary

Sex workers and clients in our study report that most of their interactions are free of conflict and are characterised by relatively symmetrical dynamics of control and power. Having said this, the ability to negotiate over the terms and conditions of the commercial sexual services offered and sought before meeting in person is linked to workers feeling more control over condom use and feeling more empowered compared to those whose first encounter with clients is face-to-face. This ability to clearly advertise services allows workers to more explicitly state what is and is not being offered so that there is less confusion over expectations, something that most clients appear to appreciate and desire for themselves.

While the explicit goal of the current Canadian government's aim to criminalise the purchase and advertisement of sexual services is to reduce or eliminate the demand, thereby reducing or eliminating

the industry, the likely outcome of criminalising clients and advertisers will be to reduce the ability of sex workers to clearly negotiate the terms and conditions of the service they are willing to provide. It is precisely this lack of ability to communicate clearly that our research shows contributes directly to increased vulnerability for people involved in transactional sexual exchanges.

Authors

This team of authors came together through their work on an inter-institutional, interdisciplinary, multi-member Canadian Institutes of Health Research funded initiative titled, 'Contexts of Vulnerabilities, Resiliencies and Care among People in the Sex Industry.' They have, individually and in collaboration, spent decades collecting and analysing insights from thousands of individuals who sell or purchase sexual services or are otherwise involved in the sex industry. In addition, they have worked in a supportive capacity with various outreach and sex industry organisations in Canada and internationally.

Footnotes

- 1 Canada (Attorney General) v. Bedford, 2013 SCC 72, online at: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13389/index.do>
- 2 Dwyer, R. (2013). The care economy? Gender, economic restructuring, and job polarization. *American Sociological Review*, 78, 390–416.
- 3 McCarthy, B., Benoit, C., & Jansson, M. (2014). McCarthy, B., Benoit, C. & Jansson, M. Sex work: A comparative study. *Archives of Sexual Behavior*, 43: 1379–90.
- 4 Benoit, C., Atchison, C., Casey, L., Jansson, M., McCarthy, B., Phillips, R., Reimer, B., Reist, D., & Shaver, F. (2014). Working paper for Building on the Evidence: An International Symposium on the Sex Industry in Canada. <http://www.understandingsexwork.com>



IMAGE PROVIDED BY/FUENTE: STELLA, L'AMIE DE MAIMIE