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After the Violation: Sex Workers' Responses to Unwanted Incidents

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Introduction: Sex Workers Managing Sex Work

Over the past few decades, an increasingly identifiable theme in the literature has been the complex ways in which sex workers manage their business—from broader entrepreneurial approaches (particularly

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when sex work moved to predominantly being advertised online), to the often intricate personal engagement with clients before, during and after the sexual service (Bernstein, 2001; Day, 2007; Jones, 2015). These strategies of prevention, deterrence, and protection have been described by Sanders (2004a) in ways that demonstrate the complexities of how sex workers look after themselves, particularly in a criminalised setting where self-protection strategies are, in the main, left to the individual. It is already well evidenced how sex workers become managers of their own physical and emotional health and risks (Pyett & Warr, 1999; Sanders, 2004b), and we have continued to document this in Chapter 3. We hope to expand this literature through our focus on asking what actions sex workers take after there is a breach of contract/agreement in the sexual encounter, especially in cases of non-payment and financial discrepancies, condom removal, and non-consensual touching—the most prevalent experiences from this participant group.

We know that sex workers spend much of their working lives setting out boundaries, whether this be through their marketing online or in person through negotiated arrangements. Chapter 3 explored how sex workers negotiated with potential clients prior to sexual encounters. These negotiations established boundaries, helped sex workers distinguish between personal and professional identities (Brewis & Linstead, 2000; Day, 2007), manage expectations with clients, and determine the terms of the sexual contract—for example, outlining the particular services they will and will not offer. Associated costs, location, timing/duration, and safety features such as condom use are typical conditions to be agreed upon in advance. These negotiations form the basis of the commercial arrangement, establishing conditions of consent.

Sex workers emphasised that consent must be ongoing. If an activity breached their boundaries, made them uncomfortable, violated agreed-upon conditions, or turned out to be something they didn't want to do, they had the right to withdraw—just as anyone in a non-commercial context would. Any additional services would need to be negotiated on the spot. What Halley, for example, stated was a common point made by sex workers in all jurisdictions: “If it's something I don't want to do, I politely tell them and if they refuse, I might just have to pick up my things and leave” (Halley, UK, independent).

While Halley demonstrated confidence, this was not always the case for her—nor is it always the case for others. Sex workers' responses to customer breaches evolve with experience. Initially, new sex workers might accept behaviours they hadn't agreed to. Over time, they learn to refuse or react differently in similar situations. We delve into how their reactions change as they become more aware of the power dynamics at play and how to address bad behaviour. By understanding formal government laws, workplace policies and culture, and informal norms, sex workers become more empowered. Ongoing conditional consent, which is just beginning to be recognised in formal legal rulings (see Chapter 2), plays a crucial role in this empowerment.

In Chapter 4, we discussed the types of unwanted contact sex workers experience and how they define boundary breaches. Common experiences like unwanted condom removal, or “stealthing”, are considered serious violations. However, interpretations of these breaches vary based on local laws and legal norms, with sex workers in criminalised areas often only recognising serious injury or force as violations.

In Chapter 5, we focus on the actions taken when breaches occur. Guided by a framework of legal consciousness, we explore how sex workers decide on their next steps, influenced by concepts of legal alienation and legal mobilisation (e.g. Hertogh, 2018). Hertogh's approach to “legal alienation” considers alternative forms of redress, such as informal enforcement of boundaries, while others may seek formal legal mobilisation—using legal strategies individually or collectively (Lehoucq & Taylor, 2019). The responses from participants highlight the significant impact of social norms and expectations on how sex workers respond to violations and whether they engage with the law.

Felstiner and colleagues' framework of ‘naming, blaming, claiming’ (1980) is, therefore, also considered, in order to be able to discuss how, on an individual level, sex workers in this study work through their responses to the violations they experience. This framework acknowledges that individuals must work through stages of identifying a behaviour as harmful (naming—discussed in Chapter 4), holding an individual responsible through some action (blaming), and seeking remedial action from the individual responsible or through another remedy, such as criminal justice (claiming). There is, however, attrition through

this process, and, of course, some will not be in a position to even ‘name’ the harm in the first instance. This has been well reflected through our interviews, as we saw in Chapters 3 and 4, where (particularly less experienced) sex workers may have a much narrower/more limited understanding of what constitutes inappropriate or even illegal conduct. Over time, and through becoming more experienced, sex workers develop an armoury of tools to not just protect themselves and potentially prevent harm, but be more confidently able to respond to crimes/harms through the resolution options they have available to them. These were likely to be individual strategies, rather than those taken by workplaces, which were more closely connected to the legal context of sex work in each jurisdiction. The reality is, as we saw in Chapter 4, that most sex workers suffer in silence and are stuck at the ‘naming’ stage of understanding the violations that have happened against them. Taken together, *how* sex workers name, blame, and claim and *whether* they invoke the law (either formally or informally)—which is affected by their perceptions and understanding of the ‘law’—results in differing actions in response to breaches: ‘no action’, ‘informal action’, and ‘formal action’. While responses are categorised discretely for the purpose of this chapter, they can, more realistically, be considered as falling along a continuum. It is also worth saying that it is not our intention to suggest that any particular kind of response should be viewed as the ‘correct’ one.

Sex Workers’ Responses to Violations

No Action

As we saw in Chapter 4, non-payment and condom removal were regularly experienced as harmful violations. However, few sex workers enforced any action where they were working in criminalised or semi-criminalised settings, which contrasted with those sex workers we spoke to in Aotearoa New Zealand (where sex work is decriminalised). Cody (USA, independent) described an incident where she was drugged and gang raped when she first started working as an independent escort. She never reported this because, as she said, “It was definitely one of those

messy situations where I would never have been considered the perfect victim in order to pursue any legal recourse". In the UK, Linda, who, at the time of the interview, had worked the streets for 25 years, noted: "Yeah, but I have been attacked a few times, badly, but you've got instinct and try and go somewhere kind of safe".

Generally speaking, the sex workers we spoke to in Aotearoa New Zealand appear to be much more aware of their legal rights and of available pathways of action. As explored in Chapter 2, the context of legalisation in Aotearoa New Zealand, notably that sex workers have the same health and employment benefits as any other employee, informed and shaped their legal consciousness in this setting. Also, those aware of the stipulations under the legislation will know that condom use is an essential condition of consent with Aotearoa New Zealand sex workers. Their knowledge of their rights under the Prostitution Reform Act (PRA) empowered them: "... 'Well this directly breaches the PRA, you know, Section 9, up to 1, 3 and 4.' You know, it's not okay. I screamed at him [the client]" (Carrie, ANZ, independent). One participant specifically reflected how having that legislation in place, and being able to say "... 'Well actually, it's against the law to not use a condom' ...", is important as it "gives sex workers lots of power" (Kat, ANZ, various). This could suggest, therefore, that the degree to which sex workers feel less able or willing to mobilise the law with respect to clients not using condoms is affected by the legal context in which they work. The way the power in an interaction may also be more on the side of the sex worker from there being legislation in place (to protect their rights) may also prevent such breaches in the future. But still in the Aotearoa New Zealand setting, there was a sense (like in the other case-study jurisdictions) that violations of agreements against sex workers happened so frequently that it would not be possible to tell the police:

I couldn't tell you how many times someone's like licked or kissed or whatever, and there's, you know, an expectation that we laugh it off or whatever. Um, and I can't be bothered going to the police for every time that happens, 'cause I'd be going in pretty much every booking ... Like, that's just, unfortunately, that's the reality of that job, but I think I manage it pretty well now. But yeah, if someone does that, I will say,

‘Okay, so that’s my extra price’, and then they’re like, ‘Pardon?’ I’m like, ‘Well you clearly want to do it, so you know, you’re going to pay for it now’. (Kat, ANZ, various)

Few sex workers reported taking any action when clients had removed a condom. Paul, a trans-male sex worker (UK, independent), considered, when deciding whether or not to take action, if he was engaging with a regular client; he did not want to lose the security of regular work, despite the client not adhering to the conditions that had been outlined: “... someone who just didn’t put [the condom] on ... I didn’t want to disrupt the relationship because regular clients are like gold”. Two female sex workers, one of whom worked in a criminalised setting, the other a semi-criminalised setting, told us stories of how condoms have been removed; in both cases, however, they said they did not report such incidents. Regardless of legal context, other factors often were more important: job security and regular income, as well as maintaining relationships with clients. Financial vulnerability and not wanting to jeopardise future income can be considered both as a reason that individuals may be targeted and as a circumstance that shapes legal mobilisation in response to a breach by someone with the power to impact an individual’s financial position (Blackstone et al., 2009).

This apparent reluctance to report a breach such as stealing provides an important example of how decisions and actions taken must all be contextualised by an understanding of the dynamic nature of sex workers’ legal consciousness (Blackstone et al., 2009). This is shown throughout the book, in quotes from sex workers reflecting on how they develop an understanding of the formal law through having engaged in criminal processes themselves (see more in Chapter 6), or being exposed to systems and information in different ways. The process through ‘naming, shaming, claiming’ is not linear, and responses on whether or not to mobilise are not necessarily binary.

Reasons for No Action: Personal Responsibility and Understanding Rights

What is notable in our study is the degree of personal responsibility taken by sex workers when boundaries had been overstepped or conditions not respected by clients. What could be viewed as sexual offences were often excused by sex workers or written off as their lack of experience in handling clients. Learning to say 'no' to establish boundaries came with experience. When boundaries were breached, sex workers understood these, variously, as violations of the terms of agreement, a lack of respect, sexual assault, and violence. Most took incredible amounts of personal responsibility for these breaches—rarely did the respondents explicitly identify their experiences as legally recognisable harms: "It was a very hard learning curve of 'Wow, I have to learn how to not do this again'" (Cody, USA, independent). Channele (ANZ, various) recounted a time where she was stealthed. She considered it embarrassing, and felt she should have prevented the incident; moreover, she believed that the formal law could be used against her case:

It took me a while to tell people, because I was just embarrassed about it, 'cause I was like, 'No, like, how could I let him have done that'. It's actually a little bit embarrassing. And also [there] was the part of it where it's, like, illegal to do that, and I was, like, 'Well, I don't, I don't want anyone to think that I was purposely trying to break the law'. (Channele, ANZ, various)

In criminalised settings, unwanted sexual contact was seen as an inevitable part of the job for some sex workers, particularly those who worked in a street environment. Unwanted contact was also positioned as avoidable and a matter of individuals 'just' having to learn from the experience and not let it happen again. In our analysis of the USA interviews, respondents more often treated violations as learning experiences that helped them to develop protective practices that could shield them from future harm. There were accounts of actually learning how to become more empowered when setting boundaries and enforcing them informally. Yet, for many, the way the risks of sexual assault are experienced

by the individual/personally is crucial in terms of access to justice. Violations were sometimes understood as an ‘occupational hazard’ in which no responsibility was laid on the perpetrator; rather, they placed all of it on themselves. Jessica and Abigail reflect on their experiences in the USA:

Because it’s not legalised, and we’re doing it illegally, you don’t have anybody to call, report. It’s not even like they’re going to care. Usually, we don’t report things, unless like ... I’ve had a friend that had been strangled, or things like that. (Jessica, USA, various)

I think you learn through experience how to gauge clients in the bar, and how they’re going to interact once you get them behind closed doors, and I hadn’t really learned that yet. Even just as women in general, I don’t think we really — I don’t know how to finish that sentence ... And we’ve been taught since childhood that we need to be the responsible ones and things are our fault. (Abigail, USA, Nevada legal brothel)

The discourse around what to do if clients breach consent in USA legal brothels differed somewhat from the decriminalised Aotearoa New Zealand setting. If things went wrong, the USA sex workers we spoke to tended to believe it was their responsibility to act in response to whatever happened. Their reaction was that *they* needed to reach the alarm sooner, be clearer in their negotiations with clients, and accept that there were consequences to working in the sex industry. The USA sex workers had a strong narrative of individual coping and of accepting the consequences of taking part in an activity that is socially condemned and (outside of Nevada brothels) unregulated and illegal:

You are selling yourself and yes, you’re consenting to it. It’s a grey area because it’s not rape, it’s not something you’re not giving over, but it *is* transactional, so there is something in that, that you have to be really mentally be prepared for, to commit to and accept that there might be consequences later on down the road. (Elisa, USA, dancing)

The element of personal responsibility was also linked to how sex workers may have a reliance on their clients and, in particular, may benefit from the regularity of certain clients. Paul explains when he

was new to selling sex it was difficult to assert boundaries when feeling inexperienced and when indebted to regular clients:

... that was quite early on and I didn't feel comfortable enough at the time to say anything. But yeah, then afterwards I was, like, 'Look, I have said everywhere, all over my profile, that it's always safe. That is a limit that I'll never not want to be safe'. And the client, it was a client I'd seen a couple of times and I think that made it harder than if it was a new client ... (Paul, UK, independent)

While Paul was clear that wearing a condom was a condition of consent and the client should have known this, he did not want to jeopardise that relationship because, as has been noted previously in this chapter, "regular clients are like gold". He did not disrupt that encounter while it was happening, but he did send a text message to the client later, noting that it's "much easier for [him] to do things by text"—"things", in this context, including the communication of boundaries. When, after this story, we asked if he had experienced any sexual violence, he replied, "No". He did not see that incidence as sexual violence.

Sex workers' differing levels of understanding of formal law (gained from both personal experience and the case law) in terms of understanding their legal rights and rights around consent became clear through the interviews. Alongside the quotes already discussed in relation to understanding stealthing and payment rights, it is apparent that an understanding of their rights was something that developed for sex workers—from perhaps considerably less knowledge when they first started working, to a more explicit understanding of thresholds for formal recourse. This can lead sex workers from a state of 'no action' when incidents happen to a greater legal mobilisation:

I didn't understand what actually pertained meeting this threshold to get a conviction. I thought you can't get a conviction for someone biting you. Now I know you fucking can. I didn't know that, but you can. (Talía, ANZ, brothel)

As Talía engaged with the police on this occasion, her understanding of the law increased, which empowered her both to inform colleagues she

worked with in the brothel and act on negative behaviour in the future. But legal processes could still be met with bafflement, disempowering sex workers even if the law was there to assist. Some sex workers discussed themselves, or other workers, not recognising that what had happened to them as sexual assault or rape, as many brushed off the incidents that happen in their sex work:

I don't understand everything that went on legally. ... If I understood, I really understood the process, maybe I'd be able to point out something. But I don't understand it. I just went with it. (Jane, ANZ, brothel)

There was a strong sense of 'legal alienation'—a disconnect of sorts from formal law and the justice system (Hertogh, 2018)—something not uncommon in participants of this project. This type of alienation, sometimes considered more specifically as 'legal meaninglessness' (Genn 1999 in Hertogh, 2011), can be exacerbated by the sex worker not identifying behaviours in a way that would lead them towards some kind of formal legal process. In fact, it has been suggested that perpetrators may target individuals, particularly in the context of sexual violence, whom they believe are less likely to mobilise the law when subjected to incidents and crimes (Blackstone et al., 2009).

This recollection from Jane demonstrates the impact of others on an individual's perception and potential mobilisation of formal recourse following a breach of contract and, in the case above, a breach of the law. With workplace harassment and abuse, the relationships that individuals have outside of their place of work are as important as workplace relationships with regard to being able to act after an event (Blackstone et al., 2009). In fact, closeness with colleagues has been suggested as a predictor for formal legal mobilisation concerning sexual harassment (Blackstone et al., 2009). This is, indeed, evident in this study, where sex workers described developing understanding as a consequence of discussions with co-workers and/or friends or family, and then feeling more confident in potential decisions to pursue formal actions. For example, Chanelle—who, earlier in this section, related having initially felt too embarrassed to tell others she had been stealthed—revealed that, when she did eventually confide in her workplace colleagues about the incident, their support

helped her to feel that she could take a different approach in the event of any similar future breaches:

I think it's because my boss, like, I know she will stand by me, and I know that, like, the girls there will also stand by me. And yeah, I feel like the process would be a lot easier and just having the support there... (Chanelle, ANZ, various)

This is an example of influences on legal consciousness, where the impact of input from others, on what is 'right' and 'wrong', can be considered important in informing an individual's understanding of their rights (Young, 2014). Even if, for example, an individual does not want to, or believe they can, mobilise formal law, developing their own understanding around what they will tolerate is important, as we saw in Chapter 4. In developing this personal understanding, more formal action may, therefore, be taken in the event of a potential future breach. However, while the close structure of the workplace can help to facilitate such mobilisation, it can also sometimes offer challenges to its realisation, even within a legalised context such as Aotearoa New Zealand:

But yeah, once he'd [perpetrator] left, I — 'cause I had a partner at the time too — I had actually told them [workplace] and then I had phoned him [partner]. He had shot over and only when he arrived, when he was like, 'We're calling the police', that's when I realised we should call the police. I didn't even think, like, we weren't going to call the police until he arrived actually... Um, and the receptionist didn't want to call the police. (Alice, ANZ, various)

This recount of an incident shows the type of uninformed legal alienation (Hertogh, 2018, p. 57) that sex workers experience even in a country that has had over twenty years of decriminalisation. Yet, it was this very legal context that empowered people around Alice to act through informal channels. Brothels in Aotearoa New Zealand provide a more supportive setting for sex workers, meaning that information is more accessible compared to other countries, and that agencies are working together closer and in a more collaborative framework. The fact that, even in this more relaxed legal setting, sex workers still may not

fully understand their rights—and be supported to enact them—shows how limited the opportunities for recourse can be for sex workers in partially or fully criminalised jurisdictions. This demonstrates the importance of a combination of providing information to sex workers and supportive structures around the sex workers, which, together, affirm and enable these workers to take action through the mobilisation of formal resolution, if required.

Informal Action

It was the preference of some of the sex workers we spoke with to take some action in relation to breaches, but these fell towards the ‘informal’ end of the reporting spectrum. Sex workers displayed a number of tactics in this sense, including trying to educate clients about risks and rights and also trying to pass on information to less experienced sex workers, particularly migrants who may be unaware of the cultural and legal norms of the workplace setting. One example of educating clients was recalled by Abbey (USA, independent), where she described a client who had started strangling/choking her. He was autistic and someone who ‘watches a lot of BDSM porn’. She was able to immediately stop him and lectured him on how wrong that was, “and he apologised profusely and I was like ‘Don’t ever do that with a sex worker, don’t ever do that with a girlfriend, don’t ever do that to a woman’”.

How ongoing contact with clients was managed was another example of informal action. Some tried to lead by example when there was a breach, with the interaction quickly being terminated:

... ‘Service is over, mate because you’ve took the piss. You took a liberty because obviously, I want you to use a condom, that’s why I put the condom on you; if I was willing to do it without a condom, I wouldn’t have put the condom on you, so therefore you’re taking the piss. So guess what? The service is over’... (Anna, UK, street-based)

Others who were experienced revealed how they would not shy away from physically handling the client to remove him from the situation:

And then he tried charging at me, charging at my money, and I ended up clipping him by the back of the neck and forcing him out of the room. And lucky being a big girl, like, I had that, 'cause if I was 40 kg or 50 kgs, I don't know. That was, I guess, another thing in making me want to report it, is that like I felt quite lucky in the fact of being bigger in that situation, that that was handled a lot better than him overpowering me. (Erihapeti, ANZ, independent)

This type of response may seem surprising, given the risks posed to sex workers regarding the possibility of physical or sexual assault. However, the above examples demonstrate the impact of different influences on the actions that sex workers take in response to a breach. For some, the view is that "... if I had to choose between being assaulted or not being paid, I'd rather be assaulted" (Carrie, ANZ, independent). This suggests that perhaps some form of action may be taken either way, but the decision around how to mobilise, and for what purpose, is driven by personal priorities, and finance is a very important priority for many.

Sophia (UK, independent) had had experiences of clients removing condoms, but also said she had no intention of ever reporting such incidents, aside from telling sex-worker support groups. It was accepted as part of the job: "There's nothing I can do". Clients would and do often make excuses, she told us—that they "got carried away" or the condom had "fallen off". Sophia talked about clients removing condoms "sneakily": "they won't just take it off in front of you because they don't want the confrontation". Sophia further noted that this rule was difficult to enforce in those situations where a client was intimidating. Additionally, there is the fact that UK-based sex workers mostly operate in a semi-criminalised setting, working alone and outside the law. Notably, the power difference between the female sex worker and the male client when working in an isolated environment indoors is significant, and the risks are considerable when trying to fight back:

It is bad but there's nothing you can do when there's a six foot five man in front of you in your apartment that you've rented. You can't cause a scene because you've got other clients after him, so there's nothing really you can do other than report it to National Ugly Mugs and put it on ClientEye... There's nothing you can do. I've had it where the client's

tried and gone in without the condom and I've said, 'Put this on'. 'Oh no, just leave that'. And I'm like, 'No, you need to put it on or I'll leave' and they've already paid you. So they don't want you to leave because they know they're not getting their money back. So that's all you can do really. But if I've got a man saying, 'No, I'm not wearing it' and he's massive, I'm just going to do it because there's nothing I can do. (Sophia, UK, independent)

In the USA, Jessica (various) had, similarly, experienced a stealthing incident but rather than report this to the police, she tried to get more money from the client:

Everything was fine until the session ended, and I noticed he had pulled the condom off, but he made it look like he was just pulling it off because we were done. But at the same time, it was just too quickly... And I started flipping out on him, and I'm like, 'Well, people charge extra for that... So you need to give me more money'. And then I'm like, 'That's wrong, you don't do that'. I just started going off on him, and then made him give me more money. After that situation, I get very upset when there have been times like that. There's been about probably two times that that's happened in my career. (Jessica, USA, various)

The ways in which sex workers attempted to control the situation and take some form of action—in the form of more informal resolutions—reflects the boundary setting imposed earlier in the interaction with clients, with the ultimate aim of keeping themselves safe while still making money. However, there was a larger and damaging cultural narrative that they had to constantly work against, which presented an everyday threat for many sex workers, particularly those working on the street. The experiences shared by participants, therefore, demonstrate different perceptions and approaches connected with the legal jurisdictions in which they work, but also closely connected with the type of sex work in which they are engaged.

Erihapeti, a mixed race 25-year-old Aotearoa New Zealand sex worker who had been working for about two years, told a story about being robbed at gunpoint after a shift at work. She explained equivocating in the wake of the incident about whether she should have reported it; she

had decided not to. However, a subsequent conversation with a girlfriend really changed her mind about whether this had been the right decision:

I guess I just didn't report it 'cause, I don't know, I never really had heaps of faith in that cops could or would do something. And, um, my girlfriend working, she just, she reined it in on me that that was just not okay. Um, like you need to report it, and then that got me thinking about, I guess, um, yeah, not reporting things and going, 'Fuck, I should of'. And that's when that incident happened last year. Well, as soon as the fellow got out of my room, that was my first thought was like needing to report it. (Erihapeti, ANZ, independent)

In a separate incident (mentioned earlier in this section), Erihapeti recalled dealing with a drunk client who 'just got too handsy' and kept asking for 'natural' sex. Having someone ask multiple times for no condom was nothing new, she said: "We'd gone in to do it, yeah, gone into doggie, and he'd taken off the condom, and I just had real funny feelings in it and then, yeah, I jumped back and then I got real like, 'Get out, get out' ...". She went on to say she was thankful she was bigger than him and able to force him out of the room. But that made it more clear to her that she needed to report this because the opposite scenario could have happened, where he could have overpowered her. However, she found the reporting to be overwhelming and almost gave up, but she kept at it, citing her friend's response to her previous non-reporting as a motivating factor: 'It was just like something you have to do, and yeah, like after hearing my friend just be quite disappointed in me for not reporting the gun incident' (Erihapeti, ANZ, independent). This story is a good example of the decision-making process involved in mobilising the law, which, for Erihapeti, was supported by relying on conversations with others, as well as reflecting on past breaches; against this backdrop, she had decided to formally report the incident rather than to continue treating it as something she 'should' just deal with on her own.

Informal Avenues of Support

So far this chapter has explored the actions that are taken by sex workers when consent has been violated or a condition agreed upon is breached. Knowing that very few sex workers ever report to the police (see Chapter 6), we wanted to investigate if there were any other routes to support—more akin to informal action—that were drawn on when a violation occurred. In support of the interviews conducted, results from our survey data (see Chapter 1 for an overview of our methodology and Chapter 9 for a more thorough discussion) demonstrate the avenues of support sex workers may take, aside from reporting to the police. Table 5.1 suggests that sex workers were more likely to tell another sex worker (39% for all sites) than law enforcement, or friends and family about what happened and find support through their colleagues and peer community. This represented the highest proportion of responses, compared to other avenues for disclosure, although personal relationships emerged as a source of confidence to a similar degree (35%). However, notably, nearly a quarter of the sample told no one at all, confirming the isolating nature of sex work across all jurisdictions. This finding is significant as it points to the fact that a quarter of sampled sex workers experience sexual violations and harms and never tell anyone, suffering in silence and harbouring these violent experiences.

It is a significant finding is that mainstream sexual violence support charities were seldom mentioned by sex workers: 3% of the whole sample ($n = 14$) referred to telling a mainstream sexual violence charity, such as Rape Crisis, about an incident. There are different possible reasons for this, one being (as has been discussed in Chapter 4) experiences may or may not be labelled as sexual violence by the victim. Those specialist services may be seen as more or less relevant to sex workers' needs. What this may also suggest, however, is that there is considerable work to be done by these services to welcome sex workers into the remit of their support and reduce stigma towards workers who are subjected to sexual harms in their occupation.

While we suspected that specialist support projects would be the preferred route of support for sex workers, these numbers were also relatively low: 12% in ANZ; 22% in the UK; 6% in the USA. The

Table 5.1 'After this happened (last time), who did you tell?'

Who did you tell?	ANZ %	ANZ N	UK %	UK N	USA Crim %	USA Crim N	NV Brothel %	NV Brothel N	All Sites %	All sites N
I didn't tell anyone	17.78	16	30.43	42	25.00	55	14.29	5	24.43	118
My partner, friend, or family member	35.56	32	32.61	45	37.73	83	22.86	8	34.78	168
Another sex worker	63.33	57	36.96	51	33.18	73	25.71	9	39.34	190
A sex-worker organisation (e.g. Ugly Mugs, SWOP Behind Bars, NZPC)	12.22	11	22.46	31	6.36	14	2.86	1	11.80	57
A manager or someone who you worked for	41.11	37	1.45	2	6.36	14	11.43	4	11.80	57
A sexual violence support charity (e.g., Rape Crisis)	3.33	3	3.62	5	2.27	5	2.86	1	2.90	14
A hospital, clinic, health service (e.g. doctor, Sexual Assault Referral Centre—SARC)	6.67	6	12.32	17	5.00	11	2.86	1	7.25	35
Police	0.00	0	2.92	4	0.91	2	0.00	0	1.24	6
Total		90		164		180		22		456

number may be relatively high in the UK due to the prominence of the third-party reporting scheme, National Ugly Mugs, who offer a range of support services for sex workers, particularly after crimes and incidents. Our recruitment methods for the survey in the UK via sex work support projects could also account for this higher number. In the USA, there may be less specialist support services given the emphasis on trafficking

and the rescue industry, leaving little support for harm reduction and sexual violence projects per se. In other findings, only 7% of the whole sample told a hospital, doctor, or clinic—although this low response may be because injuries sustained, if any, did not always need a medical response.

Combining these survey findings with qualitative interview data is, however, important as it could be argued that even while the numbers seeking support are low, those who *do* seek support may still have positive experiences in doing so. For instance, after having been stealthed, Chanelle from Aotearoa New Zealand noted how she was “very grateful for the health services and that they would just go and get that sorted out” (Chanelle, ANZ, various). That being said, the very low engagement of sex workers in support services is a significant worry and suggests much work needs to be done regarding reaching out to this group, improving accessibility of services for sex workers, and providing a non-judgemental service for those who experience harms in sex work.

While the survey did not suggest that sex workers in Aotearoa New Zealand report to the police any more than other jurisdictions (explored further in Chapter 6), the qualitative data is much more reassuring in relation to sex workers here knowing their rights, knowing when consent has been breached and knowing what can be done in those situations. There is a better understanding around stealthing and non-payment issues among sex workers in Aotearoa New Zealand, and around recognising how this aligns with formal law, but there remains hesitancy around engaging in the criminal justice process. These sex workers understand how difficult it can be to actually achieve justice without very specific witnesses or evidence. This can be very discouraging for those sex workers who do consider reporting, as they know that it is very difficult to attain the justice they deserve. This can contribute to barriers to reporting, as the process can be traumatic and time-consuming, with extensive delays, and getting an outcome can feel unlikely.

Workplace Actions: Third Parties and Cultural Expectations

Up until this part of the chapter, we have largely discussed and focused on individual sex-worker actions in adopting tactics to mitigate or deal with violations as and when they occur and also actions taken in their aftermath. However, we also note from the analysis that there is a collective response to breaches and harms—supported by security features implemented by workplaces—and this is particularly so among the legalised settings in the Nevada brothels and the decriminalised settings of Aotearoa New Zealand. We already know from decades of literature that spaces possessing better working conditions also have less violence and are safer environments in which to work (Brents & Hausbeck, 2005; Platt et al., 2018). One of the strong messages around rights-based work culture came from Aotearoa New Zealand sex workers, where Christine (ANZ, various) described a non-payment incident from 20 years ago while working on the streets. While it was happening, she had made sure to drop a ripped condom wrapper with the condom in it onto the floor of the car and grabbed his registration on the way out of the car. She immediately reported the incident to the police, who were nearby, providing them with a description and the evidence; additionally, and fortunately, there were people on the corner watching, who also told the police. She had enough facts, and he was eventually convicted and served seven years in prison. Such a result is in major contrast to those working in a criminalised setting when workers try and access criminal justice to report violations. Cody (USA, independent), for example, said of a stealthing incident, “I tried to report it to police and they laughed at me and told me ‘What did you expect?’”.

The ways in which brothels are organised often adds levels of security that are not possible in other sex markets, particularly the street (Abel, 2010; Brewis & Linstead, 2000; Hubbard and Sanders, 2003; Sanders and Campbell, 2007). There is a range of physical security features, such as panic alarms, CCTV cameras, and others being present (workers, receptionists, managers, and security personnel), that make the context of brothels one that is more organised to deal with problematic situations. This close-to-hand nature of security services in a legalised brothel

setting, then, is a clear way that workplace enforcement can happen, as described by one of the Nevada brothel workers:

The tip of my toe barely taps the alarm, thank goodness. So it triggered it; the cashier comes over the intercom and asks if I'm okay. I tell them 'No'. That's all I just say is 'No', and the guy's still not stopping. He's still trying to take my clothes off. I managed to not let him get inside of me, but he's definitely trying. Security is there in 10 seconds. They bust down the door, they don't even knock. (Abigail, USA, Nevada legal brothel)

While, here, the crime had not been dealt with by law enforcement, but rather, had simply been stopped, preventing further harm, for Abigail there was a sense of justice in having had the client removed forcibly from the premises and barred from entering again. This was important for her, not only in having ensured her own safety at the moment but because she was as concerned with possible future dangerous encounters that her brothel co-workers could have otherwise experienced. With these workplace actions, although not 'formal' with regard to enacting the law, the rest of the workers in that brothel would then be protected from that person doing the same thing to them; however, there were no guarantees that the client could not go to another brothel in the area. Without formal reporting to the police, the emphasis is on enforcing organisational rules and not on the state law, to apprehend and prevent a perpetrator from acting again.

How perpetrators' actions could endanger others was commonly considered by sex workers and contributed towards their decisions about what action to take after a violation had occurred. For some, there was an explicit sense of responsibility towards the safety of others. Explaining why they reported an assault and robbery to the police, one of the few trans-female sex workers we interviewed explained: "I couldn't [...] have lived with myself [...] to let anybody else go through that" (Hunu, ANZ, street-based). In contrast to the experiences of legal alienation discussed earlier, some experiences demonstrated faith in criminal interventions in having the power to be able to make a difference—the opposite of the 'legal powerlessness' sometimes experienced (Hertogh, 2011). The ability to use one's voice, to some, felt like an important obligation to

others: "...everyone's got their voice, and then if I withdraw my voice, I could hurt another victim, you know" (Alice, ANZ, various). Christine (ANZ, various) explains what she thinks her approach would be if a sexual assault occurred at work:

[Interviewer:] If, um, you knew somebody who was assaulted at work, what advice would you give them? Would you encourage them to go to the police?

[Christine, ANZ, various:] Yeah, I'd tell them, 'You've got to do something about it. You've got to go to the police. If you don't go to the police, it's going to happen over and over and over and over 'til they destroy you, and if you, um, take it to the police and tell them, they will do something about it. Just be open and honest with them'. But there's a lot of those just still won't do it.

Police were sometimes called to brothels in Nevada after an incident and most of the brothel sex workers we interviewed indicated that they felt that the police would take them seriously if they reported something—again, demonstrating a level of confidence with formal legal processes. However, none of these workers had progressed with criminal proceedings, meaning the formal resolution to breaches started and ended at the level of workplace intervention. This could be that feelings of justice had been satisfied outside of traditional criminal justice. It could be, however, that the reality of formal legal mobilisation was not what was expected nor wanted. Abigail expanded on why she never reported after a client was removed from the brothel and management had called the police:

I didn't personally get to talk to them [the police], they must have dealt with the madams and the head of security directly after I'd already relayed my story to them. But the fact that they showed up right away was very nice. So, from what I heard from everyone, they did follow all the protocol, they asked if I wanted to file a report. So, they were there for me if I needed them to be. ... On the surface, they've been very polite with me, when I do go get my licence every year. But it's almost as if they're an employee having a bad day, so they're nice but seemingly irritated, and I found that odd the first time. ... I could file a police report,

but I hear so many cases of friends and family who do that and nothing happens from there. They'll even fight back a little bit saying, 'Well, it was your boyfriend so it wasn't sexual assault'. 'You know the person'. So, it feels like it's always kind of a struggle to be safe, and then take care of yourself after something does happen, even after the #MeToo movement. There was so much pushback from that too: 'Well, now women can just lie whenever they want'. That's not the point. Why would we do that? Just the entitlement almost, of people, to our bodies is very hard to navigate when we're constantly told that it's our fault and our responsibility, rather than being given resources to protect ourselves. So, I feel really lucky to work here [in the brothel] where it's very safe. (Abigail, USA, Nevada legal brothel)

There is much to unpack in this story from Abigail, about the likelihood of engagement, or not, with law enforcement, the probabilities of the police disbelieving the assault claim in the USA sex-work setting, and the broader cultural context of responsabilisation of women's behaviour to avoid sexual violence. Abigail notes a persistent misogynistic acceptance of sexual violence as ordinary and even acceptable as a normal reaction from police in the USA. What underpins the story is that ultimately Abigail felt the legal brothel system in Nevada gave her the assistance and protection she needed—including how they empowered and enabled her to make a formal report—and that this was more effective than recompense via the police. The informal norms and rules within the workplace of the regulated brothel provided protections and a response that she sought and was not likely to get from the USA police.

This demonstrates further how, regardless of sex workers' understanding of the protections that should be afforded to them under formal law, support and resolution are more readily available in the workplace environment of the legal brothels.

Conclusion

However sex workers experience sexual violations within their work, they adopt a range of pathways—to greater or lesser extents of formality—for them to respond to the breach in a way that is most suitable for them at

that time. These responses exist along a continuum, from minimal or no action to informal resolutions to approaches based on the organisational culture and workplace norms. As we see in Chapter 6, very rarely is the criminal justice service approached as a course of action after a violation. Behind each response is a reason for engaging with that option—be that out of necessity due to the circumstances of the violation (for instance, where no action may be considered possible in a criminalised setting or where there is a risk of harm), or on the basis of the understanding the worker has of what options are available to them. This is then further influenced by the experiences of others, both those within close social structures (particularly the workplace) and those in wider society. The concept of second-order legal consciousness (Young, 2014) can be applied to this cohort of participants, whereby an individual sex worker's beliefs and attitudes towards violations and the actions that can be taken as a result of breaches are heavily influenced by their interpretation of the beliefs and attitudes of those around them.

The process of learning about appropriate and inappropriate behaviours (within and outside the context of sex work) can lead sex workers to be able to consider their options, and then ultimately choose to take formal or informal action against the perpetrator. Having a better understanding of formal laws can lead sex workers to legal mobilisation (e.g. Lehoucq & Taylor, 2019). It appears vital how sex workers learn about both formal and informal norms in the local context of the sex industry, which contributes to sex workers' attitudes and perceptions of the formal law and their actions after sexual violence and breaches of agreements. This determines whether sex workers would use informal enforcement mechanisms or whether they feel able to report more formally.

Legal consciousness research to date is largely constructed at the level of individuals, as victims and their interaction with support agencies and/or legal professionals. Our understanding of the data in this project flags how a focus on only the individual victim misses out so much of the broader understanding of how communities have knowledge of and utilise the law, if they do at all. Our data go beyond examining legal knowledge and consciousness at an individual sex-worker level by exploring the structural elements of how mobilisation by sex workers

is constrained or promoted at meso and macro levels, by organisations, legal hegemonies, and cultural formations in different countries in our study.

The social and legal context in which the sexual violation occurred is also, of course, a significant factor in how such behaviour could feasibly be responded to. There are still strong cultural narratives and legal norms, particularly in criminalised settings, regarding sex workers not being able to be raped or being capable of non-consent because of the work they do. Such external social attitudes encourage clients to push boundaries, disregard consent, and violate sex workers' sexual autonomy. It is also the same type of narrative against sex workers that makes them highly vulnerable to occupational homicide and targets by serial killers and perpetrators of hate crime (see Cunningham et al., 2018).

Additionally, this 'tolerance' to legally and morally egregious behaviour, as noted by Felstiner and colleagues (1980), can be a cause and an outcome of not being able to identify where harm has been caused. In contexts where there is legality and regulation around selling sex, such as brothels in Nevada or in the decriminalised setting in Aotearoa New Zealand, there was, among our study participants, a stronger sense of rights and knowing when a harm had occurred around condom removal/stealth and non-payment. Ultimately, understanding formal laws was more evident, as well as trust in the formal process in Aotearoa New Zealand, where talk about rights and understanding the law was passed on through brothel workplace culture and between the individuals working together. Yet, there was still a reluctance to engage law enforcement, and a low engagement in generic support services (such as Rape Crisis centres) more broadly. This suggests that, even with knowledge around legal interventions, and the opportunity to engage in criminal processes, the type of 'justice' sought by many sex workers falls into a more informal category of resolution, with strong intentions of wanting to keep others and themselves safe.

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