Vancouver's Street Sex Workers: Underfunded and Under Protected in the COVID-19 Climate

Introduction

Sex work has historically been systemically criminalized and discriminated against due to long running stigma which seeks to prevent the legitimization of the industry. In Canada, legislation like Bill C-36 criminalizes the sale and purchase of street sex work. Combining legal factors with conservative social norms that are prevalent in the Western world which categorize sex as taboo, sex workers face barriers to execution on every level. Further complicating matters is the influence these realms have on each other – with social norms informing legality, and legality conflated with morality, sex workers' position in society is constantly caught in a spiral of discrimination. COVID-19 posed an impossible hurdle for many sex workers, particularly in Vancouver's Downtown Eastside. According to Hyslop (2019) the Downtown Eastside is home to innumerable marginalized groups, however 40% of the houseless population are women (para. 3). Out of this 40%, many are Indigenous.

In this essay, we will be unpacking the legal, and thereby inherently social, conditions which breed discrimination against local street sex work. Our essay argues how these factors fuelled challenges within the COVID-19 climate, and through our feminist analysis, sheds light on the lack of research on many marginalized groups. In addition, we will be including a call to action to amplify the needs of local street sex workers, particularly the needs of our local Indigenous sex worker population.

Analysis of Intersecting Identities within Sex Work

A large factor contributing to the systemic oppression of sex workers is a lack of research and public interest in providing support to the industry. The street sex workers located in Vancouver are largely underrepresented, and this in turn leads to a lack of research on the intersecting identities of this population. When we analyze the sex worker population, there is deep fragmentation of identities within the community, yet little of the research is truly representative of this complexity. Sex workers continue to be discriminated against in various levels based on their intersecting identities. If we use the trans sex worker population as an example, "research on trans sex workers has documented high incidents of violence; however, investigations into the relationships between violence and social-structural contexts are limited" (Lyons et al., 2017, para. 1) which speaks to the lack of understanding of the barriers faced. In addition to this lack of research concerning trans sex workers, "the voices of young people are seldom heard" and are "rarely seen as possessing any form of agency and are often excluded from a rights-based approach that meets them where they are at" (Hobbs & Rice, 2018, p. 640). In the context of Vancouver's Downtown Eastside, where according to the article by Megaphone Magazine (2012) 2003 data has shown over 70% of the sex worker population to be Indigenous, we must consider the additional discrimination of colonialism (para. 7). It is important to acknowledge how voices of Indigenous sex workers highlight that "the whole idea of North American liberalism loves the word

'choice', but it assumes that we're all on a level playing field", which is a perfect representation of how intersecting identities are seldom acknowledged when researching sex workers (Megaphone Magazine, 2012, para. 12).

As Wanda Nanibush, Anishinaabe-kwe curator, artist and educator wrote "…[intersectional feminism] is important because colonialism enforced patriarchy within our communities…" (2017). What the Indigenous street sex worker population needs is much the same. To fully understand and support the complexity of Indigenous issues, primarily in this research focusing on women in sex work, we must acknowledge the impact of colonialism in this community. The research on this population is gravely lacking the considerations of colonialism. Simultaneously, we must acknowledge that simply analyzing the Indigenous sex worker's position using an intersectional lens is insufficient. "Intersectionality alone cannot bring invisible bodies into view. Mere words won't change the way that some people – the less-visible members of political constituencies—must continue to wait for leaders, decision-makers and others to see their struggles" (Crenshaw, 2015). The need for not only social and academic change, but political change, is required for us to meet the needs of this underserved population.

Financial impacts of COVID-19 on sex work

The stigma of sex work has perpetuated the discriminatory view which separates sex work from being real work. Prior to COVID-19, these problematic views "have hindered sex workers' ability to access basic labour rights [such as] minimum wage, reasonable hours, enforceable contracts, and secure working environments" (Hobbs & Rice, 2018, p. 638). Since the rise of COVID-19 in Vancouver, the consensus from the community is that there is not enough community-based support to keep sex workers safely employed. "Sex workers in Vancouver are increasingly fearing for their livelihoods and personal health", Elsi Dawson, a sex worker based in Vancouver recently shared with the Tyee (Wyton, 2020, para. 7). There is lack of stability that sex workers must battle, because of the general stigma against sex work deeming it as an invalid form of employment. The result of this pervasive negative view of sex work is a lack of formal support through the government and a downturn in client interaction due to the regulations enforcing COVID-19 safe practices. Upon analyzing the criminalization and stigma sex workers experience, we explored the impact COVID-19 has had on sex workers financially.

According to the Jozaghi and Bird research (2020), "out of approximately 2600 sex workers in Vancouver, at least 20% are estimated to be involved in survival sex work …" (para. 3). Some have successfully "managed to move their work online, [but] others struggle to stay afloat in the pandemic climate," (Benoit, 2020, para, 8). While many with formal employment are utilizing institutional support through the government during this time of uncertainty, there is a lack of the same support for those in sex work. This is in large part due to the criminalization of the industry, based on legislation such as "Bill C-36 (the Protection of Communities and Exploited Persons Act) … law prohibit[ing] anyone to buy or advertise sexual services" (Jozaghi & Bird, 2020, para. 2). Further, sex workers do not have the same privileges that most formally employed people have to earn income throughout the pandemic in Canada, because "…sex

workers do not qualify for employment insurance or many of the recent governments' emergency support…" (Fry, 2020, in Jozaghi & Bird, 2020, para. 3). If we consider this, we can think more critically about the exclusion sex workers have experienced from the institution in being able to access resources such as Employment Insurance or the Canada Emergency Response Benefit (CERB). Those who do qualify for government support are fearful of the punitive measures that could be imposed upon them if they apply. CERB "only allows for people who are documented in some way to apply for it, because it means you have to file your taxes next year, it means you have to be in the tax system, it means you have to be accounted for in that way,'" (Wright, 2020, para. 10). There are various reasons why street sex workers choose not to file taxes. There is potential to breach client confidentiality and anonymity when filing taxes. An additional risk in being documented, according to Wright (2020) sex workers could expose their clients if they accept e-transfers causing legal troubles for their clients. Wright (2020) also acknowledges the additional risk of also being removed from disability or welfare if sex workers claim the full amount they make from their work or facing fines due to not following social distancing guidelines when working (paras. 12-17).

In addressing the repercussions against sex workers potentially exposing themselves by applying for government services, we must also acknowledge the distrust between the Indigenous sex worker population and institutions like the government. In an interview between two youth sex workers JJ and Ivo shared "...when I've needed support as an Indigenous youth in the sex trade, it was rarely available. And when it was available, it wasn't the right kind of support; instead, it put me in further danger of criminalization" (Hobbs & Rice, p. 642). It is important to refrain from "[viewing] Indigenous sex workers as victims of colonial violence" says Indigenous scholar Sarah Hunt. She also adds that by banning sex work and conflating the "historical context of systemic sexualised violence against Indigenous women" with modern day sex work it is veering into white saviourism and branding Indigenous sex workers as having no autonomy (Beer, 2018, p. 86-7). Conflating systemic sexualised violence with consensual sex work is a violent assumption. Turning away and policing people on what to do with their bodies is often seen as colonial violence. As Hunt shared, "those who want to prohibit and outlaw sex work are part of a movement to control the bodies of sex workers, which…is a continuation of our colonial legacy. As with all Indigenous people, sex workers must be free to make decisions about their own bodies, including making money through sexual acts" (Hunt, 2013, p. 96).

A call to action

The COVID-19 pandemic exacerbated the vulnerabilities sex workers face daily and exposed the many ways in which the government continues to fail at protecting them. Considering all the evidence provided in this essay, the call for full decriminalization of sex work is necessary as it provides access to labour rights, better healthcare for all, and safe workspaces. By removing the stigma and legalizing street sex work, the industry can be regulated. Additionally, it protects the workers from violence and exploitation. The industry would begin to shift from an industry of exploitation to

empowerment. Sex workers would be more likely to report cases of abuse, refuse clients, and access community support. Decriminalization would, over time, give sex workers the confidence to speak up and know they will be heard, and believe that the system will shift to one of preventing violence rather than responding to violence. The goal is to remove the stigma towards their line of work and to have the public recognize sex work as real work — one that is deserving of respect, protection, and labour rights as an industry. Most importantly, by removing the stigma associated with this industry, we are better able to gain public and governmental support to further research the needs of those at the most vulnerable intersections of society.

Conclusion

To conclude, we have identified validity within our research that sex work continuing to be criminalized is rooted in the stigmatization of the industry and does not fulfill the protections that laws like Bill C-36 claim to. From the highest levels of prolonged, historic discrimination within governmental agencies, to the pandemic posing an additional threat to physical safety and retention of income, sex workers face mass amounts of resistance. It is clear from our research that marginalized groups with intersecting identities tend to be hidden in the shadows because of lack of relevant research. What is more, we have summarized that the sex worker experience is not universal. As with any feminist theory, we have had to reckon with the unique and unparalleled discrimination our Indigenous sex worker population must face. The lack of resources, support, preventative action altogether creates a challenge that at minimum is four-fold to that of the sex worker population represented in the little research that is available relative to Vancouver. The need for sex workers to access labour rights, thereby gaining independence within the industry, allows for sex work to be a safe industry. We also found validity in our statement that COVID-19 further increased the barriers street sex workers already face. This included financial barriers such as the inability to access CERB and not obtaining safe workplace measures that other formally employed people have received. Thus, reinforcing the immediate need to legitimize the industry to allow those in these vulnerable positions to have equal access as those with what is currently defined as formal employment.

Word Count:
1984 including subheadings level 1 and 2 but not header information

1951 without all subheadings level 1 and 2 or header information

References

Beer, S., (2018). The Sex Worker Rights Movement in Canada: Challenging Legislation. *Moving the Social, 59*, 71-96. https://doi.org/10.13154/mts.59.2018.71-96.

Benoit, C., (2020, October 16). COVID-19 benefits exclude sex workers in Canada. *Policy Options.* https://policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/.

Clamen, J., Gillies, K., (2016). "When Sex Works: Labour Solidarity for Sex Workers Has Come a Long Way, but More Can Be Done." In Hobbs, M., Rice, C. (Eds.), *Gender and Women's Studies: Critical Terrain* (2nd Edition), (pp. 638-40.), Women's Press.

Crenshaw, K., (2015). "Why Intersectionality Can't Wait." *The Washington Post.* In Hobbs, M., Rice, C. (Eds.), *Gender and Women's Studies* (pp. 58). Women's Press.

Hunt, S., (2013), Decolonizing Sex Work: Developing an Intersectional Indigenous Approach. In Van Der Meulen, E., Durisin, Elya M., Love, V., *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada*, (pp. 96). UBC Press.

Hyslop, K., (2019, April 3). *'I See My Sisters Hurting Down Here All the Time': Indigenous Women in the Downtown Eastside Speak Out.* The Tyee. https://thetyee.ca/News/2019/04/03/Indigenous-Women-DTES-Speak-Out/.

JJ and Ivo., (2013). Excerpted from "We Speak for Ourselves: Anti-Colonial and Self-Determined Responses to Young People Involved in the Sex Trade." In Hobbs, M., Rice, C., (Eds.), *Gender and Women's Studies: Critical Terrain* (2nd Edition), (pp. 642.), Women's Press.

Jozaghi, E., & Bird, L. (2020). COVID-19 and sex workers: human rights, the struggle for safety and minimum income. *Canadian Journal of Public Health = Revue Canadienne de Sante Publique*, *111*(3), 406–407. https://doi.org/10.17269/s41997-020-00350-1

Lyons, T., Krüsi, A., Pierre, L., Kerr, T., Small, W., & Shannon, K. (2017). Negotiating Violence in the Context of Transphobia and Criminalization: The Experiences of Trans Sex Workers in Vancouver, Canada. *Qualitative Health Research*, *27(2)*, 182–190. https://doi.org/10.1177/1049732315613311

Aboriginal women are overrepresented in the sex trade. Is there a way out? (2012, June 18). Megaphone Magazine. Retrieved July 11th, 2021 from https://www.megaphonemagazine.com/aboriginal_women_are_overrepresented_in_the_sex_trade_is_there_a_way_out

Nanibush, W., (2017). "Anishinaabe-kwe and/or Indigenous Feminist?" In Hobbs, M., Rice, C. (Eds.), *Gender and Women's Studies* (pp. 38). Women's Press.

Wright, T., (2020, April 19). *Sex workers say they have been left out of Canada's COVID-19 response.* CTV news. https://www.ctvnews.ca/health/coronavirus/sex-workers-say-they-have-been-left-out-of-canada-s-covid-19-response-1.4902772

Wyton, M., (2020, March 27). *How the COVID-19 Crisis Is Hurting Sex Workers.* The Tyee. https://thetyee.ca/News/2020/03/27/How-COVID-19-Hurting-Sex-Workers/.