

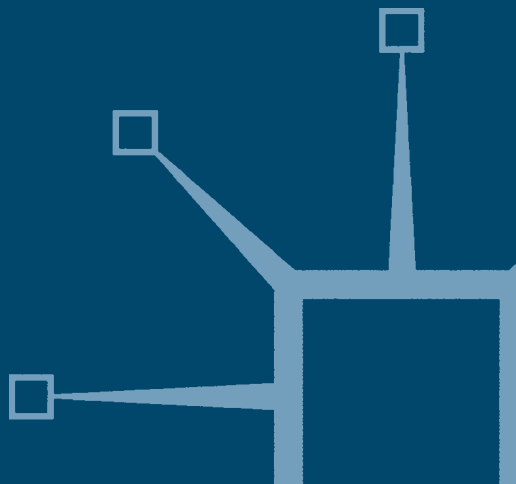
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# Sex Worker Union Organising

An International Study

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Gregor Gall



## Sex Worker Union Organising

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*Dedicated to my partner, Fiona Cassidy, as an acknowledgement (but not obviously any compensation) for the many non-work hours again spent out of her company completing another manuscript.*

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# Preface

The idea of sex workers unionising has, I think, an instant appeal on a number of different levels. One is that the subject matter, regardless of unionisation, concerns sex workers and this raises an issue of curiosity. The next is that the workers in question are sex workers who are a group of workers that has not before sought to unionise. Another is that many will find it difficult to conceive that unionisation is practical or appropriate for sex workers. So, hopefully, that interest will find its way to the reading of this book.

This is a serious but accessible work, not a dry academic tome that has stripped the life out of quite an extraordinary phenomenon. The voices of the sex workers and accounts of their activities are given prominence. The audiences for this book will hopefully comprise sex workers themselves, social progressives concerned with the future of sex work, trade unionists and social progressives concerned with the future of trade unionism, socialists and feminists as well as a host of commentators, opinion formers and policy analysts.

My interest in studying the unionisation of sex workers stems from a long and deeply held belief that trade unionism is likely, because it is the quintessential form of worker collectivism under capitalism, to be the first step towards the self-emancipation of workers, whoever these workers are, in both more immediate and more distant terms. Wage labour is a manifest reality for millions upon millions of workers under capitalism. The struggle for a society based on social need and human development not profit and competition must necessarily begin with where workers are. 'Where' meaning in physical terms as well as in terms of consciousness and not where others might want them to be.

My own view on the veracity of the perspective or discourse of 'sex work' (see below) is largely immaterial to this study. To accept the perspective or discourse as sufficiently legitimate and existent as to be worth studying its manifestations, repercussions and implications is heuristically necessary. This does not require the adopting of a definite personal conviction for the perspective or discourse. But my own view is that the perspective has certain merits but that as yet the forcefulness of its case is far from being complete, and some of this extra force will only become obvious as a result of possible social developments. Something possibly of a 'Catch-22' type situation.

This is an exploratory study of an emerging phenomenon. This phenomenon may have portentous for the one of the fastest growing industries through the global economy, for it may usher in some badly needed 'balance' to an unequal economic and political relationship between the sex worker and the sex employer.

Moreover, sex workers' union organisation is potentially a harbinger of new forms of vibrant and influential trade unionism. Time will tell. But in another way 'size doesn't matter', for sex worker union organisation is a phenomenon which is interesting in its own right as an example of the struggle for self-expression and self-representation of interest under regimes of oppression and exploitation.

This is a serious research study of workers in the sex industry. Inevitably, given the topic, there are some explicit references to sexual acts. The Author and the Publisher would like to make it clear that no offence is intended.

# 1

## Introduction

*One of the ways workers can secure better conditions is through trade unions' negotiation with employers. Unions for sex workers are limited to countries where the sex industry is legal and quite formal, and to employed sex workers. Usually sex business managers go to great lengths to avoid admitting an employer/employee relationship with sex workers. Trade unions have also been reluctant to allow sex workers to join them even when it is technically possible. Resistance to unionisation comes from sex business managers and others who have financial interests in sex workers remaining unorganised or who believe that prostitution should, or could, be abolished. Professional associations [i.e. pressure groups] are easier to form than unions. They may be open to a wider range of people and can be more flexible in their approach to problem solving. In some countries such associations have a stronger tradition than either unions or regulations which govern the workplace. Professional associations generally promote self-regulation. They do not usually have the capacity to enforce standards as a trade union might.*

This excerpt comes from the booklet *Making Sex Work Safe* by the international Network of Sex Work Projects (NSWP) published in 1997. It unintentionally provides a useful *entrée* to the study of the unionisation of sex workers in Australia, Britain, Canada, Germany, the Netherlands, New Zealand and the US from the mid-1980s onwards and helps sum up some of the main issues concerned. Among these are that unionisation is advocated by some for sex workers, unionisation may be more or less appropriate for some groups of sex workers rather than other groups of sex workers, that unionisation is being contested and resisted and so on (see also Chun (1999) on the case of dancers and more generally Plachy and Ridgeway (1996:34, 37)). This is a

## 2 *Sex Worker Union Organising*

useful backcloth on which this study can be painted. And in doing so, there are a number of points of departure.

First, the existence of the perspective that 'sex work' is a legitimate form of employment and economic activity and as such requires unionisation to reduce the exploitation and oppression of sex workers associated with it. Second, the related perspective that sex workers (or sex trade workers) perform emotional and erotic labour which is a variant of what may be termed conventional wage labour, and in particular 'emotional' labour performed by a variety of other service workers. Third, the evidence of a political awakening in the consciousness of those that are usually regarded as quintessentially downtrodden and super-exploited women who are often regarded as victims, on the one hand, or as unchaste, on the other hand. Fourth, the sex industry represents a large and growing form of economic activity, comprising a diverse and heterogeneous array of activities ranging from prostitutes, escorts, and massage parlour workers, to strippers/exotic dancers/lap dancers, pornographic models, pornographic actors/actresses, and sex chatline telephone and text operators. This relatively hidden industry involves hundreds of thousands of workers and generates billions of dollars of revenue annually in both western and less developed economies. Fifth, that as trade unions have experienced considerable membership and organisational decline in their heartland areas of extractive industries and manufacturing, they need to organise hitherto non-traditional and so-called 'atypical' groups of workers situated in the growing sectors of the economy in order to counter this decline. Sex workers may represent such a group located in the service sector of the economy. Sixth, hitherto research concerning the unionisation of sex workers has almost exclusively confined itself to prostitution (see, for example, Shah (2003)). This research breaks new ground in this respect and examines not just the idea of unionising sex workers but also the practice of it. Earlier scholarship, reportage and commentary merely examined the case for unionisation, labour rights and social regulation.

An important controversy runs through these points of departure. To deem the commodification and sale of sex, sexual services and sexual artefacts as 'sex work' and consequently to attempt to unionise 'sex workers' are both highly controversial issues amongst various feminist and progressive milieus. This controversy, dubbed the 'feminist sex wars' by many of the involved protagonists, has polarised around two schools of thought (see also Perkins (1991:368)). The first may be characterised as 'radical feminism' (e.g. Barry 1979, 1995; Dworkin 1981,

1987; Jeffreys 1997; MacKinnon 1987), and the second the 'liberal' or 'libertarian feminism' (e.g. Bell 1987; Delacoste and Alexander 1987, 1998; French 1992; Pheterson 1989a, 1996). According to the 'radical feminists', the act of deeming the selling of sexual services and prostituting bodies for exchange values, where the vast majority of transactions concern the sale of women's sexuality, emotions and bodies, as in any way legitimate is to condone this practice of sexual exploitation and sexual violence. It is also to provide a huge obstacle to abolishing the prostitution of the female body and female sexuality. The existence and continuation of such selling is viewed by many feminists as a key construct in the subjugation of women to men and/or capitalism defined as varying between patriarchal capitalism or capitalist patriarchy. Selling and commodifying sex, sexual services and sexual artefacts is viewed not merely as being contaminated by men but as being the quintessential means by which women are subjugated through the actual practice as well as by the way in which this influences broader attitudes about women held by men and women. The argument runs that selling sex, sexual services and sexual artefacts are not what fundamentally matters. Rather, it is the selling of the self and of women that fundamentally matters.

However, according to the second school of thought comprising sex worker activists themselves and many NGOs such as advice, advocacy and support groups involved in protecting and aiding sex workers (particularly prostitutes), trade unionism appears to be a reasonably sensible and pragmatic means of addressing the many problems and issues which sex workers face in their working lives and workplaces/work settings. It represents a limited form of self-determination and self-emancipation, and promises the potential of further self-determination and self-emancipation. This school of thought adopts a perspective which recognises that sex work can represent both degrading, violent and exploitative work, on the one hand, and well-remunerated and satisfying work, on the other. The distinction between the two is argued to revolve around the immediate as well as broader conditions under which the work is carried out. Thus, the terms of selling of sex, sexual services and sexual artefacts, as with other forms of labour, can be improved. In particular, trade unionism is seen by this school of thought to raise not just the issue of human and citizens' rights but to go further and raise issues of workers' rights, workers' control over their work and lives and to play some part in the transforming of sex workers' consciousness through self-organisation on a longer road to self-liberation.

#### 4 Sex Worker Union Organising

The former school of thought group represents the ‘abolitionist’ tendency towards sex work while the latter school of thought represents the ‘transformational’ tendency towards sex work. However, both schools of thought have not *thoroughly* addressed the problematic issue of whether (union) organising sex workers may represent a transitional method to end the prostitution and commodification of bodies as part of a wider transformation of society, leaving sex work as a personal and social service uncontaminated by exploitation and oppression of any kind. The former school clearly believes by implication this cannot be the case while the latter, and in particular many sex workers themselves, believe that there are certain parts of, and to, sex work which are or can be redeeming and should not be considered eligible for abolition. Some have regarded this positive sex work as part of a potentially better form of capitalism while others regard it as potentially part of a new form of society, i.e. socialism. Trade unionism is generally viewed in two ways. The first is merely concerned with improving the terms of the sale of labour. In this sense, trade unionism is a potential obstacle to transformation. The second is that trade unionism embodies a potentially transformative agency because in collectively focussing on the terms of exchange, workers’ horizons can be widened to concentrate on the abolition of exploitation *per se* through the abolition of wage labour. Consequently, there exists a debate to be conducted over the prospects, judged in terms of possibility and probability, of whether trade unionism can represent such an agency in terms of wage-labour in sex work.

### Components and dimensions of study

The following section sets out the four major components and dimensions of the study: the legitimacy of sex work and sex workers; the movement from civil rights to union rights and from pressure groups to trade unionism; the growing but often hidden nature of the sex industry; and aspects of collective and trade union organisation in the sex industry. Here, this research breaks new ground. Despite a considerable and expanding literature on union revitalisation, social movement unionism and union renewal in Britain, the US and Australia (see, for example on the US, Clawson (2003), Brofennbrenner *et al.* (1998), Milkman and Voss (2004), Turner *et al.* (2001)), the issue of researching union organising in entirely virgin or greenfield territories has not received much attention at all. By the same token, the considerable and expanding literature on the sex industry has not examined

the issue of sex workers' interest representation and unionisation in any great detail (see, for example, Agathangelou (2004), Sanders (2004c, 2005c)) while neither has the burgeoning literature on service and emotional work (see, for example, Bolton (2004), *Gender, Work and Organisation* (2005), Korczynski (2002a, 2002b)).

Prior to this, even some accounts of dancer resistance at the Lusty Lady (e.g. Chapkiss 1997 and Dudash 1997, save Chapkiss 2000) barely mention the unionisation drive there. This is because the latter writers' discourse emphasises self-identity, individualism and subjectivity. This research also responds to Weitzer's (2000a:10) call for the need to conduct much more research on the collective aspects of the wider sex industry for the focus of most studies has been on the *individual* and with regard to prostitution. For example, Brewis and Linstead (2000c) look only at what the work of prostitutes comprises in terms of identity, meaning and subjectivity. They do not consider the collective attempts at gaining control, collective resistance, collective interests and the collective representation of them. Following from this, they also do not examine the non-gendered aspects of power and have a tendency to not see beyond the gendered aspects of power, that is, they do not look at power in itself, and they tend to focus on identities as end in themselves not as a means to an end. This study attempts to avoid these weaknesses by examining sex work and sex workers from a perspective of radical political economy. It, consequently, does not confine itself to prostitution, where many conflate sex work with, and make it synonymous with, prostitution.

### **The legitimacy of sex work and sex workers**

The fulcrum for, and of, organising sex workers is the perspective of viewing sex workers as workers whose labour (emotional, erotic) is of a) a sufficient level of moral legitimacy and b) has social worth as a form of employment that is seen to be comparable to other forms of labour and paid employment as to be deemed worthy and acceptable to organise. The perspective is also of sex workers selling sexual services and not their bodies and persons *per se*. A distinction is not made between acts which involving the selling of sex and acts of selling sexual stimulation, or between those acts which involve entering a body, acting on another body or entering personal spaces and those which involve the production of such imagery. Allied to this, sex work is viewed as comprising work that *can be* socially useful and *can* provide job satisfaction, personal fulfilment, empowerment and self-actualisation, where becoming a sex worker *can be* a genuine life

choice. The conditions of this potentiality are acknowledged to be existent in the present and to be potentially greatly enhanced in the future under different conditions. However, it is recognised that alongside these potential benefits, there are downsides in terms of violence, stigmatisation, poor pay and conditions of employment, and job and employment insecurity. Previously, in Britain, the rights of sex 'workers', and particularly prostitutes, (to the extent these existed) were seen merely in terms of human rights, sexual health and morality. Because of this, trade unionism had little purchase. Now, sex 'workers' in Britain, the Netherlands, the United States, Germany, Canada, Australia and New Zealand, the countries studied in this research, are now viewing themselves, and being seen by others, as *bona fide* workers who are sex workers. This represents a significant shift in the balance of opinion with regard to what comprises sex work and what defines sex workers. Its roots are to be found in the evolution and development of prostitutes' rights movements, the emergence of a certain strain of more liberal feminist thought, the growth of libertarian thought amongst women outside feminist milieu, and the development of NGOs operating around issues of sexual health and well-being of sex workers.

### **The movement from civil rights to union rights and from pressure groups to trade unionism**

The transition of a milieu of thought and organisation amongst sex workers and their supporters from focussing on civil and political rights to focussing on economic and trade union rights and from embodying pressure group activity to then organising in a trade union manner based on the workplace setting constitute two critical accompanying and closely related developments. The initial groups of sex workers (i.e. prostitutes who were often aided by non-prostitute supporters) to engage in self-organisation saw their struggle, consciously or unconsciously, in terms of acting as pressure groups pursuing civil, human and political rights over decriminalisation, destigmatisation, public awareness, social provisions and social protection (e.g. education, health, welfare) and protection from violence, intimidation and harassment, whether from police, customers or other members of the public. Arguably, these were the first sex workers to collectively organise because they were responding to the severest and most public forms of political control, legal control, harassment and physical violence of any sex workers. The bodies on which the sex workers and their organisations have sought to exert influence were public opinion, political parties, government, the

state and its appendages (e.g. police, judiciary, health, social work). Several manifestations flowed from the nature of pursuing this platform in this way. First, has been the construction of collectives of sex workers deploying the help, advice and support of various professionals and specialists (e.g. lawyers, health care specialists, educationalists) in an immediate and direct manner. For example, many of these professionals carried out voluntary work for the prostitutes' pressure groups and/or worked on funded sex work projects. Second, collective action has sought to win largely individual-based rights and entitlements in the legal and public policy arenas. Third, even where employment issues were directly addressed, sex workers have sought to apply pressure on a third party to compel employers to act in a more benign manner. Fourth, the sex worker pressure groups have sought to lobby to gain access to the power, resources and influence of the state and various social capital networks rather than attempt to create their own. Thus, the dominant characteristics have been acting as a ginger group and being reliant upon others (whether NGOs or the state) to provide either the end goals or the facilitation of these.

Building on this development in a complimentary manner, but also to a considerable degree extending this in both quantitative and qualitative terms, has been the emergence of the holding amongst some sex workers of the view that as workers they should organise collectively in the workplace or on the work setting. This is believed to be the more effective way to increase their individual and collective based degrees of workplace control and to pursue far more collectively orientated rights. Consequently, the focus of attention is no longer only or just, for example, the police, the legal system or the government, but the immediate employment relationship, the employer and the wage-effort bargain. Therefore, attention is given to the terms and conditions of economic exchange in a way that did not exist previously. So, for example prostitutes as sex workers, are now focussing attention on their own collective organisation as a trade union-type organisation concerned with reducing the compulsion to take certain customers and to increase the discretion in choosing customers. The salience here concerns demands made by customers/employers to perform certain tasks, and the risk of violence, unprotected sex/STDs and abuse. Moreover, and flowing from this trade union orientation, is a thrust to create, and rely on, their own resources to a far greater degree. Although still deploying the expertise of others to a considerable degree, the ability to pay for and secure these resources results from far greater self-organisation, self-activity and self-reliance. What

is also interesting to note here is that the current sex worker union organisations have taken up and attempted to further build on the agenda of the prostitutes' rights movement for sex workers as well as develop their own agenda of workers' rights *within* a discourse and organisational form of a social movement. The social movement is that of the sex workers' rights movement. This reflects the ideological colourations of the activists as well as the weakness of the as yet only nascent union organisations.

### **A growing but often hidden industry**

The definition of what constitutes the 'sex industry', sometimes referred to as the 'sexploitation economy', is open to interpretation. Consequently, so too is its size. The narrowest definition would comprise frontline workers like prostitutes, strippers, live sex performers, lap dancers, pornographic models, and sex chatline telephone and text operators, encompassing both contact and non-contact with customer activities. A broader definition would include pimps and procurers, owners of establishments, sex teachers, certain publishers, certain journalists, and support staff (e.g. cleaners, vendors, and security guards). A broader still definition comprises the replication, manufacture and sale of products and services in addition to just their original creation. This, therefore, includes photographers, film makers, lighting and sound assistants, sex toy manufacturers, retailers and so on. Much, but not all of the sex industry is hidden from the ordinary eye. The sex industry is physically located in certain spaces and advertised and accessed by certain media. Only the desire to seek out and identify its manifestations can in any way reveal its full extent. This advertises their existence and their services without facilitating a direct experience of them. To give some indication of the size of the 'industry', the International Labour Office (Lim 1998) in the late 1990s estimated that in just Indonesia, Malaysia, the Philippines and Thailand, 0.8m-1.0m people earned a living from being paid for sexual services, i.e. prostitution. In Britain, the UK Network of Sex Work Projects (UKNSWP) estimated there were at least 80,000 prostitutes in Britain in 1999 (Kinnell 2004).

With the development of web-based computer and information technologies, different arrays of media, and the arrival of call centres, the sex industry has vastly expanded beyond simply prostitution, sex shops, sex clubs and pornographic magazines. The re-legitimation in society of soft porn and stripping/lap dancing through the culture of post-modern 'new laddism' and its female counterpart in the last

decade and the move to more generally liberal attitudes towards sex amongst younger generations in the last two decades have opened up hitherto unforeseen market opportunities for sex industry entrepreneurs. Despite this, very little is known about the structure and employment conditions of the various components of the sex industry, whether it be soft or hard core, legal or illegal, involving employed or self-employed workers and so on. In this sense, much remains hidden about the industry that is in many respects already relatively clandestine and covert.

### **Aspects of collective and trade union organisation in the sex industry: innovative and activity**

The nature of trade union activity, in terms of constructing, mobilising and maintaining union presence and union influence, in the sex industry is explored. Consideration begins by focussing on the genesis and growth of membership and organisation, the nature of union members and union activists by sex industry sub-occupation, political worldviews, and social backgrounds. The historical coincidence of a) sex workers as workers having aspirations to gain recognition of their work as worthwhile and legitimate and b) the take up by the union movement in many countries of 'union organising' with its discourses and language of demanding 'dignity', 'justice' and 'respect', their organising of atypical and hitherto disorganised workers and their espousal of the *modus operandi* of self-reliance and self-organising has allowed the coming together of unions and sex workers. Significant numbers of sex workers have long spoken these discourses and language. One of the key resources to organising, albeit not in terms of recruitment but rather in terms of consciousness- and awareness-raising, has been that of the sex worker advocacy NGOs which work around sexual health and well-being issues. Of some support in terms of models of organisational 'best practice' and inspiration for activity have been the long-standing examples of self-organisation of prostitutes. Such groups initiated the early movement towards the normalisation of sex work. In terms of facilitating a more conducive environment for unionisation to take place in, the recent move to more liberal and libertarian attitudes towards sex and sexuality and the growth of the sex industry, in terms of its size and diversity, have also been critical developments.

While solidarity can be constructed as a result of realisation of sameness and commonality of interests in contradistinction to those of the customers and employers, divisions can arise through competition for

business, minimum price-undercutting and lowering standards of service *vis-à-vis* health and safety. Insecurity may be heightened for many sex workers, in terms of being self-employed and being 'closer' to the market and so more susceptible to fluctuations in market demand, whereas those that are employed have a limited intermediate form of protection from the market. These phenomena form part of a wide array of factors that act as obstacles to unionisation of sex workers. They are expressed in, internalised as and manifested as ultimately individual, non-collective processes and outcomes. Consequently, there are tensions and counter-balances between the forces towards unionisation and those towards the maintenance of disorganisation and atomisation, producing a situation of as yet very limited union penetration. Moreover, many of the individual forces identified above have a contradictory nature, being potentially supportive of both unionisation and atomisation across space and time according to the contingent nature of different environmental conditions. For example, the notion held by some sex workers that they are not exploited by men/customers but that they do exploitation of men/customers is an impediment in some ways to unionisation. However, in other ways it is not, where the self-recognition of this perceived position of relative power is essential to move sex workers away from feeling a sense of being downtrodden and oppressed and towards believing they have rights and entitlements. But the sense of self here is usually constructed as a highly individualistic trait. If they can, or believe they can, 'exploit' others entirely on their own, this will not be conducive to collectivisation. Another example is that hostility from employers can be both a spur to unionisation and a disincentive to unionisation. Over and above these 'industry' specific issues are a number of more general factors which make unionisation problematic such as perceptions of union impotence, union irrelevance, unions as conflict makers and so on.

Given the low organisational base from which unionisation is starting in the sex industry, the small size of many establishments, the small size of many employers, the high degree of self-employment and the individualisation of the labour process, the balance of objectives and roles of trade unionism in terms of individual and collective rights is more complex than that which most other workers and unions face. For sex workers, collective organisation is required to provide both individual and collective rights, where elements of servicing and friendly societies are prominent in terms of collective provision of individual services and extra-workplace (pressure group) collective rep-

resentation of occupational interests. But this particular configuration also lays particular emphasis on the importance of building alliances in civil society with other progressive organisations (as prostitutes' rights groups did) as well as engaging in what has become known as 'community unionism' or social movement unionism. Because of the recognition of the weakness and narrowness of workplace unionism as well as the weakness of the nascent form of sex industry trade unionism, extra-workplace alliances and organisations have been entered into. Only if there are significant developments in the extent of unionisation would the more mainstream activities of collective consultation and collective bargaining at the workplace come into common play. To this extent, and representing an 'insecure workforce', a different model of collectivism and trade unionism appears appropriate for the possible growth in unionisation of sex workers in the foreseeable future (see Heery *et al.* 2004).

In the dialogues and processes outlined above, two further important tensions exist in sex worker trade unionism. First, the activists that are needed to undertake the recruiting and organising are relatively more likely to be representative of, and gravitate towards, the culture of the 'organising' model (Blyton and Turnbull 2004), particularly in terms of providing self-motivation and a rationale for the empowerment of sex workers, while the sex workers themselves as ordinary members and as potential members are relatively more likely to be representative of, and gravitate towards, the culture of the 'servicing' model (Blyton and Turnbull 2004). The latter arises because of the presence of a number of factors outlined above such as individualism, self-employed status and so on within ordinary members and amongst potential members. Second, and given that sex work can be characterised as a form of 'service' or 'emotional' work, there is a potential for greater complexity in the employment relationship because it goes beyond the normal trifurcation of the worker, the employer and the union. In trade union terms, and in a production environment, the primary relationship is between the employer/management and the worker. In service environment, there is an additional and qualitatively different aspect, namely, the interface between workers and customers (see, for example, Korczynski (2002a, 2002b)), where greater variation in the configuration of the capital-labour relations may arise with regard to mediating and intervening role of the customer. For sex work, there are often two other important aspects, namely, the direct consumption of the service which the individual sex worker is responsible for producing with their own labour, and significant social regulation by an extra-work third party, that being

the state (and police and judiciary). And for those that are self-employed and/or who have their own premises as a workplace, there is a considerably more complex environment in which trade unionism has to attempt to work in. So with this initial examination, sex work *per se* represents a more complex configuration of employment relations than that of most work and even of service work (where issues of women's oppression and the absence of dignity and respect are set aside for the moment). Indeed, certain types of sex work are significantly more complex than this simple outline.

## **Rationale**

Why research the subject matter of the unionisation of sex workers? This is an obvious question to ask when there would seem to be many other more deserving, and more appropriate, groups of workers for trade unions to turn their attention to, and for these to be researched. There are a number of aspects to the answer as alluded to in the Preface. In no particular order, the following aspects for the purposes of studying workers' self-activity and battle for control of their working lives would appear to be the most salient. Firstly, sex workers in various countries have sought to organise themselves and then sought the help of trade unions rather than trade unions seeking out sex workers. This signifies some attempt towards self-determination and, possibly, also towards self-emancipation. Secondly, trade unions throughout the countries of the world are desperately in need of replenishing their depleted memberships in order to be in a position to reassert their ability to protect and advance the interests of workers. Thus, many new groups of workers, like sex workers, may need to be considered as appropriate groups to organise for this to happen. Thirdly, amongst sex workers are many of the most exploited, oppressed and downtrodden workers to be found in society. The challenge here for trade unionism is the challenge of attempting to become the voice of, and tribune for, a group which in simple terms is amongst the most in need of protection. This is often expressed in terms of unions performing the role of 'the sword of justice'. Fourthly, the attempt to unionise sex workers is emblematic of the wider challenge for trade unionism as a whole, namely, how to connect with and then effectively organise what are generically known as 'service workers' which comprise a vast diversity of groups with differing terms and conditions of employment. Sex workers represent, by and large, an example of a group of workers who are often self-employed or work in

small numbers in highly individualised ways. These same basic aspects of the employment relationship are replicated in the case of many other groups of workers. Thus, can the relatively new 'organising' approach (Blyton and Turnbull 2004) successfully organise these workers and lead to effective self-representation? Fifthly, and given the predominance of women as sex workers, can the trade union movement overcome its traditional indifference and even hostility to fighting for 'women's issues' in a case where workers' rights are inextricably bound up with women's rights? There are, of course, other aspects, reasons and controversies that surround the subject of studying the unionisation of sex workers. These will become apparent in the subsequent chapters.

There is also a further aspect of the rationale that concerns the issue that 'size does not matter'. Researching the presence of sex worker union organisation is to examine the phenomena as part of studying the social relations of production, distribution and exchange within the sex industry. In these terms, it is valid to ask why certain processes are set in train, i.e. that of unionisation, regardless of the extent of it and what success and effectiveness it has recorded. But by the same token, it is also pertinent to investigate the absence of certain phenomena, even if in a counter-factual manner. Lastly, and on a more practical level, the unionisation of sex workers has not been researched and studied to date, even by those concerned with issues of women, gender and feminism. This research attempts to establish a crossover between what can be broadly termed 'gender studies' on the one hand, and 'industrial relations' on the other. For gender studies, the focus is not unduly straight industrial relations although the concentration is on trade unionism. For industrial relations, the focus is not conventional in that the terrain is sex work.

## The choice of countries

Seven countries have been chosen for this study. That choice was dictated by emergence of significant sex worker union organisations from various milieus and pressure groups in these particular countries as well as access to materials and documents about their activities. A legitimate critical observation here would be to point out that the examination of the absence of sex worker union organisation is a necessary counterpart to the study of the presence of sex worker union organisation. This is absolutely correct and to some extent is dealt with in Chapter 7 which examines the *relative* 'underdevelopment' of

sex worker union organisation in Canada and New Zealand as well as in Chapter 9 which considers barriers to union organising. However, this consideration is not equivalent to examining the particular absence of sex worker union organisation in France, Spain or Italy, for example. With the resources at hand (see below), this has been a necessary compromise and it is to be hoped that future research will examine these additional arenas. (For accounts and details of sex workers' self-organisations, almost exclusively concerning prostitution, in other countries, particularly in non-western economies, see the work of Gallin (2003), Kempadoo and Doezema (1998) and Truong (1990:187)).

### **Research methods and methodological issues**

The approach to gathering data for this research has been unusual in that it has not been the standard fare in social science of conducting interviews with, and disseminating questionnaires to, the subjects of the research, that is, the sex workers, in order to generate primary data. Studying the presence and absence of unionisation and union organisation amongst sex workers presented the researcher with a number of difficult, though not insurmountable, challenges. Most sex workers are not visible for the purposes of contacting them (see also Shaver (2005)). Street working prostitutes represent, as it were, only a tip of an iceberg. The workplaces (as opposed to the work) of prostitutes working in brothels and flats are often as invisible as are those workplaces of sex chatline workers or porn models and actors. Equally too, most sex workers are not freely accessible to the researcher even where they are visible such as those working in massage/sauna parlours, and strip and lap dancing clubs. Access requires permission from social or professional gatekeepers (Sanders 2005e; Shaver 2005), management or the payment of money where sex workers could rightly be expected to be remunerated for their time spent not being available to earn money from their jobs. Sex workers are thus an example of a 'hard-to-reach (research) population'. On top of this, sex workers wish to retain some degree of anonymity in their dealings with people outside their own immediate circles for fear of further stigmatisation and hostility, being taken advantage of, and for their personal safety (*cf.* Fine 2000; Hubbard 1999; McRae 1992; O'Neill 1996; Sanders 2005d, 2005e). These problems are accentuated by the researcher being male where the vast majority of sex workers are female in a world dominated by heterosexuality and sexism (*cf.* Hubbard 1999; O'Connell and Layder

1994:219–20; Sanders 2005a:25–6, 2005e), and where there were no available advocates for the researcher (*cf.* Mattley 1997; Sanders 2005a:25–6, and see below on Ana Lopes).

This research was also carried out with meagre resources. Large sums of funding were not applied for from grant giving bodies because it is hard enough to gain money to research the processes of ‘normal’ unionisation. It was concluded that it would be harder still to gain funding to research the unionisation of sex workers (*cf.* Mattley (1998:150)). The time and effort spent on making fruitless applications for funding was regarded as better spent gathering sources of information on sex workers (see below). Indeed, applications to the left-wing Amiel-Melburn and Lipman-Miliband Trusts for small sums were unsuccessful. Consequently, visiting sex workers throughout the countries under study to interview them as well as paying them some compensation for their time was not an option (*cf.* Sanders 2005c:24). Neither was phoning sex chatlines in order to attempt to speak to the sex workers about their jobs nor accessing live porn web sites or buying porn magazines to try to gain the means by which to contact the actors and actresses. Quite apart from the simple issue of gaining funding, complications would undoubtedly have arisen regarding the expenditure of grant money on such items and steering a course through university ethics committees. Although not having resources to carry out the research in this way can be regarded as a significant shortcoming, not having the responsibilities of, and conditions attached to, funding made the tasking of carrying out the research in some ways much easier and freer. The resources that were most helpful, given the nature of the methodology outlined below, was the remission from teaching and administration as result of a period of sabbatical leave in early 2004 for which I am most grateful to the University of Stirling, then a research professorship at the University of Hertfordshire and the use of university inter-library loans service to gain access to a plethora of materials published abroad. The Wordpower and Silver Moon bookshops in Edinburgh and London, respectively, were also useful in availing myself of writings on sex work.

Nonetheless, there are a number of ways in which the force of these limitations has been lessened and ameliorated, although not completely controlled for. Sex workers themselves have been extremely active in reflecting on, and writing about, their own work experiences and debating their analyses of these as part of their desire for self-expression and self-understanding and, most crucially, as part of their struggle to have ‘sex work’ regarded as legitimate work and recognised as such by wider society. These writings have spanned the range of sex work, rather than

just being about prostitution. Compared to fieldwork interviews, such writings allow a greater degree of contemplation and reflection. The major anthologies and collections written by sex workers, former sex workers and their supporters are edited by Delacoste and Alexander (1987, 1998), Bell (1987), Dragu and Harrison (1988), Futterman (1992), Keefe (1993), Perkins *et al.* (1994), McClintock (1993a), Cockington and Marlin (1995), Macy (1996), Nagle (1997), Queen (1997), Kempadoo and Doezema (1998) and Sycamore (2000) and cover primarily Australia, Canada and the US. In particular, sex worker union activists have been even more prolific in their writings, largely because these have formed a key medium by which to attempt to reach other sex workers with a view to unionisation and union mobilisation. In using this material, and without making a virtue out of a necessity, it has been possible to let the sex workers speak for themselves and to allow their authentic voices to come through. If wider access to sex workers had been gained, then this would have been used to allow further sex workers' voices to speak. Thus, salient documentation from the publications and websites of sex worker union activists has been plentiful and well-utilised for this research.

Other groups and bodies involved with the sexual health and human rights of sex workers and those concerned to promote a more liberal agenda of sexuality have welcomed the attempts to unionise sex workers as compatible with their agendas. Consequently, they have opened their publications to sex workers and discussed their activities. This provides another rich source of material. A further source of the voice of the sex worker has been from the academic writings on sex work and sex workers. These academics, in contrast to, and because of the writings of 'radical feminists' like Barry, Dworkin and MacKinnon, have been keen to allow the sex workers to be heard through, and have their voices present in their work.

Reflecting the desire to reach other sex workers and to gain legitimacy for sex work, sex worker union activists have sought to use the media (press, radio and television) to their benefit. The media, in turn, has been keen to take up these overtures by dint of 'sex' being deemed newsworthy because it is 'sexy' and interesting. Some of this interest comes from titillation, some from genuine curiosity, some from new feminist concerns and some from concerns about the 'lot of the workers'. Using newspaper sources, in effect using newspaper archives, has its disadvantages in that the coverage can be sporadic, often being a response to press releases of the sex worker union activists themselves rather than of independent enquiry, and that the questions asked and underlying assumptions deployed are not necessarily those of the

researcher. However, the extent to which this was apparent was relatively limited because of the specific agenda of the objective of unionisation setting the parameters for the newspaper coverage. Nonetheless, it is still worth acknowledging that journalism, no matter how rigorous, does not seek to constitute critical academic inquiry.

What makes all of this material particularly accessible to the researcher is the use of the World Wide Web and the Internet. Material from these three sources has been accessed through using search engines like 'Google' to find the websites of various sex worker groups, the <world-sex-news.com> website of daily updates on all matters related to sex, the adult industry news service (<ain.com>), and the Lexis-Nexis database of printed material to view relevant newspapers and magazines articles from sources throughout the world for the last 20 years. Supplementing these materials was the use of a number of television series and programmes covering the sex industry in Britain like *Sex Empire* (BBC2, Britain, 2003) and *Porno Valley* and *Porn: A Family Business* (both Channel 4, Britain, 2004) on the Californian porn industry.

With regard to the research in Britain, it was hoped that the cooperation of Ana Lopes, the founder and general secretary of the International Union of Sex Workers (IUSW) would provide a pivotal link with organised sex workers in Britain. However, this proved not to be the case. Initially, Lopes responded positively to the request for cooperation (e-mail 25 September 2003) but then withdrew her cooperation because 'I feel that it is very close to the [PhD] research I am undertaking myself' (e-mail 29 October 2003). Despite numerous phone calls and e-mails to discuss this, she refused to respond in any way. The last e-mail sent sought to appeal to her sense of higher purpose in academic enquiry and the cause of unionising sex workers as well as pointing out that an industrial relations approach was quite different to the anthropological and action research perspectives she was utilising (e-mail 3 November 2003). Even subsequent e-mails to ask for a copy of her chapter in a forthcoming book on unionising prostitutes were ignored and attempts to contact her through third parties in 2005 were rebuffed. Fortunately, a number of GMB full-time union officers (FTOs), particularly in its London and south of England regions, agreed to discuss the unionisation of sex workers in Britain (as opposed to the IUSW as such) on a number of occasions. In total, six full-time GMB officers were interviewed on several occasions. Thereafter, several other lay GMB members were interviewed, including Ruth Morgan Thomas of ScotPEP (Scottish Prostitution Education Project) and several lap

dancers. With regard to the IUSW in Britain, sufficient material written by Ana Lopes and the IUSW existed by which to gain a solid understanding of what they are and what they represent (see, for example, *Independent* (19 June 2003), *Radio 4* (4 March 2002), *Sex Workers' Pride* (2002), *Evening Standard* (25 January 2002)).

In regard of Canada, Jenn Clamen, of the IUSW, Coalition for the Rights of Sex Workers and Canadian Guild of Erotic Labour, provided a limited amount of material through an e-mail dialogue from late 2003 onwards. She had been active within the IUSW in London before moving to Canada in 2002. Contact via e-mail was attempted on several occasions each with the relevant union organisers of the Australian Liquor, Hospitality and Miscellaneous Workers' Union (LHMWU), the Workers in Sex Employment (Australia) the Queer and Esoteric Workers' Union (of Australia) and the Striptease Artists of Australia (SAA) as well as the Unite union in New Zealand and a few individual sex worker union activists in the US. Other than e-mail dialogue with the LHMWU (and the Scarlet Alliance) in Australia, the New Zealand Prostitutes' Collective, Salli in Finland and an academic advising Ver.di in Germany on sex workers, none of these attempts were successful, either a result of no replies or the e-mails being bounced back as 'dead' addresses.

There are, of course, significant limitations resultant from the extent of reliance on non-primary data, where agendas are set by sex workers themselves, and not the by researcher. This means that, for the purposes of this research, the sex workers could not be interrogated with the specific agenda and resultant questions of the research. Neither could a dialogue be entered into with the significant numbers of sex workers. But triangulation using other sources has been possible where interviews were carried out. Moreover, the research methods deployed may be regarded as reasonably robust when examining sex worker union activists but far less so when examining the voice and view of the 'ordinary' sex worker. Trying to gain access to the 'ordinary' sex worker through the activist is not a fruitless task but it is a very partial one for the activists can lack the analytical or objective distance from their project – not least because they need the skewing optimism of motivation to be active and because they are activists, they are necessarily unrepresentative of ordinary sex workers. Of course, asking non-union sex workers about unionisation does not give the full picture either. They may exhibit a lack of consideration, or ignorance, of the issues. Indeed, interviewing sex workers about themselves provides no guarantee of (more) objective data because sex work researchers often

bring severe bias to their work and sex workers often give the responses they feel they should give to satisfy the researchers (Agustin 2004; Shaver 2005; Wahab and Sloan 2004; *cf.* Cwikel and Hoban 2005). Nonetheless, this research is on more tentative ground when trying to understand not the hitherto limited purchase of sex worker unionisation on sex workers but its particular manifestations because of the inability to conduct the necessary fieldwork on a robust sample basis. It is for these reasons that the exploratory nature of the research is stressed.

The balance between reliance on documentation and records of sex workers and sex worker union activists as well as archive material, on the one hand, and conducting interviews and disseminating questionnaires, on the other, means that the approach has been more akin to that of labour history rather than of social science. But as important as any consideration of the means by which access to activities and self-reported views of the sex workers and, in particular, the sex worker union activists, has been is that the nature of the research pursued has not sought to provide a socio-psychological study of the motivation of individuals and the intra-group dynamics concerning the presence and absence of unionisation amongst sex workers. Neither has it sought to provide a step-by-step examination of the process of micro-mobilisation in individual workplaces (or sub-sections within them) as, for example, Fantasia (1988) did for four workplaces in the US. Rather, the research has sought to present a broad and insightful overview of the salient issues and processes at work in terms of what is, in effect, a social movement which has one foot in the camp of pressure group politics and the other (or at least a couple of toes) in the camp of trade unionism. Therefore, the research methods can be regarded as appropriate to the units of analyses under study.

This study has been carried out from the approach of industrial relations and labour process analysis influenced by a broadly classical Marxist perspective (*cf.* Shrage 1996:41), albeit with a degree of Trotskyism. Where this perspective fits within the range of '57 varieties' of revolutionary socialism, Marxism and Trotskyism is not, I believe, sufficiently significant here as to warrant further elaboration. Unlike much of the existing literature and writing on sex work and sex workers, this study does not take as its point of departure any of the following: sex work/sex workers as an issue of concern for feminist, gender, health, human rights, legal, social movement or welfare fields of study. Nor does it take its point of departure from them the dominant disciplinary perspectives of these fields. The central concern is rather the possible role of trade unionism and the collective potential power of workers at the

points of production, distribution and exchange in not only the socialist project but also in defending and advancing workers' interests in the current economic and political arenas, and the link between the two (broadly-speaking 'revolution' and 'reform', socialism and social democracy). The research here is couched in terms of being an exploratory study that may help to define a research agenda by sketching out its parameters, and stimulating thinking through the issues involved in wider terms than has hitherto been the case. So the research and analysis presented herein do pretend to be anything remotely close to the last word on the issues at hand. Instead, they represent a formative study of the beginnings of a social phenomenon that may subsequently develop to fulfil the potential it currently holds. Critically, the nature of investigation and ensuing analysis has been constructed at a level that is cross-nation-state where generalisations that are appropriate to the generic conditions of sex workers can be made.

## **Chapter structure**

The first substantive chapter, Chapter 2, deals with the so-called 'sex work' debate. This is followed by Chapters 3 and 4 that, respectively, consider the political economy of the sex industry and the antecedents of current sex worker union organising. Chapters 5, 6 and 7 examine sex worker union organising in the United States, Britain and Australia, Canada, Germany, the Netherlands and New Zealand. Propensities and barriers to the unionisation of sex workers are assessed in Chapters 8 and 9. The chapters on countries introduce the salient developments in order to provide an examination of the motivations and actions of the forces behind the unionisation of sex workers. Some initial analysis of these developments is made in these chapters as a foundation for a more wide-ranging analysis and discussion of the forces and factors that contribute towards unionisation, on the one hand, and disorganisation and atomisation, on the other in Chapters 8 and 9. The conclusion concerns two aspects of the future. The first outlines a set of issues and methods around which sex worker unionism can attempt to relate and then collectivise sex workers more widely around. In essence, these represent proposals for discussion and action for a unionisation project which is at a very early stage of existence. The second concerns the relationship between social justice, socialism and sex workers in regard of a project of emancipation.

# 2

## The 'Sex Work' Discourse and Debate

### Introduction

*The reporters flocking to cover our organizing drive often had a difficult time understanding what we do as 'work', but the job has always been defined in MY mind by the repetitive manual labor it demands. Punch a time clock, spot an open window, make eye contact, pout, wink, swivel your hips a little, put a stiletto-clad foot up on the window sill to reveal an eye-full of your two most marketable orifices, fondle your tits, smack your ass, stroke whatever pubic hair you haven't shaven off, repeat these ten steps until the customer comes, then move on to the next window, repeat the process until your shift's over, punch out. Some call it the fast food of the sex industry: We produce assembly-line orgasms.*

The quote from Miss Mary Ann (1998), a dancer at the Lusty Lady peepshow club in San Francisco, clearly exemplifies the proposition for conceptualising this type of 'sex work' as 'work'. But the reception to the 'sex work' discourse in deliberations on whether such a social phenomenon as 'sex work', and thus the 'sex worker', exist as part of wider debates on the genesis, sources and manifestation of the oppression of women and patriarchy under capitalism, has been so heated and polarised that it has often been dubbed the 'feminist sex wars'. This chapter examines the general discourse of 'sex work' covering prostitution, exotic dancing (lap dancing, table dancing, stripping, nude dancing, burlesque), sex chatline work and modelling and acting in pornography (magazines, films, Internet). In doing so, the approach is not to seek to identify that one set of protagonists is 'wrong' and the other set 'right' in simple, black and white terms. Rather, the approach adopted here is to lay out and interrogate the 'sex work' discourse

using both radical feminist and labour process perspectives. In any case, it is inaccurate to view the debate as a simple dichotomy between two sides for there are gradations of difference in the positions adopted by the various protagonists. Consequently, it is more appropriate to, at least, see the debate as one that has taken place over a spectrum with poles of attraction where one end represents the 'sex work discourse' and the other that of 'radical feminism'. Indeed, such a suggested bi-polarity arguably creates undue simplification (and it might be wiser to conceptualise the debate as a series of debates in linked arenas). Therefore, the approach here is to recognise that there may be certain amounts of validity in different and varying positions within the overall debate because the terrain and manifestation of 'sex work' is not uniform or even. Indeed, there are, depending on a number of variables across space and time, likely to be potential similarities and dissimilarities between and within each component of the sex industry along a spectrum of 'good' and 'bad' experiences (see, for example, Bernstein (1999), Bromberg (1998), O'Connell Davidson (1998), Satz (1995), Shrage (1994a), Zatz (1997)). But this recognition should not detract from the attempt to identify what may be fundamentally common to all components of work in the sex industry so that talking about 'sex work' as a single entity still has some purchase.

Consequently, the experience and practice of sex work at different units of analysis (individual, type of 'sex work' group and so on) may be sufficiently heterogeneous as to allow differing and convincing analyses to emerge. This is not a question of attributing 'false consciousness' or allowing subjectivity to become hegemonic but to try to understand the relative variability, contingency and indeterminacy of (multi-dimensional) social processes, dynamics and outcomes. Another way of posing this issue is to say that the voices of sex workers themselves cannot be easily dismissed, and when some sex workers argue the case for the 'sex work' discourse on the basis of evidence accumulated from their experiences, this has to be taken seriously. But it does not necessarily mean that what they say is true for all sex work(ers) or the major sub-sections of it, but it does mean to say that what they say in support of 'sex work' discourse has potentially as much validity as those *de facto* 'sex workers' who argue against it. This is again to recognise the potential not only for diversity across the sex industry, but also diversity in terms of experience and meaning.

Regardless of whether the reader is convinced of the merits of the 'sex work' discourse or not, an understanding of the discourse is essential to the study of the unionisation of 'sex workers'. This arises

because the motivation and agency for unionisation are derived in the main from the worldview of sex worker union activists that sex work is work and should be accorded the panoply of labour and worker rights that workers enjoy or struggle for elsewhere. Over and above this, an examination of the 'sex work' discourse, particularly by reference to radical feminism, facilitates an examination of the nature of what is termed 'sex work' and this provides a useful role in helping to understand the basis on which the unionisation project is being attempted. Finally, this chapter is relatively a brief one because rather than seeking to replicate a vast array of salient, extant writings, material and research, it provides a summarised form of these with regard to having salience for the examination of the unionisation of sex workers.

### **Sex as work: sex work as work**

The 'sex work' discourse emerged from the 1970s onwards and in response to two immediate stimuli, namely, an attempt to deal more efficiently and effectively with the immediate challenges facing prostitutes (see also Chapter 4 on COYOTE in particular) and more latterly other sex workers and to respond to the 'prostitution as rape, misogyny and male power' discourse of the radical feminists. At the core of the sex work discourse is a view that the abolition of sex work in the short- to medium-term is neither possible nor desirable (see later). Consequently, reform and changes in law, regulation and social values are believed to present more attainable goals (in the vein of unions attempting to better the terms of the wage-effort bargain not abolish wage labour). Theoretically, the sex work discourse has much in common with liberal, existentialist, Marxist and libertarian stands of feminist thought (see Bromberg 1998) but that does not imply that it is singularly liberal or libertarian (*cf.* O'Connell Davidson 1995:8). The central tenets and propositions of a generic sex work position as it can be traced to have developed over time, with some order of causation and prioritisation, are set out below. (At this stage, such an exposition of the 'sex work' discourse shall be taken as unproblematic in as much as the exposition is an outline of a perspective and does not involve a critique of that perspective.)

- a) The production and exchange, routinely called 'selling', of sex, sexual services and sexual artefacts are a means of economic subsistence or income for the wage-labourers that carry them out and represent the selling of wage labour, regardless of variations in the real or formal employment relationship contained therein.

- b) The 'selling' of sex, sexual services and sexual artefacts represents one of the main aspects of the commodification of sex under capitalism or the 'free market'. The 'selling' represents the transformation of labour into an exchange value, and the labour involved in addition to any physical labour, is primarily of an emotional and psychological nature because of the direct interaction with the consumer where a marketable persona is constructed which represents an alienation or estrangement from the inherent self, creating dissonance. Consequently, the labour is denoted as 'erotic' labour and can be subsumed with the category of 'service work'.
- c) Sex work, the labour involved in generating sex, sexual services and sexual artefacts, is not solely the result of economic or physical compulsion and coercion but also of choice albeit of a narrowed nature, that is, a situation of where choice is compelled to be taken from a limited range of options determined by other social forces. Lack of choice represents an environment of both inequality of opportunity and outcome, compelling personal and individual decisions on constructing one's own life chances. Where sex work is coerced by a third party, particularly through trafficking, this should be recognised as such but without negating the existence of migrant sex workers.
- d) Sex work represents a rational choice and action given limitations on work and employment opportunities for sex workers. Its abolition would deny sex workers a means of subsistence and sustaining themselves and their dependents.
- e) Sex work is not uniform, monolithic or universal in its form, content and environment. Rather, it does, and can, portray a range of varying micro- or meso-level characteristics within the framework set out above.
- f) Sex work *can* offer benefits *vis-à-vis* remuneration and working conditions (hours, autonomy, self-direction, job satisfaction which may or may not include some sexual pleasure and gratification) which are superior to many jobs available to those without much in the way of skills, qualification and job experience as well as superior to living on state benefits. Performing and carrying out sex work requires certain social and inter-personal skills (see below).
- g) Many of the problems associated with sex work for sex workers relate to stigmatisation, criminalisation and discrimination and the subsequent marginalisation and social exclusion (in addition to any legal discrimination or neglect) of sex workers. Illegality and crimi-

nalisation in addition to their direct punitive measures also perpetuate stigmatisation. These characteristics can be tackled and ameliorated in the 'here and now' by an array of measures. Moreover, the realisation and/or further realisation of what are held to be satisfying aspects of sex work can be achieved by regulation (self-, extra-self) and the demeaning, damaging and degrading aspects can also be lessened by the same means.

- h) Sex workers need concrete rights in the 'here and now' on a national level (as opposed to through the more cumbersome and lengthy process of creating new international law based on ethics and morality) and these are better concerned with being grounded in immediate economic and power relations, albeit this is often and mainly through legal reform such as decriminalisation or legalisation of sex work. Where sex work is decriminalised or legal, sex workers require and are entitled to rights of workers (human, labour, and economic) to prevent non-payment of wages, unfair dismissal, victimisation and the like.
- i) Sex work, and sex workers, are, regulated by bureaucratic and social structures and social discourse in the same way as 'conventional work. As sex work is work, the industry should be regulated as such and thus on a par with other business sectors, thus paying far less attention to issues of morality, criminality, policing etc.
- j) Sex work involves negotiation by sex workers with employers, facilitators (e.g. club owners) and customers providing potential leverage points by individual and collective means for improving remuneration and working conditions.
- k) Sex workers, as workers, manufacture identities and strategies for attempting to exercise control over effort, remuneration, safety, trauma and the like in the same way that other workers as workers do. Sex workers also require certain skills to do their jobs effectively, either for their own or their employers' interests, *vis-à-vis* various social skills such as 'deep' and 'surface' acting. In this regard, dissociation is viewed not as a negative, but rather as a positive. Such dissociation is possible because it is not the body that is sold but sexual services even though these services are intimately attached to body.
- l) It is inconsistent, illogical and harmful to argue, and operationalise, a position of 'for sex workers, against sex work' because sex work, and thus sex workers, are not held to be products of capitalism and/or patriarchy *per se* and they can exist under different and future social relations.

This distilled essence of the sex work perspective is based on an aggregation of key texts covering different nation states like Bell (1987), Bindman (1997), Bruckert (2002), Clamen (2005), Clamen and Lopes (2003), de Jour (2005), Delacoste and Alexander (1987), Ditmore (1999), Fischer (1996), French (1992), Jackson and Otto (1984), Kempadoo and Doezema (1998), Lim (1998), McClintock (1993a), Nagle (1997), Perkins (1991), Perkins *et al.* (1994), Pheterson (1989a, 1996), Prestage and Perkins (1994), Rickard (2001), Roberts (1986, 1992), Scrambler and Scrambler (1997), Scarlet Alliance (2000), Sullivan (1994, 1995) and Valentino and Johnson (1980). Of course, this does not imply that each individual author subscribes to each point as laid out nor the order and emphasis given to the various points. The exercise is, nonetheless, one of establishing the key tenets and propositions as the sex work perspective has developed over time and to discern the themes and beliefs running through the body of the sex work discourse. The term proposition in particular is used to emphasize that the statements set out above are not just debatable but mix attested observation, analysis and aspirations in the manner of a value system. In addition to the advocates of 'sex as work' and 'sex work as work', there is an array of authors like Brock (1998), Chapkiss (1997), Jenness (1993), Kantola and Squires (2004), Kesler (2002), O'Connell Davidson (1995, 1998), Pasko (2002), Sanders (2005b, 2005c) and Zatz (1997) who may be seen to implicitly take either a 'sex work' position, or one supportive of it, in their writings because of the way in which they identify, and look favourably upon, the labour and skills as well as control strategies of workers in the sex industry. Moreover, the intellectual curiosity to conduct such investigations is derived from some positive engagement with the sex work discourse.

These tenets and propositions stake their claim, in the hands of their proponents, to comprise work in both conceptual and practical terms, as well as to have the same or a similar complexion of those characteristics that workers exhibit in 'conventional' service work. However, the conceptual framework is heavily based upon prostitution, and particularly the unit of the individual prostitute. Thereafter, some of the specifics are more applicable to other sex workers who personally and individually 'produce', deliver and exchange sexual services like erotic dancers (particularly where sexual contact is involved as lap dancing has superseded striptease), sex chatline workers and entrepreneurial porn actors and models, although the importance of the implications of the absence of direct customer contact in the latter cases should be noted. It may be less applicable to

porn actors and models who are commissioned to work for producers of porn, and thus, have an indirect relationship with consumers. Moreover, variations also likely to arise for different types of direct relationships exist with consumers – contrast the prostitute to the sex chatline worker – while sex worker can comprise different degrees of collective labour – the individual street prostitute compared to the escort agency prostitute compared to the brothel or massage parlour prostitute. On the other hand, porn acting and modelling involves the creation of marketable personae in the absence of direct exchange with the customer. Thus, further thinking and discussion are required by sex work advocates to develop out of and away from a concentration on just prostitution (just as this is required by radical feminists). The extreme of polarity between the schools of thought that does exist in some arenas is somewhat artificial if it is taken to be writ large for it only exists when the likes of Delacoste and Alexander (1987), Perkins (1991) and Kempadoo and Doezema (1998) are counterposed to Barry (1995), Bindel (2004a, 2004b, 2005), Dworkin (1987) and Jeffreys (1997). Sullivan (1995) has suggested that amongst the broader milieu of feminists and progressive academics a continuum exists between 'sex work' and 'radical feminism'. Thus, 'third positionists' on a spectrum between the two such as Barton (2002, 2006), Brock (1998), Carpenter (1994), Egan *et al.* (2006a), O'Connell Davidson (1998), Oerton and Phoenix (2001) and Simmons (1998) do exist. Indeed, and highlighting this, Lerum (1998:8) has commented that 'the argument that sex work is either exploitative or liberating is ridiculous'.

Although such a stark counter-posing readily highlights for heuristic purposes some of the most significant fault lines, this obscures as much as it enlightens for it should be recognised that only some, rather than all, sex work advocates (sometimes those who are called 'sex positive' or 'sex radicals') celebrate sex work as an inherent human right, sex work as a women's right of free sexual expression and an arena where women can exercise disproportionate control over men (e.g. Califia 1994; Lopes 2002:22; Lopes and Owen 2000; McClintock 1993b; Nagle 1997; Perkins 1991; Queen 1997). Most of the serious and robust sex work writers see sex work(ing) as a right to be defended in the current confines of capitalism (*cf.* Jeffreys' (1997:chapter 3) criticism) in the same way that trade unions and socialists defend (and demand) the right to work and campaign against job cuts because of the necessity of economic sustenance and because employment is required as a prerequisite part of the platform on which social democracy (reform) and socialism (revolution) may be built in the project of workers' self-agency even though this also maintains support for wage-labour. A

similar relationship concerning the inter-play of political objectives, tactical choices and contingent environments is identifiable in regard of the issue of consent *vis-à-vis* choice. Radical feminists argue that prostitutes' consent cannot be the *sine qua non* of the absence of oppression and that consent is meaningless – indeed, it is a further sign of the omnipotence of male oppression and an internalisation of oppression. Contrastingly, sex work advocates argue that consent of an informed nature – informed and limited by prevailing circumstances under capitalism – can be given while that consent does not imply wilful complicity nor a satisfaction with, or acceptance, the conditions of prostitution. Moreover, they argue consent can co-exist with a desire and ability to change the immediate the conditions of prostitution. As a qualification to the sex work discourse, it is worth stressing the heterogeneity of experience of sex workers ranging from the 'good' through to the 'bad', is influenced not just by the particular instance of an exchange, its immediate environment and remuneration but also by a host of variables such as personal understanding and views, psychology and educational and social backgrounds (see, for example, Bromberg (1998), Satz (1995), Zatz (1997)).

### **Sex and sexual relations as male power and violence**

At this stage, it is helpful to take a detour away from the sex work discourse itself in order to help contextualise it by examining the 'radical feminist' perspective which views prostitution as the sexual slavery and super-exploitation of women. For many radical feminists, it seems, the notion of the exploitation and oppression of women under capitalism embedded in Marxist or radical political economy analysis (which was a relatively common belief for many feminists in the late 1960s/early 1970s) has been transmuted into the exploitation and oppression of women by the male gender under patriarchy, where; women have become a (social) class of their own; sexual relations are the main tool of (women's) exploitation, oppression and subordination; women are then subject to sexual and human slavery; and they and their bodies are objectified with prostitution being the cornerstone of these, particularly as a form of violence and commodity. The extent of male domination is such that any woman professing to have freely chosen (to one degree or another) to be a prostitute, claiming to be consenting to being a prostitute or claiming prostitution is not degrading displays a 'false consciousness' of a bleak post-hoc rationalisation. The totality and universality of male oppression is also held to be such that no distinction is to be made between, say, trafficked (i.e. coerced) and

migrant (i.e. non-coerced) prostitution (which sex work feminist argues exists) and all prostitution is coerced and akin or tantamount to rape.

The radical feminists have concerned themselves primarily with prostitution – namely, the affect of it on prostitutes and on women – and pornography – the affect of it on women rather than the models/actors involved (pace regarding Linda Lovelace) – as the quintessential representations of male oppression and female subordination under patriarchy. But by inference and implication, they have broadened out this analysis to comprise all types of sex work, that is, erotic dancing (particularly where sex is involved) and sex chatlines. Moreover, some argue that pornography is a direct aspect of prostitution, and even that the two are indivisible, so that overall there are links here by extension.

Only Jeffreys (1997, 2004) can be said to directly engage with the sex work discourse not only as a result of writing later on but also because she believes that the radical feminist position has been marginalised by the sex work position and that the earlier position of 'prostitution as economic necessity' has been turned into a celebration of prostitution as a woman's personal freedom. However, she does so only with regard to prostitution where on this basis she believes all sex work by implication normalises, legitimises and justifies male oppression and exploitation of, and violence against, women. Nonetheless, she states that she regards prostitution as work but not as legitimate work (Jeffreys 1997:162). This is a major and serious concession to the sex work discourse for there are many types of employment that may be regarded as illegitimate, whether as a result of the purposes or function of the work or the working conditions contained therein. Moreover, she does not then go on to defend this distinction or examine its implications.

There are a number of inconsistencies in Jeffreys' thesis. First, Jeffreys' (1997:104–7, *cf.* 108–15) contention that many male gay prostitutes suffer less internal stigmatisation as a result of being part of a 'deviant' gay subculture could easily be taken to support the sex work argument of aiming to achieve less stigmatisation through campaigning to change attitudes to (women) prostitutes. Second, Jeffreys (1997:192) asks how a union in Australia can campaign to regulate touching in sex work while campaigning to end such touching in other work. Here, the issue is not contradiction but the amelioration of unwanted touching in both cases. Third, Jeffreys (1997:265) is unable or unwilling to recognise the existence, and possibilities of, social and jurisdictional regulation of customer behaviour (for erotic dancing) which can increase or decrease sexual harassment, intimidation and

violence from men. Such a perspective comes from universalising prostitution into a totality as per above.

Phoenix (1999) argues, in regard of prostitution, that for prostitutes to see themselves as workers, that they have jobs and what they do as work, they denude their involvement and engagement in prostitution of its institutional setting. By this Phoenix meant, that is, the discourse of merely reducing the prostitute's activity to a series of economic exchanges between prostitute and customer does not recognise the oppression and exploitation of women under a patriarchy represented by prostitution. This may be interpreted as an argument about 'false consciousness'. Shrage (1989) argues that feminists are bound to oppose prostitution because it perpetuates women's oppression and that prostitutes cannot change (through a sex work discourse) the wider meaning of what they do in society because of its ideological significance in women's oppression. This forms part of an argument, within an abolitionist – in the present and future – position, that prostitution cannot exist in future societies once its ideological underpinnings are undermined. However, Shrage (1989:359, see also 1994a:158–61) then makes precisely the argument, in a hypothetical way, that many sex work advocates make concerning strategies to exert control over their work and customers through professionalism-cum-professionalisation, and this raises the issue of amelioration.<sup>1</sup> Zatz (1997) makes a similar argument to Shrage with regard to the basis of the wrongness of prostitution concerning its perpetuation of women's insubordination but in a way that is more contingent upon current social relations and based upon prostitution's cultural role in status and influence inequality. As a result of this she is not an 'imminent abolitionist'. Meanwhile, Overall (1992) examines the sex work 'case' for prostitution by considering the issues of the sale of labour, working conditions and remuneration, coercion, choice and consent. On each she finds that prostitution is not robustly distinguishable from other forms of work given the diversity in forms and context of prostitution. However, she concludes that prostitution is not (sex) reversible within and under capitalist patriarchy and it is this, along with prostitution representing the institutionalisation of women's oppression under capitalist patriarchy, which makes prostitution incapable of reform and wrong.

Although not a radical feminist as such, Pateman's (1988) important analysis of prostitution is compatible with radical feminism in as much as she argues against the sex work discourse by way of challenging the sometimes explicit, more often implicit, assumption or belief that the

sale of sex by prostitutes represents an equal contract between two parties. Pateman provides a series of useful observations and insights like the customer (*vis-à-vis* the capitalist) of a prostitute is not concerned with productivity but may be concerned with quality; the customer is also not concerned with accumulation but consumption; and that capitalists do not buy (independent) prostitutes' labour. But there are major weaknesses and limitations to her thesis, based, as it is, on a critique of contractarianism. In this critique, she establishes what she believes to be contractarianism and this seems to be correct but she then makes an unwarranted assumption that contractarianism can be found *outwith* explicit and self-professed contractarians in the guise of sex work advocates and the like. Thus, what Pateman (1988) outlines for contractarians is not a set of beliefs that others who she describes as contractarians would readily accept. For example, so-called left-wing contractarians (Marxists, socialists, Marxist feminists, socialists feminists and the like) would readily subscribe, *inter alia*, to; a) the gendered social construction of the nature of economic necessity that compels (some) women into prostitution; b) prostitution is not defined by the 'purchase' (f)or 'use of a woman's body' (Pateman 1988:198, 208) but by the use of the prostitute's labour, that is, their willingness and ability to provide a required sexual activity for a delimited period, whether defined in erotic, emotional or physical terms even where the prostitute's body is acted upon (and this is related to the issues of not the sale of the body but of services and the absence of purchase of ownership of the body); c) prostitutes suffer violence not just because they are women but because women as prostitutes are one of a number of social groups (including rent boys) who are not accorded the right of human dignity; d) the prostitutes' work and employment are not the same as those of the individual wage-labourer for the wage-labourer does not directly confront the customer in their own economic exchange and is not responsible for the realisation of surplus; and e) the specific nature of the oppression exhibited in the prostitute transaction lies on top of, and informs, the economic exploitation. Rather, what she describes as contractarianism is better categorised as specifically liberal or libertarian contractarianism and this significantly weakens her case (see also Perkins' (1991:387–9) critique of Pateman).

Women's oppression and hegemonic heterosexuality are part of capitalism as it has hitherto existed but they are not necessarily essential to the operation of capitalism so that prostitution *per se* should not necessarily be seen as a construct of these, much less one of male supremacy (*cf.* Overall's (1992) argument about the essential

distinction between prostitution and wage-labour and Jeffreys' (1997) argument that there will be no prostitution after end of male supremacy despite her understanding of the former's social construction). Similarly, female heterosexual prostitution may be a direct cause of contingent women's oppression and hegemonic heterosexuality under capitalism. The Overall and Jeffreys' arguments only have an internal consistency if capitalism is seen as patriarchy or quintessentially patriarchal.

### **The sexual labour process**

If the sexual labour part of the 'sex work' discourse is to attain the full 'status' of comprising the characteristics of wage-labour and thus be accorded the status of wage-labour itself, then it has a number of hurdles to overcome concerning not just an understanding of how 'labour' is created but also the different arenas in which 'labour' is exchanged. Radical feminists, writers like Pateman (1988) and many sex work advocates like Pheterson (1989a) misunderstand the nature of wage labour under capitalism (*cf.* O'Connell Davidson 1995, 1998), and this necessarily means they misunderstand the nature of sex wage labour under capitalism, particularly in regard of the processes of commodification and the creation of exchange value. Pateman in particular transforms the prostitute's body into a dismembered artefact in her understanding of what she believes is a material commodity.

Under conditions of free labour, defined in legal or formal and social terms where workers can treat their (for the moment) 'labour' as commodity to be sold by themselves for an exchange value, no workers sell themselves or their bodies, for that would be tantamount to a form of slavery, when they enter into wage-labour. Rather, under the conditions of free labour, they have the freedom to surrender certain of their 'labour' freedoms (what they do, how they do it and whom they work with (albeit subject to subsequent social artefacts and processes like skill and trade unionism)). Nor do they 'only have their labour to sell' or their 'labour power to sell' (*cf.*, for example, Bruckert (2002:60)) – rather they sell their capacity and capability to labour (sometimes referred to as their 'time'), that is work on some material in a productive manner (defined by the capitalist with a view to realisation of surplus value). Therein lies the necessary recognition that the two (selling 'labour'/time and capability to labour) are not the same and to translate 'labour time' into actual 'labour' (setting aside issues of value realisation) requires control, consent and cooperation over the way the 'labour' is to be carried out, under what conditions and for what price.

Moreover, the surrender of certain freedoms is a negotiated one and for a delimited time period. It is this moment when there is the first possibility for wage-labour to exercise some control but it is not the only moment for renegotiation can subsequently take place, particularly over conditions of work and work organisation because of the dependence of the employer on the wage-labourer. Of course, the mutual dependency of the relationship means that the influence of the wage-labourer is not unlimited. This basic framework also holds true for the self-employed (independent individual or cooperative labour with direct relationship to consumer concerning both carrying out the 'labour' and its sale) and contracted labour (hired per job or dependent on the intervention of a third economic party for custom but with responsibility both carrying out the 'labour' and its sale to the customer) even though there are also significant differences compared to employed labour. The same, commonality with but also difference, is true depending on the method of exchange payment from the hirer of labour, essentially by time, job or by results.

For sexual labour to be commensurate with wage labour, this basic framework must be replicated in sex work. As was highlighted earlier, the role of the customer in sex work in terms of their direct presence and direct consumption (apart from in the case of porn where the models and actors are not also responsible for production, distribution and exchange) means that this framework which is normally situated in a bilateral worker-employer relationship must be able to accommodate such variation and complexity. The case for the formally employed wage sex labourer is robust (some sex chatline workers, some brothel prostitutes, and some exotic dancers particularly prior to the introduction of fees). In the case of the *de facto* employed wage labour like exotic dancers (see Fischer 1996) and brothels prostitutes who pay a fee to work to gain money from customers and are subject to controls by the hirer of their 'labour', the case is also robust, as it is with those on payment by job or result contractual relationships (some sex chatline workers, porn models and actors, some agency and brothel prostitutes). With regard to third-party prostitution, where there is no formal employment relationship, the prostitute is still both a 'cost' and an 'asset' (as in an employed relationship) to the brothel/agency owner, for there is again a mutual dependency and reliance upon each of the two parties for realising economic gain. Where 'output' rather than 'time' is exchanged through payment by results, that is, per customer and their specific required service, 'labour' is performed in a transaction for exchange values under the conditions of exploitation.

Sex workers do not obtain the full value of their 'labour' by dint of commissions and/or charges. In these situations, recognition is necessary of the potential differential bargaining points and leverage *vis-à-vis* the sex worker for negotiating the exchange and carrying out the requisite labour. In the case of the non-employed prostitutes who are independent by virtue of delivering the service and procuring the customer on their own or those who rent a room or the like but are not subject to establishment rules on price etc, they undertake the production and delivery of service as well as realisation of value (through negotiation) and these processes create a relationship of inter-dependency with the customer and thus potential leverage points for prostitutes (even though neither the prostitute's nor the customer's economic survival is not brought into doubt by the individual or specific exchange). Although the prostitute is often responsible for the exchange in an atomised way, the exchange must necessarily and *a priori* be based on the production of 'labour'. The differing configurations of these types of relationships (for example, situational or ongoing and thus degrees of dependency) do not detract from their common essential nature of interdependency and tendencies towards conflict and cooperation. Nonetheless, it is the particular context and form of these relationships which is contingent upon social forces and therein the possibilities of prostitutes exercising more or less agency are socially constructed and determined. Also of note is that the labour process of sex work is part of a collective process, deemed by Marx (Russell 1980) to comprise the 'collective labourer', by virtue of the necessity of components of social organisation to allow the production, distribution and exchange of sex, sexual services and sexual artefacts. This is most obvious in exotic dancing, brothels, massage parlours, escort agencies, and sex chatlines with regard to support workers and the establishment thereof. The exception may be street and individual independent prostitution but even here are found examples of collective social organisation (see, for example, McKeganey and Barnard (1996) and O'Connell Davidson (1998)).

## Conclusion

The truncated representation and interrogation of the 'sex work' discourse in this chapter has been shown to be sufficiently robust, although not necessarily completely robust, to allow the generation of sex, sexual services and sexual artefacts as commodities under capitalism (which are based on access to view and act on bodies, replication

of sexuality and the erotic labour contained therein) to be categorised not just as work but as wage-labour. On this basis, several salient points emerge. First, sex wage labour under capitalism may be expected to be subject to the same broad impulses and dynamics of the process of capitalist accumulation that other wage labour is subject to *vis-à-vis* markets, institutions and networks (e.g. concentration of capital, and expansion and contraction of capital). Second, and contrary to Pateman (1988), the key issue with regard to sex work and erotic labour *vis-à-vis* work and labour is not whether the employment contract is the same as that of the prostitute-consumer contract but whether the essence of the exchange between the relevant parties, based on the generation of 'labour' as per above, is essentially the same. Third, the articulation of the interests of sex wage labour as a sectional category of labour is likely to arise in the economic, political and social arenas in society and, at least hypothetically, the self-organisation of sex workers in trade union terms becomes a possibility. Fourth, the existence of relative means of contemporary sex worker control raises the issues of whether this degree of control can be either extended in the future or can be created by other groups of sex workers in the future. Fifth, the term and concept of 'sex work' rather than those of 'sex' and 'skin' trades are deployed to indicate the commonality of the labour process across the activities of the production, distribution and exchange of sex, sexual services and sexual artefacts. Lastly, the sex work discourse provides a stimulation to, and tool of, agency for a unionisation project by virtue of the logic of the aggregation of wage-labourers organising together to exert collective influence in order to defend and advance their interests. Of course, such a possible sex worker unionisation project does not have the benefit of the weight of (prior) tradition, accustomisation and experience.

### Note

- 1 Shrage (1996) appears then to have developed her position to support a sex work perspective.

# 3

## The Political Economy of the Sex Industry

### Introduction

This short chapter has two central tasks. The first is to give an overview of the size and nature of the sex industry. This can be achieved by marshalling together the available evidence that is derived from an array of secondary sources to demonstrate the overall size of the industry and the sizes of its constituent parts. The second is to very briefly sketch out an understanding of how this industry is now an integral part of contemporary society and economy, both in terms of national units (i.e. countries) and globally. The thrust of this consideration is not only to show how the sex industry is a major part of economic activity under late capitalism on a par with other leisure industries and activities but that it is one which has reached an unprecedented 'lift off' in the last ten or fifteen years as a result of the growth and development of information technologies. So the rising consumption of commodified sex, sexual services and sexual artefacts has become a major cultural and consumerism 'turn'. At the same time, it is also to suggest that the sex industry is a primary manifestation of, and tool by which, this social and political system of capitalism objectifies and commodifies sexuality, sexual desire, and women, their sexuality and their bodies in particular. Paul (2005) aptly summarises the qualitative and quantitative changes for the whole globalised sex industry when she described, for pornography, that what was previously regarded as 'hardcore' has now become 'mainstream' and that 'softcore' is no longer just the preserve of the sex industry *per se* but other industries through not just marketing of goods and services but the wider process of sexualisation.

## Mapping out the size of the sex industry

### Overall size of economic activity

Monzoni (2005:24) cited a European Parliament report of 2004 estimating that the global sex industry, covering all sub-sectors, had a turnover of between \$5,000bn to \$7,000bn pa. Looking at the sub-sectors, Hughes (2000:12) quoted an estimate that reported that the global prostitution industry generated \$52bn pa of revenue in the late 1990s, with the *New Atlantis* (Summer 2004) stating that the Internet Filter Group, a body advocating filtering regulation for porn, believes the global porn business to be worth \$57bn pa. The *Sunday Times* (18 September 2005) estimated global pornography was worth £31.5bn in 2005. According to Weitzer (2000a:1) the sex industry, comprising here just pornography and telephone sex, generated \$9bn of sales in 1996 in the US. The *Boston Globe* (1 December 1996) quoted an academic estimating that total sales of the sex industry in the US in 1996 amounted to around \$20bn. A few years later, the *Baltimore Sun* (8 July 2001) reported the sex industry in the US generated \$10bn–\$14bn pa in revenue, although this may be erroneously based on the estimates for total porn sales (see below). Meanwhile, the *Courier Mail* (28 February 2004) estimated the sex industry in Australia had a \$4bn turnover in sales. For the Netherlands, Malarek (2003:5) commented that the sex industry there generates \$1bn pa, representing 5% of the economy's GNP. The global adult toy/sex aids industry has been estimated to generate £6.6bn in 2005 and is likely to grow by 30% per annum, with 70% of the production of these products coming from China (*Guardian* 25 June 2005). With any such estimates, some caution must be exercised when dealing with them because it is unclear the veracity of the basis of these estimates and some may verge on being 'guess-timates'. In the case of the sex industry, there are several specific reasons for exercising caution. First, much of the sex industry is part of the 'informal' economy because it is undeclared to tax authorities, involves unlawful activities and constitutes 'cash in hand'. Consequently, standard economic data is not available. Second, many estimates are based on sex workers, sex work and the sex industry overwhelmingly being treated as prostitutes and prostitution (e.g. *Economist* 11 July 2003; *Independent* 2 January 2004) so that some estimates are likely to be under-estimations.

Within the sex industry, there exist a small number of very large companies that are genuine multi- or trans-national corporations. Their size is judged in terms of turnover, profits and numbers employed. These

include the *Playboy* empire of magazines, videos and cable television owned by Hugh Hefner, the similar *Hustler* empire owned by Larry Flynt, the German sex shop and mail order business owned by Beate Uhse, and chains of lap dancing clubs owned by operators like Foxy Lady and Spearmint Rhino. In 2005, Beat Uhse, with 313 shops in ten countries, posted half-year profits of 8.9m euros on turnover of 144m euros (*Associated Press* 15 August 2005). In Britain, the Ann Summers chain of sex shops had a turnover of £110m in 2003 (*Sunday Herald* 31 October 2004). Of course, many other large 'legitimate' companies make considerable profits from providing telephone lines and cable and satellite programmes, and being internet service providers for the sex industry employers. Amongst the biggest beneficiaries here are GM Motors (through DirecTV), TimeWarner, News International (EchoStar satellite), AT&T, and hotel chains like Marriott International.

One particular aspect of the global sex industry concerns the trafficking of women and girls for prostitution. This has become a significant and part of wider illicit and underground movement of people and goods (Bhattacharyya 2005; Monzoni 2005). The *Real Sex Traffic* (*Channel 4*, 26 September 2005) estimated that 500,000 women are trafficked each year for the sex trade, highlighting in particular not only the huge growth in this trade in recent years but the source of many of the women as increasingly being from the countries of the former Soviet Union (see also Monzoni (2005:63)). Previously, the US State Department estimated that between 0.7m–2.0m women and girls are annually trafficked and sold for sexual labour, which generates, according to the International Organization for Migration, \$6bn–\$12bn pa (*San Francisco Bay Guardian* 8 March 2001). The existence of abuse, violence and indenture used to control and exploit trafficked women for prostitution has been established (Malarek 2003) although dispute exists over its extent. For example, the *Economist* (4 September 2004) reported much migration to become sex workers in Europe is (economically) voluntary not (physically or emotionally) forced.

### **Erotic dancing**

Primarily concerning lap or table dancing, there are a number of indications of the size of this recently enlarged sector of the sex industry. For 1996, Macy (1996:97–8) reported there were 2,500 strip clubs in the US and Canada in 1996 while Forsyth and Deshotels (1997:128, 125) estimated that there were 1,500 strip clubs in the US and cited an estimate that there were 68,000 exotic dancers in the US in 1993. Burana (2001:45–6) reported that the *Exotic Dancer Bulletin* estimated there

were 250,000 exotic dancers in the US and 2,500 clubs (strip, pole-, lap-, table-dancing). By 2004, there were believed to be 4,000 strip clubs in the US (*Independent* 24 May 2004). Burana (2001:290) also reported New Jersey alone had 173 clubs. In Manhattan, there were reported to be 700 table/lap dancing clubs (*Observer* 11 February 2001). In Britain, there were believed to be 300 clubs in UK, of which 20 were in London (*Mirror* 9 July 2003, *Observer* 11 February 2001) while the *Guardian* (16 March 2001) estimated there were 200 and Bindel (2004b:6, 23) reported on estimates of 150–300 clubs since the first one opened in 1995. To give an indication of the number of the women dancers involved in this number of clubs, one club, Spearmint Rhino in Harrogate, reported it had 150 women on its books (*Guardian* 16 March 2001). Later, Spearmint Rhino stated it received 20 applications per day for opportunities to dance in Britain (*Observer* 3 February 2002). It made £2.3m profit in 2001 from its clubs in Britain (*Observer* 2 March 2003). An estimate of income generated by the lap dancing 'industry' in 2003 was £300m (*Mirror* 9 July 2003).

### Prostitution

The US State Department estimated for 2003 that between 0.8m–0.9m people were trafficked across international borders, much of which is concerned with the sex trade (Malarek 2003:5). The UN estimated that trafficking in humans, much of which is for the sale of sex, is worth around \$12bn pa (Malarek 2003:4) where a trafficked woman, according to Interpol, can earn for her 'owner' between \$75,000–\$250,000 pa (Malarek 2003:5). Bieman (2005:190) reported that two thirds of the 0.5m women entering the sex industry in Europe every year are from the 'post-socialist' countries of eastern Europe and the former Soviet Union. *Prospect* (summer 2001) reported the UN estimated that annual global profits from the 'sex trade' i.e. prostitution amounted to \$7bn. Meanwhile, *Business Week* (7 October 2002), citing European Commission data, stated the following countries had the following number of prostitutes: Germany – 200,000, Britain – 80,000, Italy – 50,000, France – 30,000, and the Netherlands – 25,000. However, the Red Thread in the Netherlands estimates the numbers to be twice as high at 50,000 for the country (Gallin 2003:9) and in Germany, the number of prostitutes is commonly cited to be around 400,000 (see, for example, *Hamilton Spectator* 14 May 2005). In Scotland, with a population of around 5m, 5,000 prostitutes work (*Herald* 13 December 2004) and *BBC News* (17 January 2005) reported Home Office figures that 1,400 women are trafficked into Britain every year for coerced prostitution.

In Germany, around 50% of prostitutes are migrants and between 60%–80% of these come from eastern Europe and the former Soviet Union while in the Netherlands some 65% of prostitutes are migrants and in Britain, some 20% are migrants. In London in 2004, from research conducted by the Poppy Project (*Guardian* 20 August 2004), a charity involved in supporting trafficked women, there were believed to be around 8000 off-street prostitutes (massage parlour, saunas, flats, outcall escort agencies) in 730 brothels and 164 escort agencies. Meanwhile in Dublin, Reynolds (2003:xiii) reported there were 650–700 prostitutes known by the city's health board. The *Independent* (9 April 2001) reported there were some 2,000 brothels in Netherlands. The Scarlet Alliance (2000:20) reported there were 25,000 prostitutes working in Australia, of which 70% worked in brothels. In the US, the National Task Force on Prostitution estimated that over 1m have worked as prostitutes (cited in Kesler (2002:232)), of which 20% were street prostitutes (cited in Kesler (2002:232)).

In terms of money spent on prostitution by customers, Reynolds (2003:xvi) estimated £750m pa was spent in Britain with 10bn euro pa worldwide. In Glasgow, Glasgow City Council estimated that in 2004, around £3.25m pa in spent on street prostitution, earned by an average 60 prostitutes working per day (*Herald* 22 March 2005). The *Independent* (9 April 2001) reported prostitution in Netherlands was worth £500m pa while *Het Financieelle Dagblad* (5 October 2001) reported the figure was \$1bn pa. For Germany, the *Times* (28 August 2002) stated that £4bn pa was spent on prostitution there while *Hamilton Spectator* (14 May 2005) put the figure at 6bn euro pa. In London, £200m pa is spent on the sales of sex with some £770m pa in Britain (of which 5% concerns street prostitution) (*Independent* 9 April 2001, *Observer* 18 April 2004). Sanders (2005b:13) stated that in the Soho district of London, over £1m is spent per month there in the sex industry, while the *Guardian* (2 December 2005) reported on research that indicated an increase in male usage of prostitutes from 5.6% in 1990 to 9.0% in 2000. In Australia, the Scarlet Alliance (1996:1) reported that the South Australian police estimated that prostitution generated an income in excess of A\$17m pa in 1994. Meanwhile, the President of the Victorian Brothel Association cited an estimate of the turnover of prostitution in Victoria state being between A\$150m–200m pa at a minimum in 1991 (Richardson 2000:19). Nearly, a decade later this figure had risen to A\$364m pa, comprising the activities of 60,000 customers in a state with a population of under 5m (Sanders 2005b:13).

### Sex chatlines

Statistics and estimates of the size of the economic activity represented by sex chatlines and textlines have been hard to come by, whether in terms of revenue generated, or number of lines, operators and workers employed. However, it is believed to be sizeable and to be broadly on par with the other parts of the sex industry. For example, in three different hardcore porn magazine titles purchased from newsagents and produced in Britain in 2004, there were 1592 different chatlines provided through 318 operators. A supplement to a 'lads' mag' in 2003 contained 653 different lines provided by 67 operators while another 'lads' mag' contained 207 different lines from 45 providers. Contact magazines collected in southern California in 2004 suggest that the sex chatline industry there operates on a similar scale.

### Pornography

Pornography has entered the mainstream of culture in most developed countries (see, for example, *New Statesman* 7 March, 4 April 2005) and with it, and because of it, huge commercial opportunities have opened up. Cultural commentator, Frank Rich (*New York Times* 20 May 2001) reported that in 1998 porn videos (rental, sales) in the US generated \$4.2bn, with 700m porn rentals per year. He suggested that all pornography in the US accounted for between \$10bn and \$14bn of economic activity, stating: 'Take even the low-end \$10 billion estimate, and pornography is a bigger business than professional football, basketball and baseball put together. People pay more money for pornography in America than they do on movie tickets, more than they do on all the performing arts put together'. For 2002, the *Observer* (2 February 2002) estimated that pornography sales in the US was worth \$6bn pa. By 2004, the *Observer* (18 April 2004) stated these sales had risen to the value of \$13bn pa while the San Diego *Union Tribune* (18 October 2004) believed this to be \$10bn.

In the US, Lane (2000:xiv) cited figures for the sale of pornography expanding from \$2bn pa in the mid-1970s to \$10bn pa although he stated: 'some estimate the actual total today is somewhere between \$15billion to \$20 billion'. Of this, he reported that \$1bn–\$2bn pa is comprised of online pornography sales in 1998 (Lane 2000:xiv–xv). Sheehan (2004:92, 97) quoted one industry source as stating 8,000 titles were made every year, compared to only 800 pa in 1990. Meanwhile, *Porn Shutdown* (*Channel 4* 25 April 2005) reported that the San Fernando valley produced four thousand titles per year, using over 1,000 actors and actresses, and accounting for \$9bn of

sales pa. *Time Out* (New York) (4 November 2005) suggested that in the San Fernando Valley about 150 companies produce 10,000 titles a year, generating \$7bn in sales. Pornographer, Larry Flynt, suggested in 2004 that the adult film industry in southern California generated sales of between \$9bn–\$14bn pa (*Los Angeles Times* 23 April 2004). However, the *New York Times* (20 May 2001) and *Porno Valley* (*Channel 4* 9, 23 September 2004) cited higher figures, stating that 11,000 titles are made every year in the porn film industry in the Los Angeles area, generating \$10bn pa in revenue. The source of the higher figure was an *Adult Video News* survey in 2000 (Sheehan 2004:97). Many of these videos are made by one of the biggest companies, Vivid Entertainment, for whom many aspirant porn actresses wish to become coveted, contracted (for multiple films) and well-remunerated ‘Vivid girls’. Vivid produces around 60 films per year that bring in \$100m pa in sales (*Forbes.com* 7 March 2005). The other big US video companies are VCA, Digital Playground, Extreme and Wicked. The San Diego *Union Tribune* (18 October 2004) reported that the revenue from porn video rental in the US was \$800m pa. Some 1.6m porn websites are believed to exist in 2004, up from a mere 88,000 in 2000 (San Diego *Union Tribune* (18 October 2004). The *New Atlantis* (Summer 2004) quotes a figure of 4.2m porn websites worldwide.

Pornography on the Internet has been a huge growth industry. The *Sunday Times* (18 September 2005) reported that 25% of all internet searches are for pornography and there are 1.3m porn websites worldwide while the *New Statesman* (12 September 2005) stated 33% of internet users regularly view such hardcore porn (see also Monzoni (2005:27–8)). Paul (2005:59) cited Internet monitoring providers stating that in 2004 there were 260m pages of porn online, an 1800% increase since 1998 and that one company had recorded a 1700% increase in porn websites between 2000 and 2004. As with sex chatlines, no statistics or estimates of the size of the economic activity represented by internet porn are available in terms of revenue generated, or number of lines, operators and workers employed. The ‘footloose’ nature and virtual presence of both sex chatlines and internet porn across national borders means that the problems identifying relevant statistical data have heightened the difficulties presented by the informal nature of these activities. However, as before, internet porn is believed to be sizeable and to be broadly on a par with the other parts of the sex industry (see, for example, Paul (2005)).

## Summary

Clearly, there are significant differences and inconsistencies between the different data and statistics within and across the different components of the sex industry, whether on a country-by-country or worldwide basis. But what can be stated with some confidence is that since the end of the Second World War, the sex industry, as it was then, has moved from being a fringe economy activity and subculture to one that is now vast and pervasive in western economies and societies in terms of capital accumulation (the production and realisation of profit), human labour and culture. On this basis, the attempts to unionise sex industry workers are not only worthy of study but also necessary to study if a knowledge and understanding of the employment relations and the wage-effort bargains within the sex industry are to be attained.

## The social and political ramifications of the sex industry

It is not contentious to suggest that the sizeable form of economic and human activity represented by the sex industry is highly unlikely not to have important social and political ramifications with regard to attitudes towards, and behaviour concerning, sex, sexual desire sexual and human relationships, women, humanity, and moral codes and standards therein (*vis-à-vis* respect, obligations, reciprocity and dignity). Indeed, the prime concerns relate to how the sex industry can, or has, produced a dominant socially 'distorted' – that is to say incomplete and reactionary – view of what sex is, what (unequal) women's role and places are and how relationships are conducted because of the objectification of (primarily women's) bodies and the commodification of sexual activity. The sex industry, subject to some different national conditions and allied to other social forces like those of libertarian 'free speech' and 'new womanhood' milieu, has helped to increasingly sexualise society in a way that is regressive and reactionary. This is to recognise that such a process of sexualisation – the normalisation and mainstreaming of sex – under and by capitalism has certain deleterious ramifications compared to sexualisation *per se* or that which would take place on the basis of the social and political values and practice of women's equality and human dignity. Capitalist sexualisation has happened to such an extent and in such a pervasive way that 'sex' and the sale of 'sex' have become increasingly integral to contemporary society and economy, both nationally and globally. Womanhood and female sexuality have been so narrowed and dehumanised in conception and

function as to wipe away much of the gains of the women's movement and the consequent changes in social mores. The dialectical element in this process means that some have interpreted the process of sexualisation as leading to the outcomes, for some, of greater personal freedom of expression in their lives. However, what 'gains' may be apparent do not appear to in any way outstrip the 'losses'. Women as individuals and as a gender, along with their personal and material aspirations, are not any nearer to reaching an equality of opportunity or outcome with men, much less to being able to become fully rounded and regarded human beings.

A few examples of the impact and operation of the sex industry highlight this process. With the sizeable increase in the number of lap dancing clubs in Britain, along their large usage, high public profile and accommodation with 'new womanhood', Bindel (2004b:13) and the Lilith Project (2003:1) suggested respectively that lap dancing is becoming normalised and that lap dancing is leading to the normalisation of the sex industry. In 2005, a survey of a thousand girls between the ages of 15 and 19, quoted by the *New Statesman* (12 September 2005) and *Sunday Times* (18 September 2005), found that 63% aspired to be glamour models, while 25% opted for lap dancing. Another example concerns the mainstreaming of soft- and hard-core porn into hip-hop music which is purchased and consumed by an array of black and white, male and female youth (*Porn With Attitude*, Channel 4 25 September 2005).

## **Conclusion and discussion**

The thrust of this chapter has been three-fold. First, to suggest that the sex industry is a significant part of capitalist economic activity. Second, to venture that the place of the sex industry in society, although not uncontested, is increasingly regarded as more mainstream and acceptable under late capitalism. And third, to intimate that the social and political impact of capitalist sex industry upon sex, gender and humanity is not only not inconsequential but also deleterious. What is the importance of these for trade unionism, and thus this book? The starting point must be a recognition of the several facets of the sex industry – its size, numbers 'employed' and the like in tandem with its likely durability and permanence as a social and economic phenomena. This suggests that trade unionists, socialists and socially progressive activists have a duty to fully and properly examine the project of the unionisation of sex workers. If, as is likely, these milieus will detect

that exploitation of sex workers exists and that there are deleterious consequences for wider society and humanity because of the existence of a *capitalist* sex industry-cum-sex industry under capitalism, the issue arises as to whether the sex industry can be abolished or, if this is not possible in the near future, whether attempts at reform of it can be made.

Aside from other considerations, the current weakness of the women's movement and its inability to hitherto make much headway towards abolition suggest that the project of unionisation should be taken more seriously, notwithstanding its own considerable difficulties. In effect, this argument can be read either as abolition cannot be achieved in the immediate future – setting aside the implications of the professed positive aspects of sex work at this point – so how can the exploitation contained therein and effects of the industry thereof best be ameliorated? Or it can also be read (see Chapter 10) as suggesting a means by which to build up the social forces to transform the sex industry as it is currently constituted into one that is socialised rather than commodified, on the premises that the emancipation of workers is likely to begin with their own collectivisation through unions and that the self-emancipation of workers is the means by which they can gain their fullest emancipation. So the issues at hand relate to what can be termed strategy and tactics in regard of the current balance of social and political forces and the building and mobilisation of new forces. Many will rightly ask if unionising the sex industry means legitimising it, and thus, the oppression and exploitation of sex workers and women more generally. After an examination of the unionisation of sex workers, this important issue is addressed in the conclusion.

# 4

## Antecedents of Organising Sex Workers

### Introduction

Almost exclusively prior to the mid-1980s, where there existed any collective organisations of sex workers, these were collective organisations of prostitutes where prostitutes themselves and an array of supporters constituted pressure groups to campaign for the general improvement in the conditions of prostitutes. These groups were neither trade unions nor trade unions of sex workers. Nevertheless, these groups have provided a source of inspiration to the collectivisation and unionisation of sex workers of the period under examination. By firstly constructing an agenda and terms of debate whereby the term and discourse 'sex work' emerged and by secondly organising themselves publicly and collectively, the prostitutes' organisations have constituted both a discourse and a form of organisation to be emulated by other sex workers in terms of legitimacy, identification of interests, self-pride and self-confidence. Consequently, the attempt to create sex worker trade unionism has existed in an environment where some of the necessary conceptual groundwork has already been laid out and where breaking new ground is that bit easier with the precedent set by prostitutes. This chapter begins by considering these first examples of the self-organisation of prostitutes in the seven countries under study before then moving to provide an assessment of their strengths and weakness alongside an analysis of the trajectory they represent. This latter task is carried out with a view to examining the relationship to the later generation of sex worker unions. Prior to this, it is worth stating that there are four outcome goals with regard to prostitution (abolition, prohibition, legalisation and decriminalisation) because these different goals inform in positive or negative ways much of the sex work debate on prostitution.

## **Prostitutes' rights organisations in the US and Britain**

The modern prostitute's rights movement throughout the world began in the US in 1973 because, while there had been attempts to organise prostitutes in the previous decade (see later), the creation of COYOTE and then its associated-cum-parent organisations, NTFP and ICPR historically represent the most sustained, enduring and successful forms of high-profile organisations for prostitutes' rights. COYOTE (Call Off Your Old Tired Ethics), the US-based NTFP (National Task Force on Prostitution) and the Amsterdam-based ICPR (International Committee for Prostitutes' Rights) were created to repeal existing prostitution law, empower prostitutes to bargain with their employers, educate the public on prostitution, end stigmatisation and campaign for health provision. These organisations view prostitutes as oppressed in class, sexual orientation and race terms, and they make a distinction between voluntary and forced prostitution. COYOTE was founded in San Francisco in 1973 by Margo St. James, an ex-prostitute, who was concerned that existing women's groups were not addressing the issues of prostitutes as well as that this was not being carried out by prostitutes themselves who have a specialist knowledge of their own work. These issues include the commissions charged by establishment owners for sex workers using their premises as well as for referrals (of trade with other customers), and establishing standard rates for charging for services to prevent price undercutting and to gain a reasonable income. The name COYOTE was also chosen because it represents an animal that is persecuted and forced into periodic migration (Pheterson 1989b:4). COYOTE was also conceived of as a 'loose union of women' (in Jenness 1990:403) but was called by media commentators a 'union' (Jenness 1993:114).

A series of similar organisations, often affiliates of COYOTE, but with different acronyms and associations with other strong but hunted animals, sprang up in other US cities, such as Atlanta (HIRE – Hooking is Real Employment), New York (PONY – Prostitutes of New York), Maryland (HUM – Hookers' Union of Maryland), Massachusetts (PUMA – Prostitute Union of Massachusetts Association), Hawaii (DOLPHIN – Dump Obsolete Laws: Prove Hypocrisy Isn't Necessary), Detroit (CUPIDS), Michigan (PEP), Seattle (ASP – Associated Seattle Prostitutes, SPARROW – Seattle Prostitutes Against Rigid Rules over Women), Kansas City (KITTY), Los Angeles (CAT – California Advocates for Trollops), San Diego (CELOT) and New Orleans (PASSION – Professional Association Seeking Sexual Identification Observant of Nature). Some of these organisations

used the term 'union' or association but many more did not. Furthermore many also had more limited aims, had smaller memberships, fewer resources and folded relatively quickly compared to COYOTE. Around 15 city-based COYOTE organisations have existed over time. COYOTE also faced problems in the terms of profile and focus following changes in lead personnel (see Jenness 1993; Chapkiss 1997 and below). The NTFP was formed in 1979 with the aim of formalising a network of those remaining organisations into a national body of prostitutes' rights advocacy groups, comprised of working prostitutes, ex-prostitutes and supporters. In 1985, the NTFP established such an organisation, the Feminist Alliance for Prostitutes' Rights. The year before, the ICPR, based in the Netherlands, was formed and organised a series of World Whores Congresses, to which COYOTE and NTFP are affiliated. However, in essence COYOTE was the NTFP and its international presence was the ICPR. This serves to emphasise both the fragility and the limited extent of the presence of these first prostitutes rights groups. The ICPR in Europe was relaunched in 2005 as the International Committee for the Rights of Sex Workers in Europe which drew up a charter of rights for sex workers (see later).

Over and above 'sex work' being work and a legitimate form of service work, these three main organisations (COYOTE, NTFP and ICPR) have adopted perspectives of; a) women have the right to determine how they will use their own bodies with regard to prostitution, sexuality, sexual orientation, reproduction, and abortion, where to do otherwise is a breach of civil rights; b) most of the problems associated with prostitution (and sex work) relate to its prohibition and stigmatisation not prostitution *per se*; c) women are not driven into prostitution and sex work merely because of economic pressures or physical coercion, for some freely choose prostitution; and d) prostitution will not end after capitalism. Ultimately, COYOTE, and thus the NTFP and ICPR, seek to achieve the decriminalisation of prostitution so that prostitutes can form professional guilds which can provide prostitutes with political representation but most critically also provide employment representation through being able to regulate entry to the marketplace and to establish quality and service controls of operations (St. James, cited in Poel (1995:62–3)). This is standard fare in terms of groups seeking to become *bona fide* professions.

Following the departure of COYOTE's founder in 1986 to head the ICPR, COYOTE became much less active as an organisation. It was led by a non-prostitute who concentrated on political campaigning and policy work as opposed to work issues and without much involvement

from other members, particularly prostitute members. Following a further change in leadership in the early 1990s where the previous incumbent left to concentrate on policy work on prostitution with NGOs and inter-governmental organisations like the UN, the leadership then passed to a working prostitute who attempted to reorientate the organisation on work issues. Under the latter's leadership, members and activists saw COYOTE more in terms of a union and called it as such where they discussed ground rent fees paid to brothel owners, referral fees and working conditions. However, there was no significant sense of collective action aimed at the workplace, and activities comprised 20 women meeting twice monthly to act as a support group to each other. One of the other main leaders of COYOTE in this period concentrated on her work as director of CAL-PEP, the California Prostitutes' Education Project, leading to COYOTE's further marginalisation as safe sex issues predominated (see Jenness 1993:chapter 5). French (with Lee 1992) estimated that COYOTE had no more than 50–100 members in the late 1980s/early 1990s.

HIRE was established in Atlanta in 1981 by working prostitute Dolores French, previously a political activist with experience, charisma and self-confidence (see French with Lee 1992). HIRE arose as a response to police harassment which then elicited discussions among prostitutes on why women have unloved sex and do not get paid for this in a marriage and the similarities to prostitution, about the right to sell sex, about being for decriminalisation not legalisation, about taking control of their working lives, health issues and the fees they charged. Essentially, HIRE was concerned with representation of the interests of prostitutes and the advocacy of prostitution being an occupation in public policy and gaining representation for this within local government, local communities, local health and education provision and within the media (French with Lee 1992). It also existed to provide support and advice group for arrested prostitutes and affiliated to COYOTE as the local chapter in Atlanta.

The US Prostitutes' Collective (US PROS) and the English Collective of Prostitutes (ECP) emerged from, and were influenced, by the International Wages for Housework Campaign, which was set up in 1972. They are part of the International Prostitutes' Collective, which has affiliates in Canada, Trinidad and Tobago (see <allwomenscount.org.uk>). These organisations see prostitution in class-based terms of the poor and oppressed against the rich and oppressors. The corollaries are that they believe that, on the one hand, poverty forces women into prostitution, that prostitutes are exploited in common and that women who enter

prostitution should not be punished for being poor or wanting to be financially independent of men, and on the other hand, that women need human, legal, economic and civil rights so that they are not forced into prostitution. This is seen as part of the struggle of the women's and working class movements. However, both are abolitionists and see decriminalisation as an interim step towards this.

Set up in 1975 and drawing on the inspiration derived from the actions of French prostitutes (see below), the ECP emerged from the coming together of four key individuals amongst a wider milieu of prostitutes and supporters. Helen Buckingham launched Prostitutes United for Social and Sexual Integration (PUSSI) and became the first working prostitute public champion of prostitutes (McLeod 1982:119–20) while Selma James was a leading activist in the Wages for Housework campaign in Britain. Margaret Valentino and Mavis Johnson (see Valentino and Johnson 1980) along with Buckingham and James essentially formed the ECP. The ECP comprises working prostitutes, and has campaigned on a number of fronts. These have primarily been against the effect of all laws against prostitutes and all laws which criminalise prostitutes, as well as campaigning for the abolition of these laws and to help women leave prostitution, under the slogan 'For Prostitutes, Against Prostitution. Legitimising Prostitutes, not Prostitution.' Consequently, campaigns have centred around the policing of prostitutes, police harassment of prostitutes, violence against prostitutes, and the use of racism against non-white prostitutes. The ECP has also lobbied for social protection from abuse and for higher wages and conditions of work. The ECP also believes that the legalisation of brothels, and prostitution in general, serves to increase, not decrease, the exploitation of prostitutes by virtue of increasing stigmatisation of prostitutes, heightening state control over prostitutes, and escalating state exploitation through taxation of prostitutes. Further, the ECP also believes that legalisation increases brothel owners' control over prostitutes (ECP 1997:91–2). It is for the same types of reasons, that it argues against tolerance zones, where it believes the zones do not tackle the stigmatisation and often make it more dangerous to work (see, for example, *BBC NewsOnline* (13 July 2004)).

In 1980, the ECP distributed a factsheet called *An A to Z for working girls: a guide to rules of the game* which outlined the rights under law of prostitutes, what laws prostitutes may be deemed to break by working, what to do to avoid arrest and what to do if arrested. Later, the ECP set up a women's resource centre and a professional legal service to provide advice to arrested or harassed prostitutes. It also published *Network*:

News from the English Collective of Prostitutes under the slogan 'no bad women, just bad laws'. One edition of *Network* (June 1984) spoke of the ECP as 'the girls' union'. Summarising its diverse array of objectives and activity, the ECP (ECP website, 2004 <allwomenscount.net>) stated it was:

*organizing for decriminalization; stopping serial murderers and rapists; demanding protection not criminalization; opposing trafficking laws being used to deport women; defending sex workers against police illegality and racism; challenging racism against women of colour and immigrant sex workers; winning compensation for rape victims; opposing and preventing the scapegoating of sex workers for HIV and AIDS; defending sex workers against attacks by vigilantes; challenging the criminalization of children; defending sex workers right to work from premises; helping women fight extortionate tax demands; challenging discrimination by service providers and sex workers projects; lobbying at United Nations conferences and international NGO forums; working with Legal Action for Women to build a network of sympathetic lawyers; and shaping public opinion.*

Along with other groups which are part of the International Collective of Prostitutes, the ECP has attempted to build alliances with the broader women's and feminist movement as a result of situating their struggle within the wider struggle for women's liberation and the emancipation of workers. In more recent years this has moved from being in the International Wages for Housework campaign to the latter's involvement with the more high-profile Global Women's Strike (<globalwomenstrike.net>) which began in 1999.

Despite a prolonged period of activity, the ECP's only major successes have been in influencing the removal of imprisonment for soliciting in 1982 and stopping some evictions of prostitutes from the flats they were using as businesses in Birmingham and London. Much of their work has been of making propaganda and organising agitation without much discernible or immediate positive outcome. For example, in 1982 and in recognition of the French prostitutes, the ECP organised the occupation of church in King's Cross in London as a means to gain publicity for their campaign objectives (ECP 1997:87, see Roberts (1992:347-9) for a more detailed account). While the ECP has gained representation on parliamentary investigations into prostitution, it has had little success to date in advancing its argument that prostitutes should be able to work together for their own safety for this

would contravene a number of existing laws governing the regulation of prostitution (see also Chapter 6). The ECP has played a small part in the campaigning against the introduction of tolerance zones and the withdrawal of existing ones (see West (2000a:110) for related details) and against the use of the *Crime and Disorder Act 1998* to criminalise street prostitutes through the enforcement of Anti-Social Behaviour Orders (ASBOs). Whilst the ECP states amongst its aims are to campaign for economic rights of sex workers and their right to form or join trade unions, this has not been acted on in any concerted or consistent manner. Those on the 'sex work' wing of the sex work and women's movement argue that the ECP is a *de facto* abolitionist organisation which denies women the (genuine) right to choose to enter prostitution because the ECP seeks to eradicate prostitution as a result of its perspective that women are heavily coerced by the economic compulsion of capitalism into prostitution. Consequently, the ECP for this reason (and others – see Chapter 6) has not been seen as a body for the unionisation of sex workers.

At the same time as the creation of the ECP, other similar organisations were also established in England. PLAN (Prostitution Laws Are Nonsense) was created by a working prostitute and PROS was founded by prostitutes, social workers and probation officers in 1976 in Birmingham (Green 1982; McLeod 1982:120; Pheterson 1989b:6). PROS campaigned on behalf of street prostitutes, arguing for decriminalisation (Green 1982). McLeod (1982:chapter 5) detailed her own involvement with PROS and then provided an assessment of PROS organisational form and resources. This is useful for it is germane to other organisations like the ECP. Her assessment highlights the pressure on organisations representing the socially disadvantaged to substitute welfare for campaigning, the reliance on a small handful of activists, the lack of capacity resulting from the inability to employ full-time campaign workers, and the resource intensity and long and drawn nature of lobbying legislators. Green (1982) highlighted the hostility and ambivalence PROS faced from feminists. McLeod (1982:146) concluded that the prostitutes' rights campaigns in Britain had established a public voice for prostitutes and had 'made *a start* on securing better treatment *for* the most maligned group of women in society' [emphasis added]. The single mention of the idea of unionisation of prostitutes, according to McLeod (1982:144), indicated the size and nature of challenge of doing so, namely, that of patronising male attitudes.

The US PROS was established later in 1980 from the expansion of the New York Prostitutes' Collective that began in 1979 as a group of black sex workers and their black supporters. It comprises multi-racial sex

workers and multi-racial supporters and similarly campaigns for the abolition of all laws against prostitutes in order for prostitutes to gain control of their work lives and to gain economic independence. Particular activities have involved monitoring court treatment of serial rapists and murderers of prostitute women, arguing for the state (police, judicial) resources spent harassing prostitutes to be spent on their protection instead, and opposing mandatory HIV/STD health testing of prostitutes. Both the ECP and US Pros broke with COYOTE/ICPR between 1980–1985 over the right of sex workers to remain anonymous in campaigning work. This was symptomatic of wider, underlying differences over tactics, strategy and perspectives (see Lopez-Jones (1987), Pheterson (1989a:36–7)), and particularly the disagreement over the need for the abolition of prostitution and sex work (see Chapter 2).

WHISPER (Women Hurt In Systems of Prostitution Engaged in Revolt) was founded in 1985, taking the perspective that all prostitutes are victims, forced into prostitution, that sex work commodifies sexual exploitation and sexual abuse, and that prostitution is a means by which women are subjugated and enslaved by a patriarchy system (see Bingham (1998), Fischer (1996)). Therefore, it argues that men have created the ‘myth that women actively seek out prostitution as a pleasurable economic [and empowering] alternative to low-paying, low-skilled, monotonous labor, conveniently ignoring the conditions that insure women’s inequality and the pre-conditions which make women vulnerable to prostitution’ (Wynter 1987:266). WHISPER campaigns against legalisation which institutionalises prostitution as an ‘unsightly problem’ and ‘victimless’. In essence, WHISPER is an abolitionist organisation that seeks as an interim measure to help women leave prostitution. As such, it opened up an ideological counter-offensive against COYOTE in the 1980s (Jeness 1990:412–13, 1993:77).

## **Prostitutes’ rights organisations in continental Europe**

The modern prostitutes’ rights movement in Europe began in France in 1974 with well-publicised action of urban prostitutes. In that year, the first (public) demonstration by Parisian prostitutes against police and judicial harassment and victimisation was organised (Pheterson 1989b:5). The following year, an occupation of a church in Lyon by prostitutes was carried out to protest against the lack of police vigour to arrest the murderers of prostitutes, the lack of adequate police protection

for those who continued to work as prostitutes as well as to oppose the increase in harassment through fines and imprisonment. Prostitutes' efforts to lobby politicians through conventional means had so far been ineffective so the prostitutes occupied a church for two months to draw attention to their grievances and to begin the process of campaigning against criminalisation and stigmatisation. This in turn sparked a wave of occupations by prostitutes of other churches in other cities (for a more detailed account see Jaget (1980) and Roberts (1992:344–7)). These actions gave rise to the formation of the French Collective of Prostitutes which Roberts (1992:347) characterises as a 'political union'. Although what may be termed 'exotic dancers' at the Moulin Rouge in Paris refused to work in May 1968 in solidarity with the general strike by millions of workers, it was not until 1974 that the phenomenon of sex workers taking collective action arose in a major way when the initial church occupation sparked off the wave of church occupations. Since these early beginnings, prostitutes in France have continued to organise on a pressure group basis and not on a trade union basis. This is not surprising because the dominant traditions of political protest in France consist of direct action and street actions and because the marked weakness of French trade unionism compels it to work through protest actions as much as through collective bargaining. In Italy and Switzerland in the early 1980s, prostitutes' rights groups were established (Pheterson 1989b:6–7) and in 1990 a prostitutes' rights group was also set up in Norway (Skilbrei 2001:66). The case of the Netherlands, that is the Red Thread organisation, is dealt with entirely in Chapter 7 because the organisation progressed to become an affiliate of the FNV trade union federation. For the same reason, the recruitment of prostitutes to the Ver.di public service union and the Hydra prostitutes' rights group in Germany are also dealt entirely with in Chapter 7.

### **Prostitutes' rights organisations in Australia**

The first groups in Australia like the Self-Health for Queensland Workers in the Sex Industry (SQWISI) and the Prostitutes' Action Group in Victoria, were founded in the late 1970s and early 1980s to campaign against police harassment and corruption and for decriminalisation. Unusually, the first campaigns for prostitutes' rights (in 1970) predated the establishment of prostitutes' rights groups (Perkins 1991:369). These former organisations succeeded in bringing the issue of law reform on to the agenda and providing the public space for prostitutes to openly emerge into. Drawing on the example of the ECP, the Australian

Prostitutes' Collective (ACP) was founded in 1983 in Sydney by an ex-prostitute, Roberta Perkins, and a university student with the main goal of achieving decriminalisation. It began publishing newsletters within a year and began to seek out sympathetic brothel owners and managers in order to establish self-regulation and safer sex practices (see Perkins (1991:369–71)). In its early years, the ACP took legal action against measures by local authorities to restrict prostitutes' trade and against local residents' groups for harassing prostitutes, exposed police corruption in relation to prostitution, helped run a health centre and supported its members who refused to take customers who were politically hostile to the aims of the ACP. Between 1986 and 1989, it received state government funding. Internal differences and the withdrawal of funding, following a change in state government after these internal differences were not resolved, led to an exacerbated crisis in the organisation (see also Perkins (1991:372–3)). However, the ACP did not implode but changed its status and scaled down its name to the Prostitutes' Collective of Victoria (PCV) in 1994 to better reflect the actual geographical extent of its activities and presence (based around Melbourne) as well as its lower aspirational goal of merely organising prostitutes in one state rather than across the whole country. The Scarlet Alliance, the Australian Sex Workers' Association, was founded in 1989 as a peak organisation for sex worker rights groups. Its aims are the same as other sex rights groups and sex rights coordinating bodies. Thus, it has led various campaigns to attempt to reshape the regulation of prostitution under state jurisdictions (see, for example, *Hobart Mercury* 17 April 2000; *AAP Newsfeed* 22 November 2002; *Women's Health Law Weekly* 21 March 2004). However, the PCV and Scarlet Alliance have continued their activities in representation and advocacy, focussing particularly on occupational health and safety but also on issues of unfair dismissal and choice to refuse customers. In addition, there are, or have existed, other organisations such as the Prostitutes' Association of South Australia and the Prostitutes' Rights Organisation for Sex Workers (PROS) based in Sydney.

### **Prostitutes' rights organisations in Canada and New Zealand**

The original prostitutes' rights organisations in Canada were BEAVER (Better End All Vicious Erotic Repression), the Canadian Organisation for the Rights of Prostitutes (CORP) and the Association for the Safety of Prostitutes (ASP). These groups date from the late 1970s/early 1980s. BEAVER, based in Toronto and mainly comprising strippers, was founded in 1977. It changed to become CASH (Coalition Against Street

Harassment) in 1979 in an attempt to relate to and organise prostitutes. The corresponding organisation in New Zealand is the New Zealand Prostitutes' Collective, established slightly later in 1987. Given that tendencies towards the foundation of sex worker union organisations are very much weaker in these two countries compared to the other five, and to avoid stealing the thunder of a later chapter, the assessment of the sex worker organisation in these two countries will also be carried out in Chapter 7.

### **Assessments of prostitutes' rights groups**

With the exception of defining a positive self-image and creating a positive self-identity through a concentration on issues of work and civil rights, a number of writers like Weitzer (1991, 2000b), Jenness (1990, 1993), Poel (1995) and Mathieu (2003) have argued that prostitutes' collectives have failed to make headway on a number of important fronts. Among these are achieving radical law reform, public toleration, de-stigmatisation and material improvements in conditions of work. Their analysis spans a wider terrain, where these writers also highlighted the considerable inability to prevent marginalisation in society and in public policy at the time of the counter-offensive of the moral majority following the rise of AIDS which scapegoated prostitutes as problems of health and morality. These writers also argued that the prostitutes' collectives failed to counter being compelled to concentrate their work on health (of prostitutes) and education (of public stereotyping) issues and move away from civil and human rights following the rise of AIDS. Further, they argued the underlying reasons for these failures revolve around inability to construct alliances with other groups such as feminists, a troubled relationship with their own constituency, and the dependence upon charismatic leaders and non-prostitute supporters. Nonetheless, Jenness (1990:416–17) concluded that COYOTE's existence and continuation as 'small but vocal' were notable achievements in themselves. With these broad critiques laid out, the remainder of this section considers the more detailed assessments.

But before doing this, it is worth noting O'Connell Davidson's (1998:190–210) more general and abstracted assessment of the political action of prostitutes' self-organisation because it provides a foundation for considering these other particular studies. O'Connell Davidson argues such action and organisation is inherently weak because; a) the prostitute-customer relationship is one of consumption, not production as per the employment relationship, so prostitutes' leverage is

insignificant because the customer, unlike the employer, has no interest in increasing productivity and through this accumulation; b) there is no employment relationship so workers have no formal rights and thus no power of leverage over those that deploy them (like brothel owners); and c) the state has no direct economic or social interest in mediating relations within prostitution between prostitute, customer, and third party operator.

But, as West (2000a, 2000b) points out, this analysis is compromised by its concentration on, and conceptualisation of, a specific aspect of prostitution, that of the interaction of the independent prostitute and the customer (despite O'Connell Davidson's (1998) earlier consideration of third-party prostitution like brothels and agencies as well as the leverage points established in her study of an entrepreneurial prostitute). But more importantly, in the case of independent prostitution, O'Connell Davidson mistakes consumption for what is in fact production and delivery of service as well as realisation of value (through negotiation) by prostitutes and these processes create a relationship of inter-dependency with the customer and thus potential leverage points for prostitutes. Although the prostitute is often responsible for the exchange (such as an independent prostitute or one where the third party does not determine pricing) in an atomised way, the exchange must necessarily be based on the production of 'labour' and is not bereft of a collective context like the socially set 'going rate'. With regard to third-party prostitution, where there is no formal employment relationship, the prostitute is still both a 'cost' and an 'asset' (see before for implications). As following chapters show, collective articulation of, and mobilisation for, collective interests is difficult but it is not inherently impossible. Whilst states do not have direct economic or social interests in mediating relations within prostitution, they do have political interests in doing so and this provides some potential leverage points (and the growth of the wider sex industry into a substantial, albeit unorganised force, may begin to further confound such wisdom as that of O'Connell Davidson). In any case, O'Connell Davidson (1995, 1998) does not fully consider the opportunities for prostitute control and resistance she identified for the potentiality of forming and exercising collective (industrial) influence (see also West and Austrin (2002:492–3)). *In toto*, many of the obstacles facing prostitutes, and by implication sex workers, in generating self-organisation do not seem in a number of respects to be any more immovable than those which trade union movements have confronted since the beginnings of capitalist industrialisation.

Returning to the specific studies, Jenness (1993) argued that attempting to achieve acceptance and legitimacy is a huge task which has not been made any easier by prostitutes' collectives in the US such as COYOTE not operating as membership-based organisation of prostitutes: such organisations would ensure the raising of subscriptions, the creation of democratic structures, using participative processes of forming policies and deploying elected positions. COYOTE was extremely successful in claiming to be a union of and for prostitutes as a way to gain profile to put forward its views. Indeed, it has often been referred to as a union by others (e.g. Baxandall 2002). However, it lacked the resources and ballast that were likely to come with actually being a union of, and for, prostitutes (see Jenness 1993:114–17). In its early years, COYOTE stated only 10% of its claimed membership were working prostitutes (in Jenness 1993:45) while later its founder (St. James 1989:xix) stated that of the 60,000 on COYOTE's mailing list only 3% were prostitutes, and that it did not seek to recruit prostitutes as members (in Weitzer 1991:34, 2000b:176). Chapkiss (1997:186) highlighted that apart from one period in the early 1990s, COYOTE was always led by former or non-prostitutes, with the result that it concentrated more on political campaigning than on the provision of services to prostitutes and their work-related issues. Whilst many prostitutes were unwilling to be highly and publicly visible in campaigning for prostitutes' rights, this was nonetheless argued to be a considerable weakness.

Weitzer (1991) argues that COYOTE has been largely unsuccessful because it did not seek to, or was, unable to create the financial, political and human resources necessary to pursue its policies. He finds the positive impact on public opinion, public policy and public authorities negligible and that this is attributable to a poverty of resources; income, activists, networks, and recruitment. Later, he argued (Weitzer 2000b:175) that because COYOTE regarded winning popular support as such an enormous task, it was not given any priority in its work and that COYOTE's policy of decriminalisation represented a campaign by entrepreneurs not a mass movement. In the case of building alliances with other progressive groups, he argued that their support was formal and not real or manifest for fear of meeting hostility on the part of the non-prostitutes groups (Weitzer 2000b:176). Poel (1995) suggested that the moment the Red Thread went beyond image management and image formation to active participation in policy formation, this led to significant problems because of the inclusion of all prostitutes' position that the Red

Thread took. He suggested that downgrading or downplaying the attention given to drug dependent prostitutes would have prevented all prostitutes being tarred with the same stigmatising 'brush'. Mathieu (2003:34) attributes the sparseness and fragility of prostitutes' rights groups to 'their low level of political competence' which is derived from their stigmatisation and marginalisation as well as the level of internal differentiation and competition amongst prostitutes. In the absence of much group identity, cohesion and solidarity, prostitutes' rights groups can come to constitute themselves as professional social movement organisations, where leadership is provided internally by high status prostitutes and externally by 'conscience constituents' such as non-prostitute sympathisers and supporters which often have a wider, and thus different, agenda from the prostitutes (Mathieu 2003). In turn, this leads to tensions within the prostitutes' rights groups and distance emerging between the leadership and the prostitutes.

These four writers have argued that the emphasis on prostitutes' agency is correct given that the movements of oppressed groups like those of the gay, black/civil rights and women's movements have been able to make much greater headway. However, this relative failure cannot be fully understood without providing a contextualisation with regard to wider environmental factors. Thus, Jenness (1993:chapter 5) made the case that with the emergence of AIDS, and the dominant (right-wing) response to this, came a loss of any legitimacy prostitutes had developed as prostitution became a heightened social and health problem. Prostitutes thus became scapegoats and subject to an ideological counter-offensive. In these circumstances, she outlined how COYOTE was forced to turn to address these issues and promote safe sex, with little attention paid to other issues and with COYOTE becoming marginalised by COYOTE's activists involvement in CAL-PEP. The legal environment was clearly not helpful either. The problem of unionising prostitutes in US has been that prostitution in US is illegal, that is the selling of sex is illegal (except in Nevada), where unionising prostitutes recognises them as prostitutes and then opens them up to charges of conspiracy to commit prostitution and to pander. This contrasts to the situation in Canada where it is not illegal to be a prostitute and to engage in prostitution (see Chapter 7). Thus, Margo St. James, founder of COYOTE, argued in the 1970s with regard to the US that: 'a union for prostitutes is not possible now. One could not even dream of starting a union without opening oneself up to a lot of legal problems' (in Jenness 1993:115)

because of the charges that could be laid against prostitutes self-organisation under conspiracy laws.

### **Discussion of the assessments of prostitutes' rights groups**

One of the strengths of the prostitutes' rights groups has been the support they have gained from a small number of non-prostitute supporters and professionals involved with prostitutes (e.g. lawyers, doctors, health workers, feminists, and social workers). However, this also appears to have been simultaneously a significant weakness in that the support became a *de facto* substitute for gaining the support (moral, political, physical, financial) of wider numbers of prostitutes and ordinary non-prostitutes, i.e. members of the public, rather than an adjunct to, or a method of, gaining this. The support of these small groups of non-prostitutes appears to have become self-limiting because they provided an immediate hospitable environment in which to operate in as well as ideological and technical/professional advice which then lead to the creation of a 'comfort zone' where seeking wider support became deprioritised. The same paradoxical nature can also be seen in two other aspects.

First, the ability of prostitutes' rights group to achieve large degrees of publicity, albeit within certain bounds and frames of reference (see Weitzer 1991:36). Achieving publicity has been a key means to try to influence public debate and public policy as well as to let potential supporters and members know about the organisation and to communicate with them on issues. In this sense, the use of publicity is to address external and internal constituencies. To organisations that are relatively new and resource poor, this is both necessary and a credit to have achieved. However, the prostitutes' rights groups have shown a marked tendency to rely on this resource and to do so without trying to create other, qualitatively superior resources. Acting as small (if not tiny) elite pressure groups of self-appointed activists through the medium of indirect communication and on behalf of members and constituents has acted as a barrier to seeking to work as a much larger membership-based organisation, where the key characteristic would revolve around the centrality of the self-resource of the membership. Specifically, this would see the membership making a firmer and more direct political, financial and physical commitment to, and participation, in the organisation. Under such an orientation, it would be conceivable to create an organisation with manifest presence in localities that became part of progressive local communities (notwithstanding

hostility from reactionaries and radical feminists), where members acted in concert with each other in a self-active way and which engaged in mobilisations of members and constituents. On this basis, such organisation would be more likely to achieve the creation of wider and more powerful alliances. Second, and the related to the first, the highly active and highly politically conscious national or senior organisation cadre of leaders has been a great strength of the prostitutes' rights groups. These leaderships have been the greatest single and most consistently available resource throughout the existence of the groups. However, the leadership have substituted themselves consciously and unconsciously for membership and membership participation. Thus, the less effort spent on generating members has led to more concentration on the role of leaderships.

This is not to inappropriately accuse prostitutes' rights groups of not seeking to create mass movements in an ultra-left, abstract propagandist manner. But it is to recognise that the problem posed by self-selected and unrepresentative members and activists in prostitutes' collectives who seek to represent numbers wider than themselves and/or prostitutes in general is not one that is confined to just these groups. It is a perennial problem for subordinate (sic) social movements and pressure groups seeking radical change. In the widest sense, it is only possible to resolve these issues in periods when there is a rising level of social struggle and turmoil. By and large, the prostitutes' rights groups have existed under a period of 'downturn', a significant decline in oppositional and class-based struggle in the economic, political and social arenas.

Although wages and working conditions have formed a part of agenda of the prostitutes' rights groups, they have neither formed a central part of the agenda nor have they been addressed and acted on in a meaningful way. This is because large amounts of time have been spent on creating a positive self-identity, engaging in the 'sex work' debate, clarifying what the 'sex work' discourse means, campaigning on destigmatisation, public policy and law reform and providing individual representation in terms of police harassment and legal support. To *some* degree, this work was necessary for representing prostitutes and where this was the first attempt to create prostitutes' rights groups. In this sense, the salient issues were specific to prostitutes. Nonetheless, the formal and ideological emphasis on trade unionism as a *modus operandi* has sometimes merely been present as one of many rights demanded, such as by the ICPR (Pheterson 1989a).

The importance attributed to the challenge of operating in a more hostile environment by virtue of the AIDS backlash is correct but only partially so. The prostitutes' rights groups were far more affected than the other social movements of the oppressed by the epochal shift in political gravity from left and liberal-inclined perspectives to that of the right and conservatism because they were conceived and developed far more in the wake of the beginning of this shift. Part of this shift comprised the disorganisation and demoralisation of oppositional forces, particularly black, gay and women's rights and the trade union and labour movements, resultant, in part, from the successful counter-offensive of the right and neo-liberalism. The salience of this is that the willingness and ability of these other movements to potentially provide substantial support to the prostitutes' rights movement and the broader sex worker movement at the time of their birth and consequent palpable weakness is brought into considerable doubt. Quite apart from their unwillingness to offer help, the advanced state of disorganisation and dissolution of the trade and labour movements meant that the resources were not available to do so. By contrast, black, gay and women's rights movements tended to be established and developed before the epochal shift, thus providing themselves with some ballast with which to try to withstand the counter-offensive.

Similarly, the criticisms implied in the move to respond to the AIDS epidemic on the part of the prostitutes' rights groups have only partial validity. Anti-establishment oppositional forces seldom are in a position to entirely choose the ground on which they fight. AIDS/HIV as a health and political issue could not be ducked. But given that health issues are one of the few arenas in which the prostitute's rights groups could exert influence because of their local and decentralised provision where health professionals have some control and sometimes their delivery is by non-state bodies, this was a sensible choice of the terrain on which to fight in increasingly hostile environs. This can be contrasted with the much harder task of changing national law on prostitution. Finally, it is also worth bearing in mind the view of sex worker activist and writer, Jo Doezema (in Kempadoo 1998:21), who stated that: 'AIDS was an issue that give impetus to the flagging international movement by providing an issue around which to organize much needed funds and alliances with gay organisations'. This statement suggests that the AIDS/HIV crisis played an important part in the renewal and revitalisation of the prostitutes' rights groups.

## Towards trade unionism?

Prostitutes' rights groups like COYOTE and the ECP have now been in existence and active for some 30 years. Their relative failure as well as the taking up of the 'sex work' discourse by 'sex workers' who represent forces outside prostitution, following the elaboration of the discourse, have created a situation where the notion of trade unionism has a purchase amongst some sex workers. The way in which this has happened has not been straightforward. While the relative failure of the *modus operandi* of pressure group-ism has been a spur, it has been so on the basis of not invalidating the principle and tool of self-organisation and the establishment of a positive self-identity, especially where the abolitionist perspective tends to be inimical to the 'sex work' discourse. Rather, the relative failure has pushed some sex workers and sex worker activists towards seeing the need for an extension and filling out of the concept and practice of self-organisation. Moreover, this has been on the wider foundation of collectivism and self-activity in the workplace/work setting as opposed to merely just pursuing largely individual rights in legal and public policy arenas and seeking to apply pressure on a third party to compel employers to act in a more benign manner. The move towards trade unionism has thus not been a complete paradigm shift. There are many common features between trade unionism *per se* and pressure group-ism *per se* as well as between both in practice. Yet, there are also qualitative differences in terms of interest representation that can be expressed by stating that trade unionism represents a progression from pressure group-ism. However, the purchase of trade unionism is still far from universal or convincing. For example, in 2005, sex workers activists, primarily concerned with prostitution in 30 countries, established the pressure group, the International Committee for the Rights of Sex Workers in Europe. The Committee issued a declaration and intends to work through national, EU and trans-national governmental bodies to create a more favourable set of workers' rights for sex workers. Although at the opposite political pole on the issue, the Coalition Against Trafficking in Women seeks to do similarly with regard to the trafficking of women for the sex industry.

At this point, it is important to establish an understanding of what constitutes trade unionism *vis-à-vis* pressure group-ism as evidenced above. Put more bluntly, what is a trade union? A trade union is a membership-based representative organisation of workers whose identity and interests as workers are paramount in determining the action and behaviour of their organisation, and which primarily

seeks to co-determine its members' terms and conditions of employment through engaging with employers and the state on the fulcrum of its collective strength based in the workplace. This does not mean that it spurns extra-workplace issues, extra-workplace *modus operandi* or the provision of individual representation but it does suggest a chosen order of priorities. To develop this *contra* the pressure groupism of prostitutes, membership and membership participation are viewed as key resources, where a central weapon in the armoury is economic leverage rather than just political leverage and the constituency which trade unions represent is wider than single categories. Trade unions also operate on the basis of non-direct democracy through membership participation in internal processes and structures (policy-making, elections) to produce representativeness and accountability. Of course, none of these characteristics are absolutes. Rather, they are dominant tendencies or hallmarks as well as important conceptual ideals. With this move towards trade unionism initially explored, the evolution and development of sex worker union organisation in the US, Britain, Australia, the Netherlands, Germany, Canada and New Zealand can now be examined.

# 5

## Sex Worker Union Organising in the United States

### Introduction

Although the history of organising prostitutes in the United States is replete with acronyms, the biggest advance in organising of sex workers has taken place under the auspices of the EDA, the Exotic Dancers' Alliance, an organisation dating from the early 1990s. However, and of portent for the experience and success of contemporary unionising attempts in the US, it is worth noting a number of antecedents. Although not necessarily of any identifiable causal link, these show that initiatives to unionise have been taken in the past where grievances gave rise to attempts to organise collectively. Therefore, these instances suggest that the more recent attempts studied in this chapter are as not as exceptional as they might at first sight seem. Historically speaking, several attempts are reported to have been made to organise prostitutes and exotic dancers.<sup>1</sup> Burana (2001:150) recorded that other burlesque artistes in the 1950s and 1960s were members of the union, the American Guild of Variety Artists (AGVA). Although AGVA continued to exist, by the early 1980s, for reasons that appeared to be connected with racketeering, burlesque artistes and strippers ceased to be members of the guild (see also Corio and DiMona (1968)). More recently, a number of occurrences are noteworthy. Under a drive to unionise in 1983, two dancer union activists disappeared without trace and have never been found. Sex worker activists are convinced they were abducted and murdered to stop their organising activities and to send a message to other pro-union dancers. Also in the 1980s, the owner of the Brass Rail club in San Jose, which employs dancers and has a good reputation for its working conditions, recounted in overtly hostile terms the 1981 unionising drive he experienced by

saying: '[W]e beat it' (*San Jose Mercury News* 1 September 1996). Carol Leigh (1987:89) recounts being involved in organising a union for prostitutes that did not develop any further and Weldon (2002) recalled the initiative to organise strippers in Atlanta in 1980 that did not progress much beyond the giving out of leaflets to dancers. In the late 1980s, a dancer at the Lusty Lady in San Francisco recounted of working there:

*When we were talking about a strike I called [the labour board] to see if there was a union we could join. There's no union. The porn people can join the film actors' union, but there's no union for strippers. ... It's really hard to get sex workers to organize ... [as] my experiences with COYOTE have shown. ... They're transient and competing against each other. The women don't feel good about what they're doing, because there's a stigma, and they don't want to go public. (Attila the Honey in Keefe 1993:273)*

And finally, a prostitute sex work activist reported being involved in organising a prostitutes' strike at the American Massage Parlor over macho-management and long working hours as well as applying to the National Labour Relations Board (NLRB) for union recognition at the next brothel in which she gained employment (MacCowan 1997). The employer then sacked striking prostitutes. These instances exist as a worrying and shocking backdrop to the consideration of the major union organising drives that have occurred in the US and which this chapter considers. But, on the other hand, there is a dull and unsurprising familiarity to the reporting of these incidents of anti-unionism and union busting because these incidents are of a widespread, frequent and sustained nature throughout the US economy where non-sex workers attempt to organise themselves to represent their interests through independent unionism.

This chapter begins by examining the formation, development and activities of the EDA. From here it moves to examine the key union organising attempts in San Francisco, in Alaska, near Philadelphia and in Las Vegas. The importance of these phenomena for the social project of organising sex workers concerns several of their characteristics. First, the sex workers involved are not prostitutes but exotic dancers. Second, collective organisation has been conceived in *trade union* terms where the focus has been less on public morality and public policy and far more on work and employment terms and conditions with considerable emphasis on the workplace. These two characteristics make the phenomena worthy enough of serious consideration

but the third characteristic is that these organising attempts have recorded some tangible successes in achieving the goals of the sex workers concerned. In these respects, and others, the quantitative and qualitative advances of these sex workers compared to those made by the pressure group-type organisations of prostitutes in the US are quite stark and significant.

### **The Exotic Dancers' Alliance**

Led by two dancer activists, Johanna Breyer and Dawn Passer, the EDA was established in May 1993 in San Francisco at a meeting of 30 dancers concerned about the inter-linked issues of working conditions, stage fees and employment status. Following the introduction of stage fees at the Market Street Cinema (in 1987) and increases in these in 1992 from \$10 to \$25 in less than a year without any discernible improvements in working conditions and facilities, Prassar explained: 'We began to organise because we felt that the stage fee would continue to go up if we didn't do something' (*Hues March* 1999) and Breyer commented: '[W]hat really started to get people together [was] to look at why we were paying management this high fee when they were not doing anything in return' (Interview in Kempadoo 1998:182). The issue of stage fees crystallised a keenly felt lack of employee 'voice' for dancers as well as the absence of a means of representation of their separate and different interests. Prassar and Breyer recalled, respectively: 'One of the ways management justified [introducing stage fees] was by saying that the business was a "joint venture" ... almost like a co-op or joint partnership ... But we're not receiving any percentage of the customers' entrance fee, or anything that the club is generating. [W]e wanted a voice of our own' and 'The managers ... at the top of the pyramid ... hold the key to the business, even though the women are the bread and butter [of] the industry. ... It is not a democracy but very much a dictatorship'. (Interview in Kempadoo 1998:183, 185)

The notion to collectivise to form a union-type organisation came from a realisation that: 'The group that has self-advocacy skills and can bargain, can say "hey, you can't treat [us] like this" and the management will lay off a little. ... We want to give exotic dancers the support necessary so that they can stand up for themselves, to say "I think what you're doing is wrong, and I'm not going to stand for it, and this is what I'm going to do about it"' (Interview with Passar and Breyer in Kempadoo 1998:187). When Breyer and Passar attempted to gain help and advice from the Labour Commission, they found one of the

difficulties was that they did not constitute an (employee) organisation. Another was that they were not employees. Consequently, they needed to set up a 'union' of dancers in order to demonstrate they had the contractual status of employees. The latter centred on the directions and supervision given by club management about what work should be done and how it should be done, therefore highlighting the lack of control and autonomy on the part of the dancers. Upon trying to organise the Market Street Cinema, management stonewalled and 'sacked' another activist. Neither Passar nor Breyer were formally sacked, given that they were not formally employees. Rather, they were continually told when they turned up for their shifts that the shifts were full and the club did not need any more dancers that day.

The EDA stated its mission to be to: 'address the lack of civil, human and labor rights on behalf of erotic dancers and other sex industry workers' and its primary objective is to 'support all sex industry workers by providing information, referrals, non-judgemental, empowerment based services while collectively advocating sufficient working conditions ... and the elimination of persecution, prosecution, violence, discrimination and misclassification of sex industry workers' (EDA website, 2003). The EDA comprises sex workers, former sex workers and supporters from outwith the sex industry. Breyer and Passer worked full-time on the EDA project following their blacklisting by the club employers in San Francisco for union activities.

The EDA then submitted complaints about working conditions to the management of the Market Street Cinema, about fire safety to the San Francisco Fire Department and about more general health and safety issues to the Californian division of the Occupational Safety and Health Authority (OHSa). It also made contact with the Service Employees International Union (SEIU), the Harvey Milk Democratic Club and COYOTE. On behalf of the EDA, Breyer and Passer submitted complaints to the Labour Commission and Department of Fair Employment and Housing on sexual discrimination and harassment. The first success was that OHSa issued two citations to the Market Street Cinema on replacement of doors and an Injury and Illness Prevention programme was created at the club. Further complaints were submitted to the Labour Commission on the employment status of dancers, unpaid wages, management appropriation of tips and the return of stage fees at the Market Street Cinema. Breyer and Passar also represented the EDA in a submission regarding working conditions, employment status and health and safety to the Women and Employment Committee meeting of the Commission on the Status of Women.

In March 1994, the EDA secured its first notable success with a ruling from the Labour Commission that dancers were not 'independent contractors' and that the Market Street Cinema was ordered to pay back wages and return stage fees. However, Market Street Cinema increased its stage fees and appealed against the Labour Commission ruling on employment status. Then, following representations to the Commission on the Status of Women, the Commission agreed to send out letters to designated theatres and support agencies supporting the EDA's campaign for improvements in working conditions. One impact was that the Fire Department reminded theatres that the maximum number of persons allowed in a dressing room at any one time was nine. In this period, much press and media work was carried out to raise the EDA's profile, create public awareness and generate political leverage through acting as a pressure group. The EDA also participated in the establishment and running of a Sex Workers' Caucus and engaged with state politicians and city majors. In early 1996, the core members of the EDA met with SEIU Local 790 to establish formal relations (see below).

Another ongoing campaign was to secure wages due (as a result of fee payments) through a class action lawsuit against the O'Farrell Theatre, which resulted in an award of nearly \$3m in 1998 to some 480 dancers. In 1988, the O'Farrell Theatre reclassified its dancers from employees to independent contractors and established an employment practice that was quickly taken up by other clubs throughout the US. Previously, it had paid dancers a salary based on the minimum wage where dancers kept their tips. Thereafter, it charged dancers \$12 for the day shift and \$17 for the night shift, to be paid on a daily basis. The fees were rescinded temporarily in response to the EDA action against the Market Street Cinema but then re-imposed at \$10 per shift, non-refundable for any reason and to be paid at the beginning of every month when a dancer's schedule of shifts for the next month was given out by management. However, despite being independent contractors, hours were specified, work content determined and fines imposed for transgressions. Two dancers took out the class lawsuit in 1994 and experienced harassment and intimidation as a result (see also Chapter 9). By the late 1990s, the O'Farrell Theatre had reintroduced stage fees under the name of 'quotas' (\$200 for the day shift, \$300 for the night shift) (Burana 2001:258; *San Francisco Weekly* 8 September 2004). Others followed suit (*Los Angeles Times* 19 December 2004). Kay (1999) provided a detailed account of the clubs' constant innovation in avoiding paying wages and granting employment rights. In particular,

the hiking up of charges to work and the 'hiring' of increasing number of dancers increasingly led dancers to engage in prostitution inside the clubs (and with managerial consent) in order to gain sufficient income (Kay 1999).

At another San Francisco club, owned by the Bijou group, a dancer and her co-workers organised themselves and called upon management to reduce the stage fee in 1993. This was refused so the dancers filed a complaint with the NLRB. Again this led to the realisation of the need to operate as a union through the EDA. The club 'sacked' the dancers that joined the SIEU in 1995. An attempt to unionise the Bijou-owned Regal Showworld peepshow in 1997 was met by the closure of the establishment after dancers joined the SIEU local (*Spectator* 12 December 1997). But, after five years of fighting, the EDA won \$700,000 from the class action lawsuit for back payment of fees in this case. At this time, other clubs also prohibited distribution of EDA material, and sacked and blacklisted EDA activists and members (Kay 1999:66).

Alongside continuing public policy and campaigning work, in 1999, the EDA began a major campaign to prevent lap-dancing or strip clubs from deducting any portion of money from dancers'/strippers' cash tips and gratuities. This culminated in the creation of Assembly Bill 2509 in the Californian State Congress in 2000 which classified dancers as employees, entitled them to keep their tips and made owners' actions charging stage fees, commissions, quotas or fees a violation of Californian state labour laws. But again, clubs have devised new and legal means by which to charge dancers *de facto* up front fees (*Los Angeles Times* 19 December 2004).

The EDA has not attracted unanimous support from all dancers, with opposition from a San Francisco group of dancers who established the Independent Dancers' Association. The IDA feared that employed status would reduce the number of opportunities for dancers as well as their level of earnings. To this end, it has organised protests and meetings. The reasoning ran as follows. Firstly, the increased cost to the club owners per dancer would cut into profits, even though based on the minimum wage, so that clubs would employ fewer dancers. And secondly, the clubs instituted a commission system that provides a tax to the club for every dance the dancers sell, but because it is difficult to monitor this, the clubs have levied a set fee of up to \$360 per eight-hour shift (*San Francisco Weekly* 8 September 2004). Some dancers now end up owing the club money after a shift and feel compelled to offer sex for sale while at work to make extra money. Thus, Chapkiss (2000:199) reported that: 'San Francisco clubs are now divided between

those who support the [EDA] and those who hold organizers responsible for loss of independence on the job and high commission fees'. Moreover, a group known as Strippers to Retire into Prosperity (STRIP) (and the Strippers' Society of San Francisco (SSSF)), with 100 members, was set up to provide in the late 1990s as an alternative form of representation (*San Francisco Weekly* 8 September 2004). The group takes a less critical, and more cooperative, attitude to the clubs.

According to the EDA website, its list of 'past accomplishments' drew to a close in mid-2001. Indeed, the *San Francisco Weekly* (8 September 2004) reported that by 1997–1998, the EDA had become 'moribund'. By late 2004, it posted on its website a notice, stating: 'As of September 2004, EDA will no longer be active, but our efforts to improve the occupational health and safety for all sex workers will continue through the St. James Infirmary'. Although unclear, it is likely that the challenges of organising and representation overcame the resources available to meet these. In retrospect, Kay's (1999:49, 52, 54, 56, 58) account highlighted a number of particularly salient factors that are likely to have led to this outcome. Firstly, despite the charges and other grievances such as being expected to prostitute themselves, most dancers were not sufficiently dissatisfied with their employment because of their relatively high earnings for few hours of work where there were no other lucrative employment opportunities available to them. Secondly, regulatory authorities would not perform audits, instead only investigating where complaints were made. With the onus on the plaintiff, dancers were not keen to open themselves up to possible victimisation. Thirdly, the EDA was latterly organised by women who were no longer working dancers and this allowed a situation to develop where EDA actions took insufficient cognisance of the impact of its action on working dancers.

The only other sign of activity similar to the EDA resulted from the actions of a former Lusty Lady (see below) dancer. Amid continuing complaints to the California Labor Commission and a perception of lack of desired progress thereafter, a San Francisco-based dancer set up the Sex Workers Organised for Labour, Human and Civil Rights (SWOLHCR) (*Los Angeles Times* 19 December 2004). Organised by a small number of dancers, SWOLHCR agitated around dancers being forced to solicit in clubs due to the high rate of performance fees. Many clubs now use private booths where sexual services are expected to be on sale to customers. As a place for indoor prostitution, dances are not much in demand so that to pay the fee to work, dancers are coerced into prostituting themselves and within a competitive environment

with other dancers. SWOLHCR has sought to force the San Francisco Commission on Status of Women to help compel the Labor Board and Labor Commissioner to act upon their concerns by establishing regulations prohibiting booths and to leverage similar help out of the new city major and district attorney by political campaigning. In testimony to the San Francisco Commission on Status of Women, dancers stated they had been sacked for questioning management and organising collective representation (see <[labornet.org/archive/clones/mcgold.htm](http://labornet.org/archive/clones/mcgold.htm)> for further details of employer anti-unionism). However, STRIP/SSSF continued to campaign against further regulation, fearing the impact of restrictions on activity will lead to a reduction in earnings.

### **The Lusty Lady in San Francisco**

The Lusty Lady, a peep show club in San Francisco, is the only unionised sex club in the US. It comprises a series of mirrored boxes of naked women, writhing and undulating behind glass for masturbating voyeurs (Dudash 1997). Customers, separated from one another in individual, broom closet-sized booths, watch dancers through crotch-level windows. The club has a reputation for enlightened, paternalistic management, empowering dancers, using employed status, friendly and cooperative employee relations, and regular staff meetings where dancers can criticise management (Keefe 1993). But dancers' accounts of their experiences have highlighted the transparency of this management style, with the motivation being to assist profit-making. Since the mid-1980s, there had been talk about unionisation, even a strike, and isolated attempts to organise, partly reflecting the club's heightened priority given to increasing profitability (Keefe 1993). For the dancers that were most union responsive, the feeling was: '[w]ithout a sense that a whole bunch of people want to do it, I ain't sticking my neck out, it's too much grief' (dancer Minx Manx in Keefe 1993:23). Tendencies to discuss unionisation grew as the club began to control dancers' appearance and behaviour more tightly, since it could not use the market for customers' tips alone to determine these facets because it employed the dancers, and this led to an increasing number of dismissals. With renewed vigour as a result of the arrival of several new dancers in the early 1990s, the conditions for a concerted unionising attempt were laid.

The dancers began attempting to organise the workplace in 1993 as a result of grievances about customers filming or photographing them without their knowledge, consent or compensation; favouritism in dancer selection for shifts and in giving wage rises; irregular shifts;

racism; fines for transgressions and failure to comply with codes on appearance; no sickness cover; and unfair dismissals. Of all the grievances, being photographed or filmed was a major one, for dancers feared losing anonymity and their images being exploited without their control. Complaints were made to management and protest letters and petitions organised but without any discernible positive impact. For example, when dancers asked management to remove the one-way glass in three of the 13 booths to allow the dancers to see if they were being filmed, they were told to put up or shut up despite the club's no-camera policy. Management argued it was an occupational hazard. While widespread grievances existed, these were not universally shared for several dancers and feminist writers gave complementary accounts of environmental conditions (Dudash 1997; Funari 1997; Sundahl 1998 but see also Burana (2001:207–18) for a more balanced account). Nonetheless, these relatively favourable conditions, as evidenced by these writers, provided a degree of self-confidence and heightened awareness amongst the dancers conducive to collectivisation and unionisation. The most important were being of employed status; dancers not being in direct competition with each other given the presence of hourly pay; the presence of sex worker feminists and COYOTE members attracted to work there by the female management; and the club's reputation for being progressive and liberal in terms of its sexual politics.

At the outset, organising was not conceived of in terms of unionisation until one of the dancers attended an EDA meeting held at the office of the SEIU Local 790 in early 1996. This led to a meeting on discussing the prospects of organising the Lusty Lady in mid-1996, based on the existing agreement between the EDA and SEIU local 790. This agreement stipulated the SEIU would support the EDA representing any group of strippers in San Francisco who wanted to unionise (despite some previous reservations on the part of the SEIU Local). The Lusty Lady dancers were pleased to learn this even though they had not decided to unionise at this point. However, upon realising that they had very few rights unless unionised, they began a unionisation drive. One union activist, Julia Query, explained:

*[E]ven though we all wanted to sign a petition [on grievances], we were worried what would happen after we handed it in. We could have all been fired unless we said we were organising for a union, and then we were protected by the [NLRB]. We hadn't planned to organise for a union, but we realised that this was the only way to get management to listen to us. (Fresh Air radio show, 6 November 2000)*

Another union member (Miss Mary Ann (1998), but see also Chapkiss (2000:186, 198), Jane (1997)) explained some of the grievances:

*[M]anagement played favourites, the company's disciplinary policy was unwritten and inconsistently applied, dancers had their pay permanently cut in half for missing a staff meeting or calling in sick, [dancers] were suspended for not 'having fun' and were fired for even more ambiguous reasons. The female managers who enforced these draconian policies always did so with a smile, insisting we worked at 'the best' strip joint in town because we got free hot chocolate and weren't required to suck the boss' dick in exchange for our employment. The company's 'sex positive, dancer-friendly' reputation was for the most part a hollow marketing ploy. We had virtually no recourse if we were treated unfairly, and anyone who complained was quickly labelled 'disruptive' or 'disrespectful'. We knew a union contract could temper these injustices and hold the company accountable for its actions.*

Upon hearing of the attempt to unionise in June 1996 at an EDA/SEIU meeting with management, the club responded by removing the remaining one-way mirrored booths and hiring a law firm, well-versed in union busting. Thereafter, the club continued its existing management practices and went on the offensive against unionisation. Concomitant, it tried to convince dancers that it was a paternalist employer and that the problem was one of communication, not a clash of interests, while it also planned to 'get nasty' as advised by its lawyers. One dancer explained: 'We all knew we needed a union, but everyone was really afraid, afraid we'd just get fired. It happened all the time; they'd pick somebody out and fire her, and everybody else would get real paranoid' (in Chapkiss (2000:198)) while another commented that favouritism and victimisation were used to 'divide and rule' and create an atmosphere of fear (in Kavoussi (1998)).

Unimpressed by the token compromise and realising the need to fight for resolution of all grievances, in mid-1996, the dancers decided to make an application to the NLRB for a union recognition ballot. Under the NLRB ballot, if won, the club would be legally obliged to sign a recognition agreement and conduct collective bargaining. Management prepared for the August ballot by running a propaganda campaign, consisting of a series of mandatory work meetings where union organisers were excluded and where classic anti-union messages were disseminated. These included; the union would impose exorbitant subscription dues; union officials would 'force' dancers to strike;

the union would fine members for 'disagreeing' with it; the club's family culture would be destroyed; and union reps would 'bargain away' the rights and benefits dancers had already gained. The club's general manager commented:

*We don't feel that a union would be a good thing here. We have a very flexible arrangement, and unions aren't famous for their flexibility. This is a good place to work ... I don't think the [dancers] realise that if there's a collective bargaining agreement, everything is on the table. (San Francisco Examiner 10 August 1996)*

The underlying messages were: you cannot trust the union, the union has separate interests from workers or its members, the union is a third party, undemocratic and unaccountable, and its involvement will make things worse. Two key activists were placed on 'final warnings' for bogus infractions, and rumours were spread that activists were 'harassing' and 'intimidating' other dancers. The club also began to take on more dancers in an attempt to reduce the proportion of unionised dancers. These are tried, tested and successful tactics in 'union busting' in the US and elsewhere (see again, <[labornet.org/archive/clones/mcgold.htm](http://labornet.org/archive/clones/mcgold.htm)>). Despite the campaign and pleas to give the company a second chance, the ballot was won 57:15 and the EDA at the Lusty Lady became the Exotic Dancers' Union (EDU) chapter of the SEIU. The chapter was led by the dancers but also included cashiers, janitors and security staff, comprising between 90–100 workers.

However, this victory was merely to be winning the first battle in a long war of attrition. Miss Mary Ann (1998) recounted:

*We spent the months following the election attempting to negotiate a contract ... [but the] company lawyers spent most of the bargaining sessions engaged in performance art that easily rivalled our own in calibre and affectation. The lawyers repeatedly ignored our efforts to discuss things like sick pay and grievance rights, and flooded us with contract proposals outlawing foul-mouthed hussies instead ... [They] began insisting management needed the right to fire any dancer who'd been with the company for more than a year and a half. Since customers need 'variety', they reasoned, termination of long-term dancers was a 'legitimate business need'.*

Another sex worker activist at the Lusty Lady commented: 'Our union warned us that owners always have to be trained for their first year of a contract. They don't get it that they don't have complete control

anymore' (Interview with Respect 2001). This 'surface' or 'bad faith' bargaining was but the 'velvet glove' compared to what the management did next. In order to break this management created logjam, the dancers took a form of industrial action:

*On 'No Pink' day, the goods weren't for sale. We continued to dance nude, but kept our legs demurely closed. The marquis outside still said XXX, but the show we put on was probably somewhere between PG-13 and R. Almost every dancer who worked that day took part in the action.*  
(Miss Mary Ann 1998)

Other dancers danced with their backs to customers. In response, management fired one of the dancers, to which the dancers responded with picketing, where the dancers sang, 'two, four, six, eight, don't come here to masturbate!'. Management claimed the dancer was dismissed for 'disrupting other employees', rather than her union activism. Around half the staff of dancers, cashiers and janitors showed up at work on their day off to protest. With picket signs and leaflets in hand, the staff entered the manager's office and demanded the dancer's job back. They were flatly told to get out, from which the picket line then went up for the next two days. Management retaliated with a lockout, closing the theatre and losing the dancers scheduled to work two days' pay. After a stalemate, and surprised by the strength of the dancers' collective action, management backed down, rehired the dancer, began to cooperate at the bargaining table, ceased talking about the 'need' to fire long-term dancers, and offered a pay rise. The one-year contract negotiated comprised a formal grievance procedure, binding arbitration, a wage scale ranging from \$12 to \$25 per hour (up from \$11–\$24) with four-weekly \$1 raises up to the maximum, a sick pay scheme, one day's holiday a year, employment security and no discrimination due to race, hair colour or breast size. Support staff receive medical and dental care and four extra day's holidays. Medical and dental care for the dancers who worked between 12–14 hours a week could not be found from a health service provider at this point. The removal of the one-way screens was maintained.

Two activists provided an assessment of the result of their efforts:

*Ultimately management didn't agree to all of our demands ... There's still a sizable gap between profits for the company and wages for the workers, but we won rights, ... from a company that probably never intended on*

*reaching a contract at all, in an industry infamous for regarding its workforce as disposable.* (Miss Mary Ann 1998)

*The union has been really effective. We have much better working conditions now. They can't fire us without just cause; we have a point-system so that it's much more uniform ... management can't cut our pay in half for any reason.* (Interview with Respect 2001)

Given that many new recognition agreements in the US do not attain a first (substantive) collective agreement, this was a significant achievement in itself (Jordan and Bruno 2006). Equally significant is that the EDA/SEIU negotiated a second contract in 1998 which improved on the first contract.

The Lusty Lady 'story', documented in the film *Live Nude Girls Unite!*, took another significant turn when the dancers and support workers bought the business, transforming it into an employee-owned enterprise or workers' cooperative. Shortly after the signing of a new two-year collective bargaining contract in early 2003, the owners of the business announced they intended to close it because of the increase in wages, costs and the hassle of labour disputes. It argued that the latest wage and benefit increase in the current depressed market meant that they were no longer making sufficient profits to make the business worth continuing. In 2001, the dancers and staff reluctantly accepted a wage cut following a club request because its revenues were significantly down. Wage rates per hour at the top end were reduced from \$27 to \$21 and the one-day's sick pay withdrawn. In late 2002, negotiations began for a new contract with the dancers demanding a return to the previous wage rates and the club wishing to cut them further. As a result of a high-profile informational picket – a picket outside the club giving out leaflets without a strike taking place – the new contract won several advances for the dancers. The wage cut was reversed, with an allowance of between \$2–\$4 for preparation time per shift created and a cap of the number of dancers hired introduced because dancers were working around 12 hours per week rather than the 20 hours they wished.

Upon hearing of the proposed closure in 2003, the dancers decided to buy the business. Discussions to do so had taken place amongst the dancers following a threat of closure during contract negotiations in 2000. Under the new structure, 45 of the 60 dancers and 12 of the 15 support staff paid \$300 each to buy into the business which entitled them to a share of the profits based on the

number of hours they worked in the previous years. The motivation behind the buy-out was not just to save jobs but to take the opportunity to work for themselves, own the 'means of the production' as a number of dancers put it, own a business and run it as they wished. Dancers and staff agreed to maintain union recognition and their union membership because not all staff were employee-owners and because of uncertainty over the future of the business where it may be bought over by a conventional business at some point in the future. Around a third of the employee-owners are involved in running the club. Peer review of performance and behaviour and six-monthly election of *de facto* managers are used. However, following a downturn in revenue, the cooperative has begun to tread the familiar path of making cuts in operating costs which included dancers' earnings (*National Public Radio* 12 August 2003, *New Yorker* 12 July 2004). While dancers value the greater freedom they now have, they now appreciate the self-exploitation involved in running their own business (*New Yorker* 12 July 2004).

### **The Lusty Lady in Seattle**

The San Francisco Lusty Lady's counterpart in Seattle, the Lusty Lady, experienced an unsuccessful organising drive shortly after that of its sister club. Run by women ex-dancers, 'employing' around 60–70 dancers and with more sexually liberated and liberal environment than other clubs, the working conditions in the club in the 1990s were remarkably similar to those of its sister club in San Francisco (see Eaves (2002), Langley (1997)). The club had primarily one-way mirrors, with only two two-way mirrors, hourly pay rates began at \$9 per hour rising to \$24 per hour with \$1 per hour per week increments every two weeks if no transgressions were made and performance was deemed satisfactory. Transgressions constituted lateness, indiscipline, not abiding by regulations on piercing, clothing and tattoos with consequent deductions made from wages (see Eaves 2002:48–9, 59–62, 82–3). Fees from private dances were split 50/50 between the club and dancer. Moreover, unfair dismissal existed as did an oversupply of dancers, a low number of available hours of work per week, and no job security or employed status (employment contracts). Consequently, the conditions to generate collective grievances appear to have been present and on a par with those of its sister club. Any organising drive would have benefited from the collective spirit of dancer feminist 'sisterhood' present but would also have to contend with continual and high

turnover in dancers and the use of staff meetings by the club as a (non-union) form of means of communication and consultation.

What appears to have been the critical 'missing' components, compared to San Francisco, were that of a determined milieu of sex worker union activists, and the lesser degree of collective confidence amongst the dancers in unionisation because of the promotion of the view that the union caused conflict between dancers and the club (Kavoussi 1998). However, what was also important in informing the context was that the management took pre-emptive action. During the time the San Francisco dancers were organising, the Settle management increased the wage rate by \$1 per hour and introduced a  $\$ \frac{1}{4}$  per shift payment for preparation time such as putting on make-up and costume. Eaves (2002:84) commented: 'It wasn't hard to figure out that we were getting these unexpected bonuses to stave off any unionization attempts. The San Francisco dancers had fought, and we were reaping the rewards'. (Equally it was not unexpected that these 'bonuses' were withdrawn two years later). This pre-emptive move was also part of a wider substitutionist policy practiced by management. Staff meetings, organised every two months on a Sunday morning, lasting up to three hours but paid for by the club, were mandatory. If these meetings were missed for good reason, dancers had to read the minutes of the meetings and get this verified and signed off by three co-workers. In between times, the club operated a system of performers' reps.

### **Pacer's in San Diego**

Topless dancers, along with bouncers, bartenders and DJs, at one of San Diego's oldest and best-known clubs engaged in a union organising drive in 1993 as a result of grievances over pay and conditions. Although the dancers were paid \$4.25 per hour with around an additional \$100 for a six to eight hour shift, they were forced as a condition of being able to work to pay the club \$5 an hour for each hour worked, give 15% of their tips to bartenders and disc jockeys, who in turn had to give 40% of all their tips to the club, and buy costume accessories from the club at inflated prices. The dancers were also obliged to wear a Pacer's garter which was sold for \$3.50 and lasted only a night while the compulsory stockings were sold for \$10.50 a pair and lasted only two or three nights. Consequently, some night dancers ended up owing the club more money than they earned. Grievances also concerned sexual harassment from management, health and safety violations and job insecurity. An example of health

and safety violations concerned damage to knees from the dancing, where one dancer who experienced torn ligaments and a cracked knee cap while dancing was strongly encouraged by the club not to apply for workplace compensation in order to avoid litigation for the club.

The process of grievance development leading to an attempt at unionisation revolved around the imposition of the \$5 per hour charge being the 'straw that broke the camel's back'. One of the dancers recounted:

*I've always wanted a union for dancers, and I was always told, don't even bother, you can't get all these clubs to do it. But when they started taking the \$5 an hour away from everybody, I knew that that was my only chance and I went for it. (National Public Radio 9 January 1995)*

Two long standing dancers led the unionisation drive, one of whom grew up in a 'union household'. One of the dancers contacted Local 30 of the Hotel Employees and Restaurant Employees (HERE) union by looking it up in the telephone book. The union was initially sceptical because of its complete inexperience in this sector, the high turnover rates and the irregular shifts. However, it was persuaded that the dancers were workers, performing work, and trained the two dancers to become union organisers. Within two weeks enough signatures had been gained to file a NLRB application for union recognition. The club argued the grievances were 'misrepresentations ... Pacer's believes our employees do not need or want a union. ... We are confident the union will be voted down' (*USA Today* 4 June 1993). The result of the election was that of the 125 eligible votes, 60–28 voted against union recognition in June 1993.

However, later in October 1993, the dancers and other workers filed again and voted 52–30 for union recognition. But the club continued to resist by firing one of the lead organisers, increasing prices for garters and stockings, ending a rest break area and trying to wear the union down by refusing to agree to a first contract, i.e. a substantive collective bargaining agreement on pay and conditions. It hoped to take advantage of the turnover in dancers and create demoralisation. But it also tried to hire dancers it believed to be non- or anti-union. Nonetheless, the remaining original organiser and six other activists picketed the club in their non-working time and in September 1994, management acceded to a first contract. The contract provided for basic protection from unfair treatment and victimisation but the union achieved no movement on the \$5 'fee' charge. Instead, the club

increased the fee to \$55 per shift (to which the Local filed a class action suit) and then fired the second original dancer activist. Two years later, the dancers voted to derecognise the union after becoming unhappy over its ability to represent their interests. This appears to have resulted from an increasing number of non- and anti-union dancers being hired and the inability of the union to overcome management intransigence where the union became to be seen as impotent.

## Action in Alaska

Following the success of the union organising drive at the Lusty Lady in San Francisco, the EDA reported interest from dancers in Oregon, Washington, New York, Pittsburgh, Philadelphia, Florida, Texas, Kansas, Massachusetts and southern California. However, few progressed into organising drives. In Denver, Los Angeles and Oregon, individual dancers took out lawsuits against their employers alleging sexual harassment and the payment of stage fees where these were common grievances but without seeking to do so collectively (*Denver Westword* 25 March 1999; *San Francisco Examiner* 11 August 1999; *Seattle Post-Intelligencer* 7 October 1995). In line with this, activist Julia Query believed that part of the explanation for the paucity of organising attempts was that: 'There have been many organizing efforts for better working conditions that strippers have won without formally forming a union' (*Newsweek* 22 November 2000).

One of those enquiries that bore fruit as a collective union effort was in Alaska. Dancers, bouncers and DJs at the Showboat Showclub in Anchorage started organising a union in June 1997 in response to rising club fees and unsafe working conditions. One of the activists argued:

*Without the protection of a union and a union contract, we had no control over our working conditions, no recourse if we were mistreated. We do all the work, but the owners make all the rules and all the profits. We knew a union could change the power imbalance. (in Miss Mary Ann 1998)*

The club management responded by firing the activists, increasing house fees, imposing a one day lock-out, and subjecting pro-union workers to threats and harassment. A dancer union activist involved in another organising drive but not employed by the Showboat reported that the owner of the Showboat travelled to her workplace, offering:

'the front desk 50 bucks for my real name. He threatened to break my legs' (*Village Voice* 5 May 1998). But rather than weather the lengthy appeals process involved in litigating against unfair labour practice charges through the NLRB, the Alaska Exotic Dancers Union through HERE Local 878 and Showboat management opted instead to negotiate a settlement agreement on their own which was approved by the NLRB. The two parties reached agreement in May 1998. The club paid \$30,456 in back wages to the three fired employees and paid \$10,000 in lost income to workers idled by the lockout. The settlement also required that the club desisted from any interference in future unionisation drives and gave undertakings to not threaten the staff with dismissal for unionising or harass the staff about unionising (*Anchorage Daily News* 5 May 1998).

Although the settlement also stipulated that the fired activists be reinstated, it did not require the club owners to recognise the union (through a procedural agreement) or negotiate a substantive collective bargaining agreement. But the activists viewed this settlement as merely the first step in the continuing campaign and have petitioned the NLRB to hold a union election. However, no petition or election was forthcoming suggesting the employer had succeeded in its pre-emptive strike.

## **Over on the East Coast**

On the other side of the US, and again inspired by the EDU action, an exotic dancer at the Oakford Inn in Bensalem, Bucks County organised her 40 co-workers to fight for union recognition in late 1997. The dancer, Susan Doyle, had been organising around grievances concerning wage levels, poor dressing room facilities, irregular hours, inconsistent application of discipline, and victimisation. An overture to the Teamsters' union for help was unsuccessful. Dancers were paid \$8 per hour, in addition to receiving tips from customers. Doyle was successful in filing an application to the NLRB for a union recognition ballot after establishing that the dancers were employed by the club and submitting a petition with 28 signatures. In the ballot, the pro-union dancers failed by 31:6 as a result of management intimidation. Upon filing the application, Doyle was told by the club owner: 'My bar will never go union. ... You'll find yourself in cement shoes' and 'You're being fired for being an organiser. I don't have to form a union in my club and I'm going to make an example of you' (*Philadelphia Inquirer* 15 September 1997, 10 February 1998). She and another dancer were

fired but then re-instated. Doyle applied to the NLRB citing an unfair labour practice, leading the Board to substantiate claims of the death threat, intimidation and harassment in the period prior to the ballot. In addition to the two sackings, another dancer was denied shifts for supporting unionisation while a fourth was given extra shifts to discourage her from supporting unionisation. The NLRB sought a court order forcing the employer to bargain with the dancers' own specifically created union, the Professional Dancers' Union. The other dancers were subjected to threats of being sacked, blacklisted and the club being closed down (*Philadelphia Inquirer* 30 October 1997). As a result of the continuing management opposition, this organising attempt withered rapidly thereafter.

### Las Vegas Dancers' Alliance

The Las Vegas Dancers' Alliance (LVDA) was founded in mid-2002 by Andrea Hackett, an exotic dancer, transsexual, socialist and former union militant in an aircraft factory in Seattle. At the time of founding, the LVDA had 127 members. Some nine months later, it reported around 1,000 members out of around 15,000 dancers working in Las Vegas and 35,000 in the adjacent Clark County in Nevada (*Guardian* 18 June 2003; *New York Times* 2 June 2004) with clandestine workplace reps operating in two thirds of the lap dancing clubs in Las Vegas (*The Nation* 3 April 2003). It was reported to be recruiting around 25 new members per week (*Guardian* 18 June 2003), had established a website (<NevadaStippers.com> then <lvdancersalliance.com>) and operated with monthly all-members meetings. Nonetheless, many dancers were unaware of the LVDA (Marsh 2002) and Cooper (2004:75) reported the LVDA had only 500 members. The LDVA also circulated a questionnaire to 900 dancers to identify their grievances and held a number of secretive meetings with dancers on a club-by-club and city-wide basis to develop ideas about how to resolve their grievances. Following its founding, Hackett and the LVDA provided help to nude dancers in Texas and spoke of the aspiration to found a United States Dancers' Alliance (*The Nation* 8 April 2003).

The stimulus for creating the LVDA was the passing of new lap dancing regulations in July 2002 and their subsequent introduction in September 2002 in Clark County. (Most of the lap dancing and strip clubs are in the jurisdiction of Clark County not Las Vegas city council. In Las Vegas, lap dancing and stripping remain legal.) These regulations imposed a minimum age limit (21 years or over) in clubs where

alcohol is served and stipulated that dancers must not touch a customer's crotch with any part of their body during a dance although they can touch a customer's legs. Private dances in 'VIP' areas were to be made visible or monitored and the practice of placing dollar bills on a dancer's G-string was to be ended. However, these latter proposals were not implemented and then dropped after LDVA protests, the first of which saw 300 dancers and supporters besieging a County Commission hearing. The LDVA was also successful in achieving the dropping of the requirement of dancers to have a business license, likely to have cost between \$150–\$1,000 pa. The impetus for the more elaborated regulations on lap dancing arose in a situation where lap dancing was not prohibited and the existing regulations pertained to just stage dancing and stripping. The coalition that mobilised to bring about this change comprised those concerned with cleaning up the area's image, those believing that lap-dancing clubs were fronts for prostitution and involved underage drinking, and casino club owners interested in restricting the ability of other providers of entertainment to compete with them for customers (see also *Time* 2 August 2004).

Contrary to dancers elsewhere seeking 'no-touching' rules, dancers feared dismissals (for being underage), sizeable reduction in earnings, and consequently being forced to work in sleazier clubs or into prostitution (street or escort). Although many dancers were earning good money, like making \$3,000 per month or \$200 to £1,000 per night at the top end, they were paying clubs between \$60–\$100 per night to dance and some 50% of each dance, priced at \$20, was taken by the club. Under the new regulations, where the dancers could offer less sexual titillation and stimulation through physical contact, earnings were anticipated to fall drastically, bringing in doubt whether some could afford to pay to dance in the first place. Moreover, following the introduction of the new regulations, over 150 dancers were arrested at clubs, charged and fined for prostitution and illicit acts (*Independent on Sunday* 27 April 2003). The LDVA saw the issues as an attack on the dancers' human and labour rights. Sometimes these rights to earn a living were couched in terms of 'an attack on your business' (*Associated Press* 4 January 2003) or an attack on an individual's constitutional right to freedom of expression. In September 2002, Hackett organised what turned out be a small protest (75 people as opposed to an expected 200) against the Clark County Commission, calling for uniformity of regulations between Clark County and Las Vegas. One reason accounting for only a dozen dancers turning out was alleged to be the club owners' threat of sacking and victimisation for attending

(*Associated Press* 1 September 2002). This did not deter the LDVA from organising a petition to gain a county ballot to reverse the regulations. However, the LDVA failed to gain sufficient number of signatures (15% of the electorate or between 45,000–47,000 voters) by the deadline to force a ballot.

While organising against the Clark County regulations, the Las Vegas' Recommending Committee considered introducing a system of regulation which classified dancers as independent contractors, requiring licenses to dance costing \$150 annually and \$75 for a police background check. This built on the existing \$35 required work card, representing a further challenge to the ability of the dancers and the LDVA to press their claim for the status of employee (see below). The proposal would deny a dancer a license if the police check showed a criminal record. However, dancers in casinos would be exempt from the regulations. The District Attorney in Las Vegas also expressed a desire to ban outcalls where dances can be requested in hotel rooms because this was believed to be a front for outcall prostitution.

Initially, the LDVA was not conceived as a union but as a pressure group to repeal the new regulations and to act as a defender of the adult entertainment industry *per se* and the business of dancers. It lobbied some of the wavering Clark County Commissioners who introduced the new regulations, organised conferences, solicited press coverage and interviews, filed a 'Protection of Dancing Initiative' with Clark County Election Department, and considered forming a political party to stand in elections in order to put pressure on public policy makers. Part of this political orientation has involved getting dancers to register to vote and campaigning for dancers to vote for progressive election candidates. The LDVA also formed alliances with civil liberties groups like the American Civil Liberties Union and progressive organisations (Cooper 2004:75–6), albeit after having been rebuffed in attempts to gain sponsorship from *Playboy* and *Hustler*/Larry Flynt. In this regard, Hackett stated:

*We started with the idea that our large numbers, if registered to vote and organised, could augment the owners' power and bring about changes in local regulation favourable to the industry. Had these owners backed us from the very beginning, we could easily have defeated the lapdance ordinance and gone back to work. But the big clubs ... block[ed] us from entering their clubs and resort[ed] to intimidation rather than working with us. ... Now we've changed our strategy. Dancers, like everyone else in America, have the right to organise and that's what we intend to do – organise. The*

*big club owners in Vegas have brought this fight on themselves. In the end, their tactics may very well ensure the very thing they hoped to prevent. (LDVA Communication 21 January 2003)*

The change in orientation also derived from the LVDA's realisation that to be able to fully represent its members and exert influence over working conditions, it would need to constitute itself as a union and act as a union. A victimised activist stated: 'I'm totally for a dancers' union. I know these girls. A lot of them don't know their rights. They need breaks and health insurance. If they get sick or break a leg, they're out on the street giving blow jobs' (*Las Vegas Mercury* 6 February 2003). The LVDA's approach to the AFL-CIO in 2003 for help was not rebuffed but led to little material help.

As part of the new agenda of workers' rights, the LDVA has sought to negotiate a health insurance scheme for members using its bulk consumer leverage with a health service provider who had a similar contract with porn actors and actresses. However, this proved unobtainable for the dancers because they were deemed to be independent contractors. This alerted the LDVA to the wider implications of independent contractor status, whereby dancers have no legal recourse against discrimination, unfair dismissal, and being charged fees and forced to pay tips as a condition of employment. They also have no entitlement to unemployment, disability or social security benefits that are paid to workers. Consequently, the LDVA campaigned to have dancers reclassified as club employees. Hackett argued that by dint of the clubs' control over working time (shift scheduling) and work organisation (dances, dress, music) that dancers were employees and employed (*Las Vegas Sun* 3 January, 6 February 2003).

Lap dancing club owners became enraged by the prospect of being forced to employ dancers. Not only would this end their charging of fees to dance and the take of cuts from dancers' earnings, thus reducing their income and their ability to withstand quiet periods and a downturn in their market, but it would also reduce their bargaining power and lead to higher operating costs. With lap dancing providing a potentially good source of reasonable income, there exists a high and growing number of dancers. As a result of not employing dancers, the clubs can take on as many dancers as they wish without cost to themselves. Indeed, they gain at least a minimum of revenue through the fee charging system. With competition for shifts, the club owners exert considerable power and by allowing a greater number of the dancers to work per shift, stimulate competition between the dancers for custom.

One dancer in San Francisco likened the intra-dancer competition to every night being like 'a dog-eat-dog world' (*San Francisco Examiner* 30 November 1997). Under a move from self-employed 'contractors' to employees, dancers would become relatively more secure in their employment and would receive benefits like health insurance where the degree of competition in the labour market and the workplace between dancers would be substantially reduced. Thus, the LVDA sought to get the Nevada Labor Relations Board to redefine the dancers as employees.

Consequently, LVDA activists were subject to intimidation. Activist and stripper, Kristina Tolman, filed a complaint to NLRB against Cheetahs Topless Cabaret for an unfair labour practice after an incident in which she alleged she was drugged, robbed, threatened and arrested on her way home from work less than a week after her photograph appeared in newspapers articles detailing the LVDA's efforts to organize local strippers. After her release, she returned to Cheetahs to pick up her belongings to be told by a club manager: 'never to talk about the [LVDA] at work' (*Las Vegas Mercury* 6 February 2003). The complaint charges Cheetahs with unlawfully threatening an employee, confiscating and destroying pamphlets promoting the LVDA, and unlawfully creating the impression that employees' activities were under surveillance. Hackett was sacked twice from two different clubs, black-listed from local clubs and barred from entering the Las Vegas Spearmint Rhino club. With a number of setbacks, the LVDA became less active towards the end of 2003. Hackett continued activities through the media (letter writing, radio chat shows, newspaper comments) in 2004, providing the LVDA with a continued, albeit, lower profile. But, the comment of the *New York Times* (2 June 2004) that LVDA had 'tried unsuccessfully two years ago to unionize strippers' correctly implied the dissolution of the LVDA as an active force.

## Organising in Porn Valley

The vast majority of US film and video porn is produced in California's San Fernando valley. Unsuccessful attempts at unionisation were made here in the mid- to late 1970s, 1993 and 1998 (*ABC* 27 May 2004; *Associated Press* 29 April 2004; *Wilkes Barre Times Leader* 23 June 2004). In 1998, the Erotic Entertainers Guild existed for less than a year. Organised by three activists, it issued a newsletter and began campaigning on sexual health issues, stimulated by an HIV 'scare' amongst working actors. It folded for unknown reasons. In 2003, there was

industry speculation about the likely establishment of the Adult Performers' Union by publisher, Steve Banan of the Banan Entertainment Group. However, nothing emerged despite reported meetings with the A.F.L.-C.I.O and the Teamsters. Another attempt was made in 2004, when some 40 actors/actresses met several times to draw up a list of demands (*Los Angeles Times* 29 April 2004), again stimulated by an HIV 'scare'. The grievances have concerned healthcare, pay and working hours. HIV/AIDS and STDs testing provision and certification *vis-à-vis* employers' responsibility were viewed as inadequate, with concern existing over the dangerous sexual practices that are demanded of actors and actresses with regard to HIV and STDs because of the requirement not to use condoms. Furthermore, work is paid by scene or day rates with little limit on the number of hours this may concern and without overtime. Part of the reason for these attempts foundering concerns the Screen Actors' Guild (SAG). The SAG only permits members to work on unionised sets or contracts which means that all those actors and actresses working in porn are automatically ineligible. Moreover, the SAG has also had reservations about the legitimacy of porn and the professionalism of porn actors/actresses. Consequently, attempts to unionise have had to contend with being entirely self-resourced and independent. More broadly, the collectivism displayed here has had to contend with the high level of individualised competition to gain work, wealth and celebrity (see *New York Times* 20 May 2001) and the increasing numbers seeking work in the sector (*Australian Magazine* 3 July 2004).

### **Non-union routes**

The EDA existed primarily as a non- or pre-union form of collective organisation. But in San Francisco, it orientated on workers' rights and formed an essential underpinning to the struggle for dancers' union rights at the Lusty Lady. However, outside San Francisco similar struggles have led in different directions, namely, a) independent non-union, law-based collective actions, b) relatively passive independent non-union collective organisation and c) employer-dependent temporary organisation.

Dancers at the Déjà Vu chain of clubs are obliged to sign independent contractor agreements which abrogate entitlement to an hourly wage rate, the ability to file discrimination cases, claim unemployment benefits and so on. However, the 'freedom' of independent contractor status is heavily constrained. The minimum length of a shift is pre-

scribed as six hours, the music dancers choose is subject to management approval and tipping other staff is obligatory (see also Fischer (1996:533) and Montemurro (2001)). As consequence, a number of dancers 'employed' by Déjà Vu filed class lawsuits (e.g. Minnesota in 1994, Washington in 1997) on the basis of the 'common law test' and the 'economic realities test'. In Minnesota, a class suit by 150 dancers recovered back wages under the state's *Fair Labor Standards Act*. The dancers were successful in establishing that they were employees and entitled to the minimum wage, leading the club to offer an out of court settlement through third-party arbitration (Fisher 1996). Other collective lawsuits have been filed in Anchorage, Dallas, San Diego, Pittsburgh, Minneapolis, Illinois, Florida, Colorado and Oregon (Chun 1999; *Daily Business Review* 16 June 2005; Fisher 1996; Machen 1996). Despite being an expensive, long and drawn out and largely retrospective means of grievance resolution, this method chimes with the considerable weakness of trade unionism and with the prevalence of the culture of litigation in the US. However, in many cases the desire of sex workers to maintain anonymity means that many cases do not proceed (see Chapter 9).

A second type of collective action that is non-law based has been that of loose, fluid and relatively passive networks (compared to union organisation *per se*). These networks are as much support networks as they are campaigning organisations. Jarrett (1997:196) and Macy (1996:62) reported that an organisation of women who work in the sex industry called 'Club 90' existed, where 'members' meet to talk and discuss their work and working conditions. More recently, the <stripperweb.com> website attempted to develop itself further by bringing strippers and exotic dancers together to discuss collective issues in the form of <stripperpower.com> but little progress was made in this. Although not of cyberspace, the launch of *\$pread* magazine in 2005 represents a form of outlet for the voice of sex workers.

A different type of non-union route has emerged elsewhere based on not collective self-organisation but on alliances with employers and club owners. For example, in Florida a ban on nude lap dancing in 1999 akin to that in Clark County did not generate self-organisation comparable to the LDVA. Following, similar developments in Clearwater and St Petersburg, the city council in Tampa introduced an ordinance that stipulated that dancers must stay at least six feet away from customers and from other dancers because of the belief that lap dancing where touching is permitted promotes prostitution, the transmission of STDs and an unflattering image for the city. Violation

would cost \$1,000 and risk a six-month jail sentence. The dancers believed that this would sharply reduce their earnings and protested in their hundreds at a council meeting against the ordinance. The protest organiser was the Mons Venus strip club owner, Joe Redner. Subsequent to its introduction, over 300 dancers were charged with only a minority of these charges being dropped or being deemed to be unfounded as a result of different decisions by judges. The lead taken by Redner, a longstanding critic of Tampa's sex industry regulation, stymied the possibility of independent dancer action. Not only does it appear that there were no 'Andrea Hacketts' but that the dancers did not see a need for an 'Andrea Hackett' in that Redner was a high-profile and vociferous opponent of the ordinance. Redner challenged the city council to arrest his dancers if they chose to violate the ordinance on the basis he would support them by paying their fines and legal bills. The effect of this appears to have cemented the view that there was a symmetry of interests between the dancers and this club owner, if not other clubs owners, obviating the need for independent dancer organisation. Another similar example of alliance forming with employers was found in Portland against an escort licensing system (*The Oregonian* 2 March 2000).

But elsewhere, regulation of exotic dancing has not resulted in the emergence of any form of dancer self-organisation. For example, in Little Rock, Arkansas, regulations were tightened over clubs' location and the regulation of dancing, proposals made to legally prohibit dancers from being less than 15 feet in proximity to the audience, and a ban proposed on tipping, closing times of midnight and an age bar on dancers under 20 (*Arkansas Democrat-Gazette* 20 March 1997, 22 April, 29 October 1999, 6 February 2001) without soliciting moves to form organisations of self-representation. This was true in Utah where dancers were ordered to wear G-strings and nipple covers (*Salt Lake Tribune* 22 November 2001) and with a series of other restrictions on dancing on a number of other occasions like in Knoxville (*Metro Pulse* 7 July 2005). This highlights the key role of individuals as organisers of dissent, articulating and giving expression to discontent.

### **Characteristics of Sex Workers' Union Organisation in the US**

The genesis of two of the main instances of sex worker union organisation did not explicitly begin as a conscious attempt to establish a union and to unionise workers. Rather, they began as basic attempts to exercise some collective influence over a number of political and work-

place issues where the establishment of organisation has been conceived in one-off or semi-permanent terms. The idea of a membership-based organisation and a permanency of organisation to deal with future instances of collective grievances was not to the fore. Rather, and often unconsciously and implicitly, the dancer activists have operated as pressure or ginger groups. The process by which these networks and groups have moved towards becoming organisations of a union-type has resulted from a realisation of the inadequacy of operating as a pressure group concomitant with the raising of the consciousness of the activists to see themselves a 'trade' or 'occupation' requiring a union.

Another characteristic has been that the core of activists in the EDA and the LVDA as well as in the organising attempts in Alaska and the Oakland Inn has been very small. The exception was the Lusty Lady. The term 'core of activists' is used to denote not merely the peak leadership of the organisation but also leading members in the field. These are the activists who are the opinion formers and policy and decision-makers within the organisation as well as those who are the most articulate and confident in dealing with non-members in terms of recruiting and building up a periphery. While in some cases there has been a necessary overlap between the two given the relative size of these nascent organisations and the cross-cutting nature of the tasks they undertake, the point remains, nonetheless, that the *de jure* and *de facto* leadership throughout each organisation has resided by and large in the peak leadership. In the case of the LDVA, Hackett is the President/Secretary-Treasurer/Executive Director. The unwillingness of dancers to be publicly identified as union office holders, i.e. as union activists, can only in part explain the concentration of holding of offices in a small number of activists. This clearly has implications for the power and influence of the sex workers' collective organisation, indicating a gap between the members and leaders, normally filled by the two-way transmission belt of activists. Thus, for example the call by the LDVA for a national boycott of the Déjà Vu chain (from which Hackett was sacked) until she was reinstated and the call for nationwide boycott of travel to Las Vegas until the police stop implementing the new regulations were correct demands in the abstract but the LDVA and its allies did not have the power or influence to make these in any way realisable. In these situations, sex worker unions would need to scale down the size of their tasks and demands, otherwise they risk marginalisation as a result of seeming irrelevant and ridiculous.

Former exotic dancer Scholten (2000) provided a useful account of the challenges and prospects for sex worker union organising in her novel, *Day Stripper: A Mystery*. Drawing upon her experience of strip clubs in San Francisco and the Lusty Lady (using the pseudonym, Cher Cherie), she wove a story together consisting of the experience of exotic dancing and the murder of a sex worker union activist which implicated both a national union and strip club employer. The salience of the material upon which the novel is based is that the small number of erotic dancers who organised their fellow dancers faced violence, harassment, victimisation, blacklisting and threats of club closure by clubs. Moreover, one of the characters champions a women-only union specifically for sex workers as a response to the patronising and contemptuous attitude of the established unions to requests for help from the dancers (see below).

## Conclusion

Despite some instances of *relative* success in the face of many obstacles in constructing and mobilising sex workers' collective agency, the hurdles faced to further growth and influence are vast. For example, while the NLRB found stage fees to be illegal, the onus lies with dancers to bring cases against the clubs to claim back money and to stop the practice, rather than the practice being outlawed and subject to penalties. This requires that dancers generate far wider and more effective union organisation. Therefore, it may seem odd to herald small numbers of organising drives and their relative successes as significant given the existence of the thousand upon thousands of strip clubs, lap dancing clubs and peepshows elsewhere in the US which have experienced no organising attempts. It is not so much their portent for the future of organising other dancers and clubs as a model or inspiration. Rather, it is more about understanding that these first occurrences suggest that what may not have been imaginable or conceivable to different arrays of informed milieus (sex workers themselves, unions, progressive thinkers, opinion formers and commentators) a decade ago are now imaginable and conceivable. It is also important to attempt to understand why these occurrences have happened at all, no matter their consequent influence. This does not in any way detract from recognising the significant obstacles that face attempts to turn the possible into the probable or actual, that is, creating more organising attempts and more successful organising attempts leading to collective bargaining and industrial democracy.

Although of no obvious consolation or benefit to the dancers or sex workers in general, the response of the employers (*de jure* and *de facto*) to the union organising attempts provides some confirmation that dancing and sex work are forms of economic activity akin to other forms of work. These responses to actual union organising drives and reports from other dancers about the anti-union attitudes of their *de jure* and *de facto* employers, and other club owners and managers to hypothetical or potential collectivising and unionisation attempts suggest that a key reason, if not the key reason, why the strides made to date are so limited is the attitude of employers and managers. This is not to argue that if employer and managerial attitudes were neutral or even supportive towards unionisation that the lap dancing/strip show/peep show part of the sex industry in the US would become rapidly unionised and be characterised by extensive collective bargaining. Rather, it is to suggest that as long as attempts at unionisation are fiercely put down and unions denigrated, then trade unionism for dancers will find it extremely hard to become a more significant force within the industry because legitimacy for the idea and practice of trade unionism will not exist to any great degree. This is particularly so when the regulatory or legislative regime under the NLRB is not only uncondusive to unions in terms of union recognition applications and militating against unfair labour practices but it is also uncondusive to the status of those workers who appear *prima facie* to be self-employed or not even workers, i.e. independent contractors.

But turning away from these more macro-orientated concerns, what explains the success of the organising drive at the Lusty Lady compared to other attempts discussed, and what might explain the presence of attempts to organise compared to the absence of organising attempts elsewhere? The Lusty Lady had conditions which other dancers often seek, namely, employed status, no touching by customers, no directing by customers and no fee charging. On top of the employed status of the dancers, the reputation of the club for being progressive and managed by female ex-dancers led to certain, more progressively minded dancers seeking employment there, and the generally more supportive atmosphere embodied by the liberal politics of San Francisco (see Barton (2006)), the central distinguishing components revolves around the existence of a larger number of determined workplace activists than elsewhere. The position of the dancers in general can be termed militant and unyielding over a long period of time despite the obstacles they faced but the existence of around ten key activists provided the critical mass of a cog with self-belief and self-confidence that could

turn a bigger wheel, that is, their co-workers. With this present, the proximate and supportive role of the EDA and SEIU was able to reinforce the drive to organise and gain union recognition. In other instances of organising the US, key activists and opinion formers have existed and taken the 'union initiative' but it appears that in more hostile circumstances the lack of a critical mass has become telling. This stands in contrast to the relative paucity of core activists and absence of wider supportive union members in relatively more inhospitable conditions in the union organising attempts elsewhere.

### **Note**

- 1 Brooks (1999:228) cited Davis (1982) as having identified prostitutes trying to organise a union at the beginning of the nineteenth century (although no reference could be found in Davis (1982)). Lopes (2002:22) reported that the burlesque artiste, Gypsy Rose Lee, attempted to unionise burlesque dancers in the early 1950s but in her auto-biographical memoir (Lee 1957), she made no mention of this and no mention was made by Jarrett (1997) in her history of exotic dancing. However, Zeidman (1967:217) reported on the establishment of the Burlesque Artists' Association in 1933.

# 6

## Glimpsing the Potential? The GMB/IUSW in Britain

### Introduction

This chapter examines the process of collectivisation and unionisation of sex workers in Britain since the late 1990s. It consequently, and almost exclusively, focuses on the London-based International Union of Sex Workers (IUSW) and the GMB general union adult entertainment (i.e. sex workers') branch and their subsequent activities. The creation of the IUSW provides the starting point for this chapter. This is followed by the joining of forces of the IUSW with the GMB to form a GMB adult entertainment branch. From here the policies and activities of the IUSW/GMB adult entertainment branch, and responses of others to these, are described and assessed. Amongst the practical and historical obstacles facing the IUSW and the GMB adult entertainment branch are those concerned with the challenges of not only creating a new social project but one that is, in literal terms, starting from scratch and in agnostic and hostile environs. Finally, consideration is given to the future of the IUSW in Britain and the GMB adult entertainment branch with regard to the wider issues of interest formation and means of collective representation, that is, how workers who conduct sex work came to see themselves as 'sex workers' and how this has led to propensities towards collectivisation and unionisation.

In terms of historical antecedents in Britain, several instances are known of strippers forming self-organisations. For example, the Alliance of Strippers against Prohibition was set up by a small number of strippers in London in the early 1970s in response to police raids, harassment and enforced shutdowns (Roberts 1986:18). Roberts (1986:89–90) recounted two strippers attempting to form a union but being blacklisted from the clubs as a result, and recalled being informed that the actress and

Marxist political activist, Vanessa Redgrave, toured the clubs in the early to mid-1970s and attempted to get the strippers to organise themselves into a union or to join her union, Equity. Redgrave met with no success with Roberts concluding that unionisation would have to come from amongst the dancers themselves. Whilst Roberts (1986:55, 73, 87) recounted the feelings of solidarity amongst dancers and informal collective organisation like a 'pussy strike', turnover in dancers in clubs and management hostility made unionisation extremely difficult.

## **The International Union of Sex Workers**

The IUSW was established in 2000 in London as a result of a series of events and processes which brought together a number of sex workers with a belief in the need to form a collective organisation to represent the interests of sex workers. A number of particular events were crucial to this occurring. First was the strike by flat-based working prostitutes in Soho against the eviction order served on them by Westminster Council. Westminster Council had begun the implementation of a policy to evict prostitutes in areas under its jurisdiction. The affected prostitutes, organised as ECP members, came out of their flats, on to the streets and on 'strike' on 8 March, International Women's Day. In support, the sex worker activists who came to form the IUSW organised an evening carnival procession involving around 100 participants from throughout the sex industry; strippers, prostitutes, sex therapists, and supporters. The carnival also performed the function of being the first overt public collective manifestation of the extolling of the alleged virtues and legitimacy of sex work in Britain. From those who organised and took part in the carnival, a group of between 6–10 sex worker activists formed a coalition which became the IUSW.

Second, a key mover in the organising of the carnival was a young Portuguese part-time sex worker, Ana Lopes. Lopes undertook employment as a sex chatline worker in 1999 in order to help support herself through the period of studying for a PhD thesis at the University of East London. Her thesis concerned human sexuality and socialisation based on a social action perspective within the discipline of anthropology. She had also undertaken voluntary work in a health project for sex workers, particularly for prostitutes who are drug users and addicts. Her willingness to become a sex worker union activist has its roots in five identifiable discourses and sets of ideas. One is that as a sex chatline worker she felt a sense of grievance about her own wages and conditions of employment and identified the existence of grievances

amongst other sex workers. Another was that collectivisation through unionisation was believed to be an appropriate *modus operandi* for seeking redress of grievances. However, in 2000, there was no specific union or dedicated section of a union for sex workers. For example, the ECP is not a union but rather a pressure group and one which does not seek to organise and represent sex workers *per se*. Moreover, the activists that formed the IUSW believed the ECP could not move out of this narrow arena, particularly because it did not act as a collective. Lopes believed that only through a union for all sex workers, subject to inter-sex worker sectional sensitivities, could there be a hope of a credible and forceful union. Thus, the realisation was arrived at that a specific organisation would need to be created.

A further key factor was that of a particular strand of feminist ideological perspective which celebrates sex work as having the potential to liberate and empower sex workers and women in particular (see Chapter 2). Finally, there was the pursuit of wider social justice, where the injustices in sex work and struggling to unlock the creative potential in sex workers are viewed as integral elements of wider phenomena, namely, a global movement against globalised social injustice as a result of the operation of global capitalism (in Bennet 2002:4; *Guardian* 25 July 2003; Sex Workers' Pride 2002). Sometimes, this included the notion of workers' control, that is, workers running 'their' own industry. Lopes had been involved in anti-sweatshop campaigns where she met the officers of the GMB London region for the first time (see later). Consequently, these discourses can be seen to come together in the IUSW, where, Lopes argued that sex workers are workers in need of interest representation as workers and labour rights which can be best achieved through trade unionism.

Although Lopes is the leader of the IUSW in Britain and internationally and is important in that respect, what she embodies in strong measure in terms of motivation and agency can be found to lesser degrees amongst a number of other GMB and IUSW activists. What the latter may be said to lack in qualitative terms in comparison to Lopes, they compensate for this in quantitative terms because of the aggregation of their motivation and efforts by representing a collective resource for the IUSW. This can be found in the writings and work of other sex workers. For example, Rona, prostitute and winner of the Erotic Oscar for Sex Worker of the Year in 2000, argued:

*I believe that the first step is to obtain recognition for sex workers as legitimate workers in a legitimate industry and profession. The first move is to*

*form a union and then to press for the same rights as other workers enjoy. Alongside this would be the need to legalise prostitution and change and review all the laws associated with the sex industry thereby raising the status of sex workers so we have the same rights and status as any other citizen. (IUSW 2000)*

## Looking outwards within Britain

Having established the IUSW in Britain and engaged in a series of activities (see below), the activists came to the realisation that not only did they need to be, and act as, a *trade union* but they should also be part of the wider *trade union* movement in order to benefit from its resources. Initially, the IUSW approached the Transport and General Workers' Union (TGWU) to discuss the possibility of their members joining but this was rebuffed. In regard of approaching the Trades Union Congress (TUC) for help, the IUSW was dismissed as being deviant. The TUC was believed to have run spoilers in the press about the GMB-IUSW relationship because it did not believe the sex industry should be organised for fear of legitimising it and thus sexism and women's oppression. Following this rejection, the IUSW, through Lopes, approached the GMB London region through its lead organiser, Martin Smith, in February 2002. The initial response of the GMB London region was to be sympathetic and supportive as a result of a position of not wishing to turn away non-union workers seeking to unionise in order to gain improved terms and conditions of employment. As Lisa Venes, GMB officer, reported:

*[A]s a group of workers who wanted some help to improve their terms and conditions and their general workplace then, that's what ... we're there for, as a trade union, to help people do that. (Radio 4 4 March 2002)*

*The illegal aspect of their work is precisely why they need representation. Here is a group of workers with very specific problems and we can help them. We can campaign on their behalf, put pressure on Parliament and hopefully change the laws regarding prostitution. (Evening Standard 25 January 2002)*

Martin Smith recalled how Lopes approached the GMB having found the going difficult as a standalone organisation and thus wanting the backing of a larger organisation which had benefits to offer IUSW members at the same time as wishing to retain a degree of autonomy

and the name of the IUSW. On the basis of the IUSW encouraging its members to join the GMB, of IUSW members only being eligible to the benefits of the GMB once GMB members and not acting contrary to GMB policies, the IUSW was able to constitute itself as the GMB adult entertainment branch and remain also as the IUSW given its existence elsewhere and its aspirations of being an international union of sex workers. The GMB also accepted the definition of a sex worker put forward by the IUSW: '[a] sex worker is somebody who uses their body or sexuality for an economic gain, usually for money, but not simply for money'. With that starting point, the London region argued the case in the GMB nationally to adopt a position of accepting sex workers into membership and creating an adult entertainment branch.

Thus, on 2 March 2002, around 60 individuals, comprising members of the IUSW, officials of the GMB, workers from the sex industry, sex worker rights and advocacy workers like UKNSWP, and supporters of sex workers drawn from London and further afield gathered to discuss issues concerning sex workers and how to best seek resolution of grievances. They also met to discuss the establishment of a GMB adult entertainment branch in alliance with the IUSW. Following discussion, the meeting agreed to; a) a programme of campaigning work to push forward the debate on decriminalisation, taxation and regulation; b) the sex workers section of the proposed GMB branch would take this forward with GMB officers; c) the GMB would seek the agreement of the organisers of the London May Day March that the sex workers who march through Soho on 1 May should become a feeder march into Trafalgar Square, with a speaker from the GMB sex workers subsection of the adult entertainment branch; d) the GMB should begin exploring how to use its parliamentary links to raise the aforementioned issues; e) activists should be opportunistic in finding issues to make comment on and campaign around because it would be important to the success of the campaigning work to raise the profile of the issues faced by workers in the sex industry in general; and f) that Stringfellows and Spearmint Rhino are targeted in an attempt to organise the workers there.

Thereafter, Martin Smith set out the proposal that; a) the meeting agree to set up an adult entertainment branch of the GMB in London Region; b) this branch be open to all workers in the sex industry to join; c) that a sub section of the branch be referred to as the IUSW section/sex workers' section and that this section should be reserved for anyone identifying themselves as sex workers; d) that the GMB adopt the IUSW's definition of sex workers; e) that the normal rules of

the GMB should apply – particularly in relation to subscription rates and methods of payment; f) that members need not disclose the section of the industry they work in to the union; g) that the branch can decide to subsidise the subscriptions of members on a hardship basis from future branch funds or directly from existing members; and h) that Lisa Venes would be the officer responsible, with support from Martin Smith. This resolution was put to the vote and passed unanimously. Lopes moved that the IUSW formally enter the GMB on the basis of the structure set out above. This was put to the membership of the IUSW present, plus others of those present who identified themselves as sex workers. The vote was unanimous. Lopes was elected as interim branch secretary and then confirmed as branch secretary at the first meeting of the branch.

Some consideration of the specific characteristics of the GMB and the GMB London region is necessary to understand why the IUSW joined up with them. The approach of the GMB London region was not to make mischief or gain cheap publicity from the sex workers but to positively engage with them. This arose as a result of a particular configuration of factors. First, the GMB national union, as with some other unions, has engaged in attempting to organise some atypical groups of workers like chauffeurs, boxers, dart players, mini-cab drivers, tattoo and piercing artists and roadies. This presented the possibility that sex workers could be viewed as another example of this orientation. Second, the GMB London region has adopted a conscious policy of attempting to engage with new social movements such as the anti-capitalist/globalisation movement as a path to renewing the relevance of trade unionism to a new generation and to draw into it a new generation of activists. The sex workers were believed to constitute one of these new social movements. Third, the structure of the GMB has been critical. Compared to the TGWU, the GMB's regions are relatively more autonomous such that the London region was able to decide to take on the IUSW without needing to gain the permission of the GMB national union. Once the struggle inside the GMB London region was won, the region campaigned to gain acceptance from other parts of the GMB (see below) and presented the national leadership with a 'done deal' that committed the national union to the policy of organising sex workers, which the national leadership could not oppose should it have wished to. The London region also went about winning formal support from the required bodies within the GMB so that in the event of key activists and officers moving on, the policy would remain and not move with them.

## Ana Lopes

Lopes has become the key figure in the IUSW in Britain and the GMB adult entertainment branch as result of her high level of multi-faceted politicised motivation and tireless campaigning. As IUSW General Secretary and its *de facto* founder as well as GMB adult entertainment branch secretary, she has embodied the category of the 'leader' steward (Batstone *et al.* 1977) who 'frames' (Kelly 1998) issues for members and supporters. In these roles, and since 2000, Lopes has addressed countless conferences and meetings, written many articles, and carried out a huge amount of press work in order to gain profile, raise funds and awareness for the IUSW and GMB adult entertainment branch, in terms of (union) recruiting and organising, and policy campaigning for the destigmatisation and decriminalisation of sex work. She also edits and produces *RESPECT!*, the formal quarterly but *de facto* bi-annual newsletter of the IUSW. As a result of her campaigning work, she was conferred with the 2001 Campaigner for Sexual Freedom award by the Erotic Awards. It is important to understand the particular nature of her motivation, or the personalised manifestation of her political motivation. Thus, she told *Radio 4's Woman's Hour* (4 March 2002) that while she felt exploited and stigmatised in common with other sex workers, she also felt able to openly act to seek redress in ways others could not. However, since late 2003, Lopes was less active in the IUSW/GMB (in Britain) for reasons of completing a PhD and not residing primarily in Britain. This has resulted in a lower level of IUSW/GMB public profile and more of the organising being carried out by FTOs.

## IUSW policies and objectives

In general terms, the IUSW seeks to clarify the laws on sex work and eventually remove them as well as improve working conditions and end the stigmatisation of sex work. In more specific terms, the IUSW has formulated a detailed list of demands. In the order in which they appear on its website, these are: decriminalisation of all aspects of sex work involving consenting adults; the right to form and join professional associations or unions; the right to work on the same basis as other independent contractors and employers and to receive the same benefits as other self-employed or contracted workers; no taxation without such rights and representation; zero tolerance of coercion, violence, sexual abuse, child labour, rape and racism; legal support for sex

workers who want to sue those who exploit their labour; the right to travel across national boundaries and obtain work permits wherever sex workers live; clean and safe places to work; the right to choose whether to work on their own or co-operatively with other sex workers; the absolute right to say no; access to training – sex workers' jobs require very special skills and professional standards; access to health clinics where sex workers do not feel stigmatised; re-training programmes for sex workers who want to leave the industry; and an end to social attitudes which stigmatise those who are or have been sex workers.

### **Recruitment and organising**

Since the IUSW and the GMB adult entertainment branch were launched, both have grown slowly but steadily in relative terms. But the task of tracking the extent of the membership growth of both is problematic to the extent that the IUSW is an international organisation comprising sex workers as well as some supporters while the GMB adult entertainment branch is a Britain-based organisation of largely sex workers. Within the adult entertainment branch, there are some members who are health and education workers who work with sex workers as well as associated workers such as bouncers, cleaners and receptionists. As a result of this diversity, there is a sub-section within the branch for sex workers *per se*, who comprise the vast majority of the members of the adult entertainment branch. It is also difficult to track membership numbers because while the IUSW is called a union because it is a collective and wants to be collectively constituted as a union, it actually represents a *de facto* network of activists and not a membership-based organisation *per se*. Thus, when the IUSW spoke of having 'x' or 'y' number of members, some were members but most were contacts. With regard to the GMB, membership is a tighter and therefore more reliable category. Finally, both organisations display an in-built tendency to talk up their numbers as a justification for their existence and a vindication of their work. Nonetheless, it is still possible to track their growth. Thus, in early 2002, the IUSW had 70 members (*Evening Standard* 25 January 2002) which rose to 100 members by mid-2002 (*Observer* 28 July 2002) and around 300 by early 2006 (*Associated Press* 18 January 2006). Meanwhile, the GMB branch comprised 40 members by autumn 2002 (*Organise* November 2002). From November 2002 to October 2003, around 150 members were reported for the GMB branch, primarily still in London (*Financial Times* 31 December 2003; *Guardian*

10 June, 25 July 2003; *Independent* 19 June 2003; *Plymouth Evening Herald* 14 October 2003). This rose to around 200 by the end of 2003 (*Morning Star* 18 December 2003) and then 300 by early 2004 (*International Herald Tribune* 28 April 2004; Lopes 2005:10; *Observer* 16 May 2004). However, by early 2006, nearly 2,000 sex workers were GMB members (Rosie Conroy, GMB officer, e-mail 31 January 2006) indicating slow but steady success in recruiting primarily lap dancers and sex chatline workers within and without London (see also *Cybercast News Service* [CNSNews.com] 19 January 2006). Of these GMB members relatively few were also IUSW members for the GMB is a subscription relationship while the IUSW is largely a contact-based one (Rosie Conroy, GMB officer, interview 27 January 2006).

### **Tools of organising**

This growth in membership has resulted from the deployment of a series of campaigning tools. One has been the use of a high level of (sympathetic) media profile to reach potential members. Thus, one GMB London official recounted: 'We only put out one press release about the adult entertainment branch but we got acres of news coverage and that produced membership enquiries from all over the country' (*IRS Employment Trends* 2003:6). The utility of this tool for the IUSW/GMB needs to be held in regard of several factors. First, both have few organisational and human resources and little in the way of a presence in workplaces and locations of sex work. Second, there are significant challenges as a result of potential members being widely distributed across Britain and, within urban areas, in a way that is far from visible or identifiable. This means the method of indirect contact with potential members through a third party provides the ability to raise awareness of the organisations, facilitate potential members then approaching the organisations and sex workers becoming open to membership should they be approached. This is particularly relevant for trying to contact porn actors/actresses and sex chatline workers.

Another method has been for the IUSW/GMB to operate through its activists in appropriate and conducive forums and milieus such as the Sexual Freedom Coalition (SFC), sexual health organisations, sex workers' health projects, and other campaigning organisations. Lopes has been active in the SFC and is a UK NSWP board member, while the IUSW/GMB has co-organised carnival processions with Sex Workers' Pride and taken part in TUC and anti-war (post-'9/11') demonstrations. The purpose was to come into contact with potential members and supporters as well as to raise their profile and generate sympathetic

public opinion. Moreover, the IUSW/GMB adult entertainment branch does not merely exist to recruit and organise but is the sum of its members' activities. In a number of ways, these types of activities then represent a self-embodiment and self-vindication of what these sex worker activists are.

Traditional and direct union recruitment at the entrances to workplaces and specifically targeted on certain workplaces and locations of sex work have also been used. So too has 'like-by-like' recruitment where members recruit co-workers. But even here there has still been an attempt to utilise indirect means as outlined above in conjunction with these direct means. Recruiting sex workers is not simply a case of finding their workplace and standing outside it with leaflets, although this tactic has been particularly used where the employer is hostile like Spearmint Rhino. In the cases of Majingos and Club Crème (see below), the employer allowed access. In the case of street and flat-based prostitutes, the GMB has sometimes set up stalls in appropriate locations but more often has attempted to gain access through the health and education welfare projects. Using these agencies which work with prostitutes avoids the difficult problem of trying to identify or locate them as well as having the benefit of approaching them through bodies which are known and trusted by prostitutes. In doing this, the GMB is also trying to link the issues of health and education to unionisation. In the porn industry, locations of sets and studios are gained through contacts and occasional sympathetic producer/production companies.

The following examples of organising efforts indicate the challenges faced by the GMB, even where the chosen locations reflected the high degree of support amongst particular GMB regions for organising sex workers. Lopes has been used to attempt to speak to potential recruits as the authentic voice of sex workers. At a meeting in Sheffield in early 2003 to recruit dancers at the newly opened Spearmint Rhino club, Lopes argued for dancers to be treated as workers and thus given workers' rights such as protection from violence and discrimination (BBC News Online 15 January 2003). And in response to calls to close down the club, Lopes argued that this would only drive the clubs underground, increase stigmatisation of sex workers, and put some of them out of work (*Sheffield Star* 22 January 2003). Later in 2003, sex workers living and working in Plymouth were urged to unionise by Lopes:

*We are working people, the same as everyone – except that we are likely to be beaten up, abused and raped during the course of our work. It is all*

*about empowerment because you have a union to protect you. ... The message today to the trade unions is don't turn your back on us – we are a group of workers and this is a trade union issue. (Plymouth Evening Herald 10, 14 October 2003)*

Whilst other trade unionists attended this South West TUC organised meeting and there was a sympathetic hearing of the case for unionising sex workers, no sex workers attended the Saturday afternoon meeting. This was attributed (rather optimistically) to time of the meeting. GMB sex worker activists were also involved in organising recruitment in Birmingham in the summer of 2002 amongst lap dancers in the city's nine clubs. The results of these three recruitment activities were dispiriting.

Though these types of activities were explicitly aimed at recruitment, the GMB sex worker activists have sought to reach out, and relate, to sex workers through the media in a number of other ways. These concern attempting to let sex workers know the GMB adult entertainment branch exists and what it does, as well as to create a favourable impression of these activities amongst sex workers. From here support and membership *may* then be facilitated. Thus, recognition existed that the first step towards recruitment was unlikely to be the act of recruitment itself. The slow progress in recruiting substantial numbers of sex workers exists despite the considerable efforts and resources devoted to recruitment and organising. The GMB attributes much of its difficulty in recruiting sex workers not to problems of locating potential members but to the culture of their employment being one of secrecy, to sex workers' desire to keep a low profile and to fear of employer retribution (*Morning Star* 18 December 2003).

### **Lap dancing: the art of what is possible?**

There are an estimated 200 lap dancing clubs in Britain (*Guardian* 16 March 2002). Each club *may* have up to 200 dancers on its 'books'. Of all the advances that the GMB has made so far, union recognition agreements, workplace union organisation and working relationships with managements in a small number of clubs represent the pinnacle of its achievements to date. Other than the supportive attitudes of the management in two clubs, the GMB has been able to make use of the relatively concentrated location of sex workers in defined and accessible workplaces were, where despite the use of self-employment rather than direct employment, a more tangible link and form of identity exists between the dancers and the clubs. Moreover, with the recent expansion

of lap dancing, the relative respectability given to this activity has increased so that such a 'cloud of shame' does not surround it as is still the case with prostitution. In this sense, reduced stigmatisation affords a relatively easier opening for trade unionism.

Majingos, in Canary Wharf, east London, was the first lap-dancing club in Britain to have its dancers unionised and the first club to grant union recognition. Opened in mid-2002, the management of the club has relatively progressive views with regard to workers' rights. A general manager invited the GMB in 2002 to attend the auditions for dancers with a view to allowing them to recruit those that came to work at the club. He commented: 'It matters to me that my employees are in the union so that we can work out any problems between us fairly and properly. Exploitation is often the norm in the club industry but I will not allow it in my club or for my people' (*Press Association* 26 June 2002). Another Majingos manager commented: 'When I started visiting other clubs to research the venture, I discovered that the dancers who worked in them had myriad complaints. They were treated in a manner that I wouldn't want to treat people' (*Independent* 19 June 2003).

In many lap-dancing clubs, issues of health and safety and working conditions have arisen concerning changing rooms, toilet facilities, poor lighting and skin irritating polishes on the poles. Dancers who complain have often been 'sacked'. Resultant from supportive employer policy, and in tandem with collectivisation of the dancers and support from the GMB, a number of advanced work practices have been established at Majingos. Foremost amongst these has been that a 'no-touching of dancers' code of conduct for customers was created, where transgression by customers leads to their removal from the club. Another aspect of the code of conduct concerns what service the dancers are expected or not expected to provide. The code states: 'The management insists on moderate drinking at all times. However, do not refuse a drink when offered. You do not have to drink it.' The code also prohibits table dancers from chewing gum and from dating anyone who works at the club. If a dancer has broken the code, the dancer cannot be 'sacked'. The latter is designed to prevent the arbitrary or unjustified exercise of managerial prerogative like fines, victimisation or termination of the right to work in the club. An agreed procedure concerning individual and collective representation and consultation has been established for the 25–30 GMB members out of 40 dancers 'employed' and operates through having two workplace reps. Although there is a legal right to accompaniment-cum-individual

representation for a union member by their union under the *Employment Relations Act 1999*, this only applies to employees. Thus, the representation element of the recognition agreement is a significant advance alongside the establishment of a formal grievance procedure.

However, Majingos remains a conventional capitalist enterprise. Dancers have to pay a fee of between £45 and £65 per night to work in the club. They receive no pay from the club. The dancers must then recoup this fee by performing fully-nude dances for customers in a private 'lounge area'. A nude dance costs £10 before 9pm and £20 afterwards. Dancing on stage receives no payment, merely being a 'shop window' from which dancers hope to win business. The fee structure operates to cushion the club from the financial impact of slow nights or few customers. In other clubs, whether in London, Sheffield or Birmingham, the fee or ground rent can be up to £110 per night to work, with the minimum being around £40–£50 (*BBC News Online* 5 December 2003; *Independent on Sunday* 30 June 2002; *Observer* 11 February 2001, 3 February 2002, 5 May 2002, 19 October 2003).

Club Crème in Bristol became the second unionised and union recognised lap-dancing club in Britain. Following a meeting in late 2002 organised by the club for all dancers in the city at which the GMB was invited to attend to recruit dancers, 17 of the 38 dancers at the club joined the GMB upon hearing about the success at Majingos. The dancers had no particular grievances with their own 'employer'. For example, one dancer, comparing Club Crème to another club in Liverpool where she previously worked, commented: 'Things are better here. I feel safer and there is more security and protection for the girls' (*Bristol Evening Post* 19 November 2002). She added: '[B]ut it will be good to have the added security of being in a union' (*Times* 21 November 2002). One manager at the club stated: 'We completely support the dancers' decision to join the GMB. ... We are hoping we can empower the girls and [other] club owners to make changes. We need to look at how clubs are set up as well as safety. For example, we need to look at doing away with booths that a lot of clubs have, which compromise the girls' safety' (*Bristol Evening Post* 19 November 2002; *Times* 21 November 2002) while another commented that union recognition ensured that the dancers were: 'treated like human beings with rights' (*Bristol Evening Post* 5 July 2003).

Those that joined at Club Crème laid more emphasis on the view that unionisation could help improve conditions and provide a safer working environment across the sex industry (*Morning Star* 21 November 2002). In particular, they were concerned that some clubs allow 'girls' to dance

in private booths without security. GMB officials met with the club management who agreed to union recognition. Again, a sympathetic attitude from management has been important. In addition, the view held by the dancers that other clubs should be as progressive in Club Crème has been crucial. This view arises not just from a sense of solidarity and altruism with other dancers but also from the result of the practice where dancers move around clubs, partly out of choice, partly out of management pressure to have an ever-changing variety of dancers which is believed to be conducive to their businesses. Consequently, dancers may work in other clubs in the future which they believe require improvements in working conditions.

On top of the 'liberated' and 'progressive' attitudes of the two clubs with regard to working conditions and unionisation, there is also an element of self-interest in their decision to establish a productive relationship with the GMB. Both clubs signed agreements in the run up to the key period of opening up. This smoothed preparations for opening and, in the longer term, helped create a positive reputation for the clubs in terms of dancer recruitment and retention. Moreover, union recognition gives the clubs an air of respectability when the licensing committees of local councils concerned consider applications, particularly where union has helped through union recognition to create and enforce a 'no touching' rule and decent working conditions. In this sense, there was a 'business case' for the two clubs dealing with the GMB. The IUSW recognised this by saying that unionisation of some sex workers has been 'viewed positively by managers who want to be seen to be running a legitimate business' (*Tribune* 12 March 2004).

The attitude of these clubs compares quite starkly with that of Spearmint Rhino where the GMB/IUSW's efforts have met with very little success. Its vice-chairman stated: '[our] staff don't want to join a union because they are already well paid' (*Sheffield Star* 11 January 2003), portraying an anti-union perspective, whether of a union suppression or union substitution type. Indeed, rather than being just subterfuge, there may be some basis to Spearmint Rhino's statement for some of its dancers report they are happy with the working conditions, facilities and dressing rooms (*Observer* 5 May 2002) and others report of favourable working conditions at its clubs (*Tribune* 23 January 2004). Whatever the situation, Spearmint Rhino's stance makes problematic the GMB's ability to gain recognition in any, or all, of its clubs in Britain where the GMB is heavily reliant on the goodwill of the employer.

Gaining union recognition at Spearmint Rhino, one of the major chains of lap dancing clubs, would be a major advance for the GMB's ability to recruit further members resultant from having a significant, credible and tangible exemplar. In the face of employer hostility, the GMB is having difficulty in recruiting sufficient numbers of members to be in a position to leverage out of this chain, or any other major chain, union recognition. With a breakthrough at Spearmint Rhino eluding the GMB, it adjusted its strategy to identify its possible leverage points on clubs. First, it began recruiting at Stringfellows with the intention of choosing a potentially easier target than Spearmint Rhino. The strategy was to use gaining a high-profile recognition for dancers with Stringfellows to create more leverage with Spearmint Rhino on the basis that Stringfellows appeared to be less anti-union and the GMB hoped to trade on the owner's (Peter Stringfellow) vaunting of his working-class Sheffield background. The GMB also hoped to chime with Stringfellow's self-interested view that: 'This industry is in its infancy. It's got to be kept respectable. I'm concerned about the influx of new operators coming in [and] ignoring all sorts of rules' (*Observer* 3 February 2002). However, this strategy failed to produce any headway, leading to a further reassessment whereupon the GMB began targeting the 'second tier' of clubs.

The rationale here stemmed from an assessment of the differing needs of clubs with regard to licensing and respectability, and the leverage points that this may create. Thus, the major chains are not only established (sic), but have greater resources, expertise and experience to facilitate successful license applications to be made and to create conducive impressions about their activities. By contrast, the smaller chains or independent, stand-alone clubs, do not necessarily have such resources and expertise in these areas. Thus, such clubs sometimes approach the GMB or are more susceptible to overtures from the GMB with regard to codes of conduct, dancer welfare and union recognition. As the independent representative of dancers and in return for recognition which facilitates dancer representation, the GMB is able to establish and implement codes of conduct and regulations on workplace health and safety between club management and dancers which, in turn, helps meet the concerns of licensing committees over dancer well-being and the internal club regimes. However, problems exist for although some employers are keen to sign such agreements before opening as licenses are required prior to opening, the GMB does not wish to sign agreements before it has gained sufficient members because this is undemocratic and does not allow

it to act from a position of relative strength in determining or enforcing the agreements. This is often difficult because dancers are not hired until the club has gained its license. Thus, in 2003, the GMB was negotiating a recognition agreement with the Office Nightclub in Hull following approaching the club in the run up to its opening. However, by the time the GMB felt able to sign an agreement its initial six members had left the club so that it was unable to gain an agreement. Nonetheless, at the end of 2005, the GMB was negotiating recognition agreements with six clubs in Bristol, Edinburgh, Glasgow, Northampton and Tower Hamlets.

While employer hostility and absence of management support are an important part of the equation, they are far from the only ones. In some clubs, the GMB also faces a 'culture of contentment'. For example, two lap dancers in Glasgow talking about their place of work, the Truffle Club, commented

*A lot of places aren't so professionally run. Some are managed by gangsters and not run properly – they just like having topless girls around them. Others are sleazy and there is a lot of involvement in drugs and all sorts of things. The standards we have here are much better. We have proper dressing rooms with showers and other facilities. It wouldn't be like this in some clubs in Edinburgh, Aberdeen or Manchester. I've got changed in a kitchen with bare wires hanging down, or on a fire escape with half a cracked mirror to use. (Herald on Sunday 21 January 2001)*

They, along with their managers, concluded that unionisation was a good idea but it was not needed in their place of work.

The 'culture of contentment' also has a further dimension. Some lap dancers are also students in need of money to finance themselves while studying or those with poorly paying daytime jobs where the value in lap dancing is concerned with the high potential earning power and flexibility of working hours of a second job (*BBC News Online* 20 January 2003; *Herald on Sunday* 21 January 2001; *Independent* 19 June 2003; *Observer* 5 May 2002, 19 October 2003). Essentially the attraction is of relatively good pay for relatively few hours of relatively undemanding work, where other such employment opportunities are absent. Earnings of between £300–£1,000 per night have been reported (see, for example, *Guardian* 16 March 2002; *Observer* 3 February 2002, 19 October 2003). Part of this configuration is that these types of dancers are relatively 'transient' workers. They work on a temporary

basis, or believe they are working on a temporary basis, generating relatively little work or workplace attachment.

These factors counter-balance the grievances that have been identified amongst some lap dancers. These include poor working conditions, paying fees (see above), personal security (such as leaving the club in the early hours), sexual harassment and physical abuse (from customers and managers), systems of fines for transgressions (lateness, off sick, wrong make-up), unfair termination of the right to work and the informality and unstructured nature of employment relations as a result of not being employed (see before). Bindel (2004b) and Tetzl (2005) identified a regime in some clubs in Glasgow and London of over-hiring of dancers leading to intense competition to gain dances in turn leading to the offering of various forms of sexual contact and the selling of sex in order for the dancers to pay their house fees and earn a living. This regime also comprised clubs ignoring or not enforcing their own 'no-touching' rules, and management control of outfits worn and where these outfits are purchased from.

But, as elsewhere in the sex industry, there are alternative means to what can be termed 'seeking redress of grievance'. The most obvious is an exit and entrance strategy. One aspect of this concerns the 'strippers' grapevine' where, a dancer explained: 'If a club treats girls badly, it takes about six months before that club will find that it can't get any girls to work there' (*Independent* 19 June 2003). Another means is the 'house mother'. House mothers are usually lap dancers who are, relatively speaking, older and more experienced or former lap dancers who, are in effect, shift organisers and supervisors. They often play the role of the paternalistic intermediary between the dancers and the club management, where they attempt to balance the interests of the club and dancers. As appears to be the case more often than not, house mothers become an impediment to unionisation – not because they are anti-union in a suppressionist way – but because acting in a non-union substitutionist way by providing a *de facto* alternative to trade unionism. They appear to be a more immediate way of trying to influence working conditions. However, their limited degree of influence, and occasionally house mothers who wish to extend the degree of dancer protection, can also act as spurs to unionisation. Finally, in lap dancing clubs, and despite much commonality and camaraderie between dancers, there are also strains of individualism and rivalry between the dancers, where there is competition to gain custom. This constitutes another factor that is not conducive, all other things being equal, to unionisation.

### **Internal sex workers divisions**

In addition to the impact of the so-called 'culture of contentment' as an impediment to union organising, there are also strains of significant internal divisions within sub-section of sex workers that affect union organising capability. These have two general effects. The first is to create rancour amongst sex workers themselves and the second is to mask the role of management in facilitating the divisions. An obvious example pertaining to the former is price competition amongst street prostitutes. An example where both effects are apparent concerns the compulsion on exotic dancers to sell sex in some clubs (*Observer* 28 July 2002; *Guardian* 20 August 2004; *Herald* 17 August 2004). In regard of the former effect, some dancers are prepared to offer 'hand-' or 'blow-jobs' to customers in order to solicit custom for a dance. This can create unwanted pressure on other dancers to do likewise in order to gain custom. In regard of the latter effect, some clubs condone or ignore such practices, making them complicit and potential beneficiaries of increased trade. Such processes and phenomenon create obstacles to the creation of a higher level of collective consciousness that is necessary for unionisation to be able to take place under. But as ever, there are countervailing factors. In the case of exotic dancers, some dancers will act to pressurise clubs to dispense with dancers prepared to offer sex and some clubs will do so of their own accord, fearing prosecution and license revocation.

### **'Organising the industry'**

Estimations of the number of sex workers in London alone vary between 10,000 and 190,000 (*Morning Star* 14 March 2003; *Newsquest Regional Press* 10 June 2003). Similar variations exist in terms of the number of sex workers in Britain. In 1999, the Survey of Sex Work Characteristics and Policies estimated there were 80,000 sex workers in Britain while the *Economist* (5 October 2002) estimated there were 90,000 prostitutes. The GMB estimated there were 250,000 sex workers in Britain in late 2003 (*Morning Star* 18 December 2003). Whatever its actual membership (see earlier) and with this based mainly in London, the task facing the GMB is huge and daunting. Recognising the current weakness of union presence in the sex industry, one of the GMB's approaches to increasing its influence has been that of 'organising the industry'. It does not regard as realistic trying to organise and influence the industry by virtue of 100% membership and 100% union recognition because of the industry's difficult employment characteristics. Rather, it aims to exert influence on the industry through a number of

means in order to defend and advance its members' interests and be the genuine and recognised voice of sex workers through having a *sufficient* number of members (several thousand) and being 'a player' in the industry.

Consequently, the GMB has sought to use other levers of potential influence that exist above and beyond the workplace and traditional union recognition in order to affect the workplace. This is an attempt to establish a regime of voluntary regulation through notions of 'industry labour standards' rather than collective bargaining in the first instance. Such a goal involves trying to form a coalition with employers and interested parties such as advocacy groups. In the case of the sex industry, the most obvious *quid quo pro* that can be struck between the employers and the GMB is over creating a legitimate image for the industry and a wider, unified lobbying force for the industry. By seeking to work with the 'good' or 'respectable' employers, the GMB hopes to marginalise the 'bad' employers, and ultimately put them out of business so levelling up working conditions. For the 'good' employers, working with the GMB may force the 'bad' employers to adopt better practices so preventing the latter from gaining competitive advantage through lower costs (or alternatively put them out of business through increased costs). This may include the Spearmint Rhinotype clubs. 'Good employers' may also hope to protect themselves from government intervention through either cleaning up the industry's image and/or ensuring that intervention was targeted solely on reprehensible operators.

For example, in alliance with Club Crème, other club owners, local authorities and licensing officials, the GMB has sought to establish an industry-working forum to create minimum standards and codes of conduct in the lap dancing sector of the industry. Indeed, the spokesperson for the Tables Dancers' Union section of the GMB is an owner and manager of Club Crème. In a sense, the GMB is attempting to circumvent its weakness at the workplace and in the labour market by creating an alternative means to then exert influence in those areas. In this situation, a Club Crème spokesperson believed that: 'It's very important that the industry is regulated. We have no problem with the unions and we're glad to have them on board and supporting us as an industry' (*BBC News Online* 17 December 2003). The problem is that while a tiny number of clubs are supportive, they are too few in number and too small in size at present to be able to compel participation from other clubs. Moreover, there are few multi-employer associations to deal with, the Manchester Sauna Owners Forum being an

exception. Furthermore, this strategy cannot exist on its own or in isolation for the credibility of the GMB's ability to create this coalition, let alone establish a favourable regime of regulation, most obviously depends on its presence in the industry, i.e. its extent of membership and its profile.

### **The first of many? A unionised brothel**

In late 2003, a massage parlour in Stoke-on-Trent became the first massage parlour, i.e. brothel, in Britain to become unionised and have *de facto* union recognition. The owner of the brothel, a private house in a residential area, along with the five prostitutes joined the GMB following her and two of the prostitutes having attended the IUSW/GMB foundation meeting in London in 2002. The brothel had experienced difficulties with a new chief constable who overturned the previous incumbent's policy of leaving indoor prostitution alone so long as no complaint's were received by the police from neighbours. The brothel owner approached the GMB for help over this issue. She had previously been involved in some prostitute organising attempts but had rejected approaching the ECP as she believed it to be too militant and political. Announcing the development, Martin Smith, argued that:

*[If clients] threaten you they will be the subject of a private prosecution by the union ... because we can't bank on the police and Crown Prosecution Service giving people the support they need. ... Some laws actually make it unsafe for sex workers. ... They can be prosecuted for keeping a 'bawdy house'. But given the choice of walking the streets on your own or working together, it's obvious which is safer. It's this kind of thing that we are trying to change. (Stoke Sentinel 21 December 2003)*

The GMB hoped to use this as a launch pad to unionise the other 25 parlours and the 70 street prostitutes in Stoke but little headway has been made to date.

### **Work representation and campaigning work**

The GMB has represented and advised members in grievances against and disciplinaries from employers as well as in dealing with the police and crown prosecution service. Examples of the former include successful claims of unfair dismissal for pregnancy against a club (*Independent* 6 February 2002) and of (non-trade union related) victimi-

sation of a sex chatline operator (*Guardian* 17 January 2006) while instances of the latter concern securing justice through prosecution for rape of a prostitute (*Sunday Mercury* 7 December 2003), appealing against the awarding of Anti-Social Behaviour Orders (ASBOs) against prostitutes, and opposing the shutting down of a Soho brothel and sex shop as a result of a compulsory purchase order by Westminster Council (*Financial Times* 15 May 2004). The GMB and IUSW have also carried out campaigning work in terms of agitation and propaganda against the eviction of prostitutes from their rented flats by landlords and banning of the related use of business cards in public phone boxes in London to advertise their services (see *Guardian* 8, 9 July 2002; *BBC News Online* 11, 18, February 2003). The former concerns alleged acts contrary to the intended use of property (i.e. for commercial purposes) and the latter alleged soliciting contrary to the *Criminal Justice and Police Act 2001*. The impetus against carding and prostitution came from Westminster council. Similarly, agitation and propaganda work has been undertaken around the issue of a woman served with an anti-social behaviour order for soliciting (*Guardian* 8, 9 July 2002).

The IUSW has also floated the idea of 'unionised brothels' as a method to reduce exploitation and violence as well as running the operation as a unionised workers' cooperative. More substantially, the IUSW/GMB has offered lap dance training to prostitutes who wish to leave prostitution as way of achieving this as well as to existing lap dancers who wish to improve their skills (*Sunday Mercury* 14 December 2003). The funding for this has been part-union, part-government. Another initiative taken by the GMB has been to create a tax service for exotic dancers and prostitutes because these groups have experienced problems in gaining financial services like mortgages and loans because their earnings are cash-in-hand and deemed unofficial because they go unrecorded. The tax service provides a method by which to route earnings to a legitimate status. Lastly, the GMB has offered its newly recruited sex workers self-defence classes, free legal advice and exit training for those who feel they might like to change their jobs. It also offered help with issues such as prostitutes' right to insist clients wear condoms and campaigning for statutory health checks.

Like many other union formations, the IUSW/GMB adult entertainment branch is based on a complex configuration of collectivism and individualism, activism and passivity, economism and social movementism. Members have joined for reasons ranging from; a) an instrumental-based view of gaining individual protection through subscribing to a servicing organisation akin to buying the service of a

business; b) an instrumental-based view of gaining individual protection through subscribing to a collective union organisation where strength can be found in numbers; c) a collectivist-based commitment as the most effective means of representing collective interests at work; and d) an ideological commitment to collectivism and social movements as means of campaigning for social justice. For example, the GMB issued a recruitment leaflet in 2002 entitled 'Working in the sex industry? Member Benefits' which stated the following:

*We are a sex workers' organisation for sex workers' civil, legal and workers' rights. We offer free and confidential information and support to sex workers of all sectors of the industry. We do not discriminate on the grounds of race, gender, sexuality, HIV status, ability, nationality or religious belief. We offer: information, advice and support on issues including safer sex, drug, and alcohol use, sexuality, health, etc.; access to legal advice and support including prison visits; [and] discussion of options available – talk about selling sex without being judged. If you are a sex worker, or work in a related field, or are a supporter of our cause, you are welcome to join.*

## **Developing policy and campaigning for policy positions**

The activists of the IUSW prior to joining with the GMB put considerable effort into working through many of their basic ideas on conceptualising sex work in order to help contribute to the development of policy for sex workers. The major document in this regard has been 'Recommendations for Political Policy on Prostitution and the Sex Industry' written by a leading member of the Sexual Freedom Coalition (SFC) and by Lopes with the help of two solicitors in response to the Green Party's request for informed advice from sex workers on sex work. It covers the issues of trafficking, the legal status of prostitution and sex work, definitions of sex work, arguments for and against prostitution, and arguments for and against pornography. Together with the SFC, the IUSW has engaged in a process of dialogue which has helped significantly influence the policy of the Green Party on sex work. From this the IUSW also advised the Liberal Democrat Party on the issues. The IUSW has also taken part in the Metropolitan Police advisory group on sex work as well as its advisory group on LGBT.

Within the trade union movement, the IUSW/GMB has campaigned and lobbied with much success. Thus, the 2003 TUC Women's Conference almost unanimously backed a motion calling for improved

rights for sex workers, comprising; full legal protection from harassment, violence, threats, intimidation and theft; the full range of employment, health and safety and contractual rights; assistance and support to those who wish to leave the industry; the right to full and voluntary access to friendly and non-judgmental medical services. The GMB London region was nervous about whether it was too early to seek formal support from the TUC's Women's Conference. In the event, it was surprised by the weakness of the opposition. Following this, the 2003 GMB annual conference voted unanimously to support the rights of sex workers to unionise and to receive full employment and trade union rights based on the motion passed at the TUC Women's Conference (see Clamen and Lopes 2003:30).

In terms of wider campaigning to gain acceptance of, and legitimacy for, the discourse of sex work, particularly concerning destigmatisation, the IUSW/GMB has engaged in a successfully high-profile media operation. For example, the government announcement in late 2003 to review the laws governing prostitution (*Financial Times* 31 December 2003; *Guardian* 30 December 2003) provided an opportunity for the GMB to lobby for its position of decriminalisation and increasing safety for prostitutes through allowing them to work together which would require the repeal of the centuries old law outlawing the running of a 'bawdy house'. From early to mid-2004, the GMB spent much of its time lobbying the government on this and engaging in the consultation process. *BBC News Online* (30 December 2003) reported that: 'the GMB is pushing the idea of "safety zones" which exist in Australia, where sex workers can escape prosecution, work in groups in flats, advertise and receive health checks'. This contrasts with the ECP's position of opposition to tolerance zones (*BBC News Online* 9 June 2003). The GMB also called upon the government to consider widening out the review from prostitution to sex work (*Tribune* 12 March 2004). In this campaigning work, the GMB has begun working with Liberty, the former National Campaign for Civil Liberties group. However, the government (Home Office 2004) focussed largely on what it saw as the most visible problem, namely, street prostitution and not prostitution *per se*. Moreover, it continued to see prostitutes and prostitution as a 'problem' (see Brooks-Gordon (2005, 2006), Phoenix and Oerton (2005), Sanders (2005b)). When legislative proposals were brought forward in early 2006, they rejected tolerance zones but outlined the ability of two prostitutes to work together (*Guardian* 18 January 2006). This indicated the severe limits to the impact of the IUSW/GMB lobbying and the influence of its promotion of the sex

work discourse (see also *Guardian* 18 January 2006). It is not clear if the Scottish Executive will diverge from this stance despite submissions to its consultation suggesting otherwise (*Dundee Evening Telegraph* 28 December 2005).

As a result of the character of exotic dancing being relatively more favourable to union organising than some other sub-sections of sex work, the GMB has strategically prioritised developing a bargaining agenda for dancers. To this end, it has established the Table Dancers' Union as part of its adult entertainment branch, although this also reflects the self-identity of exotic dancers as distinct from other sex workers (see later). The agenda concerns alleviating the pressure to offer sex in clubs by seeking to get management to ban the practice, to create and enforce no touching rules, set quotas for the number of dancers hired per shift, provide better security in clubs to stop intimidation and threats of violence from customers, and allow greater freedom to wear a variety of stage gear. A major component has also been to seek to end stage fees as debt bondage by advocating that commission per dance should be used or that the first five dances are free of charge to the dancers. In response to calls to shut down clubs, the GMB called for better local authority regulation to ensure the maintenance of employment with safer working conditions and protection for those dancers from 'dismissal' for complaining about working conditions (*Sheffield Star* 22 January 2003; *Sunday Herald* 19 September 2004).

## **Responses to the IUSW/GMB**

Whilst much of the extensive coverage in, and by, the media has been broadly sympathetic (even where this has involved titillation), a number of voices from a range of backgrounds and organisations have been openly critical and hostile. Julie Bindel, researcher and founder of Justice for Women, argued in the *Guardian* (7 July 2003) that unionisation legitimises prostitution and violence against women, that the employment relationship engendered in prostitution is not amenable to unionisation, that prostitutes lead such chaotic lives as to be unsuitable for unionisation and that prostitutes need human rights, not workers' rights. This prompted an angry response from the IUSW/GMB (*Guardian* 11, 25 July 2003). Bindel maintained this line of argument: 'Sexual exploitation is not work, so how on earth can you unionise these people? Unions often campaign against sexual harassment but these women are paid to be sexually harassed' (*BBC Radio Scotland*

18 August 2004). Later, Bindel (2004b:43) conceded in the context of unionisation of lap dancing: 'There is little doubt that improving working conditions and contractual arrangements for the dancers would, nevertheless, be of benefit [to the dancers], at least in the short term'. Fiona Broadbent, a former prostitute who now works for Exit, a charity dedicated to helping women leave prostitution, took a similar line to Bindel, arguing prostitution is not work and that it should be abolished not unionised (*Radio 4* 4 March 2002). However, Jan McLeod of a similar group called Roots out of Prostitution, acknowledged the right to unionise for prostitutes (Interview, Ruth Morgan Thomas 12 April 2005). Matthews (2002:1), in a pamphlet for the Libertarian Alliance, argued that unionisation for sex workers is largely inappropriate because of their self-employment status. Equity, the union for actors, stated it was 'surprised to read that the GMB intends to represent pole and table dancers and would welcome ... clarification' (*Independent on Sunday* 30 June 2002) indicating a potential friction over the issue of demarcation of spheres of organising. However, the trade magazine the *Stage* (30 May 2002) stated: 'Congratulations to the GMB in its efforts to take on the role of an entertainment union and ensure the rights of a neglected group of performers'.

Against the level of criticism, it is noteworthy, and in some practical ways more important, that many sex worker advocacy groups have welcomed the development represented by the IUSW/GMB. For example, Hilary Kinnell from the UKNSWP argued:

*Their efforts to get sex work seen through the perspective of labour rights is the most constructive thing that has happened in the sector for years. People working in the legal side of the business – in lapdancing and strip clubs and sex phone lines – have an absolute right to join a union. Their employers need reminding that they have rights. ... Prostitutes need to be protected as much, if not more than anyone else. (Morning Star 18 December 2003)*

Although of much less political weight, it is interesting to note that welcoming and supportive positions have been adopted by small far-left Trotskyite groups like Alliance for Workers' Liberty, Workers' Power and World Revolution/Revolution youth group. By virtue of frequent and favourable coverage by the *Morning Star* to the sex workers' activities, the Communist Party of Britain (CPB) can also be judged to be broadly in favour of their efforts. So too has the Scottish Socialist Party, again by virtue of coverage in its *Scottish Socialist Voice*

(12 October 2001, 3, 10 May 2002, 20 January 2006). The Anarchist Federation has also been favourably disposed (*Organise* November 2002). It can thus be inferred that the IUSW/GMB has been 'hindered' in its attempts to grow in as much as, broadly speaking, potential and significant allies and resources have not become available to it and have argued against its rationale. At the same time, 'support' from those groups that concur with the project to unionise sex workers is unlikely to have had much positive impact on the IUSW/GMB's propensity to organise sex workers because the former are so small and marginal, and because unionising sex workers is marginal to their main activities.

### **A new form of trade unionism?**

The IUSW/GMB has approached the task organising and creating influence in a variety of ways. Stepping back from the particular array of tactics deployed, it is evident that whilst the sex worker activists have moved towards a *trade union* orientation, the GMB adult entertainment branch has also moved towards the 'model' exemplified by the sex worker activists, that being of a hybrid of social movementism and pressure group-ism. Under social movementism, applied to trade unionism, the role of the workplace is regarded in a different light compared to that under the concept of traditional trade unionism in Britain. Thus, it is not regarded as the *sine qua non* of trade unionism and it is not regarded as being only accessible in a direct way. Consequently, it is believed there are means to influence working conditions that do not directly engage the individual employer. Of course, sometimes there is also no employer for workers are self-employed or independent contractors. *Modus operandi* then concern campaigning through extra-workplace agitation and propaganda outside the workplace/work setting to try to influence public policy, the law, industry standards, and public opinion. These are deployed to try to provide a voice and a form of representation for sex workers in the widest sense, that is, within society and to the various relevant players in the industry. Here, trade unionism attempts to make contact with, become part of, or create, networks, coalitions and alliance outside the workplace. Individual and collective representation as conventionally understood under workplace unionism become one means, indicating the issue of union recognition is not always central or appropriate for all the different sub-sections of sex workers. Individual and collective representation for those without workplaces or employers (e.g. some prostitutes) means that individual and collective interest representation takes the form of representation to the police, judiciary and

other public authorities as well as to local communities, opinion formers and pressure groups.

But in moving towards social movement unionism, the GMB adult entertainment branch has not fully dispensed with other orientations such as more traditional workplace unionism for exotic dancers. Whatever its general and specific orientations, the GMB adult entertainment branch has deployed the tactical approach of 'issue-based organising', where the different groups of sex worker activists set the agenda themselves. For prostitutes, this tends to revolve around issues of safety and freedom from prosecution and harassment while for lap dancers the issues concern house fees and rates for dances. If the GMB adult entertainment branch had decided in an *a priori* manner to relate to prostitutes and dancers with an agenda seeking to gain employed status and an annual wage, this would have made the GMB incapable of positively relating to, and engaging with, any prostitutes or dancers. This approach would not only have not tackled the 'burning issues' but also undermined the basis of what the prostitutes and dancers regard as the more preferable conditions of their work such as high earnings and temporal flexibility. In sum, the breadth of orientations and tactics has produced a multi-faceted hybrid and reflects, on the one hand, the GMB's receptiveness and willingness to different ideas, and on the other, its perception of the necessity to use any method available to it given the Herculean task it faces.

## **Conclusion**

The GMB/IUSW project is at the same time both a reality and an aspiration. It represents an embryonic form of what it hopes will become a vibrant, extensive and influential force throughout the sex industry that can protect its members' interests. The form that this project has hitherto taken is multi-faceted in terms of orientations, approaches and tactics. At this stage, it seeks to become a voice for sex workers, to articulate and express their interests, rather than guarantee the gaining of their goals, i.e. resolution of grievances and effective representation of interests. However, it is clear that there are considerable obstacles to the realisation of that aspiration. The organisation is embryonic in several ways. There is the sense in which it is very small relative to the size of the industry and the tasks it has set itself. But there is also another sense in which it is embryonic. Within the sex industry, the GMB has just begun to establish a tangible collective presence in the sub-sector of sex chatlines (telephone and text) but not amongst porn

films/videos, porn magazines and internet porn. The explanation for the distribution of actual union presence is considered in Chapters 8 and 9. Thus, it is a misplaced overstatement to say that: 'Since joining the GMB the IUSW ha[s] gained some regulatory influence in the sex industry' (Sanders 2005a:175) and that '... the IUSW has gained some regulatory influence in the wider sex industry' (Sanders 2005b:13). Rather, the influence of GMB/IUSW is on a par with the small and localised influence of, for example, the prostitutes' rights group, ScotPEP, in Edinburgh (see Holmes 2005).

# 7

## Sex Worker Organising in Australia, Netherlands, Germany, Canada and New Zealand

### Introduction

This chapter examines sex worker organising in Australia, the Netherlands, Germany, Canada and New Zealand. It seeks to consider these examples of sex worker organising in their own right as well as attempting to provide the basis for considering sex worker union organising in Britain and the US in a broader cross-country context *vis-à-vis* differences in a number of factors such as attitudes towards the sale of sex, sexual services and sexual artefacts, the legal regulation of these and trade union traditions. The reason for not considering the development of sex worker organising in each country separately arises for two reasons. Firstly, that practically there was less available material on sex worker union organising in Australia, Germany and the Netherlands than compared to that available for the Britain and the US (see discussion of methodology earlier). Secondly, the two countries chosen for comparison, Canada and New Zealand, were selected because they have not yet experienced significant developments in sex worker *union* organising but have ample experience of sex worker organising through pressure groups. Therefore, Canada and New Zealand obviously had less in the way of developments with which to engage in close comparative analysis. Given the consideration of sex worker organising in Australia, the Netherlands, Canada, Germany and New Zealand, it is appropriate to also examine in this chapter the international dimension to the IUSW, particularly where one of its relatively strongest groups outside Britain is to be found in Canada, and to briefly survey other developments in other countries concerning sex worker self-organisation.

## Australia

The sex industry in Australia is quite often referred to as 'unionised' by some sex worker commentators (e.g. GMB 2002; Walsh 1996). Moreover, the Australian media (see, for example, *Northern Territory News* 15 October 2005) often refer to the Scarlet Alliance, the peak organisation for 'sex work' pressure groups and supporter of unionisation of sex workers, as a 'union'. Both are very far from even being partial truths. There are a number of trade unions that formally organise various groups of sex workers, and there has traditionally been a pattern of statutory-based industry-wide collective bargaining that has formed the basis for the regulated system of industrial relations (Griffin 2006). However, this does not mean that the degree of unionisation and collective bargaining is such that the term 'unionised' is an appropriate characterisation for sex workers at the moment.

With a federal structure of law making and jurisdiction, the legal and practical status of prostitution in Australia varies widely. The Australian Capital Territory (ACT) is the most liberal or progressive. In the ACT, organised prostitution has been tolerated since 1970 and then decriminalised from 1992 under the *Prostitution Act 1992*, whereby brothels are confined to two areas and are required to register as businesses but do not need licenses. Additionally, businesses must ensure that their prostitutes are free from STDs and use condoms. In Victoria, brothels have been able to apply for licenses since 1966, and from 1975 parlours have been able to be licensed in non-residential areas but these powers to grant licenses were seldom used. An attempt at decriminalisation in the mid-1980s was defeated leading to a more extensive licensing system in 1995 under the *Prostitution Control Act 1994*. According to the Scarlet Alliance (1999:33), it is: 'the most comprehensive regulatory model in Australia', with Regulations introduced in 1995 and 2001 to govern health and safety. In Queensland, a tougher prohibitionist regulation was introduced in 1992 under the *Prostitution Amendment Act 1992* that increased police powers and outlawed any commercial sex. Individual prostitutes working from their own premises were lawful until the *Prostitution Act 1999* allowed licensed brothels. In the Northern Territory, only brothels and escort agencies have been licensed since 1992 under the *Prostitution Regulation Act 1992*. In New South Wales, brothels were legalised under a 1995 Act under planning regulations while street work was decriminalised in 1979. In the states of Tasmania, Western Australia and Southern Australia, prostitution remains illegal but is tolerated in one area of Western Australia.

The complexity of the processes determining the situation in each state and the variations between states are reflective of differing political configurations and balances of influence *vis-à-vis* alliances between prostitute activists, radical influential lawyers and state authorities, on the one hand, and coalitions between political parties, public opinion and the moral majority, on the other (see West (2000a)). This variation has consequences for employment protection and contracts. In ACT, brothel and escort prostitutes are entitled to benefits (sick pay, holiday pay, pensions) and prostitutes classified in Victoria as 'employees' are also entitled to such benefits. By contrast in New South Wales, such benefits are not set out in law and are only available if brothel owners choose to conform to a voluntary code. In the Northern Territory, escort agency operators are obliged to provide employment contracts and escorts are entitled to compensation for work-related injuries. By further contrast in Tasmania, Queensland, Western Australia and South Australia, there are no industrial benefits and no occupational health and safety regulatory regime. These differences, then, have implications for the potential of union organising.

In August 1995, and facilitated by the decriminalisation of brothels in Victoria (and the ACT), Maryann Phoenix, a founder of, and activist in, the PCV, finalised the negotiations for the PCV to establish a union organisation for prostitutes in alliance with the Liquor, Hospitality and Miscellaneous Workers Union (LHMWU) through the latter's Victoria branch. The lengthy discussions on *de facto* affiliation began in late 1994 and resulted in Phoenix becoming the LHMWU full-time organiser for prostitutes as the most experienced person available to begin recruiting sex workers. In the course of these negotiations, the LHMWU appointed an officer to appraise the feasibility of unionising Victoria's 3,000–4,000 prostitutes. The PCV estimated in the short-term it could recruit 400–500 prostitutes (*Sunday Age* 7 May 1995). The idea of organising prostitutes was subject to hostility from conservatives within the union. According to Walsh (1996:50): 'The prevailing attitude was summed up by one trade unionist who reportedly said on hearing his union might take on prostitutes: "We don't want to be known as the best fucking union in the country"'. Despite this, and with the help of another woman LHMWU full-time organiser, the support of the Victoria branch executive and its membership and the union's national executive were won to take PCV members into membership and to recruit and organise prostitutes. The PCV itself was established in 1994 and campaigned to improve prostitutes' working conditions in response to the actions of rapacious brothel owners. For

example, prostitutes were fined for being late for work, were unfairly dismissed for 'recalcitrance' such as complaining about facilities and suffered from job insecurity. The response of the LHMWU is interesting given that it had earlier campaigned for and won a ban on topless women bar staff in south Australian hotels in order to reduce the level of sexual harassment of hotel staff, many of whom were its members (*The Advertiser* 12 November 1992, see also Jeffreys 1997:192). Moreover, Phoenix had approached other established unions for advice and support without success because of the illegitimacy associated with sex work (Murray 2001:216). Murray (2001:216) suggested that in addition, other unions' responses were guided by the prospect of the high cost of gaining a small amount of new members.

Since mid-1995, the LHMWU has worked on the basis that, according to Phoenix: 'If women in this industry can work within a good framework and with good working conditions then it can be very empowering. We've gone past the victim stages in this industry, but there are victims' (cited in Walsh (1996:50)). An LHMWU officer argued: 'These jobs are occupations like any other ... these workers are entitled to the same conditions as any of our other members working in any other sector we cover' (*Trincoll Journal* 9 December 1996) as a way to stamp out exploitative work practices in the sex industry. The LHMWU's main work has revolved around campaigning on grievances at the same time as recruiting and organising the prostitutes. Grievances have concerned non-payment of wages, payment of bonds, fines, charges for tea and coffee, long shifts, forced sex with owners and the right to demand the use of condoms. For example, prostitutes may spend all their shift, of up to 14 hours, without seeing a customer but be expected to clean, greet customers and do laundry for no payment. This has led to the demand for a basic wage. Additionally, the LHMWU has spent much time trying to overturn unfair dismissal. In *Phillipa v Carmel*, the LHMWU helped establish that the prostitute was a worker and an employee even though the prostitute was not formally employed in 1996 in the Industrial Relations Court (Sukthankar 2005). Since then, it won 13 other cases through conciliation by 1999 (Murray 2001:138, 223).

The response from sex workers themselves has been mixed. For example, in a survey carried out by the Scarlet Alliance (1999:18, 34, 38) of some 40 prostitutes in six federal states, while none had sought out union membership for reasons of perceived irrelevance or inappropriateness and being unsure which union to approach, membership in Victoria was significant. There are several major reasons for the rela-

tively low take-up. Common to other countries, there is the fear of being publicly identified as a prostitute as a result of becoming a union member and acting in an open collective (Sukthankar 2005). Some prostitutes are cynical about the potential of unionisation or any organisation to deliver beneficial changes given previous promises made to them by others such as the brothel owners. Some have been more hostile for the indirect effect of becoming part of a legitimate union is to become more open to taxation and, thus, for an increase in rates of taxation from 20% to 30%. With work paid in cash predominantly, many prostitutes report a fraction of their total earnings in order to be able to collect social security benefits to supplement their annual incomes. This would become more difficult under unionisation. Other prostitutes have been more positive about the ability to enforce demands upon the brothel owners as a result of recognising the divergence of interests between themselves and brothel owners and the potential of collective action, albeit in terms of 'what can the union do for us?' rather than 'what can we, the union, do for ourselves?'. Another milieu is ignorant of their rights as well as about how to set about exercising these. Further difficulties in unionising prostitutes have been encountered as a result of flux in the composition of the prostitute labour force whereby some drift in and out and as a result of language barriers with the large number of immigrant prostitutes. Finally, Sukthankar (2005) suggests that the influence of industry-wide arbitration awards on the practice of unions means that those workers who are not able to numerically constitute themselves into a critical mass are unlikely to be given sufficient attention by their union.

The response from employers has also been mixed. A small minority has been welcoming, resulting in a number of meetings and discussions, but the majority has been resistant and hostile. The key battleground has taken place over the contractual status of the prostitutes. Resistant employers have argued that the prostitutes are independent contractors who rent facilities from them and, thus, not employees in order to prevent the prostitutes from being able to benefit from applying to the Australian Industrial Relations Commission (AIRC) for an award setting wages and conditions (see also Jeffreys (1997:191–3)). Employers have also 'misinformed sex workers of the benefits of independent contracting and the consequence of taking action to improve workplace conditions' (Murray 2001:219). If sex workers such as prostitutes were to become designated employees, the employers would become liable to pay tax, superannuation and so on. This has led the employers to engage in suppressive tactics of sackings for union

organising, intimidation and blacklisting as well as formally restructuring the employment relationship so that workers rented their rooms for work (Murray 2001:220).

The LHMWU has argued that the prostitutes have all the characteristics of employed, directed work such as shifts, starting and finishing times, a dress code, and set rates to charge. In this regard, Phoenix argued:

*The fact is that these people are exerting control over sex workers in terms of how they do their work, what they say, when they turn up for work, when they leave, the fact they can't go out for lunch or go out for a tea break. The fact that they're required to be on the premises all the time to greet clients indicates that they are probably subject to more rigorous control tests than most other workers.* (in Walsh 1996:50)

In this battle for employed status recognition, the LHMWU has sought the support of the Australian Tax Office that had previously determined that couriers were employees of courier companies and not self-employed contractors. However, later the LHMWU campaigned against the Australian Tax Office's proposal to assume that prostitutes were paid tips and to tax these tips.

In terms of representing and advancing the workplace interests of prostitutes, the LHMWU has sought to both improve conditions in individual brothels and lodge a sufficient number of wage and condition claims with individual employers to be able to gain a federal (collective bargaining) award through the AIRC covering, *inter alia*, sick pay, holiday pay, maternity, and pensions. Through its campaigning, the LHMWU has achieved sick leave, some other leave entitlement, security of employment and improved health and safety conditions in some brothels through a combination of legal action, collective bargaining and working with some of the more progressive brothel owners. Of particular note is the achievement of an hourly rate of pay in some brothels regardless of whether any customers are seen in order to compensate the prostitutes for attendance at work, i.e. the length of time spent at work being available for work, and for carrying out work not directly concerned with sex such as cleaning and laundry. The union also has taken several employers to court for unfair dismissals, winning a number of sizeable out of court settlements in the process. The union's other work has involved gaining representation on, and influence over, a number of government funded health programmes which service sex workers in order to ensure that these are tailored to

sex workers' needs as much as possible in their objectives and methods of delivery rather than those set by public priorities.

One of the major reasons for the limited advances made in union organisation concerns the LHMWU's policy not to actively recruit individual sex workers given the difficult conditions outlined above (particularly employer hostility through the self-employed contractual status). Rather, the LHMWU has sought to work through sex work outreach organisations to reach potential members (Assistant Secretary, LHMWU Western Australia, e-mail 25 October 2004). The relatively limited success of the LHMWU in organising sex workers and gaining collective redress can also, in part, be attributed to the ambivalent attitude of the LHMWU national leadership to the sex worker project. The resources given over were limited and on a six-month 'make or break' initial period to begin with. Thereafter, the union pursued an approach that was under-resourced, servicing based and from a position of being unfamiliar with the terrain it was operating in (Murray 2001:227–8).

In the ACT, Workers In Sex Employment (WISE) began negotiations to join the LHMWU in June 1995 in a way similar to that undertaken by the PCV. WISE is a community based organisation that delivers peer education, support and representation to sex workers in ACT. WISE took the position that prostitutes deserved the same rights as any other workers and they were concerned about maternity, sick and holiday leave as well as occupational health and safety issues in a situation of legalisation in these territories. For example, brothels in Canberra were reported to have had only one occupational health and safety inspection in two and a half years (*Advertiser* 10 June 1995). WISE spokeswoman, Sara Pinwill argued that: 'We're just looking to have the same rights as other workers and regulate working conditions. We are looking for basic things such as maternity leave and recreational leave' (*Advertiser* 10 June 1995). WISE has campaigned to allow more prostitutes to work in the suburbs and to overturn, for safety reasons concerned with working alone, the regulation stipulating that suburban prostitutes were limited to one per house. The recognition of the right and need of sex workers to trade unionism based on viewing sex workers as workers was underlined by supportive comments of the president of the Australian Congress of Trade Unions (ACTU) in 1995 and the address of its president at the sixth International Congress on AIDS in 2001. Thus, Sharan Burrow called on sex workers to organise themselves to achieve safe working conditions and recognition of HIV/AIDS as a workplace issue.<sup>1</sup>

In early 2002, the Striptease Artists of Australia Incorporated (SAA) was formally established as a trade union for strippers, nude dancers and table- and lap dancers and for other workers who perform in semi-nude or nude. The reason for its creation was to organise the 20,000 dancers and nude workers because, according to its secretary:

*So far no other [union] organisation wishes to associate with the nature of the striptease industry or has an adequate understanding to be able to present and support individual workers, including employees and sub-contractors of the striptease. (Hobart Mercury 26 April 2001)*

For example, in late 1999 strippers in Queensland put out a public plea for unionisation after being subject to fines for not turning up to work, for leaving early and for alleged violations of codes of conduct as well as the non-implementation of 'no-touching rules' (Queensland *Sunday Mail* 28 November 1999). The response of the Media, Arts and Entertainment Alliance (MEAA) to look at the issues did not appear to help resolve the concerns of the dancers. Of note here is that in Sydney and Canberra, the short-lived Queer and Esoteric Workers' Union organised some prostitutes and lap dancers between 1997 and 2001.

In early 2001, the SAA sought to register as a trade union with the AIRC in order to more fully pursue its members' interests. Specifically, the SAA wanted to obtain an industrial award to set pay rates under which these sex workers would be classified as employees and not independent contractors who are charged up to A\$80 per shift to be able to work. Under the fee payment system, dancers and strippers not only have to pay the fee but are also dependent upon the whims of customers to pay tips *per se* or sufficient tips for stage dances from which to earn a living. Consequently, some dancers were working 12-hour shifts but only earning A\$35 and were forced to engage in the more lucrative private dances where sex and sexual services were expected to be on sale and where the clubs take a percentage of the fee. Moreover, and because the payments are cash-in-hand, the dancers and strippers are ineligible for sick pay, occupational injury compensation and so on. Finally, dancers also had grievances concerning the ability of clubs to order them to perform in stipulated ways, those who complained about grievances being dismissed, i.e. not being given further work, fines and suspensions for breaches of rules, the use of over-hiring of dancers, and poor stage and dressing room facilities. More widely, the SAA saw unionisation as an important means to helping achieve the

section of the sex industry it seeks to organise to be regulated and recognised as a profession.

In doing this, the SAA faced objections from four other unions; the Community and Public Sector Union (CPSU), the LHMWU, the MEAA and the Australian Workers' Union (AWU). The differences at the base of these objections all concerned demarcations and spheres for organising but these were resolved through dialogue and mediation. The MEAA was concerned about its organising rights where actors and actresses played parts of a stripper, lap dancer or which involved semi-nude or nude appearances. The SAA reformulated its rules to exclude these workers as potential members. The LHMWU was concerned about its organising rights covering semi-nude workers in the hospitality industry like topless waiters and waitresses. Consequently, it was not until March 2002, that the SAA was registered with the AIRC. At this point, it claimed 300 members. After registration, it raised a number of demands. First, to end stage fees and employer deductions from private dances. Second, to gain employee contract status in order to gain the benefits of job security and healthcare and pension provision. Third, pay scales determined by the degree of nudity, the length of show, the working conditions and the type of venue. For example, stage or podium dancers would not be fully naked while private dances would be. Fourth, to restrict the number of dancers employed in each club in order to control the oversupply of dancers. In addition to these, issues of health and safety, like no-touching policy enforcement and leg/knee/ankle injuries, were also raised. The methods by which the SAA proceeded was to try to register bargaining claims with a sufficient number of employers to entitle it to apply for an industry award while also providing a number of professional services to train and develop its members, and developing the occupation as a profession (*Hobart Mercury* 26 April 2001, *Queensland Sunday Mail* 29 February 2004). The SAA also sought to create a dialogue with employers and to work with them to raise working standards across the industry (*Herald Sun* 28 June 2002). It spurned confrontation through strikes and picketing (*The Australian* 27 June 2002), seeking to rely on argument and its ability to lobby to help determine licensing awards to make it credible and influential with employers.

The employers predominantly responded in a dismissive and hostile manner to these activities and overtures. On the one hand, they claimed the issue of employed status had been considered and dealt with ten years ago when it had been rejected. On the other hand, they claimed that fee payment is necessary to pay for premises and services connected

to the dancers like hairdressers, make-up artists and seamstresses. Other employers claimed the SAA would enjoy little success because dancers would pay higher taxes under its employed status proposals and lose the flexibility of choosing when to work (*Sydney Morning Herald* 27 March 2002) and that the stage fees were not high, that dancers took all the tips given to them and that no-touching rules existed and were enforced (*The Australian* 27 June 2002). Following further wage claims put forward by the SAA in 2004, a recruitment agency for exotic dancers and topless waitresses began organising an 'industry fighting fund' to oppose the claims (*Sydney Morning Herald* 21 February 2004) and the employers, who formed the Australian Striptease Association (ASA) with 72 members, condemned the claim as 'extravagant' and 'fanciful'. Referring to the 79 registered SAA members in 2004, the ASA claimed the union had virtually no members. However, the sex industry employers' trade and lobby group, the Eros Foundation, supported the SAA and stated its desire to set up an organisation to represent exotic dancers and sex workers (*Courier Mail* 9 May 2001). After having its 2004 claims rejected by employers, it lodged a notice of dispute with the AIRC, seeking the AIRC to conciliate between itself and the ASA. It continued its campaign to gain an AIRC industry award in 2005. In parallel to its 2004 claim of, for example up to A\$660 for a fully-naked performance, the SAA presented again what the employers regarded as outrageous claims, and the Eros Foundation withdrew its support for the SAA (*The Australian* 5 October 2005). However, the AIRC ruled in favour of the SAA's industry claim covering 300 establishments by declaring an industrial dispute between the SAA and ASA and ordering the two to conciliate by finding a pay and conditions settlement acceptable to both groups. The ASA argued the wage and condition claims would 'break the industry', saying 'We're not opposed to the union but we are opposed to the minimum wages that they have put up'. In March 2006, the AIRC made an award in favour of the SAA, called the Striptease Industry Award 2006, whereby the right to paid leave (public holidays, maternity leave), set working hours (stipulated rest periods and meal breaks, maximum ten hours per shift) and overtime were established. However, the award did not set out pay rates.

## **The Netherlands**

In the Netherlands, Stichting De Rode Draad – the Red Thread – was established in January 1984 as a self-help group of prostitutes through the initiative of a research institute and foundation, the Mr. A. Graaf

Foundation, which studies prostitution and is staffed by ex-prostitutes. By January 1985, the Red Thread had become an official foundation, i.e. a charitable institution. Pheterson (1989b:9) attributes the later development of the prostitutes' rights movement in the Netherlands to the relatively better regulatory environment in the country compared to elsewhere. But, paradoxically meeting with prostitutes and prostitutes' rights groups from other countries at prostitutes' right conferences led prostitutes in the Netherlands to realise that their conditions were not significantly better than those existing under more repressive regulatory regimes. This, in turn, led many prostitutes to realise the need for self-organisation to campaign and struggle for improvements in the conditions they experienced. The added spur to creating the Red Thread was that in 1984 the Dutch government published its policy to end the prohibition of brothels in order to, as they saw it, improve the employment conditions of prostitutes. The activists who formed the Red Thread were concerned that their vision of employment rights for prostitutes as citizens would be marginalised by the government view of the need to protect prostitutes given that the government regarded prostitutes as victims, and that ending prohibition would benefit brothels owners more than prostitutes.

The Red Thread initially based itself of the *modus operandi* of COYOTE, i.e. as a high-profile pressure group without a deep base amongst prostitutes. It promoted the recognition of prostitution as a legitimate occupation and pursued the interests of prostitutes by campaigning for rights and improvements in legislation, working conditions and social work provision. In 1985, it helped organise the first International Whores' Congress of the ICPR. The Red Thread adopted a perspective involving; a) the fight for prostitutes' rights is part of the fight for women's rights; b) prostitution does not perpetuate women's subordination; and c) despite the more liberal tradition, prostitutes are still stigmatised and harassed in the Netherlands. The Pink Thread, set up in 1985, acts as a sister support group to the Red Thread and is comprised of prostitutes and non-prostitutes who seek to act as a bridge between the women's movement, on the one hand, and prostitutes, on the other. The relationship between the two has often been antagonistic, even though both groups see themselves, in broad terms, as feminists. The Pink Thread tends to see prostitutes as helpless victims of a male society or as willing victims who perpetuate the continuation of sexual violence against women. Consequently, prostitution should be abolished. The Red Thread, arguing prostitutes need rights, tends to see the former as frustrated men haters and repressed. In the Pink Thread,

the non-prostitutes consist of feminists, and social workers, advice workers and doctors. Reflecting the relatively more politically hospitable environment in which it works, and like the Mr A. de Graaf Foundation, the Red Thread has received government funding. In line with this relationship with the state, in 1997, the leader of the Red Thread stated that one of its role was to fine tune government policies rather than oppose government policies (Weitzer 2000b:178).

In 1992, the Red Thread established 'Prosex', a service to provide tax, pensions and legal help for those prostitutes acting as independent operators or businesses, and later a 'Red School' to teach and provide training to aspirant and new entrants to prostitution as a result of such demand from many women approaching the Red Thread. The Red Thread has also operated a series of surgeries on a weekly basis where prostitutes can gain information about the working conditions in different brothels and locations (for example, where drinking with customers is required, the percentage of the brothel owner's cut, safe sex policies, the presence of a house doctor, penalties and fines and so on) in order to allow prostitutes to try to exercise some discretion over where they might work. This has been done with a view to ultimately trying to harmonise upwards working conditions and set minimum standards by restricting the flow of prostitutes to 'disreputable' operators. In 1996, the Red Thread organised strikes of prostitutes in Amsterdam to protest against police raids and crackdowns on brothels where the police were arresting illegal immigrants with the result that business was disrupted (*Guardian* 18 November 1996).

However, the Red Thread began to move towards forming a union organisation from the late 1980s, although it is inaccurate and mistaken to suggest that it was 'a trade union for prostitutes' (Outshoorn 2004b:192, see also Brock (1998:138)) on that date or in 1986 as Outshoorn did. This move towards trade unionism has centred on the belief that unionisation requires legalisation or decriminalisation in order to be effective, that unionisation is the most effective means of interest representation and that the Red Thread should thus campaign to achieve legalisation or decriminalisation (in alliance with others). Thus, it argued:

*[i]mproving working conditions requires a number of legal changes; abolishing the brothel prohibition and replacing it with a licensing system which should end compulsion, violence and exploitation, such as compulsory long working hours, being forced to do certain services, and playing prostitutes off against one another. Aspects of safety – for instance, alarm-*

*and fire-installation and good sanitary facilities – should be self-evident and not exceptions we should be grateful for.* (Verbeek and van der Zijden 1987:300)

Despite the regime of toleration and decriminalisation before legalisation, prostitutes employed by brothels, sex clubs and escort agencies were not entitled to claim unemployment benefits, sick leave, pensions and holiday pay because their places of employment remained illegal. In anticipation of the legal change, a Red Thread member commented:

*We may become a real union now. Prostitution is a profession. It is not a characteristic of people. And the image is changing. We want people to see that it is a profession and not a label that you put on people. Now the brothel owners can't exploit the girl. Now prostitutes might get a salary, sick pay, holiday pay and maternity leave.* (Guardian 30 October 1999)

Following the move from toleration of brothels to their legalisation in 2000, prostitutes involved in the Red Thread and who worked in brothels and sex clubs in the Netherlands formed a union organisation in June 2002, called Vakwerk De Rode Draad (the Dutch Union of Sexworkers), to campaign for better pay and conditions because prostitution had now gained some legitimacy and was increasingly seen to be a normal 'profession'. The plan to establish a union was launched in 2001, on the first anniversary of legalisation. FNV, the Federation of Netherlands Trade Unions, the largest trade union federation in the Netherlands and with members in the service sector (FNV Bondgenoten) and a specific women workers' section (FNV Vrouwenbond), began cooperating in 2000 with the Red Thread to establish a union for the 25,000–50,000 prostitutes working in the country. Around 80% of these prostitutes work in brothels or from windows, so street (walking) prostitution is limited by comparison to other countries. The union for prostitutes was intended to be fully operational by the end of 2002 and within three years, its members were expected to determine whether to remain independent or become part of the FNV. FNV's willingness to become more fully involved with the Red Thread and to set up a union for prostitutes was increased by the impact of the process of legalisation. It had feared a backlash from its own members. However, much of the heat of the controversy of organising prostitutes was taken out by the approach of the prostitutes themselves. An FNV official recounted their attitude: '[They said] "I am now a legal worker; what can you do for me?"' People were looking for labour agreements with their employers on everything from working hours and

healthcare to holiday rights. They argued that we represented the service industry and they provided a service' (*People Management* 11 October 2001). This finds an echo in the approach of the IUSW to the GMB. The nature of the support given by the FNV has comprised office facilities, political access to the government, lobbying expertise, training for workplace reps and advice on negotiating collective agreements. Recruiting has been left solely to the Red Thread.

The genesis of the relationship between the Red Thread and the FNV dates back to the early 1990s. The first contact between the Red Thread and the FNV took place in 1991. The FNV adopted a position that sex work should be a concern of the labour movement but that it was unable to do much for sex workers unless they were employed and had a contract. This stood in marked contrast to the response in the early 1980s. One of the leaders of the future Red Thread recounted:

*I met a big shot of one of the two Dutch labour unions – the FNV – in a pub. He addressed me on the subject of prostitution and I asked him if he would accept sex workers as members. 'Over my dead body' was his answer. Little did he know at the time, that shortly after his death the FNV would indeed accept sex workers as members. (Address by Sietske, FNV prostitutes' union official to IUSW/GMB meeting in London, March 2002)*

At this time, the Red Thread was reluctant to campaign for employed status fearing a loss of anonymity and control for prostitutes. However, as a result of prostitutes being obliged to pay tax from 1996, the realisation on its part that employed status was necessary to avail prostitutes of certain rights, and the establishment by the FNV of a section for the self-employed, the Red Thread changed its position to accommodate to the need for employment contracts. This facilitated a further series of meetings with the FNV where the Red Thread sought its support and help to gain its access to its expertise and resources in terms of individual and collective bargaining, political clout, provision of training and increased legitimacy in society. In turn, this then led to several developments such as the creation of specific office facilities for unionising prostitutes and in 1995 the two organisations jointly created a pensions and insurance benefits package for prostitutes. Around the same time, they attempted to create a form of industry-wide regulation by gaining the cooperation of the brothel and club owners to agree to minimum standards in terms of sexual health as well as more conventional health and safety and working condition

issues. This proved unattainable because of employer opposition but with the legalisation of brothels, brothels became workplaces subject to a new regulatory regime of licensing and inspection by local authorities for compliance with national labour laws, amongst other laws. Following the introduction of the new regime, many brothels either became illegal and unlicensed or went out of business because they would not submit to the minimum health and safety standards (e.g. fire, hygiene, safe sex, consensual sex, and personal security alarms) required to obtain a license.

Since legalisation, prostitutes have become eligible for invalidity and/or unemployment benefit, although only if registered. The prostitutes' union has campaigned to gain a change in the nature of contractual status when prostitutes become independent contractors, so that they can rent premises and therefore retain a higher percentage of their income rather than have around 60% of their earnings go to brothel owners or pimps who control the window facilities. This latter arrangement has led to relatively low earnings for prostitutes in the Netherlands compared to those of prostitutes in other neighbouring countries. But the demand for independent status, and some progress made towards it, has led to further problems as financial institutions, accountancy firms and health insurers have been unwilling to open accounts for, or take business from, prostitutes as prostitutes attempt to set up their own businesses. Those organisations have argued that they are not refusing to take business from prostitutes but do not want to engage with businesses that are of a dubious nature. The prostitutes' union has also sought to ensure that prostitutes, who have been required to pay income tax since 1996, receive tax breaks on work-related expenses such as clothes, condoms and sex toys. In late 2001, the Red Thread was successful in applying pressure on a major financial institution to end its policy of refusing prostitutes bank accounts and banking facilities for their businesses.

Despite the legalisation, the prostitutes' union is concerned about the lack of clear regulations concerning the responsibilities of brothel operators as employers, and the difficulty of gaining residency permits for prostitutes who are illegal immigrants but who constitute at least half of all prostitutes in the Netherlands. Prostitutes have been concerned at the lack of change in their working conditions (e.g. rest breaks, long working hours, and holidays) as a result of the behaviour of brothel owners since legalisation and at their own inability to take advantage of the change. In an attempt to deal with the responsibilities of brothel operators, the prostitutes' union circulated to local authori-

ties a code of practice that it sought to become part of the conditions for gaining a license. The code advocated tough measures on ensuring safe sex, limiting long working hours, having STDs recognised as occupational health hazards, and creating the right to refuse customers while at the same time not treating brothels as factories or offices which must have separate male and female toilets, dressing facilities and bright lighting. In regard of the latter, the prostitutes' union has argued that treating brothels as conventional workplaces is not always appropriate in terms of conditions which are conducive for the selling of sex and carrying out of sex acts, as well as in terms of the small size of many of the brothels. As part of the process of legalisation, prostitutes are now required to register with the local Chamber of Commerce and are then listed publicly as 'trades people'. This has caused problems as a result of the loss of anonymity so that the prostitutes' union has sought to deal with by arguing for the reversal of making women who carry out prostitution public.

Legalisation resulted from a coming together of public and political pressures to move away from the regime of toleration in order to deal with problems of under age sex, child abuse, gangsterism, illegal immigration, criminality related to drugs, weapons and money laundering and to gain further tax income. The Red Thread is credited with playing a significant role in putting forward the sex worker position of prostitutes (West and Austrin 2002:495) but with the accent on these former issues rather than those concerned with working conditions or on socialist or feminist arguments against the exploitation of women, many, like the Mr A. de Graaf Foundation, have argued that employment issues have not been to the fore and thus necessary strides forward have not been made. Poel (1995) argued that some of the accent on crime, drugs and trafficking rather than on working conditions and prostitutes' rights in the public debate has arisen from tactical mistakes resulting from the dominance of a feminist victim discourse accompanying a concentration on street prostitution as the public face of prostitution rather than all types of prostitution *per se*.

As alluded to earlier, the prostitutes' union has sought to create a social dialogue with employers. Since 2000, and as a result of legalisation, renewed efforts have been made. Both window brothel owners and sex work employers more generally (through their employers' association, the Federation of Operators of Relaxation Businesses established in 1991) have sought to 'clean up their image' and dissociate themselves from prostitution characterised by abuse and trafficking.

To this end, they have established quality controls with regard to federation membership requiring a probationary period and demonstrating the absence of owner/employer criminal records, and the presence of minimum standards on client and worker safety and management practices. In July 2003, the prostitutes' union persuaded the brothel owners' federation to enter negotiations for a national collective agreement. But still, the general reaction from brothel owners themselves has been hostile to this initiative.

Whilst employers and the prostitutes' union may, *prima facie*, seem to have some common goals, the employers' hostility indicates rather that the exact nature and degree of these goals as well as who controls the process by which they are created are highly contested, showing the considerable degree of antipathy of interests between the two. Thus, despite the fillip represented by legalisation, the prostitutes' union takes the position that the struggle to unionise and organise prostitutes will be a slow, long and drawn out affair. The move towards trade unionism by the Red Thread can be viewed in two ways. First, as vindicating the position of Poel (1995:61) who spoke of the 'rise and fall of the prostitutes' rights campaign in the Netherlands, and second, as a successful development of the prostitutes' rights campaign in the Netherlands. Both contain valid aspects for there were limits to what the Red Thread could achieve as a prostitutes' rights pressure group and a realisation that to effectively pursue prostitutes' rights necessitated a wider resource base and being part of a wider movement.

Despite the FNV's help and support and a relatively more favourable environment, the prostitutes' union has only about one hundred regular dues-paying members (*Guardian* 15 May 2004), out of an estimated number of prostitutes ranging from 25,000 to 50,000 (Gallin 2003:9). Membership dues are set at a symbolic level of Euro 40 per year (Gallin 2003:10). However, the union distributes its literature to around 10,000 prostitutes (Gallin 2003:9). This lack of revenue through membership became acute when the Red Thread's government grant was removed from the beginning of 2005 (*Agence France Press* 12 August 2004). The effect of this was the Foundation could no longer afford to subsidise the union because its own existence was brought into doubt by the funding crisis. The major reasons for the low take-up of union membership have been the perceived loss of prostitute anonymity and fear of stigmatisation resultant from registration making their occupation identifiable to public bodies. Thus, only around 10% of prostitutes are registered, making most ineligible for the benefits unionisation could then proffer. Additionally, registration is

likely to lead to a reduction in earnings through paying taxes. The majority has calculated that the benefits do not outweigh the drawbacks, particularly where legalisation has not resulted in material changes to working conditions and where legalisation and unionisation have been closely linked in an aspirant manner. In early 2005, Red Thread received a one-year long prolongation of government subsidy, allowing the union to continue to operate on a slimmed down basis but making its longer-term future uncertain.

## Germany

The prostitutes' rights groups, Hydra and HWG (Hookers United), along with 12 other groups, have existed since the early 1980s. Hydra, based in Berlin, is the oldest of these groups, having been established in 1980–1981. Similar to the prostitutes' rights groups in the US, the groups are not national organisations but city specific and often have colourful names. They are based in Cologne (Lysistrata), Dusseldorf (Cinderella), Frankfurt (HWG), Nuremberg (Cassandra), Hannover (Phoenix), Bremen (Nitribitt), Bochum (Madonna) and Hamburg (Solidarity of Hamburg Whores) amongst others, although several exist in Berlin in addition to Hydra. HWG comprises prostitutes, social workers, lawyers and journalists (Jasmin 1993:34). Hydra performs a number of roles similar to other prostitutes' rights groups, namely, a networking and meeting centre, providing services (financial, health and legal advice, counselling, retraining) and campaigning on issues of prostitutes' health and social provision, safety, and decriminalisation. In terms of outward, public actions and events, Hydra organised a prostitutes' strike in 1994 in Berlin for International Women's Day while other groups organised protests over lack of police protection in Hamburg, and HWG hosted a national conference for prostitutes in 1990 and an international one in 1991, the First European Sex Workers' Congress. All groups have lobbied for the removal of measures that criminalise and stigmatise prostitutes as well as campaigning over the impact of economic downturn since the mid-1990s on prostitutes' earnings and working conditions. The former was ultimately successful by mid-1999, albeit the government at that time displayed a more liberal attitude towards sex than its predecessors.

Although there are an estimated 400,000–600,000 prostitutes working in Germany (*Scotland on Sunday* 15 August 1999; *Sunday Business* 29 August 1999), prior to 2002 trade unions had shown no interest in organising these workers (EIRO 2002). However, in early 2002, the

Unified Service Sector Union (known as Ver.di) in Germany began to organise and represent prostitutes in order to help improve their living and working conditions. After considerable debate amongst the union's full-time officials on the cost and practicality of organising prostitutes, involving commissioning academic research on prostitutes' working conditions, the union agreed to proceed. Ver.di's sectoral unit number 13 for special services, which organises travel agencies and funeral parlours, has been charged with organising prostitutes following the 'red-Green' coalition government's change in contract law, criminal law and social security with regard to sex workers. This unit was chosen for the purpose in the light of its experience of organising atypical workers.

From 1 January 2002, the *Law on the Legal Status of Prostitutes* came into force, significantly improving the legal status of prostitutes. Previously, prostitution was not prohibited but prostitutes were without any rights with regard to contract law. For example, they were expected to pay taxes but were not eligible for social security payments like sick pay and unemployment benefit. Under section 138 of the *German Civil Code*, prostitution was considered as immoral and contracts between sellers of sex and customers were null and void. If customers refused to pay, no possibility existed for prostitutes to claim the money owed in court. While the new law improves the legal situation of prostitutes, it does not grant customers full contractual rights to sue prostitutes for alleged inadequate services. Secondly, and prior to the reforms, the conditions of sex work workplaces were poor because under section 180 of the *German Criminal Code* 'promotion of prostitution' was a criminal offence, punishable by up to three years in prison with the effect that brothel owners were unlikely to provide sanitary conditions in establishments like clean towels and supplies of condoms. Whilst enforced prostitution, trafficking in human beings, fostering the prostitution of children and procuring are still punishable under law, the ban on 'promotion of prostitution' has been lifted. A third change concerns direct access to the social security system. As a result of the ending of the threat of committing a criminal offence, brothel owners are now permitted to register prostitutes with the social security system. Prostitutes who work in brothels, now not considered to be 'self-employed', are thus granted access to health and unemployment insurance, statutory pension provision, and publicly subsidised retraining programmes.

Hydra, and other prostitutes' rights groups, welcomed the legal change, believing it to be a good first, but still inadequate, step. It has

sought to provide advice to prostitutes on how to take advantage of the benefits of the new law without losing anonymity. However, Ver.di believed that prostitutes would require union organisation and union help to avail themselves of the benefits of the legal change. It has created internal union structures for prostitute representation, developed dedicated standardised working contracts and established a service for legal advice. The standardised contract sets out required holidays, sick pay, medical care and minimum pay but because it needed to be applicable to varying situations, it took several years to develop. Ver.di has also sought to ensure fair and standardised application of the law across the federal states and to prevent employers imposing deductions from prostitutes' wages in order to avoid paying themselves for social security payments and ill-health prevention measures. However, Ver.di has also begun to go beyond this by organising not insignificant recruitment of prostitutes in Dortmund and it helped set up a works council in a Hamburg brothel. Following unionisation, prostitutes in a number of brothels in Cologne threatened to go on strike in late 2003 against a proposal by the local authority to extend a 'pleasure tax' from casinos and amusement arcades to brothels, massage parlours, porn shows and table-dancing clubs.

Ver.di took the decision to attempt to recruit and organise prostitutes because it was acutely aware of the general decline in union membership in Germany, how this affects itself as a new general union where the service sector is large, growing and non-union, and the need to take advantage of new opportunities to counter this decline. It sees itself as being able to provide a number of distinct services to prostitutes. These are public advocacy and collective interest protection within civil society and to interest groups, political parties and the state, workplace representation, and specialist services on an individual basis outside the workplace (such as advice on taxation under the new law) (Bremme and Mitrovic 2004). For Ver.di, this work represents a long-term investment because of the initial high costs of organising and the relatively low take-up. Some prostitutes have shown interest in Ver.di's approach because of the marked change in their legal position and the implications this has for raising the status of their employment to 'labour' and 'work' as conventionally defined.

Although Ver.di did not anticipate a rapid process of unionisation, many prostitutes have been reluctant to take advantage of the new legal status of prostitutes as well as to join Ver.di (*Deutsche Welle* 22 April 2004; *Die Tageszeitung* 24 April 2004; *Taipei Times* 6 May

2002), leading Ver.di to commission further research to examine the reasons for the low take up. By mid-2004, around 100 prostitutes had joined Ver.di at the point when the majority of these members rejected the proposed employment contract that Ver.di was to approach brothel owners with (*Ananova* 26 August 2004; *Il Sore* 26 August 2004). The contract included provision for 30 days' paid holidays, a pension, bonuses for working public holidays and a bar on working more than five days a week. In practice, for Ver.di to recruit prostitutes requires that prostitutes identify and register themselves in various arenas (particularly with social security) so that it can then represent them and their interests. Only 12% of prostitutes in Germany are reported to have registered (*Associated Press* 18 January 2006). Ver.di's difficulties over a proposed contract amenable to prostitutes continued into 2005 (*BBC NewsOnline* 24 June 2005). The most common reasons for the low membership take-up, and the rejection of the proposed contract, have been found to be resultant stigmatisation and discrimination from openly identifying oneself as a prostitute. Such open identification is required to avail individual prostitutes of the potential benefits of union membership, whether in civil, state, voluntary or legal arenas. These include job agencies, health insurance providers and financial services companies. Other prostitutes fear formalising the employment relationship through standardised working hours which in turn reduces the flexibility that prostitutes currently have. Another factor has been that prostitutes can expect reductions in their income as a result of 'going legal' through paying tax, health and social security contributions. Such reductions and the resultant benefits are not seen as worthwhile, particularly where prostitutes see themselves as working for a short period of time as a prelude to moving onto 'something better' as a result of their earnings from prostitution. Nonetheless, around a dozen (collective) contracts between prostitutes and brothel owners have been signed in different cities (*Hamilton Spectator* 14 May 2005). Brothel owners, unless compelled by public authorities, have evaded their employment responsibilities for paying social security contributions given the implications this has for their earnings. Consequently, there exists another disincentive to unionise as the expected benefits may not be forthcoming. In addition, there are specific problems for certain strata within prostitution in Germany. Around half of prostitutes in Germany are foreign workers, and many of these are 'illegal immigrants' who exist without work permits (*Deutsche Welle* 22 April 2004). The possibility of deportation exists for these prostitutes that work 'openly'. Around a sixth of prostitutes also

work outside brothels and fear this type of prostitution, which gives them flexibility, would be curtailed. The difficult environment for Ver.di was compounded by the prospect of the revision or repeal of the legalisation by the Reichstag (*BBC NewsOnline* 24 June 2005).

## **Canada**

Although trade unionism is stronger in terms of union density and ability to influence public policy in Canada than it is in the US and although it exists within a more supportive public policy and legal environment than is the case in the US, the presence of the forces for the unionisation of sex workers are much weaker in Canada in terms of union members, union organisation and union ideology. Additionally, prostitution is not illegal and some dancers have recently had 'employed' status in Canada although most are now, like in the US, classified as independent contractors and thus unable to avail themselves of the legal benefits of 'employed status'. Concomitant, there is also a greater emphasis on sex worker organising efforts directed towards prostitution, and in particular street prostitution, than in the US even though the structure and composition, but not size, of the sex industries in both countries are broadly comparable. Moreover, many of the salient issues and challenges are similar or the same. These include payment of fees to work, paying out proportions of earnings to club owners, restrictive contracts, the absence of employment contracts, self-employed status, the regulation and licensing of activities and systems of fines and penalties for transgressions where the law is neither equitable nor consistently implemented and applied. Finally, the self-employed/independent contractor status, and the unlawful nature of some acts and activities, of sex workers means that these workers are likely to be ineligible to be covered by union recognition (certification) law. Equally noticeable is the same degree of fractionisation of sex workers' pressure groups and sex worker advocacy groups as in the US, based on occupational and geographical distinctions. However, the case of Canada is useful to consider, as with that of New Zealand, because it represents such a stark difference with its close neighbour. This section begins by examining an initial attempt to unionise exotic dancers before moving to consider the collective organisation of prostitutes.

### **Exotic dancing**

Prior to the establishment of the Canadian Association of Burlesque Entertainers (CABE), there had been some sporadic attempts at collec-

tivisation and unionisation by dancers in Canada. Without normal entitlements like holiday pay, sick leave or pensions, dancers became aggrieved over basic issues of pay and working conditions. In Vancouver in 1967, three 'topless dancers' picketed at a club for two nights (*Vancouver Sun* 18, 19 October 1967) demanding higher wages, staff privileges, and a dressing room heater. They highlighted the need to organise dancers at other clubs in the city but nothing came of this. Based in Toronto, CAFE was established in 1979 but disbanded in 1983. In its short existence, CAFE became Local 1689 of the Canadian Labour Congress. It was known as the 'strippers' union'. Following the deregulation of the link between alcohol and nude dancing after a court decision, the number of nude dancing/strip clubs in Ontario vastly expanded. Alongside this, the murder of a young boy in a sado-masochistic homosexual orgy in a bodyrub parlour (akin to a massage parlour) in Toronto led to a crackdown on sex work in general as the authorities responded to public demand for 'something to be done'. The Toronto authority, the Metro Licensing Commission, introduced a system of licensing (which cost the equivalent of £61 pa by 1987) and categorised nude dancers and bodyrub attendants as requiring a license to work. Dancers were required to provide documentation along with a doctor's certificate showing they were free of any STDs and any evidence of criminal convictions. The issues of paying a fee and the loss of anonymity from the state and police through registration and consequent dangers of stigmatisation and criminalisation led to dancers to begin to seek collective representation. Along with the closure of the Toronto office of the American Guild of Variety Artists several years earlier which denied the dancers the services of an established and appropriate union, a small group of dancers, therefore, undertook the process of creating CAFE.

Part of the tighter regulation of the sector also saw clubs having to buy licenses to operate (costing C\$3,000 pa in 1987) with the effect that many clubs ceased to operate, thus reducing the number of places for dancers to work from 260 to 62. A result of this concentration was that competition between dancers for work increased as did the control which the remaining clubs could exert on the dancers. For example, with the arrival of lap dancing, nude dancers and strippers were forced by club owners to carry out lap dances between other dances or face the prospect of being fired or fines being levied. With competition between dancers, dancers were often forced to accept fondling, groping and being fingered. Other dancers who could not gain work or who were unable to earn sufficient money were forced into prostitution. A further aspect of the crackdown on sex work involved zoning, thereby,

confining sex work to certain areas and increasing control and stigmatisation. In a court decision, dancers were deemed able to be forced by club owners, seeking to augment their business's market share, to remove their G-strings and thus became subject to the criminal code on nudity.

CABE made representations to the Metro Licensing Commission and the Attorney General against the requirement to be licensed and against nudity being governed by the criminal code but without success. In 1981, it sought to gain the status of a union with the Ontario Labor Relations Board (OLRB) in order to avail itself of the right to gain union recognition and thus conduct collective bargaining over terms and conditions of work. This application was rejected as the dancers were deemed by the OLRB to be self-employed and not employees of the clubs. As a result of this, CABE sought the help of other unions such as Equity to develop its presence. Following such various difficulties, CABE imploded. According to one member, it was a: 'too hurried attempt at forming a union ... [which] represented a small fraction of the dancers. It could not act from a position of strength' (Cooke 1987:95–6).

Ross (2000) reported that other waves of union agitation occurred in Vancouver throughout the 1970s and 1980s, often corresponding with periods of economic affluence, and were met with hostility by club owners and booking agents. The conditions of the industry made unionisation difficult, namely, competition between dancers to secure work where touring around clubs was the dominant way in which work was organised. In effect, dancers were peripatetic so that it was difficult to build contact and thus solidarity under these conditions. Since the mid-1980s, dancer unions have had the benefit of potential bargaining partners because of the existence of employer groups. The Adult Entertainment Association of Canada, a federation of exotic dancing clubs, has operated since the mid-1990s, and prior to it the Burlesque Club Owners' Association was established in 1984. The Association of Burlesque Entertainers (ABE) was formed in 1994 after a court decision to allow 'touching' in clubs (Lewis 1998a, 2000:209–10). ABE argued against such unregulated lap dancing on the grounds of its similarity to prostitution, its health risks (from fingering, semen and vaginal fluids) and demeaning of the art of burlesque. However, Lewis (1998a:380, 2000:209) stated the ABE consisted of only two members, with one dismissed, victimised and threatened for her union organising attempts. Nonetheless, and although ABE was credited with being successful in winning a subsequent ban on lap dancing and touching

in 1995, it folded by the end of the 1990s (*Toronto Globe and Mail* 11 September 2004) with 'touching' prevalent.<sup>2</sup>

The Exotic Dancers' Alliance, a collective of current and former exotic dancers and their supporters, was established in 1995 by two dancers, a community development worker and a number of public health officials in Ontario. Within Toronto itself, there are some 2,500 dancers and 44 clubs. Originally called the Exotic Entertainment Occupational Advisory Committee, the EDA sought to enable exotic dancers to promote their health, safety and well-being in a collaborative, collective and self-empowering manner and to work with government agencies, community groups, and interested business. It said of itself that it is dedicated to: 'building solidarity among exotic dancers; developing programs and services to improve the economic autonomy and well-being of dancers; and improving the treatment of dancers in the judicial system' (EDA website, 2003). Initially, it published a one-page newsletter and operated in the Peel area of Toronto but this expanded to a regular magazine, website and an attempt to establish itself throughout the Greater Toronto area. Campaigning for health insurance, better working conditions and employed status for dancers has taken place in many of the usual ways (see Chapter 4) but also through trying to work with Adult Entertainment Association of Canada of club owners in the Greater Toronto area where some of the members of this association wish to establish self-regulation to develop minimum standards of employment. Another key activity has been to establish a Hepatitis B immunisation programme. However, one of the activists from the Exotic Dancers' Alliance left the EDA to form the rival Exotic Dancers' Association of Canada (EDAC) in 2001, following personal and political differences with the EDA (*Toronto Star* 19 August 2002). At the same time, the Dancers' Equal Rights Association of Ottawa-Carleton was created. EDAC defined itself as an advocacy group campaigning for the dignity, health and safety and labour rights of dancers through dancer and public education, industry self-regulation, and public authority regulation. Membership was open to dancers, ex-dancers, supporters, pressure groups and businesses. Shortly afterwards, it was reported both EDA and EDAC had either collapsed or became moribund (*Ottawa Sun* 12 October 2004). The EDA was reported as inactive from September 2004 by STAR (2004:33) while EDAC continued to exist but appeared to be more a front for its president's business venture, LiveGirlProductions, than a dancers' organisation. Following the creation of a vacuum, in 2004, the Strippers

United Association (SUA) was launched by a dancer in Toronto to promote the economic rights of dancers, primarily concerning paying venue (stage) fees, the criminalisation of (private) lap dances and the requirement to dance nude prior to being available for lap dances. SUA's organiser initially launched a website, recruited 30 dancers and was banned from several clubs for organising (Toronto *Globe and Mail* 11 September 2004; *Toronto Sun* 30 September 2004).

### **Prostitutes**

The Canadian Organisation for the Rights of Prostitutes (CORP) was founded in 1983 in Toronto following a police crackdown on brothels. CORP has engaged in the familiar diet of activities for prostitutes' rights groups such as campaigning for decriminalisation, destigmatisation, better health facilities and protection from violence and harassment. It changed its name to the Sex Professionals of Canada (SPC) in 2004 and continued to be largely organised by a handful of activists. The Association for the Safety of Prostitutes (ASP), then renamed POWER and largely active in Vancouver, also dates from the early 1980s and comprises prostitutes and non-prostitutes. It held its first 'hookers' pride' march in 1982 and then occupied a church in 1984 for four days in protest at restrictions on the movement of prostitutes and an increase in violence against them (see Arrington 1987; Roberts 1992). Kesler (2002:222) noted that ASP 'advocates for a type of unionization and is allied to the Wages for Housework campaign in Canada'. More recently, a number of locally based sex worker organisations have been established, as the following account demonstrates.

The Sex Workers Alliance of Toronto (SWAT) was founded in 1992 by eight sex workers who came together to talk about the events and issues that affected their workplaces/work settings and how these situations might be improved. After this meeting, they met again four further times before putting out a call for members. Behind the scenes, SWAT represented a breakaway from CORP after discontent with the leaders of CORP speaking to the media in a way that was believed to be unaccountable and unresponsive to CORP members. In its own words, SWAT 'fights for sex workers' rights to fair wages and safe and healthy working conditions' (SWAT website 2003) and 'We want to be seen as workers, not small business[es]' (*Toronto Star* 16 March 2005). SWAT provides legal and health information and undertakes outreach and court watch work. It opposes any law that criminalises sex work. In practice, SWAT has concerned itself mostly with violence against, and harassment of, street and in-call prostitutes, and the impact of the growth of massage

parlours forcing down the price of sex transactions. The Sex Workers Alliance of Vancouver (SWAV) was founded in 1994 as a response to a 'shame the Johns' campaign in the city. In its own words, it: 'fights for sex workers' rights to fair wages and working conditions that are safe, clean and healthy' (SWAV website 2003). SWAV provides information about sex work as it relates to laws, sexual health, commerce and culture and opposes any law that criminalises work in the sex trade. Its members comprise current and former sex workers as well as non-sex worker supporters. It is mostly concerned with prostitutes rather than sex workers, and safety, destigmatisation and decriminalisation rather than labour issues. Specifically, SWAV is primarily active around prostitution and the safety of prostitutes, where 54 prostitutes have gone missing in the last 20 years and there are many other prostitutes who have been found murdered while working (*Ottawa Citizen* 8 June 2002). There also exist a number of other sex workers organisations. In other cities and towns organisations like SWAV and SWAT exist: the Sex Workers Alliance of Halifax (founded 1995), the Sex Workers Alliance of Niagara (founded 1997), the Prostitution Empowerment, Education and Resource Society of Victoria (PEERS, founded 1995) and the London Alliance to Support the Sex Trade (LASST).

The Coalition for the Rights of Sex Workers (CRSW), based in Montreal, was founded in 1996 by sex workers, former sex workers and supporters. With some 5,000 prostitutes, dancers and sex chatline workers in Montreal, the organisation campaigns for the human rights of sex workers, conceived in terms of the need for basic wages and rest breaks during long working hours, and freedom from violence from clients and harassment from the police. As an attempt at an umbrella or peak organisation, it emerged from the Sex Workers' Association of Quebec that existed between 1993–1995 and from Stella. Based in Montreal, Stella is a sex workers' rights and aid group constituted as a community-based legal and health resource centre which was established in 1995 and comprises sex workers and ex-sex workers. In its political activities, Stella has sought to make the decriminalisation of sex work and sex workers part of the mainstream feminist discourse. One of CRSW's main activities has been to organise the 'In Heat: Festival for the Rights of Sex Workers' in early 2003 which ran for six days and examined sex workers' rights and struggles. In this role and as organiser of the festival, Clamen (2005) stated at the festival: 'Civil rights must also apply to sex workers. ... sex workers must be recognised as full citizens. ... Decriminalisation is the ultimate goal'. The 2004 In Heat festival focussed more on labour rights, health and

safety and professionalisation. In 2005, Stella and Clamen organised the Forum XXX festival examining similar issues. Another activity has been to be involved in attempting to establish the Popular Party of Prostitutes in order to give the issue of decriminalisation a wider public airing by standing in elections, and working with the SPC which campaigns for decriminalisation of prostitution. In late 2003, the IUSW, CRSW, Stella and Sero-Zero (a sex work organisation for men) organised a protest and petition which aimed to put pressure on the Canadian Prime Minister to initiate moves to decriminalise prostitution. Clamen is one of a small number of around five key activists in these inter-linked organisations, as a public speaker, press spokesperson, activist and protest organiser. She acts as the List Moderator for the IUSW, where members can contribute to on-line discussions about their sex work union and related activities as well as the contact point for the IUSW in Canada. In the latter regard, she answers enquiries about the IUSW and maintains contact with IUSW members but does not engage in direct recruitment.

These sex worker pressure group organisations have a number of features in common. First, they are *de facto* prostitutes' rights groups no matter the nomenclature they choose to adopt. Second, they do not represent self-organisation *per se* given the presence of ex- and non-sex workers or prostitutes. Third, they are run by a very small number of highly motivated activists. Fourth, they do not engage in anything proximate to the mainstay of trade union activities despite some of the rhetoric and discourse, operating instead as traditional pressure groups for prostitutes' rights and organising acts of propaganda and agitation. Consequently, there are more comparable to COYOTE *et alia* rather than the sex worker sections or branches of the GMB, LHMWU or SEIU. For example, Clamen commented on her role for the IUSW as 'pushing the *idea* [my emphasis] of unionizing for sex workers and sex work rights in general' and of the IUSW in Canada as: 'not really exist[ing] as a collective *per se*. [The IUSW in Canada] is very small and does not have meetings and actions' (e-mail 12 December 2004). Consequently, she lobbied for other unions and organisations to take up the mantle of unionising sex workers.

In 2004, both the Newfoundland and Labrador regions of the Canadian Union of Public Employees (CUPE) and the regional Federation of Labour called for prostitutes to be unionised through the auspices of the Canadian Labour Congress (CLC). This followed on from the CUPE calling for prostitution to be decriminalised in 2001. Both the Newfoundland and Labrador CUPE region and CLC took 'sex

work' positions with regard to erotic labour and called for the legalisation of prostitution (*St. John's Telegram* 21 September 2004). The former, because it organises health care, education, and social and emergency service workers, potentially offers a conducive and receptive public service environment in which unionisation could take place. At the same time, Clamen and Kara Gillies, a sex worker and sex worker advocate of CORP, SWAT and the Migrant Sex Workers' Advocacy group, established the Canadian Guild for Erotic Labour (CGEL). CGEL sought to decriminalise and destigmatise sex work (essentially prostitution), establish means for grievance resolution and promote the representation of sex workers' interests, but tellingly Clamen commented: 'We're not seeking unionization for them *per se*, but labour representation' (*Calgary Herald* 9 October 2004) and that she was hoping for CUPE to help organise a campaign for sex workers' rights (*Silhouette* 28 October 2004). Following its launch, CUPE campaigned on discrimination against foreign lap dancers operating in Canada.

## **New Zealand**

Sex worker self-organisation, as prostitutes' rights groups, began in New Zealand considerably later than elsewhere, with the establishment of the New Zealand Prostitutes' Collective (NZPC) in 1987. Although prostitution is legal while soliciting is not, this being a relatively more hospitable environment in which to create sex worker organisation, it was the threat of an AIDS/HIV epidemic and the resultant need for the health and education authorities to communicate with the sex industry that led to the establishment of the NZPC (Chetwynd 1996:138; Lichenstein 1998). Two prostitutes, as sex workers, provided the impetus for this, aware that there was also a growing need for a collective identity for prostitutes as well as to organise to create, defend and advance their interests and rights. This later development is not the only feature that makes the NZPC distinctive; almost from its inception it was supported and funded by the government through its Department of Health via the NZPC providing safe sex programmes (Chetwynd 1996:137; Lichenstein 1998:46). However, in 1991, the NZPC threatened to return its grant unless police raids on massage parlours were discontinued, and as a result won some concessions on the issue. With funding, there is a staff of about ten with bases in each of the eight major urban centres (see OSHS/DoL 2004). Another notable feature is that the NZPC's membership is largely based amongst brothel, rather than street, prostitutes which provides an easier and more stable base from which to work.

The NZPC has engaged in policy and representation work in health, education and tax matters as well as the provision of sexual health advice and facilities (West 2000a:115) as other prostitutes' rights groups have done (see Chapter 4). It helped create an alliance, and was a major part of that alliance, that led to the decriminalisation of prostitution in 2003 through the passing of the *Prostitution Reform Bill* (*Dominion Post* 28 June 2003; *Sunday Times Star* 20 August 2003). The NZPC hoped that decriminalisation would lead to increased prostitutes' rights such as the right to refuse customers (when working in a brothel or parlour) and an end to fee charging to work and deductions associated with work. It has also sought to monitor and influence the implementation of the legal change (*Daily News* 6 August 2004). Because of the NZPC's close working with the state and dialogue with the sex industry employers, West (2000a:115) argued that it engaged in a strategy of professionalisation, self-regulation and promotion of good practice amongst employers. This strategy appears to have continued subsequently. Although the NZPC talks of the sex industry, sex workers and sex industry workers, and advocates rights for these workers, it is almost solely concerned with prostitution and issues pertaining to the selling of sex *per se* whether for prostitutes who are employed or are independent contractors. Taken together, this means that the NZPC acts as a prostitutes' rights group. Despite this, it has been called an 'unofficial union' (*Dominion Post* 20 September 1999). This is notable because despite the geographical proximity and historical similarity of New Zealand to Australia (like that of Canada to the US), there is also the absence of sex worker union organisation in New Zealand compared to Australia (as with Canada compared to the US).

In a major publication launched in 2004 for sex workers, the Occupational Safety and Health Service/Department of Labour (2004:27) commented:

*There is no single union in New Zealand that represents the interests of sex workers. Some unions are seeking to have sex workers join them, making their services available to people in the sex industry – helping to negotiate contracts and maintaining the interests of sex workers. ... Joining a union gives sex workers access to a collective employment contract where one exists; otherwise, it permits one to be negotiated.*

Despite raising the issue of unionisation and being broadly supportive of unionisation, the only tangible sign of sex worker unionising has been that which has come from the UNITE union (Auckland *Truth*

2 January 2003) and after the *Prostitution Reform Act* came into force in June 2003. This is in spite of support from the New Zealand Council of Trade Unions for decriminalisation (NZCTU Press Release 24 June 2003) and the advocacy of unionisation by the Service and Food Workers' Union (*The Truth* 4 July 2003). After the Service and Food Workers' Union was relaunched in 2003 as UNITE – the union dedicated to organising casual and low paid workers in the service, retail, hospitality, tourist and entertainment industries – it has used a very low subscription rate of NZ\$1 per week amongst its recruiting tools. By default, it became receptive to organising sex workers. Its initial target comprised workers in hotels, restaurants, bars, cinemas and so on, whether front- or back- of-house in the Wellington area. However, in doing so and in the way it organises, being through territorially based community unionism, UNITE has come across sex workers in Auckland. The *Truth* (2 January 2003) reported that some prostitutes and lap dancers, whether of employed or self-employed status, had joined UNITE and that UNITE was happy to support the creation of a union for sex workers. However, while prostitutes and lap dancers continued to join in small numbers, Unite has made no specific effort to organise them or establish a dedicated section of its union for them (*New Zealand Herald* 28 June 2003). This orientation changed in 2004 when Unite began to recruit telephone sex chatline workers and massage parlour prostitutes (*Truth* 12 March 2004). By the end of 2004, it had membership amongst 50 sex workers (*Sunday Star Times* 21 November 2004) and had represented about ten prostitutes in disputes with brothels. However, UNITE has found such organising difficult because despite the signing of employment contracts, most sex workers are self-employed private contractors working within brothels, the NZPC advises that aggrieved sex workers have the option of industrial tribunals as well as unionisation, and the *Prostitution Reform Act* has led to improvements in working conditions with regard to fining, right of refusing clients, coercion and health and safety (NZPC e-mail 11 January 2005).

## **Other countries**

It is briefly worth outlining that in a number of other countries there have been tentative moves towards the unionisation of sex workers. The following summary is indicative, rather than exhaustive, of these developments and pertains almost exclusively to prostitutes rather than to other types of sex workers. In South Africa, an embryonic

union has been reported to organising prostitutes in Cape Town (*Africa News* 23 October 1998). Meanwhile in India, a sex worker's union for prostitutes exists (the Durbar Mahila Samanwaya Committee), based in Calcutta with some 50,000–60,000 members (*Press Trust of India* 17 February 2000; *Times of India* 18 March 2001; Gallin 2003; Shah 2003). Also in India, a union for *de facto* bar prostitutes has also been established (*Business Line* 17 September 2004; see also the *Hindu*, 1 May 2006). The Association of Women Prostitutes of Argentina (AMMAR), created in 1995 with 60 members and with 1,700 members nearly ten years later, took steps to transformed itself into a trade union in 2004 with help from the CTA union confederation (*Montreal Gazette* 5 May 2004; *Toronto Star* 22 February 2004, see also Gallin (2003)). Following this, the leader of AMMAR was shot dead in suspicious circumstances (*South China Morning Post* 2 February 2004). However, AMMAR appears to still act as a prostitutes' rights group (Reynaga 2005). A sex workers' union-type organisation was established in Bolivia in 2004 (*Bitch* 11 January 2004) while in Uruguay, a union of prostitutes affiliated with the Central Workers' Union (*Inter-Press Service* 11 February 1998). In Venezuela, a similar organisation, called 'Union of Men and Women Sex Workers and Associates of the Federal District and the State of Miranda (UNTRASEX), was founded in 1998 although it has been denied the right to register as a legal trade union (*Inter-Press Service* 11 February 1998). Here, the Venezuelan government (cited in Raymond 2003) in 1998 rejected legislation to allow the registration of a legal sex workers' union because it both considered that prostitution could not be defined as work as it lacked dignity and social justice and legal unionisation would lead to the expansion of prostitution there, which is illegal though common with around 350,000 prostitutes (see also *Inter Press Service* 11 February 1998).

In South Korea, the National Female Workers' Association began in 2005 trying to organise prostitutes as sex workers into a union-type organisation (*JoongAng Ilbo, Korea Times* 24 June 2005). Out of this emerged a formative union called the Democratic Coalition of Sex Workers (DCSW), which with 220 members in the Kyonggi province, reached a collective bargaining agreement with brothel owners (*Korea Times* 26 September 2005). However because prostitution is illegal, the agreement has no legal binding, leading the *Korea Times* (26 September 2005) to speculate that the DCSW will be forced to act as a human rights pressure group rather than a union. In China, a prostitutes' trade union exists (*South China Morning Post* 11 November 2003, 15 October 2005) and in Taiwan, a union for prostitutes was established in 2005

(*Agence Presse France* 2 November 2005). Finally, in Trinidad and Tobago, the National Union of Domestic Employees (NUDE) has fought almost since its inception in 1982 to campaign for the civil, legal and economic rights of prostitutes (*Trinidad and Tobago Mirror* 8 June 2001). It called for the legalisation of prostitution in 2001. However, NUDE's work does not appear to extend to the recruitment and organising of prostitutes as a group of workers in their own right.

In Eire, some lap dancers have made appeals to be unionised and two small unions have entered into discussions with them on the possibility of union membership (*Irish Independent* 26 September 2003). Meanwhile in Greece, the Prostitutes' Union of Greece (KEGE) exists and successfully threatened a strike in Athens in 2003 to prevent the closing down of brothels in the capital ahead of holding the Olympics the following year (*Agence France Presse* 6 August 2003). In Spain, one of the main peak union federations called for labour rights for prostitutes (*BBC News Online* 18 May 2005). In Finland, Salli, the United Sex Professionals, exists for prostitutes, erotic dancers, dominatrix, porn models and sex chatline workers. It calls itself the 'union for all who work in erotic labor'. Established in late 2002 by nine sex workers, it seeks to promote sex or erotic workers' human rights in terms of their well being, safety at work, professional skills, and control of workplace working conditions. The underlying rationale for its foundation was the perception of common interests of different sex workers amidst the realisation that conditions for sex workers were becoming harder *vis-à-vis* pressure towards criminalising prostitution and an increasing supply of labour. It has campaigned to allow prostitutes to work together without becoming liable to being criminalised for pimping. By late 2005, Salli had around 40 members, of whom only half were sex workers, the remainder being supporters who are professionals like doctors and social workers (Vice-president, Salli, e-mail 31 January 2006). Clamen and Lopes (2003:30) reported that in Sweden some moves towards unionisation and gaining union recognition have been taken following a specific form of legalisation in 1999, although the emphasis of penalising and targeting the customers of prostitutes there is likely to make this a particularly difficult task.

Given that this is only a very brief sketch using secondary sources, nonetheless, it can be suggested that there exists an indication of a basic impulse amongst primarily prostitutes to organise, collectivise and sometimes unionise in a number of other countries. (It is likely that other groups of sex workers are absent from this summary of organising activity because the types of sex work they perform are far

less developed in these countries than compared with the situation in the countries studied in this book.) Nevertheless, these developments outlined need to be held in check by noting that in a number of European countries (Austria, Belgium, Denmark, Portugal, Spain) the legal status and context of prostitution varies between forms of decriminalisation and legalisation without any detectable signs of the beginning of a process of unionisation taking place. Indeed, even in Denmark, Italy and Spain, with some evidence of a sex as work perspective being present and relatively favourable legal environments, the absence of any signs of unionisation is as noticeable as the situation in France where no prostitute self-organisation exists despite the events of 1974 (see Danna 2000).

### **The IUSW's international dimension**

In recognition of the globalised nature of the sex industry, the sex workers activists and supporters who created the IUSW decided to name their organisation neither the Union of Sex Workers nor the British Union of Sex Workers but the International Union of Sex Workers. The international and globalised nature of the sex industry can be seen in two broad ways. First, that in each country in the world, there is an indigenous sex industry and, secondly, that there are international dimensions to the sex industry in each country where to a notable degree, products, services, sex workers and customers are mobile and move relatively freely from country to country or are accessible from one country to another. However, the IUSW has sought not merely to reflect the internationalised nature of the sex work and sex workers but also to become an agency for the protection and advancement of sex workers' collective interests on an international basis. Beginning with the use of the word 'international' to provide a symbolic form of solidarity with fellow sex workers around the world, the London-based IUSW again has lofty aspirations and ambitions to become a central part, if not backbone, of an international union of sex workers. There is also, however, a more mundane aspect to the internationalism of the IUSW which concerns learning from the experience of sex worker activists in other countries. This specifically concerns the problems, opportunities, successes and failures experienced in campaigning and organising under different legal and regulatory regimes for sex work, tactical approaches to working with different groups, tactical approaches to influencing public opinion and public policy, and formulating policy

for sex workers and sex workers' organisations with regard to legal regulation.

Although there have been examples of international cooperation between prostitutes (see Chapter 4), the IUSW is the sole example, albeit not a very strong one, of cooperation between unionised sex workers (i.e. amongst sex workers who are not merely prostitutes). For example, in 2001 the IUSW organised a speaking tour in Britain for US sex worker activist Julia Query with her film *Live Nude Girls Unite!* to promote the unionisation of exotic dancers, and IUSW members from Britain travelled to Taiwan to advise the Collective of Sex Workers and Supporters on decriminalisation of prostitution there and to speak at an international conference of sex workers in Hong Kong. In this respect, established trade unions are not significantly different for genuine and robust international trade unionism is still absent. The absence of international organisation and consequent international union activity amongst unionised sex workers reflects not a setting of face against collective internationalism in instrumental and ideological terms but the practicality of creating such organisation and activity where systems of regulation remain nation-based and resources are scarce.

From its small beginnings in 2000 (see Chapter 6), the IUSW had in the region of just around 300 members by early 2006. With Clamen's move to Canada in 2002, the IUSW developed a presence there but the concentration of her efforts in building other organisations has meant that she has done little other than develop contacts for the IUSW in Australia, Brazil and India and moderate the IUSW's web-based discussion forum. No matter how active and committed the IUSW activists are, and not all members are activists, this places severe limitations on the physical and financial resource bases where most of these are based in London. Moreover, and despite much concentration of attention on sex tourism and trafficking of women, the location of most sex work is nation-based and the location of most sex workers is in their home country. To elaborate on this, most sex work is still governed by systems of legal and public policy regulation whose jurisdictions are at the national or sub-national level. Although broad similarities may be discerned across these jurisdictions, sufficient differences still exist to influence the unit of sex work organisation to be based at the national or sub-national level. Furthermore, the practice of sex work and the location of sex workers are still largely geographically specific. Other than examples of telephone sex chatlines and internet or cyber-sex and the sales of the products of sex work (magazines and videos), sex work

must necessarily be located in a specific geographical setting for the creation and exchange of sex work are often synonymous. Again, this creates an obvious trajectory towards the social organisation of sex workers to start at levels that are national or sub-national.

## Conclusion

Despite far more conducive legal and regulatory environments in Australia, Germany and the Netherlands, the development of sex worker union organisation has been fragile and limited. Chapter 9 examines why this is the case, but for the moment it is worth reminding ourselves of the belief of Pheterson (1989b:8) that '[t]he main obstacle to [prostitute and sex worker] self-organisation under a regulationist regime is social control and stigmatisation ... through registration and surveillance'. This suggests a number of points, *inter alia*; that regime change as a 'revolution from above' in the political and legislative processes has limited purchase on facilitating wider social change at the 'bottom' of society even though laws have a demonstrative capability in changing social attitudes; and that decriminalisation is superior to other forms of regulation. The issues involved in providing an explanation of why sex worker union organisations exist in Australia, Germany and the Netherlands but not in any comparable manner in Canada and New Zealand are addressed in the next chapter. However, two factors taken together and working in tandem stand out as being important at this stage, these being the legal and public policy positions on sex work, and prostitution in particular, and the perspectives and attitudes of existing unions to organising sex workers. In the former countries, both factors have made the emergence of sex worker union organisation far more likely than in the latter countries. Of course, these factors are necessary without being sufficient to explain the absence or presence of sex worker unionisation. The propensity to organise in such a way relates to why a critical mass of what may be objectively called sex workers moved towards not only the discourse of sex work but sought also unionisation. This is a much more complex social process that is discussed in the next chapters. Setting that aside for the moment, it is also salient to observe a number of features that the emerging sex worker union organisations in Australia, Germany and the Netherlands have in common with those sex worker union organisations in Britain and the US.

First amongst these is the small numbers of activists that constitute the physical presence of the organisations and the preponderance of

local activists as national leaders, giving an indication of the limited extent and embeddedness, as well as the fragility, of sex worker union organisation. The small numbers of activists present a key dilemma for sex worker unions. On the one hand, they represent a key resource by virtue of their commitment and motivation. But, and on the other hand, this reliance can be both self-limiting as well as self-fulfilling where the inability to break out of reliance on these activists by creating far greater numbers of activists strengthens and continues the reliance on these small number of activists. Second is the tendency for one of the primary union roles to be that of enforcer and upholder of the law on sex work where this has (recently) changed in a positive manner. Such a tendency highlights the greater significance of systems of regulation and control for sex work than other forms of work and the practice of trade unions to continue the work of the sex worker pressure groups *vis-à-vis* civil and human rights. Third, while the sex industry is a globalised phenomenon, it remains in most regards a heavily nationally based and determined one. To this extent international cooperation and links between sex worker union organisations have been relatively limited. Where cooperation has taken place, and in common with other established trade unions, it has been confined to the exchange of information and advice as opposed to international campaigns and international organisation.

## Notes

- 1 While the sex work discourse is relatively well established amongst sex workers and their supporters in Australia compared to other countries in this study, it is interesting to observe that recent research (Arnot 2002; Snow 1999, save to a limited extent Murray (2001)) on prostitution as sex work within the legalised sex industry in Victoria has not examined the experience of self-organisation and self-activity of sex workers. This would appear to be because many implicitly believe legal regulation *per se* offers a better prospect of benign regulation.
- 2 The ABE may have been linked to, or been the same organisation as, the Association of Burlesque Performers, which Bruckert (2002:101) reported existed in Toronto in 1995 to campaign against mandatory lap dancing.

# 8

## Propensities to Organise

### Introduction

This chapter examines the general or 'higher level' forces and processes towards the collectivisation and unionisation of sex workers, rather than the more specific or 'lower level' tendencies which were examined in the previous three chapters. Collectivisation and unionisation are conceptually separate processes but most often in practice with regard to sex workers, both represent a singular process, which is referred to as becoming 'organised'. However, in the next chapter concerning barriers to union organising, this generalisation is qualified through contextualisation. Consequently, the task of this chapter is to construct and present an overall analysis drawing on the preceding chapters, particularly Chapters 5, 6 and 7. Specifically, this chapter engages in the process of generalisation and abstraction by identifying the common features and characteristics across the seven countries under study in terms of the context, intention, process and outcome of the union organising of sex workers. At the same time, this chapter is also wise to the differences and dissimilarities between these contexts, intentions, processes and outcomes of sex worker union organising amongst the different sex worker sub-groups. Again, some of this latter material will be located in the following chapter. Therefore, Chapters 8 and 9 need to be held in conjunction with each other to gain the rounded totality intended. The chapter begins by asking two fundamental questions, namely, 'why have sex workers become open to union organising?' and 'why have unions become open to organising sex workers?' These questions are basic questions that seek to examine what may be seen as the necessary, but without being sufficient, conditions for union organising. The questions concern the

motivation(s) of, on the one hand, sex workers to become union organised, and, on the other hand, the motivation(s) of the unions to unionise (or help unionise) sex workers. Of course, motivation does not guarantee a desired outcome, i.e. unionisation and representation of interests, but it is hard to see this process taking place at all without the prerequisite of this two-sided motivation. In answering these two fundamental questions, the basis can be laid out for a more generalised examination of the overall process of unionisation, namely an assessment of the processes of the unionisation in the different countries. From here, a discussion of the different forms and approaches that sex worker union organisation has taken can be constructed.

### **Why have sex workers become open to unions and unionisation?**

As Chapter 4 indicated, there have existed notable and *relatively* widespread attempts to represent sex workers, primarily prostitutes, through the formation of pressure group organisations. In these attempts, varying degrees of emphasis were laid on collectivising sex workers themselves into organisations. Consequently, controversy has existed over estimations of the degrees of success in collectivising these workers and the extents to which sex workers were being represented by sex workers themselves. This section examines the components of the process by which the form of sex worker collective organisation has moved on from this initial form. The necessary starting point for subsequent factors to come into play has been the prominence of the 'sex work' discourse.

To talk of 'sex workers' means that a significant number, albeit still a very small minority, of what can be objectively termed sex workers have gone through a process of self-identification which has led them to conceptually categorise themselves as sex workers (see Chapter 2). Thus, it is not just that prostitution has been conceived of as sex work but so too has erotic dancing, erotic/porn modelling and acting, and simulated aural sex. The salience here is that a far wider array of activities has been categorised as 'sex work' than was the case when the term 'sex worker' was initially used to denote just prostitutes. This provides that not only a wider array of workers have become conceptually eligible for unionisation but that a number of the sub-groups that comprise sex workers are arguably more easily unionised than some other sub-groups (e.g. lap dancers compared to street prostitutes). Moreover, to see the act of providing sex, sexual services and sexual artefacts as comprising work, as part of the sex work discourse, provides a conceptual

and moral legitimacy and normalcy to sex work on a par with other forms of work. Consequently, and to limited milieus, this work is now as open to unionisation as any other form of paid work should the required grievances emerge. To put the point another way round, the vast majority of workers, when contemplating forms of interest representation and unionisation, do not have an *a priori* hurdle to straddle: they are workers and see themselves as workers. Whether they do go on to form unions involves another set of issues and processes. That some sex workers have crossed this Rubicon by framing themselves as workers means that they can potentially (notwithstanding atypical issues like stigmatisation and women's oppression) begin to face the conventional issues of forms of interest representation and unionisation in a manner laid out by mobilisation theory (see Kelly 1998). The way in which the 'sex work' discourse has spread and the way in which self-identification has taken place have been important. It is not merely that these sex workers, through their leading activists and organic intellectuals, discovered or became convinced by the validity of the conceptual categories of 'sex work' and 'sex workers'. Rather, these sex workers were themselves a major active component of, and in, the process by which the discourse of 'sex work' and 'sex workers' were created, refined and disseminated.<sup>1</sup> The individuals who comprise the sex worker activist milieus tend to have come from more secure and stable social backgrounds with longer periods of education and higher levels of educational attainment and sometimes experience of liberal and radical politics and lifestyles. Such backgrounds and experiences have provided a number of necessary attitudinal and behavioural traits for organising collectively. In a number of respects, they may be thought of as representing a vanguard.

The development and dissemination of the sex work discourse has been a necessary, but on its own insufficient, condition to lead to the first steps towards unionisation. Becoming a 'sex worker' signifies that this self-ascribed category of people are *likely to perceive* that they have interests which are different, separate and possibly in conflict with the interests of other groups within the sex industry, primarily the brothel and club owners, and the employers. At the very least in this context, the use of the term 'worker' suggests that this group is not one of the most powerful in the industry and on this basis, is unable to fully have its interests pursued and represented without taking deliberate and collective action. At the same time, the language of the sex worker as entrepreneur is not particularly to the fore (see Chapter 9 for elaboration). Therefore, it is likely that in conceptual terms at least there is a

rationale, if not need, for the representation of the interests of sex workers. But representation of interests need not necessarily take the form of union representation. As Chapter 4 made clear, a number of antecedents of sex worker organisation have existed in the form of prostitute right's groups, albeit varying in the degree to which prostitutes themselves comprised the leadership and membership as well as varying in their size and effectiveness. This brings us to the point that where it is pertinent to ask why sex worker activists did not seek to establish similar pressure groups but rather established trade union organisation or transformed their existing pressure group organisations into trade union-type organisations.

This transition or development in practice reflects a number of advances in consciousness and thought on the part of the milieu of sex worker activists (and their supporters). In terms of worldviews, the advances signify a move from concentrating almost exclusively on civil and political rights to continuing to focus on these at the same time as giving prominence to economic rights, workers' rights, and labour rights with priority given to the latter. The agenda of 'rights' has been thus broadened out and reconfigured with worker, rather than human, rights being to the fore and being grounded in the workplace/work setting with regard to mobilisation in workplace/work setting to attain the actualisation of 'rights'. Previously, extra-workplace campaigning and propagandising had focussed on gaining rights in a generalised, almost abstract, way and through the means of law reform. To summarise, a conducive workerist notion of sex work has often prevailed. Thus, within this radicalised and wider worldview, those who perform work and who are workers are believed to have a 'natural' affinity to trade unionism, labour rights and so on. A corollary to this has been to conceptualise sex workers' collective organisation as *trade union* organisation. The suitability of trade unionism for the pursuit of economic, workers' and labour rights for the sex workers stems as much from the nature of trade unionism itself as it does from the position of the sex workers. The former reference point relates to the conception of trade unionism as a mass membership-based and self-constructed source of collective power orientating on work and employment issues compared to a pressure group, particularly of the earlier prostitute's rights group-type, which tends to act more as a ginger group focussing on public policy and operate through an elite stratum. The latter reference point relates to the desire of the sex workers to become part of a wider movement given their weakness and isolation and to be able to benefit from the varied resources that this is anticipated to bring. But as

alluded to earlier, the nature of the sex workers' conditions and their formative union organisation has meant that the 'baby has not been thrown out with the bath water' for there remains a valuable and relevant role for the continued pursuit of the goals and methods of the prostitutes' rights groups. Indeed, it would be erroneous to suppose that trade unions have not sought the goals of pressure groups before, nor acted in the manner of pressure groups, in regard of public policy. Examples concern state regulation of wages and working conditions (e.g. minimum wages, maximum working hours) and law reform to prevent discrimination (e.g. equal pay legislation for women).

These advances in thought and consciousness can be further illuminated by considering the transition in a number of specific ways. First, the move from 'self-help' in society to self-activity in the workplace/work setting, although retaining the self-help aspect of promotion of collective interests where the rights of workers, and sex workers in particular, are recognised to be shaped and influenced by processes outwith the workplace/work setting, i.e. law and public policy. Here, on the one hand, employer action in the workplace is regarded as the prime but not sole determinant of terms and conditions of work (as opposed to employment). Consequently, and on the other hand, the focus of worker effort is the creation and direction of workplace collectivism towards regulating employer action and work relations. Second, denotation of an increasing focus on the self-activity of members as the *modus operandi* and source of influence to change their working environments and less emphasis on the activities of opinion leaders and advice specialists who are not sex workers themselves. Concomitant, the orientation is on larger numbers of directly involved workers. Third, an increased focus on improving the terms of economic exchange/the wage-effort bargain at the workplace in conventional trade union terms, deploying collective leverage through collective bargaining and collective representation. Fourth, a recognition of the inadequacy of civil and human rights on their own as means to gain desired objectives and thus a widening out to also pursue worker and union rights alongside a recognition of the inadequacy of previous types of sex worker organisation, being merely pressure groups and for prostitutes. Fifth, the move away from merely prostitutes being seen as sex workers to sex workers comprising prostitutes, escorts, and massage parlour workers, strippers, exotic dancers and lap dancers, pornographic models and pornographic actors/actresses, and sex chatline telephone operators, thereby reducing the isolation of any of these sub-groups, lessening concentration on the

most stigmatised of these sub-groups (i.e. prostitutes) and thus providing some potential for the possibility of unionisation. Sixth, the existence of activities which can be genuinely described as trade union actions and behaviours whereas before sex workers' collective organisation were 'trade unions' either in name only or with conventional issues of wages and conditions being only the formal focus of attention (or alternatively, when referred to by journalists as unions, this was not refuted). Lastly, sex worker union organisations have taken up and attempted to further build on the discourse and form used by the prostitutes' rights groups of social movementism. Here the discourse and language focus on demanding 'dignity', 'equality', 'justice' and 'respect'. Such changes in thought and consciousness come together in the radical élan and battle cry of:

*There is one thing worse than fighting the brothel owners and that is not fighting the brothel owners. There is one thing worse than fighting exploitation and that is not fighting exploitation. And there is one thing worse than organising and that is not organising. And there is one thing worse than just a small group of organised sex workers and that is no group at all. (Address by Sietske, FNV prostitutes' union official to IUSW/GMB meeting in London, March 2002)*

The changes in the regimes of state regulation of sex work have had significant positive implications for union organising potential. The moves towards decriminalisation and legalisation of prostitution have led to forms of state regulation that have created stimuli to union organising by virtue of generating a series of campaigning and bargaining levers and targets. Most obviously, there are the social wage benefits that are more accessible through unionisation, the ability to invoke 'workers' rights', and the possibility of exercising leverage over local public authority regulation of brothels and massage parlours via collective organisation. The furthest moves towards legalisation and decriminalisation have been taken in Australia, Germany and the Netherlands. Consequently, it is unsurprising, therefore, to find that unionisation of prostitutes and union efforts to organise prostitutes are further advanced in these countries than they are in Britain and the US. In terms of the impact of a wider definition of sex work, the growth of exotic dancing has led to an increasing array of regulation by local public authorities as they seek to manage this enlarged form of economic activity. Regulation, rather than prohibition, has helped tip the relative balance in society towards greater legitimacy rather than

greater illegitimacy so that the risks and stigma associated with this type of sex work have lessened. In these circumstances, sex workers are now relatively more willing to reveal themselves as sex workers openly in public, and this has helped unionisation by allowing sex workers to assert their rights both individually and collectively. Such changes have facilitated the seven-sided transition noted above. Similarly, the emergence of widespread grievances has provided concrete micro-stimuli to unionisation. Often the shifting form of employer/owner control and revenue strategies, as their consciously chosen response to changing market and regulatory conditions has provided further stimuli, like the introduction of fees or independent contractor status.

Sex workers have set up their own organisations, even if they have joined established unions later on, for either no established unions catered specifically for sex workers as a trade group within their overall structures and/or established unions were not concerned to organise sex workers because they regarded unionisation of sex workers as practically infeasible and/or morally inappropriate. These latter established union practices also encompass the impacts of the stigmatisation of sex work and sex workers, male chauvinism and sexism and male dominance within trade unionism. Only with the recent and high profile attempts by sex workers to organise themselves, however, have some established unions become more receptive to the idea of organising sex workers. At a different level of analysis, it is also worth noting that there is a potential compatibility between trade unionism and the organising of sex workers on the basis that trade unionism is largely posited on the premise of improving the price obtained for the sale of the capacity to labour and the conditions under which it is sold, rather than the abolition of wage labour itself. The salience of this here is that trade unionism would be unlikely to have much immediate purchase if, in attempting to organise sex workers, it was pursuing an abolitionist agenda for wage labour and thus sex work. Rather, trade unionism seeks to engage with sex workers on the basis of improving the terms and conditions of the sale of their capacity to labour. Any abolitionist tendency with trade unionism towards sex work arises from a different source, namely, moral indignation through other discourses like feminism.

So to conclude here, the move towards becoming self-ascribed (sex) workers indicates a struggle to claim, and to avail oneself of, the rights and dignity of (organised) labour. 'Labour' in the workplace and in employment is viewed in the dominant liberal philosophical discourses and as having certain fundamental and inalienable rights. For

sex workers in both objective and subjective senses and as a minority group that is resource-poor and marginalised, there exists an overwhelming political logic for the move to become denoted as workers with the rights of labour to be carried over into political practice. The obvious step is to gravitate towards a milieu that not only has greater resources and legitimacy in society but which also stands, and agitates, for workers' rights and the rights of labour – the trade unions. Trade unionism potentially provides not just a haven for a beleaguered group of workers in terms of a supportive ideological perspective and conceptual framework but also trade unions potentially provide a voice of, and for, the community of labour. Alongside lobbying resources and expertise, the voice of labour is viewed by sex workers as being less easily dismissed than the voice of sex worker pressure groups, whereby the concerns of sex workers can, they believe, be 'mainstreamed'. For example, the issue of safety of sex workers can become an issue of health and safety rather than remaining one of the personal safety of a private individual.

### **Why have unions become open to organising sex workers?**

Until relatively recently, trade unions and trade union movements in Australia, Britain, Canada, Germany, the Netherlands, New Zealand and the US had not sought to organise sex workers. This may have arisen from either an unwillingness to attempt to do so or an inability to do so, or both. With regard to the French prostitutes' occupation-cum-strike of 1975, Valentino and Johnson (1980:12) outlined the dismissive and hostile attitude of trade unions to prostitutes collectively organising themselves:

*Now if a trade union had been asked beforehand what they would have thought of a strike by illegal workers, 'just women', 'just prostitutes', we can imagine the response: 'Impossible' or 'Completely crazy'. Who? What? Prostitutes? ... Out of the question. Nothing can be done.*

This can be taken as indicative of a trans-national phenomenon. Thereafter, there are a number of unions in each of these countries studied that have begun to engage in unionising sex workers. Indeed, the importance of the mental or psychological unwillingness to organise sex workers far outweighed any opportunity, resource or experience-based inability to do so. The main questions which, therefore, arise are; 'Why did unions decide at one point not to unionise sex

workers?’ and ‘Why are some unions now unionising sex workers?’ There are a number of components to answering these questions.

First, sex workers, as a group wider than just prostitutes, have shown a willingness to collectivise themselves in sufficient measure that the raising of the issue of unionisation of sex workers has now arisen more concretely in the trade union movement. In practical terms, this has meant that the issue of unionising sex workers could not be so easily dismissed by those inside the union movement who often relied on the argument that the workers themselves had to show some willingness to collectivise, unionise or organise themselves in order to receive help from unions to further do so. The import of this self-organisation has also been to undercut to some extent the unions’ reservations about helping to organise workers whose employment relationship was problematic for organising, i.e. being variously self-employed, of independent contractor status and operating in the ‘black market’ of not paying income tax or national insurance. Second, the influence of the radical feminist discourse amongst trade unionists began to wane at the same time as the sex work discourse began to gain a small foothold. Reflecting the unfolding arguments and the changing balance of influence between approaches and perspectives within feminist milieux (as recounted in Chapter 2), those within trade unionism have become less hostile, and more open, to denoting sex work as ‘sex work’ and sex workers as ‘sex workers’. Given that trade unionists believe in workers’ rights and seek to organise as many workers as possible, it became a relatively small step to take to advocate the unionisation of sex workers once they, and what they do, had been denoted as ‘workers’ and ‘work’. Third, the sex industry has become relatively more respectable and tolerated in recent years as it has moved into the mainstream of economic activity. On the one hand, it has, or certain sections of it have, become less affected by criminal activity and more perceived as legitimate businesses. On the other hand, sexual mores have changed to some degree where sex and sexuality are more prominent and less inhibited within society. Altman (2001:116) identified part of this as the ‘new respectability of pornography’. For example, pornography for women and the proliferation of ‘soft porn’ in non-traditional (porn) magazines such as *FHM* and *Loaded* are examples of this. Fourth, the decriminalisation and greater legitimacy of sex work by virtue of recent developments in state regulation have removed some of the reasons why unions were previously unwilling to respond positively to requests for

unionisation. Trade unions can now conceive of their role as one of representation of sex workers *vis-à-vis* public authorities and *bona fide* employers in a way similar to that of representation of other non-sex workers.

However, there are a number of other factors common to the trade union movements in each country that complete the explanation. These are the significant decline in union membership in the last 25 years, membership being a mainstay of union influence, unions' willingness to attempt to remedy this situation and the emergence of social movement unionism and community unionism on the one hand, and the 'organising' approach on the other. The decline in union membership in established industries in both relative and absolute terms has encouraged unions to look elsewhere to replenish their membership. The decline of the size of the manufacturing workforce and the growth in the size of the (private) service sector workforce neatly encapsulates the problem whereby redundancies and closures have affected unionised workers and the growth of non-unionism is dominant in private service sector. Within the service sector has developed a form of employment known as 'contingent' and 'atypical' employment based on the absence of permanent, full-time, secure and employed work (Cobble 1991; DuRivage *et al.* 1998; Heery and Abbot 2000; Heery *et al.* 2004; Wial 1994). Unions have sought to relate to this new development and begun to attempt to organise these types of workers. It is within this general ambit that unions' efforts to organise sex workers can be located. However, this shift has not been uncontested for reasons, *inter alia*, of the division of resources expended on potential and new members *vis-à-vis* existing members.

One way in which trade unions throughout the seven countries have attempted to reverse their membership decline in these new areas of the service sector has been to deploy social movement unionism and community unionism as union organising perspectives and the 'organising' approach as the method and tactics for these perspectives. The former, recalling the brief discussion in Chapter 6, does not attach such a high priority to direct organising in the workplace in order to gain influence in the workplace. Neither, do the two perspectives suggest that governance in and of the workplace must necessarily take place largely within the workplace. In sum, the two perspectives represent a broadening out of the traditional conceptualisation of trade unionism in western economies. These perspectives are thus open to working with sex workers for a number of reasons; working with the

social movement of the sex workers, and working with those who are not employed *per se*, who are unorganised and whose employment conditions are influenced by extra-workplace and non-direct employer forces such as legal or regulatory regimes. The latter, the 'organising' approach, suggests that priority is given to self-organisation where 'the members are the union' so that they determine what the agenda of the union is and they take a lead in the pursuit of this themselves. This contrasts with the 'servicing' approach where the union is seen as an outside 'third' party which instructs its members about how their grievances can be resolved and acts on their behalf. Consequently, under the 'organising' approach, unions can have a meeting of minds with sex workers, where different groups of sex workers determine their own union agenda. The language of organising comprises demanding 'dignity', 'justice' and 'respect'. However, in practice the 'servicing' approach has been commonly used (see later).

There are several significant points about this analysis. One is that the building up of the forces for unionising sex workers reached a cusp that became a turning point where their strength began to overcome the hostility of the declining persuasiveness of the radical feminist discourse to a degree that made trade union organising of sex workers possible. Another is that there is a historical specificity to the creation of this configuration that became conducive to unionisation. This meant that *relatively* widespread unionisation of sex workers throughout the seven countries under study was not possible in conceptual and practical terms in the 1960s, 1970s and 1980s, much less before. For example, the discourse of sex work did not emerge until the early 1980s while those of contemporary social movement unionism and community unionism, along with the 'organising' approach, did not emerge until the late 1980s and the decline in union membership became a crisis from the mid-1980s onwards. A final significant point is that the processes by which sex worker unionisation has taken place have displayed different characteristics in different countries, particularly in regard of the periods and the way in which they have taken place. In the US, union organising has taken the form of sporadic, infrequent, local-based bottom-up initiatives whereas in Australia, UK, Germany, and the Netherlands the pattern has more been of more consistent, longer term initiatives which have been directed by national union organisations. Alternatively, the main advances in unionisation have been amongst lap dancers and strippers in Britain and the US while amongst prostitutes in Australia, Germany and the Netherlands.

## **Summary: the confluence of influences**

Where sex workers have engaged in unionisation, they have acted with the basis of an elemental repertoire of collectivism, comprising collective consciousness, collective organisation and collective action, arising from the prostitutes' rights groups. The prostitutes' rights groups have been evaluated on the basis of unconditional but critical support. The conclusion drawn in conceptual, if not always practical, terms has been that trade unionism is more appropriate and efficacious. The approaches to, and moves towards, trade unionism result from this and the belief that trade unionism can help provide a degree of hitherto missing organisational stability and security. From the trade unions, the preponderance of agreeing to a relatively high level of autonomy and self-direction amongst the sex worker activists with regard to agenda setting, often as a result of 'union organising' approaches, has avoided opening up of internal distancing common in prostitutes' rights groups. This agreeing to defined autonomy on the part of the trade unions derives from their adoption of a 'global social justice' perspective that can accommodate sex workers as a distinct marginalised group of workers which has the right to take the lead in organising themselves. Moreover, and although the sex workers are dependent to some extent on existing trade unions for organisational and professional help and support, the trade unions are to a large extent dependent on the sex worker union activists knowledge, networks and grassroots activism. Therefore, this process in sum can be seen as representing a contingent as well as ideological 'meeting of minds' between the sex worker (union) activists and the forces of existing trade unionism.

## **Similarities and dissimilarities in unionisation processes and outcomes**

A discussion of the similarities and dissimilarities in the processes of unionisation of sex workers with that of workers in general is useful in helping to identify what are the common underlying features to both and what are the genuinely idiosyncratic characteristics of the process of the unionisation of sex workers. This is a pertinent exercise given that the basis on which the unionisation of sex workers is taking place on, namely, the discourse of sex work *and* sex workers. In a sense, this discussion represents a form of critical evaluation of the extent to which this discourse is a valid and attestable one. The similarities will be discussed first, followed by a discussion of the dissimilarities.

## Similarities

In broad terms, the process of attempted and actual unionisation of sex workers to date has taken the form common to other workers who have become unionised from the 'bottom upwards'. 'Bottom upwards' refers to the phenomenon where workers approach the union seeking to be unionised and carry out a large degree of the initial recruitment and organisation. Kelly (1998) outlined this social process as comprising interest formation, grievance identification, collectivisation and mobilisation. Often running alongside and underpinning these particular components in the cognitive and action-based processes of unionisation have been a number of more general manifestations. The first concerns the general notion of the liberty of wage labour, that is workers being treated by employers, customers, the media, the state and public policy with fairness, respect and decency where workers seek to determine the particular nature or degree of these components themselves. The second concerns impulses to attempt to exert control on the labour market and, in particular, on the 'free market' mechanism of matching supply and demand to set the price for labour. For sex workers, and most obviously for exotic dancers and prostitutes, the enlarging of the labour market along with a fall in demand as a result of economic recession (and the link between the two), has led to the reduction of prices and greater competition. In Germany, the *Frankfurter Allgemeine Zeitung* (3 October 2001) reported that as a result of an economic downturn, there were fewer customers for prostitutes and those that did exist were willing to pay less whilst the brothel owners were unconcerned as they charge prostitutes to work on a flat rate daily basis. Meanwhile in California in the US, Rosen (2001) reported that in the light of the bursting of the dot.com bubble, exotic dancing: 'was a lucrative job when the economy was good, but now the working conditions are tougher'. The attempt to regulate these forces to maintain or increase prices and reduce levels of competition is present amongst the wide array of motivations for unionisation. With that said, the following inset on p. 173 outlines the predominant generic grievances of specific groups of sex workers.

One of the key features developed in this cognitive process of developing grievances by unionised sex workers has been that of the concept of collective interests based on notions of common interests, compatibility of interests and solidarity of interests between different sex workers (sex workers *per se*, sub-groups of sex workers) in contradistinction to the interests of employers and owners. For some, primarily the activists, this has come about as a result of political discussions and

*Inset 1: Grievances amongst Sex Workers by sub-group*

*Brothel or Parlour and Escort Agency Prostitutes.* Charges for working in the establishment such as house fees or rent, or an employer/rentier cut per customer. Payment for 'tools of the trade' such as linen, sexual aids, condoms and lubricants and for usage of heating, electricity, telephone, advertising and cleaning materials as well as consumption of food and drinks. Disbursement of mandatory tips to staff and unpaid labour such as cleaning and laundry. Determination of client charges, exercise of code of conducts on behaviour (time-keeping, refusal of customers, use of drugs and alcohol), discipline and monitoring, personal safety, health and safety of working conditions, job insecurity and victimisation and fines for violations. The issues here are not necessarily just about charging and control *per se* but also transferal of many costs of operation to the prostitute, the level of charges and the requirement to buy supplies only from establishment owners. Despite the status of independent contractor, these types of prostitutes are subject to the unilateral determination of work patterns and work organisation by the manager or owner, in essence, representing the control of the prostitutes' work. These types of prostitutes also have no control over the pace of their work but are required to be on the premises to be eligible for work even when there is no work. In effect, they are on 'zero hours' contracts where they are only paid when working even though they are obliged to be available for work by waiting for work. There is no on-call payment.

*Independent Prostitutes (street prostitutes, entrepreneurial prostitutes).* Issues concern personal safety, police harassment, the right to run an 'immoral' business, the right to have partners live off 'immoral' earnings, the use of business cards, compulsory health testing, and availability of health services

*Exotic Dancers (strippers, nude dancers, lap dancers, pole dancers, table dancers, burlesque).* Fees, fines (transgressions concerning time-keeping attendance, dress code, appearance) and charges, pay rates, working conditions concerning dressing rooms, direction of work by management, non-employed status, job insecurity, *de facto* unfair dismissals, forced high level of contact and interaction with customers (including sex), sexual harassment, violation of no-touching rules, and poor professional standing. Bruckert (2002), Burana (2001) and Lewis (1998a) provide a good picture of the consistency of these grievances throughout various clubs in the US and Ontario. One particular aspect concerns the deprofessionalisation of the occupation as burlesque gave way to lap dancing, where the most keenly felt aspect has been the loss of status as the number of dancers increased, deskilling took place and prostitution became embedded within (with attendant stigmatisation also increasing).

*Sex Chatline Workers (telephone and text).* Unilateral management setting of, and monitoring of, performance targets, inability to refuse calls, lack of training and advice on handling of customers, low pay as a result of payment by results (see for, example, <libcom.org> (2006)) and poor benefits, and routine of work. For homeworkers, no payment for waiting for calls.

*Inset 1: Grievances amongst Sex Workers by sub-group – continued*

*Porn Actors and Actresses.* Health issues (safe working environment *vis-à-vis* HIV/STD, fast and efficient HIV/STD testing service, gaining adequate health insurance as well as for damage to bodies like tares and prolapse), periodic work leading to idled time whether off-set (without work) or on-set (waiting for one's scenes), long working hours.

debate outside the work environment. For others, primarily the members, this has come about through being aware of the ideas of common interests *et cetera* and seeing their practical manifestation at work. The existence of the perception of collective interests does not presuppose that individual interests and competing interests are absent amongst collectives of sex workers. However, it does suggest that co-existence is possible, that at certain times collective interests will predominate over other interests, that certain interests are viewed as being more appropriately pursued by some means rather than others and that a compatible corollary to collective interests and collective grievances is collective redress. These points have their parallel with workers elsewhere (see, for example, Kelly (1998)). Nor does the existence of the perception of collective interests amongst sex workers suggest that there is a complete antithesis of sex workers' interests to those of the employers and owners. Rather, it suggests that there is a sufficient degree of antipathy to justify the need for trade unionism.

A significant component in the agency of sex worker organising, as with worker organising elsewhere, has been the presence of a collection of strong-willed, resilient and determined individuals. These activists constitute a small cog but one that has had the ability to turn larger cogs, namely, members and potential members. In common with other union organising attempts, there have been relatively small numbers of sex worker union activists involved in each case and sometimes also even in each organisation. Here, the importance of leaders and leadership is evident in the process of unionisation for sex workers as with for other workers. The key roles performed are as organisers, motivators, strategists and tacticians.

Although the language and methods deployed to unionise sex and non-sex workers alike in recent years have in formal terms predominantly been derived from the 'organising' approach, in practice the activities of both have been heavily coloured by the 'servicing' approach. Sex and non-sex worker union activists' idealism and their ideology of

activism under the 'organising' approach are necessary to provide the motivation to create and sustain high levels of activism. But attempting to transfer this to members and potential members is problematic because the latter groups do not hold the activists' convictions and do not have the activists' consciousness. Consequently, their extent of involvement and participation is far less. It is beyond the scope of this chapter to do anything other than note that for workers themselves, the 'organising' approach requires significant degrees of self-confidence and self-activity amongst workers that are usually absent, especially amongst newly-organised workers. For some sex workers then, the provision of individualised services and methods of direct and indirect representation by the extra-workplace union are often more meaningful than the notion of workplace collectivism through self-activity as per the 'organising' approach. Indeed, this is all the more the case when some groups of sex workers particularly value outreach services and defensive representation to state and quasi-state agencies. Put another way, there is a greater relevance to extra-workplace trade unionism over and above workplace unionism for sex workers than for many other groups of workers. Examples are the recourse to individual legal representation, individual representation to the police and club owners, provision of training and personal development courses as well as the collective representation of interests to local authorities, policy makers and the media. A key concern of sex workers has been to gain 'employee voice' *vis-à-vis* employers, business owners, media and government where workers seek a means of having their voice heard through a union acting in this situation as a third party. The issue of effectiveness of representation is not particularly prominent here, indicating a position of weakness and desperation. The potential of this kind of union servicing approach applies to both employed and 'self-employed' sex workers.

In common with non-sex work trade unionism that finds itself in a particular position of weakness *vis-à-vis* membership presence and organisational capacity because of transient workforces and a multiplicity of small and changing work locations, sex worker union organisation has also adopted the approach of trying to establish regimes of industry regulation. By attempting to engage sex industry employers and their business associations, political parties, and governments in tripartite social dialogue, sex worker unions have sought to square the circle of creating influence over the determination of workplace conditions of employment in the sex industry whilst having little in the way of workplace-based presence, influence and rights. This approach comprises a number of sub-components. On the one hand, the desire to

create regulatory regimes (statutory, voluntary, semi-voluntary) in themselves that determine workplace governance from positions outwith the workplace. On the other hand, the desire to create such regulatory regimes (again statutory, voluntary, semi-voluntary) that either allow the prospect of the growth in unionisation and union organisation and/or which allows existing unionisation and union organisation to punch above its social weight. Unions seek to demonstrate their value to members and potential members by achieving the creation of such regulatory regimes as well as helping enforce the regime and securing adequate resources for enforcement. As in non-sex worker union organising, employer support has been important in some cases to successful unionisation and collective bargaining. The GMB's recognition agreements in Britain are evidence of this and reflect the minority position amongst employers that sees their interests as often compatible and in common with those of their workers. Nonetheless, similar to other union organising efforts when examined on a country-by-country basis, sex worker union organising attempts have experienced employer hostility on a par with that which could be anticipated for each particular country. Thus, the severest employer hostility has been encountered in the US with relatively less hostility in Australia, Germany and the Netherlands. This reflects, *inter alia*, the differing balance of forces between capital and labour and the position of the state *vis-à-vis* its predisposition to capital and labour in terms of regulative and legislative support. One of the most obvious indications and manifestations of the outcomes of these varying configurations is the level of union density. In 2002, the US density was 13.2% while it was substantially higher in Australia, Britain Germany and the Netherlands (EIRO 2004; Griffin 2006; Jordan and Bruno 2006; Towers 2003). Finally, and in historical terms, national unions, prior to the merging of different national *trades* unions, have predominantly been the products of the aggregation of localised *trade* unions. These first unions started off hesitantly and as local and regional organisations that were specialist and exclusive in membership. There is a parallel here not just in that sex worker union organisation has often begun on a similarly small and localised scale but also that it has developed through joining with other existing union organisations, albeit already of a national and longstanding nature (see later).

### **Dissimilarities**

Social legitimacy for the recognition-cum-existence of different groups of workers as workers, and for what they do as workers, is as much an

essential pre-condition for the *possibility* of unionisation under capitalism as it is for the *probability* of unionisation under capitalism. It generates an elementary and generalised degree of self-confidence, self-worth and self-respect for workers in themselves, even if this is significantly far less than that which exists for professions and vocations. This social legitimacy is a phenomenon that is both internalised within and externalised without workers and their milieu. Few groups of other workers in society have to either go through a prior process of struggling to gain legitimacy-cum-lessening the opprobrium heaped against them before attempting to unionise or do so alongside or in concert with attempting to unionise. The epoch in which non-sex workers faced this battle concerned the beginnings of industrial capitalism when the working class was being formed. In sum, sex workers have had to start from far further back by comparison. Illegal immigrant workers experiencing racism and social isolation may be broadly comparable groups. Once such recognition is achieved, 'workers' are viewed as a legitimate social reality, even if insufficient social importance is attached to what they do and the value of their labour.

As Chapter 2 highlighted, this legitimacy has had to be fought for and is still being fought for by sex workers (and their supporters). An aspect of this struggle for social recognition is that of establishing self-ascribed identity and purpose. The identity of being different types of sex workers ('whore', 'prostitute', 'stripper', 'porn star', etc) has been largely forced on to these groups by 'society' through stigmatisation. But the search for acceptable forms of identity and nomenclature by sex workers as 'sex workers' represents an indication that they are increasingly perceiving their economic activities as constituting work in a similar way to how other groups primarily identify themselves with regard to work, and where work is the major component of economically active people's lives. By extension, the battle for legitimacy in society has also been fought for within trade union movements so that sex workers are perceived to also have the right to be workers and to unionise by many of their union brothers and sisters.

Given this context, it is therefore not surprising to find that sex workers, unlike other 'new' groups of workers who are seeking to unionise, have set much store by creating either their own union organisations or parts of organisations within existing unions. This phenomenon has arisen because a major component of the process by which sex workers have created and developed their own identity and struggle for social legitimacy has been the production of their own organisations. Put another way, there has been a necessary organisational manifestation to

their struggle. It is also not surprising that certain triggers have been required to begin the process of unionisation for sex workers. The changed legal status of prostitution in Australia, Germany and the Netherlands represented a turning point. For Britain and the US, the recent sizeable growth of lap dancing along with its relative social acceptance represent similar turning points.

Utilising non-sex workers support from professionals and external coalition building with progressive organisations and milieus have been used to support sex worker union organising at the workplace and in developing extra-workplace organisation to a greater extent than has generally been the case for non-sex worker union organising. The explanation for this concerns the relatively weaker position of sex workers *vis-à-vis* other workers in regard of their lack of legitimacy/prevalence of stigmatisation, some lack of economic power derived from not occupying strategic positions in organisations and little prior collective experience (for an elaboration of these points, see Chapter 9). There has also been a heavier emphasis on social movement unionism for two reasons. First, as a way of attempting to circumvent the absence and weakness of union presence in the workplace with regard to bargaining leverage. Through wanting to apply pressure on the workplace in regard of immediate terms and conditions of work set by employer or contractor, sex worker unionism has sought to invoke the support of others to help pressure the employers/contractors. Second, because much employment in the sex industry is subject to external non-market influence (or the consequences of it) to a greater degree than non-sex industries in the form of state regulation (over soliciting, licences to operate lap dance clubs and so on) and stigmatisation, sex work trade unionism has to turn outwards to public policy, and in its search to influence this, it has sought to make alliances with progressive forces outside the union movement. Similarly, sex worker union activists have relied more heavily on generating positive union publicity in order to reach other sex workers than has been the case for non-sex worker union organising. The relative ease by which this has been done is indicative of some movement towards more progressive sexual attitudes in some areas of society, trade unionism being susceptible to new ways of operating, and the publicity attached to matters of sex. However, difficulties experienced in external coalition building have been considerable (see Chapter 9).

### **New and existing unionisms**

Sex worker unionisation to date has consisted of a mixture of unionisation through existing and hitherto never existent union organisations.

On one side of the spectrum, this process ranges from an existing union organising sex workers primarily of its own volition (e.g. Ver.di in Germany, UNITE in New Zealand) through to an existing union amalgamating the efforts of an organisation of sex work activists within itself (e.g. GMB in Britain, LHMWU in Australia). On the other side, the process also ranges from a completely new union being established (e.g. SAA in Australia, CABE in Canada, LVDA in the US) to a new quasi-union becoming part of an existing union (e.g. Red Thread-FNV in the Netherlands, EDA-SEIU in the US). The two sides of the spectrum meet around the close proximity of an existing union amalgamating the efforts of an organisation of sex work activists within itself to a new quasi-union becoming part of an existing union. The differences across the spectrum reflect a number of phenomena, namely, the independent strength of initial sex work union milieus, the presence or absence of, and degree of, positive responsiveness of existing unions, the extent of available autonomy within existing receptive unions, and the character of trade union and union recognition legislation. Whether an existing union responds positively or not is the sum of internal debates, ideologies and power relations within the union concerned.

Broadly speaking, three configurations have occurred. First, where a sex work activist milieu is relatively strong, existing unions are deemed to be unresponsive and national legislation facilitates small and localised union organisations with rights of recognition by state and employer, new unions have emerged. Second, where a sex work activist milieu is relatively weak, existing unions are deemed to be reasonably responsive and national legislation does not facilitate small and localised union organisations, existing unions have organised sex workers. And third, where a sex work activist milieu is relatively strong, existing unions are deemed to be reasonably responsive and grant considerable intra-organisational autonomy and legislation does not facilitate small and localised union organisations, existing unions have organised sex workers on the basis of a 'partnership franchise', that is, the support and resources of a national union are given for the sex worker union activists to carry out the organising and recruiting.

Some illustration helps elucidate the categorisation and processes. In the case of the GMB in Britain, the union became responsive as a result of the work of an internal unit of organisation, the London region, successfully building alliances within a relatively federalised national organisation. Trade union law and its impact in the voluntary arena, primarily concerning union recognition and found within the *Employment Relations Act 1999*, favours existing independent trade

unions. In the US, the SEIU and HERE with their progressive 'organising' and campaigning activism have had a predisposition to be open to organising atypical and contingent workers. As in Britain, the existing union recognition law (*National Labor Relations* ('Wagner') 1935 and *Labor Management Relations* ('Taft-Hartley') 1947 Acts) and attendant voluntary procedures favour existing unions. In New Zealand, UNITE was launched in 1998 (and relaunched in 2003) as a union dedicated to organising casual and low paid workers in the service sector, concentrating on tourist and entertainment industry. This has been facilitated by the (New Zealand) *Employment Relations Act 2000* that has allowed a plethora of new, small unions that may be sectional or localised to be registered under law.

### **Forms of trade union identity and approach**

The model of trade unionism that most sex worker activists have aspired to create is one that is a robust and independent entity, utilising its own collective resource base in the workplace setting, informed by radical political economy and engaged in a project of self-actualisation. Nonetheless, the 'newness' of sex worker union organisation, as well as the inhospitable conditions under which it has variously emerged and the current weakness of sex worker union organisation, help to explain why the orientations of sex worker union organisations and their activists display a relatively wide range of forms of identity and approach. Trade unionism has a number of identities; guild, friendly society, company union, social partner, social movement and workers' union (Hyman 2001). 'Guild' is defined as an exclusive approach to establishing the status of an occupation for its membership, 'friendly society' as a mutual insurance, consumer and representational organisation for its membership and 'company union' as a cooperative productivity coalition with management. The approach of the 'social partner' identity is to seek to promote social welfare and economic policies to benefit its members and workers through a dialogue with the government, while 'social movement' seeks to provide a broad notion of representation for its members and workers through broad campaigning and mobilisation. To this can be added the categories of a) the 'workers' union' which has a constituency of its members as well as a broader constituency of workers in class terms and which pursues these interests through the lens and means of 'militant' oppositionalism, and b) the supportive social network.

In different degrees for individual organisations and in different degrees within different countries, aspects of each form can be detected. For example, the notion of a guild has been prevalent where some sex worker activists have sought to pursue the path of creating a profession as a method of attaining social legitimacy and (job) control of their work and employment. That of friendly society has also been evident in terms of a 'servicing' relationship providing individual services through collective provision. The concepts of both the 'company union' and the 'social partner' can also be detected where sex worker union organisations have sought to create 'mutual benefit' dialogue respectively with employers over 'industry standards' and corporate social responsibility, and with governments over legal reform, labour market regulation, and labour standards. Sometimes, the approach of 'social movementism', particularly through working with NGOs, has been used to try to help garner the influence by which employers, governments and state agencies can be swayed. Although the difficulties in creating such alliances have been acknowledged (see earlier), this approach holds out the prospect of allowing easier and less costly access to a number of workplaces without solely relying upon the more costly and difficult method of union activists from the outside trying to gain recruits and sympathisers in targeted workplaces. The notion of the 'workers' union' can be detected in some of the statements, contra the actions, of the sex worker union organisations. This is most apparent in the statements of the IUSW/GMB (see Chapter 6). Finally, all these different forms provide networks of cathartic and self-reinforcing mutual support (see *Respect* 2001). So in sum, trade unionism based on the workplace, and collective bargaining at whatever level, has not been the cornerstone of sex worker union organising despite some intentions. What may appear as a 'pick and mix' approach on the part of sex worker union organising (with regard to different forms) reflects a number of factors. Amongst these are that different tactics can play both similar and different roles within different union forms because each of the forms is not the property of one approach, trade unionism *per se* necessarily reflects the diversity in, and on, which it is based, *and* that different contexts and configurations with regard to the balance of forces between sex workers and employers have led sex worker union activists to deploy different means. But above all, the attempt to create robust and independent trade unionism is an extremely difficult challenge in a period of union demobilisation and the weaknesses of the forces of social democracy and socialism.

## Variations between countries

Although common, often trans-national, processes and patterns of development have taken place in the seven countries, there is still a need to account for differences between the presence and absence, and the relative strength, of the sex worker unionisation initiatives in these different countries. Differential stimuli have been occasioned by nation-state based legal reform of the regulation of prostitution and the strength of employer representation within political systems. Moreover, the continuing illegality of prostitution in the US without any prospect of decriminalisation or legalisation largely explains the absence of any attempts at prostitute union organisation (self- or extra-self-). Another influence has been the presence of the sex work discourse, where it emerged earlier in some countries (like Australia see, for example, Jackson and Otto (1984), Perkins (1991), Perkins *et al.* (1994)) and the US in the 1970s (see, for example, the writings of Margo St. James and COYOTE) but later in some others albeit in a marginalised way (like Britain and Canada in the 1990s), leading to earlier attempts at unionisation as well as a greater durability to the discourse (see Kantola and Squires (2004), Outshoorn (2001)). By contrast, the sex work discourse has been virtually absent in Italy and Spain, helping to explain the absence of attempts to unionise sex workers there. The influence of national women's and feminist movements has also been a feature in accounting for inter-national variation. Outshoorn (2004a) demonstrated that women's movements in 11 countries (which included five of the seven countries under study in this book) have had widely differing agendas, priorities, orientations and mobilising capacities with regard to prostitution. Consequently, they have provided different environments for, and varying degrees of support, ambivalence and hostility to, the project of sex worker unionisation. Another aspect to the influence of the women's movements has been not only their differential rises, falls and experiences of fragmentation, and thus any capacity to support or impede the project of sex worker unionisation, but also the extent to which their 'members' have then adopted the practice of 'state feminism' by which they sought to gain policy goals by engaging with the legislative and lobbying process. Where the latter has taken place as in Australia and the Netherlands, feminists have ignored the attempts at direct action or self-activity in favour of a ginger-group strategy. This has implications for the levels and types (e.g. parliamentary/extra-parliamentary) of support that may be available to sex worker union projects.

## Nude modelling

While the stated purpose of drawing (or sculpting) nude models is not sexual pleasure and neither is the product of these endeavours, there are a number of similarities between nude artistic modelling and sex work that make it salient to examine an organising attempt by nude models. The naked body, its form and sexuality, is used as a means of earning a living; there is a crossover with sex work in regard of the image of bodies being used for some sexual satisfaction; and the issues surrounding the conditions of work are similar in regard of issues of privacy, respect and dignity as well as the importance of physical surroundings (quite apart from the more generic issues of remuneration and job security/tenure). In the 1970s, nude art models in north-west England and at the San Jose State University in California (*Newsquest Regional Press* 12 January 2001; *Associated Press* 31 December 1979) went on strike for improved terms of employment while in 2002 the Figure Models Guild was established in Canada as a largely professional body (*Hamilton Spectator* 9 May 2003).

Following this, several dozen models that posed nude for art students in Philadelphia established the Philadelphia Models Guild in mid-2002 to campaign for improved wages and conditions. Models were employed as independent contractors, the hourly pay rate ranged between \$9.50–£12 without health insurance, and dressing rooms were often bathrooms. The demands included \$15 per hour pay, health insurance, proper changing areas with lockers, screens for privacy within the classroom, adequate heating and ventilation, and clean classrooms with cushions for support during posing. Alongside these were claims for an end to gawking and to be treated professionally. Two activists approached the American Federation of State, County and Municipal Employees (AFSCME) to seek advice on forming a union. The approach was met positively by the local AFSCME organiser. A year later 13 models employed (designated as working sufficient hours to be employees by the NLRB) by the Moore College of Art and Design voted on union recognition. The college contested that the models were employees and by letter urged the model to vote against union recognition. However, seven of the 13 voted for recognition through District Council 47 of AFSCME. AFSCME then began contract negotiations which would in effect set wages and conditions for the 60 models used by the college as well as organising drives amongst several other art schools in Philadelphia employing several hundred models. Unionised nude models at the Alberta College of Art and

Design in 2005 secured pay rises in a three-year contract (*Calgary Sun* 23 November 2005) after a similar mobilisation to that in Philadelphia. The particular salience of this Philadelphia case lies in the nature of similarities to the working conditions of exotic dancers. It neither proves nor disproves that dancers are capable of unionising *per se* any more than the San Francisco Lusty Lady does but suggests that under certain conditions minorities of workers are capable of exercising collective workplace self-agency.

## Discussion and conclusion

Although the extent of sex worker unionisation in Britain stands out, the present extent of overall sex worker unionisation in the seven countries is regarded by some academics, feminists and trade unionists as insignificant and irrelevant. This is believed to bring into doubt the validity and worth of the project of sex worker unionisation. For example, German university professor Berndt Keller, commented of Ver.di that: 'There are probably more relevant issues than organising prostitutes. ... It takes a lot of effort and resources, and I'm not sure this is a wise decision' (*International Herald Tribune* 28 April 2004) while American university professor Donna Hughes claimed 'unionisation of "sex workers" [i.e. prostitutes] is a leftist fantasy' (2004a, 2004b) and the editorial in the *Calgary Herald* (14 October 2004) dubbed the CGEL as a 'hooker union ... [with] political correctness run amok' (see also Hughes (2002), (2003a), (2003b), (2006)). Meanwhile, sex work advocate, Bruckert (2002:100) argued that 'traditional forms of labour action do not always lend themselves to all labour conditions'. The impact of these comments has not been offset by the few examples of academics or journalists welcoming the unionisation of sex workers as a way of providing interest representation (see, for example, *Calgary Herald* (9 October 2004), Chun (1999) and *Prospect* (summer 2001), *Las Vegas Review-Journal* (10 August 2005)).

However, the basis of this collective view of irrelevance is not necessarily problematical when one considers that sex worker union organisation is in an embryonic form from which it is anticipated that there are some reasonable, though by no means uncomplicated, prospects for further growth and development. Nonetheless, the issues concerning what implicit comparisons and expectations are being used by the various commentators to make such judgements needs addressing. Here, we can posit the weakened contemporary trade unionism and, in particular, the atrophy and stasis of trade unionism in the private service sector in the seven countries under

study, means that the extent of sex worker organisation needs to be held in regard of the very difficult conditions for trade unionism *per se*. To this we can add that the last 30 years has seen a downturn in the level and intensity of class struggle and only relatively recently are there now some weak signs of trade unions as *existing* collective organisations attempting to revitalise and renew themselves. In this context then, the achievements of building the current extent of sex worker organisation are a little more significant than at first sight may seem to be the case. The time to deploy the kind of quite exacting comparisons and benchmarks that lead to assessments of insignificance and irrelevance is not now but arguably in 20 or 30 years' time. Another way of considering the issues at hand is to say: 'Can the advances documented and analysed here become anything more than just interesting aberrations?' 'Can they move from being merely embryonic of a hoped for wider unionisation of sex workers to become nascent or mature of an actual union movement of sex workers?' The terminology used here is to reflect that an embryo is an organism that cannot survive on its own (or outside its parent body) while 'nascent' is used to infer a state of birth and growth through childhood and 'mature' a state of adulthood. To answer these questions in an affirmative manner, what would this take? A simple answer would be the deepening and broadening out of the processes that are already in train. The tasks facing sex worker union organisation are to develop the leverage that can be exerted through the labour market in terms of labour scarcity, through disruptive capacity to the delivery of sex work and through political influence. While this is formally correct, it suggests that the necessary process is one of only a quantitative dimension. However, such would be the necessary extent of the deepening and broadening that this would in fact suggest that the process would also be one of a *qualitative* transformation. Here, it is being suggested that the creation of anything approaching a significant self-organised union agency of, and for, sex workers in any of the seven countries would signify that a critical threshold had been passed where the sex worker members and activists move from representing something more akin to a network, however tightly constructed, and become something more akin to a movement. A network here suggests union members located in relatively small numbers scattered across a variety of locations and with relatively weak links to each other. In these circumstances, a network can exercise relatively little power and influence. A movement suggests a

more cohesive and implanted force that is of sufficient numerical presence in countless locations that can exercise relatively more power and influence. With this in mind, the next chapter examines the obstacles that lie in the way of the realisation of this kind of project.

### **Note**

- 1 A small number of academics in the late 1970s/early 1980s independently began developing the perspective of viewing prostitution as work rather than deviancy (e.g. Foltz (1979) and Goldstein (1983)). However, this does not appear to have had any detectable influence on the genesis of the sex work discourse by practitioners and their supporters.

# 9

## Barriers to Organising

### Introduction

While *qualitative* significance can be attributed to the emergence of the first instances of sex worker *union* organisation in Australia, Britain, Germany, the Netherlands and the US in regard of the relative ‘underdevelopment’ of comparable organisation in Canada and New Zealand (and elsewhere), this cannot be correctly done without at the same time also locating this phenomenon in the context of the *quantitative* sparseness of the overall extent of this development. Although speaking of COYOTE and PONY in the 1980s, Plachy and Ridgeway’s (1996:34) observation is equally applicable to sex worker union organisations of the 1990s and 2000s. They commented: ‘The reality beyond this [sex work] debate is that only a tiny minority of sex workers have ever heard of these organisations’. Alternatively, and speaking of the 1990s, Altman (2001:102) argued: ‘Most people who engage in sex for money have no sense of this [the sex work discourse] comprising their central identity, and they may well be repelled by attempts to organize around an identity they would strongly reject’. Similar points about the degree of representative-ness by those who subjectively see themselves as sex workers for all those who are objectively sex workers have been raised by others (e.g. Bernstein 1999:111; Zatz 1997:283). Therefore, and in conjunction with the previous chapter, this chapter examines the forces and processes that have served to act as barriers to the unionisation and union organisation of sex workers. This serves to temper the rather overblown message emanating from the celebratory tone of some sex worker advocates and commentators:

*Since the 1970s sex worker organisations have sprung up around the world, from Thailand to Germany, Zimbabwe to the USA, Canada to the*

*Philippines, as prostitutes, dominatrixes, strippers, telephone sex workers, porn talent and sex worker activists mobilize internationally to protest the insupportable working conditions, legal indignities, and social stigma that most sex workers continually endure. (McClintock 1993b:1)*

*Sex workers' rights groups have generally been growing in strength in recent times, and there are now many national groups in the western world. (Brewis and Linstead 1998:238)*

*Collective action, not to speak of trade union organization, among sex workers is a new development, of the last thirty years. ... Sex workers' organizations now exist in most countries in the world, increasingly in the form of unions. (Gallin 2003:1, 14)*

The manner in which this chapter carries out this task is not simply to suggest that, on the one hand, there are 'helpful' factors and, on the other hand, 'unhelpful' factors, and somehow putting the two sets of factors explains the presence and absence of sex worker union organisation. Nor is it to suggest that by using the term 'barriers', it is to imply that these stand in the way of further growth and development of sex worker union organisation where it is believed that there is either an inevitability to further growth or development or that the processes of agency and history are uni-linear or uni-directional. Moreover, using the term barrier is not to suggest that these factors have only been put in the way by others external to sex workers. Rather, many of the barriers are presently to be found within sex workers as they are presently constituted. Indicative of this nuanced perspective is that the term 'underdevelopment' has been used throughout in parentheses. This perspective suggests that there is a complex interaction between the forces of and towards collectivisation and organisation (unionisation) and forces of and towards atomisation and disorganisation (non-unionisation) which is of a different magnitude, balance and complexion for the different sub-groups amongst sex workers and within the different countries. The chapter is structured around answering two major questions: a) What explains the general sparsity of sex worker union organisation in the countries under study, and b) What explains the *relative* sparsity of sex worker union organisation amongst prostitutes, porn models and actors and sex chat line workers compared to exotic dancers (lap dancers and strippers)?

One important qualification is necessary at this point. The following discussion of barriers to unionisation should not be taken

entirely as *prima facie* barriers to unionisation for a number of the practices and phenomena examined below are not incompatible with unionisation *per se*. For example, individual coping strategies are used by those with propensities to collectivise as well as by union members and non-union members alike and those antipathetic to trade unionism. The differences concern the relative importance attached to the *modus operandi* of individual grievance solutions and to worldviews which stress collectivism and radicalism, even of an instrumental, rather than ideological, manner. So, the crux is not whether individual sex workers portray the various characteristics outlined below so much as what are the relative strengths of these phenomena and convictions amongst sex workers and whether they are prioritised over, and to the exclusion of, those which are the stock-in-trade of collectivism (see previous chapter).

### **Barriers of a generalised nature**

The following discussion is divided into a number of sections in order to attempt to isolate, for the purposes of analysis, a number of the most important themes and issues which are salient to explaining the creation and existence of generalised barriers to sex worker unionisation. However, the complexity and diversity of the social processes that produce the absence of sex worker union organisation are such that many of the themes and issues are overlapping and intimately connected. One set of generalised barriers that is not discussed is that concerning current union weakness throughout the western world as a result of the growth of both employer and government hostility since the late 1970s. This is not because these are unimportant. They are. Sex workers are affected by the prevalence of anti-union attitudes in that they can subscribe to them and be subject to them. Moreover, the greater degree of susceptibility of younger sex workers to these forces is often greater for they have had no prior inoculation and more often do not possess the attitudinal and behavioural traits to resist these forces. However, discussing these would entail a sizeable detour to cover well-trodden ground that has been dealt with elsewhere. (In the context of sex work, see Chun's (1999:244–8) discussion). Moreover, because the idiosyncrasy and specificity of the sex industry and sex work, in terms of identity and occupation, are sufficiently strong, new and uncharted, it occupies the whole focus of this work.

### The 'sex work' discourse

The limited extent of the presence of the 'sex work' discourse amongst sex workers as well as within wider society is decisive to explaining the limited development of sex worker union organisation to date. This may seem almost too obvious to mention but it is, nonetheless, critical to understanding the foundation of generalised barriers to sex worker unionisation. Knowledge of, if not concurrence with, the 'sex work' discourse is *likely* to be a necessary prerequisite for the *possibility* of unionisation (see Chapter 8). Most obviously this is the case with the various types of sex workers studied in Chapters 5, 6 and 7. Awareness and agreement may provide the ideological and attitudinal resources needed to generate a willingness to set up a union, join a union or be active within a union. For example, the early relative prevalence of the sex work discourse in Australia (Boyle *et al.* 1997:x, 8) is congruent with the early developments in the unionisation of sex workers there. At most, the sex work discourse helps lessen the individually internalised way in which sex workers experience stigmatisation and helps increase the degree of self-confidence of sex workers through legitimisation. Without it, low measures of self-esteem and self-belief are likely to exist along with high measures of self-loathing as many sex workers will view the sex work they do as degrading, unchaste and immoral. Its absence in helping account for low levels of self-esteem is compounded by the relatively poor educational background of most sex workers leading to a tendency of a lack of awareness of actual and philosophical rights and entitlements. It is thus clear that the 'sex work' discourse is not found amongst a majority of sex workers. We can recall the situation in Germany where unionised prostitutes rejected their proposed contract because it involved loss of anonymity following their public uncovering as sex workers. Here, we have a 'Catch-22' situation, where the resolution of strongly held grievances through unionisation requires a step that many sex workers are unwilling to take. The same problematic situation exists in the Netherlands. A further aspect is worth exploring. To openly operate in public spheres of life as a sex worker requires high levels of personal and political confidences. These are not provided by the sex work discourse *per se* but they are augmented by this and some types of advanced left-wing political consciousness. Recognition of the sparseness of these confidences is highlighted by most prostitutes preferring to call themselves 'working girls' or 'working women' and denoting their economic activity as 'work'. This avoids explicit refer-

ence to what they do as *sex work* for fear of stigmatisation and harassment, and it invariably does not make a connection with their work as labour or of them as workers/wage-labourers with rights of workers and labour.

Awareness, sympathy and some agreement with the discourse are also necessary amongst other groups and milieus in society, be they unions, policy makers, 'public opinion' and so on because ignorance of, disagreement with or hostility to the 'sex work' discourse constitutes another barrier to unionisation even where some sex workers promote the discourse. The absence of the discourse amongst these non-sex worker milieus means obstacles to not just the self-recognition and self-consciousness of being a sex worker but also obstructions to setting up a union or joining a union from those that can, or are needed to, play a helpful role. It suggests the incurring of costs to those that are (subjectively) sex workers.

The specific wording 'the "sex work" discourse is *likely* to be a necessary prerequisite for the *possibility* of unionisation' was used above because there is a complexity to the sex industry that requires this form of expression. Sub-sex industry or sub-sex work identities exist within the industry/sex work. The most obvious schism is between those who sell actual sex and those who do not (see below). Thus, those in the sex industry often differentiate between prostitutes, and any other sex workers who also sell actual sex in addition to their main sex work activity, on the one hand, and those sex workers that do not actually sell sex such as lap dancers, dominatrixes, sex chat-line workers and so on, on the other hand. It matters not that this schism depends on a certain and problematic definition of what sex is. The salience of this schism is that most lap dancers, table dancers and strippers are not keen to use the term 'sex worker', preferring the term 'exotic dancer' to establish their own specific identity and to distance themselves from prostitutes (whom they often stigmatise (see, for example, Bruckert 2002:137)). From Chapters 5, 6 and 7, it is clear that exotic dancers have shown a higher propensity than other sex workers to unionise and collectively organise. Therefore, the full discourse of sex work is not necessarily a prerequisite for the *possibility* of unionisation in that the exotic dancers see what they do as work but not wholly in terms of sex work as described in Chapter 2. What this specifically means is that exotic dancers may either use certain parts of the sex work discourse and/or use the discourse without agreeing with the follow on definition of who comprises 'sex workers'.

### **Rewarding labour**

However, there is also another sense in which the sex work discourse within sex workers' consciousness is not necessarily a prerequisite for the possibility of unionisation. Indeed, the reverse is true: part of the sex work discourse is potentially antagonistic towards the need for, and rationale of, unionisation. The aspects of the discourse which stress the legitimacy, professionalism, fun, necessary skills, socially useful service provision, degrees of control, enjoyment and fulfilment of sex work at first sight are unlikely to conceptualise a role for trade unionism. This is particularly so where trade unionism is seen by some sex workers (who believe that much sex work and their sex work has the positive components outlined above) as being for those who experience problems and hardship in their work and at their work. Alternatively, there is the part of the sex work discourse which stresses the element of personal and individual freedom and choice of women (and men) becoming sex workers. The more militant version of this standpoint stress the individual right to be a sex worker in a way which is counter-posed or ambivalent to the rights of other sex workers. Whatever particular standpoint is taken, considerable significance is attached to relatively good pay for short working hours and the flexibility of working time, compared to routine jobs which are poorly paid and monotonous like waitressing, shop work or bar work<sup>1</sup> (see also Dodds (1997), Kay (1999), Sanders (2005a:17–19)). The cash-in-hand nature of much sex work means that paying tax and compulsory health contributions can be avoided so increasing the relative worth of earnings and wages. There are clearly some sex workers who, to use conventional terms, report they are well paid, enjoy good working conditions, have employment stability or security and enjoy their jobs. Again these are not the conditions that easily lend themselves towards the creation of a trade union presence. But if these expectations are dashed and material conditions no longer support such perceptions, then there may develop a view that trade unionism is necessary to help achieve the desired outcomes (see Chapter 8).

### **Self-employment, proximity to the market and self-exploitation**

When any popular discussion of unionising sex workers takes place, it is usual for participants to think primarily of sex workers as comprising prostitutes. This leads to the obvious point that prostitutes are seen to be, by and large, not employed, but are self-employed or are independent contractors. They have no boss or employer. For example, Rosen (2001) commented that: 'Sex in the new economy is just another out-

sourced job perfect for the independent contractor'. The implicit point being made is that the problem for trade unionism here is that the traditional (semi-permanent) bilateral relationship between worker and employer upon which trade unionism conventionally depends does not exist so there is no bargaining partner to deal with. Further, another implicit point also being made is that sex workers as individuals deal directly with their contractors, whether these be 'service providers' (e.g. porn makers or stripclub owners) or the actual end-users (e.g. customers of prostitutes), negotiating the terms of the exchange. Both can be expressed as close proximity to the market or direct presence in the marketplace, where the sex worker is not just a 'producer' of services but also the 'seller' of those services. If this perspective is applied more generally to sex workers, it has relevance, suggesting that both the absence of employed status, and an employer as a focus for organising against for the resolution of grievances, are key bulwarks against unionisation. One point made which is intended to bring this perspective into sharp relief is that sex workers 'cannot withdraw their labour', that is, go on strike and use this as an economic weapon against their employer.

However, this kind of assessment misconceives the role trade unionism can play as a result of an overly narrowed conceptualisation. Certain groups of sex workers like brothel or escort agency prostitutes and lap dancers have either *de facto* employed status or the semblance of *de facto* employed status as a result of the regulation of their work and price of their services by a unit of capital. From this relationship, there is an agent to organise against and this agent determines their working conditions. Therefore, there is the potential in this situation, as much as in any other, for collective pressure to be exerted to influence working conditions. It can be deduced that either the issue here is one of subjective perception and not objective reality, or there are other salient and distinctive factors that appear to manifest themselves as this particular factor in some commentators' assessments. That said, the relevance of non-employed status and/or directly negotiating the terms of exchange where there is only a bilateral customer/customer-sex worker relationship as a disincentive to unionisation is greater for some prostitutes (street prostitutes, individual 'call girls') and for some pornographic models and actors/actresses. Despite the operation of market rates, standard rates and degrees of collective self-regulation, a personal and individualised responsibility exists for conducting the negotiations for the fee and for the outcome of other aspects of negotiations.<sup>2</sup> This places a greater degree of emphasis on

the individualisation of the employment exchange. The ramifications of having to deal with many customer relationships in this situation, as opposed to a continuous and solely occupying relationship with the same customer, adds to this personal responsibility because of the lower level of customer dependency on each sex worker. It, therefore, appears that the individual prostitute or porn model or actor/actress is responsible for their own 'fate' here. Despite this, is not the case that there is no potential role for trade unionism to help determine these negotiations and their outcomes: it is nonetheless difficult, though not impossible, to envisage the creation of the means to establish such a mechanism.

In the particular cases of prostitution and pornography already referred to, the specific configurations are slightly different. Whilst the prostitute exchange is a relatively short, delimited and self-contained one, that which exists in pornography may not necessarily be, for several consecutive days' work may be involved or a series of jobs (shoots, films) contracted for. This assessment exists on the wider foundation that the prostitute exchange is directly with the customer while the pornographic one is not, for the value of image(s) of the model must be realised through reproduction and sale by pornographers. Here the differences concern the extended and more complex relationships of interdependence between actress/model and pornographer where there are more strategic points to which the model can exert pressure in terms of cooperation and consent to work and to work as directed, albeit these are subject to external influences such as slack labour markets. Nonetheless, in the cases of what are disparagingly referred to as 'common prostitution' and in the majority of pornographic work (i.e. single, one-off contracts), the relevance of non-employed status and/or dealing directly with negotiating the terms of exchange is high in terms of disincentives to unionisation. But even here, as Chapter 8 suggested, there can be a trade union role to influence setting the price of labour in the external labour market. What makes trade unionism seem irrelevant or inappropriate is the poverty of imagination stemming from a low-level of trade union consciousness (sic). Of course, there are many dimensions to, and explanations for, this and these are found throughout this chapter.

One of them is the view held by some sex workers that they are not exploited but in fact doing the exploitation as well as benefiting from it. This is more than just believing that the pay is better than can be gained elsewhere for low paid, routine jobs (see previous section on 'rewarding labour'). It is a view that sex workers, primarily women, are taking advantage of the sexual, emotional and personal inade-

quacy, and inexperience or unfulfilled desires (and associated guilt) of customers, predominantly men, to gain considerable financial reward, that the work involved is little and of a short duration and that during these transactions the sex worker is in control, determining the content and manner of the service which has been paid for. Some sex workers have argued that once the terms of the transaction are agreed, the degree of power that passes to the sex workers vastly increases. Consequently, the sex worker has power over the customer. This perspective would, if pressed, only be able to accept a version of exploitation through the notion of self-exploitation but even this is intimately bound up with exploitation of market opportunities, self-interest and self-aggrandisement (see below for a further discussion). The notion of women's oppression would not feature in this individualised perspective.

The notion of self-employed or independent contractor status being closer to the market has a number of significant ramifications related to job security and the existence of collective self-confidence. Being employed can potentially provide a relative buffer against unemployment, and the fear of it, where an organisation with sufficient resources and a longer-term perspective can weather a short downturn in its market environment (broadly defined) because it may not seek to respond to the downturn immediately and with redundancies. Of course, any similar organisation that does not employ workers but hires them as self-employed or independent contractor may also choose this path. But there is a greater pertinence to the contrast when transferred to the sex industry. Many businesses in the sex industry are *relatively* small organisations that depend upon direct and immediate exchanges with customers to produce revenue and thus profits. Downturns in trade are more immediately obvious and significant for them. The ease and cheapness of dispensing with independent contractors to respond to downturns in demand and profits as opposed to the problems of time and cost in making employed workers redundant are then quite stark. Given even the most basic levels of employment protection legislation and worker redundancy compensation for employed workers in deregulated economies, the benefits to businesses to operate in this way are magnified while the impoverishment, and the fear of it, for self-employed or independent contractor sex workers are considerable. In this situation, fear of destitution has predominantly bred subordination.

The issue raised earlier of not being able to strike against one's employer is not so straightforward as it might seem at first sight.

Workers who are employed are able to withdraw their capacity to labour and to do so in a way which *seems*, all other things being equal, to be more effective because they are employed. But the effect of striking is not measured in (employment) contractual terms and being employed is not the *sine qua non* for striking. It is measured in its ability to deprive the employer as a business of the necessary labour to produce profitable goods or services. Thus, those who are independent contractors like exotic dancers or brothel prostitutes are still capable of exerting this form of economic leverage. The ability to do so revolves around collective consciousness and organisation in the context of the state of the labour and product markets. On the other hand, the ability to strike has often been fetishised because of the unwillingness to recognise that other potential means of exerting economic leverage through mobilisation exist. These do not concern so much attempting to organise consumer boycotts but instead trying to prohibit entry to an establishment that has customers like a sex club. A picket is the most obvious tool here. So the issue about being able to exert economic influence does not depend on the ability to strike *per se* but on the ability to hurt a party which is dependent on labour and customers to realise profit. And here street prostitutes and 'call girls' are without obvious means, but this is not the case for other groups of sex workers.

The conclusion to this assessment of the existence of, and the various implications flowing from, self-employment, proximity to the market and self-exploitation is that what can be termed 'objective reality' and 'subjective reasoning' vary in a way that makes the outcome of their interactions potentially diverse. But it is, nonetheless, evident from the widespread absence of sex worker unionisation that the dominant configuration of the outcomes of the relationship between 'objective reality' and 'subjective reasoning' is one heavily skewed towards non-empowerment through non-collectivisation. Arguably, the most important component in the determination of dominant configuration is the agency of sex workers. Sufficient terrain has been identified on which sex worker union could exist that it becomes largely an issue of recognition of this and mobilisation thereafter. To recall the process of how unskilled and semi-skilled workers like casually employed or self-employed dock or building labourers unionised as a means to exert some influence over their working lives is to reinforce this, namely, that militant consciousness and militant struggle are required, albeit this is problematic to achieve.

### **An individualised labour process**

The individualised nature of the labour process and the relative absence of the 'collective labourer', defined as collectives of workers engaged in collectively producing a good or service as a result of the division of labour, are important factors in explaining the seeming irrelevance of trade unionism felt by many sex workers. Some sex work is highly individualised where the whole service or act of labour is performed with little dependence upon, or interaction with, other sex workers. Obvious cases are the stand-alone prostitute (street or outcall) or the home-working sex chatline worker. Other sex work does not involve collective labour but is carried out in proximity to, or alongside, other sex workers, e.g. sex in a brothel,<sup>3</sup> lap dancing in a club or sex chatline work in a call centre. Here individual sex worker's service delivery and performance are seen to be their own responsibility. In these cases, the only common labour (cleaning, laundering, administration) or time spent with fellow workers is relatively incidental to the main activity of selling sex and sexual services or dancing even though the sex workers have an identity with the establishment and work in a workplace alongside others. Even where work is collective like a porn film, the emphasis can still be heavily and visibly focussed on individual performance. What appears to make the labour process even more individualised is that the size of establishments is predominantly small and this has the tendency to help prevent a relatively strong sense of workers' collectivism developing. Another aspect of the individualisation of the labour process concerns the direct sex worker-customer relationship and the responsibility of the sex worker for the exchange value of the relationship (see above).

### **Non-union methods of interest representation**

A common disincentive to unionisation is often the prevalence of non-union methods of interest representation, whether initiated by workers or employers. The most obvious means is the continuation of the many sex worker advocacy and pressure groups (see Chapter 4). Their sustained presence is testament to some degree of utility where sex workers continued to be weakly constituted as an occupational group. In terms of collective non-union workplace representation, 'house mothers' either specifically employed by the clubs or as a result of dancers who informally take on this role can provide a form of voice, grievance and dispute resolution and general interest representation. While this method lacks the greater independence of a union, it avoids the risks to sex workers associated with unionisation because of the

perceived union threat to the employer, club or business. Two of the most obvious means of non-union representation are the work of sex work health and education groups that provide advice and access to resources, and the role of pimps/partners. In the porn industry in the US, for example, the AIM Healthcare Foundation provides a bespoke HIV testing services for porn workers. While pimps in prostitution exploit and oppress their prostitutes in a number of ways, ironically, they can also provide for physical and emotional protection for 'their' prostitutes from customers, police, other prostitutes and other pimps. In pornography, actresses and models tend to be accompanied by partners when working to provide some form of security. These partners also play the role of business agents and managers. However, what needs to be recognised is that the existence of such support groups and use of pimps and the like is not even across the seven countries. For example, in Australia and New Zealand, pimping is not a widespread phenomenon and more prostitutes work on their own. Another variant of this protection is prostitutes working together – that is in close proximity – in flats (see, for example, Whittaker and Hart (1996)).

There are also methods of attempting to exercise collective influence through petitions and lobbying. In exotic dancing in the US, class lawsuits have been filed by dancers with largely successful outcomes (see Chapter 7).<sup>4</sup> While registering a degree of success on a single issue such as stage fees and while again avoiding the risks associated with unionisation, this method lacks the potential solidity and forcefulness of union representation across a range of issues and is not without risk itself. Machen (1996:183, 189) highlights examples of employer retaliatory counter-actions in exotic dancing. Another mechanism is that of boycotts of clubs with poor reputations for working conditions, whereupon dancers are urged to avoid certain clubs for their own good and that of dancers overall. The thinking-cum-hope behind the boycott is that clubs will either be forced out of business for lack of dancers or be forced to improve their working conditions in order to attract and retain dancers. Sometimes these boycotts are informally organised through word of mouth, sometimes they are more formally organised through websites like <stripperweb.com> in the US where dancers are encouraged to contribute their views and ratings of clubs. In Britain, the US and Canada, a similar phenomenon is presented with websites for dancers (<mypole.co.uk>) and for escort prostitutes (<escortsupport.com>, <escortwatch.org>, <saafe.co.uk>) and male sex workers (<hookonline.org>) where in chatrooms they can contribute their views and experience. These websites also contain advice on personal

safety, safe sex, web design, marketing, training, job vacancies, finance and law. In addition, sex workers' views have been represented through magazines such as the defunct *Danzine* (1995–2003) and the new *Spread* (2005–). No matter the incompleteness and weakness of these forms of interest representation, their existence provides a qualitatively easier means of interest representation because they do not involve or necessitate the large amounts of effort expended by union activists to begin a unionisation project. A variation of this form of collective action with regard to street prostitution is collective price setting and enforcement as well as websites for prostitutes written by other prostitutes on how to avoid arrest and what to do if arrested. 'Ugly Mugs' schemes are another example. These examples continue the methods of some of the earlier prostitutes' rights groups. Although not entirely antipathetic to unionisation, forming political groups and coalitions for the purposes of standing in elections is a method that is not dependent upon unionisation and has been attempted in Britain and Canada as a means of propagandising and agitation.

However, more prevalent than any of these would appear to be the largely individual-based personal coping and distancing mechanisms to deal with the potential and actual trauma and danger (emotional, psychological, physical) involved in sex work. These range from creating work identities separate from non-work identities, screening of customers, use of gatekeepers, drug and alcohol use, making customers orgasm quickly, establishing body exclusion zones and personal codes of conduct, developing skills to take as full advantage of the customer as possible (or believing this to have happened) and humour (Brewis and Linstead 2000a, 2000b; Bruckert 2002; Flowers 1998; Lewis 1998b; Murphy 2003; O'Connell Davidson 1995, 1998; Oerton and Phoenix 2001; Pasko 2002; Plumridge 2001; Sanders 2004a, 2004b, 2004c, 2005c; Thompson and Harred 1992). Sanders (2005a), with regard to indoor prostitution in Britain, provides a classification based on precaution, screening, deterrence and protection. Another aspect of non-union methods of interest representation is that of individual resistance, where the sex workers appear to 'play games' with customers to ridicule, unearth and admonish them. For example, Flowers (1998) provides many examples of this practice of 'kicking against the pricks' in her study of sex chatlines in the US.

The relative sparseness of trade unionism amongst sex workers suggests that the effect of coping and distancing mechanisms implicitly present sex workers with a question of the following nature: 'What could a union do that we cannot in terms of exerting control over our

work and working lives?’ Because of a poverty of imagination and vision, seldom is the question actually asked: ‘How could a union enhance the level of control that we have?’ Coping and distancing mechanisms *per se* do not obviate the need for unionisation nor stop unionisation for unionised sex workers also deploy them. The difference between the two strategies would appear to concern three points. Firstly, unionised sex workers want to exert further control than that which they can exert individually. Secondly, unionised sex workers do not regard the individualised mechanisms as an alternative or substitute to unionisation. Thirdly, the focus of unionisation tends to concern issues (remuneration, physical working conditions, management) that are different from those that are the focus of coping and distancing mechanisms (interaction with individual customers). Of course, the particular manifestations of these points varies for sub-groups depending on the material conditions of their work, where the position of street prostitutes can be contrasted to that of exotic dancers. Thus, coping and distancing mechanisms are not so much alternatives or substitutes to unionisation because they cannot seek to replicate the potential of union representation. Rather, they can be seen, *inter alia*, as logical and rational responses to the unavailability of effective unionisation in terms of the supply side of trade unionism. In this context, the coping and distancing mechanisms are most likely to have the effect of limited displacement and dissipation of any latent desire for unionisation.

### **The informal economy**

There are a number of aspects of the informal economy that have bearings on unionisation. The clandestine, and often illegal, nature of sex work and the conditions in which it is conducted, in addition to the prevalent stigmatisation, have not inclined sex workers to wish to openly proclaim what they do for a living to others. Rather, they seek to maintain their anonymity. This includes joining a public body such as a trade union or prostitutes’ right group. Other indications are not wishing to be registered to pay tax and health contributions. Partly resultant of this informal status are the prominence of various forms of a) threatened and actual violence and abuse as forms of control by pimps and agents in some sectors of the sex industry (see, for example, *Daily Record* 20 October 2004; *Observer* 3 October 2004; *Scotland on Sunday* 12 September 2004), and b) the absence of bodies of state or self-regulation of the trade of the industry (save weak examples in Australia, Germany and the Netherlands). The former work to crush

dissent while the latter precludes protection from violence and intimidation and prevents the existence of a lever that may be of use in attempting to exert influence with employers. Related to the nature of the informal economy is the prevalence of drug and alcohol abuse and dependency amongst some sex workers, particularly prostitutes and street prostitutes. For example, in Glasgow, the City Council estimates that 97% of street prostitutes in Glasgow are intravenous drug users or working to support other users (*Daily Record* 10 February 2004). The import of this abuse and dependency is that it reflects, and contributes, to further stigmatisation and marginalisation. Such unstable and fragile patterns of work and existence are not conducive to building union organisation. Finally, the informal nature of the sex work labour market means that its boundaries are not tightly defined, or delineated from others, so people move in and out of sex work and between sub-sectors, again creating churn and instability.

### **Sex work as enterprise**

Throughout sex work in general, but particularly in prostitution and pornography, there exists a strain of entrepreneurship amongst sex workers (see, for example, Lane (2000:112–13)). The most appropriate way to examine this issue is to begin with two premises; that entrepreneurship is contrary to the concept of ‘the worker’ and that entrepreneurship is contrary to trade unionism. But in discussing these premises, ample recognition must be given to the diversity of thought that exists throughout what we can objectively term ‘sex workers’. The self-employed and self-conscious entrepreneurial sex worker who does not employ or control any other sex worker or support staff would seem to be inimical to the concept of the ‘worker’. This is not because in any sense they might be said objectively to own and control the ‘means of production’, that is, their bodies. Rather, it is because they display subjective tendencies towards an individualism that seeks to amass monies to be able to either start up a business within the sex industry or to leave the industry and then set up a ‘mainstream’ business. Usually, this is seen in terms of individual liberation. Such a perspective of wishing to own a business and operate in the market as a single unit of capital and do what is necessary to get to this position would then seem to also be inimical to the purpose and practice of trade unionism. As *simon-pure* constructions, there is much evidence that these positions can be found amongst some sex workers as might be expected, these being prostitutes and models and actors/actresses in pornography.

However, there are also a number of other perspectives amongst sex workers which have some features in common with the inimicality to 'worker-ism' and trade unionism but also possess a number of other features that do not. A major instance concerns prostitutes who do 'in-call' and 'out-call' work. They will quite often term themselves 'working girls' but also talk about their 'right to do business' and how they operate skilfully in the marketplace concomitant with being against state intervention because it interferes with their ability to take advantage of market opportunities. They see the state as a force for controlling them while the market is a force for their freedom and their control. Day (1996) suggested that, in the case of prostitutes in London, this represents what can be called 'radical individualism'. In this case, the discourse of the worker is drowned out by that of the entrepreneur. Phoenix (1999) and Brewis and Linstead (2000a, 2000b) also record that there is the use of the language if not discourse, of the free market and libertarianism against state regulation. However, the gap between the worker and the entrepreneur can be relatively smaller than might at first seem the case. Some entrepreneurially minded self-employed, stand-alone sex workers conceive of themselves as such small and vulnerable businesses that they require support to conduct their businesses and collective organisations such as trade unions can provide this role where trade unions are prepared to engage with prostitutes of these mindsets on this 'small business' terrain. Examples of this tendency were found in Australia, Britain, the Netherlands and the US. In this situation, some non-unionism or anti-unionism here may be of an instrumental, rather than ideological, nature.

Examining the issue of entrepreneurship from a different angle concerns the actuality of some sex workers directly selling their services to consumers with responsibility for this transaction to only themselves. In this, they have been termed 'entrepreneurs' and 'petit-bourgeois'. Often, this is wrongly believed to be conceptually related to the absence of 'employed' and/or 'waged' status. The issue of employed status has been dealt with above. The issue of 'waged' status needs some further clarification – some sex workers pay for the right not just to work but also sell their services as in a franchise arrangement because the two sites are the same. This does not detract from the necessary self-creation of erotic labour to provide the service as a prerequisite to sale and generation of income via tips or charges. Here, sex workers are not hiring others, as capitalists do, to carry out this labour or sale. This may lead to tendencies to individualism and competition

but it does not negate their essential position of being workers, and the possibility thereafter of unionisation.

### Employer hostility

Whilst the choice of the way in which employers have chosen to structure the employment relationship and the labour market in the sex industry are not primarily to avoid or deter unionisation, this choice has had a profound effect on the construction of unionisation given that unions are 'secondary organisations' (Offe and Wisenthal 1985). Independent contractor status has been used to reduce costs, sex worker expectations, and exposure to costs. But it has also helped reinforce the more overt and widespread employer hostility to unionisation for financial, ideological and organisational reasons. Employers have engaged in strategies of union suppression and union substitution to prevent labour costs from rising, to protect their managerial prerogative and to be able to maintain their power by dealing directly with their *de facto* and *de jure* employees. The reaction of a minority of employers to actual union organising attempts with, for example, victimisations have served to fuel the fears of other sex workers merely contemplating union organising. Employer hostility, for these reasons, has not been lessened by the attempts of some unions to work in partnership with the industry or certain employers, even though this might offer the employers a much-needed sense of legitimacy and a possibility of self-regulation. In addition to the instances of employer reprisal, one further example is illustrative. It concerns not unionisation *per se* but the class action lawsuit at the O'Farrell Theatre in San Francisco. Nonetheless, it highlights the lengths club owners will go to defend their right to manage and to protect their profits. Following the deposition of the lawsuit, the club owners portrayed the lawsuit as an attack on the dancers' rights to be independent contractors, organised a petition against the lawsuit amongst the dancers, a fund from the dancers to pay the club's cost of fighting the lawsuit and an organisation called 'Save our Strippers' for the dancers to raise money for the defence campaign, and coerced some dancers from being plaintiffs (Burana 2001:251–2). They also circulated rumours this was a precursor to a unionisation drive and that the lawsuit sought to bankrupt the club (Burana 2001:252–3). Burana (2001:253) found that the response of many dancers to her involvement in the class lawsuit was: 'I want our working conditions to improve ... [b]ut I don't want to lose my job [as a consequence of trying]' (see also Egan *et al.* (2006b:xxv)).

### **Small businesses**

Although many parts of the sex industry can be termed 'big businesses' or at least medium-size businesses, many other units of capital in the industry are very small and are, in essence, small businesses. The salience of this is that small businesses are, in employment relationship terms, characterised by informal and personalised relations between employees and employer rather than by being formal and bureaucratic. This pertains to forms of work organisation, payment systems, enforcement of discipline and patterns of work. Trade unionism has historically found it difficult to penetrate this form of employment relations and attendant work organisation for a number of reasons. Often there may seem to be no need for a so-called 'third party' to intervene in this direct and close relationship because problems can easily, independently and quickly be resolved. In the sex industry, this is often an operational subterfuge which employers use to maintain their managerial prerogative. Nonetheless, it remains a convincing subterfuge because of the realisation on the part of the concerned sex workers of their vulnerability to punishment and *de facto* dismissal for becoming 'trouble makers'. On top of this, the prospect of organising an industry comprising predominantly a multiplicity of small companies rather than a handful of large companies presents additional challenges. In order to be able to establish, in union terms, the more efficient form of bargaining, namely, multi-employer bargaining, may entail having to inefficiently organise these small companies on a one-by-one basis.

### **Female entrepreneurs**

Many of the women who are sex industry entrepreneurs have previously been sex workers themselves. Having seen the relative ease by which revenue can be generated, wishing to end engaging in direct sex work, and having built up a fund of money to do so, these sex workers launch their own sex businesses. The most obvious example is the brothel or escort agency. The salience of this is that being former sex workers and being women, these entrepreneurs believe themselves to be better employers, *de facto* or otherwise. So too do many (male and female) sex workers (see, for example, Whittaker and Hart (1996)). Consequently, conditions are believed to be better and exploitation less because of the understanding of sex work and sex workers imbued in the entrepreneur. Again this may often represent a self-induced operational subterfuge on the part of both employer and employed behind which employers can hide. But, again, it nonetheless remains

a convincing one for many. Where there is a material or real basis to this behaviour, it may form the basis of some degree of employer paternalism (see, for example, *Edinburgh Evening News* 13 May 2005).

### Social and market hierarchy amongst sex workers

Akin to the notion of the 'aristocracy of labour' denoting the antagonism of skilled trades workers to semi-skilled and unskilled workers for fear of skill dilution and the weakening of the labour market power of the former, there is a profound sense of a social hierarchy amongst many sex workers. This manifests itself in sex workers *per se* and within the sub-groups within sex workers (see also Bernstein (1999)). At the bottom of the pile for sex workers are street prostitutes while in the middle are sex chatline workers and towards the top are high-class 'call girls', well-known porn models, exotic dancers and porn stars. These classifications by sex workers are based on their values primarily concerning working conditions like safety, length of hours of work and sex worker choice of customers, earnings capacity, and social status. The proximity to the sale of sex, defined as physical contact with the customer that leads to, or is intended to lead to, sexual gratification is a key notion in these values. Closer proximity without, what are regarded as, considerable rewards is seen as undesirable. Distance from the sale of sex even without considerable rewards is still regarded as being preferable. Within prostitution, again street prostitutes are at the bottom with flat and brothel prostitutes above them and escort and 'call girls' at the top. Within other sub-groups, status is attached to earning ability, celebrity and popularity. For example, amongst exotic dancers there are several groups, with 'house dancers' being at the bottom along with the touring 'road girls', then 'freelancers' further up while at the top are the 'feature dancers' who are minor starlets and personalities within the sector (see Bruckert (2002:35) and Burana (2001:39–40)). Alternatively, working in strip and nude dancing clubs can be divided by degrees of desirability, with normal bars and pubs at the bottom along with strip joints and 'gentleman's clubs' and lap and table dancing clubs at the top.

To expand on a previously discussed phenomenon, lap dancers and strippers use the term 'exotic dancers' to delineate themselves from sex workers in general and from prostitutes, in particular, because they argue they do not sell sex and often do not sell sexual services. They regard the selling of sex as degrading *and* what they do as artistic and skilful (see *Guardian* 21 August 2004). Sometimes, the terms 'sex' and 'skin' trades are used by sex workers to denote such differences. Alternatively,

because most professional dominatrix and many of those offering domination, bondage, and sado-masochism (S&M) do not offer sex involving any form of penetration or direct contact with genitalia, they do not regard themselves as prostitutes. Indeed, many regard themselves as of a higher status than prostitutes, particularly where they emphasise the skills and experience necessary to provide these services. In this regard, Annie Sprinkle (in Plachy and Ridgeway (1996:37)) commented: 'Strippers would never be porn stars. Porn stars would never be hookers. There are crossovers, but everyone has things they want to do and things they don't want to do. And each aspect of the business is tailor made for individual needs'.

The preceding discussion serves to highlight several important features; not all sex workers see themselves as sex workers and within sex workers there are considerable material differences and occupational identities based on material differences and status competition. Indeed, latent competition exists to obtain work in, or to stay in, a higher status establishment or sub-occupation. On this basis, the process of unionisation is fraught with difficulty where a sizeable collective sex worker identity is sought as a tool to collectivisation. There is no obvious or manifest commonality for many. Constructing it is problematic at present.<sup>5</sup>

### **The lack of wider community**

For unionisation to occur, sex workers need to identify with other sex workers not just conceptually as sex workers but also identify with each other in manifest terms as sex workers. One of the most appropriate means would be through a community of sex workers. While sex workers tend to socialise with each other, this happens in the form of subsections of sex workers like prostitutes and sometimes even sub-subsections like street prostitutes as opposed to flat or brothel prostitutes and in specific geographical localities like towns, cities and district of cities. Therefore, there exists little tangible sense in which sex worker communities can be meaningfully talked about. Whilst this may reflect, *inter alia*, the limited dissemination and take up of the notion of 'sex work' or any of the components of sex worker milieu moving towards becoming a profession, it does, nonetheless, hamper the creation of forums in which different sex workers across the sex industry can come together and have the opportunity to make connections with each other that may be conducive to, *inter alia*, unionisation. The absence of such forums may relate not merely to the obvious, namely discussions on the need to unionise, but more widely to the

exchange of information which helps inform the process of the development of collective interests. The problematic issues in foreseeing the development of a sex worker community in terms of developing unionisation run deeper than this. The internal divisions and schisms within sex workers have already been noted. Another aspect of the lack of community is that although prostitution, and by implication sex work, is erroneously but commonly referred as to 'the oldest *profession* in the world', there is no sense in which a profession exists despite attempts by some sex workers to present themselves as sex therapists, sex surrogates or social workers (see also Skilbrei (2001)). Professions are primarily defined by their monopoly on specialised knowledge, their control of entry to their occupation and their internal self-regulation. Whilst professionalisation, the process of becoming a profession, may of course lead to another barrier to unionisation given that collective control can be exercised in a different means, sex workers are nevertheless again without one of the means by which collectivities and communities have been created and that may be useful for unionisation. The skill barriers to entry to any component of sex work other than fetishism in prostitution are fairly low and the demand and supply sides of the labour market is large and continuing to grow. Some further indication of this absence of professionalisation may be gained from the attempts by some sex workers to search for professional status through unionisation and to discuss the need for 'industry service standards' and the recognition of the existence of their work skills within this.

### **Labour and 'product' market forces**

It may seem rather trite to state that sex workers experience the normal dynamics of the operation of labour and product markets given that the selling of sex and sexual services are being discussed. Nonetheless, this is the case. Expanding labour markets, restrictions on the number of public establishment licenses available and price competition are the most salient phenomena here. In this regard, the *Economist* (4 September 2004) stated: 'Immigration seems to be having a predictable effect on commercial sex [i.e. prostitution]: real prices are falling, consumption rising and indigenous workers struggling'. The *Guardian* (11 February 2005) then reported that an increase in the number of brothel and street prostitutes in London had led to stagnation in prices and the greater availability of unprotected sex while the *Sydney Metro* (12 March 2005) reported that around 400 women from Asian countries were joining the 20,000 existing sex workers in

Australia every year (see also ILO (2005) on the extent of forced migrant labour in prostitution).

The entrance of further workers into the labour market for sex work has a number of sources, be it students wishing to finance themselves through higher education, women migrating from Eastern Europe and Asia in search of relatively better paid work, the impact on the domestic sex industry from the growing overseas sex tourism or workers with existing jobs seeking to supplement their inadequate wages by taking on extra *de facto* employment. To this could be added the impact of drug addiction. As drug prices have fallen in relative terms, the numbers affected by drug dependency has increased, leading many addicts to support their addictions through prostitution. The pattern emerging here is of economic compulsion for many, given that sex work can be relatively well paid for short hours of work (see above). Expansion of the sex work labour market, other than for niche markets like fetishes, has tended to depress relative prices in the last two decades (see, for example Monzoni (2005:34)). This tendency towards expansion has created further pressures towards competition for employment, competition for opportunities to work where there is no employment in sex work as such, and competition over prices charged and prices set by others. In this, for example, age has often become a differentiating factor (see for example, Sanders (2001) on street prostitutes).

As a result of these processes, the state of the sex work labour market would thus conventionally be termed 'slack'. By contrast, little evidence exists of 'tight' sex work labour markets so sex workers have seldom been able to attempt to benefit in the way other workers have been able to by taking advantage of the greater demand for, than supply of, labour. Within prostitution, there is a particular aspect to the expansion of the labour market. It concerns what is, in effect, the rise of forced labour, namely that of largely trafficked migrants who are compelled by economic strictures (debt), violence and abuse (and threats thereof) and social and physical isolation to work not only long hours but in servile conditions (see, for example, *Scotland on Sunday* 12 September, 19 December 2004). In the porn sector (static image [newspaper, magazines, Internet] and moving image [film, video, Internet]), there is an additional force at work. The desire to get started, develop a portfolio and become a star on the part of an abundant supply of models and actors/actresses in order to 'get rich quick' has, no matter how unrealistic, tended to depress the price of labour. This is the case even though the increased demand for porn has been facilitated by changes in social

attitudes and new technologies (see Chapter 3). Moreover, the labour market for men in porn has now expanded with the arrival of Viagra so that many more men can now perform for the required lengths of time with the necessary erections.

The effect of this multi-faceted, multi-layered processes associated with the labour and product markets has been to provide considerable obstacles to create forms of collectivism and solidarity, in terms of consciousness and organisation based on the realisation of common interests, which are necessary for the possibility of trade unionism to exist. Trade unionism is based, *inter alia*, on trying to reduce the level of competition between workers within a trade or sector while at the same time trying to increase the price of labour by acting in a monopsonistic manner. It has often been reported that street prostitutes will look out for each other in terms of safety and exercise a form of price control. But this must be set against that it has also often been noted that if work has been slow or they are in a desperate need to feed their drug habit downward price competition can emerge and standards of safety can be lowered. For example, the price for masturbation, oral sex and penetrative vaginal sex may be lowered while requests for penetrative sex without condoms or anal sex may be accepted. With regard to exotic dancing, the emergence of an increasing number of clubs and clubs policy of deliberately 'hiring' more dancers than are needed for the volume of work has the effect of creating competition for custom. In street prostitution, new entrants to a pitch are discouraged in different ways if existing prostitutes feel that this constitutes oversupply.

### **Sex worker union activist milieus**

A small number of strong-willed, resilient and determined sex worker union activists have been highly active in organising co-workers and in generating a high level of publicity to allow other sex workers to hear the merits of the case for unionisation. No matter how impressive, there exist a number of characteristics that potentially hold back the further spread of unionisation. First, amongst these is the paucity of union activists. The common denominator of each sex worker union organising drive and each sex worker union organisation has been that the leadership and activist base are almost synonymous and that this manifests itself as a very small collection of individuals, usually being four or five per organisation. For the sex worker union organisation as a national organisation (on its own or as part of an established union), this creates a situation where the organisation has

little means to physically reach to the vast array of sex workers across the country in which it organises. This point remains despite the additional resources that being part of an established trade union can bring because these resources are relatively limited. Thus, lack of reach means that the supply side of trade unionism cannot help facilitate the demand side for trade unionism (see below). Concretely, this means that sex workers wishing to organise may be deterred by the absence of help and support and/or that union organisations have an inability to do anything other than respond to the requests for organising help and support that come to them rather than generate the requests themselves. The paucity of sex worker union activists means that there is a lack of activists on the ground for which no shortcuts or substitutes exist. Moreover, using the term 'social movement' to describe the milieu of sex worker union activists must be done in a very cautious manner.

But there is also another dimension to the reliance on a small number of activists, namely, that of fragility of organisation and activity whereby organisations become either episodic in their activities or cease to operate in any meaningful way for long periods of time. An example of the former was the case of the IUSW/GMB where the concentration of Lopes on her doctoral thesis entailed a lull in activity for some considerable number of months while an example of the former was the LVDA when Andrea Hackett ended her open activity aimed at establishing the LVDA after the failure to gain sufficient numbers of supporters to call a ballot on county regulations. In Canada, for example, the cadre activists and office holders in respective sex worker and sex worker union organisation have numbered between two, as the lowest number, and 14, as the highest number. Ultimately, the reliance of each organisation on such a small number of personnel means that each organisation can cease to exist if these individuals become disillusioned, worn out or leave the industry. The different aspects of the reliance on a small number of activists, even where an established union is involved and accepting the necessarily embryonic stage of existence of sex worker unionisation, therefore raises questions about the durability and permanence of sex worker union organisation and union presence. This reliance also raises the issue of whether the creation of sex worker union organisations have replicated many of the organisational weaknesses of the prostitute pressure groups (see Chapter 4), despite a recognition of them and attempts to avoid them. One further dimension of sex worker milieus is worth noting, and this concerns the plethora of overlapping organisations that exist within

each of the countries studied, whether these be national or regional organisations. Each organisation has a rationale for its existence, be it a different provision of services, a provision of different services or a different ideological conceptualisation of sex worker organising. And although there is cooperation, there is also resultant duplication of activities and competition. It appears to be a hallmark of sex worker organisation that such differences of views result in the establishment of a multiplicity of different organisations.

### The reaction of progressive milieus

The problematic size of sex worker union activist milieus is further compounded by the reaction of socialist and feminist milieus. These other milieus would, at first sight, appear to *potentially* provide sustenance and support for sex worker union organising given they are concerned with workers' and women's rights where sex worker union activists aim to unionise workers and advance the interests of a marginalised section of women. However, of course, this support has seldom been forthcoming because of the belief in radical feminism by many in socialist and feminist milieus. Thus, prostitution, pornography and the degradation of women and sex in the sex industry are seen as key components in the production of the oppression of women. This perspective has dominated national and local public policy and NGOs. Moreover, the belief amongst socialists and feminists is that organising the sex industry is to provide it with a form of legitimacy that it would not otherwise have. Put another way, there has been severe criticism of, and disagreement with, the 'sex work' discourse. Socialists and feminists have not seen (women) sex workers union activists as the embodiment of strong, assertive and politically conscious women activists. In this regard, Cheryl Overs, the international NSWP coordinator, argued:

*What concerns me far more is that this brand of feminism had an important role in preventing sex workers from organizing and developing their own ideologies and strategies. The female sex workers' rights movement has been most successful where sex workers set the agenda and then carried it out with the help of other activists, advocates, academics, policy makers, service providers and lawyers. If all those potential allies are busy protesting against pornography, serving on sexual harassment committees and thinking of prostitution as degrading to women, sex workers have little chance of gathering the resources they need to begin defining and fighting for their human rights. (in Kempadoo and Doemeza 1998:205)*

Similar comments regarding the influence of the work of Andrea Dworkin were made by Ana Lopes (*Guardian* 15 April 2005).

A variant of the radical feminist view is the position of 'against sex work, for sex workers' where such activists selectively support certain sex workers, where the support is to help them leave sex work as part of a project to abolish sex work (*cf.* Kesler 2002:232). Collectively, this means support within and without the union movement has not been so forthcoming and that the strategy of deploying social movement unionism or community unionism as way of generating the support and resources to facilitate effective trade unionism is also likely to be problematical. Yet more problematically, sex workers have also met hostility and derision from such milieus. 'Sex work' sex workers are seen to be suffering from 'false consciousness, and to be sufficiently insignificant as to be dismissed. So, the highly problematic nature of the sex work discourse for most progressive minds means that creating wider alliances is difficult, although this is not necessarily as fatal for the sex workers' movement as it was for the prostitutes' movement when Perkins (1991:378) commented: 'the prostitutes' movement is doomed without wider support'.

As an aside, the predominantly hostile reaction from socialists and socialist feminists has not always reflected what may be supposed to be a tradition of outright hostility and condemnation. Marx (1964:133) argued that: 'Prostitution is only a particular expression of the universal prostitution of the worker, and since prostitution is a relationship which includes not only the prostituted but also the prostitute ... the capitalist is also included in this category'. The major traditional Marxist writers thereafter on women's issues have been Clara Zetkin and Alexandra Kollontai. Zetkin (1984:54) writing in 1893 saw prostitution as resulting from economic compulsion while later she (Zetkin 1972:100) recounted that a woman communist during the early part of the German Revolution of 1918–1923 was politically organising prostitutes in Hamburg and bringing out a newspaper for them. Zetkin showed a far more sympathetic attitude to this than Lenin did in her recollection of conversations with him in 1920 (Zetkin 1972). Kollontai (1984) in a speech to the third all-Russian conference of the Heads of the Regional Women's Departments in 1921, entitled 'Prostitution and ways of fighting it', displayed a number of different attitudes to prostitution. These ranged, *inter alia*, from understanding the economic compulsion of poverty that draws women into prostitution, of selling sex being comparable to other forms of labour and of being deleterious to creating solidarity amongst the working class. However, the most compelling thrust of her speech was the condemnation that prostitu-

tion was unproductive labour. But the context of this was the argument that prostitutes in Russia, in a situation of civil war, imperialist invasion and the economic ruin of Tsarism and the First World War, were not contributing to the collective effort to rebuild the resources necessary for creating a new society. Therefore, while a common socialist or communist position takes an abolitionist position without room for the self-emancipation of prostitutes as prostitutes, its source should not necessarily be traced back to the canons of Marxist writing on women.

### **Specific groups of sex workers**

As alluded to in the introduction to this chapter, one approach to examining explanations for the sparse extent-cum-great absence of unionisation amongst sex workers is to consider the position of specific sub-groups of sex workers. The question posed was: 'What explains the *relative* sparseness of sex worker union organisation amongst prostitutes, porn models and actors and sex chat line workers compared to exotic dancers (lap dancers and strippers)?' This section examines a number of specific characteristics of each sub-group or the specific manifestation of the more generalised phenomena above within different sub-groups that present themselves as barriers to the unionisation of sex workers.

#### **Street prostitutes, escorts and call girls**

Although prostitutes are often referred to as 'working girls' who are 'just doing a job', the sense in which individual prostitutes are, in the context of street prostitutes, escorts and call girls (in-call and 'out-call'), solely responsible for their own physical safety and mental well-being as well as earnings is very strong. This emphasis on lone working highlights the high degree of atomisation and separation that exists physically and psychologically amongst these types of prostitutes. This, rather than competition, is a key challenge for collectivism as well as trade unionism to face. Alongside the reasons for entering prostitution (e.g. funding drug-dependency, abject poverty, lure of high earnings), most think of this work as a temporary phase in their lives on the way to something better. And again here, trade unionism has traditionally faced problems in appealing to temporary and transient workers, particularly within deregulated employment systems. Movement between pitches and agencies is common as is dropping in and out of prostitution so providing a relatively unstable organising environment. The

issue of the preponderance of drug use and drug dependency, along with a significant proportion of street prostitutes with experiences of 'broken homes', domestic violence, child abuse, homelessness, criminal pasts, poor educational achievement and so on, adds to the extent to these prostitutes experience a lack of control and emotional, mental and social stability in their lives. This individual human environment is not conducive to unionisation, where priority is given to surviving and 'getting by'. Unionisation requires at least a modicum of stability in the lives of its members so that individual personal 'problems' and 'situations' do not detract from collective struggles. Where collectivism is present, it is more likely to take the form of mutual self-help in the form of 'ugly mugs' or 'dodgy punters' schemes amongst the prostitutes. Finally, it should be noted that the decriminalisation and/or legalisation of prostitution in a number of countries like Australia, Germany and the Netherlands has not led to the reduction in the involvement of criminal cartels (Bindel 2004b; Home Office 2004:85; Hughes 2004a, 2004b), nor significant improvements in the contractual or institutional conditions of prostitutes (Red and Saul 2003; Brussa 2003). This has meant that the anticipated more favourable conditions for unions to operate in, and by which to advance to material interests of prostitutes, have not readily developed. This is also true for brothel and parlour prostitutes (see below). Criminal activities appear to have colonised the opportunities afforded by legalisation. Whether this was 'inevitable' would appear to be related to the extent and efficacy of public authority and state regulation of the new legal regimes under which prostitution exists.

### **Brothel and parlour prostitutes**

Although the dynamics of establishment-based prostitution differ from those of individual prostitution as set out above, the presence of a group of prostitutes working together does not in itself lead these type of prostitutes to be any less inimical to trade unionism. Often the size of the collective is small and is spread across different days and shifts, and despite the determination of working conditions by a *de facto* employer, there are still many characteristics which emphasise the degree of individual responsibility or direct reliance on the market in the employment situation. For example, being picked for work may be related to looks, body size and previous customer experience while the rate of work, and thus earnings, are dependent upon the flow of customers. Movement between establishments is common so providing a relatively unstable organising environment. Again in deregulated

lated employment systems, the more obvious bargaining partners are difficult to locate and organise against.

### **Porn modelling and acting**

Trade unionism amongst actors and actresses is one of the stronger remaining forms of collectivism in terms of existing union movements and the self-regulated professions in Britain and the US. Some porn models and actors/actresses aspire to enter the mainstream or reach the top of the porn hierarchy with the consequence that they embody what can be termed rampant and competitive individualism and a willingness to do almost 'anything to get ahead'. Nonetheless, these types of characteristics can also be detected amongst other groups of workers who are unionised such as 'mainstream' actors and actresses. The differences between the two concern the greater sense of a profession-cum-collective in mainstream acting and the relatively shorter length of working careers in porn. With regard to the former, the illegal and illicit nature of much pornography as well as its production by relatively small operations has not been conducive to the creation of a profession or collectivism. Finally, the porn film industry is one of the few industries where both pay rates for women are higher than for men and women dominate the workforce. This represents another but particular aspect of the sex industry which may be seen as being 'rewarding labour'.

### **Entrepreneurial porn**

Entrepreneurial porn can be defined in terms of the production and dissemination of pornography by the model or actor/actress themselves. This is accomplished by the use of webcams, websites, e-mail and the internet where the activity is run as a one-person business or a business run by the model/actor/actress along with a partner, e.g. husband or boyfriend. In addition to the production and dissemination of the pornography, part of the business involves marketing and administration of revenue and website. Aside from the nature of the product or service, this type of venture embodies the normal aspirations of small businesses.

### **Sex chatline workers: missing the connection?**

While there are a small number of sex chatline workers who are unionised, the overwhelming majority is not. Why might this seem noticeable, given that most sex workers are not unionised? The reason is that this group of sex workers appears in a number of

aspects to approximate more to exotic dancers than to other groups of sex workers. Thus, the work has the traits of being relatively tightly organised by the employers/operators in terms of length of calls (minimum and maximum times), logging on, scripting and fines system for on-call and off-call transgressions, (Flowers 1998; Jewell Rich and Guidroz 2000; libcom.org 2006; Sirois 2000; *Spectator* 14 September 2001). This has parallels with the form of work organisation and regulation of work in dancing and stripping in clubs. The labour process is also usually of a collectivised nature. But the latter point needs qualifying. Some operations are from 'real' call centres in that the operators are physically located together as in a conventional call centre along with the billing/charging and administrative functions, albeit operators tend to work out of individual booths or cubicles which reduce co-worker contact. Meantime, other sex chatline call centres are 'virtual' call centres in that, while there is a still a centralised billing/charging and administrative function, the workers work from home where they are connected by telecommunications to the centre which externally distributes the calls to them in the same manner as internal calls are distributed. With the availability of cheap international calls, some home workers are located in countries that are different from those of the administration centre (Lane 2000:154–5). The 'technology factor' may mean that those that work from home may never meet each other or have any contact with each other, creating obvious problems for collectivisation, let alone unionisation. The employment status of the sex chatline workers similarly varies. Some are employed while most, particularly the home workers, work as independent contractors with earnings based on commission per call and length of call. Nonetheless, there are also other parallels with exotic dancing. Shifts can be slow dependent on the time of the shift (day versus night, weekday versus weekend) and there is, consequently, competition for calls in the slow shifts and competition for the busier and thus 'better' shifts (Antony with Bennett 1998:318, 322, 328). Payment is dependent upon taking calls and on being at work and available for calls. Sometimes, pay is based on a flat rate per call or a percentage of the value of a call (where the longer call is a more valued transaction).

In addition to the problematic characteristics for collectivisation, many of the workers work part-time, took sex chatline jobs because they thought it would be 'fun', and see the job as a temporary measure to raise or supplement their incomes. Indeed, Antony (with Bennett (1998)) argued that because many prospective sex chatline workers see

the job as fun and as easy to do, in the US there is an oversupply of labour even in the context of the expansion of this sub-sector. Moreover, because there is a labour oversupply, employers provide no formal training. Rather, there is *de facto* on-the-job training by being thrown in at the 'deep end' right at the beginning *maybe* after a shift of shadowing an existing worker. If the new workers dislike this practice, they leave so that turnover is high (Antony with Bennett 1998:38, 328). Although most sex chatline workers do not regard what they do as 'real' sex and differentiate it from prostitution, they still experience stigmatisation. Consequently, they seek anonymity and they also engage in dual-identity creation and impression management to attempt to avoid the psychologically negative impact that some calls can have on operators and the hostility and disapproval of friends, family and acquaintances.

A reasonable inference is that amongst many sex chatline workers, the absence of unionisation indicates that there may be little *demand* for trade unionism as a result of specific factors such as non-employed status, homeworking, particular attitudes to work, individual coping strategies, lack of attachment to work and so on. This type of approach to the issue of unionisation indicates not hostility as a result of ideological individualism but a belief that trade unionism is not relevant or practical for this type of work. For example, the doubting question would be: 'What could a union do for us?' Yet, there exist other sex chatline workers who are employed, work together and may object to the strictures of the conditions they work under. But unionisation is not any more prevalent there. Setting aside the relevance of the extent of the 'sex work' discourse, the issue is not merely one of demand for unionisation but also the *supply* of unionisation. To approach the issue by this means facilitates inquiring whether unions are making themselves available to sex chatline workers in order to make contact with those pro-union workers, to provide support to those who wish to organise and to make available arguments for unionisation. With limited union resources for recruiting and organising, with the difficulties presented by the anonymity and invisibility of the location of 'real' call centres and with no obvious and manifest demands for unionisation, a supply side approach has much purchase in explaining why unionisation amongst sex chatline workers is not on a comparable level to that of exotic dancers. This explanation then puts far less emphasis on the culture of contentment from such work being relatively well-paid, flexible and freeing up time for family and leisure as some like Lane (2000:112) have.

**Exotic dancing: not really an exceptional case?**

Despite the arguable concentration of the most developed forms of unionisation and union activity amongst exotic dancers, the vast majority of establishments and dancers remain unorganised. The major barriers concern inter-dancer competition, viewing the activity as a transient or temporary life phase, and relatively high turnover rates creating lower workplace attachment and a shifting organising terrain. Bruckert (2002) and Burana (2001) recounted in Canada and the US that some dancers would run off newcomers to protect their jobs and earnings and how older dancers feared the appeal of younger dancers, while a constant level of voluntary and enforced churn of dancers existed. Weldon (2002) provided an account of her experience in the US where she reported disinterest and hostility to the idea of unionisation as a result of a number of factors. Disinterest was derived from the belief that working in a particular club or working as a dancer were short-term measures, often to fund further and higher education, and from the value attached from being able to move freely from club to club, city to city. Hostility was derived not from anti-unionism but from fear of likely employer actions in response to unionisation, i.e. reprisals. In addition, within exotic dancing there is a level of competition between dancers not only for dances from customers but for the more lucrative dances where contact levels are higher and where sex is offered. Moreover, there is also competition between dancers as the number of dancers 'hired' grows, creating rivalry for shifts and good shifts, and because clubs often enforce mobility in order to have a rotation of dancers or 'fire' older dancers to make space for younger dancers. These stand in spite of the wider picture of an increase in the number of clubs so that the level of inter-club competition has grown as it appears to have exceeded the rise in demand for this type of entertainment. Weldon (2002:2) concluded that even where: '[C]ompetition is usually friendly, and frequently thought of as competing with one's own goals rather than as competing with other dancers, this does not create a bond strong enough to unite them'. Such factors counter-balance and play a part in helping to overcome any pro-union potency that may be facilitated by, or derived from, a greater sense of collectivism emerging from a collective workplace which represents the congregation of dancers who undertake the same work and work alongside each other and the greater legitimacy and acceptability of selling sexual services that do not involve penetrative sex.

## Forced labour

The dramatic growth in the trafficking of women and girls as 'sex slaves' in more recent years, particularly from countries of the former Eastern Bloc and south east Asia (Monzoni 2005), may seem to provide the most obvious case of why trade unionism is an irrelevance for combating the exploitation and oppression of sex workers. Of course, it is not just trafficked, migrant women who are subject to forced labour but also domestic women (see Kelly (2003) for a discussion on the definitions of 'trafficked' and 'migrant' sex workers). However, this is to misunderstand the nature of trade unionism, for it can only emerge where there is free labour, defined by the ability of workers to choose which capitalists to sell their capacity for labour to, rather than the state of bonded or forced labour. Forced sex labour comprises captivity or imprisonment, absence of wage payments, debt bondage and removal of passports and identity papers. Although trade unions can, and have, played a role in campaigning for the creation of statutory and regulatory regimes to end such practices, such a situation suggests that statutory and regulatory regimes are far better suited to dealing with this type of social menace. Nonetheless, the impact of the rise in trafficking has also provided another obstacle for unionisation (*cf.* Kantola and Squires 2004) whereby the agenda concerning ameliorative action has become overly dominated by legal redress (whether prosecution, state regulation or human rights) and social reform promoted by concerned, non-sex worker bodies (see, for example, Sullivan (2003)), rather than a focus on self-activity and labour rights of immigrants.

## Conclusion

The greater physical length of this chapter compared to the last is testament to the (im)balance of forces towards and against the creation and development of sex worker union organisation in the seven countries under study. It has become clear that different sex workers experience different material conditions, not just across the industry but within its sub-sectors. Some are well paid while others are not. Some exercise high levels of control and discretion in their work while others do not. Some work in safer environments while some work in less safe environments. Setting aside any considerations of sex worker consciousness for the moment, this is likely to suggest that different sex workers may have different orientations on unionisation. More concretely, the following case is illustrative. Addressing the problems of slow workflow, broken

appointments and associated boredom for the self-employed prostitute (street, 'in-call' or 'out-call') is different to the situation for the brothel, escort or parlour prostitute. In the former, the problems are as much those of market or trade demand which the prostitute has no recourse to resolve other than to double-book appointments or suffer the potential loss of income. In the latter, the prostitute can attempt to act in a different way by complaining to the business owner and possibly act in concert with other prostitutes to demand a payment for being available for work, in effect, a minimum wage. Such material differences concern the absence or presence of actionable and attributable grievances (see Kelly (1998)) and the means to defending and advancing varying interest representation. Following from this, one of the main themes to emerge is the disjunction between possibility and potential, on the one hand, and probability and actuality, on the other hand with regard to collectivisation and unionisation. This highlights the significance of the processes by which consciousness and agency are developed in relation to material positions and interests. Thus, while solidarity *can* be constructed as a result of realisation of sameness and commonality of interests in contradistinction to those of the customers and employers, there are many forces and processes which pull in the opposite direction. These are often expressed in and internalised as individual, non-collective thoughts and opinions that help maintain disorganisation and atomisation. But many of the forces identified in this chapter have a contradictory nature, being potentially supportive of both unionisation and atomisation across space and time according to differing conditions, highlighting the relative indeterminacy of social processes. A means to 'square the circle' in the example contrasting the self-employed to third-party prostitute is for the trade union to act as much as a social partner in regulating the work setting as it does as a social partner in regulating society. Finally, it should be remembered that fighting for change requires considerable human sacrifice of people's time, emotions and energy such that Egan *et al.* (2006b:xxv) commented for one group of sex workers: '... fighting to stay in business may take precedence amongst exotic dancers over more specific battles for labor rights ...'.

## Notes

- 1 An interesting variant, to this theme is that some exotic dancers are exotic dancers as second forms of employment or jobs in order to supplement earnings. Others, in this vein, are sometimes students. Whether permanent or temporary, part-time or not, this lessens work and workplace attachment making unionisation more problematic for these types of dancers. Similarly,

some women working as prostitutes have adopted similar occupational work patterns for similar reasons.

- 2 In the case of sex chatline workers, the parallel is deploying techniques to lengthen call time or get repeat calls from a particular customer, whilst the same type of relationship exists for freelance dancers who work irregularly for a particular club and thus are unable to build up a customer base in any one club (compared to regular freelance dancers who develop an association with a particular club).
- 3 In Britain, only a third of prostitutes are street prostitutes (*Guardian* 25 July 2003), so the majority work in establishments and in the collective presence of others.
- 4 Bruckert (2002:103) recounts some examples of dancers in Canada collectively 'voting with their feet' either as a form of organised wildcat strike action or as a boycott.
- 5 But this is quite a different argument from that of O'Connell Davidson (1998:204–5) where she suggests that heterogeneity of material conditions among prostitutes is so great that they cannot be unified.

# 10

## Conclusion

### Introduction

This has been an exploratory study of sex worker unionisation and union organisation for two reasons. One reason concerns the implications of examining the embryonic nature of the salient intentions, processes and outcomes. The second concerns the consequences of the enforced truncation of the research methods deployed. Together, these mean that the account and analysis contained herein need to be viewed in the following terms: laying out the first attempt to establish the broad and general terms and framework concerning sex worker union organisation across a number of national economies-cum-societies. Hopefully, the research will then constitute something of an opening sortie and 'work-in-progress' for the wider field. The research methods used were appropriate and fruitful to this task at the chosen level of the unit of analysis. The book has sought to operate on the terrains of meso- and macro-, and general and specific levels as a means to integrate analysis of the processes of accumulation and exchange, identities, ideology, labour, markets and regulation within the dynamics and form of capitalism. Particular attention has been paid to the levels of the work setting, broader social institutions and wider social relations. Throughout this, sex work and its work settings have been recognised not just as relatively diverse phenomena, but an explanation for diversity has been put forward with regard to contingency and indeterminacy for the processes and outcomes of wage-labour and consequent implications for unionisation. Thus, for example, variations exist in relationships of mutual dependency between individual sex workers and the hirers of labour (capitalist not consumer). Setting aside the employed/independent co tractor status, a freelance dancer or prost-

itute who does not have a regular relationship with the hirer of labour such as a 'house girl' does is both more vulnerable in that particular relationship but less dependent on that particular relationship. The individual prostitute or dancer is more vulnerable because the particular hirer is less dependent upon her capacity to labour: she is one of many who do not work there regularly and is not likely to be a draw for consumers. But she is less dependent on that particular hirer for her economic existence: he is one of many of whom she is only fractionally dependent upon economically. By contrast, the 'house girl' is both more dependent upon the hirer for her economic existence but this in turn means so too is the hirer. This conclusion will first consider the areas of historical turning points, union characteristics and form, broader lessons for unions, regulatory reform, and legitimising of women's oppression. It will then outline a set of issues and methods around which sex worker unionism can attempt to relate and then collectivise sex workers more widely. In essence, these represent proposals for discussion and action for a unionisation project which is at a very early stage of existence. Finally, the conclusion will discuss the relationship between social justice, socialism and sex workers in regard of a project of social emancipation.

### Historical moments and turning points

Are the instances of sex worker union organising investigated and analysed herein mere moments and aberrations in time or do they represent turning points in a more elongated process of relative social emancipation under capitalism? On the one hand, we have their emergence and existence and, on the other hand, we have their limited spatial and temporal existence and their fragility. The latter could suggest that the project of sex worker unionisation to date is a stalled one, but it cannot reasonably yet be suggested to be a failed one. The former may be taken to suggest that the road ahead is a difficult one, where challenges exist not to unionisation *per se* but to unionisation in current circumstances. Nonetheless, underlying any of these possibilities is the historical turning point of conceptualising the labour involved in generating sex, sexual services and sexual artefacts being commodified and thus comprising a relationship for potential unionisation because an economic exchange of a socialised nature takes place where the capacity to labour is subsequently turned into labour power by capitalists for the purposes of accumulation. Even where significant additional activities exist like negotiating the exchange of commodities

and direct consumption of commodities, the essential first part of this formulation continues to be present. Of course, it is in the nature of the research contained herein that means a definite answer cannot be given to the question posed above. But the existence of the sex work discourse, the articulation of interests, the generation of grievances, the interest of some unions and the like means that there exists a basis to revisit examining the sex worker unionisation project, albeit without a firm belief that greater presence and success will await to be found. Consequently, it would be too simplistic, at this stage, to characterise sex workers as 'red collar' workers (Brewis and Linstead 1998)) setting out on the path that 'blue-collar' and 'white-collar' workers have done previously, i.e. that of widespread unionisation.

### **Union characteristics and form**

There is an acute fragility to the instances of sex worker union organising and union organisation, often represented by the limited physical duration of their organisations and their inability to leave behind a lasting presence. An aspect of this is the frequency of sex workers having concern for 'voice' rather than the efficacy of 'voice'. One could say the infant mortality rate has been high, with still births, and where infants make it out of being toddlers, their subsequent growth and development have been stunted. But there has also been the frequent re-emergence of attempts of various groups of sex workers to organise themselves into trade unions. In a sense, despite meeting failure and being pushed away by hostile forces and environs, groups of sex workers keep returning to the issues of trying to form unions, paradoxically, indicating a search for more effective forms of worker and occupational interest representation than have hitherto existed. This suggests the existence of a dialectic where, expressed in a simplistic manner, deleterious material conditions provoke and generate collection actions. (Of course, this has been a minority current to date.) The manner in which this has taken place is primarily through self-activity and self-organisation. Unionisation is not, therefore, in the main at the behest of an intervention of an outside third party, i.e. an existing non-sex work trade union. In line with feminist thinking and where an established union has become involved, autonomy and self-organisation have been the hallmarks of most sex worker union organisation.

The initial dominance of the national-based sex worker movements by prostitute sex worker activists and prostitutes' rights groups continues where prostitutes' rights groups constitute the

most important component within the wider contemporary sex worker movements. Extant exotic dancer unionisation, in particular, has yet to fundamentally alter this although significant strides have been taken forward in Australia and Britain. This means that a significant proportion of the *modus operandi* practically (rather than conceptually) available to sex workers remains that of pressure group-ism as opposed to (union-based) collective bargaining. By default, this means that the alternative means of trade unionism remains much weaker as a practical option. In these circumstances, trade unionism will continue to find it difficult to make headway because of not reaching critical mass. And, in this situation, either a positive demonstration effect for trade unionism does not exist or is very small. Over and above this, the *modus operandi* of pressure group-ism does constitute a hindrance to the *further* growth of union organisation even though the existence of pressure group-ism did stimulate the *creation* of sex worker trade unionism. There is also another sense in which union weakness is salient to sex worker union organisation. General non-sex worker trade union weakness throughout the seven countries since the late 1970s has not provided a particularly conducive environment for the genesis and growth of unionisation amongst a previously unorganised group of workers. Specifically, the positive demonstration effect of trade unionism will not have been particularly strong, pro-union political attitudes have been eroded and arguments to expend resources recruiting amongst new atypical groups of workers have been difficult to make whilst being obliged to attend to the interests of existing members. Consequently, many of the sex worker unionisation initiatives have come from the sex workers themselves and help and support from existing unions, where this has occurred, have taken place later. It is in these senses that the difficulties of sex worker union organising may not be difficulties of union organising *per se* in the sex industry as a radical feminist perspective might suggest.

The worldview of union activists and union FTOs, who collectively determine union policy, has traditionally been influenced by socialist and feminist thinking. It may only be possible to foresee a far greater transformation in their thinking to the extent that the new social movements of the late 1990s onwards and concerning social justice (e.g. anti-capitalism, anti-globalisation) begin to have an impact on trade unionism and, thus, open up space for the 'social movement' of sex workers. Throughout most union movements at the moment, the

combination of hostility and ambivalence means that many salient unions do not even have formal policy positions that ideologically facilitate sex worker unionisation, let alone commit resources to actually unionise sex workers. It is also noticeable that while *sex worker union* organisation, no matter how weak, can be spoken of in some countries in the developed world, it cannot be spoken about in many more within the developed world at all. An obvious part of the explanation for this difference revolves around suggesting that the strength of the forces against unionisation are greater in these latter countries. A more specific explanation focuses upon the reasons for the absence of the particular type of sex worker union activists imbued with the pro-union sex work discourse. This type of explanation, therefore, focuses on the role of activist agency being able to develop or stimulate tendencies towards unionisation rather than on the universal given of material circumstances that may give rise to grievances and thoughts about unionisation amongst sex workers.

### **Broader lessons for trade unionism**

What broader lessons and generalisations may be drawn from the case of the sex worker unionisation for trade unionism? A number are likely. First, although 'growth of new occupations' is often commented upon in terms resulting from the changing structure and composition of capitalism, sex work as a 'new occupation' is not new but the perception of its newness stems from its recent development, growth and reconfiguration. Here the dialectic of continuity and change, as intimately related processes under capitalism, brings both challenges and opportunities for trade unionism. Second, under capitalism worker interest formation and collective action are contingent processes and outcomes: contingent upon a wide array of social, economic and political forces and phenomena that exist in an inter-connected manner at a number of levels (individual, group, workplace, city, region sector, economy). This formulation says both little and much. Little in that it conveys that everything has some explanatory role to play: much in that social construction needs to be viewed in totality. Third, workers are an agency that interacts with, shapes and is shaped by environmental structures and processes around it. Critically, an agency is a social force that can consciously act in, and upon, its environment in deliberate and self-interested ways. For workers to maximise this potential and turn this into actuality, aggregation of themselves as a social force is necessary to allow effective mobilisation.

## Regulatory reform: 'Catch-22' writ large?

The changes in the legal regulation of prostitution in Australia, Germany and Netherlands have not brought the hoped for extensive stimuli to unionisation of this group of sex workers. To some, like Jeffreys (2004) and Raymond (2003), this would not come as a surprise for the latter have argued that effect of such reforms has been to facilitate the greater use of trafficked women and to afford greater space for criminality to operate within. However, such a line of argument does not consider whether the form of legal reform was 'wrong' or whether they were 'missing' components in the reform. (Indeed, the legal regulation of prostitution in Nevada would seem to be a much worse regime there than in Australia, Germany and Netherlands (see Albert 2001)). So while there is some truth to that which Jeffreys and Raymond argue, with the consequence of, *inter alia*, weakening the labour market position of prostitutes, such commentators necessarily do not ask whether it is the form of these specific new regulatory regimes which have these effects, for they presume that it is legalisation *per se* that has these effects. Much less do they consider alternative regimes such as decriminalisation. Herein lies the major explanation for the divergence between expectation and outcome *vis-à-vis* potential unionisation for these regulatory regimes have involved registration and thus restrictions and stigmatisation.

How can the process by which such changed regulatory regimes were established be best understood? In these countries sufficiently powerful political coalitions were created to bring about the legal changes. However, these were in the main coalitions of political forces within the institutions and processes of representative democracy, assisted by prostitutes' rights groups and supporters. Consequently, two salient points emerge here. First, the political coalitions were not the creatures of the prostitutes' rights groups and supporters and, second, the coalitions were not in whole, or even part, extra-parliamentary based social movements that may have had the potential of being capable of effecting attitudinal, behavioural and social change amongst the public outwith parliaments. Change in law does not necessarily signal change in social attitude, even though it has a *demonstrative* power over and above that contained in the juridical arena. This means that such legal regulation *vis-à-vis* unionisation may be seen as necessary without being sufficient to affect a breakthrough. To not have it would be a step backwards but to have it is only a single

step forwards. Decriminalisation would probably represent several steps further forward but again the realisation of its full potential would be dependent upon the manner in which it was achieved. Social movementism and social movement unionism would appear to be the most appropriate tools by which to try to square this circle of unmet expectations of regulatory change. However, in all seven countries such phenomena are relatively weak and this situation does not appear likely to change in the foreseeable future. Consequently, the degree of succour that could be gained for sex worker unionisation from this source would be limited, albeit still beneficial. The key issue here is whether diverse agendas of sex worker and non-sex worker forces could be united and/or the common threads of agendas wound together. Clearly, considerable difficulties presently exist here. So the 'Catch-22' for the unionisation project *vis-à-vis* regulation of prostitution is that coalitions could be created that could exert sufficient influence to attain reform but the sex work discourse was not particularly prominent in this or the resultant regulatory reform.<sup>1</sup>

Turning outwards the broader issue of the unionisation of sex workers *per se*, there exists a wider 'Catch-22' situation. The unionisation of sex workers requires wider social change *vis-à-vis* attitudes to, and regulation of, sex work and sex workers while wider social change *vis-à-vis* attitudes to, and regulation of, sex work and sex workers requires the unionisation of sex workers. Without wishing to make this into an iron law and without providing the necessary qualifications, caveats and nuances, the difficulty of sex workers acting as a social force to achieve unionisation can thus be starkly highlighted. Blithely stating that the two processes can run in tandem and be part of the same grander social project is of little obvious and immediate use to sex worker union activists. Nonetheless, it does suggest that the process of unionisation is likely to be slow and ample patience is needed. Moments of far-reaching and deep-seated revolutionary change are exceptional. Moreover, trade unions are 'secondary organisations' that exist on the basis of employment having already been established (Offe and Wisenthal 1985) so that the terrain that they fight upon is not always the most favourable to them. At the same time, they seek to better the terms of wage-labour for the worker, rather than abolish wage-labour itself (Anderson 1967). This has the effect of making these exceptional moments of significant historical opportunity truly exceptional and attempting to make trade unionism serve as a transitional mechanism towards socialism (see below) difficult.

## Unionisation as legitimisation?

Does the unionisation of sex workers and the union organising of sex workers currently legitimise and normalise the degradation and exploitation of women within the sex industry (and also more widely), where such legitimisation and normalisation, on balance, become bulwarks for the sex industry against corrective action? The answer is probably yes. But that is not the crux of the matter because the underlying questions are rather ones of 'is the demerit of creating such legitimacy outweighed by the merit of union organising for ameliorating such degradation and exploitation?' and 'is the "abolitionist" strategy of trying to end the selling of sexual services and thus sex work as a means to protect the women involved and women in general any more realisable?' In regard of the first question, it is essential to recognise that, on the one hand, the sex industry is already becoming more legitimate, normalised and mainstream by dint of a number of other processes (see Chapter 3) so unionisation is unlikely to make much of a significant additional impact. On the other hand, the problematic of legitimisation is arguably not so different from the *de facto* legitimacy unions give capitalism by trying to improve, rather than abolish, the wage-effort bargain. This has not stopped unions from organising, nor socialists from being union activists. Anderson (1967) and Hyman (1983) have argued that trade unionism becomes enmeshed with, and by, capitalism because trade unionism is both an opposition to, and a component of, capitalism. By struggling under, and with, capitalism trade unionism can also stand accused of legitimising and normalising the system of exploitation and oppression represented by capitalism. And indeed, this is a major challenge but this problematic has not prevented engagement in trade union struggle with the aim of either attaining better terms for labour in the wage-effort bargain or a wider transformation of society. Therefore, it can be suggested the unionisation of sex workers may be seen as an appropriate way of reducing exploitation in the sex industry as well as providing the potential basis for transforming the sex industry itself through workers' control (see below). With regard to the second question, the prospects for the abolition of a vastly enlarged sex industry look weaker now than at any time since the emergence of the contemporary women and feminist movements over 30 years ago. In the light of this, the project of unionisation for both reformist and revolutionist purposes (again see below) has a purchase because it recognises the realpolitik of having to start with how the sex industry is found rather than with how it might want to be found.

## **Suggestions to advance unionisation**

If the sources of union power are derived, as Batstone (1988) argued, from labour scarcity, disruptive capacity and political influence, then it makes sense that constructing union power is viewed in terms of leverage points that can be developed within these arenas. However, other considerations need to be taken into account. The weakness of current sex worker unionisation compels careful consideration about where resources are targeted. The notion of strategic choice would suggest that exotic dancers, particularly lap dancers, are selected as one of the more opportune groups with which to lead on in order to create a demonstration effect. But in suggesting such an orientation, problems may be encountered if exotic dancers do not attempt to organise themselves while other types of sex workers do. Here strategic choice may succumb to political imperative. Moreover, recognition is needed that certain types of unionisation or union services may be more appropriate for different types of sex workers necessitating an expensive process of union organising. In this regard, and because of the frequency of moving from one work setting to another and the use of independent contractor status and the like, the ideas of an individual 'union card' across industry and regulating the industry at the extra-workplace level are relevant. Here, contemporary community and social movement unionism, as developed in the US, may have benefits to bring sex workers. Finally, and given some intra-sex workers divisions, it might be more appropriate to use the term 'adult entertainment workers' than 'sex worker' as a generic category, with the term 'sex worker' reserved for those that engage in the more direct provision of sex and sexual gratification.

## **Sex work and socialism: sex work under socialism?**

Much of the debate surrounding sex work and sex worker interest representation is implicitly predicated on an array of worldviews about the probabilities and possibilities of transforming and revolutionising sexuality and society. And many of these worldviews would be described by their exponents as in some way 'socialist'. Two broad schools of thought on the theoretical relationship between sex work and socialism can be identified. The first postulates that there will be no need for sex work, and thus sex workers, under socialism for the very oppression of women and the commodification of sexuality, of which sex work is part, will cease to exist as the material basis for these will have been abolished (see also Shrage (1996:41)). The other, and con-

trasting, school of thought suggests that sex work, and sex workers, will continue to exist but would be reconstituted and exist in a radically transformed context (see also Chancer (1993:161–2)), where the stigmatisation, oppression and exploitation often represented by sex work under capitalism will be abolished, leaving sex work to be conditioned by relatively free and unproblematic economic exchanges based on fully liberated sexuality, educational functions and personal development (see, for example, Lopes (2001:151, 153), *Sex Workers' Pride* (2002)). Here, it is argued the full but as yet untapped value of sex work will be realised. In tandem, it is anticipated that domestic and commodified child care, cleaning, catering, nursing and other 'women's occupations' will become defeminised (*cf.* Overall 1992:717). Those advocates of organising sex workers, organisers of sex workers and sex worker activists often belong to this latter school of thought.

However, recognising while notwithstanding the kind of difficulties identified by Weeks (1985) in merging the projects of socialism, feminism and sexual radicalism nor the ramifications of the exploratory nature of this research, both schools of thought represent rather abstract perspectives. For the abolitionists, an ultra-left position has been adopted where no consideration is given to the role of sex workers in abolishing sex work in terms of self-emancipation of the 'oppressed'. Thus, here the question arises as to whether sex workers represent an obstacle to abolishing sex work because they have a vested interest in maintaining sex work as their employment as well as decriminalising it (and thus potentially allying themselves with sex industry employers). Are sex workers also feckless victims, as often implied by radical feminists, or can sex workers be won to a position of actively engaging in the abolition of their work and retraining for socially useful work? Either way, relating to sex workers on this abolitionist platform is unlikely to have much purchase. Indeed, this has been the case to date. For the proponents of sex work as potentially free labour, no serious thought has been given over to how the unionisation of sex workers may assist in the creation of a socialist society and the destigmatisation of, and ending of the exploitation and oppression associated with, sex work at present, again through self-emancipation and as part of a wider coalition of progressive forces. It is suggested that for both schools of thought, but more particularly the 'sex work' school, the notion of conceiving a transitional mechanism is salient in providing a means by which to move from the present position to that of the desired future position. This notion of a transitional approach, like transitional demands as part of a transitional programme, is derived from debates in

Trotskyist-influenced circles on advancing workers' present consciousness onwards from where it is and ultimately towards one is capable of creating a socialist society. Through formulating and advancing demands, some of which are attainable within capitalism and some of which are not, and mobilising collectively to struggle for these, it is suggested that higher levels of popular political consciousness, and ultimately socialist consciousness, can be achieved because of deduction and the experience of struggle. The rationale here concerns creating the necessarily significant levels of social struggle needed to gain these demands and highlighting the fundamentally unjust nature of capitalism as well as the limits to which capitalism can be reformed. In particular, what the transitional approach offers is not being so far advanced of the level of consciousness of most workers so as to be able to connect with workers' consciousness as it is presently constituted while at the same time moving this forward. Applied to sex work, the struggle for social reform for sex workers by sex workers in the present is conceptualised to be linked to the struggle for social justice for sex workers by sex workers and social justice *per se*. This provides a political compass by which to centre the struggle for sex workers' self-emancipation on themselves as part of a wider workers' struggle through the work of a vanguard given the uneven levels of consciousness.

By examining the work of some of the prominent writers on prostitution and sex work, a picture of where they stand on the issue of sex work and a transformed future society can be gained. Some writers like Bromberg (1998) and Zatz (1997) have a narrowed view of Marxism and socialism and thus a narrowed view on future possibilities concerning the exchange of sex and sexual services. O'Connell Davidson (1995:9) asks whether prostitution can be changed because the prostitute is stigmatised and depends on this stigmatisation for her subsistence, and whether prostitution can be reformed so as to be non-gendered, non-racialised and empowered. In both cases, she finds in the negative, although later she (O'Connell Davidson 1998:208) argued that the commodification of sexuality is not just an essential of prostitution. Somewhat similarly, Satz (1995:85) suggested that what is represented in prostitution by the commodification and exchange of sex and sexual services for exchange/use values can take place without being part of women's oppression if the ideologies and social relations are radically changed (and this is supported by the implication of Overall's argument (1992:724), and see debate on this point between Overall (1994:573, 574) and Shrage (1994b:567, 568) and the contribution of Chancer (1993:161–2)). While Pateman (1988:192, 202) made a

case for viewing the social relations and ideology under capitalism as explaining why most prostitutes are women and why they engage in heterosexual exchange, she also suggested the existence of male prostitutes and the exchange of homosexual sex for exchange values indicates that prostitution is not inherently female or heterosexual. Meanwhile, some writers like Bernstein (1999) have difficulty in conceptualising whether prostitution will exist after the demise of capitalism, capitalist patriarchy or patriarchal capitalism and thus extrapolating the situational from the essential. The argument put by some sex worker-ists is that the exchange (not necessarily just 'sale') of sex and sexual services between individuals in a future non-capitalist and non-patriarchal society can be conceived where such a phenomenon no longer conforms to what prostitution is regarded in contemporary society by many feminists. 'Prostitution' would neither be gendered, representing a form of women's oppression, nor would it be commodified on the basis of economic compulsion. The same can be said for other forms of sex work. But writers like Overall (1992) and Satz (1995) seem unable or unwilling to develop their positions because they cannot move away from the pull of that which constrains those like Bernstein (1999).

Given the general standpoint attributed to her, it is ironic that Pateman (1988:191) recognised the transitional notion of struggling 'in and against' *vis-à-vis* trade unionism and socialism without necessarily defending the 'opponent' of capitalism, albeit she cautions that when this may be applied to prostitution, recognition must be made of the role of prostitution in women's oppression (*cf.* O'Connell Davidson 1995, 1998). Recalling the slogan used to encapsulate a political position, 'For prostitutes, against prostitution', several authors have deduced from their theoretical perspectives a position for political practice. Overall (1992), thus, argued it is correct to defend prostitutes rather than prostitution but within certain limitations while O'Connell Davidson (1998:209, *cf.* 1995:9), recognising the problem of the traditional 'for and against position', argued that prostitutes should have some rights but not full rights. West (2000b:397) commented on O'Connell Davidson's cynicism of the possibility of reform within prostitutes' (working) lives short of a revolutionary transformation in society. Implicit within O'Connell Davidson's position is that prostitutes are extremely unlikely to have such a role in their or others emancipatory transformation. The position advanced in this chapter is to recognise the difficulties for socialist political practice of being 'for sex workers but not for sex work' and

to conceptualise sex workers as being essential to the transformation of sex work as it is presently constituted under capitalism. This means identifying a means of positive engagement with sex workers, though not in an opportunistic way for the support for sex workers' rights is genuine in this framework. Such an overall position is not the result of a view which sees prostitution or the 'sale' of 'sex' as inherent or inevitable in western societies (see, for example, Roberts (1992)) but one which seeks the socialised transformation of sex work, work and society.

### **Concluding remarks**

As radical sex work discourse is able to respond relatively robustly to not just the question of 'Is sex work?' but also the sequential statement of 'So what if it is work, it is still degrading and oppressive to women', then it provides a strong theoretical-cum-ideological platform from which sex work union activists can act to unionise 'their' industry for the reasons and in the manner outlined above. However, they attempt to do so in a situation that is not particularly hospitable by virtue of the relative newness of the sex work discourse. Until this discourse becomes over time more widely known about within and without the sex industry, the number of sex worker union activists able to deploy it in their unionisation projects will remain small. Therein lies a 'chicken and egg' situation. The route out of this situation is likely to lie in attracting extra-sex worker oppositional forces to the banner of sex worker union activists work as part of a wide project of social emancipation.

### **Note**

- 1 A similar process explains the complexion of the changes to prostitution in Britain (see Chapter 6).

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