

Perspectives on Rape in the Canadian Sex Industry

Navigating the Terrain Between Sex Work as Labour and Sex Work as Violence Paradigms

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Le travail du sexe et les agressions physiques et sexuelles sont si reliés que les activistes et les chercheurs soutiennent que tout travail sexuel est violent. Dans cet article je change la donne et je regarde le travail du sexe plutôt comme un “boulot” avec l’option que les femmes sont soumises à un haut niveau de violences sexuelles ou autres dans le monde du travail. Ces circonstances ne sont pas spécifiques au travail du sexe mais sont inhérentes au travail des femmes à l’intérieur du capitalisme mondial.

Many feminist researchers have documented high levels of sexual violence within the sex industry in Canada, particularly against street-based workers. The association between sex work and sexual and physical assault has become so linked that some feminist activists and academics support the perspective that all sex work is violence and that it perpetuates sexual assault against women. In this paper, I shift the terms of the debate by looking more closely at the relationship between economic production and violence in order to emphasize the connection between conditions of labour for sex workers and those for other women workers, particularly where the experience of being a worker interacts with gender and racial hierarchies. This discussion is grounded in an understanding of sex work as a form of labour, recognizing that sex workers and other women workers can be united in a struggle for better working conditions only through a framework that captures the relationship violence, economic production, and women’s labour.

One of the goals of much feminist writing on prostitution¹ has been to make visible the sexual violence and exploitation that women experience in the sex industry. This was, and continues to be, an important goal that should not be abandoned. After decades of sex workers’ rights activism in Canada, it is only recently that some police forces and the general public are beginning to demonstrate concern about violence against sex workers. For some, a discussion of prostitution as work—sex work—might seem

to be a step in the wrong direction, one that threatens to push violence against sex workers back into the realm of the invisible. Yet conceptualizing prostitution as work can also make visible the role violence plays in the sex industry by connecting the violence—sexual, physical, and economic—that women working in the sex industry experience to violence against women workers within the workplace, particularly as experienced by colonized and racialized women in Canada and transnationally. The overarching concern in this paper is to examine the relationship between economic production and violence, and to emphasize the connection between conditions of labour for sex workers and those for other women workers. I propose that by shifting to a framework that apprehends the commonalities between sex workers and other women workers, sex workers and women workers can be united in our struggles for improved working conditions. I set my focus on capitalist relations, not to negate the centrality of patriarchy, but to link feminist theorizing on prostitution emphasizing gender and sexuality more firmly to economic considerations. Here I argue that patriarchy is a part of interlocking system of power that works with capitalism, racism, and colonial histories.

Prostitution is a challenging topic to discuss because it does not exist as a unified phenomenon; the provision of paid sexual services can be organized in many different ways and can vary across time and space. Sex workers also do not share characteristic life experiences or qualities. Anti-prostitution research often portrays sex workers as subjects who have common histories and experiences, and who share similar understandings of sexual autonomy. However, sex workers have a variety of experiences in the sex industry that can range from good to bad and everything in between. Sex work occurs in a variety of venues: between 80 percent and 90 percent of sex work in Canada takes place indoors through massage parlours, escort agencies, exotic dance establishments, and the like (Hanger and Maloney). While academic research is beginning to explore these less

visible forms of sex work, there has been a tendency within feminist research on sex work to generalize findings from samples of the most vulnerable sex workers, women who are dealing with homelessness and poverty, to all forms of sex work (Weitzer). A desire for prostitution to fit neatly into discrete categories—liberation, exploitation, violence, and so on—has sometimes resulted in a diminution of the complexity and nuance of the sex industry, in Canada and globally. I begin this essay with the understanding that experiences in sex work, as with sexual assault, can vary greatly and rarely fit into neat categories.

working over the past twelve months and 5.3 percent reported having been raped (Fitzharris et al.). The New Zealand study, however, does not provide a thorough analysis of the effects of colonization on sex workers or the organization of the sex industry. It is critical to include analyses of race in studies of sex work because, overall, white sex workers work in “safer, higher paid, and more comfortable environments” than colonized or racialized sex workers (Kempadoo 1998: 11).

Research carried about by Lowman and Fraser surveyed 65 street sex workers in Vancouver, British Columbia

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Sexual Assault and the Sex Industry

Some sex workers experience sexual and physical violence, yet caution should be used when making generalizations about levels of violence in sex work. While the prevalence of violence in street-based sex work in Canada has been well documented, the research is less conclusive about the levels of sexual and physical assault indoor sex workers experience. In the following, I draw on Canadian research that has examined experiences of sexual and physical violence for indoor sex workers. I will also draw on American studies that have focused on levels of violence in the sex industry in an attempt to refute the claim that there are differences between indoor and outdoor sex work. I have included information about levels of violence in the New Zealand sex industry as the New Zealand example represents a unique model of decriminalization.

There is research to suggest that indoor sex work is physically safer than outdoor sex work. Indoor sex workers in New Zealand experience low levels of violence. However, levels of violence against sex workers overall are lower than those reported in Canada or the United States. A 2008 report by the Prostitution Law Reform Committee in New Zealand found that 9.8 percent of all sex workers surveyed (n= 343) had experienced physical assault while they were working over the past twelve months and that three percent had been raped (Fitzharris et al.).² Looking only at managed indoor workers³ and private indoor workers, the research found that 10.4 percent of managed indoor and 7.3 percent of private indoor workers had experienced physical assault, and that 3.3 percent of managed indoor and 1.5 percent of private indoor workers had been raped (Fitzharris et al.). These numbers are somewhat lower than those reported by outdoor workers³ in New Zealand, where 13.4 percent reported being physically assaulted while

(Lowman and Fraser). They found that off-street sex work is relatively safer than street-based work. Because many of the workers surveyed engaged in both on and off-street work, Lowman and Fraser were able to make comparisons between the two different venues. A much larger proportion of respondents reported serious physical or sexual victimization (such as rape or being beaten) while working on the street, whereas the highest incidence of off-street victimization was men’s refusal to use condoms and general harassment. The conclusions reached by Lowman and Fraser are similar to those of Cecilia Benoit and Alison Millar. Benoit and Millar’s research with sex workers in British Columbia concluded that indoor sex work is somewhat physically safer than outdoor work.

Tamara O’Doherty’s research on off-street sex work in Vancouver, British Columbia, is unique in that she focused on sex workers with little, if any, involvement with the street-based trade. The most common experiences of criminal exploitation for the sex workers in O’Doherty’s research was theft and threats by clients. Escorts reported more serious victimization than both masseuses and independent sex workers, with 25 percent of escorts reporting that they had experienced some form of client violence. Interestingly, close to 31 percent of respondents (n= 12) reported that they had never experienced any criminal exploitation while working in the sex industry.

In contrast, research from the United States by Jody Raphael and Deborah L. Shapiro reports very high levels of physical and sexual violence in the sex industry overall, but higher levels in outdoor forms than in indoor forms of sex work (133). For example, Raphael and Shapiro found that 50 percent of respondents had experienced rape while working indoors as escorts (n=28) (133).

Further, Melissa Farelly's survey of prostitution research concludes that rape and physical violence is pervasive in all prostitution, regardless of context. Possible reasons for these widely divergent results could be differences in legal context, procedures used to recruit participants, or the influence of different definitions of violence. The methods through which participants are recruited, such as contact through health or social service agencies, and the perspectives of the interviewers can introduce significant bias into research projects (Weitzer 938-39).

However, indoor sex workers, because of the frequent involvement of third parties as managers and owners of sex-related businesses, often experience high levels of economic exploitation and reduced control over pace of work and services provided (Benoit and Millar). This is a significant dimension of working conditions in the indoor sex industry that is often neglected in sex work research. These circumstances may be exacerbated for migrant sex workers, who in some cases may have relied upon a third party to enter Canada and may not have access to citizenship rights or speak English.⁴ Taken together, the research supports the position that experiences of violence and exploitation sex workers have are diverse and fall along a broad continuum that extends from physical and sexual violence to economic exploitation, to racism and to very little victimization at all. The range of working conditions found in the sex industry suggests that violence is mediated by the social, political, and economic context in which sex work is embedded rather than being an inherent feature of sex work itself.

Violence in sex work is sometimes understood as an expression of patriarchal domination (Barry; Jeffreys). However, focusing on gender as the primary category of analysis risks removing sex work from the social relations of capitalism, and in particular, from the experience of racism and sexism as a worker. Workers are recruited for particular types of jobs within the international division of labour according to gendered, raced, and classed hierarchies. For example, Black women may be recruited for domestic work and Eastern European women for sex work based upon gender and racial stereotypes (Agathangelou 2004: 4).⁵ Workers who live within subordinated geographies of the global South or who are poor, migrant, racialized or colonized subjects within the global North, are often closed off from access to labour protections, and if they are migrants to destination countries like Canada, from citizenship protections as well. It is within such spaces of exclusion that violence—physical, sexual, economic—becomes a possibility, not only in sex work but in many forms of work. Furthermore, it is well documented that Aboriginal and racialized women experience sexual assault in greater numbers and in contexts that are defined by their social locations. When placed within the context of economic production, violence appears to be a feature of the social relations of capitalism that works with other systems

of social organization to control and devalue workers' labour. This is a system that Chandra Mohanty refers to as a "racialized capitalist patriarch[y]" (Mohanty 148). While patriarchy remains a factor in violence against sex workers, it colludes with hierarchies of race and class to devalue and exploit women's labour.

Sex Work as Productive Labour

The starting point for my analysis is that sex work is a form of labour because it is an income generating strategy that provides for working class women's well-being and survival (Kempadoo 1998, 4) and replenishes the "commodity central to capitalism, labour power itself" (Agathangelou 2007: 101). In analyses of sex work, I contend that a distinction between the commodification of labour power and the commodification of the body in its entirety, as in slavery, should be maintained. Sex work exists within the ambit of wage relations, whereas slavery is premised on property relations and is the "legal ownership of one human being by another" (Kempadoo 2005: xx).⁶ Frequently, there is a slippage between these two concepts, implying that the body is appropriated in its totality in prostitution. It follows that there is no way for prostitution to be anything other than total victimization, precluding the possibility of sex workers' resistance. However, understanding sex work as the commodification of labour power leads to recognition that the conditions under which labour power is exchanged create the possibilities for violence and exploitation. From this perspective, the resistance of sex workers to their exploitation also becomes a possibility.

Some writers critique those feminists who draw parallels between prostitution and other forms of women's labour for forgetting that the service "that clients purchase is not divisible from the person who supplies it" (Davidson 2005: 119). While an important point of critique, I do not agree with the suggestion that sex work is not comparable to other jobs because it is embodied labour. For Marx, labour power is the collection of "mental and physical capabilities existing in the physical form, the living personality, of a human being" (Marx 270); thus labour power exists only within the body of the worker. Labour of any kind is inseparable from the person who supplies it, which quality is not unique to sex work.

Further, the sale and consumption of services, while experienced as actual, concrete transactions or events, also exist within a "virtual economy" (Peterson) comprised of symbols and meanings that become exchanged and through which consumers constitute their identities (Langman). The meanings attached to the particular bodies of sex, domestic, or service workers, informed by historically produced ideas about race, class, or gender, are also exchanged in connection with the services provided.⁷ This exchange of symbols and meanings in the labour process is itself productive, and works to produce

particular feelings, experiences, or affects (Hardt) in the consumer. Because of the meanings associated with the bodies performing sex and domestic work, women's labour also functions to produce a bourgeois subjectivity, the sense of prestige or superiority that comes with the ability to satisfy one's desires and pleasures in the consumers of these services (Agathangelou 2004: 16). As I will discuss later, understanding this connection between sex work and other forms of women's work is crucial to enabling women to act collectively in the struggle for improved working conditions.

women in retail sales work. Further, a total of 16 employees in retail, restaurants and bars were the victims of homicides that occurred during the course of employment between the years 2001 and 2005 (de Léséleue 8).⁸

A significant proportion of workplace violence takes place in health-related or social services workplaces. Between 2001 and 2005, 33 percent of reported incidents of workplace violence occurred in health care or social assistance services (de Léséleue 6). Health care and social assistance workers experience violent incidents at a ratio of 1.21 per 1000 workers compared to 0.17 per 1000 workers

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Violence on the Job: A Feature of Women's Work

Anti-prostitution feminists further critique attempts to analogize between prostitution and other forms of women's employment by citing pervasive violence in the sex industry, going so far as to equate sex work with violence, and asserting that what women endure in their "employment" is tantamount to sexual harassment and abuse (Raymond). However, what the anti-prostitution position overlooks is that women endure sexual violence, including rape and exploitation, in many forms of employment. Many women workers in Canada experience sexualized violence while on the job; the occupations where women are most concentrated in Canada are also the occupations that carry with them the greatest risks of workplace violence. In 2006, 67 percent of women employed in Canada were concentrated in teaching, nursing and other health occupations, clerical or administrative positions, or sales and service occupations (Statistics Canada 2007). These are also some of the occupations where workers are at most risk for violence. Workers most at risk for violence include employees working in health care, social services, teaching, and retail service and sales (ONA).

Karen Hughes and Vela Tadic's research examined the sexual harassment of women in retail service work, which includes jobs in food, clothing, department, and other stores. Two-thirds of the workers interviewed reported having experienced some form of customer harassment at their jobs (Hughes and Tadic). The most common forms of harassment the women experienced included staring, leering, flirting, and sexual remarks, which together were experienced by 50 percent of the women interviewed; 11 percent of the women reported touching and grabbing (Hughes and Tadic). The authors of this study concluded that there are fairly high levels of sexual harassment for

for all other occupations (ONA 9), which is approximately seven times higher than the average. Research carried out by the Ontario Nurses' Association showed that 36 percent of nurses have experienced physical violence in the workplace, mainly physical attacks by patients (9). The research also showed that eleven percent of nurses reported being the target of sex abuse⁹ in the workplace (ONA 9). Between the years of 2001 and 2005, three workers in health or social service occupations were murdered during the course of their employment (de Léséleue 8).

There is also a significant amount of violence in workplaces across Canada: 17 percent of all self-reported incidents of violent victimization (de Léséleue 6) and 24 percent of sexual assaults occur in the workplace (OWJN). This data suggests that women workers in many different occupations experience sexual and physical violence in the workplace, not only sex workers. Violence, from this perspective, is not a unique feature of prostitution, but is a feature of women's experiences in the social relations of capitalism, a part of the logic by which the surplus value of women's labour is exploited. This mirrors the situation for women who work in the home, who experience the greatest amount of sexual and physical violence, including murder. Aboriginal women experience three times the rate of spousal violence and eight times the rate of spousal homicide than that of non-Aboriginal women in Canada, reflecting the combined effect of colonialism, dispossession from land, and racism (Statistics Canada 2006).

Racism, Colonialism, and Women's Labour in the Global Economy

This feature of women's experience as workers becomes even more apparent when we look at the interaction of gender and race in the workplace, which is closely con-

nected to the legacy of colonialism. During the era of Empire, non-European women, existing outside national and racial boundaries, became defined as erotic subjects and as suitable for non-marital sexual encounters. In this way, “enslaved, indentured, and colonized womanhood came to represent uninhibited and unrestricted sexual access” (Kempadoo 1998: 10). Such ideologies are drawn upon today to position racialized women in the most heavily exploited sectors of production. Racialized women workers occupy a specific position within global capitalism that utilizes ideologies of gender and race to exploit their labour (Mohanty). Employers, in their desire to lower the cost of labour, draw upon racial hierarchies to devalue the work of racialized persons, which has “resulted in the over-representation of Black workers and workers of colour in the least desirable, least secure, poorest paid segments of the workforce” (Das Gupta 15). Aboriginal women in Canada, for example, have an average income of \$13,300 compared to \$19,350 for non-Aboriginal women (LEAF 1). Garment workers in Canada, many of whom are racialized women, are often highly exploited, over-worked and paid less than minimum wage (Das Gupta 43). These conditions are similar to those Mohanty describes in her research on lacemakers in India and electronics workers in California, all of whom are racialized, often migrant, women who work in isolation in the home, paying all overhead costs, and with no employment standards or benefits (Mohanty 154).

Women migrant domestic workers experience very high levels of exploitation and violence even when compared to other female migrant workers (UN para. 12). Very poor working conditions have been documented among migrant women workers, such as long working hours, non-payment of wages, and physical and sexual abuse (UN para. 12). Migrant domestic workers in Canada experience a variety of abuses, such as unpaid overtime, sexual harassment and rape (Stasilius and Bakan 122) and often work in isolated and highly regulated conditions (Stasilius and Bakan 125). Countries that receive migrant workers have demonstrated little interest in regulating low-wage, “undesirable” jobs in a way that would improve working conditions for migrant workers (UN para. 12).

Women workers in the global manufacturing industry work in particularly exploitative conditions. In 2000, manufacturing factories operating in about seventy different countries employed approximately twenty-seven million workers, most of whom are women (McNally 132). Multinational companies are often free to set up their own working conditions and wage structures (McNally 132). Linda Y. C. Lim comments that these women workers in the global South are the most heavily exploited group of all workers. A profound example of these circumstances are manufacturing factories, also called *maquiladoras*, in Ciudad Juárez, Mexico. Jessica Livingstone explains that between 1993 and 2002, approximately 300 women *maquila* workers have been murdered in Juárez, many of

them having also been the victims of sexual violence (59). Livingstone contends that these workers are constructed by capital as “cheap labour,” disposable and easily replaceable (60).

These studies suggest that the conditions of sexual and physical violence and exploitation many women work under in readily accepted forms of employment meet, and may even exceed, the degree of sexual and physical violence and exploitation that is so often associated only with the sex industry. And the workers who experience the most severe levels of violence and exploitation are those who have the least access to employment protection or citizenship rights, and are working in gendered and racialized service and manufacturing occupations. What this data suggests is that there is a relationship between economic production and violence, including sexual violence. Antonella Piccho argues that violence against women, from economic exploitation to physical and sexual assault, is tolerated because it ensures control over the reproduction of the population and the accumulation of profits through exploitation of women’s labour (112). While rape is a manifestation of patriarchal domination, it also figures into the logic of economic exploitation. Teresa Ebert explains that rape is the “inevitable effect of the systematic working of wage labour and capital and the way that such a system needs the superexploitation of women” (20). By placing violence within the context of economic production, violence appears to be a feature of the social relations of capitalism that work with other systems of social organization to control and devalue women workers’ labour.

Conclusion: Possibilities for Resistance and Change

As mentioned at the outset of this essay, it is crucial that we, feminist researchers and writers, draw attention to the sexualized violence many workers in the sex industry experience, the global economic inequality of women that often underpins women’s decision to engage in sex work, the racial and colonial hierarchies that organize labour in the sex industry, and the structural inequalities within the current global order. However, these reasons are not justifications for why sex work should not be understood as a form of labour. These reasons make it imperative that sex work be conceptualized as a form of labour. Workers who do not conceptualize what they do as work are unlikely to organize as workers (Mohanty 151), to demand better working conditions, to form labour associations or, in short, to engage in political struggle to resist their exploitation. Women who work in the home providing childcare and domestic labour are the prime example of these circumstances. Janice Raymond suggests that those who advocate for an understanding of sex work as labour are allied with the sex industry and not with women working in the sex industry. In contrast, I argue that it is in the interests of the sex industry to ensure that sex workers do not see

what they do as labour so as to preclude the possibility of workers uniting to end exploitative employment practices. To this end, feminist researchers must ask ourselves if the knowledge we are creating with our own work serves to create new discourses that sex workers themselves can take up to interpret their own realities and assist them in pursuit of their own projects and ambitions.

It can be difficult to imagine a remedy to the depth and pervasiveness of the violence and exploitation of women workers experience under global capitalism. This is a particularly challenging situation given the interest of

In indoor workplaces, steps can be taken to manage the environment to prevent rape and physical assault from occurring in the first place (Sanders and Campbell 14). Owners of sex businesses can be encouraged to invest in their buildings, improve security, and to engage workers in safety training (Sanders and Campbell 14). An innovative example of this approach can be found in New Zealand. The Department of Labour's Occupational Safety and Health Service has developed an occupational health and safety guide for the sex industry, which emphasizes the active management of health and safety risks in the sex

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governments in facilitating the accumulation of profits through the exploitation of women's labour in the sex and domestic labour industries (Agathangelou 2007) and the usefulness of sex work as an "alternative welfare system" in an era of austere welfare spending (Davidson 1998: 193). I maintain that the best possibility of resistance to these conditions exists in connecting the violence women experience in the sex industry to sexualized violence against other women workers and by collectively advocating for labour standards and social benefits of employment for all women, including sex workers.

To conclude this paper, I return once again to where I began, with sex work in the Canadian context. In Canada today, one of the most critical and pressing issues for sex workers is the need for safe places to work. Right now, under the federal criminal law, sex workers cannot work together in indoor workplaces even though working outdoors or in isolation leaves workers vulnerable to rape and physical violence. The Canadian government has shown little interest in repealing provisions of the prostitution-related sections of the *Criminal Code* that would allow sex workers to legally work together in indoor spaces. Sanders and Campbell explain that "sex workers are expected to reduce their own opportunities for becoming a victim because the state does not want to take responsibility for reducing the dangerous conditions in which sex workers work" (Sanders and Campbell 13). Sex workers in Ontario and British Columbia are currently challenging the constitutionality of Canada's prostitution laws. Violence against sex workers, including sexual assault, is facilitated by the legal context of sex work (Allinott). Repealing sections of the prostitution-related provisions of the *Criminal Code* would reduce the incidence of sexual assault by allowing sex workers to work from safer indoor spaces and removing barriers to reporting criminal exploitation.

industry (Dept. of Labour 17). Those who employ sex workers have considerable responsibilities for workers' health and safety (Dept. of Labour 24). Further, if sex workers were able to work together in one establishment, they could be included in the scope of provincial labour legislation, such as employment standards or occupational health and safety legislation. This would give sex workers an avenue to challenge unsafe working conditions.

These outcomes will only become possibilities if we, researchers, women workers, and sex workers, engage in political struggle grounded in an understanding of the relationship between economic production, sexualized violence, particularly rape, colonialism, and racism. These factors affect all women workers even as we occupy different locations within the global division of labour. Women workers and sex workers experience sexual assault, physical abuse, and economic exploitation in the workplace; setting up boundaries between sex work and other forms of work deflects attention away from entrenched violence in racist, patriarchal capitalism (hooks 2000) and the way in which women's labour is devalued through gendered and racialized hierarchies.

There are connections between the retrenchments in social spending in First World countries like Canada, that have reduced social assistance and services to women including services to assist women who have experienced violence, and the structural adjustment programs implemented in the Third World that have created pools of labourers who, out of necessity, accept jobs with low wages and poor working conditions (Chang). Retrenchment has resulted in circumstances where women may not be able to establish independent households free from violence. For many women and fewer, but not insignificant, numbers of men, sex work is part of their solution to the difficulties produced by global economic processes.¹⁰ It can only be

through the understanding of sex work as a form of labour that sex workers and other women workers can be united in a struggle for better working conditions. Improving working conditions would also have the effect of reducing the possibility of sexual assault in the workplace. Continuing divisions between sex workers and other workers, and those among workers within the sex industry itself, only serve to enhance the power of capital over all of us.

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¹Throughout this essay I use "prostitution" and "sex work" interchangeably.

²Throughout the paper I use sexual assault and rape interchangeably.

³"Outdoor work" refers to street-based sex work

⁴For further information, see: Diaz; McDonald et al.

⁵In the context of the import and exploitation of women's labour, Agathangelou explains that Eastern European women's "subordinate position economically as well as politically makes them 'white but not quite' in terms of gendered class

⁶Sexual assault was historically conceptualized as a crime against men's property rights (see Clark and Lewis).

⁷For further information, see: Agathangelou (2004) and Pope.

⁸Gender of the victims was not indicated.

⁹"Sex abuse" is defined by the Ontario Nurses' Association as a physical or verbal advance or sexually explicit statement.

¹⁰For further information, see: empower Foundation <http://www.empowerfoundation.org/index_en.html>

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