

**For Better or Worse? Decriminalisation, Work Conditions, and Indoor Sex Work in  
Auckland, New Zealand/Aotearoa**

by

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## **Abstract**

Internationally, sex workers and other people who participate in the sex industry remain subjected to social, economic, and political inequalities on a daily basis. While decriminalisation has been championed by sex workers and advocates in Canada and elsewhere, New Zealand remains the only country to have implemented this model, which is arguably the most conducive to improving the work conditions for sex workers. More than a decade post-decriminalisation, we have scant knowledge on what criteria sex workers use to choose what sectors to work from and the labour conditions existing in those locations. In this case study, I built upon anti-colonial and feminist literature by conducting in-depth interviews with 30 indoor sex workers and 10 managers to discover the advantages and pitfalls to working in the sex industry in Auckland. Placing sex workers' voices centre stage, I explore what motivates their involvement in sex work and the meanings they attach to their work. Second, I describe the work conditions experienced within the managed sector of the sex industry, with a focus on the relations between sex workers and managers. Lastly, I further the understanding of working conditions experienced in the private sector, and private workers' ability to create their ideal work environment within a decriminalised context, specifically worker-run cooperatives. I found that sex workers seek greater autonomy over their work processes but that constraining dynamics prevent them from doing so. These dynamics include the whore stigma, discrimination outside of the sex work community, and the presence of restrictive by-laws. Overall, my participants described a disjuncture between the rights granted by the 2003 change in law and their lived experiences that jeopardized their occupational well-being. I provide social and policy recommendations for areas related to stigma and working environments.

## **Preface**

When doing this dissertation, Catherine Zangger identified, designed, and with the aid of a computer program called MAXQDA 11, analyzed the research data. The research conducted was approved by the University of British Columbia (UBC) Behavioral Research Ethics Board (UBC BREB Number H12-00541).

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I would like to thank my supervisory committee—Dr. Becki Ross, Dr. Gillian Creese, and Dr. Alexia Bloch—for supporting me along this journey and pushing me beyond what I thought I was capable. A special thank you for my supervisor, Becki Ross, who never gave up on me and devoted relentless hours helping to shape and fine tune my substantive chapters. Without her support, I would not be where I am today.

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## **CHAPTER ONE: Sex Work, Law, and Feminism: Work Conditions in a Decriminalised Context**

The topic of sex work has been a difficult issue for feminists and policy-makers alike for decades (Miriam, 2005, 2007; Schotten, 2005). Internationally, sex workers and other people who participate in the sex industry remain subjected to social, economic, and political inequalities on a daily basis (Abel, Fitzgerald, & Brunton, 2009; Agustín, 2005; Brock, 2009; Bruckert, 2002; Handlovsky, Bungay, & Kolar, 2012; Levy & Jakobsson, 2014; Lewis, Maticka-Tyndale, Shaver, & Schramm, 2005; Lewis, Shaver, & Maticka-Tyndale, 2013; Phillips & Benoit, 2005; Sanders & Hardy, 2014; Shaver, 1994). Even though all feminists acknowledge situations of exploitation and violence, they differ on whether sex work is a form of violence. The feminist debate can be divided into two dominant perspectives: ‘sex work as exploitation’ and ‘sex work as work’. The first perspective argues that sex work is in itself a form of violence against women, regardless of the conditions under which it is practiced (Barry, 1995; Benedet, 2013; Farley, 2003; MacKinnon, 1989; Raymond, 2004a). This means that sex work can never be conducted safely and will always encompass dimensions of exploitation. In contrast, the second group of feminists argue that it is the conditions that make the sex industry unsafe, not the work itself (Benoit & Millar, 2001; Hubbard & Prior, 2013; Jeffrey & MacDonald, 2006a; Kinnell, 2008; Larsen, 1996; Levy & Jakobsson, 2014; McCarthy, Benoit, & Jansson, 2014; Plumridge & Abel, 2001). Therefore, both groups disagree on how policies and societies should deal with the selling of sexual services, with the former pushing for its abolishment by criminalising clients and managers, but not the sex workers themselves. Conversely, the latter group of feminists deems all forms of criminalisation as contributors to the violence, and thus commonly calls for the decriminalisation of all aspects of the sex industry.

Despite international support for the decriminalisation of the sex industry,<sup>1</sup> New Zealand<sup>2</sup> remains the only country to have adopted this model. In 2003, it became the first country to do so, including decriminalising street-level work, adopting what is arguably the framework most conducive to the improvement of work conditions for sex workers. There has been a recent growth in sex work-related research in New Zealand (Abel, Fitzgerald, & Brunton, 2007; Abel, Fitzgerald, Healy, & Taylor, 2010; Abel, 2014; Mossman, 2010), but much still remains unexamined. More than a decade post-decriminalisation, we only have scant knowledge on the reasons sex workers work in certain settings, and the current work conditions present in those workplaces. The purpose of my dissertation is to address this gap in academic understanding.

While decriminalisation has been championed by sex workers and advocates in Canada, elements of sex work remain criminalised within Canada (Canadian HIV/AIDS Legal Network, 2013; van der Meulen, Durisin, & Love, 2013). As a Canadian feminist sex worker rights activist, and an advocate for decriminalisation, I felt keen to develop an understanding of the experience of sex workers and managers working in the indoor sex industry in Auckland, New Zealand. Since decriminalisation in 2003, Auckland has emerged as an ideal case study for advocates of decriminalisation, such as myself, to observe and assess the implications of adopting this legal framework. I saw my research as an opportunity to further my understanding on the working of this model, and to bring back to Canada this new and valuable knowledge.

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<sup>1</sup> Decriminalisation is currently being called for in several countries, among them being Australia, Canada, France, Britain, India, and South Africa.

<sup>2</sup> There is a Māori language term for New Zealand, which is Aotearoa. In New Zealand they are used interchangeably. For the purpose of this dissertation, I will use the colonial term, New Zealand, so as not to overshadow the fact that Māori people remain colonised and disenfranchised.

In this dissertation, I explore how sex workers organise their work within a decriminalised environment, specifically in Auckland. With an estimated resident population of 1,507,600, Auckland is the largest city in New Zealand comprising 34 percent of the nation's population (Statistics New Zealand, 2012).<sup>3</sup> Māori<sup>4</sup> constitute approximately 15 percent of the New Zealand population, and the majority group, Pākehā,<sup>5</sup> close to 67 percent of the population (Sibley, Harré, Hoverd, & Houkamau, 2010; Statistics New Zealand, 2013b). Most Māori live in the North Island (87 percent), although less than a quarter (24 percent) live in Auckland (Statistics New Zealand, 2013b).

According to Borell, Gregory, et al. (2009), in New Zealand there is a commonplace understanding that Māori have an unfair and privileged access to rights and resources that are unavailable to other members in society. Due to New Zealand's history of racist colonialism and dispossession, and as an Indigenous minority group "Māori people are socially and economically disadvantaged in New Zealand and as a people are constantly vulnerable to the attitudes, perceptions, judgements and moral panic of the Pākehā majority" (L. T. Smith, 2006, p. 5). There is continuing evidence that suggests that Māori people are persistently subjected to worse health, higher unemployment rates, lower pay, and worse subjective well-being compared to

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<sup>3</sup> In 2012, the population of New Zealand was estimated at 4.43 million, with the Māori ethnic group estimated at 682,200. Migration flows to and from Australia and the United Kingdom remain the biggest migration flow. For permanent and long-term migration by country, the United Kingdom was the largest source country at 14,200 arrivals, followed by Australia at 14,000, China and India at 5,200, the Philippines at 2,000, Germany at 1,500, and lastly, Ireland at 1,500 (Statistics New Zealand, 2012).

<sup>4</sup> Māori is a person that is a member of the Aboriginal people of New Zealand.

<sup>5</sup> Pākehā is a Māori language term for New Zealanders who are of European descent.

Pākehā (Borell et al., 2009; Harris et al., 2006, 2012; Sibley et al., 2010; Statistics New Zealand, 2013b).

In regard to international migration, Auckland is the fastest growing region in all of New Zealand, and the only region that in 2012 witnessed a net inflow of permanent and long-term arrivals at 5,100 people (Statistics New Zealand, 2012).<sup>6</sup> Based on the 2013 census, 39 percent of the Auckland population was born overseas. Auckland migrants represent the most diverse range of countries than those migrating to other regions in New Zealand. For the years 1996 to 2013, Asian migrants accounted for 36 percent of Auckland's population, with the main source countries being China and India. Pacific migrants accounted for 10 percent with the main source countries being Fiji and Samoa. Lastly, the United Kingdom accounted for 17 percent of migrants (Statistics New Zealand, 2013a). Of the overseas-born population in Auckland, 39 percent were from Asia, 21 percent were from the Pacific, and 17 percent were from the United Kingdom and Ireland (Statistics New Zealand, 2013a).<sup>7</sup> Auckland also has the largest number of sex workers and commercially-run sex establishments than any other region, which makes for an ideal research site (Abel et al., 2009).

From the outset of the research project, my aim was to examine the impact of the legal change on the work conditions within the indoor sex industry. First, I wanted to explore the motivations behind sex workers' engagement in sex work, and the meanings they have attached

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<sup>6</sup> All regions except Auckland had net losses from international migration (Statistics New Zealand, 2012).

<sup>7</sup> The Statistics New Zealand website did not include the over-seas populations accounting for the remaining 23 percent (Statistics New Zealand, 2013a).

to their work. Second, I was interested in how relations between sex workers and management have changed since decriminalisation. Lastly, I wanted to further our understanding of a largely invisible segment of the sex industry: the private sector.<sup>8</sup> My study contributes to other research that examines the relationship between socio-legal context and work conditions (Bernstein, 2007a; Doezema, 2009; Jeffrey & MacDonald, 2006a; Kinnell, 2008; Lewis et al., 2005; Vanwesenbeeck, 2005). Throughout the analysis, I highlight the importance of workers having control over the work process.

Different studies have adopted different typologies of sex work (Benoit & Millar, 2001; Gall, 2006; Weitzer, 2009b). For the purpose of my study, I limited my sample to indoor managed and private sex workers, excluding sex workers who worked in the street-trade. Even though both of the managed and the private sectors are part of the indoor sex trade, there are differences. In the managed sector there was management, whereas in the private sector there was not. For the purpose of this study, the managed sector included escort and brothel workers. Even though some would consider porn workers, sex chat-line workers, massage parlour workers, and exotic dancers within the managed sector, I excluded them.<sup>9</sup> The private sector comprised all workers who worked independently of managers, who did not have to share their earnings, and who were responsible for their own advertising and finding their clients.

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<sup>8</sup> I use the term ‘private’ because this is the term used by the sex workers I interviewed.

<sup>9</sup> I excluded sex chat-line workers because they do not offer in-person services. I excluded massage parlour workers and exotic dancers as they are known not to offer full sexual services. Even though porn workers offer full sexual services, their work context differs greatly than for escort or brothel workers.

This qualitative study draws on semi-structured in-depth interviews with 30 indoor sex workers, and 10 managers of commercially-run sex establishments in Auckland. All interviews were conducted from June to December 2012. Wanting to know the outcome from decriminalisation on the work conditions of indoor sex workers in Auckland, I sought to advance our understanding of indoor sexual labour as experienced within a decriminalised environment.<sup>10</sup> In this introductory chapter, I outline the areas of scholarship and theoretical concepts I have drawn on for my substantive chapters. I highlight the relationship between the socio-legal context and the work conditions found in the sex industry. Influenced by sociologists of work, I also explore the relationship between work conditions and the occupational well-being of sex workers. Lastly, this chapter provides a brief overview of the research site, and my research questions.

## **Situating the Research in the Literature**

My study explores three intersecting themes: feminism and sex work, law and work conditions, and gender and sexuality. Even though the main focus of this project is to build on our understanding of the work conditions faced by sex workers in a decriminalised context, the insights generated by sociologists, economists, feminists, and statisticians provide the backdrop for this project. Thus, the following literature review explores research focused on sexuality, law, sex work, work conditions, and occupational well-being. Each of these fields provides different

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<sup>10</sup> For a description of my research questions, please see the last section of Chapter One.



viewpoints, along with points of shared aims and differences that are explored elsewhere in the dissertation.

### ***Feminism and Sex Work***

The concepts of prostitution and prostitute have taken on different connotations at different times, demonstrating how these meanings are socially ascribed, usually by external agents (Pheterson, 1996). However, more often than not, from the nineteenth to the twenty-first centuries, these concepts have been used in Western countries as sexist instruments of social control (Chateauvert, 2013; Doezenia, 2000, 2009; Kinnell, 2008; Perkins, 1991; Pheterson, 1996). Once classified as degrading to women, sex work became a political tool used to reinforce heteronormative dichotomies and ideals (Frances, 2004; Jenness, 1993; Kantola & Squires, 2004; Kempadoo & Doezenia, 1996; Pheterson, 1996; Shaver, 1994; Weitzer, 2009a). Along racial, gender, and class lines, sex work has been used to reinforce certain societal divides and inequalities by reproducing the heteronormative domestic family (Bullough & Bullough, 1987). Considering that sex outside of a monogamous, heterosexual relationship is deemed as sinful, the regulation of sex work has become paramount to sustaining these ideals. Through the regulation of the sex industry, governments are able to sustain a system that reinforces heterosexual and monogamous norms while suppressing other forms of sexuality such as female promiscuity and same-sex sexual relations.<sup>11</sup>

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<sup>11</sup> A more detailed discussion of ‘white slavery’ is to come later in this chapter.

By defining sex workers as ‘fallen women’—women who cannot be rescued—governments were able to use the sex industry as a scapegoat for societal ills (McMaster, 2008; R. Rosen, 2000; Walkowitz, 1980). Used as a measuring stick, the ‘prostitute’ became a symbol of ‘what not to be’, in turn sustaining traditional female socialisation that discouraged “women from talking about sex, from asking for money in any situation, and from associating with women who are labelled whores” (Pheterson, 1996, p. 37). This encouraged divisions between women, specifically between sex workers and non-sex workers, and dictated which group of women was worthy of civil and human rights.

It is important to note that, during the 1970s, class differentiation played a major role in the shift in ideology vis-à-vis the sex industry in general. As Daniels (1984) proclaimed, evidence showed that the ‘fallen women’ rhetoric was led by white middle-class women wishing to disassociate themselves from the women who were sexually liberal, commonly women of colour from lower socio-economic echelons. This rift sustained the Madonna/Whore dichotomy, with the whore branded as a second-class woman. By treating these identities as mutually exclusive, this dichotomy restricted women’s sexuality to the home and worse, treated it as something that was dangerous and that should be feared (R. Rosen, 2000; Walkowitz, 1980).

### **Sex Work as Work**

During the 1980s, a new image of the ‘prostitute’ arose in New Zealand (Abel, Fitzgerald, et al., 2010; Jordan, 2010), Canada (Brock, 2009; Shaver, 1994; van der Meulen et al., 2013), Australia (Perkins, 1991; Weitzer, 2009a), the United States (Chateauvert, 2013; Jenness, 1993), and western Europe (Kinnell, 2008; Kulick, 2003). This new image, projecting prostitutes as sex workers, was linked to a campaign by an international social and political movement rooted in feminism that called not only for human rights, but also for sex workers’

right to work with dignity (Bullough & Bullough, 1987; Chateauvert, 2013; Healy, Bennachie, & Reed, 2010; Jenness, 1990).

Since then, the sex workers' rights movement has gained international recognition (Kempadoo & Doezema, 1996). The term 'sex worker'—unlike the category 'whore' or 'prostitute'—highlights how sex work is an income-generating activity or a form of labour that can be performed by anyone. By introducing the distinction between voluntary and forced sex work, these feminists considered sex work as “neither a subversive sexual practice nor an inherently oppressive one” (Scoular, 2004, p. 348); instead, they viewed sex work as primarily a form of paid labour. They argued that sex workers make decisions within more or less constraining circumstances, similar to other individuals who sell their labour in a market-based economy (Bernstein, 2007a; Doezema, 2009; Jeffrey & MacDonald, 2006a; Lewis et al., 2005; Vanwesenbeeck, 2005). As Kempadoo argued, even though sex work is an integral part of many people's lives, it is not always the “sole defining activity around which their sense of self or identity is shaped” (1998, p. 3).

This image of the sex worker allowed for an emphasis on the flexibility and variability of sexual labour and its similarities and differences with other forms of work. After conducting 60 interviews with street-based sex workers (48 women, 10 men, and two transgender persons) in three cities in the Canadian Maritime provinces of New Brunswick and Nova Scotia, Jeffrey and MacDonald (2006a) observed that sex workers did not describe themselves as victims, or as criminals, but rather as rational beings who were resisting the economic, sexual, and discursive power structures. Therefore, they argued that feminists should be foremost preoccupied with the individual sex worker's right to make choices rather than having others make those choices for them. They recognized “that sex workers, like most individuals, are making choices within the

constraining power structures of race, class, sexuality, and gender” (Jeffrey & MacDonald, 2006a, p. 10). Thus, they posited that the aim should be to minimize or change the power structures that limit attribution of agency to sex workers. Appreciative of social and political mobilization among sex workers and non-sex workers, Jeffrey and MacDonald concluded that sex work should be made “at least safer and less exploitative for all and, ultimately, a freer choice” (2006a, p. 10).

Conceptualising prostitutes as workers allowed for social and political activists to include sex workers’ voices in the recognition of women’s work, basic human rights, and decent working conditions. This change in discourse allowed sex workers to gain access to labour institutions such as unions, employment laws, and legal instruments when faced with exploitative conditions (Abel, Healy, Bennachie, & Reed, 2010; Gall, 2006). Sex workers and their allies also challenged sex work related laws that aimed to restrict sex work (Chateauvert, 2013), arguing that equal rights for people who voluntarily sell sexual services would enhance their access to resources to be able to protect themselves from exploitative situations (Bungay et al., 2015; Zangger, 2010). However, this has been contingent on recognition of sex workers’ social and political agency, something that remains at the heart of the sex workers’ rights movement globally.

## **Law and Work Conditions in the Sex Industry**

With the rise of the sex workers’ rights movement, sex work has become a subject of many political debates. Today, there are many countries that still treat sex work as an activity that needs to be prohibited. Some countries have opted for full criminalisation, such as in the United States (except Nevada), 30 nations in Africa, more than 25 countries in Asia, and at least 20 in Europe (Canadian HIV/AIDS Legal Network, 2013). Others have adopted a more tolerant

approach to sex work by allowing for the buying and selling of sex work while outlawing activities associated with it that are deemed harmful.<sup>12</sup> The differences in legal approaches are critical as this context has an impact on sex workers' ability to protect themselves, and, in turn, their occupational well-being. The sex work literature that examines the relationship between safety and law concludes that criminalisation—in full or in part—endangers sex workers (Abel et al., 2009; Brock, 2009; Bruckert, 2002; Handlovsky et al., 2012; Hubbard, Matthews, Scoular, & Agustín, 2008; Lewis et al., 2005; Weinberg, Shaver, & Williams, 1999). It is this relationship that is further explored.

### ***Criminalisation***

The prevalence of violence within sex work under a criminalised framework has been well established in New Zealand (Abel et al., 2009; Fitzharris & Taylor, 2010), Britain (Kinnell, 2008; Sanders & Campbell, 2007; Sanders, 2004), and Canada (Brock, 2009; Canadian HIV/AIDS Legal Network, 2013; Lewis et al., 2005; Lewis & Maticka-Tyndale, 2000; Ross, 1997). Critics of criminalisation argue that a regulatory approach that criminalises elements of the sex industry exposes sex workers to unnecessary violence and harms (Bungay et al., 2015). Rather than focusing on the health and well-being of sex workers, this legal framework aims to contain the industry, and to keep it away from the public eye. A consequence of this is the exclusion of sexual labour from other societal realms, as well as its dislocation to geographic industrial areas, outside of public view (Jordan, 2010; Kinnell, 2008; Ross, 2010; Sanders,

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<sup>12</sup> This model is currently exemplified in Britain, and in Canada pre-2014 and in New Zealand pre-2003.

O'Neill, & Pitcher, 2009; Sanders, 2004). This creates an environment where violence against sex workers is tacitly accepted rather than combatted.

Criminalisation forces sex workers to work in isolation and invisibly. To avoid arrest or police harassment, street sex workers in Britain are repeatedly displaced to isolated areas where the risk of violence is heightened (Kinnell, 2008; Sanders et al., 2009; Sanders, 2004). With little foot traffic, these isolated areas create a context in which violence against sex workers is facilitated. Restrictive laws also prevent sex workers from relying on police and the judicial system when faced with exploitation or violence. A general mistrust of police forces sex workers to rely on their own safety strategies and on their own communities when faced with violence. Criminalisation also means the potential of being charged while working. When wanting to exit, criminal records become a hindrance, making it difficult for some sex workers to transition out of the trade.

Another model that has recently gained international attention is the Nordic model. This model aims to abolish the sex industry by criminalising those who purchase sexual services (clients), and those who promote or financially benefit from it, while decriminalising sex workers. It is believed that by targeting the demand the industry will eventually disappear. In 1999, this legal framework was first adopted in Sweden, and, since then, many more countries have considered and implemented this model (Benoit et al., 2014; Ouspenski, 2014). Norway and Iceland passed similar laws in 2008 and 2009, with Canada adopting a version of the Nordic model on June 4th of 2014 (Benoit et al., 2014; Ouspenski, 2014). In the last few years, legislation influenced by the Nordic model has also been discussed in the parliaments of France, Ireland, Northern Ireland, Scotland, and England and Wales (Canadian HIV/AIDS Legal Network, 2013). Canadian scholars predict that the current Canadian law will increase the risk of

violence to sex workers, place managers and support staff at risk of violating the law, keep the industry in the shadows, and sustain the same conditions as pre-2014 (Canadian HIV/AIDS Legal Network, 2013; Krüsi et al., 2014; Lowman, 2013).

Despite its stated intentions, evidence-based research has shown that the Nordic model is not effective in reducing violence against sex workers, nor is it reducing the number of people engaged in the trade. While the number of sex workers working on the street appears to have diminished, they have merely moved indoors, online, or to neighboring countries, resulting in relocation rather than in a reduction in numbers (Levy & Jakobsson, 2014; Subrahmanian, 2007). Even when working indoors, this model prohibits sex workers from working together, or relying on others for protection, as the sharing of income derived from selling sexual services is criminalised. Sex workers are also forced to lie to landlords when renting premises, and are vulnerable to extortion because of the risk of criminal conviction (Canadian HIV/AIDS Legal Network, 2013).

Following the legal change in Sweden, street sex workers have reported higher rates of risks and violence (Levy & Jakobsson, 2014). Fearing arrest and harassment, regular clients have avoided purchasing services on the streets, opting for the internet and more discreet indoor venues. This means fewer clients on the streets, and those who remain are more likely to be drunk, under the influence of drugs, and seeking unprotected sexual services (Levy & Jakobsson, 2014). When done within a criminalised environment, negotiation of sexual services must be done rapidly and in secluded areas to avoid arrest. Unclear communication between client and worker can lead to misunderstandings that can later result in violence and assault (Bungay et al., 2015; Canadian HIV/AIDS Legal Network, 2013; Levy & Jakobsson, 2014).

A decline in clientele is commonly followed by greater competition between sex workers. In order to remain competitive, sex workers in Sweden are obliged to lower their rates, and accept clients that they would normally refuse (Levy & Jakobsson, 2014). This places greater pressure on sex workers to see clients who insist on unsafe sexual practices, or who show signs of intoxication. Police are also known to rely on condoms as evidence against clients, providing sex workers and clients a strong incentive to avoid carrying them. To make matters worse, clients who would have previously reported violence, abuse or the coercion of sex workers to police are now disinclined for fear of incriminating themselves (Canadian HIV/AIDS Legal Network, 2013; Levy & Jakobsson, 2014).

Relying on two contemporary case studies—the Netherlands and Sweden—Scoular (2010) demonstrates how, regardless of the differences between the systems of governance the same results are seen on the ‘ground’. She argues that both the legalisation model<sup>13</sup> and the Nordic model “show considerable common ground, notably in terms of the lack of attention paid to many forms of indoor work and increasing marginalization of street sex work” (Scoular, 2010, p. 22). More specifically, referring to the Nordic model, she further highlights how it prioritizes ‘exiting’ rather than recognition, rights, or redistribution to sex workers as a group. Under this model, sex work remains stigmatised, hindering sex workers’ access to health, social, and legal services (Scoular, 2010).

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<sup>13</sup> The legalisation model is discussed in detail further on in this chapter.



Following the legal change in Sweden, sex workers have reported an increase in discrimination from health service providers, and the general population (Levy & Jakobsson, 2014). This prevents workers from discussing their sex work experiences when getting tested for HIV and other sexually transmitted infections. Street sex workers have also reported greater police harassment than previously. This leads to a mistrust of police, leaving workers vulnerable to violence and assault without any recourse. The threat of arrest or stigmatisation is enough to deter workers from seeking refuge or state protection if victimized (Levy & Jakobsson, 2013). More generally, because they are considered victims and not workers, sex workers are unable to access social security benefits and employment protections that are afforded to other workers in legal labour activities (Canadian HIV/AIDS Legal Network, 2013).

By placing sole emphasis on the gendered relations observed in the sex industry, the Nordic model lends itself to the erasure of transsexual and cisgender sex workers. This erasure is a disservice towards transsexual and cisgender sex workers' well-being as it allows for state officials to ignore the impact of the law on these groups of workers, overlooking their experiences and challenges. Overall, there is a plethora of empirical evidence that suggests that the criminalisation of sex work causes greater hardship for the people working in the industry. Rather than diminishing the violence against sex workers, criminalisation is said to exacerbate it (Abel et al., 2007; Brock, 2009; Levy & Jakobsson, 2014; Lewis et al., 2005, 2013; O'Doherty, 2011). In sum, it is evident that the criminalisation of sex work creates a context in which violence and exploitation against sex workers is sustained rather than abated. As a result, activist sex workers and their allies challenge the state's criminalisation of sex work.

## *Legalisation or Decriminalisation?*

Feminists who strive to enhance, rather than inhibit, sex workers' ability to exercise their social and political agency commonly advocate for either legalisation or decriminalisation (Benoit & Millar, 2001; Benoit et al., 2014; Brock, 2009; Bruckert, 2002; Jeffrey & MacDonald, 2006a; Shaver, 1994; Zangger, 2010). The aim is to improve the work conditions present in the industry by promoting its legal recognition in order to address the issues and problems associated with it, such as violence, public health, or barriers to exiting. Choice and consent are emphasized in order to highlight the heterogeneity of the sex industry and the agency of its workers.<sup>14</sup> However, there has been some confusion with the terms 'legalisation' and 'decriminalisation'. In some cases, the literature incorrectly claims that countries such as Germany and the Netherlands have decriminalised sex work (for example, Harcourt, Egger, & Donovan, 2005). Currently, however, only New Zealand has adopted full decriminalisation as a legal framework (Abel, Fitzgerald, et al., 2010). Even though most assume that these two legal frameworks—legalisation and decriminalisation—are similar, they are slightly different.

The key difference between the two legal models, legalisation and decriminalisation, is the extent of intervention adopted by the government. Legalisation of the sex industry is in place in Victoria, Australia (Frances & Gray, 2007), Nevada, United States (Albert, 2001), Germany (Weitzer, 2007), the Netherlands (Outshoorn, 2012), and Switzerland (Buschi, 2014).

Researchers have noted how legalisation—as is seen in Germany, the Netherlands, the United

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<sup>14</sup> This highlights the heterogeneity of the sex industry by acknowledging, both sex workers who wish to stay in the industry and those who wish to leave.

States (the state of Nevada only), and parts of Western Australia—tends to support the creation of a two-tiered sex industry: the formation of an illegal sector alongside a legal one (Sullivan, 2010; Weitzer, 2009a). Due to an unequal application of the law based on specific sectors—indoor versus outdoor, and location (city-zoning)—sex workers wishing to practice the trade legally are forced to specific sectors and locations, leaving all other sex workers vulnerable to criminalisation, sustaining unequal access to the judicial system (Outshoorn, 2012; Sullivan, 2010; Weitzer, 2009a). Therefore, some feminists, including myself, argue that the legalisation model preserves criminalised facets of the sex industry, once again increasing sex workers' vulnerability to violence, placing barriers against workers accessing the judicial system if needed, and negatively constrains the delivery of health promotion services to sex workers (Harcourt et al., 2010; Pyett & Warr, 1997; Sullivan, 2010; Weitzer, 2009c). Therefore, a better solution to legalisation is the decriminalisation of the sex industry.

In contrast to the legalisation model, decriminalisation does not promote the implementation of a framework controlling and managing the provision of services, which prevents the development of an illegal sector alongside the legal sector. This is not to argue that under a decriminalisation framework the sex industry is left to its own devices, but rather that the industry would operate under similar regulatory models as any other industry, such as the food industry (Abel et al., 2007). The aim is to create a safer and equitable work environment for people working in the sex industry by removing all criminal penalties, and thereafter encouraging governance of the sex industry via occupational and health regulations, allowing sex workers to gain access to employment rights in a safer and more supportive environment.

Wanting to know how the law impacts on the delivery of health promotion services to sex workers, Harcourt et al. (2010) compared three Australian cities with three different prostitution

laws. The cities were: Melbourne where legal brothels are licensed, while unlicensed brothels are criminalised, Perth where all forms of sex work are criminalised, and Sydney where sex work is largely decriminalised, without licensing. Of the three cities, Sydney was the only city that had a community-based health program, and the only program that employed multi-lingual staff with evening outreach to all brothels. In Melbourne, the unlicensed sector was not serviced. In Perth, the program accessed a minority of the brothels, by invitation only. Harcourt et al. (2010) concluded that decriminalisation was associated with better delivery of health promotion services to sex workers.

The recognition of sex work as a legitimate occupation is a counter argument to the dominant viewpoint taken by some feminists and current policies in Canada. Indeed, a counter-movement has grown. Most large Canadian cities (Montreal, Ottawa, Hamilton, Halifax, St-Johns, Toronto, Winnipeg, Vancouver and Victoria) have community organizations advocating for the decriminalisation of the industry. This is the regulatory framework adopted by the New Zealand National government in 2003 and is the model supported by the sex workers' rights movement internationally (Chateauvert, 2013; Handlovsky et al., 2012; Jenness, 1993; Kempadoo & Doezema, 1996; Poel, 1995; Sanders, 2004; van der Meulen et al., 2013; Weitzer, 1999, 2009c).

### **Workplace Autonomy, and Occupational Well-Being**

Following in the footsteps of other sex work scholars, I situate 40 interviews conducted with sex workers and managers within the sociology of work literature. More specifically, I rely on job satisfaction and job strain literature to introduce similarities between sex workers' needs, and the needs and wants of workers in other fields. A theme that recurred in both my interviews, and in the literature advocating for decriminalisation, is the concept of work autonomy. The

underlying assumption behind advocating for decriminalisation is that less state intervention lends itself to sex workers having greater control over their work practices. This, therefore, allows sex workers greater opportunities to influence work dynamics to better suit their needs.

The current sex work literature suggests that there are multiple factors that contribute to job satisfaction (Benoit & Millar, 2001; Bradley-Engen & Ulmer, 2009; Brewis & Linstead, 2000a; Bruckert, 2002; Lewis et al., 2005). Benoit and Millar (2001) point to the importance of control over earnings. They argue that workers in escort agencies have little control over their income, since most escort agencies charge a 'shift fee', thus limiting earning power. Sex work scholars in the United States have emphasized how positive relations with others is a determinant of job satisfaction. For example, sex workers described positive work spaces as places where management took physical and mental well-being into account, and where the relations between clients and workers were based in an ethic of authenticity and genuine care (Bernstein, 2007b). In New South Wales, Australia, Brewis and Linstead (2000a) also observed that positive relations among employees, and between employees and employers, contributed to a positive and supportive work environment.

For most occupations, work autonomy, decision-making latitude, management support, skill utilisation, and a balance between work and private life responsibilities are variables that contribute towards occupational health. Contributors to the job satisfaction and job strain literature argue that increased decision-latitude at work leads to healthier and happier workers. According to Karasek and Theorell, pioneers in the job strain literature:

While the psychological demands of work, along with time pressures and conflicts, are found to be significant sources of risk in many of our studies, work that is demanding (within limits) is not the major source of risk. The primary work-related risk factor appears to be the lack of control over how one meets the job's demands and how one uses one's skills (1990, p. 9).

Change in work decision-latitude translates into a change in the distribution of opportunities of control. With added opportunities of control—regardless of the work demands—workers are happier. This means that it is not the demands of the work itself but the organization of it that poses health risks (Karasek, Gardell, & Lindell, 1987; Karasek & Theorell, 1990; Karasek, 1979, 1990). We also know from the job strain literature that greater job stress causes misbehaviour, absenteeism, turnover, and sabotage (Adams & Welsh, 2008). The reverse also holds true: added control is motivational which ultimately leads to increased productivity, making it a win-win situation for both workers and employers (Karasek & Theorell, 1990).

In accordance with the ‘sex work as work’ perspective, it is evident that the work conditions observed in the sex industry are highly variable. There are different risks and work conditions depending on social location, the market, and work environment (Lewis et al., 2005; Vanwesenbeeck, 2005). Research on young people who engage in the sex industry is limited, and their voices are seldom heard (JJ, 2013). Estimation of the true nature and extent of the number of young people involved in prostitution is very difficult to attain due to the clandestine nature of the activity (Thorburn & de Haan, 2014); however there is no denying of its presence in Canada (Bittle, 2002; JJ, 2013), in New Zealand (Abel & Fitzgerald, 2008; Thorburn & de Haan, 2014), and elsewhere (Phoenix, 2002). The underlying reasons for youth involvement in prostitution are complicated and multi-layered, however the majority are said to not have entered the trade willingly, and their participation is usually indicative of compulsion or desperation rather than choice (Thorburn & de Haan, 2014).

It should also be noted that depending on social location and work context, some adult sex workers are more vulnerable to violence than others. According to Lewis et al. (2005), there are three dimensions that influence the management of risk and safety of sex workers in Canada:

location (indoor or outdoor), organization (in/out call), and whether or not the worker was self-employed. Different levels of risk were identified between working in the low- and high-stroll, and between working in the off-street managed sector and the off-street non-managed sector (independent off-street worker) (Lewis et al., 2005).

Indigenous women involved in the trade are also deemed more vulnerable than other ethnicities (Lowman, 2000). There are a number of reasons for this. First, Indigenous women are overrepresented in the street trade of the sex industry in both Canada (Phillips & Benoit, 2005; Shannon et al., 2009), and New Zealand (Abel et al., 2009). Due to their level of visibility, higher harassment from the public and the police, they face a heightened risk of harm (Lewis et al., 2005). Based on her analysis on the murder of Pamela George, a Salteaux woman in Regina, Saskatchewan, Razack (2000) argues that the persisting sexualised violence against racialized others and, more particularly against Indigenous women, is a trademark of White settler societies such as Canada. Indigenous women working as survival sex workers globally have been, and continue to be, at risk because of the history of racist colonialism and dispossession.

There is no denying that street-level sex workers are deemed as easy targets by serial killers as can be seen in Seattle by the Green River Killer, and in Vancouver by Robert William Pickton (Oppal, 2012). Over the past 30 years, approximately 100 women in British Columbia, Canada have been declared missing and murdered, with 67 who once lived in the Downtown Eastside of Vancouver, commonly known as the poorest postal code in Canada (Jiwani & Young, 2006). According to Lowman (2000), these acts of violence against Indigenous street-trade workers are propelled by the criminalisation of sex work and the discourse of disposability. Despite the fact that the Vancouver Police Department kept denying that the disappearances were linked to a serial killer, Robert William Pickton from Port Coquitlam was charged by the

police with the murders of 26 of the missing women, and convicted of manslaughter in six cases in 2007 (Jiwani & Young, 2006).

Supported by the sociology of work literature, some feminists rightly believe that added recognition of workers' rights for sex workers would allow them access to greater control over the organisation of their work (Benoit & Millar, 2001; Kempadoo, 1998; Shannon et al., 2009). By removing all laws that hinder workplace agency, sex workers can then create and advocate for a workplace that better mirrors their needs. Such an alternative could be worker-run cooperatives. Worker-run cooperatives are designed to be non-hierarchical, decisions are commonly made by consensus, the division of labour tends to be minimal, and organisation is based on an ideal of community which stipulates that members are not merely employers, but also part of a community working together for a common goal (Adams & Welsh, 2008). Currently, this is not possible in most countries due to their legal context, which is a hindrance to the advancement of sex workers' well-being at work (Shannon et al., 2009). However, little is known about the work conditions found in a decriminalised environment.

Even though there are now more sex work scholars who adopt a 'sex work as work' perspective, gaps remain in our understanding of law and work conditions. In an attempt to address this lacuna, Chapters Four and Five examine the benefits and drawbacks from working in two indoor sectors: the private and the managed. I situate my findings within the sex work literature and the sociology of work literature. The intersection of these literatures has provided for a rich background to further explore the relationship between socio-legal context and work conditions. By analysing the work conditions of sex workers in Auckland in 2012, my dissertation contributes to our understanding of decriminalisation, at the same time that it raises serious questions about areas in need of improvement. However, it is important to contextualise



the contemporary context in Auckland and New Zealand in order to demonstrate how remnants of the twentieth century socio-legal debates persist today. In particular, I outline remnants of the gendered and racialized sexual double standard, the involvement of first-wave maternal feminists, and the shifting legal terrains.

### **Sex Work in New Zealand: from 1900s to 2003**

Like in other Western countries (Doezema, 2000; McMaster, 2008), in New Zealand the topic of ‘white slavery’ periodically resurfaced between the 1890s and the early 1920s (Dalley, 2000, 2007). Similar to the ‘fallen women’ discourse, this discourse described sex workers as young and naïve, innocently lured or deceived by evil traffickers into a life of immorality and horror from which escape was impossible (McMaster, 2008). Policies of the time “often combined efforts designed to protect ‘innocent’ women with those designed to punish ‘bad’ women” (Doezema, 2000, p. 24). This resulted in a perceived need to regulate female sexuality under the guise of protecting women while supporting the Madonna/Whore dichotomy.

In addition to the gender dimension, there was also a racial one (Doezema, 2000; McMaster, 2008). The intended audience were white working women. Procurers were commonly portrayed as ‘foreigners’ luring white feeble-minded women. According to McMaster, “the ‘foreign’ nature of the procurer was used as a way to distance the criminal from the ‘true’ members of the community, who can then direct their outrage toward the alien ‘other’” (2008, p. 95). This was indicative of fears and anxieties concerning national identity, women’s increasing desire for travel, entertainment and autonomy, foreigners, immigrants, and colonial peoples (Dalley, 2000; Doezema, 2000).

New Zealand’s local interest in ‘white slavery’ was predominantly headed by religious organisations such as the Women’s Christian Temperance Union of New Zealand and the

Salvation Army. Fearing the spread of venereal diseases, politicians, religious groups, and some feminist groups used this concern to regulate sexuality, with a particular focus on prostitution. The debates juggled issues of morality and physical health alongside concerns of personal liberty, and the state's right to intervene in the private lives of their residents (Tulloch, 1997). During the period from 1880 to 1925, Tulloch (1997) found that good health was tied to the observance of 'natural laws',<sup>15</sup> and that transgression of these laws, for example, by overeating, drunkenness, or promiscuity, was believed to be the cause of social disorder and moral chaos. This meant that sickness was a symbol of sin. Invariably, nineteenth century commentators linked the spread of venereal disease to prostitution, initiating a wave of reforms and revisions of New Zealand's prostitution laws during the late nineteenth and early twentieth century (Dalley, 2000; Tulloch, 1997).

During the 1860s, the *Contagious Diseases Act* was passed to control the spread of venereal disease—arguably the first major legal intervention into prostitution in New Zealand (Dalley, 2000; Tulloch, 1997). According to Dalley, “the legislation empowered police to apprehend any woman identified as a ‘common prostitute’ and have her regularly examined for signs of disease” (2000, p. 587). Feminists criticised this approach by emphasising that men were not tested while women were, making these laws ineffective in addressing the problem. Describing prostitutes as women with compromised morals while acknowledging the gendered sexual double standard where men were seen as unable to suppress their sexual urges, and

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<sup>15</sup> Differently than common law, natural law is a philosophy that argues that certain rights or values are inherent by virtue of human nature.

women's role was to keep men in check, the Women's Christian Temperance Union of New Zealand claimed that the best remedy against the spreading of venereal disease was chastity for both sexes, and the abolishment of the alcohol trade, as alcohol was blamed for men visiting prostitutes. Faced with great resistance, it took twenty-five years of lobbying by repealers for Parliament to finally abolish the *Contagious Diseases Act*. This debate resurfaced again during the First World War (Dalley, 2000).

During the First World War, with soldiers travelling overseas, the 'white slavery' rhetoric was filled with new urgency. Even though there was a handful of white slavery cases during the first two decades of the twentieth century, there remained little evidence of white slavery. Nonetheless, the fear itself, and the outbreak of war, provided the catalyst needed for action (Dalley, 2000; Tulloch, 1997). In the context of anxiety over national fertility, strength, and vigour, the health of soldiers became a concern. Consequently, in 1916, the New Zealand Government introduced a *War Regulations Bill* into Parliament (Tulloch, 1997). The Bill addressed a range of issues, such as liquor regulations and enemy trade, but it also included clauses that aimed to suppress the selling of sex in order to prevent the spread of venereal disease (Tulloch, 1997). Although George Russell, the 1916 Minister of Health, maintained that this Bill would not reintroduce the provisions of the *Contagious Diseases Act*, he insisted that venereal disease was rampant, and the cause was prostitution (Tulloch, 1997). He argued that "parliament had a duty to take steps against those who for commerce place themselves beyond the pale of pure and virtuous womanhood" (cited in Tulloch, 1997, p. 226). The Minister proposed granting police the power to take action and harass any woman who loitered in public places for the purpose of prostitution. The Bill was passed, but Russell had to remove the provisions relating to sex work due to a lack of support.

In 1917 William Ferguson Massey's government introduced the *Social Hygiene Bill* into Parliament (Tulloch, 1997). Rather than a narrow focus on prostitutes, the proposed legislation addressed the spreading of venereal disease in the population as a whole. This Bill required all individuals with a venereal disease (not just prostitutes and their clients) to seek and undergo full treatment. However, it also classified prostitutes and their clients as high risk, requiring special treatment under the law. As with the 1916 *War Regulations Bill*, clauses specific to sex workers and their clients were removed before the Bill was passed (Tulloch, 1997).

Women's organisations and their supporters deemed the removal of the prostitution-specific clauses a success, but they also supported the introduction of measures to regulate the public behaviour of women (Tulloch, 1997). As argued by Tulloch, "debate in the House of Representatives over the *Social Hygiene Bill* reveals a growing concern over the role played by promiscuous girls in the spread of venereal disease" (1997, p. 233). Between 1908 and 1922, scholars in New Zealand noted an increase in the blurring of lines between prostitutes and other women and girls (Dalley, 1996, 2000, 2007; Tulloch, 1997). With greater emphasis on 'amateur', 'clandestine', and 'sly' prostitutes, government attention shifted from 'public' prostitutes, to women and girls who occasionally supplemented their earnings with sex work, and those who entered sexual relations with men outside of marriage. During the 1910s, politicians argued that it was these girls and young 'amateur' prostitutes that posed the biggest risk to soldiers' health. The role of the law was to preserve sexual moral purity and to dissuade these girls and young women from entering a life filled with dangers and disease (Tulloch, 1997).

Political interest in prostitution declined post-war. By 1922, sex work seemed to have dwindled. Compared to 1899, where Auckland police estimated 800 prostitutes, in 1922 police claimed they knew of only 104 professional prostitutes in all of New Zealand (Jordan, 2010,

2014). From the 1920s to the 1960s, the debate regarding social mores rarely blamed prostitution; rather it “was dominated by smiling, suburban happy families, with scant recognition that a prostitution industry even existed” (Jordan, 2010, p. 36).

During the 1960s, concerns over venereal disease and the morality of women who were willing to entertain sailors resurfaced. The ‘ship girls’ phenomenon—where sailors were willing to entertain women visitors on board, establish temporary relationship with them on land, or provide ‘free passage’ in exchange for sexual favours—attracted moral condemnation (Jordan, 2010). At this time, sex work was regulated using various clauses of a number of existing Acts, such as Section 26 of the *Summary Offences Act*, and Sections 147, 148, 149 of the 1961 *Crimes Act* which stipulated that sex work per se was legal, but none of the activities associated with it were, including soliciting, brothel-keeping, living on the earnings of prostitution, and procuring (Jordan, 2010).<sup>16</sup> This contradictory legal framework made it permissible to be a sex worker though almost impossible to conduct the work without contravening the law. Moreover, the law was applied asymmetrically: the solicitation law only applied to soliciting for the purpose of selling, not buying, therefore criminalising sex workers, who were mostly women, but not clients, who were mostly men.

By the 1970s, the scene on the streets across New Zealand became increasingly dominated by transgender and transsexual sex workers as sex work was viewed as “one of the few occupations available to transgender persons at the time who identified as Māori takataapui

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<sup>16</sup> This was also the legal framework in Canada pre-2014, however differently than in New Zealand it was not asymmetrically applied.

(referring to intimate friends of the same sex) or fa'afafine, a Samoan word meaning 'a way of women'" (Jordan, 2010, p. 37). Sex workers working from the ports were predominantly of Māori descent servicing the visiting fishing crews made up of predominantly Asian men. White middle-class women were mostly able to exercise their work from more discreet locations, and in higher end brothels and escort agencies (Jordan, 2010). There were few convictions during the 1960s and 1970s because in order to convict, police officers had to prove that an exchange had occurred and that the soliciting was offensive. What police intervention there was centred on the visible sector leaving the indoor sex industry largely untouched by the law (Fitzharris & Taylor, 2010; Jordan, 2010). It was not until 1978 that Parliament showed interest in regulating the indoor sex industry (Jordan, 2005a, 2010).

During the 1970s, brothels were illegal in New Zealand—even though this sector was the largest at the time—owners ran their business under the guise of massage parlours, which were largely a legal enterprise (Jordan, 2010). Fears of drugs, organized crime, and exploitation behind the closed doors of brothels led Parliament to pass the *Massage Parlour Act* of 1978. In addition to the *Crimes Act* of 1961, and the *Summary Offences Act* of 1981, police were now able to regulate the sex industry using the 1978 *Massage Parlours Act* (Jordan, 2010). Even though the latter did not refer to commercial sexual services, a key aspect of the legislation was that it defined a massage parlour as a public space. This granted police the right to enter without the need of a warrant and to pose as clients with the hope of arresting sex workers for soliciting in a public place (Jordan, 2010).

Another key aspect of the *Massage Parlour Act* of 1978 was that the central government began to require owners, managers, and all sex workers to hold licenses when working in or outside of massage parlours (Jordan, 2010). Registration meant that records of all names and

other personal information of sex workers were registered on a police database. To make matters worse, once sex workers' names were registered, they were never removed by police, regardless of whether or not they were still practicing the trade (Jordan, 2010). Describing the real consequences from additional police regulation, Healy, Bennachie, and Reed noted that, "while police claimed they did this to teach a lesson to massage parlour license holders who were 'too soft' and did not keep 'their girls' in line, this had a big impact on not only the lives of those sex workers who were arrested, but also on the lives of those who were working with them" (2010, p. 45).

Moreover, the *Massage Parlour Act* of 1978 stipulated that anyone with previous convictions was unable to register with the police, which excluded all sex workers with prostitution-related convictions from legally working in parlours (Pérez-y-Pérez, 2007). In addition, a newly-acquired conviction meant that sex workers were unable to work in massage parlours for 10 years. Following the passing of the *Massage Parlour Act* the police began visiting massage parlours to check that all employees present were registered and had the proper licenses (Healy et al., 2010). Consequently, overnight, sex workers with previous and newly-acquired prostitution-related convictions were no longer able to work from parlours, which forced them to work in sectors of the industry unfamiliar to them (such as the street) (Jordan, 2010). Criminal convictions also dramatically limited sex workers' employment opportunities outside of the sex industry, often leaving sex work (and now the street sector) as their only option for work. The asymmetrical framework created an environment in which sex workers had to work in secrecy, in isolation, and in fear of being arrested (Jordan, 2010; Pérez-y-Pérez, 2007), as well as vulnerable to exploitation, coercion, and violence from clients, managers, and police (Abel, Fitzgerald, et al., 2010; Jordan, 2005a).

In conjunction with increased regulation by police and Parliament regarding the sex industry in New Zealand, the women's rights and gay liberation movements of the 1970s began drawing attention to the oppression based on gender and sexuality that existed between women and gay men, and to abuses of human rights due to the sexual double standard. As support grew for these issues, so did attention regarding HIV/AIDS. Sex workers and gay men found themselves, once again, in the middle of a moral panic, in turn blamed and scapegoated as disease carriers that threatened the health and stability of society (Jordan, 2010). Even though in New Zealand few cases of transmission were linked to sex workers, sex workers were able to successfully utilize the public fear and turn it into a campaign supporting sex workers' rights. This drew attention to how legislative intervention in sex workers' lives was not taken lightly by sex workers themselves.<sup>17</sup>

Even though sex workers in New Zealand had often resisted or found ways of managing others' efforts to control them, it was not until 1987, with the formation of the New Zealand Prostitutes' Collective, that sex workers in New Zealand were represented.<sup>18</sup> As noted by Jordan, "its formation at the height of the AIDS scare helped to secure Ministry of Health recognition and funding" (2010, p. 37). Two years after it was founded, the Collective agreed that it was a

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<sup>17</sup> Even though the role of mainstream media from the 1980s onwards is documented in Canada (Hallgrimsdottir et al., 2006; Jiwani & Young, 2006), it is not in New Zealand. As of 2015, in New Zealand, there has only been media analyses conducted on the coverage of the Act leading up to the implementation of the *Prostitution Reform Act* of 2003 (Fitzgerald & Abel, 2010), and media coverage following the Act (Farvid & Glass, 2014). These findings are discussed later in this chapter.

<sup>18</sup> The formation of community organisations that were for and by sex workers was not unique to New Zealand. During the same time, groups in both the United States (COYOTE) (Chateauvert, 2013; Jenness, 1990) and Canada (CORP and Maggie's in Toronto, and ASP in Vancouver) (Brock, 2009; Ross, 2010; van der Meulen et al., 2013) were also formed to support sex workers with their fight for the decriminalisation of sex work.



good idea to work with the Department of Health towards the prevention of the spread of HIV/AIDS in the sex industry (Healy et al., 2010). The Collective quickly gained national support and built a broad base of support for law reform aimed at reducing stigmatisation and penalisation of sex workers. Rather than wanting to suppress female sexuality, as had previous feminist groups, they highlighted the moral double standard—that sex work was an immoral female activity, but not an immoral male activity—even though women were defined as service providers to meet men’s sexual desires. The campaign garnered support from a variety of groups, including some with relatively conservative ideologies, such as the National Council of Women, the Business and Professional Women’s Federation, and the Young Women’s Christian Association. This saw the end of the stranglehold of the rhetoric of the ‘white slavery’ and ‘fallen women’ in New Zealand.

Under a pragmatic human rights’ based approach, the sex industry was defined as an old institution which would most likely persist. Accordingly, much of the support for decriminalisation was linked to the desire to reduce the pressures on women (and other marginalized groups) from staying in the sex industry, as well as on barriers against exiting—if they chose to do so. It was judged that the reality of holding a prostitution-related conviction and its consequences far outweighed the crime. As Jordan explained, under the pre-2003 system, sex workers “bore all the blame and penalties, and these were penalties that worked often to entrench and consolidate her in a life of prostitution” (2010, p. 41). A prostitution-related conviction had a massive impact on one’s access to future employment opportunities as well as travel and financial options. With increasing concerns about the ways in which the pre-2003 legal situation placed sex workers at greater risk of violence and exploitation, and following the murder of three Auckland sex workers and the rape of three Christchurch sex workers in the month of October

1996 (see Jordan, 2010, p. 40), there was a call for decriminalisation as a solution to improve sex workers' safety.

Despite pockets of resistance, in 1989 the New Zealand Prostitutes' Collective made its first formal move towards the decriminalisation of sex work (Barnett, Healy, Reed, & Bennachie, 2010; Healy et al., 2010). At the time, attempts were being made in Parliament to further extend police powers to arrest sex workers on solicitation charges in escort agencies and outcall services, further regulating the sex industry, and in turn driving it further underground. A letter written by the New Zealand Prostitutes' Collective to the Associate Minister of Health explained how the current laws (and further regulation) would make it increasingly difficult for the group to fulfill the public health contract with the Department of Health. As recounted by Healy, Bennachie and Reed, "the police sometimes seized condoms and the Collective's safe-sex literature as part of evidence to arrest sex workers or people they suspected of brothel-keeping in massage parlours" (2010, p. 52). Conflicts between the police, the Collective, and the Ministry of Health drove sex workers to be increasingly reluctant to identify themselves as sex workers, even to the Collective. Parlour owners were reluctant to have condoms and safer-sex literature on their premises for fear that these materials could be used as evidence of brothel-keeping, making the HIV prevention program futile (Barnett et al., 2010).

By the latter part of the 1990s, and after much collaboration between government officials, academics, volunteers, and women's rights activists, the New Zealand Prostitutes' Collective had garnered strong support for decriminalisation, not only with a segment of non-governmental groups, but also with politicians (Healy et al., 2010). It began drafting a Bill in 1994. Even though it underwent many changes from its drafting to its implementation, by mid-1990s the vision for decriminalisation was being realized.

Initially decriminalisation was explained in the context of public health and the prevention of sexually transmitted infections, especially HIV. This expanded to include other issues expressed by sex workers regarding unfair employment practices, as well as the injustice faced by sex workers when working within a context that supported the criminalisation of workers but not clients. After two decades of campaigning, and with support from the Collective, in 2000 Member of Parliament Tim Barnett placed the *Prostitution Reform Bill*<sup>19</sup> in the Member's ballot (Abel et al., 2009; Barnett et al., 2010). While not endorsing or morally sanctioning sex work or its use, the goal of the Bill was to create a safer and healthier work environment for people working in the sex industry.

In October 2000, the *Prostitution Reform Bill* had its first reading, and was passed by 87 votes to 21 votes (Barnett et al., 2010). After two years of hearings, during which there were dozens of public submissions, the Bill faced its second reading, and passed by only 64 to 56 votes. This reflected both the strengthening of the opposition and a more conservative balance in Parliament (Barnett et al., 2010). With the gap narrowing between supporters and opponents, concessions had to be made to satisfy the concerns of the opposition. Three examples of concessions were the introduction of a certification system for operators of brothels, a ban on people migrating for the purpose of sex work, and the call for a Review Committee to report back to the Minister of Justice between three to five years following its implementation. The final draft of the *Prostitution Reform Bill* also included Sections 12 and 14. These sections

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<sup>19</sup> A Bill only becomes an Act once it is voted in by Members of Parliament.

granted local authorities permission to put in place by-laws regarding advertisement for sexual commercial services, and the location of brothels. With these changes the *Prostitution Reform Bill* was finally passed on June 25<sup>th</sup>, 2003 with a razor-thin majority of 60 to 59 votes, with one abstention (Barnett et al., 2010). This made New Zealand the first country in the world to decriminalise both indoor and outdoor sex work. The nation took one step closer to acquiring human rights and labour rights for sex workers.

### ***The Prostitution Reform Act of 2003***

The *Prostitution Reform Act* (Department of Justice, 2003) shifted the regulatory power from the police to a number of other government regulatory bodies in charge of the occupational health and safety regulations (at both the central and local government levels), and to community organizations such as the New Zealand Prostitutes' Collective (Department of Labour, 2004; Pérez-y-Pérez, 2007). Following the enactment of the *Prostitution Reform Act* (Department of Justice, 2003), the sex industry operated under the same health and safety guidelines as any other business in New Zealand. This meant that sex workers, police, managers, and government authorities could have a frank conversation about sex work without fear of legal reprisal. In collaboration with sex workers and managers, the Department of Labour's Occupational Safety and Health division developed guidelines on the roles and responsibilities of everyone involved in the sex industry, including operators, managers, receptionists, and private and managed sex workers, as stipulated under the *Prostitution Reform Act* and the 1992 *Health and Safety in Employment Act* (Department of Labour, 2004). Under the new law, the health and safety requirements became the responsibility of all, with the occupational health and safety of sex workers managed nationally through the regulatory framework of licensing and inspection of brothels (Mossman, 2010). This also meant that sex workers were entitled to the same

employment rights and responsibilities—such as paying taxes, and protection from unfair work conditions—as any other working person (Mossman, 2010).

Mainstream media played a significant role in the passing of the *Prostitution Reform Act* of 2003 (Farvid & Glass, 2014; Fitzgerald & Abel, 2010). Because few ever have direct contact with sex workers, media representations shape popular discourse about prostitution and the women who are sex workers (Farvid & Glass, 2014; Fitzgerald & Abel, 2010; Hallgrimsdottir, Phillips, & Benoit, 2006; Jiwani & Young, 2006). Based on media analysis conducted on print news regarding the *Prostitution Reform Act* published between 2000 and 2004, most articles focused on the Act, reported on key political figures and their arguments in support or in opposition to the change in law. Generally, equal coverage was given to each side of the debate. However, nearing its third reading, where it seemed likely that the *Prostitution Reform Act* of 2003 was going to pass, the news articles presented more arguments in support of the Act than in opposition (Fitzgerald & Abel, 2010).

A comprehensive study, funded by the New Zealand government in 2007 to examine the impact of the law on the health and safety practices of sex workers, released some fascinating findings (Abel et al., 2007). Abel, Fitzgerald, and Brunton (2007) found that decriminalisation did not increase the number of sex workers, nor the number of street-based sex workers, estimated to be one out of ten. There was little change after 2003, with the exception of a trend from the managed to the private sector, demonstrating that the belief that decriminalisation leads to an increase in sex workers is unfounded. Even more importantly, the findings showed that decriminalisation had a positive impact on the safety and health practices of sex workers by improving the relations between sex workers, clients, management, and the police (Abel et al., 2007).

An important consequence for sex workers following decriminalisation was ‘the right to refuse’. Prior to decriminalisation, sex workers who worked under management had little recourse when fired for refusing to perform certain sexual acts (Jordan, 2010). Without protection from the state, it was easier for clients and management to force sex workers to conduct certain sexual acts, thus diminishing their control over the use of their own bodies. Sections 16 and 17 of the 2003 *Prostitution Reform Act* gave sex workers the ‘right to not be induced or compelled to provide commercial sexual services’ and the ‘right to refuse’ to perform any sexual act without fear of reprisal from the client or management (Department of Justice, 2003). For the first time, the *Prostitution Reform Act* ensured that all workers were protected by law regardless of where or for whom they worked. The legal change gave sex workers greater control over how the work was performed and with whom, reducing the potential for worker exploitation and abuse (Abel et al., 2007; Abel & Fitzgerald, 2010).

Additionally, Sections 8 and 9 of the *Prostitution Reform Act* (Department of Justice, 2003) extended the responsibility of safer-sex practices to management and client, in turn empowering the worker against clients requesting condom-less services (Abel et al., 2007; Abel & Fitzgerald, 2010). Section 8 ensured that sex workers and clients were given appropriate and accurate health information by management; that health information was clearly displayed in commercial brothels for both clients and workers to see; and that reasonable steps were taken to minimize acquiring and transmitting sexually transmitted infections, including HIV/AIDS. A business operator who failed to comply with Section 8 could be fined up to \$10,000 (Department of Justice, 2003). Under Section 9, clients and sex workers were required to take all reasonable steps to ensure proper use of protection during sexual interactions involving the exchange of bodily fluids, including kissing (Abel, Healy, et al., 2010; Department of Justice, 2003). Based

on an informal email correspondence I had with staff members from the New Zealand Prostitutes' Collective on April 2<sup>nd</sup>, 2015, they were aware of five cases where clients were charged and fined for taking off the condom during sex—something that could not have happened pre-2003.

Another benefit related to decriminalising sex work impacts the relationship between sex workers and the police (Abel et al., 2007). Pre-2003, the law was subject to police discretion and not used to protect sex workers (Jordan, 2005a, 2010). It was the activities surrounding the act which were illegal and not the act itself, making the number of arrests for sex work offences dependent on police discretion and political pressure. This legal contradiction merely fostered unequal power relations between the groups and hindered sex workers' access to police protection. In order to address the gap between law and enforcement, the *Prostitution Reform Act* included Section 30 to define and clarify the relationship between sex workers and police officers (Department of Justice, 2003). Workers no longer had to worry about getting arrested while working or when seeking help from the police. Instead of being treated as criminals, sex workers were now eligible for police protection. Evidence of change can be seen when, in 2014, a police officer helped a sex worker resolve a payment dispute between herself and a client (Wynn, 2014). This paradigm shift can only be understood as evidence of increased safety for sex workers.

Since the law reform, support for decriminalisation has continued; however, in the last decade New Zealand has also witnessed renewed opposition against the sex industry (Farvid & Glass, 2014). The 'fallen women' discourse that had largely disappeared during the 1960s has recently resurfaced. The current opposition stems from people who believe, according to biblical teachings, that any laws that 'normalize' sex work are wrong or sinful (Barnett et al., 2010;

Warnock & Wheen, 2013). These opponents usually rely on incorrect information, and spread unfounded claims that the *Prostitution Reform Act* (Department of Justice, 2003) has resulted in more brothels, more sex workers, and more youth involvement. None of these trends has been documented in the research conducted on the sex industry either by groups formed by the government (Ministry of Justice, 2005), or by academics (Abel et al., 2007, 2009). Despite the misinformation spread by the groups who oppose the law, a conservative Christian lobby group called Family First New Zealand was founded in 2006. Since then members have questioned the morality surrounding sex work, and the change in law. Placing the rights and protections of families as a priority, this group describes street-based sex work and residential brothels as incompatible with family values. As a consequence, in 2010, Family First New Zealand helped with the introducing of a Manukau City Council bill (Manukau City, 2010) which tried to recriminalise street-based sex work for the whole of Auckland and New Zealand (Family First New Zealand, 2015). Luckily, this Bill did not pass the second reading, however, this persisting stigma is not without adverse effects on sex workers.

## **Research Questions and Chapter Overview**

In my dissertation I set out to gain an in-depth understanding of how sex workers organised their work in 2012, and of the areas they felt needed improvement. My interest to examine the work conditions faced by sex workers in Auckland, New Zealand was born out of my advocacy work in Canada. Auckland gave me, a Canadian sex workers' rights advocate, and a supporter of decriminalisation, the opportunity to further my understanding of how this model translates into practice. Despite empirical evidence supporting sex workers' rights activists' claim that decriminalisation encourages positive relations between police and sex workers, and between the clients and sex workers, we know little about the actual work conditions faced by



sex workers within a decriminalised context. I decided that New Zealand offered a unique opportunity to observe first-hand the impact of decriminalisation on the work conditions faced by indoor sex workers in Auckland.

The objective of my research is to develop an understanding of the experience of indoor sexual labour in Auckland, New Zealand. I sought to answer four main questions:

1. What motivates people to engage in sex work? And what can we learn about the impact of the whore stigma on sex workers?
2. What are the advantages and disadvantages of working in the Auckland managed sector of the sex industry? And how do relationships between workers and management influence sex workers' occupational well-being?
3. What are the advantages and disadvantages of working in the Auckland private sector of the sex industry? And what factors prevent private sex workers from organising their work according to their liking under a decriminalised context?
4. How do relations and discourses of class, race/ethnicity, gender, sexuality, and beauty standards impact how sex work is organised in a decriminalised environment?

Because the aim of my research project is to gain an understanding of the relationship between workers' experiences and their work context, most of my interview questions centred on the current organisation of the indoor sex industry, and the efficacy of the socio-legal context in 2012, almost ten years post-decriminalisation. I sought to discover how decriminalisation hindered or enhanced individuals' capacity to organise their work. My questions explored both the benefits and pitfalls of working within the indoor sex industry in Auckland.

In Chapter Two, I outline the methods used in recruitment and data collection, as well as how the data were analysed. I also explore the challenges faced when researching a marginalised group, and when researching sex work from a non-experiential standpoint. In Chapter Three, I explore the motivations behind my participants' engagement in sex work, as well as the

persisting negative impacts stigma has on sex workers' mental well-being while conducting their work.

In Chapter Four, I discuss the work conditions found in the indoor managed sector. I compare the rights granted by the *Prostitution Reform Act* (Department of Justice, 2003), with the actual work experiences of managed sex workers in Auckland, and their relations with managers. I draw on the interviews conducted with sex workers and managers to highlight the benefits and drawbacks of working under management. I found that despite evidence of improvement, there remains a lack of recognition of sex worker rights on behalf of managers. I end the chapter by highlighting how this lack of recognition translates into sex workers' resistance towards these practices.

In Chapter Five, I explore the work conditions faced by indoor private sex workers. My discussion focuses on the benefits and drawbacks of working independently of third parties. With an emphasis on the socio-legal context, I shine light on some of the difficulties faced by private sex workers in organising their work, and in finding a legal location to work from. All in all, I explore how these difficulties hinder sex workers' ability to form worker-run cooperatives, despite their legal right to do so. Finally in Chapter Six, I end the dissertation with reflections on the findings and contributions of this research, and I offer recommendations on how to address some of the issues still faced by sex workers and managers. More than ten years after decriminalisation in New Zealand, the proposed practical and policy recommendations that have emerged are relevant to New Zealand, Canada, and beyond.

## **CHAPTER TWO: Methodological Approaches: Practices, Ethics, and Sex Work Research**

My desire to conduct a qualitative case study inspired by anti-colonial and anti-racist feminist methods stemmed from my political and social desire to advance sex workers' rights. As a Canadian sex workers' rights advocate, I felt that Auckland gave me a unique context to observe the impact decriminalisation had on sex workers' occupational well-being and their ability to control their work. This was achieved by conducting 40 semi-structured in-depth interviews—30 with indoor sex workers and 10 with managers in Auckland, between June and December of 2012. The lack of literature on the outcomes from decriminalisation on the indoor sex industry, especially as it applies to work autonomy, was the principal consideration when choosing a research method to conduct exploratory research (Guba & Lincoln, 1994; Swanborn, 2010). Feminist qualitative research principles provided the best fit, as the interviewing process allowed for a redefinition of the interview guide with every interview, and inductive analysis of the research phenomena (Baxter & Jack, 2008; Bryman, 2004; Frisby & Creese, 2011). This chapter addresses the methodological considerations guiding this project, including the decisions made regarding recruitment, data collection, and data analysis strategies, as well as power differentials between researcher and participant, and ethical dilemmas in working with and for human beings.

### **Situating the Researcher**

For the last forty years, anti-racist feminists and anti-colonial scholars alike have brought our attention to the masculine (Haraway, 1991; D. Smith, 2001, 2005), racist (Hill Collins, 2005; Warren, 2000) and colonial (R. Bishop, 2008; L. T. Smith, 1999, 2006) nature of knowledge production in the social sciences. Recognizing that knowledge production is conducted within a

wider field of social relations, feminists have reminded us that all researchers are influenced by master narratives and that this influence can be detected in how we make sense of the world. Noting a gap between how sociological inquiry described women's experience and actual reality, feminists began questioning traditional research practices (D. Smith, 2005). They argued that traditional research, whether intentionally or not, has been used as a way to silence certain groups rather than to enhance the lives of the people being studied. Feminist and anti-colonial scholars identified three problems with the scientific model: its concept of objectivity, the quest for universal truth, and the role of research (R. Bishop, 2008; Haraway, 1991; D. Smith, 2001; L. T. Smith, 1999; Warren, 2000).

According to positivism, objective knowledge must be void of subjective judgements and interpretations. It is argued that by relying on specific research practices and design, researchers can minimize and ideally erase any impact that subjectivity may yield on the research results. Through a process of objective measurement and rigorous methodology, positivist researchers believe that observations can be void of opinion and therefore 'objective' or value-neutral (Palys & Atchison, 2008). Currently, the social sciences privilege the positivist notion of objectivity, which deems subjectivity as an obstacle to valid knowledge claims. Rejecting the claim that "rigorous rules of knowledge production can prevent connections between knowledge and reality being contaminated by the researchers' values" (Ramazanoglu & Holland, 2002, p. 45), feminists have joined others in questioning the possibility of 'value-free' knowledge.

The possibility of generating 'objective' observation is rejected by feminist theorists since all observations and research decisions are theory-laden, and all theories are mediated by a researcher's subjectivity (Bowen & O'Doherty, 2014; Haraway, 1991; D. Smith, 2005; Wahab, 2003). In this sense, unlike positivist epistemology, feminist epistemology describes subjectivity

as an asset rather than a hindrance towards the production of knowledge, and emphasizes “the importance of the subjective experience as a basis for developing knowledge” (Brabeck, 2004, p. 44). This does not mean that feminist theorists deem subjectivity as separate from or superior to objectivity but rather as a potential strength and resource for the production of better data (Brooks, 2007). Therefore, instead of describing objectivity and subjectivity as mutually exclusive, they describe them as inseparable; this inseparability is posited as a way to generate better data. Disinterested, distanced research is value-laden even as it purports otherwise.

In addition to rejecting the claim that knowledge is value-neutral, feminist and anti-colonial epistemology rejects the claim that the aim of research should be about the production of universal truth. Rather than aiming for universal knowledge, which has resulted in essentialized categories of groups, anti-racist feminists and anti-colonial scholars urge for partial, locatable, and critical knowledge claims. It is argued that universality treats the object of study as a homogeneous category, overshadowing the differences between and within groups (R. Bishop, 2008; Hill Collins, 2005; L. T. Smith, 1999). Furthermore, the search for a universal explanation overlooks how knowledge is situated in time and space and results in a discussion of the individual and the researcher as ahistorical or isolated from their interpersonal, historical, and physical context (L. T. Smith, 1999; Sprague & Kobryniewicz, 2004). To claim universality is to deem knowledge and its production as static and independent of its social and political context rather than in constant flux, and culturally and politically grounded (R. Bishop, 2008; Guba & Lincoln, 1994).

Differently than positivist epistemology, where the goal of research is to predict and to formulate a universal explanation, feminists and anti-colonial researchers deem the goal of research as the joining of partial views into a collective understanding where multiple

perspectives may yield a collective, provisional agreement on the whole (Sprague & Kobrynowicz, 2004). Recognising that the topography of subjectivity is multidimensional, and that knowledge grows out of these subjectivities, feminists argue that “each woman’s standpoint presents a unique lived experience and perspective and should be valued as such” (Brooks, 2007, p. 72). In other words, each standpoint is deemed as valuable and capable of directing our attention to details that we might otherwise overlook. Accordingly, Haraway urges feminists to argue for “politics and epistemologies of location, positioning, and situating, where partiality and not universality is the condition of being heard to make rational knowledge claims” (1991, p. 195). Therefore, rather than aiming for a universal explanation, science should be deemed as a field of contestation and “a process of ongoing critical interpretation among ‘fields’ of interpreters and decoders” (Haraway, 1991, p. 196), and as something that is built onto and with each other, and that is not necessarily mutually exclusive (Brooks, 2007). This method of assemblage is described by anti-colonial and feminists researchers as capable of producing more ‘objective’ and representative knowledge claims than the traditional philosophy of knowledge since the claims are culturally and politically situated, allowing for differences between and within groups to emerge, and valuing of diversity over universality (R. Bishop, 2008; Hill Collins, 2005; L. T. Smith, 1999). This would contradict the positivist assertion that only objective scientific methods can reveal descriptions of reality.

A third facet criticised by feminist and anti-colonial researchers relates to the role of knowledge production. According to positivist researchers, the role of knowledge production is to ‘tell it like it is’ without bias. Referred to as ‘pure’ science, positivist research is conducted ostensibly without an idea in mind about the application of its findings. In other words, the aim of the inquiry is not outlined and can simply be for the purpose of creating ‘new’ knowledge for

further theoretical purposes. Greenwood and Levin (2008) insist that a 'pure' science approach to inquiry overlooks the political and moral dimension embedded in research and the agentic nature of knowledge claims. However, overcoming this requires an active attempt at fusing knowledge and practice which differs from the approach taken by positivist researchers (Brooks, 2007; Greenwood & Levin, 2008).

Rather than the positivist assumption that knowledge exists somewhere outside the social relations in which it was produced, feminist and anti-colonial theorists argue that the production of knowledge is always a practice in itself (R. Bishop, 2008; L. T. Smith, 1999; Warren, 2000). Brabeck (2004) and Bishop (2008) suggest that feminist practitioners acknowledge their own limitations regarding their understanding of the experience of the Other. One way of doing this is with the use of reflexivity.

## **Reflexivity**

Feminists and anti-colonial researchers have generated tremendous insight into the challenges posed by the politics of identity when conducting sociological research (R. Bishop, 2008; D. Smith, 2005; L. T. Smith, 1999). They argued that in order for anti-colonial and feminist research principles to lead to better and more accurate accounts of social phenomena, strong objectivity must be coupled with strong reflexivity (R. Bishop, 2008; McCorkel & Myers, 2003; L. T. Smith, 1999; Williams, 1996; Wolf, 1996). Strong reflexivity requires researchers to subject themselves to the same level of scrutiny that they direct towards their respondents. According to McCorkel and Myers, a researcher must examine how master narratives "give form and substance to not just her experiences in the field, but her sense of her own identity as well as the identities and 'differences' of others" (2003, p. 205). Therefore, these scholars urge

researchers to examine how aspects of their identity impact the research process and its outcomes (Naples, 2003; D. Smith, 2005; Sprague & Kobryniewicz, 2004).

Whether some researchers are better off studying certain groups over others is a complicated and murky debate. Some feminists argue that knowing oppression first-hand helps one more fully understand another's oppression (see Oakley, 1981). However, feminists and anti-colonial scholars warn that the assumption of matching interviewers and respondents on particular characteristics (gender, race, age, class) is insufficient to yield 'better' data (Creese, Huang, Frisby, & Ngene Kambere, 2011; Haraway, 1991; McCorkel & Myers, 2003; Pheonix, 2001; L. T. Smith, 1999; Warren, 2000). According to Smith (1999), even Western-trained Indigenous researchers who are intimately involved with the community may employ research techniques and methodologies that can marginalize communities, demonstrating how identity by itself is insufficient to generate 'better' data (Haraway, 1991; L. T. Smith, 1999; Williams, 1996). Then, how do feminists and anti-colonial researchers determine which claims are more accurate than others?

The notion that 'valid' knowledge is achievable has become widely criticized by feminists, especially since positivist notions of validity have traditionally discarded experience as valid knowledge (Ramazanoglu & Holland, 2002). However, even if validity in the positivist sense is dismissed, feminists still want to claim that some accounts of reality are better than others. Therefore, feminist epistemology argues that it is possible to have a notion of validity without assuming a direct line to absolute truth. As Ramazanoglu and Holland remind us, "all truth claims are contingent on their conditions of production, but these conditions are variable and can be examined" (2002, p. 135). Through the act of reflexivity, feminists argue, one situates the production of knowledge, and by situating the production of knowledge, feminists reflect on



the limitations and strengths of their claims. However, in order to determine validity by using reflexivity, the practice itself must be transparent and accessible to the reader since ultimately it will be up to the reader to determine which claim is more accurate than another. This cannot be achieved without a discussion of the conditions of production. I waded in by situating myself vis-à-vis my participants, managers, and sex workers in Auckland, New Zealand.

### ***Locating the Researcher***

For this dissertation I was the principal investigator, therefore, how I situate myself is extremely important. The production of knowledge is not a one-way street, but rather a dialogic process that is continuously shaped depending on context and circumstance (Butterwick, 2011; Frisby & Creese, 2011). The 40 in-depth interviews conducted were, in some cases, my first point of contact with Auckland sex workers and sex establishment managers. These face-to-face interactions were greatly influenced by who I am and the participants' perceptions of me. I have had family members and friends who have engaged in sex work, but I, myself, have never worked in the sex industry. I have, however, found myself, on numerous occasions, using my sexuality to access social or material resources, whether for food, company, or a place to sleep. That said, my experience differs greatly from sex workers since I have never had to depend on selling sexual services for economic gain.

My lack of sex work experience was always shared with my participants, and never hidden. It never seemed to hinder my interaction with them, nor with their willingness to share information. Perhaps due to my ongoing proximity to the community, in both my personal and

professional life, some of the sex workers I interviewed were shocked when they discovered that I had no experience in sex work. Gavin, a cisman<sup>1</sup> sex worker asked, “How do you know these things? You’re just so easy to talk to.” This demonstrates that rapport can be cultivated, whether through experiential avenues or not.

Furthermore, to assume that my lack of sex work experience is a hindrance to the production of knowledge is to assume that sex workers are only that, sex workers, and that they all experience oppression and resistance in the same way. This is problematic for two reasons. Firstly, it reduces participants’ existence and social status to their work, rather than acknowledging that in conjunction with sex work, some are parents, sisters, brothers, lovers, friends, students, wives, husbands. Secondly, Williams (1996) argues that to assume that ‘it takes one to know one’ is to assume that all members of a group experience oppression the same way, overlooking the differences within groups and the intersectionality of power. Even though feminist and anti-colonial researchers recognize that identity has an impact on the research process, they also recognize that the impact is not unitary or essential (R. Bishop, 2008; L. T. Smith, 1999).

Despite my lack of personal experience with the sex industry, I do share many commonalities with sex workers. Being a ciswoman I have been exposed to sexist and gendered ideologies all of my life, giving me access to an understanding that may be absent for cismen. Also, as someone who has led a sex positive lifestyle and who has partaken in consensual casual

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<sup>1</sup> Cisgender refers to a person where the biological sex they were born with matches their gender identity.

hetero-sex, I have felt first-hand the adverse effects from “whore stigma” (Pheterson, 1996).<sup>2</sup> Having had to justify my sexual practices to others, and to explain why I did not feel troubled partaking in sexual encounters outside of a committed relationship, has given me insight into how sex workers feel when their morals and motivations are questioned. Female sexuality is heterogeneous, and to deny this is to practice an injustice to all women (Ryan & Jetha, 2010). To judge me or sex workers based on our sexual practices is to act in a sexist and patronising way. The underlying assumptions that leads some feminists and others to assume that sex workers are anything other than workers, has had a negative impact on them, as well as on me.

A researcher’s race also impacts how they interpret the data collected. As an anti-colonial, anti-racist white researcher, I am obliged to reflect on how my whiteness may have influenced my research outcomes. My whiteness did have an impact on data collection and its interpretation. I recall an interview with a private Māori sex worker. We were in the midst of discussing reasons behind her advertisement methods, when she shared how in her advert she categorised herself as white. She further clarified that her choice to lie on her advert was for strategic reasons—by identifying herself as Māori, she felt that she increased her chances of being discovered engaging in sex work by her community. However, initially I assumed it was because whiteness is privileged amongst sex industry clients making for a marketable trait. Had I

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<sup>2</sup> In the West, sexual labour and sex outside of affective relationships challenges concepts of female sexuality. Sex without reproduction, sex without desire, sex without identity, and sex without intimacy goes directly against the dominant view of sexuality as directly related to one’s sense of self, and an activity that is strictly shared between people who love each other. In turn, society brands prostitutes as sexually immoral, and lacking in decency (Pheterson, 1996). By categorising sex workers as shameful, the state also outlines sexual, racialized and gendered appropriate female sexual behaviour, and utilises the ‘whore stigma’ as a tool of social control to sustain the sexual norms of the time.

not delved further, I would have misinterpreted her actions, imposing my whiteness onto her life experience.

In addition to race, my ethnicity also played a role in my interactions with participants. I was born in Québec, Canada, from Swiss-Germany ancestry. I consider myself Swiss-Canadian. When I first arrived in Auckland I was uncertain how the sex work community would react to a non-experiential foreigner asking questions. To my surprise, my Canadian upbringing seemed to help rather than hinder the relationship. My accent became my identifier. While recruiting, potential participants remembered me because I was Canadian. At the time, being the only Canadian sex work researcher in Auckland, my ethnicity made it easy for them to check my status as a researcher with the New Zealand Prostitutes' Collective, and other community members. It also gave us an ice-breaker. One of the first questions asked was always where I was from.

Despite my white racial status—a privileged racial category in the Canadian and New Zealand contexts—I have always been part of a lower-socio-economic class. This allowed me to understand social and economic inequalities. When I was 8, my parents got divorced. From then on I grew up in a lone-parent household and witnessed my mother struggle to make ends meet. Living in a household with few resources, I started working at the age of 12. Even though at the time I could not explain the injustices we experienced, I knew that my mother's struggles were not of her doing, but rather due to external forces. Having lived in low income home conditions, I witnessed and felt first-hand negative societal reactions and poor-bashing. I rarely invited people over after school, and mostly kept to myself for fear of being 'outed' about our financial situation. Living in shame and secrecy was difficult, and had an impact on my ability to welcome friendships and strangers into my personal life. To overcome her financial struggles, my mother

also navigated many different jobs. Even though her choices were always filled with good intent, they sometimes backfired, once again putting us in a financially precarious situation. Despite these struggles, I learnt a lot from my mother, including survival and perseverance and both were exhibited by the sex workers I interviewed.

My commonalities with sex workers became even more apparent during my undergraduate years. As a student from a lone-parent household, I was responsible for my school costs and living costs. Luckily, I was able to capitalise on my Swiss passport.<sup>3</sup> Travelling to Switzerland for work made it easier for me to rely on savings, rather than loans, to pay for my tuition. It also provided me with first-hand experience to meet and talk with sex workers.

From 2005 to 2007, for three summers, I was hired by a hotel in Locarno, Switzerland that, coincidentally, also owned and operated a club where sexual labour was conducted. During their downtimes, the ciswomen working in that establishment would hang out in the neighboring café where I worked. As I got to know them better, we soon became friends. Daily contact with these women made me realise the similarities, rather than the differences, between us. Our commonalities ranged from a desire to be financially independent, travelling for work, an appetite for adventure, and a need to find ingenious ways to contribute to the family's income while paying for our schooling. I soon realised that both sex workers and I had similar needs, similar interests, and made choices in similar ways.

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<sup>3</sup> While I was born in Québec, Canada, both of my parents were born in Swiss-Germany, hence my dual citizenship.

This is not to argue that I am an insider (see Naples, 2004). I have never navigated the world as a sex worker. I have never lost relationships because of my work. I have never experienced being evicted due to my work. I have never been incarcerated or surveilled because of my work. I have never been refused financial assistance or employment because of current or past involvement in the sex industry. The harms experienced by sex workers and managers due to the stigma are real and undeniable; however, I do not feel that I am an outsider. Overall, I feel that our commonalities outweighed our differences, and allowed me to treat my participants as sisters, brothers, and ultimately, members of the same community.

Due to the power imbalance between researcher and participant—how researchers collect data while participants share their experiences—equal reciprocity is rarely achieved. However, to alleviate this imbalance of power it is fruitful to view knowledge production as a dialogic process in which the researcher is also a learner (Butterwick, 2011; Varcoe, Brown, Calam, Buchanan, & Newman, 2011). This was evident at the end of each interview, as I departed knowing a lot more about my participants' lives, failures, and accomplishments than they did of mine. Even though some participants asked me personal questions, the level of sharing remained disproportionate, pointing to a difference in status (Butterwick, 2011). On numerous occasions, I also found myself learning. More often than not, I left interviews with more questions than when I entered. All of this points to how knowledge production is a two-way street. Had I adopted a positivistic approach to research, I may not have been open to the co-creative process of knowledge production; I may have overlooked the variability and richness of the stories I heard.

Another important dimension of reciprocity is the sharing of resources (Bowen & O'Doherty, 2014; Butterwick, 2011). Even though a small token, every participant was given an honorarium of 15 New Zealand Dollars. Not all of them accepted it, but I do feel that it was

appreciated nonetheless. During my stay in Auckland, I also offered to volunteer with the New Zealand Prostitutes' Collective's outreach team. Seeking long term volunteers, and knowing that my stay in Auckland was temporary (six to 12 months), the Collective declined my invitation. However, they did invite me to all of their staff parties and events which made me feel welcomed.

Knowledge translation is also important for feminist researchers (Bowen & O'Doherty, 2014; Butterwick, 2011). In order for the community to be able to rely on their own knowledge for social and political change, they need to have access to the knowledge documented. Therefore, it is the researcher's responsibility to translate the results in such a way that both the academic and non-academic community can access them and use them accordingly. At each interview, I purposely asked each participant whether I could contact them by email, post-research, with the final dissertation. Even though a few participants rejected my invitation,<sup>4</sup> most agreed, showing great interest in knowing what resulted from participating in my research project. Even though my dissertation may not be accessible to all, I plan on sending it to every participant and stakeholder in Auckland. Thereafter, they can choose what they would like to do with the results. I wish my research design had included a more elaborate and encompassing knowledge translation phase such as sharing of transcripts, however, due to restricted resources this was all I could promise.

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<sup>4</sup> The rejection stemmed out of fear from having documents in their possession relating to the sex industry. Due to the stigma associated to being a sex worker, most sex workers I spoke to live in secrecy, and in fear of being outed, consequently, they felt that having such a document would heighten that risk.

Even though feminist research aims to bridge the gap between researcher and participants, this endeavour can be challenging (R. Bishop, 2008; D. Smith, 2005; L. T. Smith, 1999). This is especially true when we adopt a Foucauldian perspective on power. Foucault (1978) has taught us that power is not an object that is owned, but rather something that is constantly negotiated and renegotiated at every contact. Power is not external to the subject, nor is it unidirectional, and we must note that the participant also has the power to “influence the direction of the research, resist researchers’ efforts and interpretations, and add their own interpretations and insights” (Naples, 2003, p. 4). Rather than describing research as a one-way street, it is more fruitful to view it as a two-way relationship in which both researcher and participant have the ability to influence the outcome.

## **Recruitment and Sample Outcomes**

A major challenge with researching sex work is recruitment (Abel et al., 2007; Shaver, 2005; van der Meulen, 2011). People involved in the sex industry are a hard-to-reach population. Due to the stigma attached to the sex industry, potential participants are wary of outsiders. Shaver (2005) argues that reliance on traditional methods of sampling hard-to-reach populations, such as snowball sampling, key informant sampling, and targeted sampling, do not solve the problem. To overcome these challenges, she suggests adopting a community-academic research partnership to facilitate entry into the sex industry. I followed her advice for my own recruitment.

New Zealand Prostitutes’ Collective is a local by-and-for sex worker community organization that caters to the needs of adult sex workers. Of the six chapters across New Zealand, one is based in Auckland. The Collective was established pre-decriminalisation, in 1987, and has sustained a positive and trusting relationship with the people working in the sex



industry. Since 1988, they have offered community drop-in centres in six cities throughout New Zealand, and provided advice to government and other agencies on issues relating to the sex industry, and the well-being of sex workers. The Collective does not have the resources to conduct their own research, however, they often collaborate with academics who do. Through outreach work and perseverance, the Collective has been granted access to many indoor sex work establishments, making it a key resource for any researcher trying to gain access to the industry.

Preliminary email contact with the New Zealand Prostitutes' Collective,<sup>5</sup> prior to my arrival in New Zealand in June 2012, tremendously facilitated my data collection and recruitment. Even though most of the workers I interviewed were recruited outside of the Collective, I was allowed to place posters in the Collective's Auckland office, repeatedly use their space to conduct interviews, and use the name of the organisation as a way to build trust between myself and the participants. The Collective members contributed to my understanding of the Auckland sex industry by being a constant support. My relationship with the Collective was so helpful that when a few sex workers, prior to agreeing to participate, called the organisation to double-check my status as a researcher, Collective members confirmed that my identity was not an Inland Revenue tax collector or a governmental agent. This support enabled better and more in-depth data generation and facilitated my access to participants.

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<sup>5</sup> Catherine Healy and Annah Pickering

In addition to relying on the New Zealand Prostitutes' Collective, I used the internet and a newspaper as main sources of marketing and communication for people working in the indoor sex industry including managers, transsexual workers, male workers, and female workers. This was a great avenue to locate sex workers, especially private workers. At the time of my interviews in 2012, there was one dominant website used by sex workers and commercially-run sex establishments: [www.newzealandgirls.co.nz](http://www.newzealandgirls.co.nz). The website was used by private sex workers to advertise their services and by sex establishments to advertise their workers. Each advert contained information about workers' bodily characteristics, as well as the range of services offered, rates, and contact information. More often than not, a phone number or an email address was included, which allowed anyone who visited the site to get in contact with the workers or the establishment. I also relied on a local classified section of a newspaper titled *The Truth* to get in contact with prospective private workers and commercially-run sex establishments. Most sex workers were recruited by phone, and through the website and a local newspaper.

Recruitment through cold-calling or emailing was more effective with sex workers than with managers. Therefore in addition to contacting managers via phone or email, I also did drop-ins with the hope that a face-to-face interaction would facilitate entry. However, this did not prove successful. Few managers allowed me access to their establishment or their workers, which helps to account for the low number of managed workers in my sample, at six. Luckily, I was still able to reach my target sample size of 10 managers, but only with the help and support of the sex workers interviewed. Word-of-mouth seemed the most effective way to recruit managers.

During the data collection process, my female subjectivity worked in my favour. When contacting prospective participants, in particular ciswomen sex workers, my subjectivity allowed

me to reassure them that I was not a predator posing as a researcher. If I had been a man, I doubt that many of my participants would have felt comfortable or safe inviting me to their homes, or sharing their sex work-related experiences in an open and sisterly fashion (see Sanders & Campbell, 2007).

In the end, I interviewed 30 active indoor sex workers, and 10 managers of commercially-run sex establishments in Auckland. The interviews were organised in two parts: the first part of the interview consisted of background questions such as gender, race, age at time of interview, age at first entry into the sex industry, and marital status.<sup>6</sup> The background information was used to identify differences and similarities between and within groups. The second part of the interview focused on the different work settings experienced by sex workers and managers. Research shows that sex workers navigate between types of sex work and work locations (Benoit & Millar, 2001; Escoffier, 2007; Gall, 2006; Raphael & Shapiro, 2004), and therefore I invited participants to reflect on and share their experience of both current and previous work experiences. Because of this, managers and sex workers shared diverse experiences and perspectives on the Auckland sex industry. This also made it possible for a comparison between work sites, and it allowed participants to openly discuss how different work settings impeded or enhanced their work experience, the main objective of my research.

With the use of interviews, researchers hope to build rapport with the people being interviewed based on trust, and hope that this interaction will lead researchers to ask ‘better’

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<sup>6</sup> See Appendices One and Two for the interview guides.

questions, which, in turn, can lead to richer answers (Kirsch, 1999). During my data collection, I relied heavily on this principle. With a general lack of research on the outcomes of decriminalisation, and with little knowledge on the relations present in Auckland, New Zealand, I continuously re-shaped and reassessed my interview guides.

### ***Sex Workers***

Different studies have adopted different typologies of sex work (Benoit & Millar, 2001; Gall, 2006; Weitzer, 2009b). For the purpose of my study, I limited the sample to *current* indoor managed and private sex workers. More specifically, this included independent workers, escorts, and brothel workers, while excluding street workers, porn workers, sex chat-line workers, massage parlour workers (as they were known not to offer full sexual services), and exotic dancers. All participants were 18 years and older, and of varying genders, including ciswomen, cismen, and transsexual women. No one was refused participation but I did exclude an interview with a dominatrix. Even though she graciously offered her time, I chose to exclude her as she did not offer conventional sexual services, and ultimately did not fit within my sample parameters.

Researchers commonly aim to acquire a representative sample. However, Shaver (2005) indicated that a representative sample is difficult when studying the sex industry. Due to stigma and social status, the size and boundaries of the population (sex workers, managers and clients) are unknown, and always changing, therefore, I aimed to reach saturation: to recruit participants until I no longer heard new narratives. Of the 30 sex workers interviewed, 24 worked in the private sector, and six in the managed sector. However, since navigating multiple sectors within the sex industry is common, of the 24 private workers interviewed, 11 also had experience in the managed sector. I feel confident that I had a large enough sample to address the questions posed.

As for the demographics of the sex workers, my sample was quite diverse (for detailed descriptions please see Chapter Three). My final sample of sex workers consisted of 21 ciswomen, seven cismen, and two transsexual women. Men and transsexual sex workers have been notably absent in sex work research (JJ, 2013; Shaver, 2005). According to Shaver (2005), this absence has perpetuated stereotypes of sex workers as being female only, overlooking the diversity amongst sex workers. Accordingly, it was important for me to include men and transsexual sex workers in my study.

A little over half of the respondents identified as Pākehā, a little less than a quarter identified as either Māori or Pacific Islander, or as mixed Pākehā and Māori. This means that the final sample reflected the views and lived realities of both Pākehā and non-Pākehā sex workers. However, none of the sex workers I interviewed identified as Asian. Following European and Māori populations, Asians are the third largest ethnic group in New Zealand, the source countries being China, Korea, and India (Simon-Kumar, 2009). Of the overseas-born population in Auckland, 39 percent are from Asia, 21 percent are from the Pacific, and 17 percent are from the United Kingdom and Ireland, making for a visible Asian population (Statistics New Zealand, 2013a).<sup>7</sup> Even though I actively sought the participation of Asian sex workers, I was unable to recruit any. Wary of outsiders, none of the Asian workers contacted accepted my call for participation. Communication over the phone was challenging, as most people contacted did not comfortably speak English, and I do not speak Cantonese or Mandarin. They commonly passed

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<sup>7</sup> The Statistics New Zealand website did not include the over-seas populations accounting for the remaining 23 percent (Statistics New Zealand, 2013a).

along the phone to a third party who had a better grasp of the English language. This third party then refused the offer on their behalf. In addition to language barriers, the workers' immigration status may have contributed to their lack of willingness to participate. Even though sex work is decriminalised in New Zealand, no one is permitted to migrate for the purpose of sex work, meaning that newly arrived Asian workers are often working illegally. Aside from the obvious risk of deportation if discovered engaging in sex work, many of these workers are forced to work underground, making it even more difficult for researchers and community organizations to find them, learn from them, and advocate with them.

### ***Managers***

In addition to interviewing private and managed sex workers, I interviewed 10 managers of commercially-run sex establishments. Similarly to the sex working population, there is little known about this population (Buschi, 2014; Mossman, 2010). Nonetheless, there is value in including this segment of the sex industry, especially when wanting to understand the work conditions present in the managed sector in Auckland. Based on the definition found in the 2003 *Prostitution Reform Act*, operators or managers are persons that, whether alone or with others, own, operate, control, or manage the business and the workers (Department of Justice, 2003). In order for one to be deemed an operator, and for the purpose of this study, there needed to be a clear occupational hierarchy between them and sex workers.

Unlike small, owner-operator brothels, commercial brothels are premises where sex workers work while being supervised by a third party. At the time of the interviews in 2012, there were approximately 70 brothel operators (Collins, 2013). The number of unlicensed operators is unknown. Of the 10 operators I interviewed, six had a valid license, and according to Section 34 of the *Prostitution Reform Act*, they could be liable to a fine of up to 10,000 New

Zealand Dollars (Department of Justice, 2003). As with sex workers, operators of all genders (including transsexual and transgender people), races/ethnicities, and ages (18 years or older) were invited to participate. My final sample is diverse.

Of the 10 operators I interviewed, seven were ciswomen, one was a transsexual woman, and two were cismen. As for ethnicity, the majority were Pākehā. Of the four that were not Pākehā, one was Māori, one was mixed-Māori and Pākehā, one was Asian, and one was South American.<sup>8</sup> Ages ranged from 26 to 54, with an average age of 42. The length of operating time for commercially-run sex establishments varied across participants, with some having had three months' experience, while others had over 20 years. Of the 10 managers, two had experience operating before 2003. Seven were also the owners. Four out of the 10 managers interviewed had previous experience as a sex worker. Chapter Four provides a more detailed description.

Some managers were more wary of granting access to their establishments than others. Reasons shared for declining my invitation to participate were commonly based on previous bad experiences either with researchers or with journalists. Wanting to operate in a discreet manner, managers were reluctant to allow me to visit, or approach their staff for fear of disrupting the everyday activities of their business. This symbolized a lack of trust or rapport between managers and researchers, and one that needs to be redressed if future researchers seek to include managers.

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<sup>8</sup> The ethnicities listed were self-ascribed by my participants.

The aim of my study is not to generalize findings but rather to explore the relationship between the socio-legal context, work experience, and work setting in order to grasp a better understanding of the outcomes of decriminalisation on the organisation of the indoor sex industry in Auckland.

## **In-Depth Interviewing, Data Collection and Analysis**

Rejecting the main tenets of positivist research practices, feminist and anti-colonial researchers advocate for interactive and collaborative research methodologies (Bowen & O'Doherty, 2014; Frisby & Creese, 2011; L. T. Smith, 1999; van der Meulen, 2011). Instead of advocating for an approach that denies one's intuition, feelings, and viewpoint, feminists and anti-colonial theorists desire "to break down the hierarchal and potentially exploitative relationship between researcher and researched by cultivating friendship, sharing, and closeness that, it was felt, would lead to a richer picture of women's lives" (Wolf, 1996, p. 4). Even though cultivating friendships with research participants has been critiqued given power differences, interaction and collaboration between researcher and the people being studied make for better data since they allow for trust to build between parties.

Unlike positivist research practices where quantitative methods are the norm, and where detachment is encouraged, feminist and anti-colonial researchers have shown a strong preference for qualitative research methods such as interviews, testimonials, and participant observation. Qualitative methods are more easily adaptable to anti-colonial feminist research principles. For example, "establishing interactive, respectful, and collaborative relationships with participants is only possible when scholars use research methods that call for close interactions with those they study" (Kirsch, 1999, p. 12). This has been documented by New Zealand (Pérez-y-Pérez &



Stanley, 2011) and Canadian sex work researchers (Benoit, Jansson, Millar, & Phillips, 2005; Bowen & O'Doherty, 2014; Chettiar, Tyndall, Chan, Parsad, & Shannon, 2011).

Feminists and anti-colonial theorists argue that the lived experience of those at the bottom of the social hierarchy (i.e. marginalized groups), can provide researchers with a good starting point from which to conduct research (R. Bishop, 2008; D. Smith, 2005; L. T. Smith, 1999; Sprague & Kobrynowicz, 2004). Accordingly, I chose a qualitative approach as the most appropriate way to gain an understanding of the interactions between socio-legal context, work conditions, and occupational well-being of workers within the Auckland indoor sex industry. I employed semi-structured, in-depth interviews as my primary data-collection tool, and a case study as my research model. A case study provided me the opportunity to place my participants' voice centre stage, and to satisfy the tenets of qualitative method: describing, understanding, and explaining (McAndrew & Warne, 2005).

Social researchers commonly rely on a case study when they seek a detailed and intensive analysis of a single context (Bryman, 2004; Swanborn, 2010; Yin, 2009). Even though case studies are descriptive, the findings generated can be useful (Hammond & Wellington, 2013; Swanborn, 2010; Woodside, 2010), especially when there is little known on the topic or the context in question (Hammond & Wellington, 2013; Swanborn, 2010; Yin, 2009). Furthermore, as Woodside (2010) argues, the objective of a case study is not to generalise findings to a specific population, but rather to probe theory. Because I wanted to know how sex workers made sense of their work, and whether decriminalisation resulted in better work conditions and work autonomy for indoor sex workers, this research model was the best fit for my line of inquiry.

A case study also allows for an analysis of micro- and meso-level actors (Swanborn, 2010). Considering that I included sex workers and managers in my sample, the deployment of a

research method that allows for an analysis of different-level actors is important. Internal to my research, I designed a cross-case comparison between the private and the managed indoor sectors. This allowed me to examine the differences between sectors, and unveil some of the complexities and nuances within the industry. If I had treated the sex industry as one unit, I would have overlooked these differences, resulting in an incomplete understanding of the Auckland indoor sex industry.

Most of the interviews lasted between an hour and a half to two hours, with some being as short as 45 minutes, while others lasting four hours. Overall, I spoke 62 hours with sex workers, and 18 hours with managers, for a total of 80 hours. My questions stirred both joyful and sad memories, however, I strongly felt that for most of my participants the interview process was liberating, as it gave them a non-judgemental space to freely discuss their sex work experiences, a rare occurrence when living within a stigmatised and whorephobic social context.

For analytical purposes and with the participants' permission, all interviews except one<sup>9</sup> were digitally recorded and transcribed. I replaced all real/work names with pseudonyms I designed. I also changed the names of all sex work establishments, neighborhoods, streets, and businesses referred to in the narratives, and I removed any additional information that could be used to identify a participant or location. The transcriptions allowed me to review all the interviews and take thorough notes to identify thematic patterns. Rather than presenting deductive concepts to be tested, my research was designed for the development of inductive,

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<sup>9</sup> One male sex worker refused to be recorded. I suspect that it was due to his immigration status, however, I am not certain.

grounded concepts, patterns, and themes. In the end, this method allowed me to discover, from the standpoint of sex workers and managers, what factors were weighed when deciding how and where to work.

To facilitate my thematic analysis, I relied on a computer program called MAXQDA 11. I began by coding the narratives into categories based on which sex industry sector participants were reflecting on. In order to further organise the data, I first identified important emerging themes in each sector, with an emphasis on the work benefits and downfalls. This allowed me to thematically code the narratives based on workplace, and to identify the areas improved since decriminalisation of the sex industry in 2003, and the areas still in need of improvement. Afterwards, I looked for similarities and differences between sectors, as well as the reasons why workers chose to work in specific sectors. In regards to the managed sector, I wanted to explore the relations between sex workers and managers, for which I created its own code. This allowed me to explore the ways in which the indoor sector shaped the work experience of indoor sex workers and managers. The main thematic codes I developed were: reasons sex workers engage in sex work, benefits and downfalls from working in the managed sector, relations with managers, and benefits and downfalls from working in the private sector. Themes that ran across these thematic codes were work autonomy, greater work-life balance, and stigma or discrimination.

For ethical reasons and because of the stigma against people working or visiting the sex industry, I took active preventative measures to ensure the safety of the participants. Confidentiality and anonymity were guaranteed, and no participant was obliged to reveal their name. The raw data were stored in a locked and secured place before and during transcription.

Due to the sensitive nature of the interviews, I conducted them in spaces chosen by the participants.<sup>10</sup> Most of the interviews conducted with sex workers were at the New Zealand Prostitutes' Collective. However, other interview sites included coffee shops or restaurants, the subject's home, at the University of Auckland, in a car, and in a brothel. Most of the interviews with managers were conducted in their place of work, except for three where I interviewed them in a mall, in a coffee shop, and in the subject's home. As an additional precaution, and because the study explored both negative and positive work experiences, and regardless of whether or not incidents of violence or exploitation were revealed, I always included a list of local sex worker-friendly organisations with every consent form. The list was generated in collaboration with the New Zealand Prostitutes' Collective. Included on the list were local organizations providing health, legal, and social services for sex workers. During interviews I also avoided using stigma-filled words such as 'prostitution', 'johns' or/and 'pimps'. Rather, I wanted the participants to choose their own words freely while being interviewed.

### ***Research as Activism***

Another principle in feminist methodology is that knowledge production should serve social and political goals. Feminist and anti-colonial scholars have long argued that knowledge claims have not necessarily enhanced the lives of the people being studied (L. T. Smith, 1999). Recognizing that all inquiry is both political and moral, feminist and anti-colonial researchers

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<sup>10</sup> There was one exception, when a participant asked to have the interview conducted in my home. I refused on two grounds. First, I was not living alone and therefore did not feel the environment was secure, and second, for my own protection and that of the others living with me. We eventually agreed on a local coffee shop.

challenge us to see and understand the world through the lens of the oppressed, and to apply the vision and knowledge of the oppressed to social activism and social change (R. Bishop, 2008; Brooks, 2007; D. Smith, 2005; L. T. Smith, 1999).

As described above, my first step was to formulate an understanding of the social reality that begins with and is developed directly from the standpoint of the group being studied, in this case Auckland sex workers and managers. With a few exceptions, the literature on sex workers describes them as victims of exploitation rather than as economic and social agents (Farley, 2003, 2004; Jeffreys, 2009; Raymond, 2004a). This firmly contradicts what I witnessed and experienced in both Switzerland and New Zealand, where the women I met engaged in sex work to gain better pay for their work, to help further themselves through schooling, and to help support their families. They made it clear that even though people often judged them based on their work, they deemed themselves as economic agents, nothing more, and nothing less. They were not deranged or sex-crazed. They were not drug addicted, or compelled to partake in this form of labour. Rather they were workers trying to navigate the world, just like any of us who rely on selling our labour for survival. The image portrayed by some of the literature seemed to differ greatly, and it was this contradiction that fueled my interest in sex workers' rights as a political and moral obligation, and the need to better understand the decriminalised socio-legal context of New Zealand.

In conjunction with conducting research that aims to better the lives of sex workers, I have been involved in the sex workers' rights movement in Vancouver, Canada. For the last few years I have been directly involved with FIRST, a coalition of feminists that promotes the recognition of sex workers as agents capable of making their own decisions. Focusing primarily on policy-change rather than service delivery, FIRST has been actively involved in organising

public events to open a space in which sex workers can share their experience and concerns relating to the current legal approach adopted by the Canadian government. Even though the case study chosen for my research is Auckland, New Zealand, decriminalisation has been advocated by many Canadian community organisations working with and for sex workers, making my research findings applicable to the movement in Canada. I have also had the opportunity to further connect the Canadian and the New Zealand movements by helping organise a guest speaker from the New Zealand Prostitutes' Collective. From September 14<sup>th</sup> to the 21<sup>st</sup>, 2014, Catherine Healy came to present the organisation's experience with mobilising, and the impact that decriminalisation has had on the people working in the sex industry, including street workers. During her visit Healy was able to present her findings in three Canadian cities—Vancouver, Victoria, and Ottawa. Learning the failures and strengths of decriminalisation allows Canadian activists, such as members of FIRST and myself, to better understand how a sex industry that is conducive to the betterment of sex workers can be realised and shaped in Canada and abroad, contributing to the fight for sex workers' human rights.

Overall, recognizing that knowledge production is a political act that can never be depoliticized, feminists and anti-colonial scholars actively seek to adopt research practices that enhance the lives of the people being studied rather than oppress them; all actions taken by the researcher should be aimed at creating a desired outcome, as defined by the group being studied, for social justice purposes. As Brooks explained, “women's experiences not only point us to flaws in larger economic and political systems but also offer potential solutions to these flaws” (2007, p. 60). Therefore, feminist and anti-colonial scholars have called for more research *by*, and *with*, but most importantly, *for* members of marginalized groups; this aim is at the centre of my research project.

## Conclusion

My interactions with the sex workers and the managers interviewed were deliberately informed by anti-colonial and feminist research principles. These principles not only influenced the types of data collected, but the ways I interacted with my research participants during the interviews and thereafter. Anti-colonial and feminist research methods were a good fit for my research questions as their principles enabled me to behave sensitively and ethically in relation to a marginalised group. My small number of managed sex workers and my lack of Asian sex workers can partially be attributed to my recruitment strategies, and my white racial status and privilege. My choice to rely on feminist methods allowed me to shape and reassess the interview guide to better match the social context in which the interviews were conducted, demonstrating that these methods are more conducive to this specific line of inquiry. The concept of reflexivity was useful to situate myself within the research context vis-à-vis the participants, enabling me to identify the power relations between the participants and myself. This greatly influenced the analysis and the voice adopted in my writing. In the next chapter, I turn to my analysis of the motivations and choices behind people's engagement in sex work.

### **CHAPTER THREE: Engaging in Sex Work: Motivations and Stigma**

As with any other industry, there are many motives as to why people enter and engage in sex work. Whether by choice, as an act of resistance, for the perceived glamour, and/or out of economic necessity, explanations and circumstances are multiple. However, some feminists claim that sex work is never done out of choice, but rather always within the context of poverty, coercion, dependencies on drugs or alcohol, or low self-esteem derived from childhood trauma or sexual abuse (Benedet, 2013; Dworkin, 1997; Farley, 2003, 2004; Farley et al., 2004; Jeffreys, 2009; MacKinnon, 1989). Despite evidence suggesting otherwise (Bernstein, 2007b; Brock, 2009; Maher, Pickering, & Gerard, 2012; Sanders & Hardy, 2014), this school of thought persistently insists that sex workers are victims seeking protection from the work itself, rather than workers in need of better working conditions. Critics claim that this perspective diminishes attention to employment considerations relevant to this sector, and more specifically, to sex workers' motivations for engaging in sex work (Bernstein, 2007b; Maher et al., 2012; E. Rosen & Venkatesh, 2008).

From this starting point, my chapter examines the motivations behind people's engagement in sex work over other forms of labour. Placing sex workers' voices center stage, the discussion begins with a description of the personal characteristics of the 30 sex workers interviewed in Auckland,<sup>1</sup> followed by their motivations for engaging in sex work, situated

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<sup>1</sup> This chapter is restricted to the 30 interviews conducted with sex workers. I excluded managers' anecdotes from this analysis because there are significant differences between the related job activities performed by each group



within the broader socio-economic context of New Zealand, and the sociology of work literature. By situating sex workers' reasoning for their engagement in sex work within the wider socio-economic context, three main motives were uncovered: higher remuneration, greater work-life balance, and curiosity or sexual self-growth. The chapter ends with a description of how sex workers experience stigma in Auckland, with the aim of shedding light on how the harms they feel are primarily caused by the stigma rather than the work itself. Drawing from the sex workers' narratives, the evidence introduced directly contradicts claims presented by opponents of the 'sex work as work' discourse.

## **Characteristics of Research Participants**

As discussed in Chapter Two, the characteristics of my 30 sex worker participants differed greatly. The research focused solely on the indoor sex industry; therefore, all sex workers working from the streets in 2012 were excluded. Table 3.1 presents the personal characteristics of the sex workers by gender, ethnicity, sexuality, work status in industry, age at interview, and age of entry into the sex industry.

As found in other research globally (Abel et al., 2009; Bernstein, 2007b; Brewis & Linstead, 2000b; Jayasree, 2004; Kempadoo & Doezema, 1996; Monto, 2004), and prior to decriminalisation in New Zealand (in 2003) (Plumridge & Abel, 2001), sexual labour in all

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interviewed. Wanting to preserve the integrity of the experiences shared by my participants, I felt best to focus solely on sex workers' reasons for engaging in sex work.

sectors is a ciswoman-dominated industry,<sup>2</sup> with few cismen or transsexual workers. The industry primarily caters to self-identified heterosexual cismen seeking hetero-sex with ciswomen. Of the participants in Auckland, 21 (70 percent) were ciswomen, seven (23 percent) were cismen, and two (7 percent) were transsexual women<sup>3</sup> (see Table 3.1). To protect the identity of the persons interviewed, all names are pseudonyms.

**Table 3.1 Personal Characteristics of Sex Workers<sup>4</sup>**

Name	Gender	Ethnicity	Sexuality	Work Status	Age at Interview (years)	Age at Entry (years)
Adam	M	Māori/Samoan	Heterosexual	f-time	28	26
Alicia	F	Māori	Heterosexual	p-time	58	28
Allison	F	Pākehā*	Heterosexual	f-time	49	41
Amber	F	Pākehā	Heterosexual**	f-time	34	23
Amelia	F	Māori/Pākehā	Heterosexual**	f-time	50	50
Anton	M	Spanish/Italian	Heterosexual	f-time	29	17
Ashton	M	Māori/Pākehā	Bisexual	f-time	37	13
Beatrice	F	Pākehā	Heterosexual	f-time	40	20
Bethany	F	Māori/German	Heterosexual**	p-time	20	19
Camille	F	Pākehā	Heterosexual**	p-time	25	18
Catherine	F	Pākehā/Cherokee	Heterosexual**	f-time	22	21
Evelyn	F	Pākehā	Heterosexual	f-time	28	18
Gavin	M	Zimbabwe, Africa	Pansexual	f-time	23	17
Heather	MTF***	Pākehā	Lesbian**	f-time	47	47
Irene	F	Pākehā/Bulgarian	Bisexual	f-time	35	33
Isabel	F	Māori	Bisexual	p-time	25	23
Jasmine	F	Pākehā	Heterosexual**	f-time	48	47
Joan	F	Pākehā	Heterosexual**	f-time	30	23
Jonathan	M	British	Heterosexual**	p-time	23	19

<sup>2</sup> Cisgender refers to a person where the biological sex they were born with matches their gender identity.

<sup>3</sup> I use the term transsexual instead of trans because the participants self-identified as such.

<sup>4</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

**Table 3.1 Personal Characteristics of Sex Workers<sup>5</sup>**

<b>Katelin</b>	F	Pākehā	Bisexual	f-time	41	39
<b>Kelsey</b>	F	Pākehā	Heterosexual	p-time	31	31
<b>Marco</b>	M	Brazilian	Bisexual	f-time	42	41
<b>Nancy</b>	MTF	Pākehā	Heterosexual	f-time	28	18
<b>Rachel</b>	F	Pākehā	Heterosexual	f-time	40	33
<b>Sandy</b>	F	Māori/Pākehā	Bisexual	f-time	32	15
<b>Sebastian</b>	M	Irish/Italian	Gay	f-time	38	15
<b>Tina</b>	F	Pākehā	Heterosexual**	f-time	46	35
<b>Tracey</b>	F	Māori	Bisexual	f-time	22	20
<b>Vanessa</b>	F	Pākehā	Bisexual	f-time	46	18
<b>Violet</b>	F	Pākehā	Heterosexual	f-time	45	14

\* Pākehā is a Māori language term for New Zealanders who are of European descent.

\*\*The worker is willing to deviate from their sexual identity for payment, commonly referred to as gay-for-pay or straight-for-pay.

\*\*\*MTF refers to male-to-female transsexual.

At the time of the interviews, the sex workers also represented varied sexual identities with 19 (63 percent) self-identifying as heterosexual, eight (27 percent) bisexual, two (7 percent) homosexual/lesbian, and one (3 percent) pansexual. Of the 19 workers who identified as heterosexual, 15 (79 percent) were ciswomen, three (16 percent) were cismen, and one (5 percent) was a transsexual woman. With respect to the genders of the eight participants who self-identified as bisexual, six (75 percent) were ciswomen, and two (25 percent) were cismen. No transsexual women identified as bisexual. One cisman identified as gay, another identified as pansexual, and one transsexual woman identified as lesbian. Of the 30 sex workers interviewed, 10 expanded their repertoire outside of their sexual identity for payment (as indicated with double asterisks in Table 3.1).

<sup>5</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

The majority of my respondents identified as Pākehā (53 percent), with the rest identifying as Māori or Pacific Islander (13 percent), mixed Pākehā and Māori (10 percent), mixed Pākehā and other ethnicities such as Bulgarian and German (7 percent), and others (17 percent).<sup>6</sup> This closely reflects the general population, with Māori constituting approximately 15 percent of the New Zealand population, and the majority group, Pākehā, forming close to 67 percent of the population (Sibley et al., 2010; Statistics New Zealand, 2013b). It has been documented that people of Māori descent and transsexual people are overrepresented in the sex industry in comparison to non-Māori people; however, overrepresentation is usually found in the outdoor sector of the industry (Abel et al., 2009). The same trend—of Indigenous high representation in sex work—has been observed in Canada (Phillips & Benoit, 2005; Shannon et al., 2009).

Among the sex workers I interviewed, the average age of entry was 26 years old.<sup>7</sup> This is consistent with other research on indoor sex work in New Zealand (Abel & Brunton, 2007; Plumridge & Abel, 2001). Of the workers I interviewed, six respondents (20 percent) began work in the industry before the legal age of 18. Moreover, of those six workers, four were male, which suggests a difference in age of entry by gender. None of the transsexual women workers I

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<sup>6</sup> Others: 1 British European, 1 Irish/Italian, 1 Zimbabwe, 1 Brazilian, and 1 Spanish/Italian. The ethnicities listed were self-ascribed by my participants.

<sup>7</sup> My findings contradict a New Zealand journalist's recent claim that most sex workers begin work at 14 or 15 years old ("Parents claim teens solicited by prostitutes," 2013). This is a common claim and statistic taken up by the media internationally as the average age of entry. This statistic was introduced by an American psychologist, Melissa Farley (2003), and since then has been repeated in both the media and the sex work literature. However, this statistic has recently been criticised (Weitzer, 2005). It is argued that this number was derived from a study conducted on underage prostitutes, therefore, it cannot be generalised to the wider population (Lowman, 2013).

interviewed started work underage. An interesting finding was the difference in age of entry between workers who joined the industry before and after its decriminalisation in 2003, with an average age of entry of 18 years old for sex workers who entered pre-2003 (of the 30 interviewed, 11 joined the industry pre-2003) and 33 years of age for sex workers who entered post-2003 (of the 30 interviewed, 19 joined the industry post-2003). Cismen workers were the youngest, at an average age of entry of 21; ciswomen workers were 27, and transsexual women 32.<sup>8</sup>

As found in other research conducted with sex workers (Abel et al., 2007, 2009; Bernstein, 2007b; E. Rosen & Venkatesh, 2008), respondents come from varied social locations and life circumstances. At the time of entry, four (three cismen and one ciswoman) were teenaged-youths fleeing abusive or unstable home environments, while a few others were adults with drug dependencies. More commonly, their ranks included housewives, nurses, teachers, college and university students, single mothers, divorcees, and social security beneficiaries. Nearly half of the respondents were parents, and all except one had citizenship or permanent residency,<sup>9</sup> which granted them legal permission to work as a sex worker in New Zealand.<sup>10</sup>

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<sup>8</sup> The age of entry for the transsexual women interviewed may be higher than usual due to there being only two among my participants, and to my workers only representing the indoor sex trade, and not the street-trade, from which the younger transsexual workers are said to work.

<sup>9</sup> Of the 30 sex workers I interviewed, one cisman worker refused to answer the question regarding his migration status, suggesting that he may not have the legal status required to work in the New Zealand sex industry.

<sup>10</sup> The *Prostitution Reform Act* (2003, Section 19) does not allow non-permanent residents to work in the sex industry, either as a sex worker or manager, thus excluding migrant sex workers and managers from legal protection. Based on a study conducted with 124 migrant sex workers, with 90% coming from Asia, Rogusti (2013) argued that the lack of legal provisions pushed that segment of the sex industry underground, and out of public view, contributing to migrant workers' vulnerability. A lack of legal status limited migrant sex workers to brothels that were already prone to unfair conditions, as those businesses were the only ones willing to absorb the risk of allowing

On average, the length of career of the sex workers I interviewed was nine years with some having worked for less than six months, and others for over 30 years. The majority of the participants claimed their primary area of employment to be the sex industry, with 77 percent depending solely on money generated through sex work for their livelihood, and 23 percent combining sex work with other forms of work such as nursing or contract engineering, or government subsidies such as disability payments or school loans. Of the 30 sex workers interviewed, one was a graduate student, and one was a stay-at-home mother.

While I have an understanding of sex workers previously held occupations, I do not have a clear understanding of the amount of education or training they had in 2012. Despite this limitation, knowledge of their previously held occupations gives the reader more insight into the level of skill the sex workers I interviewed brought with them when entering sex work. At the time I conducted the 30 interviews, 28 of the workers had previous work experience in positions such as aestheticians, retail staff, corporate secretaries, veterinary assistants, elementary school teachers, nurses, realtors, food and beverage servers, and child care workers.

Differences in sex worker experience regarding the sex aspect of the work are common: some feel shame while others do not (Plumridge, 2005). While discussing the pros and cons of sex work with my 30 respondents, I encountered only one who asserted feeling harmed by the sex aspect of the work. Bethany, aged 20, expressed discomfort about the sex part of the work. She admitted to having flash-backs of certain transactions, and some shame over this aspect of

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migrant workers on their premises. The upper-end market businesses, where better work conditions were reported, would not take that type of risk.

the work.<sup>11</sup> The remaining 29 workers interviewed placed greater emphasis on the work aspect than on the sex itself. Stigma aside, they expressed no greater victimization than when working in other fields. They also rejected the idea that sex workers sold their body any more than any other worker in the service industry. This was not unique to the participants in this study.

According to Maher et al. (2012), sex workers in Victoria, Australia placed greater emphasis on the work aspect of sex work than the sexual acts, demonstrating that policies and discourses which focus on hetero-gendered inequalities—such as the prohibitionist perspective—overlook the biases present in the wider labour market. They argue that “the focus on criminalisation, harm, exploitation and stigma obscures the centrality of work flexibility and conditions to women’s decision-making” (Maher et al., 2012, p. 654). To focus solely on issues of heterosexuality and gendered intimacy in sex work is to overlook the call by sex workers for safer work conditions and recognition of their agency. Therefore, my analysis treats the sex workers I interviewed first and foremost, as workers. I situate their decision-making to enter and engage in sex work within the wider socio-economic context where gendered, racialized, sexualized, ageist, and class-based stratification persists. By doing this, we can begin to understand how sexual labour might be one of the few work options available, and potentially even the best, especially for New Zealand’s economically marginalized groups such as women, Māori, South Pacific Islanders, transsexuals, single-mothers, and students.

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<sup>11</sup> Despite her feeling shamed by the sex aspect of sex work, Bethany made it clear to me that she did not have an issue with the sex industry as an institution, but felt troubled by her current status within it. Despite her clear struggles with aspects of the work, she voiced her support for decriminalisation.

## Better Pay Than In Other Job Opportunities

Due to inconsistent income,<sup>12</sup> the sex workers I interviewed found it difficult to share with me their average earnings. However, most strongly stated that sex work was more lucrative than their previously held occupation. From an economic and pragmatic standpoint, they emphasized how compared to other employment opportunities available outside of the sex industry, sex work was the best paid. A greater emphasis on the economic dimension of sex work was especially true for sex workers who felt underpaid or under-appreciated in their previous occupation, and especially for ciswomen of colour.

Wanting more for their family and for themselves, three ciswomen of colour, Catherine, Isabel, and Irene all agreed that sex work was more lucrative than their previously held jobs. Each formerly worked long hours as managers at either a food store, a bar, or a brothel, and described their motivations for their engagement in sex work as a form of resistance to unlivable wages. Catherine, a 22 year old, mixed-Pākehā and Cherokee ciswoman worker, described her circumstances while earning 14 NZD<sup>13</sup> (New Zealand Dollars) an hour prior to joining the sex industry as follows:

I entered the sex industry because I was sick of trying for nothing, you know? I'd work like 40 hours a week. I'd work like a pig as a food store manager, and I still wouldn't have enough to pay rent. I was just sick of it; I wanted more for myself, my family and for my partner. I wanted us to live happy. So, I started paying my own way with sex work. For example, if I made 500 NZD, I'd give 400 NZD to

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<sup>12</sup> There may have been other reasons why sex workers found it difficult to share their average earnings; however, these were not discussed with me.

<sup>13</sup> As of April 2014, the New Zealand legal minimum wage was 14.25 NZD. At the time of the interview, it was 13.75 NZD (Ministry of Business Innovation and Employment, 2014a).



the family and 50 NZD to my boyfriend. That's how I did it, and I know that some people might think that it is stupid to give away so much of my own money, but at the time, I wanted to work for myself and for my family.

Irene, a mixed-Pākehā and Bulgarian, 35 year old, with two years' experience in the sex industry, shared the following about her situation before deciding to sell sex:

Since I've left high school, I've been asked a few times by friends to join the sex industry. They were like "Oh come on. It's really good money." and I was like, "No. I want to learn what it is like to live on minimum wage." But it's a hard life, you know? At the time I was a bar manager, and then I stopped working at the bar for about a year, looking for a normal paying job, when I was like "Fuck this. I'm running out of money", and then I met this woman that ran an agency. People that I knew had worked for her, and she was asking me to work for them. So I decided to check it out for a day. Then, the next day I signed myself up on *newzealandgirls.co.nz*,<sup>14</sup> and started working privately.

Describing her experience of living on minimum wage earnings as difficult, Irene found that seeking work with better pay was not easy and decided to opt for the sex industry.

As another example, Isabel, a Māori ciswoman, aged 25, unexpectedly found herself in debt. Despite working full-time as a manager at a marketing firm, she was poorly remunerated and unable to meet her financial needs so she turned her attention to sex work. She described her experience as follows:

At first, I was managing at a brothel, but then I had to stop working there because I was working from seven at night to nine in the morning, and I got sick. But when I stopped, I also decided to take a drug-fucked hooker under my wing and be Mother Theresa. I tried to help her sort her life out, but unbeknown to me, she just sucked me dry. She just used me, and put me in a lot of debt. So I found myself not being able to pay my rent and stuff. She disappeared after robbing me blind and ass-raping my life, when I decided to start working for a marketing company. There, I was micro-managing a small sales team of 22 year olds and

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<sup>14</sup> This is the primary website used by private sex workers in New Zealand.

working twice as hard to repay the debt that I didn't create. So I used to go to work every day, and look at these babies and think, "Oh my god! It was way easier managing 25 drunk-fucked hookers, for fourteen hours a night, five nights a week, than it was dealing with the sales team. So I thought "No. Fuck it. I'm just going to suck up my pride, fuck my way out of it, and go home" and so I did!

Seeking better living conditions, and greater recognition for their work efforts, all three ciswomen of colour, Catherine, Irene, and Isabel, chose sex work over minimum wage labour.

When we consider the New Zealand socio-economic context of the last 30 years, we begin to see how their reasoning reflects dire circumstances.

Similar to other countries, New Zealand has been affected by severe economic crises since the 1980s. The Auckland region was especially affected, with the highest unemployment rates in the country during the 1980s and the 1990s (Weaver & Munro, 2013). To make matters worse, from 2007 to 2010, New Zealand faced yet another financial crisis. New Zealand's Gross Domestic Product fell by 3.4 percent during the recession in 2008. This drop led to a rise in the unemployment rate across the nation: from 3.5 percent to 6.9 percent by 2009 (Statistics New Zealand, 2013b). Despite a slow increase regarding employment participation rates, by 2013 New Zealand's economy still remained vulnerable with a higher than usual unemployment rate of 6 percent.

In addition to this, the New Zealand economy is clearly stratified along gender and racial lines, with Pākehā cismen earning the most. When comparing the weekly average income for people working in the Auckland region—one of the highest paid regions in New Zealand—by gender and ethnicity, we detect large differences between and within groups. When comparing earnings between genders, we see that cismen on average earn 924 NZD weekly, and ciswomen 599 NZD. The same situation—cismen earning more than ciswomen—is also seen within ethnic groups. Māori cismen earn on average 659 NZD weekly, and Māori ciswomen 563 NZD; while

non-Māori cismen earn 950 NZD weekly and non-Māori ciswomen 603 NZD (Statistics New Zealand, 2013b).

We also see differences in earnings between non-Pākehā groups (Blackie & Lynch, 2012). In 2012, Auckland had a higher percentage of people descendent from the South Pacific Islands than any other region in New Zealand (Blackie & Lynch, 2012). When comparing weekly earnings of people of Māori descent and South Pacific Islanders, we see that Māori people earn more at 607 NZD weekly compared to 495, but less than people of European descent (Pākehā) at 898 NZD (Blackie & Lynch, 2012). The above evidence clearly points to the presence of a gendered and racially stratified economy.

The stark differences in weekly earnings can be partially explained by the types of jobs held by ciswomen and cismen in New Zealand. According to Statistics New Zealand (2012), based on skill levels (from 1 through 5, 1 being highly skilled and 5 being lower skilled), cismen and ciswomen hold similar numbers of highly skilled (at level 1) positions, and lower skilled positions (at level 5), but with a significant difference in the middle range of skills (in particular jobs leveled at 3 to 4) with more ciswomen being employed in the lower leveled skilled jobs than cismen. This is due to the types of occupations that fall within the different skill levels: cismen are more likely to work as technicians or trade workers which are categorized as higher skilled jobs, and ciswomen more likely to work clerical and administrative jobs, or as community and personal service workers, which are ranked at skill level 4 (Statistics New Zealand, 2013b).

There were also differences between ethnic groups in the types of job held. Once again relying on the breakdown of highly-skilled versus lower-skilled employment, we see that half of European and Asian people work in skill levels 1 and 2, whereas over half of Māori and South Pacific Islanders work in skill levels 4 or 5. The difference in skill level is important as the

highest skilled jobs are more likely to be full-time rather than part-time, increasing job security along with skill level (Statistics New Zealand, 2013b). Skilled jobs, in 2013, were also on the rise, whereas lower-skilled jobs were not, placing ciswomen and cismen of Māori descent and cismen from the South Pacific Islands at a disadvantage compared to European (Pākehā) and Asian cismen in New Zealand (Statistics New Zealand, 2013b).

It has also been documented that access to the labour market and better living conditions are stratified along racial lines, with people of Māori descent more likely to face higher rates of unemployment, lower life expectancy, lower median income, and increased rates of incarceration than other ethnic groups in New Zealand (Borell et al., 2009). In addition, when compared with Pākehā, Māori are more likely to face ethnic discrimination in many areas, including unfair treatment at work or being refused employment (2.1 percent versus 5.6 percent for Māori), adding to the burden of finding adequately paid work (Harris et al., 2006). Transsexual people<sup>15</sup> in New Zealand are discriminated against in the mainstream labour market, making it difficult to find employment, leaving them little choice but sex work (Abel, Fitzgerald, et al., 2010). As Heather, a Pākehā transsexual woman sex worker, aged 47, shared:

I've made informed decisions around me entering the industry, but the truth is that I am a qualified teacher, and I can't get any work in the education sector because I am a transwoman. That is the truth.

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<sup>15</sup> It should be noted that in New Zealand there are other groups who do not fit within the binary concept of gender such as fa'afafine, fakaleiti, or other alternative genders that are common among the people from the South Pacific Islands. They also face discrimination (Jordan, 2010). Of the two transsexual women I interviewed, both identified as transsexual.

The above evidence demonstrates that even in the face of increased resistance to discrimination and low remunerated work, economic advantage in New Zealand still remains largely with cisgendered Pākehā, in particular cismen.

By situating Catherine, Irene, and Isabel's trajectory into sex work within the wider labour market, we begin to understand their actions as a form of resistance to mainstream lower-paid work. Despite their efforts, and attempts at living on close to minimum wage earnings, these women struggled to make ends meet, and pay their weekly bills. In an economy with an unemployment rate of 6 percent, and within a context where jobs held by ciswomen of colour are lower in pay and job security than those held by cismen and Pākehā ciswomen, these three sex workers of colour faced bleak prospects when seeking employment that was as lucrative as sex work. Consequently, their actions can best be understood as a form of resistance against cheap labour. This was not unique to the sex workers in my study.

In a study of the Atlantic provinces in Canada, Jeffrey and MacDonald (2006b) reveal how sex workers actively refused the construct of 'cheap labour' in the formal economy, and how they actively opted to remain in the informal economy, which was categorized as a form of resistance to insufficient hourly wages and low levels of social assistance. The same decision-making was found among female sex workers living in Chicago's urban ghetto who faced poor economic alternatives (Rosen & Venkatesh, 2008). My findings, combined with the findings presented by Jeffrey and MacDonald (2006b) and Rosen and Venkatesh (2008), indicate that sex workers are economic and political agents who actively resist the constraints placed upon them by global capitalism.

### ***Better Pay Than Non-Minimum Wage Job Opportunities***

Some of the sex workers I interviewed could be said to be individuals with racial, class, and educational advantages, but yet they also shared the sentiment that sex work was more lucrative than other work opportunities. Even having such formal credentials as veterinary nursing, and having worked in her field for five years, Joan, a 30-year-old Pākehā ciswoman chose to engage in sex work rather than remain in her previous career. She explained her situation as follows:

I had two really difficult bosses, and I just hated working for them. It wasn't the job, it was the people. Veterinarians are quite hard to work for. A lot of the ones I've worked for have been quite difficult. You also live week to week on a veterinary nurse's wage. You don't get paid a lot, so basically you live week to week, without having any extra money at the end.

As another example, Beatrice, a Pākehā 40 year old ciswoman, chose to resume sex work on a full-time basis after years of experience as a corporate receptionist. Eight years previously, Beatrice had asked her employer for a raise; her request was granted, but only on condition that she acquire the formal credentials needed for the position. Having worked without formal credentials for years, she was suddenly faced with an ultimatum—school, or work without the guarantee of a raise. After some thinking, Beatrice concluded that even after acquiring the formal credentials needed, she would still earn less than in sex work, ultimately opting for the latter. With greater emphasis on a knowledge economy, older workers are increasingly finding themselves in a predicament similar to Beatrice's. It is, however, not only Pākehā ciswomen who

are disadvantaged by the current socio-economic context, but also cismen with social advantages.

Jonathan, a young, New Zealand citizen of British origins,<sup>16</sup> heterosexual cisman sex worker with an engineering degree, explained his increasing dependence on sex work as follows:

Yes, I do depend more on sex work because with the other job, I kind of get commissioned on it, and don't get paid hourly rates and I also do labouring (for an engineering company). I don't only do paperwork but I do labour intensive work which is really good pay but I'd have to do maybe 10 hours to make what I make in an hour for escorting so I find that I lean more towards escorting to support myself. The other job, when I get paid, I get paid in huge quantities but there are a lot of in-between periods, so I find that escorting gets to fill in for most gaps. So yes, escorting is my main source of income at the moment.

With a highly skilled occupation one would assume fair pay. However, as noted by Jonathan, due to a decrease in standard forms of employment and an increase in contractual work in New Zealand, more people need to juggle multiple jobs at once to make ends meet.

Bernstein (2007b), Lantz (2005), and Lucas (2005) identify the presence of a new class of individuals who participate in commercial sexual transactions: individuals with racial, class, and educational advantages. Again, due to gender, racial, and class stratification in the labour market in the United States, Bernstein notes that “compared to men with similar forms of educational capital and class provenance, middle-class women in post-industrial economies are much more likely to find themselves working in the lowest-paid quarters of the temporary help industry, in the service and hospitality sectors, or in other poorly remunerated part-time jobs” (2007a, p.

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<sup>16</sup> At the time of the interview, in 2012, he had recently secured his New Zealand citizenship, but still identified as British.

475). These conditions, she argues, drive them to opt to work in the sex industry, despite their advantageous social location, which can be seen from Jonathan, Beatrice and Joan's stories.

A change of industry for better pay is, of course, not unique to sex workers. From the job satisfaction literature we learn that it is common for workers in all fields to seek fair and adequate compensation for one's work (C. E. Bishop, Squillace, Meagher, Anderson, & Wiener, 2009; Huang, Lawler, & Lei, 2007; Rose, 2003; Wang, Chen, Hyde, & Hsieh, 2010). According to Carless and Arnup (2011), when examining motivations for why people change work sectors, low pay and low job security are predictors. Therefore, a job change for better pay is not unique to sex workers but rather a reason identified by workers in other fields.

By situating sex workers' motivations for engaging in sex work within the wider socio-economic context of New Zealand, one can see how entry is due to a lack of available work outside of the sex industry that is as lucrative as sex work. As seen with Catherine, Isabel and Irene, this is especially true for ciswomen of colour. However, we also learned that some individuals with racial and educational advantages are opting for sex work. Despite their qualifications as an engineer or a veterinary nurse, for both Jonathan and Joan sex work still remained more lucrative than their previously held jobs. They agreed that their motive for engaging in sex work was due to a lack of adequate pay in other industries, not a lack of work options or poverty per se. This finding goes against widespread stereotypical notions of sex workers as economically destitute and encumbered with substance dependencies and childhood trauma.

## **Greater Work-Life Balance**

In addition to greater financial gain from sex work than other job opportunities present in the current socio-economic context in New Zealand, sex workers I interviewed also identified



social factors that made sex work an attractive work option. Greater flexibility and work-life balance were described as incentives for entering the sex industry. This was especially true for single parents, individuals seeking greater opportunities for leisure, and students. Of the 30 sex workers I interviewed, seven identified flexibility as their reason for working sex. Of those, two were single parents who claimed sex work freed up time to care for their children. Sandy, a 32 year old full-time sex worker, described her reasons for engaging in sex work as follows:

For me, this job allows me to have extra free time. Let's say I was working at another job, then I'd have to work 60 hours a week, and still not make as much money as I am in sex work. Now, I can do five hours of work in one week, and be happy! Plus, I'll still be available to do things with my daughter, and other things that I need to do. So for me, it's really about freeing up time, and in that regard it works for me. I couldn't have this much available time and this amount of money.

Echoing Sandy's experience, Adam, a father, chose sex work for greater work-life balance. He described his situation as follows:

Right before my child was born, I was working 70 to 90 hours a week [as a chef] on Ritzer [street name].<sup>17</sup> But when the mother got to eight months pregnant, she started getting annoyed about the hours I was working, and she was expecting me to spend more time at home which was difficult when working so many hours, you know? Even though we've split up since then, sex work freed up some time so that I could care for them better.

The ability to earn more for fewer hours worked was said to contribute towards a better work-life balance. This reason for working sex was not unique to single parents, but was also shared by students. In order to secure well-paid employment, workers are increasingly pressured to extend their educational credentials. However, with rising educational costs, and sparse well-paying

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<sup>17</sup> To protect the identity of the participants, all street names are pseudonyms.

part-time job options, sex work becomes a pragmatic decision for students. At the time of entry, Katelin, shared the following about her entry:

I came from the South Island in 2009 to go to University here in Auckland, and I couldn't get a job to support myself the way that I needed to and allow me to study at the same time. I was beside myself. I could get jobs in hotels and things but the hours were horrendous. I was working all night, and then I still had to find a way to attend University and stuff like that, and I still wasn't making enough money to cover the bases. At the time I was staying with a sister and her family. She's a housewife and one day, out of the blue, she said "You know? We wouldn't judge you if you had to do sex work". I had never thought about it and I was like, "Oh I hadn't considered that." (...) So, my sister took me, and off we went to the brothel. I had a chat with the brothel owner and then they invited me to do some hours. That's how it happened!

Similar to Katelin, Heather was also a student at the time of entry. Both were responsible for supporting themselves while still having to find enough money and time to devote to their studies. This made sex work a viable work-option for these students while they maintained a healthy work-life balance. This reasoning for selling sex was not unique to my student respondents, but rather a trend documented elsewhere.

According to Lantz (2005), students in Melbourne, Australia are opting for the sex industry as a solution to increasing educational costs and a reduction in government response. With a 66 percent rise in university enrolment, more and more individuals are finding themselves in situations similar to Katelin and Heather's. However, as argued by Lantz (2005), this rise in university attendance has not been matched by an increase in public funding, but rather by increased deregulation of the educational sector, and a whittling away of government-funded student income support schemes. To compensate for this lack of support, students are exploring work options beyond mainstream forms of work: sex work is one of those options.

In addition to freeing up time for childrearing and studies, other sex workers I interviewed also noted how, compared to other forms of work, sexual labour freed up time for leisure. At the time of entry in 2012, Marco explained it as follows:

I decided to join the sex industry because when I finished work last year, it was in August, and it was summer. I was working 9-5, and on weekends, but I really wanted to have a summer to go to the beach and that. So then I thought, “What could I do for work that would allow me to spend the summer at the beach and still have money to spend on myself?” So I thought, “I’ll be a hooker.”

A similar story was shared by Joan. When I asked her to name a second advantage beyond higher earnings from selling sex, she answered as follows:

Setting your own hours. Basically with sex work you don’t work when you don’t want to. You just have a lot more free time to do errands, and your gardening. You can just fit it in with anything that you would want to do, so I like that.

Marco and Joan both enjoyed how sex work allowed them to organise their work in accordance with their life, not vice versa.

Greater flexibility and work-life balance as incentives for doing sex work are not unique to the sex workers I interviewed, but found among sex worker groups outside of New Zealand, including Canada (Benoit & Millar, 2001; Jeffrey & MacDonald, 2006a, 2006b; McCarthy et al., 2014), the United States (Bernstein, 2007a, 2007b; E. Rosen & Venkatesh, 2008), and Victoria, Australia (Maher et al., 2012). This demonstrates how the explanations for entry go beyond economic necessity or desperation, noting how sex work offers both the flexibility and the potential for a higher income. The desire for greater flexibility and better work-life balance is not unique to sex workers but rather something that is sought by other workers as well.

Donnelly et al. argued that in New Zealand there was a rise in demand for workplace flexibility and “this rising in demand can be linked to the shifting representation of women and men in the labour force (particularly within non-standard employment), the changing structures

of families, the ageing population and the extension of traditional caring responsibilities for workers, in particular women” (2012, p. 183). Despite the New Zealand government having implemented legislation stipulating that workers have ‘the right to request’ flexible-work arrangements, not all workers have been aware of this. This has created a divide between those who were granted additional flexible-work arrangements and those who were not. In the case of New Zealand, Donnelly et al. (2012) pointed to a significant difference between cismen and ciswomen with respect to their access to flexible-work arrangements, where ciswomen were 3-5 percent less likely to have flexible scheduling than cismen. Considering the documented gendered inequality regarding flexibility at work, it is no mystery why the sex workers I interviewed entered the sex industry for the flexibility not found in other industries.

## **Curiosity and Sexual Growth**

In addition to economic motives and the additional flexibility granted by joining the sex industry, some sex workers I interviewed engaged in sex work because they were curious, or viewed the industry as an avenue to explore their own sexuality. When I asked, Amber aged 34, with 11 years of experience in the sex industry, to describe her thought process at the time of entry, she described it as follows:

I was fully employed when I started, so for me curiosity was the big motivator and I think that’s what cinched it. It was the fact that I had a girlfriend who worked. She never talked in any great depth about her experiences but it intrigued me. So after dating this real con artist, I was just like, “Fuck this. I’m going to get paid for sex from now on because they’re all con artists”. So, there was an element of emotional decision-making, as much as with any other decision, but definitely not motivated by any economic need or anything like that, just curiosity.

Curiosity as a motivator for working sex was also shared by cismen workers. Marco, aged 42, confessed:

Being a hooker has always fascinated me. I always found it interesting, dodgy and interesting, but exciting. So last year, when I was 41 years old, it was *my time* not to care what others thought. So my friend took pictures, and another friend, he helped me do the advertising, and that's it! I didn't want to work 9 to 5 anymore, and people were always like "You've got to do what you want in your life", and I finally did, but at 41 years old.

In addition to genuine curiosity towards sex work, in some instances, sex workers I interviewed noted their active libido, and questioned why they shouldn't be paid for sex rather than doing it for free. Marco also expressed this sentiment:

Sex always took a big part of my life. I've always been searching for sex all fucking day, even before I started selling it. I think people seem to have issues with sex but I've never had any. Talking about sex is normal for me and people have always asked me why I feel so comfortable talking about sex, so I thought I'd be a hooker.

This discourse was not unique to cismen sex workers, but was also evident among some ciswomen workers. Describing herself as "a woman with a man's libido", Irene, aged 35, with two years' experience in the industry, shared how sexual labour seemed like a good work option considering that sex was already a big part of her life. In a similar vein, another ciswoman, aged 40, Rachel explained: "being a completely sexually-driven person I thought, man, I'd love to do this. So I thought I'd just give it a go".

For others, though fewer in number, sexual labour was an avenue in which they could explore their own sexuality. Heather, a straight-for-pay lesbian, Pākehā transsexual woman, aged 47, described her entry as follows:

I've always been more attracted to women but I've always had a curiosity for guys. Sex work has given me the opportunity to further explore my sexual identity while being paid for it (...) Now, I find myself saying that I am enjoying these encounters. Actually, I've enjoyed every encounter. Every client has been different, but I've realised that I'm learning a lot from it.

Heather viewed sex work as an opportunity for self-growth in an area previously underexplored. She further contended how her duration in the sex industry was contingent on this development by explaining that she would stay in the industry as long as she continued to feel self-growth.

Based on the above discussion it becomes evident that sex workers, like all other types of workers, have multiple explanations for working sex. Whether it was out of economic necessity, the need for added independence and flexibility, curiosity, high sexual drives, or a desire to further explore their own sexuality, all sex workers I interviewed viewed their decision-making as rational and pragmatic, albeit within constraining circumstances. Considering the bleak state of the wider New Zealand socio-economic context, sex work was repeatedly described by sex workers as well suited to their needs at the time. However, despite feelings of benefits from their engagement in sex work, the sex workers in my study repeatedly emphasised a major downside: the stigma of sex work.

## **Whore Stigma**

Even though the sex workers I interviewed described sexual labour as paying more than other lower and higher skilled work, as well as offering a better work-life balance and self-growth, stigma against the sex industry persists. Despite sex work being decriminalised in 2003, New Zealand researchers have identified stigma as the number one health risk faced by sex workers (Abel, Fitzgerald, et al., 2010; Warnock & Wheen, 2013). The presence of stigma is said to have a direct impact on workers' access to health care, the judicial system, and other social services. Unlike other traditional occupations, workers are burdened with a stigma merely because they are involved in the sex industry (Benoit & Millar, 2001; Brewis & Linstead, 2000a; Comte, 2010).

Even though sex workers in my study experienced the impact of stigma to varying degrees, they all agreed that whore stigma had a direct and indirect impact on their well-being. According to Pheterson (1996), whore stigma operates in different ways. One of these ways is by branding prostitutes as unchaste. Unchaste is defined as “indulging in unlawful or immoral sexual intercourse; lacking in purity, virginity, decency (of speech), restraint, and simplicity; defiled (i.e. polluted, corrupted)” (Pheterson, 1996, p. 65). In the West, sexual labour challenges concepts of gender, specifically surrounding female sexuality. Sex in sex work is not only about sex without reproduction but sex without desire, sex without identity, and sex without intimacy which goes directly against the dominant view of sexuality as directly related to one’s sense of self, and an activity that is strictly shared between people who love each other. In turn, whore stigma is a mark of shame or disease on an unchaste woman’s body. This is no different than how New Zealand sex workers were perceived a century ago (Dalley, 1996, 2000, 2007; Tulloch, 1997), as I describe in Chapter One.

Comparing the current debate surrounding sex work to the one in the nineteenth century, Perkins (1991) and others (Doezema, 2000; Walkowitz, 1980) identified similarities. The sexual double standard identified in the patriarchal Victorian Era consisted of viewing male sexual behaviour as a necessity whereas good white middle-class women were to remain asexual except for procreation and patrilineage. By categorising sex workers as shameful criminals, the state stipulated appropriate female sexual behaviour. Therefore, whore stigma can be understood as a tool of social control to sustain the sexual norms of the time.

Although most stories in print media following the 2003 change in law were descriptive and neutral, some media coverage did draw on existing moral discourses of sex work, reinforcing existing stigmatisation surrounding the sex industry and sex workers (Farvid & Glass, 2014;

Fitzgerald & Abel, 2010). Street-based sex work was discussed more frequently than indoor sex work, and was depicted as ‘problematic’ and transgressing many norms of decency (Farvid & Glass, 2014). Child prostitution was described as an epidemic problem that stemmed from familial issues rather than structural inequalities (Farvid & Glass, 2014). On the other hand, discussion surrounding the men who bought sex was largely absent. When clients were included, it was in relation to men who were violent against street-based sex workers, and men who purchased sex from minors. The average client of sex workers was rarely described, symbolising the privileged status they held as ‘unproblematic’ consumers. Those who provided sexual services were the ones scrutinised, especially if they were adults selling these services on the street, further supporting the presence of whore stigma (Farvid & Glass, 2014). This is evident with how street-based sex workers, despite it being decriminalised, remain subjected to verbal and physical harassment by the general public (Armstrong, 2015).

Proponents of religious ideals have also questioned the morality surrounding sex work, and change in law. More specifically, in 2006, a conservative Christian lobby group called Family First New Zealand was founded (Family First New Zealand, 2015). Placing the rights and protections of families as a priority, it defined street-based sex work and residential brothels as incompatible with family values. Since its inception, it has been at the forefront of anti-street-based sex work and residential brothels. As an example, in 2011, it helped with the introducing of the Manukau City Council Bill (*Regulation of Prostitution in Specified Places*) which tried to recriminalise street-based sex work. Even though this bill did not pass the second reading, at the time they were advocating a ban for the whole of Auckland and New Zealand (Family First New Zealand, 2015). This persisting stigma is not without adverse effects on indoor sex workers.



One adverse effect from the presence of whore stigma is how stereotypes associated with people working in the sex industry shape how others react towards them. A good example is a mother's reaction to her daughter, Tracey, Māori aged 22, who joined the sex industry as a manager at 20, but who is now engaging in sex work:

When I started doing sex work I didn't tell my mom straight away. I started by telling her that I was looking at starting my own place, and that I was saving for it, you know? I wanted to get to know the sex industry, and blahblahblah, and she's like "I don't think that's right", and I said "why is that?". "Well, what about your morals?", and I said "but my morals are okay, and the day that they're not, I'll stop doing it". I mean, the day it starts to fuck me up, then I'll say "Oh well! See you later!". But yeah, my mom knows and she's sort of cool about it now, but we don't really talk about it.

In the above excerpt, Tracey tells us how, unlike with other forms of labour, people feel compelled to question sex workers' motivations for their engagement in this work. The assumption that sex workers have questionable morals stems from the idea that sex workers' sexual behaviour goes against what is deemed appropriate sexual conduct—sex within an affectionate, monogamous, non-commercial, loving relationship. Sex workers' moral compass is questioned by others, which means they must repeatedly justify their actions.

In addition, participants shared how people used the stigma as a way to either terminate the relationship, or as a way to control their behaviour. When I asked Amelia, a mixed- Māori and Pākehā sex worker, with one year experience in the sex industry, whether she ever had anyone use the stigma to control her behaviour, she shared the following experience:

Generally, all my friends that know don't use my work against me. They've never used it like that, anyway. There was only this one time where my boarder did. I had to kick him out because he wasn't paying his rent. Without his rent I couldn't pay my own rent, so that was the final straw for me. But when I asked him to move out because I felt used, he made a comment about my work. He said "I'm not using you, it's those men of yours (her clients) that are using you" but that's the only comment I've ever had. I don't think he'd ever say that to me again because I reacted to it, but to be honest, if someone reacts negatively because of the work I do then I don't want them in my life anyway. I'm big enough to make

my own decisions about what I want to do, and if this is what I've decided then that doesn't change who I am. I'm still the same person that I was, so tough.

In addition to external negative reactions, sex workers in my study struggled against internalizing the stigma, and seeing themselves negatively as others see them. Stigma not only shapes how society treats the stigmatised, but it also influences how the stigmatised view themselves, which impacts one's self-esteem and self-worth (Goffman, 1963). Amber, a Pākehā sex worker with 11 years' experience, shared with me what she disliked the most about her work:

I dislike and I have issue with the fact that the stereotype of sex workers obliges us to adopt a negative self-identity. This negative self-identity is independent of whether sex workers are in the industry for themselves, or that they are good people (...) because that stereotype is so compelling that it actually distorts our personality further. Consequently, you have to consciously decide that you're going to resist it, and it becomes a job in and of itself, another form of labour. For me, the stereotype represents the idea that in order for a woman to relate to a man sexually, she must be debased to do so, especially within a commercial sexual transaction. I think sex in and of itself is fundamentally innocent. The body is innocent, it is the brain and our social roles that make sex work negative. Women suffer from it more than men because it is far worse for women to be sexually promiscuous than for men, regardless the reason. There are still positive associations to men: it's powerful, it's manly, you know, it's successful. Whereas for women, to be promiscuous is to be delinquent, deviant, or an utterly-shattered, psychologically-deranged woman. And those things are, I think, the thing that bothers me the most about this work, more than anything else.

The above worker described the management of stigma as additional 'work' in itself. Similarly, Bethany, a mixed-Māori and German sex worker described the perceived clash between self-worth and sex work as follows:

If you start feeling worthless then you need to do things that make you feel worthy, that you're actually wife-material or girlfriend-material, loveable and long-term material. Because you can easily start thinking that you're just a quick fuck. So you have to remind yourself that there are guys out there that will marry you, and that kind of thing (...) It's because of the stigma, and how people think of sex workers as you having to go with every client, and that at every transaction you are giving them your whole body and all of that. A lot of people also think that the men are these dirty sleazy, old, disgusting things. But it's not like that. It can be like that, but it's not overall like that. And until these perceptions change, workers are always going to struggle with their self-worth while working.

Camille, a Pākehā sex worker, reflected on whether she felt she could be a sex worker and still have dignity:

Yeah but I think sometimes you just need to grab it by the balls. I can do this and a lot of people can't. I am doing this to get ahead and I'm not doing anything that I'm uncomfortable with. There are a lot of things I'll do and a lot of things I won't do. There are probably more things I won't do than I will do, you know? But yeah, there can definitely be dignity in sex work (...) I think it comes back to your own belief in yourself and if you're going to let the stigma get to you or not. Because in passing you might hear people make a comment or something, and you can either let it get to you or go "Hey, I actually know more about this topic than that person, and I know what it's really like and there's no need to feel ashamed". I think at the end of the day it's a job, it's a way to make money.

The above examples attest to the internal dialogue that sex workers can have regarding the work and their sense of self, and the need to constantly resist the stigma, or the preconceived notion that sex workers are selling their bodies rather than a service. This is reflective of the clash between society's view of sexual labour as harmful to the self, and workers' own perception of sex work as work. The presumed incompatibility between self-worth and sex work—as is commonly assumed by radical feminists—automatically frames all sex workers as damaged and in need of protection from the work itself, rather than in need of better working conditions (Barry, 1995; Dworkin, 1997; Farley, 2003, 2004; Farley et al., 2004; Jeffreys, 2009; Raymond, 2004b).

Similar to other research (Alexander, 1998; Delacoste & Alexander, 1996; Ross & Greenwell, 2005; West & Austrin, 2002), sex workers I interviewed explained how the fear of negative reactions, not feelings of shame, led them to keep the work a secret from loved ones, family, and friends, further isolating them from people around them. Even when working within a decriminalised legal framework, sex workers in Auckland often lied about the work they did and consequently lived in fear of being 'outed'. The need to practice the work in secrecy was

said to be one of the most loathed aspects of the work. When I asked Joan, a Pākehā sex worker, what she had learnt about herself from sex work, she explained the following:

I learnt that I'm capable of doing sex work without it upsetting me, and I'm not ashamed of it or anything. But I just don't like lying; I don't like being dishonest and having to hide it from people and things like that. That's what bugs me the most.

As Joan makes clear, vulnerability to negative external social reactions means she is more inclined to work in secrecy, thus placing her psychological well-being at risk. However, the sex workers I interviewed also actively attempted to resist the negative outcomes of stigma by 'outing' themselves. Irene, a mixed-Bulgarian and Pākehā sex worker, shared with me:

It's good to be honest. It's so hard to lie because you need ten to cover one. I am too lazy to think of a lie. It's just so much easier to be honest, so much easier. Oh god yeah, it makes life a whole lot easier.

Participants who publicly shared their work status felt that they were less likely to lose relationships than those who did not. I interviewed Ashton, a mixed- Māori and Pākehā cis male sex worker, and asked him if he had ever lost a relationship due to his sex work:

No, because most of my friends know what I do, it's not a secret. They either like it or they don't, they can make their decision.

Even though the work is legal in New Zealand, two ciswomen workers had family members call Child, Youth and Family (CYF) to complain that they were working while being the primary caregiver for their children. Fortunately, in one instance, following a visit from CYF, there was no further intervention. However, the story for Evelyn, a 28 year old, Pākehā sex worker with a total of two years' experience, differed greatly:

At the moment I'm in a custody battle over my child. My mom decided to tell my ex-partner what I did for work. Even though I'm not doing anything wrong they deduced that, because I was an escort, I must have a drug addiction, and an alcohol problem. My own mother. Yeah she must be thinking that I leave my kid at home, in disreputable care (...) Basically what happened is, it's an interim parenting order without notice, so that means that they write their affidavits, the judge goes "Oh my goodness. This is serious. She's on drugs." She signed the

affidavit and then they took my kid away. It had nothing to do with my work but it was to do with the stereotypes around my work. The motivation was my work, even though everything listed in the affidavit said nothing about that in particular. It's just the related discourse, "she's an escort, she shouldn't have care for her child", you know? There are a lot of stereotypes associated to sex work, and the affidavit kind of pussy-footed around the issue. So much so that Will (ex-partner's name) actually said he had no idea what I did for work. He flat out lied, and backtracked on that statement, but now, I still have to do drug tests and parenting courses. I don't even get to fight it until the end of the year. There's nothing I can do until we get a court hearing and in the meantime, I've got no visiting rights even though I didn't do anything wrong.

The above is a telling example of how, even under a decriminalisation framework, and when 'out and proud', the stereotypes associated with people working in the industry still have a negative impact on workers' well-being. Even though the sex work status was not directly used against Evelyn, the court assumed that because she was engaged in sex work she was addicted to drugs or alcohol. Only three of the workers I interviewed admitted they had at one point or another drug or alcohol consumption issues, and needed to consume while working. This was usually due to difficulty in staying up during overnight work shifts, or for social reasons. However, most claimed that they actively preferred working sober. Nonetheless, based on misconceptions regarding motivations for engaging in sex work, and of sex workers in general, Evelyn now has to prove that she is not addicted to drugs or alcohol, and the Court has mandated that she take parenting courses. The persisting whore stigma against sex workers, and the negative stereotypes associated with sex work more generally, endanger sex workers' personal well-being both at work and at home, which speaks to the ills that are derived from stigma rather than from the work itself.

### ***Gay-for-Pay***

Even though all of the sex workers I interviewed faced negative social reactions towards the work, the whore stigma was experienced differently by ciswomen than by cismen workers.

Due to the sexual double standard that dictates that proper female sexuality is to be performed exclusively within a monogamous, loving relationship, Pheterson (1996) argues that compared to men, ciswomen workers are most heavily penalized for being 'whores'. However, to add to our understanding of stigma in sex work, some of the cismen workers I interviewed expressed greater concern with being 'outed' as a homosexual than as a sex worker. This was especially true for self-identified heterosexual cismen workers who were willing to do gay-for-pay.<sup>18</sup>

Even though Jonathan, a cisman with four years' experience in sex work, preferred selling sexual services to women, a lack of market obliged him to target male clients. Having to be a gay-for-pay worker, Jonathan faced not only the whore stigma but also the stigma against homosexuality. He explained his relationship with stigma as follows:

I am quite open with my female friends but not my male friends. I am worried about them judging me for doing male clients. I'm okay with me working as a bi-curious<sup>19</sup> male but I am just worried about family and friends. My dad's quite, how shall I put it, he's quite old school and I don't know how he would react with me going with male clients? His sister, my aunty, she's a lesbian and my grandfather's brother was gay as well. Because I'm his oldest and only son, I'm not sure how he would accept it from me. But at the same time, I'm only interested in heterosexual relationships out of work so I don't think it's too much of an issue. It's just the fact that I am willing to go there with guys that he might judge me for, but I don't think it would change our relationship too much. It would be something we'd never talk about. As for my male friends, quite a few of them know I escort but they don't know I do men as well. I'd like to keep it that way because even if I know them quite well, I don't know how they'd react towards gay or bi-guys. For now we've got good friendships, and I think if I did come out as gay-for-pay it might destroy it.

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<sup>18</sup> Gay-for-pay is a term used to describe heterosexual identified individuals who are willing to deviate from their sexual identity for payment, for men usually involving payment for homo-sex, and for women payment for lesbian-sex.

<sup>19</sup> Jonathan is a bi-curious man while working, but not in his private life. He identifies as heterosexual outside of work.

This is similar to other research conducted on cismen sex workers and stigma. Kong (2009), and Morrison and Whitehead (2007) both argue that a contributor to the stigma against cismen sex workers is western society's negative views on sexuality in general, and homosexuality in particular. For Jonathan, it is not the whore stigma that is most worrisome but rather that his male friends will learn that he participates in homosexual acts. He further explained why his experience is different than for ciswomen sex workers:

I think it would be harder for women to come out as a sex worker than men because my male friends they high five me. I'm pretty sure for guys, even from a young age, the idea of being a (hetero) porn star is quite appealing. So to actually live that life, and have other guys look up to you, it does make you feel like you've accomplished every boy's dream in a way.

According to the persisting double standard, women are meant to be non-promiscuous and protective of their sexuality, whereas men are granted social license to be experimental and have sex for reasons beyond procreation, so long as they practice heterosexual activities.

In addition to external negative societal reactions, the transsexual women and cismen workers I interviewed also shared experiencing whore stigma from people within the sex industry, something that was rarely discussed by the ciswomen sex workers I interviewed. Both transsexual women workers I interviewed had experienced discrimination within commercially-run sex establishments. Their interviews indicated that managers in the sex industry were not welcoming of transsexual women. Transphobia and misunderstandings regarding transsexuals were the source of discrimination. Heather, a Pākehā 47-year-old transsexual woman who regularly rented rooms in brothels shared the following:

I was in a brothel on the second level, and I was starting to take men down to introduce them to the girls which started causing a lot of problems. I'd never been in the brothel before because I was working on the second floor, and the brothel was on the first, so I didn't know but the brothel had set rules that the private escorts weren't supposed to come into the brothel but I kind of wiggled my way

in anyways, but once they noticed, they then got worried that I would take business away from the other girls. They were also worried that the clients would get confused between who was a real woman and who wasn't. There were all sorts of fears that the managers were constructing around the transsexual that were transferred directly out of mainstream society and on misinformation on the transsexual.

When I asked her why she thought managers reacted that way, she explained:

Well the problem is that there isn't a brothel for transsexuals because from what I've seen so far is that the people running these organizations carry quite narrow social norms themselves (...) They (parlour owners) have a very stereotypical idea of what the client wants, and it's actually not even true but they practically funnel the clients into that role, just as much as they funnel the girls into that role.

Echoing Heather's sentiment, Nancy, a Pākehā transsexual woman, explained the transsexual-related issues in sex work as follows:

I actually think that the brothels should start allowing transsexuals in. It might help some of the girls on the street get some work (...) They (managers) are discriminating against us. If they had a few transsexuals in their parlours they would have an extra market, and they could make money. It's just them being that way, it's them that don't like transsexuals or guys in their parlours. They're so stupid because a lot of heterosexual men are curious about transsexuals as well, and maybe by going to a lady parlour, the client can then discreetly go with a transsexual. Managers do not have to show the transsexual every time, they can say "We have transsexuals, do you want to see them too?"

Nancy further elaborated on why parlours were reluctant to have transsexual women in their premises:

It's the manager's perspective. It's so obvious that it comes from there because they just don't want to disturb anything. They just want to keep it old fashioned, the way it's always been organised. They want to keep the space heteronormative. It's so obvious that that's all they want, this hetero space, yeah.

The stigma felt by the two transsexuals I interviewed was confirmed by the managers. Of the 10 interviewed only one was willing to hire a transsexual woman worker. All others preferred to focus on ciswomen selling heterosexual sex only. This also affected cismen workers who wanted to sell services to men. Not wanting to challenge heteronormative assumptions, managers were reluctant to associate their premises with homo-erotic sexual services. This exclusion meant that



both transsexual women workers and cismen workers were limited to working from the streets or privately, a trend not yet documented in the research.

My findings suggest that the stigma felt by sex workers is not only gender-specific but may be felt differently according to sexual identity; this is something that needs to be explored further by sex work scholars. The racial dimension of the whore stigma has been documented in Canada (Hunt, 2013), and New Zealand (Abel et al., 2009). However, my findings cannot broaden our understanding on the felt differences based on race, because the sex workers of colour I interviewed in 2012 did not place emphasis on this dimension of the whore stigma.<sup>20</sup> Rather, the gendered dimension of the stigma seemed to be of greater importance when sharing their lived experiences. Therefore, I can conclude with certainty that the whore stigma in Auckland is gendered and sexualized, and that all sex workers experienced some negative societal reactions that needed to be dealt with on a regular basis.

## **Conclusion**

The motivation for entry varied greatly amongst the sex workers I interviewed in Auckland. Whether it was out of economic necessity, exclusion from other sectors of the economy due to discrimination, the need for additional work flexibility, or curiosity, all sex workers agreed that sex work was the best option available for them at the time. Rather than describing sex work as a form of exploitation, or as being detrimental to the self, sex workers in

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<sup>20</sup> Even though the sex workers I interviewed did not identify or experience the racial dimension of the whore stigma, interviews with managers did demonstrate racialized hiring preferences towards white ciswomen. This is discussed in Chapter Four.

my sample portrayed sex work as work, with some days better than others. Furthermore, they underscored the social and material resources more available to them in sex work than in other forms of employment, pointing to the inadequacies in the wider socio-economic context in New Zealand. The sex workers I interviewed admitted that engagement in sex work was done within a context of constrained choice. During a time when all workers are seeking better pay and greater flexibility, sex work became a viable work option for the 30 workers I interviewed.

Although all sex workers I interviewed described sex work as work, they also identified negative societal reactions that had an impact on their personal well-being. Sex workers in New Zealand are within their legal right to practice the work, at home or elsewhere, yet are still subjected to myriad stereotypes that shape how others relate to them. I found that certain groups experienced stigma differently. Due to the sexual double standard that dictates that proper female sexuality is to be performed exclusively within a monogamous, loving relationship, cismen sex workers were less concerned about the whore stigma than their female counterparts. However, I also noted differences across sexuality lines, with heterosexual men sex workers being less concerned about the whore stigma than their female counterparts. When heterosexual male sex workers were willing to participate in homo-sex for payment, they were more worried about their friends knowing that they were participating in homoerotic acts, than their friends knowing that they were sex workers.

In addition, both transsexual women and cismen workers also experienced stigma from managers. The managed sector was quick to exclude them due to transphobia and homophobia. Out of fear of being associated with homo-erotic and transsexual sexual services, managers were reluctant to allow these groups of sex workers permission to enter and work alongside ciswomen, restricting them to the private or street-level trade. While opponents of prostitution are quick to

negate the joys and benefits gained from joining the industry, most workers agreed that there were ways to conduct the work with dignity and that the worst part of the work were the negative social reactions, not the work itself. For all sex workers, it is the stigma that has a negative impact on the person's well-being, rather than any form of shame intrinsic to the work.

Even though there is evidence of shared motivations for entry, and of a unified resistance to the 'sex work is exploitation' discourse, not all sex workers I interviewed experienced the work similarly, with some having better work conditions and experiences than others. Chapter Four explores the work conditions present within commercial brothels, as experienced in Auckland in 2012, almost a decade after decriminalisation in 2003. The chapter highlights the relationships between the wider socio-legal framework, organizational support, and workers' well-being.

## CHAPTER FOUR: Working in the Managed Sector: Organizational Support, Job Satisfaction, and Resistance

Prior to 2003, sex workers in New Zealand had little recourse when subjected to exploitative management practices, despite the indoor managed sector being the most common work experience (Abel et al., 2009). However, with the enactment of the *Prostitution Reform Act* in 2003 (Department of Justice, 2003), sex workers were, for the first time, deemed legitimate workers with the right to work safely, like workers in other fields. This meant that following the enactment of the *Prostitution Reform Act*, the right to work safely was entrenched in law, granting sex workers for the first time in the history of New Zealand the right to access the judicial system and occupational regulations if, and when, they faced exploitative management practices and/or pressures to perform the work unsafely. With a formal infrastructure in place that recognized sex work as legitimate work and the sex workers as ‘real’ workers, commercial sex operators in New Zealand became obliged to adopt organizational practices that were more in line with the health, safety, and well-being of other workers.

The enactment of the *Prostitution Reform Act* in 2003 (Department of Justice, 2003) allowed for a discussion on management practices found in commercial premises, and an outlet for redress when workers faced unfair practices. As will be argued in this chapter, this change in law allowed for a shift in power from commercial operators<sup>1</sup> to the worker, which led, in turn, to a change in the expected relationship between operators and sex workers. With a particular focus

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<sup>1</sup> In essence, operators are managers, and both sex workers and operators I interviewed used these terms interchangeably. Accordingly, in this thesis the terms manager and operator have the same meaning.

on the management practices adopted by operators' post-2003, as well as the work experience of sex workers in the managed sector, this chapter will highlight how, despite the gains garnered from decriminalisation, there remains a disjuncture between the promises laid out by the law reform and the actual lived experiences narrated by my participants. I argue that this disjuncture contributes towards job dissatisfaction amongst sex workers in the managed sector.

Following Chapter Three, where motivations for engaging in sex work were examined, this chapter will look at the relationship between decriminalisation, management practices, and the work experience of sex workers and operators in the managed sector of the sex industry, post-2003. The analysis is based on the 30 interviews conducted with sex workers, of which 17 had experience in the managed sector, and the 10 interviews conducted with managers who were working between June and December 2012. This chapter will discuss three areas in need of improvement as described by sex workers who have experience working in commercial premises post-2003: the right of refusal, safer-sex practices and organizational support, and fining and withholding earnings as a management practice. Accordingly, I end the chapter by exploring workers' resistance to unfair managerial practices, where I argue that the unfair practices are due to the remnants of pre-2003 ways of thinking when it comes to managing 'problematic' workers. Before proceeding to the discussion, it is important to highlight what exactly I mean by the managed sector, commercial premises, and commercial operator.

## **The Managed Sector in Auckland**

According to the 30 sex workers I interviewed, the indoor sex industry in Auckland is primarily comprised of two sectors: managed and private. These two sectors yield differences in work experience which are worth noting. This chapter is dedicated to examining the work relations and experiences found in the managed sector, while the private sector is discussed in

detail in Chapter Five. When working from the managed sector, sex workers have to share their earnings with a third party or establishment, and there is always someone, namely an operator or a manager, overseeing their work practices. In the private sector, there is no manager overseeing their work, or sharing the earnings. This points to the main differences between the sectors: the power relations present between management and sex workers, and control over earnings.

Based on the experiences of the sex workers and the commercial operators I interviewed, the most popular venue in Auckland is similar to a lounge or bar in which clients are welcome to walk in, meet, and chit-chat with the sex workers before deciding whether or not to book them. The worker can also assess the client's appearance and personality, and decide if they wish to accept the person as a client. Based on my interviews with sex workers, parlour-like commercially-run sex work establishments were commonly referred to as clubs, parlours or brothels, and hence these terms will be used interchangeably.

In parlours, the work is usually comprised of shift-work where the number of workers on shift varies at any given time and depends on the size of the premises. For example, in bigger premises, the number of workers on duty can be as high as 30, whereas in smaller workplaces it can be as low as four. Most of these premises institute a fixed shift of eight to 12 hours with the latter being the norm. Most do not require clients to pre-book, and walk-ins are welcomed; premises usually have rooms on site that can be used by clients and workers. Of the 10 operators I interviewed, six managed parlours.

Escort agencies, which are another type of work environment present in the managed sector, are not always open to walk-ins, and are organized around pre-booked appointments. Some agencies have a few bedrooms on the premises where the worker and the client can meet; others operate strictly on pre-booked appointments and on an outcall basis. Rather than a fixed

shift, agency workers are commonly available on an on-call basis where they are given approximately 20-30 minutes to get to the premises or the booking. Some agencies will offer a pick-up service for the workers. Of the 10 operators I interviewed, four managed escort agencies. As noted earlier, I excluded massage parlour workers and operators from the participants because massage parlours do not formally offer full sexual services.

All 10 operators stressed that their goal was to provide a safe and comfortable space for sex workers to work in, for generating profit for the owners. They viewed their work from both a moral and economic perspective, and they considered themselves as market-based service providers. Section Five of the *Prostitution Reform Act* of 2003 defines individuals responsible for the management of sex work as follows:

In this Act, operator, in relation to a business of prostitution means a person who, whether alone or with others, owns, operates, controls, or manages the business; includes (without limitation) any person who—

- a) Is the director of a company that is an operator; or
- b) Determines—
  - (i) When or where an individual sex worker will work; or
  - (ii) The conditions in which sex workers in the business work; or
  - (iii) The amount of money, or proportion of an amount of money, that a sex worker receives as payment for prostitution; or
- c) Is a person who employs, supervises, or directs any person who does any of the things referred to in paragraph (b) (Department of Justice, 2003).

Responsibilities described by the operators I interviewed mirrored the above definition. They were responsible for supplying the necessary working facilities, and for the marketing of the business and their workers. They were also in charge of the implementation of security measures, for determining which worker would work which shift, and where. They took charge of the level of cleanliness of the premises, and the availability of safer-sex products—either for free or for payment—on the premises. The complexity of their responsibilities usually led them to have a permanent presence on the premises, giving them lots of opportunities for control.

Under Part Three, Section 34 of the 2003 *Prostitution Reform Act*, all managers of commercially-run sex premises must acquire an operator's certificate (Department of Justice, 2003). It is the individual who is certified, not the premises. The premises is licensed, which involves a different certification system than for operators.<sup>2</sup> Hence, regardless of the type of sex business, all persons managing sex workers need to acquire a certificate to do the work. Premised on the assumption that people involved in the sex industry have criminal tendencies, the primary goal of the certification system is to screen for the suitability of the people operating sex businesses. You have to be 18 years old or older, and not have been convicted of some specific offences such as a number of violence offences, offences under the *Arms Act* of 1983, and offences under the *Misuse of Drugs Act* of 1975 (Department of Justice, 2003). The certification system excludes people that are not New Zealand citizens or permanent residents, and people whose criminal histories prohibit them from holding a position of power over sex workers. The certification process is simple, and requires no formal training or examinations. Thus, the licensing process is a fitness of character test rather than an introduction to managing a sex business. As of yet, there is no formal infrastructure in place to ensure that operators are managing in accordance with the current occupational and health guidelines, and the 2003 *Prostitution Reform Act*. Of the 10 operators I interviewed, only a few of them worked without a

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<sup>2</sup> To license the premises, the owner needs to acquire a sex business license, a different and more complex certification system than for an operator. It is difficult to know how many brothels were operating at the time of the interviews, however, on May 29<sup>th</sup>, 2013 there were 25 licensed sex businesses in Auckland, with approximately 70 brothel operators (Collins, 2013). The number of unlicensed sex premises is unknown.



certificate in breach of Part Three, Section 34 of the *Prostitution Reform Act*, risking a hefty fine (Department of Justice, 2003).<sup>3</sup>

In contrast to concerns of pimping raised overseas (Benoit & Millar, 2001; Norton-Hawk, 2004), in New Zealand, few sex workers have been associated with pimps (Jordan, 2005a). However, there has recently been a growing number of Thai and Filipino women working in the sex industry. Overall, these women are considered more vulnerable to exploitation and pimping because they are often dependent on third party sponsors to bring them into the country; and, immigration status is insecure (Jordan, 2005a; Roguski, 2013). Despite a relative absence of pimps, issues surrounding coercion and control still exist.

Based on an assessment of the vice scene in New Zealand conducted by the National Bureau of Criminal Intelligence in 2000 (cited in Jordan, 2005b), there was little involvement of ‘Mafia-type’ groups in the sex industry. Even though many sex businesses were not under the control or direct influence of organised crime groups, many links between organised crime and the sex industry were identified. According to the National Bureau of Criminal Intelligence in 2000, some of the establishments were used for money-laundering and drug trafficking purposes (cited in Jordan, 2005b).<sup>4</sup>

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<sup>3</sup> Part Three, Section 34 of the 2003 *Prostitution Reform Act* states that a person who is required to hold an operator’s certificate, and does not is committing an offence and can be liable on summary conviction to a fine not exceeding 10,000 NZD (Department of Justice, 2003).

<sup>4</sup> There is no contemporary analysis on the links between organised crime and the sex industry, however, based on some of the interviews I conducted with sex workers, similar relations seem to persist suggesting that the type of gang-involvement has not changed since its decriminalisation.

Due to the Auckland City Council by-law 30, brothels and commercial sex premises are limited to commercial zones, out of residential areas, and are not permitted on the ground level of buildings. This means that most brothels in Auckland are located in the Central Business District. Since its decriminalisation in 2003, the issuing of licenses for commercial sex businesses in New Zealand is on the decline. In 2003 there were 326 licenses issued,<sup>5</sup> but by 2011 there were only 72 new applications accepted and 54 renewals (Bellamy, 2012).<sup>6</sup> According to the Auckland City Council website, accessed on August 25<sup>th</sup>, 2015, there are currently no sex business licenses being issued (Auckland City, 2015a). This is due to the pending 2016 review aimed at creating one by-law for all of Auckland.<sup>7</sup> Based on a Auckland City Council schedule of changes to fees, the current fee for a brothel license is 708 New Zealand Dollars (NZD) with a proposed fee of 240 NZD for 2015/2016.<sup>8</sup> The proposed fee is comparable to other proposed business fees, and most proposed fees are less than previous rates. For example, the current licensing fee for gambling venues is 401 with a proposed fee of 360 NZD, the current fee for camping grounds is 401 with a proposed fee of 300 NZD, and the

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<sup>5</sup> There were no licenses renewed in 2003 because of the change in law.

<sup>6</sup> According to Collins (2013), on May 29<sup>th</sup>, 2013 there were 25 licensed brothels in the Auckland region. Even though there were 72 new applications and 54 renewals in 2011, this does mean that all brothels opened in 2011 remain in operation, explaining the difference between the number of licenses issued in 2011 and the number of licensed brothels operating in 2013.

<sup>7</sup> Due to a recent agglomeration with seven city and district councils, today, some districts enact differing restrictions. The Council will be addressing this at a review planned in 2016.

<sup>8</sup> The difference in price between brothel licenses and non-sex work related business licenses can be explained by the “sin tax” (Lorenzi, 2004). The taxing of undesirable activities as a method to curtail it pre-dates the Puritans (Lorenzi, 2004), and as can be seen in Auckland it remains a tactic used by city councils.

current fee for funeral directors is 433 NZD with a proposed fee of 240 NZD (Auckland City, 2015b).

To date, there is little known on the demographics of managers in commercially-run sex premises, but, from what we do know, they are a heterogeneous group (Buschi, 2014; Mossman, 2010). Of the 10 operators I interviewed, seven were ciswomen, one was a transsexual woman, and two were cismen. As for ethnicity, 6 of the ten were Pākehā. Of the four that were not Pākehā, one was Māori, one was mixed-Māori and Pākehā, one was Asian, and one was South American.<sup>9</sup> Ages ranged from 26 to 54, with an average age of 42. Length of time operating also varied tremendously across participants, with some having had as little as three months' experience, while others had over 20 years. Of the 10, seven had over five years' experience, with two of the seven having had experience before 2003. Four had previous experience as sex workers, and of the 10 operators interviewed, seven were also the owners (See Table 4.1). To protect the identity of the participants, all names are pseudonyms.

**Table 4.1 Operators' Current and Past Work Experience in the Sex Industry<sup>10</sup>**

Name	Gender	Ethnicity	Type of Business Operating	Pre-2003	Owner	Age	Experience in Years
Amanda	F	South American	Agency	N	Y	38	5
Celine	F	Asian	Parlour	N	Y	n/a	6 months
Dalia	F	Māori	Parlour	Y	N	44	22
Daniel	M	Pākehā*	Parlour	Y	Y	54	20

<sup>9</sup> The ethnicities listed were self-ascribed by my participants.

<sup>10</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

**Table 4.1 Operators' Current and Past Work Experience in the Sex Industry<sup>11</sup>**

<b>George</b>	M	Pākehā/Māori	Agency	N	Y	40	6
<b>Jackie</b>	F	Pākehā	Agency	N	Y	48	10
<b>Lisa</b>	F	Pākehā	Parlour	N	N	38	3 months
<b>Romana</b>	F	Pākehā	Agency	N	Y	26	1
<b>Sally</b>	F	Pākehā	Parlour	N	N	51	2
<b>Stella<sup>12</sup></b>	MTF**	Pākehā	Parlour	N	Y	n/a	6 months

\* Pākehā is a Māori term for New Zealanders who are of European descent.

\*\*MTF refers to male-to-female transsexual.

Of the 30 sex workers I interviewed, 24 currently worked from the private sector, and six from the managed sector. Of the six, four worked from parlours, and two from escort agencies. Despite the small number of managed workers interviewed in 2012, of the 24 currently working from the private sector, 11 had previous post-2003 experience in the managed sector. Therefore, of the 30 sex workers I interviewed, 17 had experience in the managed sector, thus granting me access to a wider array of work experiences beyond the six working in the managed sector at the time of interviewing (see Table 4.2). Accordingly, the analysis in this chapter is based on all 17 workers who shared some experiences in the managed sector, including the workers who were no longer working in that sector. The other 13 only had experience in the private sector, and their stories will be examined in Chapter Five.

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<sup>11</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

<sup>12</sup> Stella is no longer operating or an owner of a parlour but I included her in the sample because she has a unique story that is worth sharing. Despite its closure in 2011, she opened the first and only trans-parlour in Auckland.

**Table 4.2 Sex Workers' Current and Past Work Experience in the Sex Industry<sup>13</sup>**

<b>Name</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>Current Work in Industry</b>	<b>Previous Experience in Industry</b>
<b>Adam</b>	M	Māori/Samoan	Private	None
<b>Alicia</b>	F	Māori	Private	Street
<b>Allison</b>	F	Pākehā*	Private	None
<b>Amber</b>	F	Pākehā	Private	Agency
<b>Amelia</b>	F	Māori/Pākehā	Private	None
<b>Anton</b>	M	Spanish/Italian	Private	None
<b>Ashton</b>	M	Māori/Pākehā	Agency	Street and parlour
<b>Beatrice</b>	F	Pākehā	Private	None
<b>Bethany</b>	F	Māori/German	Parlour	None
<b>Camille</b>	F	Pākehā	Agency	Parlour and private
<b>Catherine</b>	F	Pākehā/Cherokee	Parlour/private in call	Parlour
<b>Evelyn</b>	F	Pākehā	Private	Parlour
<b>Gavin</b>	M	Zimbabwe, Africa	Private	Street and parlour
<b>Heather</b>	MTF**	Pākehā	Private	None
<b>Irene</b>	F	Pākehā/Bulgarian	Private	None
<b>Isabel</b>	F	Māori	Parlour	None
<b>Jasmine</b>	F	Pākehā	Private	None
<b>Joan</b>	F	Pākehā	Private	Parlour
<b>Jonathan</b>	M	British	Private	None
<b>Katelin</b>	F	Pākehā	Private	Parlour
<b>Kelsey</b>	F	Pākehā	Parlour	None
<b>Marco</b>	M	Brazilian	Private	None
<b>Nancy</b>	MTF	Pākehā	Private	Street and parlour
<b>Rachel</b>	F	Pākehā	Private	Parlour
<b>Sandy</b>	F	Māori/Pākehā	Private	Parlour
<b>Sebastian</b>	M	Irish/Italian	Private	Street

<sup>13</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

**Table 4.2 Sex Workers' Current and Past Work Experience in the Sex Industry<sup>14</sup>**

<b>Tina</b>	F	Pākehā	Private	Parlour
<b>Tracey</b>	F	Māori	Private	Dancer
<b>Vanessa</b>	F	Pākehā	Private	Agency
<b>Violet</b>	F	Pākehā	Private	Street, agency, and parlour

\* Pākehā is a Māori term for New Zealanders who are of European descent.

\*\*MTF refers to male-to-female transsexual.

When examining the indoor managed sector in Auckland, it quickly became obvious to me that there was little to no room for cismen and transsexual workers, regardless of sexual identity. Despite the presence of a demand for homo-erotic sexual services, and sex with transsexual people, the primary type of sex work sold by commercial sex businesses remained heterosexual with cismen seeking sexual services from ciswomen. In 2013, of the 25 licensed sex businesses in Auckland, all catered to cismen seeking sexual services from ciswomen (Collins, 2013).<sup>15</sup> There were no trans-friendly parlours,<sup>16</sup> nor parlours catering to ciswomen clients, and only a few (non-licensed) smaller managed establishments that catered to cismen seeking sex with cismen. This lack primarily limited both transsexual and cismen workers to the private and street-trade. In 2012, the exclusion from the managed sector was experienced by six of the seven cismen I interviewed, and both transsexual women workers. It must be noted that some parlours did allow transsexual and cismen workers to rent rooms in their premises, however all 10

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<sup>14</sup> Please note that all characteristics shown in tables are those shared with me by my interview participants in 2012, and may have changed since then.

<sup>15</sup> I was unable to locate a figure on the number of parlours located in Auckland prior to 2003. This may be due to the pre-2003 legal context, in which operating a brothel was outlawed, and thus actively hidden from authorities (Jordan, 2005b). This made it difficult to quantify the number of commercially-run sex establishments prior to 2003.

<sup>16</sup> Even though there are currently no trans-friendly parlours in Auckland, in 2011 there was an attempt to open such an establishment, however it was unable to remain open partly due to a lack of clients willing to visit the business. One of the transsexual sex worker I interviewed, Nancy, had the opportunity to work in this establishment.

managers I interviewed noted that they did not allow them to work directly alongside the ciswomen workers.

When it comes to ciswomen sex workers, parlours were stratified along class and ethnic lines (Abel et al., 2007; Jordan, 2005a, 2005b). Even though no sex worker I interviewed shared stories of direct discrimination based on race or ethnicity, they did admit that race/ethnicity was a predictor of which parlour one could work from. However, racial stratification occurred between Asian and non-Asian sex workers, and not between Māori and non-Māori. Despite my efforts to include this group, no worker among the participants identified as Asian, and therefore the discussion on work conditions faced by sex workers in the managed sector is limited to non-Asian workers. However, the participants I interviewed did note that commercially-run brothels were commonly divided between Asian and non-Asian businesses, and that they were worried about the work conditions faced by Asian workers. It has also been documented that working-class and Māori women were more likely to work in situations considered lower in pay and with higher degrees of risk compared to their middle-class and Pākehā counterparts (Jordan, 2005a).

Based on the interviews I conducted with managers, it is evident that some higher-end parlours demonstrated favoritism towards middle-class, young, white, and slim workers. Depending on the type of clientele targeted, some managers I interviewed admitted to primarily seeking middle-class, younger, white, and slim sex workers; middle-class was defined as capable of holding an intelligent conversation with clients, younger was defined as up to the mid-30s (so long as the worker could pass as mid-20s) and slim was defined as appearing less than a dress size 10. This in turn made it difficult for people of colour, people from working-class backgrounds, older, and larger sized sex workers to navigate between parlours, and to shift from the private to the managed sector. Despite operators' preference for middle-class, young, slim,

and white workers, there were more ciswomen of colour that worked in parlours compared to the private sector, perhaps due to the high expenditure and the extra work-related responsibilities linked to running your own sex business (see Chapter Five).

Booking rates also varied between sectors, with private sex workers earning double what managed workers did. Without an hourly wage<sup>17</sup> and with pre-set prices dictated by the owner (who retained a percentage which varied from 40 percent to 60 percent) to cover the establishment's overhead costs and profits, managed workers could expect anywhere from 70 to 110 NZD for an hour of standard service. In contrast, the private workers I interviewed charged anywhere from 150 to 250 NZD for an hour booking, and if extra services were wanted, clients were charged an additional 50 to 120 NZD. However, unlike private sex workers, managed workers do not have overhead costs.

The above description of the managed sector in Auckland suggests that there remains some stratification along class, gender, sexuality, physical characteristics, and age, with young, slim, white ciswomen having access to a greater number of managed venues and potentially better work conditions than other sex workers.

## **From Criminal to Independent Contractor**

Following the legal change in 2003, both sex workers and operators went from being treated as criminals—with no formal infrastructure determining their duties and

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<sup>17</sup> Regardless of whether sex workers worked from commercial premises or not, they were all considered independent contractors rather than employees, and therefore were paid on a per-booking basis without an hourly wage.



responsibilities—to having their duties outlined by the New Zealand government. For the first time, operators and sex workers were permitted to legally sell their services to the general public. Legally, the classification of a person’s employment status is pivotal as it influences a range of issues such as minimum pay, paid annual leave, sick leave, and bereavement leave entitlements under employment legislation. Consequently, this change—from criminal to operator and independent contractor, had a direct impact on how management could treat sex workers, and what sex workers could expect from management.

There are two main kinds of worker in New Zealand: employee or independent contractor. Similarly to doctors, dentists, lawyers, accountants, contractors, subcontractors, and others, sex workers are independent contractors and not employees. Thus, they are not paid an hourly wage but rather on a per-booking basis. As such, their entitlements and obligations differ from those experienced by an employee in many ways. Independent contractors run their own business, hiring out their services to other organisations: in this case, commercially-run sex establishments. This type of arrangement is not covered by the *Employment Relations Act* 2000, or other employment laws, such as the *Holidays Act* 2003 (as cited in Ministry of Business Innovation and Employment, 2014b). Therefore, sex workers do not have access to the same type of benefits as employees do. They do not receive minimum pay, paid annual leave, sick leave, or bereavement leave entitlements under employment legislation. Unlike employees, independent contractors must take responsibility for filing their own taxes and their own

Accident Compensation Corporation levies.<sup>18</sup> However, similar to employees, independent contractors still receive protection under health and safety legislation (as cited in Ministry of Business Innovation and Employment, 2014b).<sup>19</sup>

In addition to protection from general health and safety legislation, sex workers also receive protection under the *Prostitution Reform Act* (Department of Justice, 2003) and the *Occupational Health and Safety* (2004) guidelines which were published specifically for the sex industry by the Department of Labour shortly after the law changed. The *Prostitution Reform Act* grants sex workers legal protection against forced sex work by operators (Section 16) or the state<sup>20</sup> (Section 18), and the right to refuse any client or sexual act without reprimand (Section 17) (Department of Justice, 2003). The *Prostitution Reform Act* also includes specific health and safety requirements for commercial brothels and operators (Sections 8 and 10), granting sex workers additional protections than other independent contractors (Department of Justice, 2003). It also allows for the inspection and enforcement of commercial premises by Medical Officers of Health (Department of Justice, 2003).<sup>21</sup>

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<sup>18</sup> Despite this lack of benefits, I would not suggest that sex workers undergo a change in employment status from independent contractor to employee as this would oblige employers to file taxes on sex workers' behalf, and thus out them to the government as working in the sex industry, when they desire preserving their anonymity.

<sup>19</sup> Irrespective of whether one is an employee or an independent contractor, all people working in New Zealand have access to socialised medicine. However, as an independent contractor when one gets sick and can no longer work, they are responsible for the loss of income incurred due to illness.

<sup>20</sup> Section 18 of the *Prostitution Reform Act* (Department of Justice, 2003) states that refusal to work as a sex worker does not affect any entitlements to a benefit under the 1964 *Social Security Act* or the 2001 *Injury, Prevention, Rehabilitation, and Compensation Act*. Therefore, if wanting to exit, sex workers are able to rely on unemployment insurance.

<sup>21</sup> For additional details on the rights granted by the *Prostitution Reform Act* (Department of Justice, 2003), please see Chapter One.

The *Occupational Health and Safety* (2004) guidelines go beyond the safer-sex/public health requirements of the *Prostitution Reform Act* (Department of Justice, 2003) by addressing issues of cleanliness and workplace practices that cause harm, such as uncomfortable attire, lack of provision for regular breaks between clients and shifts to avoid stress and fatigue, and not supplying water-based lubricants and massage oils which are non-allergenic. Together, the 2003 *Prostitution Reform Act* (Department of Justice, 2003) and the *Occupational Health and Safety* (2004) guidelines outline the non-tangible elements of work—level of autonomy over work, recognition of effort, and perceived organizational support, as well as the tangible—work hours, breaks, attire, and access to safer-sex equipment. An examination of the academic literature regarding job satisfaction informs us that all of these characteristics function together to determine work experience (C. E. Bishop et al., 2009; Haar & Brougham, 2011; Yoon & Thye, 2002).

The pre-2003 legal framework provided little employment protection to sex workers. When faced with exploitative and unfair work conditions, sex workers had no legal recourse because they were unable to rely on employment legislation and the judicial system for protection. The change in law allowed for a work context in which sex workers were finally able to access legal avenues of redress—a stark difference to pre-2003 wherein the power predominantly remained in the hands of managers and police. This can be seen in March of 2014 when a sex worker won a landmark sexual harassment case against a Wellington brothel owner. In what is arguably a world's first, the New Zealand Human Rights Review Board awarded the young woman 25,000 NZD in damages for emotional harm caused as a result of sexual harassment while at work—a ruling that could not have occurred before 2003 (Duff, 2014).

There is no doubt that the change in law was followed by positive changes, and better occupational well-being for managed sex workers. Some of these changes were observed by my narrators. Violet, a sex worker aged 45, with 30 years' experience in the industry, noted changes in management practices following the law reform:

Managers had to get rid of their Neanderthal rules. For example, they could no longer enforce bonds on the girls, they could no longer be taking money off the girls with fines or unfairly, and they could no longer be forcing the girls to go through with clients without their permission. Before the law change, the girls had absolutely no rights whatsoever, none. It was shocking. If you wanted to work somewhere, you had to go with management, and do exactly what they wanted. And you just had to keep working if there were clients, you just kept working, like 16, 20 hours – you know? Every parlour was different, but some of them made sure the girls knew as little as possible so that they would be doing as much as possible, and the wrong things with their clients, in order to attract more clients, and keep the girls – like, not using condoms for certain things. But after the law change, a couple of new parlour owners were a little bit kinder, and had training for their girls. So, some of the newer parlour owners, they set a new standard, which was very nice. New school, you know? Not old school (...) Old school parlour owners governed. They didn't care about the girls, and to be honest, they didn't really care about their clients. It was a numbers game, to drag – to get as many in the door as possible – to get the girls working as hard as possible and to get the maximum out of their girls, and to take as much money off the clients.

Pointing to positive changes following the legal change, Violet further described the shift in management practices from pre- to post-2003 as follows:

Managers had been running parlours the old school way for twenty-odd years now. When new school parlour owners managed to open up a new place, they had fairer ethics. They were a bit better to their girls and their conditions, and were more legitimate in making sure that the girls knew what they were doing, that their girls weren't getting taken advantage of sexually by clients. One place I worked at, the operator didn't believe that workers were nothing. He didn't have that attitude. He believed in supporting his workers in small ways. He had training, which was something I'd never seen before. The girls were occasionally allowed to say no. There was a bit more freedom with the girls being able to voice their opinion. He used to have, like meetings. Fuck, first operator I ever knew that had meetings for the girls, and positive affirmations on walls. You know what I mean? That was stuff that I had never seen before. It was nice. It was refreshing to see somebody that came in, that actually really wanted to run a business with less domination.

Prior to the law change, commonplace management styles found in the managed sector included arbitrary and unfair work rules, unfair dismissal, bonding, fining and withholding payment from workers (Jordan, 2005).<sup>22</sup> The pre-2003 legal framework sustained rather than prevented against these unfair management practices against sex workers. However, despite sex workers being in favour of the legal change, and evidence of improvements in management practices, according to the sex workers I interviewed, unfair practices still persist. The following discussion addresses three areas in need of improvement, as described by sex workers: the right of refusal, the requesting of safer-sex practices, and the right to not be compelled to practice sex work. I present these findings with the hope to better the relations between sex workers and management, and therefore I focus primarily on the persisting problems rather than the benefits from working in the managed sector.

### ***The Right to Say No***

Before 2003 sex workers had no legal grounds when wanting to refuse a client. In other words, sex workers had little recourse when pressured to accept clients they did not wish to service. This changed with the law reform when sex workers in New Zealand were granted the legal right to refuse any clients or sexual acts without being reprimanded by management.<sup>23</sup> However, despite this legal right, the sex workers I interviewed complained of management putting pressure on them to accept clients in contravention of Section 17 of the *Prostitution*

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<sup>22</sup> The term 'bonding' is defined and discussed later.

<sup>23</sup> Section 17 of the *Prostitution Reform Act* (Department of Justice, 2003).

*Reform Act* (Department of Justice, 2003) The most common reasons identified by the sex workers I interviewed for refusing clients were the level of intoxication of the client, bodily characteristics such as body weight, body hygiene, age,<sup>24</sup> disabilities, personality, and race. Certain body types and personalities were dominant indicators for refusal. Despite it being a gross generalization, it was also common practice among the sex workers I interviewed to refuse to provide services to people from India and Fiji. The majority of the sex workers I interviewed said that these clients were sexually rougher, and more likely to remove condoms without their consent than clients from other racial groups.<sup>25</sup>

Even though the managers I interviewed showed empathy towards sex workers' right of refusal, they also expressed limitations on how and when this right could be practiced. When I asked Dalia, a manager aged 44, with 22 years' experience as an operator, whether sex workers at her premises were permitted to refuse clients, she replied:

Yes, but there's got to be a good reason why you're refusing the client. It can't be because he's short or too tall, because, that's just pathetic, and then, why are you working here? If it's got to do because they know each other or she knows who he's married to or she knows his brother or that's her boyfriend's sister's man. In those scenarios, the girls will definitely not go through with it. First, because he shouldn't even be in here (laughs), and secondly, if it's someone that she's seeing on a daily basis, it can be quite awkward.

Another manager, Romana, white and aged 26, with one year experience shared the following:

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<sup>24</sup> Sex workers I interviewed refused clients who were too old or suspected to be minors.

<sup>25</sup> Based on the interviews I conducted with sex workers and managers, I did not note a difference based on race on how sex workers were treated by management, or how management treated sex workers. However, it is clear that racial relations are present in the managed sector, especially between sex workers and clients, which potentially can have an impact on the relations between managers and sex workers. Evidently, there is a need for more empirical research on race relations in the managed sector.

I get a little bit miffed sometimes when they refuse, mainly because I – sometimes they're refusing for stupid, really 'retarded' reasons. And it's more that the girl is – (...) – well, not retarded but like – I don't like his accent, he's too black,<sup>26</sup> or he's a bit weird – like for some of the girls I have more empathy than others. None of the current group working here do I feel any more or less empathy for, because they're great. They're not the kind of girls that would do that (...) But some girls they might be on their period or something, and then get finicky and angry, and shitty with every little thing irritating them, and that bugs me. But if they've got a valid reason, like maybe he's really fat and smells funny, ok, but not – he's a bit weird (...) they need a good reason.

When operators such as Dalia and Romana define the 'need for a good reason', they are placing limitations on who, when, and how sex workers can exercise this right, putting the workers at risk of violence and discomfort, with a direct impact on their mental well-being. Although some workers were said by operators to take advantage of the right to refuse, most of the sex workers I interviewed claimed otherwise, and commonly relied on this right as a safety measure against problematic clients and uncomfortable transactions.<sup>27</sup> When I asked Ashton, a sex worker aged 37, with 24 years' experience, whether he'd ever been in trouble for refusing a client, he replied:

One time I got in trouble for refusing a client but I told them he was too wasted for me and I don't do intoxicated people (...) I got a warning.

CZ: The operator did not deem the client intoxicated enough to warrant refusal?

Well, because he was a regular and he turned up there wasted a few times before but that's just not me. They can be wasted but it just takes that one incident to make it too late,<sup>28</sup> so it's just not worth it. Then, I didn't get any jobs for a week (...) they said there wasn't any work but it seemed to be a bit timed.

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<sup>26</sup> This is in reference to Indian and Fijian clients.

<sup>27</sup> Some sex workers I interviewed also used this right as a form of resistance to unfair management practices. This is discussed later in this chapter.

<sup>28</sup> Ashton, and others, felt more at risk of violence and assault when clients were intoxicated, and therefore they preferred to avoid them.

Sex workers who refused clients accused management of inducing guilt in the worker, withholding earnings and shifts, and favoritism. This was especially true when it came to regular clients, where it was common for management to overlook workers' needs so that the client would be satisfied. As Bethany, a 20 year-old sex worker explained, management prioritizes the clients' needs over workers' "because at the end of the day, the client is worth more than the girls. Girls will come with every generation but clients can stick around for years, so there are just an endless slew of new fresh girls so you're just – you just have to look out for yourself, basically."

Even though I asked managers' about their income range, they were very secretive and I did not want to probe further. However, for those who shared this information and for managers who were not owners, they were paid on average an hourly rate of 17 to 18 NZD, a few dollars higher than minimum wage. Most of the managers claimed that they did not receive commission, however based on interviews with sex workers, most of them believed that managers did. If it is true that managers get paid commission from every booking, this would make for a great incentive to pressure sex workers to accept all clients. This would also hold true for sex business owners as parlours retain a percentage of the client's fee—which varied from 40 to 60 percent—to cover the establishment's overhead costs. Therefore, a refusal by a sex worker can easily be deemed by managers and owners as a loss of income.

As gatekeepers of the managed brothel industry, managers exercise power over which worker is booked, and which one is most marketable. Based on the interviews I conducted with managers, middle-class, white, younger, and slimmer sex workers are the most sought after; however, in order to mitigate conflict between sex workers, most managers attempted to spread the number of bookings equally across the workers on shift. However, based on the sex workers I



interviewed, most clients enter their work premises with a predetermined type of worker wanted, potentially leaving little power for managers to persuade clients. This would suggest that clients' preference for middle-class, white, younger and slimmer sex workers would by default mean more money for sex workers who fit within those parameters. Having said that, I have little evidence to support this claim.<sup>29</sup>

By prioritizing the client's desires and the organization's quest for profit, operators are imperiling sex workers' well-being. For sex workers, the right of refusal is paramount and something that needs to be acknowledged by both clients and operators. Camille, a sex worker, described her experience when being pressured to accept a client as follows:

Generally you wouldn't have much of a choice. You were told you wouldn't have to see anyone that you didn't want to, but you sort of felt like you did (...) So if you have the choice and are happy to do it, then it doesn't mess with your mind as much. You go in, and you're in control. I guess it's like any form of work, you're just there to do your job but when you feel forced you feel degraded. It gets quite emotional. You get that feeling that you're forced to see the clients that you don't want to see. Perhaps, he reminds you of someone. Perhaps, he seems unclean. Perhaps, you don't feel safe with him and so you're losing that feeling of safety, that feeling of control and I think it starts to mess with your head a bit and you start questioning yourself and your place in the world and all that kind of stuff.

As with sexual interactions outside of sex work, consent and willingness must be sustained throughout the entire transaction—from start to finish—for it not to be assault, or degrading, as described by Camille. Although in Auckland there is an unspoken rule that a standard service includes oral and vaginal penetrative sex, and sometimes kissing, all other sex acts are at the

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<sup>29</sup> Even though it is known that some sex workers service disabled clients (Sanders, 2007), none of the managed sex workers I interviewed mentioned doing this. However, they did mention servicing old people and people of unusually short stature, often with a medical condition called dwarfism.

discretion of the worker—including such things as cunnilingus, fingering, anal play, non-vanilla sex, rough sex, fantasies and role-playing—and not all sex workers offer these services. Based on my interviews, and despite the cultural understanding in commercial premises of a ‘standard service’ in Auckland, it is clear that there remains great variability between workers as to which type of sex work they prefer, and which type of sexual services they are willing to perform. For example, some of the sex workers I interviewed preferred the ‘porn experience’ (including rougher sex acts such as pulling hair, biting, and butt slapping), while others preferred the ‘girlfriend experience’ (excluding rough sex acts and including kissing and cuddling).

Sex workers in Auckland highlighted how sexual boundaries varied between clients. In other words, even though in one instance a worker may feel comfortable kissing, in another instance they may not. The worker’s level of comfort with the client, as well as the client’s level of hygiene and physical appearance, seemed to be the guiding factors. Bethany, a sex worker aged 20, with one year experience, reflected on her experience with management and her right to refuse:

They didn’t ask at Fierce Club.<sup>30</sup> At Pulp Club they did at first, but after you’ve been there awhile they presumed that you’d go with anyone. And they kind of judged them for themselves. Oh but he seems nice, and then in your head you’re like, well they’ve met thousands of these guys so they’d know best, but they don’t know you. How are you’re going to respond to the client? Will you click? (...) Let’s go to the counter together (with the client), or talk to you for a little while so that you know if you’re going to be compatible in the room (...) So yeah, I’d stop that, and just make it so that the clients have to talk to the worker – try and put a bit of effort into the girls, but make sure that the girls are responsive. Girls that don’t want to be there should just leave because they put a downer on the girls

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<sup>30</sup> To protect the name of the establishment, all names of businesses are pseudonyms.

that want to work and want to make money. But, yeah, just stop – just completely eliminate the whole, guys just going straight up to the counter and just booking whoever.

Pointing to the differences in personalities among clients and sex workers, Bethany said that she loathed it when managers did not consult with her before accepting a booking on her behalf. Without consultation, Bethany and others interviewed felt that managers did not respect their capacity to consent.

Based on an analysis of 51 legal judgements—from the United Kingdom, Australia, Canada, and New Zealand—where evidence of commercial sexual transactions was presented, Sullivan (2007) noted how common law, until the 1990s, assumed that sex workers were unrapeable due to their work. This is no longer the case, however, it was the re-defining of sex workers as subjects with the capacity to consent, and to refuse, in the 1990s that granted them access to the judicial system when faced with sexually-abusive clients. Acknowledgement of sex workers' capacity to consent must also be recognised by the parlour managers in Auckland.

By refuting the possibility of refusing, as is the case with operators who do not respect workers' right to refuse, operators adopt a stance that all forms of sex work are consensual, thus erasing, perhaps unintentionally, sex workers' capacity to consent. This reinforces the whore stigma by supporting the assumption that sex workers are indiscriminate with respect to clients (Pheterson, 1996). It also presupposes a homogeneity of sex workers which assumes that they are willing agents at all times. Due to the physical proximity that is required between client and worker, compatibility and consent become necessary to ensure a positive experience for the worker, however consent needs to be defined by the worker rather than by an external agent. As was repeatedly emphasized by the sex workers I interviewed, sexual boundaries at work are constantly renegotiated at every transaction pointing to the importance for operators to

acknowledge sex workers' capacity to consent, the heterogeneity of sex workers, and their capacity to say no.

By not consulting sex workers, managers risk harming the worker by pairing worker and client who are incompatible, thus risking a negative outcome for both. This practice can be detrimental to the worker as well as to the commercial business. Isabel, a current parlour worker, shared her experience when, previously working as a manager, she refused to pressure sex workers into bookings:

Oh yes, I used to get in shit all the time by the owner when I wouldn't pressure workers. I was like, well you fucking growl at her, not me. I'm not going to force her into it because then she'll just be a cunt for the rest of my shift, and if she's starts acting like a shitty bitch, then she'll go pain some other girl's life and then put her in a bad mood: chain reaction, and I'm not messing with the mojo of my shift (...) If she doesn't want to, then she doesn't want to. And usually if you push a girl into a booking that she doesn't want to do, the guy is going to have a shit booking anyways because she's going to be a cunt in the room. No. I'm not sucking your dick, I'm not doing this, I'm not doing that (...) Every other parlour, there's one thing that they do give the girls, and that is that, they won't badger them or make them feel bad for turning down a client because it doesn't really matter what the reason is for turning them down (...) You never ask someone to do something they don't want to do.

No one can deny the pressure that managers are under, especially when faced with external pressures to push for bookings; some managers may be inclined to overlook sex workers' wish to be consulted. However, the need for management to acknowledge sex workers' rights to consent is critical when wanting to create a work environment that is conducive to the well-being of workers, while still generating profit. In addition to the need for greater recognition of their right to refuse without reprimand, sex workers in Auckland insisted that operators shift their practices to enable sex workers' right to consult in advance. This points to the need for a paradigm shift by operators from control to consultation, and from 'whore' to worker to be in compliance with the *Prostitution Reform Act* (Department of Justice, 2003).

## ***Requesting Safer-Sex Practices***

Along with sex workers being granted the right to refuse clients or the provision of certain sexual services, in 2003 sex workers in New Zealand were also granted rights regarding sexual health at work. Prior to the law reform, it was common practice for police to rely on safer-sex implements and literature as evidence of brothel-keeping (Barnett et al., 2010; Jordan, 2005a, 2010). In other words, before 2003 sex workers were the only people responsible for their sexual health while at work. When I asked how the organization of this commercial sex establishment had changed since decriminalisation, Daniel, an operator with 20 years' experience shared the following:

Well, I think the biggest thing that's changed is that we can be honest. I mean whereas before we had to talk in riddles and innuendo in order to prevent incriminating ourselves in a – you know – in a criminal offence. You couldn't – there was no way you could promote sexual health and safety under the old laws because you'd be incriminating yourself if you did. So now, from a health and safety point of view, we can. So, that's about the major way that it's changed.

Now, with the legal change, operators are not only obligated to promote a safer-sex industry, but for the first time, they are also *permitted* to have safer-sex materials on their premises. This results in the industry being one step closer to the creation of a work culture in which safer-sex is a priority.

Sections 8 and 9 of the *Prostitution Reform Act* (Department of Justice, 2003) mandate shared responsibility among all parties involved in the transaction: sex workers, clients, and management. This sharing of responsibility between worker, management, and client was a welcomed change for sex workers, as now they could rely on the law when negotiating with clients who requested condom-less services, or when pressured by management to conduct the work unprotected, giving workers a powerful stage from which to negotiate (Abel & Fitzgerald,

2010). However, despite this additional support in promoting a safer-sex industry, according to the sex workers I interviewed, some managers were more supportive than others.

With respect to sexual health, some sex workers felt that some operators actively discouraged clients and workers from practicing the work safely in the name of generating profit. The most common risk identified by sex workers was the successful or attempted removal of the condom by clients. Even though this is clearly a violation of the agreed-upon terms between worker and client, sex workers felt that management did not support them to prevent this type of client behaviour, which could result in the contraction of sexually transmitted infections or pregnancy for ciswomen.

Blaming her struggles with clients on the lack of support by management, Vanessa, a sex worker with 28 years' experience, shared the following:

I had a client and he'd been with one of the girls who wouldn't use a condom or didn't use condoms. Anyways, he tried it on me, and I told him no. But then he went through ten of my condoms because he kept ripping them off. I said "Look, one more and that's it. Or else I'm getting dressed and I'm out of here, you do what you want." Then he bit me, and I still got the scar, he drew blood, because I wouldn't let him do anything without a condom. I wouldn't even give him a blowjob (...) And then he went and said "I want my money back, I want my money back." And then the operator on shift comes and asks "What's going on?" and I said, "I am not putting up with that shit". So, she refused to give his money back and told him to go on his way (...) But he was back the next night, and I just looked at him and went, nah. But yeah, clients try it on with everybody, and if they can't get away with it with one girl, they'll try it with another.

CZ: Ok, but then would it not be the manager's role to say to the client, "Ok you're not allowed to come in here anymore because you're putting the girls in danger"?

It's money to them, and all they seem to care about is the money, money, money, money, even when your safety or hygiene is at risk.

Clearly, some operators are not committed to creating and sustaining a safer work environment for workers. This battle over condom-use is not unique to sexual commerce. Based on data

collected in New Zealand from 15 mixed-gendered focus groups (14 situated in Auckland, and one in Hamilton) on (hetero) sexual health, Braun (2013) noted a recurrent metaphor: the condom-as-pleasure-killer. She argued that this metaphor invoked a battle between condoms and sexual pleasure, with condom-use being described as inhibiting rather than enhancing sexual pleasure. Consequently, this metaphor constructs condom-wearing-heterosex as not *proper* sex, providing for a powerful conceptual tool to undermine condom-use in the sex industry.

Similar to non-commercial (hetero) sexual transactions, clients were said to regularly ask sex workers for condom-less sexual services (more commonly for oral sex but sometimes for penetrative sex as well), giving management an incentive to turn a blind eye. The lack of support by management, especially in a social context where condoms are deemed pleasure-killers, makes it harder for workers to demand safer sexual practices from clients, even though this right is entrenched in law.

To make matters worse, some workers believed that some managers purposely did not inform new sex workers about safer-sex practices in the hope that they would practice the work unsafely. Reflecting on management practices and safer-sex knowledge transfer from management to worker, Violet, a sex worker, with both private and parlour-based experience, commented on two commercially-run premises located in Auckland:

Fierce Club don't (transfer safer-sex knowledge to workers when starting) because they want their girls not to use condoms. They want them to know as little as possible. What they do is they put all their regular clients with new girls that don't know what the fuck they're doing so they can get away with shit that they're not supposed to. Decriminalisation brought it all out in the open so that,

you know, prostitutes or women that want to work in the industry can be protected. It was the same at Pulp Club. There, they used to tell you that you didn't need to use condoms at all when giving a blow job. They said you don't need to because you can't catch AIDS or anything, which is true, you can't catch AIDS unless you've got cuts or something in your mouth but it's fucking disgusting, and plus it's illegal.<sup>31</sup>

Using “risk context” as a framework to understanding constraining and supportive dynamics regarding the negotiation of condom-use by sex workers in Vancouver, Canada, Handlovsky, Bungay, and Kolar (2012) identified unsupportive management practices as a constraining dynamic. They argued that a lack of management support, along with other factors, created a social context in which condom negotiation became more difficult for sex workers in commercially-run establishments. My research with sex workers in Auckland confirms this finding.

In summarizing, when managers are uncaring and unsupportive, it becomes more difficult for workers to stand their ground with clients who ask for or attempt to have unsafe sexual practices, regardless of the fact that this right is entrenched in law. Risky workplaces attract clients that are more likely to seek and ask for unprotected services in the absence of managers' proactive support for workers' sexual health. While some commercial premises in Auckland may not overtly discourage safer-sex practices, some do not encourage it either; this is especially true when management is prone to accommodating the clientele's demand for unprotected sexual services. This symbolizes the power of capitalist profiteering and greed that

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<sup>31</sup> According to Sections 8 and 9 of the *Prostitution Reform Act* of 2003, the selling of unsafe sexual services is illegal, including condom-less blow jobs (Department of Justice, 2003).



undergirds the operation of brothels in Auckland, as well as, the neoliberal ideology of individual responsibility for one's own safety.

### ***Fining and Withholding of Earnings***

The third and final area identified by the sex workers in my study in need of improvement relates to the use of bonds or the withholding of payment as a managerial tactic. Commercially-run sex premises are usually organised around shift work. Based on my interviews with sex workers, most commercial operators request their workers to indicate their availability two weeks ahead, and to commit to one to three 8- to 12-hour shifts per week, where most shifts were conducted from 6pm to 6am, with fewer from 10am to 6pm. Some commercially-run sex premises are more flexible regarding scheduling than others. Comparing her current place of work with her previous one, Sally, an operator with two years' experience in that role, noted the following:

If I need them to work, I just – I write up the roster, but they tell me what days they want. We don't force them to work any days they don't want to work. So, if they only want to work on a Monday or Tuesday, so be it. They have a choice of shifts, and I'm very accommodating, if they don't want to start at 10, if they want to start at 12 and work till 7, that's what they can do. So basically they tell us when they want to work, and my only rule is, if you've picked your shift, you need to be here, you know? Because when you're working at Pulp Club, basically you get told when you have to be there. If you don't show up, you get fined. They fine you a 45 NZD late-fee, and they charge you a 50 NZD for a no-show, all on top of your normal shift fee. So when I worked there, there would be days when I would take 95 NZD off the girl's first booking, and all she was getting was 120. So she went and had sex for an hour and got 35 NZD, because the club took the rest. The girl would say to me, "But listen, I've told Pulp Club I can't work, that I can't be here at 6:30 PM on a Friday because I'm waiting for my partner to pick up the kids, and he doesn't finish work till 6 and so by the time he gets there and I get here in the traffic, I'm late every Friday. I've told them I can't be here, but they don't listen to me, and they say organize your life." My answer is this. Here, we go around your life, we work around your life. Your life doesn't work around this job, you know? This is not number one in your life, it shouldn't be. It's number one for me because I get paid a wage, ok, but for the girls, this shouldn't—they shouldn't have to make drastic changes in their lives to accommodate being here, does that make sense? We have to try and accommodate their working

hours, and work around their families. If they've got kids, that's priority, you know? It's hard enough for them to be working girls without us making it harder. You know? I think we're probably the only club in Auckland that is like that, you know, they all come in and tell me what it's like working at—I don't need them to tell me about Pulp Club, that's why I left there.

Even though Sally prided herself on allowing sex workers greater control over their scheduling than at other parlours, she further noted the importance of having workers on shift:

Some girls can do ten jobs a night, god knows how. But some girls do five a night, and they'll say to me, "Sally, I'm sorry I can't do anymore, I've got a sore fanny." I'm like, "Fuck it's only 1 AM, we don't close for another two hours, and you're the hottest thing I've got here", and they say, "I know but I'm sore", and I say "That's alright, that's alright. Just go sit and relax. If a client wants to book you, leave it with me, I'll tell him some bullshit." I'll always come up with a story of why she can't take a booking, but at least she's out there sitting but I would not make her work again. Whereas, I've had girls at the Pulp Club say they're sore, and they're told, too bad, use more lube.

Jackie, an operator and owner for 10 years', described her experience:

I pay for the costs. I pay it all. I pay the electricity. I pay the heating. I pay the rent. I pay the phone. I pay everything, every day. I just sit here and answer the phone because I'm your fucking agent. But when I get you a booking, and then you tell me that you can't come in and do it because you forget to tell me, and for whatever reason I can't get the client to see someone else, your unprofessionalism or lack of has caused me to lose money today. So, you need to reimburse me for the loss of income because if you told me that you're available then you're available, and if I stipulate that to the workers before they come to work, then those are my terms and conditions.

The 'terms and conditions' referred to by Jackie is a 200 NZD bond that is returned to the worker after the tenth booking. In essence, due to repeated loss of income caused by sex workers not showing up for bookings, she now withholds 20 NZD for each of the first ten bookings, totalling 200 NZD. She described her approach as an incentive for workers to notify her if they are no longer able to make the booking. Even though she claimed to have seen a change in behaviour following her change in management practices, and despite the bond being returned in full after

the tenth booking, this practice is in violation of the *Prostitution Reform Act* (Department of Justice, 2003), and can easily be categorised as a form of extortion.

Catherine, aged 22, a parlour-based sex worker I interviewed, contributed an additional dimension as to why operators still relied on withholding payment as a tactic to control sex workers. She referred to them as credit notes, and shared the following interpretation of events:

So, I worked at this parlour for a while and then credit notes started happening. They (operators) only do that to girls they want to keep there, and to girls they don't trust. It's like insurance for them, so they give you the money the next time you come back to make sure that you do come back (...) but if they don't trust you then they keep most or all of it. Once, I did 5 bookings and I walked out with 100 NZD (...) It just happened. They do it to everybody.

Catherine, describing herself as a good earner, felt that operators withheld money not only to punish workers for leaving the shift early or being unreliable, but as an incentive for high-earning sex workers to finish and return for a second shift the following evening. Celine, an operator/owner, noted that sex workers will come and make their money and leave. So for example, if the worker makes a 1000 NZD that night, and she's signed up for a shift the following evening, she will likely not show up for her second shift, waiting until she's run out of money before working again. Due to the 'quick money' accessible through the sex industry, younger and childless sex workers were said by operators to be more likely to limit their work to the number of bookings necessary to reach their goal, where once reached, they were inclined to leave early with no incentive to return the following evening.<sup>32</sup>

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<sup>32</sup> I do not have evidence to the contrary, however this does not deny the fact that when operators withhold earnings, they are violating Section 16 of the *Prostitution Reform Act*.

The added pressure by operators on sex workers to work long hours has adverse effects on their health. Tina, a sex worker with both managed and private work experience described why she despised working overnight in parlours:

After a night shift in a parlour my eyes felt like they had sand in them, like grit. Have you ever experienced that? Where you're so tired that your eyes feel like someone's kicked sand in them? That was the only time I've ever felt like that. It was absolute crap and I was supposed to go to a psychiatrist appointment in the morning but I cancelled it because I couldn't be bothered. Instead, I just went home to sleep. I don't like doing night shifts because it just writes you off (slang for non-productive). Yah, it's just not worth it. You can't function, unless you're willing to swap to a night shift, permanently. I just don't like that. It interferes with your body clock as well, like with your period and everything. I started going from night shift to a normal day job and I think I had my period for like six weeks from the shock of it.

With little flexibility regarding work hours, not all workers, depending on their life circumstances, were able to commit to a twelve hour shift, let alone overnight work. Overnight was especially difficult for single mothers, or for sex workers trying to juggle day and night responsibilities similar to Tina's situation.

In addition to the adverse health effects from working overnight, forcing sex workers to stay on shift also placed their mental health at risk. Camille, a sex worker aged 25, described the following scenario:

Let's say you're working a night shift and you're exhausted, you've had a really hard booking or something like that, and you're not allowed to go home. Maybe you had, like, a bad experience in a booking and you're told you need to stay. I think that's not cool. I've seen that happen to girls. I've been pretty lucky, never had anything too freaky happen that has been out of control or anything like that. But there have been moments when you are physically and mentally exhausted, but yet, you're still told you need to stay until the end of your shift. That's where it's not the same as any other job. I don't think that that's fair when management ask that of someone.

Excessive hours at work may in practice comprise a more urgent practical problem for management since it contributes towards burn-outs and dissatisfaction towards the work (Rose,

2003). However, it remains common practice for operators in parlours to ask sex workers to commit to a minimum of two 12-hour shifts per week, and to remain on shift although physically and mentally exhausted, regardless of whether or not there is any clientele traffic. This overlooks sex workers' mental well-being.

This practice is a remnant of prior 2003 work culture documented in parlours (Abel et al., 2007; Jordan, 2005a, 2005b; Ministry of Justice, 2008). Prior to 2003, the illegal status of the sex industry had a great impact on the employment conditions faced by sex workers. Because sex workers had none of the rights accorded to workers in other occupations, they were open to coercion and exploitation by managers, clients, and pimps (Ministry of Justice, 2008). Managers in parlours and escort agencies operated without the constraint of employment law, and were safe in knowing that complaints to the authorities were unlikely, therefore, a system of fees was common practice. Similar to the managerial practices documented prior to 2003, some managers in 2012 continued to charge a 'shift fee', required workers to pay a bond on commencing employment, and fined workers for dubious things such as arriving late for a shift, or for wanting to leave early. Consequently, sex workers are coerced into seeing more clients and working longer hours than they wish to, contravening Section 16 of the *Prostitution Reform Act* (Department of Justice, 2003).

By comparing her sex work experiences between Australia and New Zealand, Sandy, a sex worker with 17 years' experience, noted a way to curtail operators' ability to fine, bond, and withhold payment from sex workers:

I am used to working in Victoria (Australia), and they've made it part of the legislation that management and the operators are not allowed to touch the girls' money whatsoever. So the client comes into the club, and if he's going to book you, he goes to the front desk; he pays them for the room. So basically, all clubs in Victoria are set up like short-term hotels. He pays the club for the room, and then they're not allowed to touch my money, so he can't give the money to the

operator, and then the operator gives me the money. He has to pay them for the room and then upstairs, in the room, he pays me the money. It's the girls' responsibility to get the money. And they take it so seriously that even when the client says 'oh pay her', the operator says 'no I cannot do that'. The legislation is there to protect the operators, because the girl could say 'no you didn't pay me', and also for the girls.

Sandy further reflected:

Unfortunately, it's not happening yet in New Zealand (that workers under management get direct access to payments), but I'd really like to see that happen because it gives the operator and the owners of the clubs the power to not pay the girls at the end of their shift, which is what they're still doing here. For example, you cannot leave your shift because they won't pay you, or if you do something wrong and make a mistake, or you don't see a client or maybe you don't feel like talking to anybody anymore, and then they might not pay you. So you might work all night long, and have a couple of K's (slang for hundred dollar bills) stacked up, and then do one thing wrong, and they'll say 'get out' (...) It's like 'owner rules' are still here. They hold it all, and at the end of your shift, that's when you get paid. It gives them the opportunity to fine the girls as well. So they've got all your money and then they will say "oh, you were late so we're going to charge you 50 NZD", "you're going to pay the advertisement for your shift so we're going to take another 100 NZD from you", you know? So they just keep taking money off you, and give you the rest.

In Victoria, Australia, management is not legally permitted to touch the workers' earnings, whereas in New Zealand it is common practice to do the exact opposite – the client pays the operator, who in turn pays the worker, leaving control over the earnings in the hands of management. This makes it easier for management to implement unfair management practices, as is seen through the continued presence of fining and withholding of earnings by managers.

Of the 10 Auckland operators I interviewed, only one organised their work similar to the Victorian model. During the interview, Daniel, an operator with 20 years' experience described his parlour as follows:

I bring it back to the hotel scenario. The client pays for the room, at 75 NZD, and then whatever else is owed he has to pay the lady. Obviously we have a standard rate, which at the moment is around 100 NZD and 110 NZD for a standard service, and anything out of the ordinary then obviously would be higher (...) We

set the room rate, because we rent them the rooms – so we set the room rates, but the ladies themselves set the prices.<sup>33</sup>

This organizational feature creates a one degree of separation between management and sex workers' earnings, exactly what was recommended by Sandy. Even though Daniel seemed to think that sex workers setting their own fees in commercially-run premises was commonplace, it was not among other operators I interviewed, nor among the sex workers interviewed. However, this organizational feature—a separation between sex workers' earnings and managers' control—could prevent managers from withholding earnings as a managerial tactic.<sup>34</sup> According to some of my participants, this seems to be working in Victoria, and therefore should be considered in New Zealand.

Nonetheless, these persisting unfair and unlawful managerial practices can be explained using the concept of whore stigma. According to Pheterson, “a woman who earns money through sex is defined as selling her honor. In concrete terms, she does not negotiate her honor as the word *selling* implies; however, as a result of negotiating sexual service, she does officially lose civil liberties and human rights” (1996, p. 42). Despite sex workers' newly acquired right to not be compelled to sell sexual services,<sup>35</sup> some managers coerce sex workers into accepting more clients than desired, and in working longer hours through the use of shift fees, fines, and bonds upon commencement of employment. Evidently, the whore stigma accompanies managed

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<sup>33</sup> Sex workers were permitted to negotiate their own rates for extra services offered.

<sup>34</sup> Even though in Victoria, Australia the sex industry is legalised, and thus not a legal framework that I support (see Chapter One for critics against this type of model), I do feel that this aspect of their law is useful, and as such should be considered as a viable option for New Zealand.

<sup>35</sup> Section 16 of the *Prostitution Reform Act* (Department of Justice, 2003).

workers into the parlour work culture. Based on the above discussion, it is evident that an improvement in management practices after 2003 has been observed by sex workers, however in 2012 unfair and unlawful managerial practices remained. Therefore, to facilitate better work conditions for sex workers working in the Auckland managed sector, the whole stigma needs to be redressed.

### **Workers' Resistance to Whore Stigma and Unfair Practices**

When discussing common problems faced by operators, I learned that they believe that sex workers possess low work ethic and little motivation to improve themselves. Celine, an operator/owner shared how at first she entered the sex industry with the aim of creating a space that was safe and egalitarian. She asserted that when she began her business she had a positive view of sex workers, but in less than six months her view changed from good to bad. Without prior work experience in the sex industry, she approached her managerial role similar to any other industry employer. However, she quickly came to realise that with sex workers this was not possible. She argued that this was because she perceived them to be lazy, liars, manipulative, unambitious, tardy, unmotivated, always making excuses, and never in contact with the establishment when needed. She claimed that it was their lack of work ethic and laziness that obliged them to work in the sex industry, as no other industry would hire them, and that they were generally unemployable. In a similar vein Stella, who operated a parlour in 2011, shared the following:

Well, it is something that you need to generalise, but oh, this doesn't sound good but a lot of the girls that work in parlours, and this is very much a bad generalization and stereotyping but a lot of them have low self-esteem, low socio-economic skills and therefore they cruise more, they don't have the motivation to strive.



To claim that all sex workers in parlours are uneducated, lazy, and with a poor work ethic is to view them in a negative light, and as second-class workers undeserving of respect. These negative myths justify managers' reliance on unfair tactics. However, unfair managerial treatment results in job-stress, breeds resentment, and consequently creates unhappy workers (Drago & Wooden, 1992; Huang et al., 2007). Adverse effects of unhappy workers are lack of work ethic, unreliability, and lack of commitment (Adams & Welsh, 2008; Drago & Wooden, 1992; Huang et al., 2007)—the exact behaviours condemned by operators.

The problems of unreliability and poor work ethic described by operators are not unique to sex workers, but also surface in other industries (Drago & Wooden, 1992; Huang et al., 2007). We learn from the job satisfaction literature that increased dissatisfaction directly contributes to worker turnover (Huang et al., 2007), absenteeism (Drago & Wooden, 1992), and diminished commitment to work efforts (Huang et al., 2007). Furthermore, research on job strain informs us that one way workers respond to work-stress is through sabotage: working in a manner that slows production or lowers the quality of the service (Adams & Welsh, 2008, p. 59). Even though no sex worker I interviewed sought legal redress when exposed to exploitative management practices, they did adopt other forms of resistance.

Rather than passively accepting managers' lack of recognition of sex workers' newly acquired worker and human rights, the sex workers I interviewed resisted. Walking off the job, not showing up for shifts, refusing to perform certain acts, refusing to work at specific parlours, and leaving the managed sector for the private sector were avenues mentioned. When I asked Bethany, a sex worker, whether she felt she had fewer rights as a sex worker compared to other workers she replied:

Yeah, without a doubt (...) because as far as rights go it depends on how assertive your personality is. That's how much rights you have. You can assert all you want

though, and if you assert too much then the parlours will just tell you to fuck off, because according to them the girls are disposable. So yeah, you just keep moving around.

Because assertiveness is the route to acquiring rights, it is clear that managers' are still treating sex workers as undeserving of civil and human rights. Moving around, as stated by Bethany, is a form of resistance to unfair management practices. This tactic was also used by other workers. For Sandy and Catherine, walking off a shift and a change of workplace were described as actions stemming from resistance to unfair management practices, and not a symptom of poor work ethic. It was the inconsistency, unfair, and unlawful management practices experienced in commercially-run premises that caused their behaviour, not their individual characters as assumed by the operators. Romana, now an operator, shared her experience as a former sex worker:

When you're working in a commercial premise as a sex worker it's just...ugh, you know? You don't have that much control over who you see, you can't say no, like – I was at Pulp Club one night, and I said I didn't want to see this guy, and I was not going to receive oral, thank you very much, unless I had a dental dam. The only reason I dug my heels in was because the manager just assumed I'd do it. She probably thought: "Well, she's the new girl, so we're going to put her forward for the old guy who wants to lick her pussy". I did do that, so I was shitty because she didn't ask, and because I wasn't even considered (...) So I said that I'd do it, but only with a dental dam. I guess I just really wanted to see what she'd say, whether she was going to say, "Oh, that's good that you want to be safe". But she didn't. Instead, she really pressured me. She must have thought I was such a moron. Her reasoning for not using a dental dam was that it was old-fashioned. Who the fuck does she think that she's talking to? Obviously, she thought I was just absolutely retarded for saying that but I still had to do it. I couldn't argue. And she was like, "Oh, he's one of our oldest clients. He comes here all the time. Everybody else does it, so you should too." (...) So yeah, it was pretty shit.

Operators have much to learn from the job strain literature. A supportive work culture has a direct impact on job satisfaction (Ragusa & Crowther, 2012), and in turn on organisational commitment (Huang et al., 2007). If managers were serious about wanting a more productive and reliable work force then they would listen to the workers, rather than stereotyping them as

lazy and in need of managing. Katelin, an ex-parlour worker, described her experience with management as follows:

Yeah, I was one of their best earners, but I still decided to leave the managed sector. It was really that, I didn't appreciate them pulling me into the office and trying to intimidate me. A lot of people would be quite terrified, and wouldn't overstep their bounds. Whereas for me, I didn't care because I had no loyalty to them, I just hired a room for a certain amount of time a day (...) Managers' need to realise that this is where their income comes from. So look after your ladies, and if you do that then you will have decent ladies working for you at your establishment.

Similar to Katelin, to escape unsupportive managers, other sex workers I interviewed left the managed sector to work in the private sector. For example, following a few months working in parlours, Tracey a young ciswoman worker, left not because of the work itself, but rather because of the work environment. She chose to move into the private sector because she was fed up with "the environment, the hours, being told what to do, ...and then, if you make more money than someone else, then it's like this mess of a thing, there's all these rumors and stuff, and you're like, wait, when did I do that? Whoa." The relationship between supportive management and workplace commitment needs to be acknowledged by operators, or else they risk fuelling rather than combating the exact behaviours that are frowned upon by management, and consequently losing 'good girls' to the private sector.

We learn from the above experiences that unfair management practices towards sex workers do not solve the problems mentioned by managers but rather exacerbate them by directly contributing to job dissatisfaction among managed workers. Therefore, in order to create a workspace that encourages supportive relations, collaboration, reliability, and commitment, cooperation is needed by workers and managers alike. If operators wish to address the identified behavioural problems of unreliability and poor work ethics, then they need to begin by fostering a work environment that is based on mutual support and respect, rather than competition and

individualism, while acknowledging workers' differences regarding sexual boundaries at work. These were issues that sex workers noted were lacking in some commercial premises. This demonstrates that sex workers value relations with operators based on an ethic of genuine care and mutual respect rather than imbalanced power relations intrinsic to capitalism.

Some academics recommend unionisation as an aid in securing fair work conditions for people engaging in sex work (Gall, 2006, 2007; Morishima, 2008; Ross, 2006). According to Gall, "the first steps towards unionisation have taken place following two turning points in the 1970s and 1980s, namely the emergence of the 'sex work' discourse where the selling of sex and sexual services are regarded as a form of 'emotional' or 'erotic' labour, and the self-organisation of prostitutes into prostitutes' rights groups" (2007, p. 70). However, barriers remain against sex workers unionising (Gall, 2007). Of these are the limited presence of the 'sex work as work' discourse among sex workers themselves, as well as within the wider society, internal divisions among sex workers which stipulates that street-based workers are at the bottom of the hierarchy while high-class 'call girls' are at the top, and their employment status—most sex workers are self-employed or independent contractors and not employees, a prerequisite for unionisation (Gall, 2007). Nonetheless, sex workers have attempted to unionise in Canada (Gall, 2007; Ross, 2006), the United States (Gall, 2006), the United Kingdom (Gall, 2007) and Australia (Morishima, 2008). I am unaware of any case where sex workers in New Zealand attempted to unionise.

In spite of on-going issues identified in the managed sector, some of the sex workers I interviewed chose to work under management even when they could opt to work privately. One advantage to working in the managed sector is the level of work-related responsibilities combined with added costs. In the private sector, sex workers run their own sex work business,

with all the responsibilities that come along with that. When working privately, workers are responsible for their own advertising and its costs, finding their clients, filtering the clients, and finding a place to work from—responsibilities commonly undertaken by management. Compared to work in the managed sector, this is a lot of responsibility, and not something that all sex workers welcomed.

Safety in parlours was also identified by some as an advantage from working in the managed sector. For some of the sex workers I interviewed, commercial premises were safer work environments because of the level of busy traffic, and because most commercial premises had a surveillance system. With cameras, emergency buzzers in rooms, and security guards on the premises, some parlour-based workers felt that clients behaved better. However, it should be noted that this sentiment was not echoed by all of the sex workers I interviewed, but rather only by the ones with little to no experience in the private sector. Sex workers with experience in both the managed and private sector held a different perspective on safety. They felt safer in the private sector than in the managed sector, an area further explored in Chapter Five. Nonetheless, a sense of increased safety was identified by some of the sex workers I interviewed as a motivator to remain in the managed sector.

The sex workers I interviewed also enjoyed the camaraderie that could be found in brothels. Private work can be isolating and lonely work. To be surrounded by other sex workers, was said to be an advantage rarely experienced in the private sector. When I asked the sex workers interviewed what sector they would suggest to a new worker, most agreed that a commercial sex establishment was a good entry point. Brothels, they argued, allowed for an environment where new sex workers could be mentored by older sex workers. It must also be noted that some managers were more respectful than others. Therefore, the aforementioned

practices were not present in *all* commercially-run premises, making for some better work environments than others. For these reasons, and despite an observed increase of private sex workers following the change in law (Abel et al., 2009), it is difficult to predict whether or not the managed sector will grow or shrink in the next ten years. However, it is clear that compared to the private sector, for some, the managed sector still offered a sought-after work environment despite the disjuncture present in the managed sector between the newly-acquired rights from the *Prostitution Reform Act* (Department of Justice, 2003) and the lived experiences of managed sex workers post-decriminalisation.

## Conclusion

In sum, it is evident that the enactment of the *Prostitution Reform Act* in 2003 (Department of Justice, 2003) allowed for a shift in power from operators to sex workers, and it sets the stage for more critical discussion about current management practices. It also allowed an outlet for redress for sex workers faced with unfair practices.<sup>36</sup> However, despite some signs of improvement regarding work conditions in the managed sector, inequities and poor practices tend to persist.

According to the sex workers I interviewed, different commercial premises adhered to different work conditions. However, there were three main areas of concern: the right of refusal,

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<sup>36</sup> As mentioned earlier, in March of 2014 a sex worker from Wellington was able to successfully bring an operator, known for sexually harassing workers, to the Human Rights Review Tribunal (Duff, 2014). She was compensated 25,000 NZD for the emotional harm she incurred while working. Setting a valuable precedent for others, this case means that for the first time the law held operators responsible for the creation of a workspace that was conducive to workers' health and safety. This kind of legal redress was not possible before 2003.

safer-sex practices, and managers' fining and withholding of earnings. Even though operators described sex workers as lacking a strong work ethic, and being notoriously unreliable, we learnt from sex workers that the said 'bad behaviour' was a symptom of unhappy workers in an inhospitable and sometimes hostile work environment. The overarching theme that emerged was that in conjunction with the need for an infrastructure that caters to sex workers' safety and well-being, there also needs to be change from within regarding additional organizational support for sustaining and respecting workers' rights entrenched in law, and an erosion of the whore stigma.

Chapter Five explores the work conditions faced by sex workers working independently from management. Compared to other sectors of the sex industry, private workers are the least discussed among policy-makers and scholars, despite an increase of this type of worker in New Zealand (Abel et al., 2009) and in other Western countries (Bernstein, 2007b; Hubbard & Prior, 2013). Faced with different responsibilities and work experience, private workers need to be included in any discussion relating to work conditions and well-being within the sex industry, especially when we consider the presence of constraining dynamics that prevent them from creating their ideal work environment, specifically regarding worker-run cooperatives.

## **CHAPTER FIVE: Working in the Private Sector: Work Context, Benefits and Drawbacks**

For the first time in 2003, the *Prostitution Reform Act* (Department of Justice, 2003) allowed sex workers in New Zealand to legally work independent of third parties, giving them greater control over their earnings and work conditions. One outcome of greater control over work conditions can be seen in the documented increase in sex workers' health and safety (Abel et al., 2007; Abel, Fitzgerald, et al., 2010; Ministry of Justice, 2005). Since the change in law, there has been a marked increase in private sex workers in New Zealand (Abel et al., 2009), which is a trend also noted in other Western countries (Bernstein, 2007b; Hubbard & Prior, 2013). However, there remains little understanding of the conditions faced by these workers. While the previous chapter examined the work experience of sex workers and operators in the managed sector of the sex industry, this chapter examines the work experience of private workers in Auckland, New Zealand.

Among the sex workers I interviewed in 2012, 24 of the 30 worked from within the private sector, with 13 taking the leap from the managed to the private sector after 2003. Examined in this chapter is the nature of the work, where, and how it gets done, and the benefits and disadvantages to working privately. These findings are situated within the wider socio-legal context, as well as in the job satisfaction literature, with a particular focus on control over the work processes. The chapter concludes by arguing that despite the gains garnered by the decriminalisation of sex work in 2003, private sex workers in Auckland still face barriers preventing them from organizing their work based on their needs and wants, specifically worker-run cooperatives—a workplace organization held in high regard by New Zealander and Canadian sex work activists, and allies, including myself. By examining the social, cultural, and material



factors that influence how private workers experience the work, we gain a fuller understanding of what sex workers seek and define as a good work environment: one which allows for greater work autonomy.

## **The Private Sector in Auckland**

Prior to 2003, sex workers in New Zealand primarily worked under management, with fewer sex workers working from the streets or from their homes. Despite the sex act itself being legal, none of the activities associated with it were, including soliciting for the purpose of prostitution, living off the earnings of sex work, brothel-keeping, procuring, and newspaper advertisements for the purpose of sex work. These criminalised facets of sex work made it very risky to practice the work outside of commercial sex establishments. Limited to work in the managed sector, sex workers working before 2003 were vulnerable to arrest, exploitative management practices, and poor work conditions. The enactment of the *Prostitution Reform Act* (Department of Justice, 2003) brought about not only a shift in management practices as outlined in Chapter Four, but a shift in how the work itself could be organized.

According to the 30 sex workers I interviewed in 2012, and as discussed in Chapter Four, the indoor sex industry in Auckland was comprised of two sectors: managed and private. Managed workers work in commercial sex-premises, whereas private workers worked from small owner-operated brothels (SOOBs). Unlike commercial premises, SOOBs are defined by the *Prostitution Reform Act* (Department of Justice, 2003) as a space in which no more than four sex workers work, and where each of those workers retains control over their earnings from prostitution carried out on the premises. In essence, there are two key differences between commercial brothels and SOOBs. In a commercial establishment, workers need to share their earnings with a third party or the establishment, and managers oversee their work. In contrast,

workers in SOOBs do not share their earnings, and there is no manager present. Without the presence of an operator, sex workers working from SOOBs are not required to obtain an operator's license, and arguably can create, by themselves or with others, a more egalitarian work environment. In this thesis, sex workers working without management will be considered as private sector workers.

At the time of the interviews, in 2012, the majority of sex workers I interviewed (24 out of 30) worked in the private sector, while six worked in the managed sector.<sup>1</sup> Unlike managed workers, private workers were responsible for finding a place from which to work, and therefore either worked from home<sup>2</sup> or from a secondary space rented by the week, by the day, or by the hour(s) needed for a booking. Types of secondary rented spaces varied from weekly apartments rented for the sole purpose of work, hotel rooms, rooms rented in commercial brothels by the day or by the hour, and single rooms rented by the hour in private residences. Per-booking work locations usually consisted of rooms in residences either rented from friends or acquaintances that were looking to make some extra money. Private workers were also responsible for their own advertising and for attracting their own clients.

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<sup>1</sup> Despite the low number of managed sex workers compared to private workers, the analysis in Chapter Four is based on 17 interviews. Sex workers are known to change sectors, and accordingly I chose to capitalise on this rich data.

<sup>2</sup> In addition to being called private workers, in this thesis, sex workers working from home will also be called home-based workers.

Of the 24 private workers, almost half opted to work from their own home (11/24): of these 11,<sup>3</sup> nine were ciswomen, one was a transsexual woman, and one was a cisman. The remaining 13 private workers worked from secondary rented locations, with four (all of whom were ciswomen) working from apartments rented on a weekly basis and designated for the sole purpose of work; and nine (three ciswomen, one transsexual woman, and five cismen) working from spaces rented on a per-booking basis or for the day.<sup>4</sup> Of the 24 private workers, 21 worked alone rather than with others.

Based on the last estimate of sex workers in New Zealand, which was done in 2006, Abel and Brunton (2007) reported approximately 5,932 sex workers working from the canvassed areas (Auckland, Christchurch, Wellington, Hawkes Bay and Nelson) with the majority working from commercial brothels at 44 percent, followed by private workers at 24 percent, escort services at 11 percent, and street-based at 11 percent. In Auckland, they counted 3,390 sex workers, of which 50 percent to 70 percent were said to work from parlours, 20 percent in escort agencies, and 10 percent either from the street or privately. Despite the low number of private workers found in 2006, a comparison of the number of sex workers pre- and post-2003 points to a restructuring of work location rather than an increase in workers, with greater numbers of workers opting for the private sector over the managed sector (Abel et al., 2009).

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<sup>3</sup> I did not ask home-based sex workers whether they owned the property but my interpretation was that only a few did, and that most worked from rental properties.

<sup>4</sup> Even though there are multiples ways private sex workers organise their work, all workplaces are considered SOOBs.

According to the Auckland sex workers I interviewed in 2012, the proportion of private workers compared to managed workers appears to be on the rise. In the early 2000s, the Internet economy was gaining popularity worldwide (Bernstein, 2007b) and New Zealand was no exception. With the advent of the Internet and the change in law, in 2005 *newzealandgirls.co.nz*—at the time of the interviews, in 2012, the biggest website used by private workers to find clients in New Zealand—was founded. Many private workers I interviewed repeatedly commented on how in the last few years they had seen an increase in both numbers and competition within the private sector. One worker in particular noted how when she first started in 2008 there were only about 50 women advertising on *newzealandgirls.co.nz* out of Auckland, and in 2012 there were hundreds.

Based on the interviews conducted with sex workers, rates charged by private sex workers were dependent on personal characteristics. On average, private ciswomen workers charged 190 NZD an hour, transsexual women charged 170 NZD, and cismen workers charged 160 NZD. Among the cismen sex workers interviewed, cismen of colour charged on average 150 NZD for an hour booking, compared to white cismen who charged on average 167 NZD. Similarly, ciswomen of colour charged on average 180 NZD for an hour booking, whereas white ciswomen charged 193 NZD. There was no mention by the sex workers of colour I interviewed on the profitability or limited marketability of their race/ethnicity. However, the relationship between race and profitability was noted in the Vancouver, Canada stripping industry (Ross & Greenwell, 2005).

When comparing private rates across body size, slimmer workers were on average charging more than bigger sized ciswomen. Of the 16 ciswomen private workers, 10 were a dress size<sup>5</sup> eight or 10, and on average charged 196 NZD for an hour. For both workers with a 12 or 14 dress size, they charged on average 185 NZD. The workers with a higher than 14 dress size charged on average 172.50 NZD. From this we can see that, based on body size, the bigger the dress size the less money the worker charged for their services. A similar trend was found based on age, with the younger sex workers charging the most. Of the 24 private sex workers interviewed, half were in their 20s or 30s and charged on average 186 NZD. For workers in their 40s, they charged on average 178 NZD, and for the ones over 50, they charged on average 165 NZD for an hour service. Despite these disparities in rates, there was no question that overall compared to managed workers, private workers felt greater control over their earnings, though earning capacity was unequal.

Compared to the managed sector, the workers in the private sector were more diverse. As explained in Chapters Three and Four, due to the heteronormative and transphobic culture found in commercially-run brothels, transsexual people and cismen sex workers were not welcomed, limiting them to the private sector or the street-trade. Five of the six male workers interviewed worked privately because of the lack of commercial premises catering to male-on-male sexual

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<sup>5</sup> This analysis is based on United States dress sizes, and was based on my perception of the body size of the sex workers I interviewed. For an overview of the size guide used, please visit this website <http://www.sizeguide.net/size-guide-women-size-chart.html>.

services. The two transsexual women I interviewed faced similar exclusionary practices.<sup>6</sup> All agreed that beyond the private sector and the street-trade, there were few opportunities for them in the industry.

When comparing the demographics of my participants, there are notable differences between the managed and the private sex workers.<sup>7</sup> Despite the wide array of body types, races and ages observed in the sex industry, operators in the managed sector showed preference for middle-class, young, slim, white ciswomen (see Chapter Four). By contrast, I found greater diversity among the workers in the private sector in relation to gender, age, body type and size, but not race. Of the 24 private workers I interviewed, five were cismen, two were transsexual women, and 17 were ciswomen. Workers in the private sector were on average older at 38 years old compared to 27 in the managed sector. Based on my observations, the number of workers with a dress size larger than 10 was vastly greater in the private sector: of the eight workers with a greater dress size than 10, seven worked in the private sector, and one in the managed sector. These differences in age, gender, and body size reflect the privileged beauty standards of youth and slimness that is commonly found in Western countries (Bordo, 2003). Even though operators preferred white sex workers, among my participants, there were more white sex workers in the private sector than in the managed sector. Even though it is difficult to explain the difference in race observed amongst my participants, I suspect that the overhead costs and extra work-related

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<sup>6</sup> Even though one of the transsexual women I interviewed has worked in a trans-friendly parlour based in Auckland, to my knowledge, the parlour in question was the first and only trans-friendly parlour in Auckland, and unfortunately closed its doors in 2011, leaving once again transsexual workers without access to the managed sector.

<sup>7</sup> Please refer to Table 3.1 and Table 4.2.

responsibilities that are involved with private work may deter some people of colour to opt for the private sector. As is explained below, work in the private sector requires managerial and entrepreneurial skills, and some spending power to establish their sex business. In all, when comparing the demographics of my participants across indoor sectors, there seems to be specificities germane to each sector that are based on gender, sexuality, race, age, and body size.

## **Operating Your Own Sex Business**

In 2003, sex workers in New Zealand became legally permitted to work in groups of up to four, management-free, and without fear of arrest from police or bullying from operators. Consequently, sex workers in New Zealand have increasingly opted to work autonomously from management, capitalizing on the option of being able to work privately (Abel et al., 2009). A decade post-decriminalisation, compared to work in the managed sector, private sector sex workers seek greater work autonomy, and greater control over the work process. However, despite evidence that private workers gain greater control over the work process, they face other constraining dynamics in accessing real, substantial benefits from decriminalisation such as forming worker-run cooperatives. Based on the interviews with the 24 private workers, three themes emerged: first, greater control over the work process, second, extra costs and responsibilities, and third, difficulties in finding a place to work. Each is discussed below.

### ***Work Autonomy***

The sex workers I interviewed identified greater control over their work as a determinant of positive work experience (Benoit & Millar, 2001; Bernstein, 2007a; Brewis & Linstead, 2000a; Jeffrey & MacDonald, 2006a). More specifically, they identified work autonomy in relation to scheduling, decision-latitude regarding the work itself, and the clientele serviced.

Taken together, they argued that this resulted in better occupational well-being, and a sense of greater safety than when working in the managed sector.

A major benefit for sex workers working privately was greater control over their work hours. In contrast to managed workers (Chapter Four), private workers I interviewed praised the fact that they were able, in addition to choosing their work days, to set their own work hours. As Katelin, a 41 year old mother noted, “private work allows you to reach that perfect balance between life and work.” Unlike when working in commercial premises, private workers, during their downtime, were able to shop for groceries or care for their children, which meant time better spent than sitting around and waiting for clients. Alicia, a private worker, further noted the ease of navigating between two jobs when working privately:

See with me, I can work when I want to and when I don't want to. That's the luxury of private work. And I work around my shift-work in the health care industry. So nothing interferes with that. And of course I know my week's roster in advance, so if a client rings I say “Sorry, I'm not working that day. I got family things to do but can you text me when I get back?” That's the kind of thing I can do with this work.

When I asked Allison how many hours a week she works, she replied:

It really depends on the other things I have going on in my life. I balance work around my computing classes, and family commitments. I do have my mother living in Auckland.

With greater control over scheduling, sex workers experienced greater autonomy over how they spent their time, whether it was with their children, or by taking computer classes. Sex workers highlighted this as an attractive option. The balancing of responsibilities was said to be heightened in the private sector because of the workers' ability to independently determine when and where to work—an aspect of sex work that was overlooked by some operators in commercially-run sex establishments in the name of generating profit.



A related benefit mentioned by private workers was greater autonomy and decision-latitude regarding the work itself. Even though the sex workers I interviewed worked from a myriad of different work sites, they confirmed that greater control translated into a better work experience than when working from an externally controlled environment. One aspect of the work that private workers enjoyed controlling was the clients they serviced. Control over their clientele prevented uncomfortable and demeaning situations—an important aspect when discussing occupational health and job satisfaction.

One way that private workers gained greater control over the type of clients they serviced was how they marketed themselves. With greater flexibility over marketing, private workers cleverly chose the advertising medium, in print and/or online, that would attract the desired clientele. Similar to other workers I interviewed, Alicia with 30 years' experience in the industry, noted the following:

Before I advertised on the Internet, I did it through the paper, the *Herald*. But my experience of the *Herald* is that you get any man and his dog. That means that I'll have anything from 18 year-olds to 70 year-olds ringing me up, and you're not getting the same kind of clientele that you get on the Internet. I mean from the Internet, I have calls from Sydney in the morning, "Hi Alicia, I was wondering if I could come and see you." "Yeah, where are you Hun?" "I haven't left Sydney yet!" He's booking me before he leaves so when he's booking in the hotel, I'm already booked. Those are the kind of calls I get, and they're the ones I keep as regulars. They come back because they like what they get. Those types of guys come in and they put down 200 NZD (New Zealand Dollars), 250 NZD for an hour, no questions asked. No nothing, they just come in, I got a hanger for their suit, there's a chair there, they get a tea or wine or whatever they want if they want it. So it's not just wham, bam, thank you ma'am. It's more like come in, relax, get undressed, you know, whatever. And that's what they like. The older guys don't like being rushed, the businessmen. It's the young guys that want to go wham, bam, thank you ma'am and out the door. And I got no time for them. It does nothing for me and I don't even want their money.

Seeking a different type of servicing, it was most common for my respondents to advertise on the Internet rather than in newspapers. In addition to being more cost-effective, the Internet was

viewed as a pathway to the most desirable clientele: older, respectful, and white businessmen with spending power. This is similar to what Bernstein (2007b) observed in the United States. Based on her analysis, ‘intimate economies’ have shifted globally to better reflect the new, fast-paced, hyper-efficient neoliberal context, in which hyper-busy, time conscious jet-set men seek girlfriend-like sexual services from sex workers. Based on Alicia’s experience, a similar trend can be observed in Auckland.

Amelia shared another benefit from greater work autonomy. With a 22 dress size and aged 50, she felt more comfortable working in the private sector than in the managed sector. She described her experience as follows:

I’m much more comfortable and more relaxed with private work. I’ve looked into working in parlours, and things, but I hate the selection process that goes on: you’re in a room together, and then the client comes in and picks one. It’s already hard when I’m working with this other woman (in the private sector) and the guy says “I can’t make my mind up” despite the other woman I work with being the same age, and same size as me. The only difference is she’s taller and brunette, but still clients sort of come in, and they’re looking between you and her, and you’re sort of “oh for god’s sake just make a choice and get on with it”. It’s demeaning.

She further explained how the method of advertising also spared her additional discomfort:

The ones who see me on the Internet know something about me, they know what I look like, because they have pictures, and they want me. The ones from the paper, they basically just want a quick bit of business. They don’t really care so much about who I am. I get a lot of them that come back because they’ve seen me and they enjoy what’s happening but I’ve also had people turn up and say “Oh you’re older than I thought” or “Oh I thought you were smaller” (...) I don’t want someone to be with me that don’t want to be with me, whereas the clients from *newzealandgirls.co.nz*, they do. (...) So yeah, my clientele is obviously very discreet but they also come to me because they want to come to me and it then becomes a really good working relationship that way.

Compared to print, when advertising online most workers I interviewed used photos as a way to market themselves. Due to Amelia’s size and age, a clear understanding between worker and client became important to avoid the embarrassment of a client’s refusal. For Amelia, private

work and recruitment of clients on the Internet rather than in newspapers enhanced her well-being. Private work not only allowed Amelia to strategically target the desired clientele, but it also spared her from humiliating situations such as clients picking others over her.

Another benefit mentioned by the sex workers I interviewed from greater work autonomy was in regard to safety. The sex workers I interviewed unanimously felt that sex work was “danger money” and that by working in the sex industry they were vulnerable to physical, mental, and sexual risks.<sup>8</sup> Despite it being rare, sex workers in Auckland were not immune to violence. No notable difference was found between the type of risks faced by private and managed workers or across social location, and most of the discussion revolved around clients’ attempts to remove the condom, clients’ rudeness, and clients’ sexual roughness with the worker (biting, hair pulling, butt slapping, etc.) without the worker’s permission. The former risks were surprisingly a lot more common than the latter in both sectors. Even though the risks discussed by the sex workers I interviewed were similar across indoor sectors, most private workers agreed that the private sector was safer than the managed sector.

At first glance, it may seem that working from commercial premises would be a safer work environment than working privately. However, the private sex workers I interviewed, with both managed and private sector experience, commonly described clients in commercial premises as more problematic than clients in the private sector. One reason given was how

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<sup>8</sup> It is important to note that only one worker among my 30 participants reported having experienced physical violence while working indoors. Additionally, others noted that any physical violence experienced usually occurred in their personal life rather than their work life, suggesting that even though client violence is a risk when doing sex work, physical violence is not the norm. This means therefore, that there are more encounters that occur without incident than there are that do, but yet, perceptions of ‘danger money’ persists.

clients in parlours were more likely to be under the influence of alcohol or drugs, and therefore more difficult to deal with. This is similar to what was found in the United Kingdom (Sanders and Campbell 2007). Due to the physiological side effects of being intoxicated, such as unpredictability and difficulty in getting an erection, intoxicated clients were known to become frustrated, and require harder work than sober clients. Just by virtue of how some parlours place an emphasis on drinking and night entertainment, workers in commercial premises were more likely to encounter difficult clients than when working from the private sector. When I asked Katelin, a private worker with previous parlour work experience, to reflect on the differences in clientele between sectors, she replied as follows:

I feel that when I was working in the managed sector there were some situations when clients were booking me that I wouldn't be happy taking when working privately. They were drunk people and things like that. I know you have the right of refusal but management makes it difficult for you to do that.

This is not to argue that private workers do not face problematic clients, but rather that, with their additional work autonomy, they are granted greater opportunities to refuse problematic clients, compared to when working in the managed sector. Accordingly, greater control over work processes also allowed the workers I interviewed to limit their work hours to day time, specifically to avoid these types of clients; in turn they felt safer than when working under management.

Despite increased work autonomy regarding the design of their work, private sex workers also faced constraining dynamics not present in the managed sector. Some of the workers and operators I interviewed complained that the website, *newzealandgirls.co.nz* acted in a similar fashion to management in commercial brothels. It was common for the website operators of *newzealandgirls.co.nz* to pressure private workers to organize their work according to their

liking. Camille, a 25 year old, ex-private gone managed worker I interviewed described her frustration as follows:

I actually can't stand *newzealandgirls.co.nz*. They keep sending you emails on how you need photos, you need to spruce up your look, change this, change that, and I have a real issue with that, encouraging girls to go and spend money on their appearance and that kind of thing. Yeah, you need to have some sort of standard but to continually tell us that we need to spend money to be getting work, really annoys me. I don't think that's right.

When advertising with the site, Camille explained that the account managers were always putting pressure on them to market themselves in certain ways, potentially jeopardizing workers' comfort. Nonetheless, the ability to control the work process, and subsequently the type of clientele serviced, is a privilege that managed workers did not have.

The job satisfaction and job strain literature makes it clear that with greater work autonomy comes greater job satisfaction (Karasek & Theorell, 1990; Karasek, 1979; Yoon & Thye, 2002; Zembylas & Papanastasiou, 2005). According to Karasek (1990; 1979), workers experience job strain when there is a combination of low decision-latitude, and high job demands. The same combination is also associated with job dissatisfaction. However, he further argued that job strain and dissatisfaction can be mitigated by an increase in decision-latitude. This can occur independently of whether the job demands change, implying that a redesign in work processes that allowed for an increase in decision-latitude can reduce mental strain.

Echoing Karasek's (1990; 1979) findings, the private sex workers who switched out of the managed sector, pointed to benefits from increased work autonomy regarding their work hours, marketing, personal self-expression, and the type of clientele serviced. Despite the presence of constraining dynamics, private work was still considered by the sex workers I interviewed as an environment that enabled greater flexibility and work autonomy than managed work, and hence was arguably better for their well-being.

### ***Extra Responsibilities and Overhead Costs***

In contrast to the managed sector, private work comes with a different set of responsibilities and costs. Despite greater work autonomy and control over work processes than when working in commercially-run sex establishments, working from the private sector also entailed self-employment which translated into additional work-related responsibilities and consequently unpaid work time—a trade-off that has been under-developed in the literature. Sex workers stressed how they had to deal with the daily routine and stressors of running a business. When I asked Rachel, a sex worker with 8 years' experience in the industry, what she disliked about working privately, she noted the following:

The problem with working privately is that you have to manage your own money, you have to manage your own advertising, and you have to maintain a place of work. Then you've got to source all of your own clients, maintain your own clients, and screen your own clients. But I've always been an administrative person throughout my corporate life. I was a personal assistant to executives and what not, so that's something easy for me. I still speed type and do all of that stuff. So, as far as running a professional business, yeah, this is pretty black and white for me and as far as earning more than in a parlour, hands down.

Answering the phone, screening clients, washing the linen, organizing the bookings, and preparing adverts were all areas for which private workers were responsible. Even though Rachel seemed comfortable undertaking these responsibilities, this was not the case for everyone.

Describing her work experience, Amelia, a private worker with one year experience, noted how dealing with the phone and arranging bookings can be time consuming and emotionally draining. She described the experience of working privately as follows:

There are a lot of unpaid hours. Some of the clients, they just call me and it's all sorted out within a couple of minutes and that's all good. But sometimes, the texting can go on for two or three days (...) I would probably do about 100 texts a day, and probably half a dozen phone calls at least, and still without luck. So yeah, I spend quite a lot of time on the phone. I could be wrong, and it might be a lot less than that, but sometimes, it just feels like I'll spend two hours just texting and what have you...and nothing comes of it. It just gets to a stage where "Okay,

I've had enough for today, thanks." There's a lot of thought and effort that has to go into it. I mean, I've never completed my marketing degree, business management marketing, and I put a lot of practices that I used in that to do this but that's a lot of time and effort that you're spending on thinking about what time is going to be the right ones, how do I aim for this, which market am I looking at, and where to advertise.

Dealings with the clients were responsibilities that were described by some private workers as a 'hassle', emotionally draining, and time consuming, which added to work-related psychological demands that were not present when working under management.

In addition to unpaid hours and added work-related responsibilities, there are the overhead costs associated with private work. Unlike managed workers, private workers were responsible for their own advertising costs, work-related electrical costs, phone costs, and rent. Most workers I interviewed paid approximately 80 to 150 NZD per week for advertising fees alone; costs depended on whether they advertised in the newspapers or online. Other work-related expenses included phone costs, which varied from 10 to 20 NZD a week, and electricity costs which varied from 50 to 60 NZD a month. When working outside of their home—the most commonly adopted work model among my participants—workers either chose to rent a room on a weekly, daily, or on a per-booking basis. Adding to the overhead costs, rental fees varied depending on the type of rental arrangement. For example, if a worker chose to rent on a weekly basis, they faced an additional expense of 250 to 500 NZD per week; if they chose to rent on a daily basis, they could expect to pay an additional 40 to 200 NZD a day; and if they chose to rent a room on a per-booking basis, they faced an additional expense of 20 to 50 NZD per booking. Overall, overhead costs varied by work model but could mount up, being anywhere from 80 to 750 NZD per week. This makes it difficult for me to confirm whether or not private workers earned more than in the managed sector, however there is no denying that amongst the private

sex workers I interviewed, there is a perception of greater earning opportunities in the private sector compared to the managed.

To add to the burden, all sex workers I interviewed complained about the fluctuating nature of the sex market. Even though all sectors experienced downtimes, respondents agreed that the private sector gets hit harder than the managed sector. One reason for this was said to be because managed workers benefited from walk-ins and additional access to clients. Having access to drop-in clients and management contacts was a privilege that private workers did not have, making it harder for them during downtimes.

Most private sex workers I interviewed also complained of having to lower their rates due to an increase in competition within the private sector. Nancy, a 28-year-old shared the following:

In the private sector, you also have a lot of competition because you compete with all the girls on the websites and in newspapers. At the moment, there are girls in the newspaper charging 40 or 60 NZD for full service and it's like 'Whoa'. At one stage, when I was advertising with the paper, there was a girl situated on top of my ad at 40 NZD for full service. I'm thinking "Bloody hell" and of course then clients rang me to find out how much I charged, and well, they were all asking me "Why are you so expensive?"

The above complaint about added competition and undercutting by other private sex workers was common among the sex workers I interviewed. Most noted the competitive and financially precarious climate faced by private workers in Auckland, and its impact on rates and earning capacities.

The above experiences reflect that when joining the private sector, a sex worker faces a trade-off between greater work autonomy and greater job responsibilities, and potentially greater job stress. It must be noted that this was not a concession that all workers were willing to make, especially in times of economic uncertainty. In interviews with two workers from the managed



sector with previous work experience in the private sector, both Ashton, a 37 year old male worker, and Camille, a 25-year-old female worker, chose to leave the private sector to work from the managed sector because they no longer wanted to handle the phones and the added pressures of work in the private sector. Camille explained:

I didn't do private work for long. It was a lot of work on the phone and stuff like that, and it was a huge cost. For me, I had to pay for a room hire, or otherwise go and get a lease in an apartment in town, and then I had to have an advert up. Anyway, it was just too much.

All in all, there is no denying that private workers have greater control over the work process than managed workers. However, when discussing worker well-being across sectors, differences in rates, unpaid work hours, and additional overhead costs need to be included to gain a more rounded understanding on the work experience in the private sector.

### **Discrimination, Restrictive By-Laws, and Finding a Place to Work From**

In addition to greater work autonomy and greater job-related responsibilities, private sex workers also commented on the difficulty of finding an affordable, legal, clean, and available place from which to work. As previously mentioned, for the first time, in 2003 sex workers in New Zealand were granted the legal right to operate small owner operated brothels (SOOBs), as long as they retained full control over their earnings and worked alongside no more than three other workers (Department of Justice, 2003). This allowed sex workers to work alone or in groups as a worker-run cooperative. And considering the level of work-related responsibilities and the overhead costs associated to running your own sex business, working in groups can be a legitimate solution to alleviating the abovementioned work demands, and downfalls.

According to Levi and Davis (2008), cooperatives are both for-profit enterprises all the while upholding a social dimension. The rise of worker cooperatives is a common trend

documented during economic crisis (Haythornthwaite & Wylie, 2002; Rothschild, 2009). Faced with deteriorating conditions in factory work, workers began to criticise the loss of employee ownership and control of employees' workplaces said to be caused by capitalist production. As an alternative, from the 1840s to the 1880s, cooperatives began emerging throughout Europe and the United States (Rothschild, 2009), and in Canada (Haythornthwaite & Wylie, 2002). In the wake of globalization, where trends such as privatization, deregulation, and tertiarization have become the norm in most Western countries, in the last 30 years cooperative work models have been on the rise in the United States (Rothschild, 2009), and in Canada (Fairbairn, 2002).

On the surface, it would appear that decriminalisation would allow for the ideal legal context for sex workers to capitalise on the benefits from forming worker-run cooperatives. However, very few of the sex workers I interviewed adopted this model. Of the 30, only four worked in groups out of weekly-rented apartments. Therefore, I argue that despite this legal right following the change in law, resistance to the presence of SOOBs in residential areas ensued, making it challenging for sex workers to find a legal, affordable, safe workplace, and to form a worker-run cooperative.

According to Section 4.1 of the *Prostitution Reform Act*, the term brothel is defined as:

Brothel means any premises kept or habitually used for the purposes of prostitution: but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere (Department of Justice, 2003).

Relying on Section 14 of the *Prostitution Reform Act* (Department of Justice, 2003), following the change in law some city councils enacted by-laws restricting the location of brothels out of residential areas, and into commercial and industrial zones (Knight, 2010; Warnock & Wheen, 2013). By not stipulating size in the definition of brothels, by-laws regulating the location of brothels are also used against SOOBs in turn capturing private workers.

Following the change of law, the Auckland Council enacted a by-law restricting the location of brothels to a few set city-zones.<sup>9</sup> In 2006, an operator took the Auckland city council to court, challenging this by-law. The court ruled in favour of the operator by claiming that the by-law regarding the location of brothels was too severe, and contradicted the purpose of the *Prostitution Reform Act* to safeguard the safety of sex workers by allowing workers to work from SOOBs (Knight, 2010; Warnock & Wheen, 2013). Citing workers' safety, the court ordered city council to allow SOOBs in residential areas as it argued that prior to the legal change sex workers worked in residential areas without any environmental impact. This by-law was struck down in 2006, however in 2010 the City of Auckland merged with vicinity authorities to create a Supercity. The Auckland Council took over the functions of the Auckland Regional Council and the region's seven city and district councils: Auckland City Council, Manukau City Council, Waitakere City Council, North Shore City Council, Papakura District Council, Rodney District Council and most of Franklin District Council. Under this new jurisdiction, or Supercity, all previously established by-laws regulating the location of brothels (including SOOBs) remained active. Even though there is a review planned for 2016, with the aim of creating one by-law for all of Auckland, until then each sub-district within the Supercity has differing by-laws regulating the location of brothels (Warnock & Wheen, 2013). It is these by-laws that I discuss.

As examples, in Franklin SOOBs are not permitted within 250 meters of educational facilities for children such as schools and daycare facilities, places of worship such as churches,

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<sup>9</sup> I am unsure when the Auckland City Council enacted a by-law regulating the location of brothels.

and community facilities such as recreation centers, libraries, public halls, cultural centers, funeral parlours, and children's playgrounds. If located within a business zone, it cannot be at street level (Franklin District, 2010). SOOBs in Manukau City can only be located within Business 4, 5, or 6 zones, and shall not be located within 250 meters from the main public road entrance, or within sight of the main public road entrance of any educational facility for children, place of worship, or community facility (Manukau City, 2008). Similar restrictions are in place in the North Shore (North Shore City, 2000). According to Section 25.3 of the by-law, no person may establish or operate a brothel that is located:

- (a) on sites other than those zoned Business 9 and 10 in the North Shore District Plan; or
- (b) within 250 metres of any site zoned Residential in the North Shore District Plan; or
- (c) within 125 metres of an existing brothel, an educational facility, a place of worship, a community facility, a major public transport interchange, or on the street level of a building when the brothel activity is facing a road except that pedestrian access at street level from a building facing road shall be allowed (North Shore City, 2000).

Evidently these by-laws make for a challenging context for sex workers to establish a legal place in which to conduct their work, especially in residential zones. There are significant barriers to locating a suitable workplace that abides by the above by-laws.

In addition to by-laws regulating the locations of brothels, some city councils have been known for relying on home-occupation by-laws to minimize the presence of SOOBs in residential areas. These by-laws treat SOOBs like all other home-businesses (e.g hairdressers working from home, accountants, lawyers, consultants, etc.), and stipulate that a person is permitted to work from a residential address only if the space is used primarily for residential purposes, and wherein the number of persons residing outside of the family that are employed

cannot exceed three. As examples, based on Section 16.6.3.2 of the North Shore residential by-law, home-occupations must abide by the following:

- a) Every home occupation shall be incidental to the residential use of the site and occupy not more than 25% of the gross floor area of the main residential unit.
- b) The total number of persons employed in any residential unit in a home occupation shall not exceed three.
- c) In the case of any residential unit, on a site having an area of:
  - i) 450m<sup>2</sup> or more, not more than two persons outside the residing family shall be employed in home occupation purposes.
  - ii) From 350<sup>2</sup> to 449m<sup>2</sup>, not more than one person outside the residing family shall be employed in home occupation purposes.
  - iii) Less than 350m<sup>2</sup>, no persons other than the residing family shall be employed in home occupation purposes.
- d) In addition to those persons engaged in the home occupation, the activity shall not attract more than four persons in any one hour.
- e) Non-resident employees and visitors on the site, for the purpose of the home occupation, shall be limited to the hours 8:00am to 6:00pm Monday to Friday inclusive, and 9:00am to 6:00pm Saturday. In general, all other activities which form part of the home occupation, including vehicle trips, shall not be permitted between 10:00pm and 8:00am (North Shore City, 2002).

Similar as in the North Shore, according to Section 16.8.1, home-occupations in Rodney shall comply with the following:

- a) The site shall be used for a residential activity and the home occupation shall be subordinate to the residential activity.
- b) At least one person who is carrying out the home occupation shall live on the site.
- c) There shall be no more than one additional person who does not live on the site involved in the activity, except that for home occupations in the General Rural Zone, two additional people shall be permitted.
- d) There shall be no more than three people in total involved in the activity, except that in the General Rural Zone, there may be up to four people in total.

- e) The activity shall be undertaken entirely within a building on the site with no external display of associated equipment or materials.
- f) There shall be no clients, suppliers or other vehicles visiting the site as part of the home occupation outside the hours of 8:00am to 8:00pm (Rodney District, 2011).

In a nutshell, these restrictive by-laws make it difficult for sex workers to work out of residential zones and in groups. Violet, a sex worker with 31 years' experience in the sex industry, aged 45, shared her difficulties trying to work with others outside of her home, while dealing with one of the councils and their by-laws:

So first, to abide by the location of brothels by-law, you had to be in a residential and commercial area, so within the city zone where it's both, where you can have commercial in a residential zone. Two, you had to use less than one-third of the house for that business, so the rest had to be used for private use. So technically, out of a seven bedroom house, we were allowed to use one and a half bedrooms, and that was up to the council's discretion. They could have chopped it down to one bedroom for goodness sake, out of a seven bedroom house. Can you find a big enough house, and afford a big enough house to do that? Not really. What else did the Council do? (...) If you had a receptionist, they would consider your receptionist as a full-time worker, even though they weren't doing any prostitution. Like that was ridiculous as hell. So really, they were just trying to chop it down, chop it down, chop it down so they could eliminate it.

When we consider the high rental fees related to bigger premises, we begin to see the significant challenge of 'making it' while abiding by these laws. According to Education New Zealand, an association established by the New Zealand government to assist international students who are migrating to New Zealand for their studies, for a three bedroom house/apartment renters in Auckland Central can expect to pay anywhere from 400 NZD (in Otahuhu) to 770 NZD (in

Parnell) a week in 2014.<sup>10</sup> Aucklanders are also paying around 140 NZD a week more to live in a three bedroom rental property compared to the rest of New Zealand, making for higher than average housing costs. The home-occupation by-laws force workers to live and work from bigger, more expensive, and sometimes unaffordable premises (Barnett et al., 2010; Knight, 2010). Moreover, when workers rent in the Central Business District, the landlords expect longer rental commitments than they do in residential areas, which adds an extra burden for workers who wish to leave the sex industry before their lease is up (Knight, 2010). Therefore, in a context where rent is extremely high, to abide by these by-laws is to dramatically increase overhead costs. This was not an expenditure that many of the sex workers I interviewed could easily absorb. As described by Violet, the overhead costs skyrocketed making it virtually impossible to run a legal business while making a profit, pushing workers to work illegally, and consequently further in isolation and in secret from their neighbors. Combined, the home-occupation by-laws and the by-laws regulating the location of brothels place considerable pressure on private sex workers to work alone.<sup>11</sup>

Private workers also encountered face-to-face discrimination when searching for a workplace (Barnett et al., 2010). When renting out of residential property in Auckland, many building corporations included a clause in the lease stipulating that no work was permitted to be conducted from the premises. Even though the clause did not overtly target sexual labour, it had

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<sup>10</sup> The prices above were recorded during the six months to 31 August 2014 (<http://www.enz.org/house-rents-auckland-central.html>).

<sup>11</sup> To make matters worse, when working privately, rent is the minimum required expenditure as it does not include electricity, and advertisement costs, which can creep anywhere from 130 to 210 NZD per week.

been used by rental companies to prevent workers from practicing sex work from their apartments. When I asked Nancy, whether she'd had any bad experiences with building managers due to her work, she shared the following:

Only at one place I lived at three years ago, and that was on Blumen Street.<sup>12</sup> They said to me that if I don't stop working, I was going to get thrown out. Someone told the building manager because they'd seen me. I had to go downstairs to get the guys and there was no intercom and so I couldn't actually buzz them in. It was really bad because I had to walk down to let them in and then one day someone realised that I must be working because of the fact that I always had to walk down and meet the guys all dressed-up, with big hair, and mini-skirts (...) They said that if I get caught again then I would get three weeks' notice and have to be out by then. Yeah, they came and knocked on my door. I just had to wait till late at night when the property manager went to bed.

Most private sex workers I interviewed chose not to tell their landlords or neighbors that sex work was being conducted from the premises for fear of eviction. A sudden eviction can have a major impact on the worker's ability to earn and their well-being, as well as for others who are sharing that space, such as partners and children, and other workers.

Depending on race and gender, if evicted, some people face greater challenges than others in finding a new residence. Based on self-reported experiences of racial discrimination in New Zealand, Harris et al. (2012) point to housing disparities. Māori, Pacific Islanders and Asian groups all reported higher levels of unfair treatment in housing compared to Pākehā. Despite a lack of research on the housing issues faced by lesbian, gay, bisexual and trans people (LGBT) living in New Zealand, it has been documented in Vancouver, Canada that same-sex couples and single parents experience discrimination when dealing with rental markets (Lauster &

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<sup>12</sup> To protect the identity of my participant, the street name is a pseudonym.



Easterbrook, 2011). Lauster and Easterbrook (2011) concluded that male same-sex couples, single mothers, and single fathers faced significant discrimination compared to heterosexual couples.

Ray (2006) discovered that self-identified LGBT youth living in the United States were overrepresented in the homeless population, and faced unstable housing conditions due to their gender or sexuality. Based on a needs assessment of older transsexual people, similar trends were noted, such as unstable housing due to their age and status as transsexual (Orel, 2014). Even though none of my participants shared struggles of racial or gender discrimination when searching for a place in which to reside, the literature suggests that transsexual and workers of colour may face greater challenges than others in finding a place to live. Furthermore, in an informal conversation with staff at the New Zealand Prostitutes' Collective in Auckland, a member told me that restrictive by-laws, transphobia, and racism in the housing market limited transsexual workers to the street-trade, and workers of colour to the managed sector. In my study, the overrepresentation of Pākehā ciswomen in the private sector supports this claim and points to the operation of systemic class, gender, and racial privileges and disadvantages in Auckland.

One way for private workers to avoid breaching the aforementioned by-laws is by relying on the per-booking rental system, or to work from hotels. Of the 24 private workers, nine opted to rent rooms either from friends or from hotels usually by the hour or day, making this the second most popular work model adopted by the private sex workers I interviewed. Compared to the other two work models—from home or from a weekly-rented premises—this model is less precarious as per-booking workplaces are commonly used on a temporary basis, and often irregularly, and therefore not considered a brothel (Department of Justice, 2003). Consequently,

these spaces are not subjected to the aforementioned by-laws. However, this work model was also said to be less reliable than the others. Sandy, a sex worker with 15 years' experience in the industry explained the benefits of a weekly rather than a per-booking rental system:

I think it's just more stable in a weekly-rented place. We're in control of what is going on because once other people are coming and going you're not quite sure if you're going to get a room, you're unsure whether it's going to be tidy and clean to the standard that you want for your clients. So, depending on the person you rent from, they have to have their shit together. Because a lot of times I could be having a coffee, and then you need to go, you need to go right then and there because you've got a limited amount of time before you lose that client. So, let's say I had to rush, there's no guarantee that someone's going to be home to let me in or the room is going to be ready, so then I lose money. That is probably the main complaint that I, myself, and other girls have, that are working in an environment where they are depending on the per-booking system because they lose jobs. And once you start losing jobs, then that kind of solidifies your reputation as well. Another woman I know, she lost nine jobs in the space of about a week, which is a lot of hours. Since, she's moved on to another place.

Workers who relied on the per-booking rental system commonly complained of arriving for a booking and finding the room occupied. In light of the fluctuating nature of the sex industry and the increased need for workers to depend on 'blow-ins' for their earnings, the availability of the room becomes paramount. However, when adopting the per-booking rental system, availability cannot be guaranteed which can lead to a loss in earnings. As explained by Sandy, it is this potential loss that drove some private workers to switch from a per-booking rental system to a weekly rental system, which translated into greater control over their work environment, but also greater financial risks due to the high overhead costs associated with this work model.

Complaints of uncleanliness and poor aesthetics were also made by private sex workers relying on a per-booking rental system. The same room was usually rented by different workers on different occasions leaving little control regarding the presentation of the workplace. The most common complaint made by sex workers was their inability to control the level of cleanliness of the room being rented and of the residence itself. Sebastian and Beatrice showed

up at a booking to find used condoms and dirty linens left by previous workers, which did not make for a professional impression on the client. Sebastian went on to explain:

It's a bit embarrassing sometimes, you know, because the room I rent is from another worker as well, and she just has all these no-hopers, people off of the streets, dishonest and smelly people hanging around the place. It's not very professional when the client comes in and there are people all around, you know, especially when you say that you live alone.<sup>13</sup>

Sebastian's experience points to the relationship between work environment and work experience: he concluded that the better the work environment, the better the work experience. Even though the rented room was not technically theirs, sex workers knew that clients deemed the work environment as a direct representation of the type of worker they were: clean vs. unclean, professional vs. unprofessional. An environment that was unclean and unprofessional made for an embarrassing work experience, and made it difficult to retain clients.

Another option is to work from hotel or motel rooms; however, sex workers I interviewed repeatedly shared stories of motels refusing their business once told they were planning on selling sexual services from their premises. Both Amelia and Irene complained of hotels refusing their business. Irene, with two years' experience in the industry, described her frustrations as follows:

The worst thing is that it is hard to find somewhere to work from, really hard. The hotel industry is pathetic. The amount of money they can make from us is ridiculous, especially the ones that have mini bars and stuff, absolutely stupid. I stayed at a hotel in Auckland and I'd empty out the mini bar 3 or 4 times a day so

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<sup>13</sup> Not wanting to be seen by others, clients were sometimes reluctant to visit sex workers outside of their homes, therefore it was common for sex workers to make clients believe that the room rented was theirs and not someone else's.

they were making a shit load of money off of me but if they knew I was working they'd kick me out. It's stupid.

Irene added:

When I first moved to Auckland, I did my ground work and read up on every hotel's policies to make sure that it wasn't written in there that I could not work from there. All of that just in case they were to kick me out, then they'd have to show proof that I was not allowed to be there. Anyways, there is this one motel in Auckland, and it's written in their policies that you are not allowed to work from there. It says work, like work in general, but I called them and said "Oh I just saw that you say 'no work is to be conducted in the rooms'?" And the receptionist says "Yes, that's right." So I said, "Well, I am an online journalist and I was planning on doing some work in the room, does that mean I am not allowed?" And the girl goes "Oh no. That is fine." and I am thinking right away, discrimination but I didn't say anything. I just wanted to know what type of work they were talking about. So journalism is allowed but not sex work? Where is the just in that? I still went and had three to four jobs from there, but yeah, when motels say 'no work' it's for sex work and not just work in general. That is the only thing I don't like about private work: it is hard to find a place to work from. Even apartments, if you rent the apartment, it's in the building corporation rules. I mean, it's your apartment you should be able to do what you want.

Like building corporations, motels commonly include a clause in the rental conditions that stipulates that no work is to be conducted from their premises. Despite motels being exempt from the definition of brothels, as stated in Section 4.1 of the *Prostitution Reform Act* (Department of Justice, 2003), sex workers I interviewed claimed that this clause was often used discriminatorily against them, adding to the burden felt by private workers when looking for a suitable workplace.

The presence of restrictive by-laws and discrimination also jeopardized sex workers' ability to form cooperative workspaces, forcing them to primarily work alone. Described as "flatter", with more participatory organizational structures and adapted for high level of responsiveness and flexibility, cooperative-like principles have been linked to better social rights and improved benefits for workers in American electronics and Canadian automotive companies (Geary, 1993; Lewchuk & Robertson, 1997). Most community developed cooperatives also

cultivate alternative relationships between employees, who are more like associates driven by a common purpose than cogs in a capitalist machine driven by owners to maximise profits (MacLeod, 1992).

In light of market competition and a larger gap between stable and privileged work environments and unstable, dangerous, and poor work environments (Kerfoot & Korczynski, 2005), cooperative types of work relations have become an important alternative form of work organization, including in the sex industry where workers' rights are seldom given the attention they deserve. Benoit and Millar's (2001) community-based research on sex work in Victoria, British Columbia showed that sex workers speak highly of their experience in cooperative work settings. The authors found that informal cooperatives not only enhanced sex workers' access to earnings, but gave them a greater sense of safety and positive well-being. This has also been observed by other researchers (Sanders, 2004; West & Austrin, 2002). However, despite the right granted by the *Prostitution Reform Act* (Department of Justice, 2003), sex workers in Auckland face community resistance against the selling of sex in residential areas, consequently making it difficult for them to work in groups, and to capitalise on more egalitarian work models such as worker-run cooperatives.

The aforementioned tensions stem from the assumption that sexual commerce is incompatible with residential dwelling, and that with the presence of sex work comes dodgy clientele and community disturbances. The newly resurfaced tensions mentioned between private sex workers and residents are reflective of persisting pre-2003 sentiments (Dalley, 1996; Tulloch, 1997). More than a century ago, in 1908, the Supreme Court of New Zealand declared one-woman brothels legal. It ruled that a space strictly used by one sex worker could no longer be considered a brothel. This change in definition resulted in an increase of one-woman brothels

in Auckland and Wellington, and consequently local resistance to this increase (Dalley, 1996). Fearing the impact from the presence of sex work on communities, in 1912 the Reverend W.E. Gilliam of St. Matthew's Vicarage in Auckland wrote to his local mayor and city councillors drawing their attention to the presence of 'houses of ill-fame' (Dalley, 1996). Attacking the presence of one-woman brothels the letter claimed that these premises were "to say nothing of the annoyance caused to respectable Ratepayers by the existence of these "One Woman" brothels...it is a deadly menace to the health of the community that one woman should have illicit intercourse with large numbers of men day after day, and hour after hour" (as cited in Dalley, 1996, p. 3). Unable to prosecute this group of sex workers, the police campaigned for the elimination of this loophole. It was not until the outbreak of the First World War that politicians displayed interest in pushing for amendments (Tulloch, 1997). With the introduction of the *War Regulations Bill*, in 1916, one-woman brothels were put on the same footing as two- or three-women brothels, once again criminalising sex workers working out of residential areas.

After decriminalisation in 2003, and with the rise in private sex work (Abel et al., 2009), tensions similar to those in the early twentieth century resurfaced. However, it should be noted that the majority of sex workers I interviewed placed great importance on discretion when working, and emphasized how most private work was being conducted without others knowing, demonstrating that in general sex workers preferred selling their services without disturbing the community. There are two reasons for this. First, they were aware of the stigma and the fear of eviction associated with conducting the work from residential areas. Second, they knew that clients want discretion. Discretion then became an asset to profit-making. Consequently, most designed and organized their work to maximize discretion. Nonetheless, the presence of restrictive by-laws, and negative public criticism symbolizes the prevalence of the whore stigma

and the assumption that residential brothels are incompatible with residential living. Based on the above experiences, this has a direct impact on how private sex workers can organize their work, in turn impeding improvement in the working conditions found in the private sector in Auckland. This is especially true with regards to sex workers' ability to engineer a work environment conducive to their well-being. As Irene, a private sex worker, rightfully noted,

I mean what is the point of decriminalisation if they still dictate where and when you can work. I mean that just pushes everyone into brothels. That sucks if you don't want to work in a brothel but yeah I'd say that's about the only thing I don't like about this industry.

## Conclusion

When considering the stories of the 24 interviews with private sex workers in Auckland, I found that most agreed that when seeking greater earning opportunities and greater control over work conditions, the private sector was the route to follow. However, they also noted multiple pitfalls to working privately, which are rarely discussed in the sex work literature. Considering that the private sector and the ability to form worker-run cooperatives is held in high regard by many sex work activists and allies, it is important to include the disadvantages when discussing occupational well-being in the sex industry. Disadvantages emphasized were additional work-related responsibilities, overhead costs relating to the work, and difficulty in finding a place to work from due to restrictive by-laws and discrimination. Without a worker's administrative and managerial skills and experience, these responsibilities become a sizable burden.

Despite these drawbacks, and the fluctuating nature of the market, the majority of private workers I interviewed experienced heightened job satisfaction compared to when they were working under management. Indicative of sex workers' strong support of the *Prostitution Reform Act* (Department of Justice, 2003), when taking the leap, private workers experienced greater work-life balance and increased decision-latitude over the operations of their work. Despite this

heightened ability to control the process of the work, I argue that restrictive by-laws, including the home-occupation regulations, and discrimination in the sex industry and in the rental market, contribute to rather than minimize the risks faced by private workers by limiting their work opportunities to specific sectors or work spaces, and hindering their ability to form worker-run cooperatives contrary to the objectives of the *Prostitution Reform Act* (Department of Justice, 2003).

Even though the above exchanges point to areas still in need of improvement, some of the shortcomings of decriminalisation, and how some sex workers experienced better occupational well-being than others, alternatives may mean better work conditions for all. In my final chapter, Chapter Six, I develop recommendations for how to further improve the occupational well-being of indoor sex workers in Auckland.



## **CHAPTER SIX: Where do we go from here? Conclusion and Recommendations**

The positive impacts on the well-being of sex workers as a result of the decriminalisation of sex work in New Zealand have been well documented in other research (Abel et al., 2007, 2009; Abel & Fitzgerald, 2010; Abel, 2014; Ministry of Justice, 2005). Building on previous feminist sex work research, and the sociology of work literature, the interview-based data analysed in my dissertation strongly support this understanding; however, close to a decade after the law reform, I underscore some areas in need of improvement. This Chapter summarises my key findings, and contributions to theoretical understandings of sex work. I also include a discussion of the limitations of my research and the future directions of research. This is followed by specific recommendations for social policy, workplace, and social reform. I end this Chapter with a discussion on the relevance of my research project to the Canadian context.

### **Summary of Findings**

As noted in Chapter One, some of the changes observed post-decriminalisation have contributed positively to the health and well-being of sex workers. The legal change—from criminalisation to decriminalisation—has allowed for an honest discussion of the inequalities faced by sex workers and how these inequalities prevailed in the pre-2003 socio-legal context. The legal change also paved the way for a paradigm shift by the state from viewing sex workers as criminals to viewing them as workers, and for the first time granting sex workers access to health and occupational protections. By decriminalising the sex industry, New Zealand overtly took the stance that the sex industry is like other legal industries, and as such should be regulated using health and occupational regulatory bodies, and not criminal law. This social and legal shift not only had an impact on the relationship between the state and the sex industry, it also gave sex

workers access to the judicial system when faced with exploitative work conditions or assault while at work. For the first time, sex workers could access the judicial system when faced with assaults without fear of legal reprisal. This is exemplified by the following instances: 1) based on an informal email correspondence I had with staff members from the New Zealand Prostitutes' Collective on April 2<sup>nd</sup>, 2015, they were aware of five cases where clients were charged and fined for taking off the condom during sex; 2) with a sex worker winning a landmark sexual harassment case against a Wellington brothel owner in which she was awarded 25,000 NZD (New Zealand Dollars) in damages for emotional harm caused as a result of sexual harassment at work (Duff, 2014); and, 3) with how a South Auckland police officer assisted a street worker with a client dispute regarding payment (Wynn, 2014). These examples would not have occurred before 2003; indeed, there have been some fundamental changes in how sex workers are now viewed by managers, police, and clients. However, despite these gains my three substantive chapters point to areas still in need of improvement.

Based on the 'sex work as work' perspective, Chapter Three explores the reasons behind my research participants' engagement in sex work. Here I asked:

What motivates people to engage in sex work? And what can we learn about the impact of the whore stigma on sex workers?

My analysis points to the similarities rather than the differences between sex workers and workers in other fields. The sociology of work literature made it clear that when searching for work, most workers aimed for higher remuneration, added flexibility to achieve a better work-life balance, and self-growth. In this respect, sex workers are no different (C. E. Bishop et al., 2009; Carless & Arnup, 2011; Donnelly et al., 2012; Huang et al., 2007; Rose, 2003; Wang et al., 2010). My analysis points to how the attractive features of sex work reflect the problems identified in the wider Auckland socio-economic context. With higher than usual unemployment

rates, and a labour market that is stratified along gender and racial lines, sex workers' choice to opt for sex work over other work opportunities is an economic decision that reflects the lack of options that provide liveable wages, and a lack of flexible workplaces, rather than conditions of desperation, coercion, or issues relating to addictions.

Chapter Three concludes with a discussion about the persisting stigma against sex work and sex workers, and how the sex workers I interviewed identified this as the major problem they face. Sex workers' stories tell us that the real psychological harms caused by sex work are not derived from the work itself, but rather from the stigma. Not all sex workers I interviewed worked in secrecy; however, those that did repeatedly blamed negative stereotypes as their reason for doing so. They explained that the shame they felt towards their engagement in sex work was derived from external societal reactions rather than internal negative reactions. Working in secrecy was less their choice than forced upon them by societal attitudes. For the most part, they made it clear to me that they felt no personal angst in regards to their involvement with the industry, and that they loathed it when others, especially those without prior work experience in the sex industry, would pass judgement.

Chapters Four and Five addressed the work conditions faced by the indoor sex workers I interviewed. Dividing the group of sex workers according to the sectors they worked from—managed or private—each chapter discussed a specific sector. Chapter Four was devoted to an analysis of the work conditions experienced by sex workers in the managed sector, whereas Chapter Five discussed the work conditions experienced in the private sector. In Chapter Four, the voices of both managers and sex workers were included. The aim of this chapter was to highlight the areas still in need of improvement within the managed sector. The main argument offered was that despite the gains garnered by the decriminalisation of sex work, there remains a

need for a paradigm shift among managers that recognises sex workers' newly-acquired worker status. Here, I asked:

What are the advantages and disadvantages of working in the Auckland managed sector of the sex industry? And how do relationships between workers and management influence sex workers' occupational well-being?

Relying on workers' rights prescribed by the 2003 *Prostitution Reform Act* (Department of Justice, 2003), in Chapter Four I highlighted a disjuncture between the law reform and the actual work experiences post-2003. Prior to 2003, it was common practice for sex workers to be subjected to arbitrary and unfair work rules, unfair dismissals, bonding, fining, and withholding of payment. To make matters worse, the pre-2003 legal framework provided little protection to sex workers against these types of practices, leaving sex workers at the mercy of unfair management styles (Abel et al., 2007; Jordan, 2005a). The sex workers I interviewed noted some signs of improvement in the work conditions post-decriminalisation; however, they emphasised that unfair practices still persist.

The sex workers I interviewed identified three areas in need of improvement: respect by management for their right of refusal, safer-sex practices, and the elimination of fining and withholding earnings as a management practice. In 2003, all sex workers were granted the legal right to refuse any clients or sexual acts without being reprimanded by management.<sup>1</sup> However, despite this legal right, the sex workers I interviewed complained of management putting

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<sup>1</sup> Section 17 of the *Prostitution Reform Act* (Department of Justice, 2003) stipulates that all sex workers, regardless of the contract, have the legal right to refuse to perform any sexual act. This right did not exist prior to 2003 (Jordan, 2010).

pressure on them to accept clients. They accused management of inducing guilt in workers, withholding earnings and shifts, and favoritism, contravening Section 17 of the *Prostitution Reform Act* (Department of Justice, 2003).

Even though the managers I interviewed showed empathy towards sex workers' right of refusal, they also expressed limitations on how and when this right could be practiced. This was especially true when it came to regular clients, where it was common for management to overlook workers' needs so that the client would be satisfied. Similar to sexual interactions outside of sex work, consent and willingness must be sustained throughout the entire transaction—from start to finish—for it not to be considered assault or degrading. Therefore, by placing limitations on when and where this right could be practiced, managers were inadvertently placing sex workers in unwanted sexual interactions with clients, all for the sake of keeping a client and maximising profit.

The second area in need of improvement is safer-sex practices in commercially-run sex establishments. In 2003, Sections 8 and 9 of the *Prostitution Reform Act* (Department of Justice, 2003) shared the responsibility for safer-sex amongst all parties involved: workers, managers, and clients. Before 2003, for fear of prosecution, managers could not provide safer-sex materials on the premises, as it was common for police to rely on condoms as evidence of brothel-keeping (Barnett et al., 2010; Jordan, 2005a). This sharing of responsibility between worker, management, and client was a change welcomed by sex workers. For the first time they could rely on the law when negotiating condom-use with clients, or when being pressured by management to conduct the work unprotected. This gave workers a powerful stage from which to negotiate (Abel & Fitzgerald, 2010). However, despite this additional support in promoting a

safer-sex industry, according to the sex workers I interviewed, some managers were more supportive than others.

The third problematic area identified by the sex workers I interviewed in Auckland is in regard to Section 16. Even though in 2003, Section 16 of the *Prostitution Reform Act* (Department of Justice, 2003) made it illegal for anyone to induce or compel another person to provide or to continue to provide commercial sexual services, sex workers complained of managers demanding a bond or withholding payments as a tactic to oblige them to work more hours and additional shifts, contravening the *Prostitution Reform Act*.

The managers I interviewed relied on these practices as a method of controlling what they saw as ‘problematic’ sex workers. The problems identified were unreliability, poor work ethic, and lack of commitment. Chapter Four concludes with situating these findings within the sociology of work literature. Both the job satisfaction and job strain literature argue that increased dissatisfaction contributes to higher worker turnover (Huang et al., 2007), absenteeism (Drago & Wooden, 1992), diminished commitment to work efforts (Huang et al., 2007), and sabotage. These were the exact behaviours condemned by managers. Therefore, I demonstrate how rather than helping to resolve these problems, managers’ tactics only worsened work relations, and jeopardized the occupational health of sex workers.

Chapter Five explores the work conditions faced by private sex workers. Even though scholars internationally have noted a recent increase in numbers of sex workers opting to work independently from third parties (Abel et al., 2009; Bernstein, 2007b; Hubbard & Prior, 2013; Ouspenski, 2014), this segment of the sex industry remains largely invisible, and therefore underexamined by the sex work literature (Hubbard & Prior, 2013). Here I asked:

What are the advantages and disadvantages of working in the Auckland private sector of the sex industry? And what factors prevent private sex workers from organising their work according to their liking under a decriminalised context?

Based on my findings, private sex workers in Auckland preferred their work conditions in the private sector than in the managed sector. Advantages identified were greater control over rates, work processes, clientele serviced, and greater control over their time yielding a better work-life balance. However, despite these benefits, they also identified some drawbacks that are unique to this sector.

The pitfalls mentioned by the sex workers I interviewed mostly revolved around the added work-related responsibilities that came as a result of operating their own sex work business. When working privately, all responsibilities regarding income generation, and the organisation of the work, rested on their own shoulders, making for a burden not experienced when working from the managed sector. Private sex workers also emphasised the challenges in finding a legal workplace. Despite the right granted by the *Prostitution Reform Act* (Department of Justice, 2003) to work from home, up to a total of four workers, they repeatedly complained about by-laws that contravened or challenged this right. Sex workers I interviewed felt that by-laws regulating the location of brothels and home-occupations made it difficult for them to find a legal work location that was conducive to their occupational well-being.

To make matters worse, when looking for a place to work from, private sex workers faced discrimination. Many building corporations in Auckland forbid any form of work to be conducted from rented premises. Even though building corporations did not overtly target sexual labor, I learned that this clause had been used by rental companies to prevent sex workers from practicing sex work from their apartments. A similar method was also used by hotels, which used the no-work policy discriminatorily against sex workers but not against other forms of work,

such as journalism. This persisting discrimination, in addition to by-laws, endangered the advancements promised by the *Prostitution Reform Act* (Department of Justice, 2003), specifically in regards to working in groups and hence their ability to form worker-run cooperatives.

The final question, to which the answers are interwoven across all three substantive chapters is:

How do relations and discourses of class, race/ethnicity, gender, sexuality, and beauty standards impact how sex work is organised in a decriminalised environment?

There were many instances where relations of class, race/ethnicity, gender, and sexuality had an impact on how sex work was organised. Here is a summary of these findings.

In Chapter Three, I identified how it was more common for ciswomen of colour to seek higher remuneration through sex work compared to their white ciswomen counterparts. This is explained by situating their rationale within the wider Auckland socio-economic context within which people of colour face higher unemployment rates and on average lower pay than white ciswomen (Statistics New Zealand, 2013b).

I also noted in Chapter Three how stigma was experienced differently among sex workers, pointing to differences based on gender and sexuality. More specifically, I noted differences between ciswomen and cismen sex workers. Due to the persisting societal sexual double standard—where cismen are permitted to partake in as many sexual encounters as wanted, while their ciswomen counterparts are not—it is easier for men to be praised rather than being put down for their involvement in sex work. To further complicate our understanding of stigma in sex work, the cismen sex workers I interviewed also noted a difference between male sex workers depending on their sexual identity. A key difference identified was between gay and heterosexual gay-for-pay sex workers. Compared to the former, the latter group of men were



more preoccupied with the stigma against homo-erotic sex than with the whore stigma, pointing to the heteronormative stranglehold on sexuality in general and persisting homophobia present in most Western countries.

The transsexual women and cismen workers I interviewed also experienced stigma from within the sex industry, in particular from managers in commercially-run sex establishments. Transsexual and cismen workers faced accessibility issues when wanting to work from the managed sector. Reasons identified were transphobia and homophobia from within the industry, in particular from managers, and other ciswomen workers. An outcome from this discrimination is an overt exclusion of transsexual and cismen workers from this sector, in turn limiting them to the private or street sectors. Discrimination was based on managers' fear of breaking the heterosexual cisgender mould that has been dominant within this sector.

In Chapter Four I explored how beauty standards, race/ethnicity and class are predictors of which parlour sex workers could work from. Ciswomen sex workers shared stories with me of managers refusing their services based on age and body-size. Based on the privileged beauty standards of youth and slimness commonly found in Western countries (Bordo, 2003), bigger and older women felt discriminated against from managers. This was an aspect of the sex industry that was loathed by the bigger and older sex workers I interviewed.

Confirming the above experiences of discrimination and based on the interviews conducted with managers, higher-end parlours showed preference for middle-class, younger, slimmer, and white ciswomen; middle-class was defined as capable of holding an intelligent conversation with clients, younger was defined as up to the mid-30s (so long as the worker could pass as mid-20s), and slim defined as appearing less than a dress size 10. Based on the privileged beauty standards of whiteness, youth, and slimness that are commonly found in Western

countries (Bordo, 2003), this made it challenging for people of colour, older, and larger sized sex workers to navigate between parlours, and to shift from the private to the managed sector, explaining why it has been documented elsewhere that working-class and Māori women were more likely to work in situations considered lower in pay and with higher degrees of risk compared to their middle-class and Pākehā counterparts (Abel et al., 2007; Jordan, 2005a).

In Chapter Five, the research exposed differences in private sex workers' rates based on gender, race/ethnicity and beauty standards. On average, private ciswomen charged the most for an hour's booking compared to cismen and transsexual workers. White sex workers also on average charged more than workers of colour. When comparing rates across body size and age, slimmer and younger sex workers charged more. These disparities in rates symbolise the advantaged beauty standards found in most Western countries where whiteness, slimness, and youth are privileged (Bordo, 2003). It also demonstrates the higher demand observed in the sex industry for heterosexual sex with ciswomen.

Comparing demographics across indoor sex industry sectors, I noted specificities relevant to each sector based on gender, race/ethnicity, and class lines. Despite managers' preference for white, middle-class ciswomen, compared to the private sector, there were more ciswomen sex workers of colour working from the managed sector than from the private sector. This difference is explained with the high overhead costs and extra work-related responsibilities that are common when owning your own sex business. As demonstrated in Chapter Five, operating a sex business entails lots of stressors and administrative duties that are absent in the managed sector; which point to a class dimension observed within the indoor sex industry in Auckland, and one observed in the United States by Bernstein (2007a).

A common theme that ran throughout the whole dissertation was work autonomy. Based on the stories shared, sex workers sought greater work autonomy and a better work-life balance. In the context of a gendered and racialized labour market, in which women, in particular women of colour, have less access to work opportunities with high remuneration and with high job security, sex work becomes a good alternative. Even though some complained of lean times, they also emphasised the gains experienced by engaging in sex work: better pay, better work-life balance—and an avenue for self-growth—all contributors towards better occupational health (C. E. Bishop et al., 2009; Carless & Arnup, 2011; Donnelly et al., 2012; Huang et al., 2007; Rose, 2003; Wang et al., 2010).

When comparing the work conditions found in the managed versus the private sector, similar work-related stressors and satisfactions were mentioned. One of the disadvantages of working in the managed sector was constrained work autonomy, something that was exacerbated by managerial practices. Similarly, the disadvantages mentioned in the private sector were also reflective of moments in which sex workers lacked work autonomy, and experienced stigma. One of the advantages of work in the private sector was the workers' increased ability to control their work, which they felt increased their occupational well-being as well as their safety. However, despite greater work autonomy from working in the private sector, private sex workers identified restrictive by-laws, discrimination, and the persisting stigma against sex work as challenges to forming an ideal workplace, such as worker-run cooperatives.

Overall, my findings show that with the introduction of the *Prostitution Reform Act* (Department of Justice, 2003) sex workers were promised greater opportunities for control and self-determination, and protection against stigma. Even though they all agreed that compared with pre-decriminalisation they now had greater work autonomy, and that stigma against sex

workers had diminished, they still identified certain areas that remained in need of improvement. Should these areas remain unchanged, sex workers would be vulnerable to work conditions that impede rather than enhance the betterment of their occupational well-being, contravening the promises made by this legal reform.

## **Contributions, Limitations, and Future Directions**

My research contributes to a number of areas in the fields of gender, sexuality, race, the law, and sexual labour. As such, it follows in the footsteps of previous research conducted on sex work. What is new is my examination of the relationship between the socio-legal context and the work conditions experienced by 30 sex workers in the sex industry in Auckland in 2012.

### ***Contributions***

With a rise in interest in sex work, at both the policy and scholarly levels, we have seen, in the last few decades, a growth of research conducted with sex workers. Despite the pool of research on work conditions faced by sex workers globally (Lewis et al., 2005; Lucas, 2005; Sanders & Campbell, 2007), there remains many areas in need of examination. To date most of the research has focused on street-level sex work because this sector of the sex industry is the most visible, and therefore the easiest to access. However, this means that the indoor sector, which represents approximately 80 percent of the population, remains underexplored.

When scholars do include the indoor sector in their analysis, most of the research has predominantly focused on the differences experienced between outdoor and indoor sex workers, overlooking the diversity of work experiences within these sectors. Limiting the comparison to outdoor versus indoor means that there is little understanding about the differences in work conditions between indoor work sites, even though, as we see in Chapters Four and Five, some of these differences are stark. Another unique feature of my research project is how it includes

different genders. Most of the research conducted on sex work focuses on the women engaging in it, excluding men and transsexual sex workers. As demonstrated in Chapter Three, these latter two groups experience stigma differently. Had they not been included, these differences would not have been apparent, further silencing their experiences.

The socio-legal context in which the sex workers I interviewed reside is also unique. To date, most of the research on the work conditions experienced by sex workers has largely been situated in countries that have not decriminalised sex work. With New Zealand being the first country to adopt this model, the choice of Auckland as my research site means that my findings contribute towards our understanding of the impact of decriminalisation on the work conditions, something that was not possible prior to 2003.

Research that examines the work conditions experienced by sex workers, with a few exceptions, has mostly focused on sex workers. By neglecting third parties and clients from their analysis, researchers have unwittingly excluded the impact of third parties on the work conditions. My decision to include 10 managers among the list of participants enabled a more nuanced analysis.

Additional contributions were derived from how I combined research on sex work and the sociology of work. As demonstrated in my substantive chapters, the sociology of work literature was a great resource with which to understand the work dynamics present between sex workers and managers. By situating my findings within this body of literature, I was able to draw from, and expand upon, the job satisfaction and job strain literature to further understand these complex dynamics, and resistance by sex workers to dissatisfaction. No different from other workers, sex workers predominantly aimed to acquire greater work autonomy and a better work-life balance in order to elevate their occupational well-being. Because the sex workers I

interviewed considered sex work to be work, the inclusion of this body of literature was necessary. In the end, my use of different scholarly fields helped me to deepen my understanding about the relationship between the socio-legal context—in this case decriminalisation—and the occupational well-being of sex workers.

### ***Limitations and Future Directions of Research***

As with any research project, there are always limitations regarding the methods used, the theoretical frameworks used, and the analysis conducted. Nonetheless, limitations pave the way for opportunities to develop new, different, and better research projects in the future.

Even though the composition of my participants is somewhat diverse, and representative of both the Pākehā and Māori population in Auckland, it remains limited in its diversity. My participants noted that commercially-run brothels were commonly divided between Asian and non-Asian businesses, and that they were worried about the work conditions faced by Asian workers. However, my sample lacks Asian and/or migrant sex workers, leaving out an analysis of how they may face worse work conditions than others. More creative recruitment strategies are needed to maximise the diversity of participants.<sup>2</sup>

Findings from an unrepresentative sample cannot be generalized to the whole population. However, generating a universal truth was not the goal of my study. Rather than aiming for universal knowledge, which has resulted in essentialized categories, feminists and anti-colonial scholars make a case for partial, locatable, and critical knowledge claims (R. Bishop, 2008;

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<sup>2</sup> Recruitment tactics and challenges are discussed in detail in Chapter Two.

Frisby & Creese, 2011; Haraway, 1991; L. T. Smith, 1999).<sup>3</sup> While my findings cannot be generalized to other sex worker populations in New Zealand or elsewhere, I encourage researchers to take up the questions I asked in other cities to allow for comparisons between research sites.

Even though my research project fills some gaps in the literature it leaves others unaddressed. We would benefit from an examination of the work conditions in other New Zealand cities.<sup>4</sup> More research is also needed on stigma, in particular on gender and racial differences, and differences between sexualities. Although my findings did include managers' perspectives, I only scratched the surface. Managers' perspectives would help us to understand dynamics that impact the work conditions experienced by indoor sex workers. Future research needs to place greater emphasis on the challenges faced by managers in designing a workplace that is conducive to workers' well-being. I would also encourage research on the hiring practices of managers in commercially-run sex establishments. In this dissertation I did not discuss these in detail. However, based on my interviews I gather that these practices are organised along sexual, racial, gendered, classed, and ageist lines.

Clients are also an area in need of research. Clients are very diverse, and different types of clients means different work experiences for sex workers. Based on my interviews with sex workers, it is obvious that class, race, and cultural arguments are used to delineate between

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<sup>3</sup> See Chapter Two for a breakdown of this debate.

<sup>4</sup> Informal conversations with staff from the New Zealand Prostitutes' Collective made it clear to me that sex workers in Christchurch face different challenges than sex workers in Auckland. The damages caused by the 2011 earthquake were still felt in 2012, leaving sex workers scrambling to find new places of work.

“good” and “bad” clients. An analysis of how sex workers talk, choose or refuse clients, would allow for better relations between clients and workers.

Another area that is underdeveloped concerns sex workers and their neighbours. How do residents perceive sex workers or the presence of a sex industry in their community? This would allow us to empirically identify the tensions between these two groups in order to develop strategies and recommendations for creating greater social harmony. I strongly believe that there is a way for the sex work and non-sex work communities to live side-by-side without conflict, and hopefully with additional research such a society can be created. It would also allow us to understand the source of the stigma that is clearly persisting.

One last area to explore is the relationship between technology and how sex workers organise their work. With the advent of the Internet, and with larger number of sex workers relying on it to locate clients, there is a great need to understand how technology is impacting the sex work community. To date, this area of research is lacking.

## **Recommendations**

As outlined in Chapter Two, my research project was inspired by my strong desire to better the work conditions faced by sex workers everywhere. The following recommendations are derived in part from suggestions by my participants. These recommendations are preliminary and should be refined and adjusted through future consultation with sex workers and managers.

### ***Policy Level***

Based on my research it is obvious that the *Prostitution Reform Act* (Department of Justice, 2003) has not achieved all of its promises. More specifically, despite it being legal for private sex workers to work in residential areas with up to four workers, private sex workers still



face legal challenges when searching for a place from which to work, which contradicts the goal set out in the Act. The sex workers I interviewed identified two by-laws that are problematic.

First, the by-law regulating the location of commercially-run brothels also inadvertently regulates the location of small owner-operated brothels. In turn, this obliges private workers to operate their business within the prescribed set of locations outlined by the by-law, which are usually out of residential areas or not permitted within 250 meters of educational facilities for children such as schools and daycare facilities, places of worship such as churches, and community facilities such as recreation centers, libraries, public halls, cultural centers, funeral parlours, and children's playgrounds. Due to a recent agglomeration with seven city and district councils, today, some districts enact differing restrictions creating a jurisdictional muddle for private sex workers.

Although there is a review planned for 2016, with the aim of creating one by-law for all of Auckland, a council's ability to regulate the location of small owner-operated brothels using this by-law is linked to the definition of brothels found in the *Prostitution Reform Act* (Department of Justice, 2003). According to Section 4.1 of the *Prostitution Reform Act*, the term brothel is defined in terms of premises rather than size:

Brothel means any premises kept or habitually used for the purposes of prostitution: but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere (Department of Justice, 2003).

This definition, by not stipulating size as a determinant to distinguish between small owner-operated brothels and commercially-run premises, allows for small owner-operated brothels to be deemed as a brothel. Were brothels defined as more than four workers, by-laws regulating the location of brothels could not be used against small owner-operated brothels. However, as it

stands now, city councils can rely on this as a way to restrict small owner-operated brothels to certain city areas, and keep them out of residential areas.

The second by-law mentioned by the sex workers I interviewed was the home-occupation by-law. This by-law treats small owner-operated brothels like all other home-businesses (e.g. hairdressers working from home, accountants, lawyers, consultants) which come under the District Plan Rules. This by-law stipulates that a person is permitted to work from a residential address only if the space is used primarily for residential purposes. For example, when working from a three bedroom apartment, in order to abide by this by-law, only one of the bedrooms can be used for work purposes. However, obliged to work from bigger premises, and with high rental fees, sex workers are forced to live and work from more expensive and mostly unaffordable premises. Furthermore, the desire by sex workers to keep work and private space separate led some of the private sex workers I interviewed to unknowingly work in breach of the home-occupation by-law.

Taken together, these two by-laws make it difficult for private sex workers to locate a legal place from which to work. When working in breach of the law, sex workers remain vulnerable to evictions, extortion by landlords or neighbors, and are forced to work in secrecy, potentially heightening their risk to violence from clients, and intensifying their job strain. Restrictive by-laws also prohibit good places of work from staying open, and the creation of small cooperatives run by and for sex workers, hindering the advancement of occupational well-being. It would be great for the home-occupation by-laws to better reflect sex workers' needs when working in residential zones. This alignment would allow private sex workers to capitalise on the gains from the change in law.

In Chapter Five, private sex workers complained of housing corporations and hotels using their no-work policy discriminatorily against them. Unfortunately, as of yet, there is no recourse for sex workers. However, this could easily be remedied using the New Zealand Human Rights Commission. There are two main New Zealand laws that specifically promote and protect human rights. One is the *Human Rights Act* 1993, and the other is the *Bill of Rights Act* 1990. Under the *Human Rights Act* of 1993 the Commission has the power to resolve disputes relating to unlawful discrimination. Regardless of their citizenship or immigration status, anyone residing in New Zealand who has been unlawfully discriminated against can make a complaint to the Human Rights Commission. However, complaints will only be considered if the *Human Rights Act* of 1993 prohibits that type of discrimination. Unfortunately it does not prohibit discrimination against the type of work a person does. This means that currently sex workers cannot rely on the Commission for protection when evicted or refused rental services because of the work they do, and this needs to change. This would also prevent the unjust application of non-criminal laws and regulations against sex workers, such as the no-work policies employed by motel and building corporations.

Changes to the *Prostitution Reform Act* (Department of Justice, 2003) can also improve the work conditions experienced within the managed sector. As argued in Chapter Four, unfair managerial practices still persist. I suggest two ways that this can be improved at the policy level. First, the *Prostitution Reform Act* (Department of Justice, 2003) obliges all managers to obtain an operations certification in order to run a commercial sex establishment. However, the licensing process is more about fitness of character test than it is about training. The certification system should also include some formal training on how to manage in accordance to the 2003 occupational and health requirements. I believe that such training could prevent managers from

relying on unfair tactics against ‘problematic’ workers by giving them additional tools and awareness needed to create a positive and meaningful workplace.

Secondly, as mentioned in Chapter Four, even though managers are not allowed to compel or induce a person to engage in sex work, some of their managerial tactics suggest otherwise. In particular, some rely on fining or the withholding of earnings as a way to ensure reliability among their sex workers and the number of sex workers on premises. This tactic is unfair, it contravenes the *Prostitution Reform Act* (Department of Justice, 2003), and it needs to stop. An easy way to prevent this is by diminishing managers’ control over sex workers’ earnings. I suggest that New Zealand follow their neighbors: Victoria, Australia, where the law forbids managers from accepting payment from the client on behalf of the worker.

Although my findings were limited to non-Asian sex workers, some of my participants expressed concerns over the occupational well-being of Asian workers and worried that some new immigrants were being coerced to work in the sex industry. It may be that these fears are unfounded. Despite multiple media reports describing the New Zealand sex industry as luring Asian women, of the 124 migrant workers in Rogusti’s (2013) study, with the majority of participants coming from Asia (90 percent), no one reported having been or seen someone trafficked for that purpose. Nonetheless, if trafficking were to occur, lack of legal provision would prevent them from seeking support from police or immigration officials if faced with unfair conditions. The fear of deportation, if found engaging in sex work, would be a strong deterrent against reporting. Compared to non-migrant sex workers, migrant sex workers are afforded a second-class status, which heightens their vulnerability to exploitation.

Despite the reported gains from the legal change in 2003, the same protections have not been awarded to migrant workers. This is partly due to the socio-legal context, where migrating

for the purpose of sex work remains outlawed. Based on an unfounded fear that New Zealand was to become a “new sex-trafficking hub” once decriminalised, Section 19 of the *Prostitution Reform Act* (Department of Justice, 2003) does not allow non-permanent residents to work in the sex industry, either as a sex worker or manager, thus excluding migrant sex workers and managers from legal protection (Roguski, 2013). Following Rogusti (2013), I argue that it is the inequitable provision of law that makes migrant workers vulnerable to harsher work conditions and exploitation compared to other non-migrant workers, and this needs to change.

It should be noted that all changes advocated must be done in consultation with sex workers, and be based solely on empirical evidence rather than on morality or ideology (Lewis et al., 2013). One way to avoid this is by inviting and integrating sex workers at policy tables, decision-making at all governmental levels, and within local police forces and council meetings. At the end of the day, the people most affected by policy changes are sex workers, which makes their input imperative to safeguard their rights as workers, and as human beings.

### ***Workplace***

In addition to needed changes to the *Prostitution Reform Act* (Department of Justice, 2003) and other policies, changes are needed from within the sex industry. One method that can easily be applied by operators in the managed sector is in regards to consent at work. Based on my findings, it seems that some managers assume that sex workers will always say yes. This assumption is problematic and creates a climate wherein sex workers’ right to say no is questioned. Managers unintentionally may force sex workers to undergo an experience that is demeaning, uncomfortable, and harmful. By changing how we view consent in sex work, we can prevent transactions between client and worker that are violating and non-consensual. Recognition that sex workers, like all others who partake in sexual activities, have the right to

say no (and yes) is vital when wanting to create an industry free of assault. Rather than assume sex workers always say yes, managers must consult with sex workers prior to accepting a booking on their behalf. This would help to minimise the power differential between managers and sex workers, and be more in line with the *Prostitution Reform Act* (Department of Justice, 2003).

A second change that I would suggest within the managed sector is additional support for sex workers to conduct the work using safer-sex equipment such as condoms. Even though the legal change made it an obligation for managers to encourage and promote a safer-sex industry, the sex workers I interviewed felt that this support was more prominent in some brothels than others. The lack of support was described as creating a context in which sex workers are left to their own devices when wanting to protect themselves from clients requesting condom-less services. This encourages a climate in which clients feel permitted to place pressure on sex workers to consider conducting the work unsafely, heightening workers' risk of contracting sexually transmitted diseases or unwanted pregnancy. As it stands, some managers are not upholding their responsibilities as stipulated in the *Prostitution Reform Act* (Department of Justice, 2003), creating a work environment that threatens worker well-being.

Despite support from the sex workers I interviewed for unions, most seemed unsure whether it was for them. There were two common answers. First, some questioned the need for one, stating that they were unsure whether they would use it. When I asked Violet, a sex worker, her thoughts on the role of unions in the sex industry, she replied the following:

I don't know whether unions would actually have enough support, or if there is enough need for it now, with people being able to do it themselves. Back in the day it would have been fucking fantastic, you know what I mean? To have somebody – a backup – it would have been fantastic.

Secondly, if unionised, sex workers I interviewed feared that a loss of anonymity and self-determination would follow. When I asked Romana, a sex worker turned manager, what changes she would like to see she said the following:

It's highly unregulated right now and I think it should stay that way (...) I don't think it should be more regulated, because that is one of the beautiful things of being a sex worker, you can come and you can go, and remain anonymous. It remains your choice, and once you put all these rules and regulations in place, someone else gets control of what you're doing, and that's – that's kind of the opposite of what being a sex worker is meant to be about.

Others echoed similar thoughts. Wanting to preserve their anonymity, many felt reluctant to advocate for unionisation. When I asked a sex worker her thoughts about unions, Amber replied:

I'm sure there are women that think unions are a good idea, but I think that there would be conflicts around privacy. Because sex work is still socially marginalised, it compels women to prefer to be private, and distance themselves from a collective identity with one another (...) Perhaps we could have an association which was a non-association, like new opportunities for anonymous discussion. Some sort of forum that was only accessible by sex workers, where they could share information, but without compromising privacy but that still allowed for a sense of a shared experience.

Based on the above examples, it is clear that there is disagreement among sex workers about the advantages and disadvantages of unionising. However, for the time being, and due to the recent legal advancements and the persisting whore stigma, the sex workers I interviewed placed greater importance on preserving their anonymity and work autonomy than on calling for unionisation.

Considering that there is an increase in sex workers opting to work privately, without support from a third party (Abel et al., 2009; Bernstein, 2007a), the formation of worker-run cooperatives should be encouraged and supported. When we consider the added work-related responsibilities and the high overhead costs associated with running your own sex business, a cooperative work model could alleviate some of these stressors, making for a more pleasant

work experience. Furthermore, the benefits from working in a more egalitarian, and democratic workplace go beyond the economic sphere (Rothschild, 2009). Part and parcel of “industrial citizenship”, Peetz (2005) argues that worker cooperatives teach members their right to participate in collective activity such as bargaining, while simultaneously teaching how to behave responsibly towards fellow members, as a community. Rothschild adds that, “denial of voice in one realm leads to its denial in the other. The inverse is also true. The opportunity for voice in either realm can whet the appetite for participation and develop in individuals an increased capacity for dialogue and democratic decision making” (2009, p. 1023). Supporting this argument, and as demonstrated through empirical observation, Borkman (2006) claims that egalitarian and collectivist-democratic methods were successfully applied in self-help groups such as in Alcoholic Anonymous. She further argues that without the sharing of lived experiences and the making of egalitarian consensual choices, personal transformation and commitment to change are thwarted. Therefore, I suggest a liberation of sex workers’ cooperatives in Auckland.

### ***Social Recommendations***

Post-decriminalisation, some sex workers in Auckland still felt that they were unable to rely on occupational health and safety regulations for protection against unfair work conditions. This sentiment was sustained by the tensions identified between managers and sex workers, and residents and the sex industry. Many outsiders denied that ‘sex work is work’. The lack of recognition of ‘sex work as work’ not only encouraged negative societal reactions against sex work, but it also hindered workers’ access to rights when faced with workplace discrimination. This means that overall greater efforts are needed to protect sex workers from the stigma, rather



than from the work itself, thus highlighting the continued need to fight for the social recognition of sex workers as workers and as citizens.

Decriminalisation did ease the legal barriers to practicing sex work. However, the *Prostitution Reform Act* (Department of Justice, 2003) has failed to bridge the tension between sex workers and residents. Based on the preconceived notion that the sex industry is incompatible with residential life, the use of the regulation of brothels and the home-occupation by-laws against small owner-operated brothels is evidence of how the presence of the sex industry in residential areas provokes conflict. Fearful of being evicted and extorted, sex workers in Auckland predominantly worked in secrecy, hiding their involvement from neighbors and landlords. Silence reaffirms the social cleavage between these groups, and operates to prevent the full integration of sex workers within the larger community. The stigma may be alleviated through sex workers' inclusion in residents' associations, and at the tables of business associations.

Even though the *Prostitution Reform Act* (Department of Justice, 2003) shared the responsibility of safer-sex among all parties in the sex industry, it is evident that some managers were more likely than others to encourage a zero tolerance policy. As argued in Chapter Four, condom-less sex is predominantly requested by clients who assume that condoms are pleasure killers. This is not unique to the sex industry but a sentiment found among groups outside the sex work community. By encouraging a shift in societal perceptions regarding the use of condoms in sex, I hope that clients would be less likely to request unprotected sexual services, and that managers would be encouraged to advocate on behalf of sex workers. Such a shift would entail us seeing condoms as a sensual aspect of sex rather than pleasure killers. This change can begin

with how we approach sexual education in schools, and by acknowledging the role sex workers can have in advancing sexual health and sexual communication.

We also learned that the betterment of work conditions is dependent on a collective effort. Management, sex workers, and clients must work together for positive and sustainable work spaces for sex workers. As we discussed above, without the support of others, sex workers cannot create or sustain good work environments. However, we must also note that a ‘good’ work environment is subjective, making it difficult to draw a single blueprint of what constitutes a good work environment for all sex workers. Nonetheless, in addition to the removal of legal sanctions, the betterment of work conditions for sex workers is dependent on the removal of social sanctions against sex work, and on a shift towards the discourse of ‘sex work as work’ and away from the discourse of victimhood or disposability. Perhaps, a shift in discourse can be aided with state grants that assist sex workers in creating art such as music, documentary films, poetry, etc. that would unsettle the discourse of victimhood or disposability. In all, we need to recognize sex workers as full citizens with access to the full protection of the law, and to the full protection against stigma.

## **Relevance to the Canadian Context**

In the last few years Canada has witnessed massive changes to the regulation of sex work (Canadian HIV/AIDS Legal Network, 2013; Lowman, 2013; McCarthy et al., 2014; Ouspenski, 2014). Prior to December 20<sup>th</sup>, 2013 sex work was legal but none of the activities surrounding it

were legal, such as soliciting, living off of the avails, and operating a brothel. These restrictive laws made it difficult for sex workers to operate without breaking the law. This in turn placed the industry in the shadows, and made it difficult for sex workers to implement safety measures (Benoit & Millar, 2001; Handlovsky et al., 2012; McCarthy et al., 2014; Ouspenski, 2014).<sup>5</sup> Noting how this legal framework endangered sex workers, and prevented them from creating a safer sex industry, on December 20<sup>th</sup>, 2013 nine Supreme Court Judges of Canada voted unanimously to strike down the laws. Concluding that these laws were unconstitutional, contradictory, and placed sex workers at great risk of violence and exploitation, Chief Justice Beverley McLachlin gave the federal government one year to consider new laws that complied with the *Canadian Charter of Rights and Freedoms* (Lowman, 2013; Ouspenski, 2014).<sup>6</sup>

Following the Supreme Court Challenge decision, in 2013, that the criminal codes relating to sex work were unconstitutional, a national debate ensued. The debate largely centered on whether Canada should decriminalise sex work or adopt a legal framework influenced by the Nordic Model (Canadian HIV/AIDS Legal Network, 2013; Ouspenski, 2014).<sup>7</sup> Feminists, activists, sex workers, academics, and others began to debate the merits of each model. However, Prime Minister Stephen Harper, the leader of the Conservative Party, chose to ignore one side of the debate, and aligned his party with the radical feminists and the Christian Right. Thus, with

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<sup>5</sup> For a detailed description of the harms against sex workers that come from a criminalisation framework, please see Chapter One. This is the same model that was present in New Zealand pre-decriminalisation.

<sup>6</sup> The *Charter of Rights and Freedoms* is a legal document that summarises the rights and freedoms of people living in Canada (Department of Justice, 1982). For more information see: <http://laws-lois.justice.gc.ca/eng/const/page-15.html>.

<sup>7</sup> For a detailed description of the Nordic Model, please see Chapter One.

the support of the Conservative Party, in June 2014 the Minister of Justice Peter MacKay introduced Bill C-36, *Protection of Communities and Exploited Persons Act* (Department of Justice, 2014).<sup>8</sup> The aim of the Bill is to abolish the sex industry by criminalising the advertisement of sex work and the buying of sex, and anybody else who profited from the selling of sex such as people acting as bodyguards, managers, and receptionists, while decriminalising indoor sex workers.<sup>9</sup> Canadian scholars predict that the current Canadian law will increase the risk of violence to sex workers, place managers and support staff at risk of violating the law, push the industry into the shadows, and recreate the same conditions as pre-2014 (Canadian HIV/AIDS Legal Network, 2013; Krüsi et al., 2014; Lowman, 2013).

To become law, a bill must first be introduced in either the House of Commons or the Senate. A bill then undergoes three readings, where interested groups are invited to provide testimonies. Many sex workers' rights groups accused the government of purposely silencing them, as well as bullying them while providing testimonies, making for a biased reading of the Bill. Even in the face of empirical evidence questioning the ability of the proposed Bill to ensure the safety of sex workers, and numerous groups outlining the harms that would ensue from its adoption, in October 2014 the Bill was passed with all parties except the ruling Conservative

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<sup>8</sup> To view the *Protection of Communities and Exploited Persons Act* see: [http://laws-lois.justice.gc.ca/eng/annualstatutes/2014\\_25/page-1.html](http://laws-lois.justice.gc.ca/eng/annualstatutes/2014_25/page-1.html).

<sup>9</sup> Solicitation for the purpose of sex work in public places remains illegal under the new Act, decriminalising private indoor sex work only.

Party voting against the Bill.<sup>10</sup> This turn of events came as a disappointment to the sex workers' rights movement (and myself), obliging us, once again, to consider future litigation.

This unfortunate change in Canadian law makes my research even more relevant. Even though my findings point to some persisting unfair work conditions faced by Auckland sex workers, I shed light on the urgent need to implement decriminalisation. Considering the vast available evidence on the harms caused by the Nordic Model, and the negative outcomes on the occupational well-being of sex workers from criminalisation,<sup>11</sup> my findings contribute to the ongoing Canadian debate while emphasising the importance of full decriminalisation, rather than other frameworks. As documented in New Zealand, decriminalisation could set the stage for better occupational health and self-determination for sex workers in Canada and elsewhere.

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<sup>10</sup> In October 2014, all Conservative Members of Parliament voted in favor of the law, for a total of 156 yes votes. The remaining political parties; the Green Party, the Liberal Party, the New Democratic Party and the Bloc Québécois, all voted against the Bill, for a total of 124 votes.

<sup>11</sup> Please see Chapter One for a detailed overview of the harms observed in Sweden where asymmetrical decriminalisation has been in effect since 1999.

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## **Appendix A: Interview Guide for Sex Workers**

### **PART 1**

#### **Personal Background:**

1. How old are you?
2. What is your gender?
3. What race(s) and/or ethnicit(ies) do you identify as? (i.e. Pākehā, Maori, European, Canadian, etc.)
4. How old were you the first time you sold sexual services for goods? Shelter? Money?
5. How long have you been working in the sex industry?
6. Do you have any dependent children? Adult?
7. What is your sexual orientation? Private? Work?
8. Are you in a relationship? When you are in a relationship do you practice monogamy?

### **PART 2**

#### **Work Circumstances:**

1. Can you describe to me your current work situation?
  - a. How long have you worked in this setting for?
  - b. How many hours a day/week do you work?
  - c. Do you work alone or with others?
  - d. What type of clientele come visit?
  - e. How does a typical work day look like?
  - f. How much money do you make on average per week? Is this your only source of income? If not, how do you compensate?
  - g. Why do you work as a private worker rather than under management? Or vice versa....
2. If you work with others, how is your relationship with other workers?
  - a. What type of relationship do you have with other sex workers?
  - b. How do you all address the needs of all workers?
  - c. Are costs shared equally? Etc?
  - d. How would you describe the work setting? Is it similar to a cooperative-like setting?
3. What type relationship do you have with managerial staff?
  - i. What type of management practices have been used at your current work situation?
  - ii. Do they seem to take sex workers needs in consideration?
  - iii. Have you ever worked somewhere where it was unionized? Have you ever worked somewhere where the employees were trying to form a union? If so, what happened?
4. If you work alone, do you *choose* to work alone?

- a. What are the advantages of working alone?
  - b. What are the disadvantages of working alone?
- 5. How much control do you have over your working conditions?
  - a. Do you need to consult anyone when deciding your work schedule?
  - b. Do you share your earnings with anybody?
  - c. Who decides what type of sex work you do?
  - d. Who decides which clients you service?
  - e. Have you ever gotten in trouble by refusing to service a client or by refusing to do a sexual act?
  - f. Do you prefer to work alone or with others?
  - g. Overall, can you tell me what you like and dislike from your current work situation?
  - h. If you could change anything from your current work situation, what would it be and why?
- 6. Have you ever worked in a different work setting than this one?
  - a. How different/similar is the current work setting to some of your previous work settings?
  - b. If other than the current work situation, can you describe to me your *best* work setting?
  - c. If other than the current work situation, can you describe to me your *worst* work setting?
- 7. Up to now, what would you say your overall experience has been working in the sex industry?
  - a. Do you consider sex work a risky job? Why or why not?
  - b. Do you consider sex work a satisfying job? Why or why not?
- 8. What would your preferred work situation look like?
  - a. How different or similar is your ideal situation in comparison to your current work situation?
  - b. Are there any policies/by-laws that influence how you organize your work can be organized? If so, which ones?
  - c. Are there any external factors that influence how you organize your work such as stigma, neighbours, etc.?
- 9. How do race/ethnicity, age, physical appearance, sexuality, and gender impact how you practice sex work?

- a. Have you ever been discriminated against or treated differently by a client, manager or co-worker based on your race/ethnicity, age, physical appearance, sexuality, and gender?
10. Which place would you recommend to someone who has had little to no work experience in the sex industry? Why?
  11. If you could say anything to managers/clients to improve the working conditions for people working in the sex industry, what would you say and why?
  12. What do you think of the way sex work is organized now in New Zealand, compared to before it was decriminalised? Is it better or worse?
  13. Do you have any additional comments or ideas that you would like to share with me?

## **Appendix B: Interview Guide for Managers**

### **PART 1**

#### **Personal Background:**

1. How old are you?
2. What is your gender?
3. What race(s) and/or ethnicit(ies) do you identify as? (i.e. Pākehā, Maori, European, Canadian, etc.)
4. Do you have any dependent children? Adults?
5. Are you in a relationship? Heterosexual? Monogamous?

### **PART 2**

#### **Work Circumstances:**

1. How did you get into this line of work?
  - a. How long have you been working as an operator?
  - b. How long have you been working in the sex industry?
2. Can you describe to me your current work situation?
  - a. How long have you been working in the current establishment?
  - b. Are you the only manager?
  - c. Do you also own the establishment?
  - d. How many employees are you responsible for?
    - i. What is the demographic of the workers? Female? Men? Trans\*?
    - ii. Age bracket?
    - iii. Nationalities?
    - iv. Hetero/bi/straight?
  - e. What precautions do you adopt to make sure that the worker is of age and has proper documentation to work in the industry (residency or citizenship)?
  - f. What type of clientele do you service?
    - i. What type of services does the establishment offer? Threesomes?
    - ii. Incall? Outcall?
  - g. Do you currently have an operator's license?
  - h. On average, how much money do you earn per week?
    - i. Do your earnings depend on sells?
    - ii. Do you share your earnings with anybody else?
3. Can you describe to me a typical day at work?
  - a. What duties are you responsible for?
    - i. Are you responsible for hiring staff? If so, what do you look for when hiring sex workers?
    - ii. Have you ever hired or considered hiring a transsexual worker?
    - iii. Have you ever not hired a sex worker based on their race/ethnicity, age, physical appearance, sexuality, and/or gender?

- b. What duties are you not responsible for?
- 4. How would you describe your overall relationship with the workers?
  - a. Do you get along well?
  - b. Are some harder to deal with than others?
- 5. What types of strategies do you use to manage the staff?
  - a. What are the most common problems you have to manage?
  - b. How do you handle these situations?
    - i. Which strategies are the most effective?
    - ii. Which strategies are the least effective?
  - c. What strategies do you use to keep staff motivated?
  - d. Have you ever had to fire a sex worker? If so, what were the reasons?
- 6. Have you ever worked in a place where there was a union or where staff tried to unionize?
  - a. How would you handle staff trying to unionize?
- 7. Have you worked in other places besides the current one? If so,
  - a. How does the current work situation compare to previous ones?
  - b. Which place did you prefer? Why?
  - c. Which place did you dislike the most? Why?
- 8. Overall, what do you think of the way sex work is organized now in New Zealand?
  - a. Would you change anything?
- 9. What do you think of the way sex work is organized now in New Zealand, compared to before it was decriminalised? Is it better or worse?
- 10. Do you have any additional comments or ideas that you would like to share with me?