



Athabasca  
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Master of Arts – Interdisciplinary Studies

BARRIERS TO PROPHYLAXIS:  
HOW SEX WORKERS SELF-ADVOCATE FOR OCCUPATIONAL SAFETY

By

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Interdisciplinary Studies Final Project (MAIS 701)

submitted to Dr. Tobias Wiggins

in partial fulfillment of the requirements for the degree of

Master of Arts – Interdisciplinary Studies

Athabasca, Alberta

October, 2020

## ABSTRACT

Legislation such as Bill C-36 and Stop Enabling Sex Traffickers Act (SESTA) and Fight Online Sex Trafficking Act (FOSTA) rely on victim-based narratives that increase occupational health and safety risks for sex workers through restrictions on advertising and related communications that facilitate transparency and consent. Research into the impacts of this legislation on the occupational health and safety of sex workers is essential to inform both workers, and their advocates, on new challenges and adaptive strategies. Using qualitative grounded theory methods, 24 semi-structured interviews of Canadian female sex workers were undertaken to examine the efficacy and adaptation of occupational health and safety practices in the post SESTA-FOSTA era. Intersectional feminist theory was used to challenge the ideology of sex worker as victim and instead introduce them as vocational experts in their field. Workers were interviewed on the frequency of barrier free service requests and their subsequent safety strategies. Sex worker-sanctioned occupational health and safety protocols call for increased advertising transparency, the ability to organize collectively, and for increased access to self-directed or non-judgemental sexual health services.

Keywords: sex work, SESTA-FOSTA, occupational health and safety, reproductive labour

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## Introduction

In Canada, sex work is considered a social and legal problem rather than a legitimate occupation. While not explicitly illegal, the act of selling sex remains criminalized by the persecution of the ancillary activities necessary to practice as a sex worker (Government of Canada, 2016). While purportedly legal, the infrastructures of labour protection are notably absent. Advice surrounding occupational health and safety, taxation, insurance and licensure for sex workers is demonstrably sparse, usually limited to proprietary publications and outreach endeavours of sex work organizations (Mac & Smith, 2018).

Large scale meta-analyses of Canadian academic and public health research advocates for complete legalization of consensual adult sex work (CHPA-ACSP, 2014). Despite these findings, sex work remains shrouded in criminality. Despite the work towards decriminalization undertaken by the World Health Organization (WHO), UNAIDS, Amnesty International and sex work communities (Murphy, 2015) the legal framework in Canada still criminalizes many activities sex workers undertake. This includes activities that ensure their personal safety such as operating collective in-call locations and soliciting methods that provide client pre-screening opportunities.

Through these adversities, sex workers continuously adapt to legal and regulatory frameworks by improvising ways to survive and thrive at the margins (PACE Society, 2017). This research acknowledges sex workers as the creators of unique knowledges and processes that exist and succeed without consultation from academia, labour regulatory bodies, or legislation (Stern, 2019). Grounded theory and intersectional feminist methodologies are used in this study to bring identities, differences and power dynamics forward for comparison and analysis (Gerassi, 2020). Listening to the experience of adult Canadian female sex workers with diverse identities in relation to prophylaxis provides learning opportunities for advocates. This research discusses areas of occupational health and safety concerns as identified by sex workers.

Intersectional feminist methodologies understand that experiences of sex work are shaped by womens' identities and location within class, race, sexual orientation, ability and gender (Jones, 2015). Transgender sex worker Mia Valentina writes: "In response to the material conditions to which I am subject by virtue of my assemblage of identities as a transgender woman of color, I advocate for the full decriminalization of sex work" (Valentina, 2020, p. 237). Sex worker wisdom has long acknowledged the implicit danger in multiple intersections of difference and the increased criminalization of racial bodies (Mac & Smith, 2018). The following research therefore includes interviews from both transgender and cisgender women of Caucasian, Black, First Nations, Latina and Asian identities.

This research addresses the pressing question of the impact of Stop Enabling Sex Traffickers Act (SESTA) and Fight Online Sex Trafficking Act (FOSTA) on sex workers occupational health and safety (OHS) practices. This work further queries the adaptive self-advocacy strategies currently employed by Canadian sex workers in the post-SESTA-FOSTA environment. The lens of intersectionality is used to question if the impacts of SESTA-FOSTA are uniform to all sex workers or amplified at specific identities. This research reviews the phenomenon of Bare Back Blow Jobs (BBBJ) becoming the new standard of service delivery. The workers interviewed stated that prior to SESTA-FOSTA, BBBJ was generally only supplied for an additional fee. Moreover, the interview data suggests that historically, less providers were willing to give BBBJ to clients at all. This work will examine how changing power dynamics between provider and client can influence occupational safety. Furthermore, an intersectional analysis will probe how marginalized identities are specifically influenced by emerging occupational pressures.

### Theoretical Foundations

This research uses intersectional feminist theory to evaluate the impact of SESTA-FOSTA on sex workers OHS challenges and adaptive strategies. Intersectional feminist theory examines how identities and lived experiences are influenced by race, class, sexual orientation, gender and ability (Crenshaw, 1994). This methodology suggests that "researchers must approach identity categories carefully and

critically, they must also interrogate the naturalization and hierarchical structure of identities” (Hillsburg, 2013, p. 4). Female participants were selected due to the gendered nature of safety repertoires and the disproportionate rates of violence for female workers (Campbell, et. al, 2019). Sex workers face a disproportionate amount of social stigma compared to others of similar intersectional loci (CHPA-ACSP, 2014). Sex worker activists such as Laura LeMoon and Valentina Mia have spoken about the “systemic interlocking inequalities” (Stern, 2019, p.44) that attempt to dehumanize workers at the margins. Therefore, the application of intersectional feminist theory is useful to examine the moral panic towards sex work as a response to dominant group objections to remuneration of reproductive labor. Intersectional feminist theory allows us to examine how identities of class and gender interact to determine what practices can be considered legitimate paid work and unpaid emotional labors.

Intersectional feminist theory has historically challenged hegemonic academic narratives (Fraser & MacDougall, 2017). Paternalistic academic narratives follow a pattern of androcentrism whereby less powerful voices are spoken over by dominant groups. Academic literature on sex workers is often subject to rescue narratives which is reflective of researcher’s privileged positionality (Mahrouse, 2017). Rescue narratives are tied to the language of trafficking, and “put forth a carceral agenda which situates sex workers as victims of an inherently exploitative and coercive sex trade” (Sibey, 2020, p.699). As a former sex worker in academia, I am acutely aware of the responsibility in co-construction of data with the research participants. Leveraging sex worker voices to the position of field experts in their occupational safety challenges the relations of power which wish to assign them the role of passive participants waiting for help. Research practices informed by intersectional feminist methodologies “make it imperative to address power relationships and control issues in the research process” (Bell, 2013, p. 525). Society refusing to listen to the voices of sex workers without the leverage of academia demonstrates how knowledge becomes curated and legitimated via institutions of power.

The phraseology employed in the discourse of sex work is loaded with political meaning. For example, prostitution and sex work are meant to be synonyms for the act of selling sex, but the difference between the two is not benign. Sex work is often understood to be an empowered, intentional and emancipated vocational choice (Mac & Smith, 2018). Prostitution is associated with a narrative of trafficking, victimization and lack of control (Sibey, 2020). Sex trade workers are then understood as persons who willfully undertake the vocation of selling sex or sexuality professionally (Davis, 2015). Sex work is often discounted as not being work at all, and “exceptionalize[d] [as a] form of labor, arguing that because it is sexual it should be exempt from state scrutiny and interference” (Davis, 2015, p. 1201). Divesting sex work from its labor properties attempt to annex sex workers away from the potential rights and privileges of non-erotic work. The emphasis that sex work is *real* work simply attempts to align erotic labor and sex workers with mainstream labor markets and protections therearound. From an OHS perspective, there can be no exceptionalism or ‘grey area’ around sex work as labor in order for workers to receive the mandatory protections enjoyed by other industries.

### Literature Review

The intention of this research is to examine the self-advocacy strategies that sex workers use to implement grassroots occupational prophylactic health and safety strategies. This work understands sex workers as resourceful, enterprising and intelligent laborers. Sex workers are wholly capable of designing and implementing OHS mandates that fit their own proprietary requirements. Understanding sex work as labor instead of exploitative continues to be a point of academic contention between radical and postmodern feminist researchers (Hiatt, 2016). Increasingly, the language within Canadian academia is transitioning away from discussions of prostitution into a discourse on sex work as labour (Law & Raguparan, 2020; Lyons et. al., 2017; McBride et. al., 2019). The momentum towards understanding sex work as labour has prompted “recognition of sex workers’

entrepreneurial and security strategies as creative problem solving and in turn cognitive skill” (Law & Raguparan, 2020).

This work builds on the discussion of blended safety repertoires as defined by Campbell et. al. (2019). Blended safety repertoires refer to the synthesis of digital client screening strategies as well as more established in-person strategies. Online screening strategies include bad date lists, reverse phone number searches and utilization of sex worker review forums. More traditional strategies include checking client intoxication, reading of body language, screening for weapons, and planning escape routes (Campbell et. al, 2019). This research underscores sex worker’s proven resilience and adaptability to regulatory changes, while advocating for the necessity of consultation with front line sex workers in any future OHS standard developments. This work optimistically projects a political and social future that will favor complete decriminalization of sex work in Canada.

Sex workers and their allies are acutely aware of the impacts of SESTA and FOSTA, both assented into United States law in early 2018. These bills were originally intended to close the loophole in Section 230 of the United States Communications Decency Act that made third-party website hosts not responsible for user content (Romano, 2018). This paternalistic sex panic of the right-leaning Trump administration defended a position that all sex work was inherently exploitative and should be stopped (Romano, 2018). Valentina (2020), Campbell et. al. (2019), Argento (2019) and Stern (2019) all point to the far-reaching impacts of the US-based Backpage and Craigslist shutdowns which were direct consequences of these legislative changes. Research suggests that these online platforms provided significant client pre-screening opportunities for sex workers that were integral to successful long-standing blended safety repertoires (Stern, 2019; Campbell, et. al., 2019).

Earlier research into the OHS practices of sex workers with prophylaxis found that sex workers employed successful strategies in ensuring barrier use without mediation of internet pre-screening (Jackson, et. al., 2005; Albert, et. al., 1998). This measure of success was evaluated by comparing the



rate of which clients asked for barrier free services versus the receipt of these services. Client resistance to utilizing barrier methods is not a new phenomenon, with historical approximations of up to 65% objection rates in penetrative vaginal intercourse in brothel settings (Albert, et. al., 1998). Recent scholarly work has suggested that clients compliance to barriers is informed by “power differentials in the sex work transaction” (Vaughn, 2019, p. 827). Data from the interviews suggested that many sex work settings, the worker does not have the opportunity for pre-screening the client before the transaction is negotiated.

Meta-analysis undertaken by The Canadian Public Health Association (2014) found that 81% of sex workers agreed or strongly agreed that they felt empowered in their client interactions to set the terms and conditions of service, including prophylactic boundaries. Many sex workers and their advocates have correlated this self-efficacy to the transparency and mediation of internet sex trade advertising platforms (Valentina, 2020). Internet mediums provide all women, but especially transgender women, a safe interface to discuss genitalia, barrier expectations and boundaries which mediate risks of worker injury (Lyons et. al., 2017). From a perspective of intersectional feminist knowledge it is important to acknowledge that the further a sex worker’s identity moves away from a position of cisgendered ablebodied whiteness, the more dangerous her working conditions become (Hiatt, 2016). For this reason, the narratives of BIPOC/LGBTQ women are essential to understand blended safety repertoires through various intersections of identity (Campbell et. al., 2019).

Two years post SESTA-FOSTA, there is a limited amount of real-time Canadian data surrounding the new normal of OHS blended safety strategies of sex workers (Law & Raguparan, 2020). This research intends to provide insight into the current struggles and successes of sex workers surrounding prophylactic OHS standards. Moreover, previous academic research has insufficiently addressed the usage of barrier methods in the provision of oral sexual services. This work will discuss the transition to barrier free oral sex as the new standard of post SESTA-FOSTA service delivery in Canada.

### Research Methodology

This qualitative study utilizes the principles of Grounded Theory and Intersectional Feminist Theory to study the occupational health and safety strategies utilized by sex workers in western Canada. Following the principals of Glaser and Strauss (1967), a diverse cross section of identities was examined, including but not limited to BIPOC (Black, Indigenous and People of Color) and transgender voices. Intersectional feminist methodologies understand that lived experience is shaped by multiple diverse components of identity (Crenshaw, 1994). As a white, able bodied, cis-female, middle class sex worker my lived experience of the sex trade has been sheltered by multiple intersections of privilege. Moreover, my experience and privilege has shaped my perception of what is safe (Varghese, 2019). Grounded Theory methodologies understand that researchers carry their own unique biases based on positionality (Glaser & Strauss, 1967).

Choosing Grounded Theory methodologies precluded me from starting the research process with a hypothesis influenced by my own lived experience (Glaser & Strauss, 1967). Grounded theory promotes a process where the narrative data is constantly compared, coded and analyzed for emerging themes. Themes are then analyzed for an emerging theory borne from data. The process of Grounded Theory is recommended for situations where there are novel research questions that have limited historical research, such as the newfound emergence of BBBJ in the post-SESTA-FOSTA era.

### Sample and Data Collection Methods

Participants' involvement and history in the sex trade varied dramatically in scope and professional identification. Several participants (n=3) were considered new sex workers (+/- 1 year in the trade) while others had over 20 years experience. Some workers sold sex less frequently than other sex work activities, such as exotic dancing (n=1), web-cam work (n=3) and body rub (n=1), preferred to align with the professional title associated with their predominant service delivery. This research understands

sex work as an umbrella term than encompasses a wide spectrum of emotional and reproductive labours.

A semi-structured interview script was drafted based on an initial literature review and self-reflection on the researcher's insider knowledge from historical involvement in sex work. Intersectional feminist methodologies acknowledge that all knowledge is situated, produced and connected to the researchers identity (Misgav, 2016). Questions of identity were asked to determine the positionality of the participant, followed by a discussion of the respondent's relationship to prophylactic barrier methods in their work. Once the worker's relationship to barriers was established, follow up questions surrounding work environment and occupational health and safety practices were posed. Participants were then asked to reflect on their identities and intersections of age, race, gender, class, ability and sexual orientation. The structure of the questions was informed by discussion of safety being a non-analogous metric highly dependant on positionality and relative power (Varghese, 2019).

Data was collected for analysis via semi-structured interviews (n=24) over the phone and in person. As research was conducted during the COVID-19 pandemic, a greater portion of interviews were conducted over the phone (n=19) than in person (n=5). Many participants faced barriers with access to printing and scanning technology and therefore informed consent was obtained verbally or via email. Participants were recruited via standard and virtual snowball sampling techniques from an initial group of respondents known to the researcher. The benefit of snowball sampling is that it is able to reach hard to identify persons. Some limitations are that it can increase sampling bias so that results are not generalizable. Interviews ranged from 25 to 80 minutes in duration with an average time of 45 minutes. All participants were able to finish the interviews they started and none of the semi-structured questions were declined. Interview participants were limited to both cis and trans identified women over the age of 18 and who currently or recently worked in the consensual sex trade in western Canada. Data was collected from February to July of 2020.

All interviews were recorded electronically and transcribed with appropriate redactions by the researcher. Following the principals of Grounded Theory, continual re-examination of the data started in the transcription stage (Glaser & Strauss, 1967). Only one audio interview from the sample contained technical errors that forced truncation of the transcription and loss of data. None of the data retained from the interviews contained personally identifiable information, as the sex workers interviewed utilized their working name aliases throughout.

Transcriptions of the interviews were uploaded in Word format to NVivo 12 software to organize incidents in data. Incidents in data were analyzed for underlying thematic categories. Word frequency analysis was used within the software to isolate potential repetitive themes. The process of integrating categories and their properties was repeated until theoretical saturation was reached. Open, axial and selective coding processes (Glaser & Strauss, 1967) were undertaken to arrive at four central codes and fourteen subsidiary codes. Constantly comparing the narrative interviews of sex workers of diverse intersecting identities allowed the researcher to determine which themes existed across all interviews and what themes were tied to a specific lived experience.

In addition to interview data, a digital analysis was performed of Leoslist.cc escort ads in the geographical areas of Vancouver, Kelowna, Edmonton, Calgary and Regina. Fifty ads were scanned for reference to service descriptors such as BBBJ and BBFS. In addition, all of the interview participants social media accounts were followed for a duration of up to 6 months to track patterns of muting and platform bans as well as to monitor the nature of phraseology and language employed.

### Findings

Through the process of coding and constant comparison, attention was paid to how the sex workers' race, gender, age and ability impacted their work experience post-SESTA-FOSTA. The individuals who were interviewed who had the most marginalized identities such as trans women and

black women all were members of a grassroots feminist sex work collective in Vancouver, BC. Contrary to research findings in Vancouver by Lyons et. al. (2017) none of these women experienced increased violence in their work. This may be due to limited sample size (n=3), or the protective factor of training and working with other sex workers. From the interviews completed the most influential intersection was age. Moreover, the problems associated with agency were also influenced by gender, with male agency owners at the foreground of most negative narratives. These themes were identified from a process of constant comparison and coding and emerged iteratively from interview data (Glaser & Strauss, 1967).

### *Age and Agency Matters*

Sex work in Canada functions under two predominant service delivery models, agency and independent work (Anderson et. al, 2016). In an agency setting, the sex worker will operate as an independent contractor under a massage parlor licence, a licenced brothel, or another informal arrangement (Mac & Smith, 2018). In this arrangement, the worker will have less control over their advertising, rates, and schedule. The worker will generally remit a set rate percentage of their hourly rate as an agency commission in exchange for security, transportation, and promotion, although findings from the interviews suggest the specific arrangements may vary considerably from agency to agency.

The independent escorts interviewed report working either alone or in a collective of other independent escorts. These workers self-manage all of their own advertising, security, transportation and client screening. Workers operate in a number of settings which range from personal residences, hotels, Air B&B's and residential rentals covertly operated exclusively as an in-call location (Mac & Smith, 2018; Anderson et. al., 2016).

Nine of the interview participants worked in agency service delivery models. For eight of these workers, the agency environment was their first involvement in sex work. In all of the interviews where

there was agency affiliation, the sex workers identified that there was a training program in place for new entrants into the industry. The sex workers interviewed suggested agencies, when properly managed, provided a protective factor against exploitation. Alexis, a 29-year-old sex worker from British Columbia stated that before her orientation with an agency, "I really didn't know what I was doing, so yeah, [sex] was totally unprotected and for a very, very low price." Sabrina, a 26-year-old sex worker from Vancouver, found that the structured business format of an agency storefront with training provided enormous protection from exploitative clients:

I've been working in studios for probably a year and a half and I was really, really happy to stumble upon that because I was doing hotels here and there and I always had like sugar daddies and stuff like that. That's not always the safest way to go about it.

Ongoing interview narratives suggest involvement in the agency structure, particularly if female managed, seems to be a factor in developing boundary setting skills in young sex workers. Charlotte, a 42-year-old sex worker, recollected that the first agencies she was with in Kelowna assisted with "indoctrinating" her about condom use and made the following comments about young unrepresented workers:

I think you know, you're young, you're naive, you don't really know, like nobody really talks to you about what you should or shouldn't be doing. You're kind of just like kind of left on your own to figure it out and you know, then you get clients being like, 'Oh well, you know, the other girl does the this.' And then you're thinking, 'Well I guess I must have to do that too.'

Agency work was not without its occupational safety risks. Of the interviewed workers, five reported adverse experiences working in a licenced in-call setting. Elsie, a sex worker who has worked in Vancouver for five years shared her experience with a predatory male owner:

He's a guy that runs an agency and is definitely known to invite the new ones home with him to come suck his dick... Yeah, in terms of coercion, yeah, there's definitely weird stuff that happens.

Another issue that some workers experience is that agency owners attempt to force or pressure the

worker to provide services that they are not comfortable performing. A common narrative that appears in the interviews is the threat of competition from other workers and the inability to make money unless they provide comparable services. The message from the women interviewed is this threat was not factually grounded; it was simply used as intimidation to ply younger or more inexperienced workers into a wider 'menu'. Esther, a sex worker with three years experience, recounts her experience at an agency:

There was a lot of pressure to do that...blow jobs for free and I definitely did on a couple occasions. Mm. Um, or also a lot of clients who tried to ask for like no barrier vaginal, which was, um, hard to say no to, but I tried my best.

Many of the women interviewed in Kelowna reported problematic agency behaviors. Kelowna agencies use an insensitive system of 'lineup' service provision where the client walks into the in-call and gets to choose the worker in real time. Lady Starr, a sex worker with decades of nation-wide experience in full-service sex and dominatrix work, highlights her experience in Kelowna:

The agencies here, they've actually mistreated girls, they get them on drugs, have sex with them to see if they're of worth. Just horrific things... there's even been accounts where this last summer, so summer of 2019, the owner had pissed off some people. Middle of the day guy went in with a loaded gun and held it to a girl's head and the owner, and into an agency middle of downtown.

Out of all of the problematic agency narratives, four were male-run agencies and one was a female-run agency. The most problematic issues cited were lack of autonomy, humiliation in line-up-based advertisements, pressure to provide services, and pressure to meet financial quotas.

### *Bare Back Blow Jobs – Emerging Industry Standard*

Of the interview respondents, only four did not provide bareback blow jobs (BBBJ). A bareback blow job is oral sex without a condom on a cisgender male. Narratives from the sex workers interviewed suggest the inclusion of BBBJ as a standard of practice is an emerging phenomenon that is relatively

novel to the indoor sex trade in western Canada. Gabriella, a 46-year-old sex worker who has 30 years experience, describes this change:

Well, my relationship has changed a little bit over time. But I mean, according to what is common now, I would be considered quite conservative. So I would always use barriers for oral sex as well as regular sex, which is not really the standard thing anymore, although it was. Attitudes about condoms have really, really changed a lot during the time that I've been working. Like the pendulum has swung from one extreme to the other.

The narrative surrounding the transition over to BBBJ as 'the new standard' is met with both relief and trepidation among workers. Some welcome it, as they disliked the taste of latex and the decreased quality of service delivery and client satisfaction. Others appear to meet the change with some dissatisfaction, remembering a time where BBBJ would be an additional upcharge 'extra'.

All sex workers interviewed were knowledgeable about the additional risks of BBBJ. Callie, a sex worker with four years experience, explains that sex workers often used the additional fees for BBBJ to offset prophylactic costs and testing expenditures:

It is also good to have those extra charges on things like bareback blowjobs. Because then you can go and get those medications with that extra money.

The four workers interviewed who did not offer BBBJ did not communicate any instances of violence when insisting on barrier methods for oral sex. The women interviewed who did not provide BBBJ resisted because of fear surrounding antibiotic resistant STIs.

#### *Barrier-Free Intercourse: High Demand*

All of the workers interviewed responded that they receive requests for barrier-free services. This is not limited to BBBJ, with all workers being subject to requests for bareback full-service vaginal intercourse (BBFS). Some respondents were not able to respond if the frequency of these requests had increased due to their shorter duration in the industry. All workers except two that had industry



experience since 2018 noted an increase in barrier free service requests. Callie, a sex worker with four years experience, explains her experience with request incidence:

I would say about 90% of the time there's a push for those. And then they try and complain about it throughout the time. But I don't know, I give a one, two, three chance. It's like, 'Okay, I've already told you no. Now you're continuing to ask. I told you no again, and now it's just annoying.' So depending on the situation sometimes I will actually ask them to leave and come back when they can be more polite.

The stated frequency that sex workers received requests for bareback services was inconsistent between the participants. Some workers who operated in downtown Vancouver massage parlors stated their frequency as daily (n=2). Other independent providers reported having weekly or monthly request incidence (n=20). The providers interviewed often cited their medium of service advertising as an influential factor in the nature of the requests they receive. According to the interviews, making the client work to obtain a contact phone number by requesting preliminary email communication was a protective factor from constant requests for bareback sex.

### *Advertising Matters*

The interview participants used numerous different methods of service advertising. These include Leo's List, Cuddle Up, Seeking Arrangement, Tryst, independently hosted websites, agency websites and social media platforms such as Instagram, Twitter and Facebook. All of the workers who had previously used Craigslist or Backpage missed using those platforms and felt the impact of the post-SESTA-FOSTA transition. Micheala, a sex worker since 2014 states:

Yeah, it's stressful. Stressful now because a lot of my income, like I was doing really well on Backpage. Now, just trying to find where my market's at and I still... I'm coming on two and a half years now and I still haven't really hit my stride because I can't find my people.

When the adult services section of Backpage was shut down by SESTA-FOSTA, there was around a two-month interval before social media and Leo's List, an online marketplace hosted in the European Union, came online as the replacement platforms for sex workers (Romano, 2018; Nelson, 2019). Charlotte Starr describes this two-month period as a time of panic and desperation in the industry:

Well I was like thank God I had regulars that had to me programmed on their phones because that's what paid my bills for that few months till the switchover...what I did is I lowered my rates like drastically really to try to get any... Like I didn't do any like unsafe services, but I definitely lowered my rates to try to drive up some kind of business.

When Leo's List emerged as a replacement platform, it failed to provide the full range of transparency that was offered on the Backpage platforms. Previously, sex workers were able to utilize acronyms to covertly communicate to potential customers what their 'menu' of services allowed (Kane, 2017). This was a very effective way for sex workers to clearly establish and communicate boundaries. The paper trail of emails linked to a response to an ad demonstrated that the client had clearly been informed of service parameters in the event of an assault or dispute. Leo's List failed to allow these acronyms (Leoslist.cc, 2020), resulting in an additional barrier to client pre-screening for the workers.

Frustrated with the limitations of Leo's List, workers became more creative in using non-conventional advertising platforms. SeekingArrangement.com (SA) is a personal-ad oriented adult website where adults consent to various relationships for agreed upon consideration. Commonly referred to as "Sugar Daddy/Baby" relationships, this website was previously oriented to facilitating quasi-monogamous or long-term sexual relationships (Seekingarrangement.ca, 2020; Rakić, 2020). DK, a sex worker from Vancouver, describes her utilization of SA:

SA has provided me with a few really great opportunities and a way for me to sift through potential plentiful clients, customers. That's the only way I really put myself out there.

Another advertising platform is CuddleUp.com, where service providers and clients post and respond to ads looking for a "cuddle-buddy". There are multiple challenges faced by sex workers when

they occupy digital spaces that are not primarily oriented towards full service sex work. The sex workers interviewed describe continually dodging being banned by the platform for violating terms of service. Social Media digital analysis confirmed that sex workers receive at least one platform ban or mute a month. This causes the worker to have to be more covert in email negotiations about remuneration expectations, service menu and barriers service (Stern, 2019; Kane, 2017; Law & Raguparan, 2020). Also, there is a type of faux-intimacy expectation in clients who utilize these platforms (Khaleeli, 2019). Interview data suggests clients often expect the true “girlfriend experience” to be barrier free intercourse. This puts additional pressure upon the sex worker to set boundaries or respond to unexpected objections and misunderstandings in person (Lyons et. al, 2017; Jackson, 2005; Lee, 2019).

Sex workers that use social media platforms such as Facebook, Twitter, or Instagram have to be hyper-vigilant in relation to the nature of their content to avoid bans (Lee, 2019). Even when not posting explicit details about services or remuneration, sex workers are habitually targeted by Facebook bot systems, often receiving multiple consecutive 30 day bans per annum (Nelson, 2019). Frustrated with the constraints placed upon the available advertising platforms, many providers have elected to develop, host, and maintain their own websites where they have full agency on the nature and extent of content. These websites allow providers to utilize the acronyms of service menu, restrictions and remuneration expectations as well as travel schedules and photos. The main barriers to utilizing a private website is cost and the technical aptitude to administer a domain. Sex workers who maintain a private website say it is a protective factor from both clients who waste their time asking questions and never booking and those wanting barrier-free services. Micheala states:

My boundaries are definitely laid out very clearly on my website, and I do coaching too for sex workers and I make sure that if we're going through the website, that they go back through and just very clearly state their boundaries...Like have your prices up and have everything you need to say on your website. Don't worry about hurting feelings. It just needs to be out there.

Like any service-based business, sex workers focus on advertising as an integral part of their business model that greatly impacts the nature of inquiries and quality of clients they receive.

## Discussion

### *Redefining Agency*

Agency, in the context of sex work, can represent both actual and figurative interfaces of power that facilitate sexual service transactions. Licenced massage parlours and escort services are commonly referred to as “agencies” among sex workers in western Canada. The agency generally represents the brick-and-mortar licenced storefronts that are often served up as evidence of the legality and tolerance of sex work in the Canadian take of the Nordic model (McBride et. al., 2019; Severinson, 2008). As evidenced by the sentiments of the workers interviewed in this study, the protective factor of agency is only as good as the intentions of the agent. Argento et. al. (2019) found that sex-worker led programming in working conditions mitigated the acquisition of sexually transmitted blood borne infections (STBBI). Campbell et. al. (2019) notes that the protective factor of regulated indoor service environments is erased if agency owners are predatory or abusive to workers.

The expense of obtaining a legitimate escort agency licence in western Canada makes the prospect inaccessible for many sex workers. For example, in the city of Winnipeg, escort business licence fees are \$4970 per annum (Winnipeg, 2020). This amount does not include the costs of leaseholds, insurance and other overhead in a commercially intentioned space. Moreover, such licensure becomes public record under an individual’s legal name, a fact that can deter women fearing stigma and professional backlash outside the industry (Winnipeg, 2020). The focus on making money surrounding licenced sexual service spaces can undermine the protective factor. Interviews surrounding male-managed workplaces described treatment of women as profit centers with constant pressure on workers to perform services that the clients demanded. All of the workers interviewed with positive experiences with agency were from locations where the managing owner had personal experience in

the sex trade.

Campbell et. al. (2019) concludes that “the legal and policy failure to recognize sex work as a form of employment contributes to the stigmatization of sex work and prevents individuals working together” (p. 1539). One of the most common misconceptions of sex work is that anyone can do it, and it is profession devoid of skill. In fact, sex work requires an incredible repertoire of skills, just like any trade service. In any other trade, such as plumbing, the owning operator of the company must demonstrate sufficient skill and experience before they may supervise others in the same. Sex work, in the context of agency, should not be any different. Granting agency licences to persons without lived sex work experience decreases sex worker safety (McBride, 2019). Municipalities should take steps to reduce arbitrarily high licensure fees to facilitate grassroots, women-led collectives which are proven to promote self-advocacy and mitigate STBBIs (Argento et. al, 2019).

Interview narratives suggest high-traffic residential spaces are often recognized as safer working locations for sex workers. Elsie, a sex worker in Vancouver, explains how she trains other women on how to deal with client altercations in a residential setting:

If they're working out of my place, which is my personal residence, I show them all of the ways to get out of my apartment. I tell them that, 'You take your phone and a blanket, or a tarp, or whatever you need to cover yourself to get out the door. You call the cops and you leave. My valuables can be destroyed. They can be replaced. Your health is the most important.' I also remind them that all of my neighbors are aware that I'm a sex worker and if you start blood curdling screaming people will come investigate because my neighbors are aware of what goes on here and they care about me.

Every day in western Canada, women like Elsie self-advocate for their occupational health and safety by facilitating unlicensed communal in-call spaces. They do so currently under the peril of a prison term of up to ten years under section 286.2 from Bill C-36 of the Canadian Criminal Code. Sex workers have the right to work in the locations safest to them with the people who they trust to make them safe.

*BBBJ and Public Health*

According to the Canadian Public Health position paper on sex workers (2014), sex workers were rated a 4.8 out of 6 on the stigma scale, the highest of any perceived profession. This stigma causes many sex workers to never disclose their status to medical professionals. In the context of front-line service delivery to sex workers, Skakoon-Sparling et. al. (2019) found many medical professionals “were not comfortable discussing numeric information in their work because...they felt people would not understand” (p. 261).

The infinite loop of silence between sex workers and their medical service providers seems to be fed by the stigma of sex workers as uneducated, irresponsible ‘vectors of disease’ who are incapable of intelligent self-advocacy (Argento et. al., 2019). In the wake of SESTA-FOSTA, “police have used possession of condoms as evidence of sex work to justify arrest, which creates a substantial disincentive among sex workers to use protection with clients” (Argento et. al., 2019, p. 9). Similar accounts of managers discouraging sex workers in Vancouver from carrying condoms have also been reported (McBride, 2019).

In spite of the systemic failures of the medical community in purveying relevant information about STBBI’s, sex workers demonstrate exceptional knowledge about risk, prevention and prophylaxis. In the population of sex workers interviewed, all weighed the risks of sexually transmitted infections (STI’s) into their choice to provide BBJ. The most commonly cited risks were those of oral gonorrhea and chlamydia, as these infections can be asymptomatic. These oral infections are generally not included in a primary STI screen by a physician. To obtain these tests, the worker would have to self-identify as a high-risk population or present with symptoms (BCCDC, 2020). Josie, a sex worker who does frequent BBJ, describes her testing protocol:

Oh, I get swabs once a month, so I use GetCheckedOnline, and whenever I get STI tests, I do a urine test for chlamydia and gonorrhea and a throat swab for chlamydia and gonorrhea.

GetCheckedOnline is a service where sex workers can confidentially self-refer to a Life Labs collection point for samples and receive their results online or on the phone without the barrier of physician intervention (BCCDC, 2020). However, this program is specific to British Columbia and only available in major metropolitan jurisdictions, which leaves a large population of sex workers in smaller communities excluded. While other programs exist across Canada that are similar, they are also concentrated in urban centers. In absence of publicly funded testing, sex workers also utilize private paid services for screening. However, with BBBJ services no longer being a fee-premium, the sex workers interviewed often struggle with the extra expenses related to testing and medication of oral infections. Sex workers in western Canada have developed strategies to perform BBBJ services with the least amount of risk and community exposure in the face of stigma and dwindling compensation.

#### *Barrier Free Intercourse: Negotiation Strategies*

In many sex work environments, service providers are asked for bareback full service intercourse (Handlovsky et. al, 2012). In order to avoid potentially dangerous client conflicts, pre-screening and establishing consent and service boundaries becomes increasingly important. Post SESTA-FOSTA, the censorship of online advertising mediums often make preliminary presentation of service boundaries more difficult. Interview data suggests this has required providers to spend additional uncompensated time explaining these restrictions over the phone or via email and text. For many providers, such as those working in agency in-call settings with walk-in availability, client pre-screening is not available (Sibley, 2018). Also, providers are faced with situations where the client may agree to their boundaries in preliminary communications but then change their mind in the call. These situations call upon sex workers to improvise adaptive negotiation strategies into their blended safety repertoires. Albert et. al. (1998) discusses how the intersection of gender shapes relations of power in prophylaxis:

Women have traditionally lacked power over sexual decision making—including whether a condom is used—largely as a result of perceived threats to physical, social, and/or economic survival. Thus, women must be able to rely on their sexual negotiation skills to introduce and sustain condom use with their male partners (p. 643)

The sex workers interviewed presented multiple diverse strategies for prophylaxis that could be thematically classified into two categories: *adaptive strategies* and *resistance strategies*. Adaptive strategies are those which avoid direct interpersonal conflict or objection with the client. Resistance strategies are methods which place the worker in a position of active objection with the client. While the sex workers interviewed used both adaptive and resistance strategies, there was only one reported event of escalated violence. This sentiment in the interviews was supported by the findings of Jackson et. al. (2015). In this study, experienced sex workers reported confidence in their ability to ‘read’ situations and choose the correct strategies specific to the individual client.

A common theme that emerged in adaptive strategies is the sexualization of barriers. In this method, the sex worker will introduce the condom or barrier in a seductive manner, often putting it on with their mouth or vaginal muscles without specific discussion with the client. Some workers would incorporate the condom into an erotic body slide or massage, pre-lubricating the penis so the application of the condom was less obvious (Albert, et. al., 1998). Gabriella recounts her adaptive strategy of covertly using barriers:

I have it opened beforehand tucked under a pillow so that I can just slip it on out, slip it on without having to go through opening the package in front of them. Because usually stopping it in the middle to do that and fiddle with that is when you get the objection. If you can just get it out, slip it on, before they have a chance to say anything, and then start. Then often it's not an issue.

The other main adaptive strategy that sex workers use is the utilization of seductive or intimate discussion to attempt to persuade the client into using the barrier. Some workers, like Micheala, use the



prospect of a future relationship or intimacy to mediate immediate danger: “I make it sound like a future thing like we need to get to know each other first. Then, maybe in the future, we can go there and then the future just never comes.” Other workers have also re-enforced the fact that a barrier method will allow them to last longer and give them more pleasure. All of these practices are performed ‘in character’ of the sweet, seductive, submissive woman and represent a unique proprietary set of non-violence crisis intervention tools developed autonomously by sex workers.

Resistance strategies often require the worker to break character to address the clients request for barrier free services. In the workers interviewed, the most common resistance strategy was client education. In this method, the first time bareback services are suggested, the worker immediately interrupts the session and commences a lecture on sexual health. Charlotte Starr describes her process:

And I'm like, you know, I said, 'If you're seeing girls in the industry and you're willing to do that,' I'm like, 'you need to like value your golden jewels.' And I said, 'And think about me.' I said, 'What if I'm seeing like 10 clients a day, I'm doing all bareback services. Like, do you not think that I would have something?' And then they're, 'Oh, but I don't have anything.' And I'm like, 'Well, neither do I. But that's because I provide safe services. If I didn't provide safe services, then I would probably have something.'

Some sex workers resistance strategies include engagement of law enforcement, threats of blacklisting and immediate termination of services. Workers have noted with framing a brand around being a strong, assertive person complemented resistance strategies. Elsie, an organizer of a grassroots sex worker collective, elaborates:

I'm very lucky in that really early on I decided that Elsie's marketing was going to be, 'You don't like me? Fuck you. That's your problem. Bye.' Me being brash and in a session and being like, 'You just paid \$300 to get a lecture on why what you just did was inappropriate,' is totally within my marketing.

In addition, when training new workers within their collective, Elsie recommends resistance strategies when dealing with clients who are combative towards prophylactic boundaries:

I tell them to fight dirty. I tell them that if they need to de-escalate things to make sure that there are objects between them. Just lots of self-defensive stuff like de-escalation, make sure you have a chair between you two, make sure you stay calm, keep level-headed, tell someone this is no. Not sexy voice. Not, 'I'm not sure.' Not any of that.

The success of adaptive and dynamic self-advocacy skills in professional sex workers is consistent with the findings of similar studies across nearly two decades by Albert et. al. (1998), Jackson et. al. (2005) and Argento et. al. (2019). In the absence of legal protections, sex workers have demonstrated remarkable abilities to keep themselves safe, an achievement that should be regarded with soliciting their input in sex work legislation and policy implementation. Sex workers must be regarded as the experts in their own field. Sex workers do not need legislators telling them what they need to be safe; they need legislation and community support to facilitate the practices they have already designed.

#### *Blended Safety Repertoires: Online Matters*

Sex workers have repeatedly informed researchers and public policy makers they need transparent online advertising platforms to be safe (Stern, 2019). The concept of blended safety repertoires illustrates that the highest level of OHS for sex workers is achieved through access to online pre-screening measures (Campbell et. al. 2019). The sex workers interviewed identified the methods they use in online advertising post-SESTA-FOSTA and how these measures compared to past practices. Throughout the interviews it was evident that the website platform Leo's List was the most analogous replacement to Craigslist and Backpage. However, it was also notable that the workers identified that Leo's List was the medium for increased requests for barrier-free services.

There are several arguable reasons for this phenomenon. The first is that Leo's List fee structure is high, costing approximately \$11.36 Canadian for a single ad with one 'autobump' to the first page (LeosList.cc, 2020). Also, LeosList functions in Bitcoin and other cryptocurrencies that require exchange from US dollars or Euros. The process of exchange translation and cryptocurrency service provider fees can increase costs significantly. The escorts' ad section in most markets is so competitive that workers

are often required to 'autobump' up to ten times a day at approximately \$4.50 a bump. Callie recounts her experience using LeosList in a major metropolitan market as "[in] Vancouver, easy \$100 a day to advertise because there's just so many girls. Vancouver, you have to bump every hour almost".

For independent sex workers, advertising is an out of pocket sunk costs and places additional pressure on the worker to make back the cost of the ads. The higher the advertising outlays, the more pressured the worker may feel about taking calls with which they were not wholly comfortable. In the interviews it was found that the relatively low barriers to advertising on Leos List draw younger workers and those with lower levels of experience and self-advocacy or community support. Moreover, Leo's List has stringent restrictions on the types of communication and words that can be used in ads, preventing workers from being transparent and setting boundaries before services are even negotiated (Leoslist.cc, 2020). Add a sentence about the impact on barrier free service (tie it together)

Sex workers described these deficiencies within Leo's List and as a result there has been a movement towards other platforms such as Seeking Arrangement (SA). With SA, "Sugar Babies" post their ads like an online dating site and "Sugar Daddies" pay for the ability to search and communicate (SeekingArrangement.ca, 2020). Sex workers utilized SA sporadically as a supplement, but some sex workers are reluctant to use it due to issues managing expectations and boundaries (Rakić, 2020).

Esther, who formerly used SA, recalls:

There was definitely that like emotional connection, manipulative pushiness. I found the whole sugar daddy system was very big on trying to short you money in exchange for being like, 'Oh, but I love you so much. Like we're so real with each other. We don't need to exchange money because we love each other for real'.

SA was also named as a place where requests for bareback services originated. This connection between false intimacy and barrier use has been corroborated by work by Bailey and Figueroa (2018):

In probing participants' responses, it emerged that relationship intimacy between the sex worker and her partner, characterised by a close personal relationship and emotional connectedness developed out of regular interaction and sexual contact as

well as economic and social support, was a critical factor undermining consistent condom use (p. 541)

The trend of clients pushing boundaries due to false familiarities is found in users of CuddleUp and other platforms where a commercial exchange of sex for money is hidden in the guise of a higher order relationship or arrangement (Rakić, V. 2020). In the interviews, sex workers have self-advocated for occupational safety by moving towards independently hosted websites that clearly outline their fees for services, restrictions, policies on barrier usage and pictures. Micheala, a black sex worker, states “my boundaries are definitely laid out very clearly on my website, and I do coaching too for sex workers and I make sure that if we're going through the website, that they go back through and just very clearly state their boundaries.” Routing clients to an independently hosted website rather than a third party platform such as Leoslist allows the worker to avoid censorship and reclaim power over communication and consent.

### Conclusion

Analysis of the interview data collected in this research shows that SESTA-FOSTA had an immediately destabilizing impact on female sex workers occupational health and safety practices in western Canada. Sex workers who occupied fetishized and marginalized identities, such as transgender women and women of color, were most negatively impacted by advertising restrictions. This is consistent with intersectional feminist knowledge that explains how power and protective factors are allocated to privileged identities (Jones, 2015; Riley, 2017). The transitional period post-SESTA-FOSTA shifted many previously independent and selective indoor sex workers into positions of powerlessness and desperation as their trade advertising and communication networks were disabled (Valentina, 2020; Stern, 2019). Data from the interviews suggest that the phenomenon of BBBJ as an industry standard followed the transfer of bargaining power from supply side to demand side in the period following SESTA-FOSTA. However, the central theme of interview data was not sex workers as victims of

circumstance. Rather, the narrative pointed to one of resilience and adaptation of blended safety repertoires repurposed to a changed reality. Sex workers are workers, and as such should have the right to refuse unsafe work and self-advocate upon a foundation of legislated occupational health and safety standards. While these recommendations fall in line with the findings of the WHO and CPHA (Murphy, 2015; CPHA, 2014) the legitimization of sex work as true labor remains entangled in moralist political agendas that favour honoring stigmatic perceptions over evidence based facts.

In spite of risks of prosecution, the sex workers interviewed continued to form grassroots collectives and clandestine organizations to work together in solidarity and safety. Using newfound tools of social media, these sex workers were able to connect and interface to share wisdom, blacklists, and assist each other with advertising. Sex workers learn strategies for prophylaxis self-advocacy through each other and through lived experience. The conclusion that sex workers are safer when assisting each other or able to hire third party assistance without penalty of Bill C-36 is consistent with recent findings of McBride et. al. (2019) and Anderson et. al. (2016).

The barrier that sex workers cannot control is that of client demand. Bill C-36 restricts sex workers self-advocacy practices but has completely failed in its efforts to thwart problematic client behaviors. Anecdotal evidence provided by sex workers in this study demonstrates a perceived increase in demand-side pressure for barrier free service. Further subjugation of sex workers shifts more purchasing power to buyers, a process that exasperates the marginality of female sex workers precarious intersections.

As SESTA-FOSTA is legislation grounded in American law (Romano, 2018), there may be opportunities for sex workers in western Canada to extend their protective practices of autonomously controlled advertising into locally hosted personals sites that allow more explicit language to clearly outline boundaries, identities and consent (Kane, 2017). These solutions look towards a future of

decriminalization where sex worker communication is not censored through regulations upheld by Canadian law. Instead, legal frameworks should be repurposed to support the blended safety repertoires of sex workers through peer development of OHS manuals and comprehensive opportunities for workplace compensation coverage. Bringing sex work into the social lens of work and labor frameworks, and away from narratives of criminal nuisance, may help to temper the socio-political sex panic that currently criminalizes women's bodies and choices (Gerassi, 2020; Hiatt, 2016). We must inform our legal frameworks with the intersectional praxis where mandates surrounding violence against women includes all women, even sex workers (Lyons et. al, 2017). Current Canadian governments present a façade of anti-trafficking and pro-consent but actually reduce opportunities for safety repertoires which increase violence and public health risks (CHPA-ACSP, 2014).

The narratives of the workers interviewed demonstrate a collective sex worker concern about the increase in demand for barrier free services, increasingly competitive markets and barriers to collective organization and self-advocacy. SESTA-FOSTA has tested the adaptive survival strategies and blended safety repertoires of those who exist at already precarious margins in western Canada. While interview evidence suggests that sex workers are currently successful in their requisite perseverance, the future remains uncertain. Should legislative practices remain on trend with SESTA-FOSTA ideologies the outlook for sex workers could become increasingly unstable and untenable.

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