

Collaborating Across Differences:

Reflections from 40 years of Sex Industry Research **V08**

Good morning…..

We are gathered here because we have a common interest in improving the health, safety, and security of people working in the sex industry.

While sharing common objectives, we approach the challenge from many different experiences, skills, and personal and institutional contexts. I find this to be very stimulating and exciting.

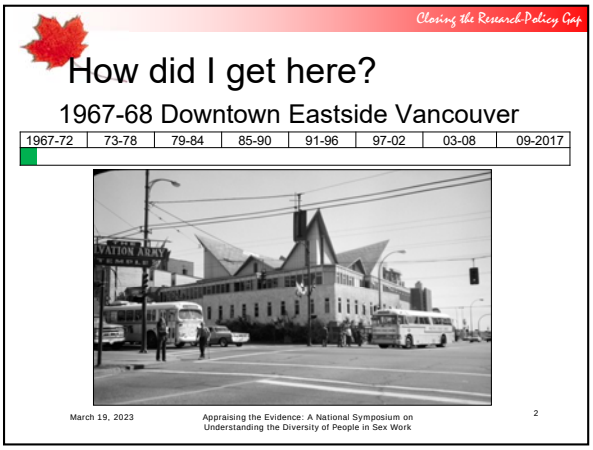
I come to the task in my role as researcher, communicator, and occasional advocate. Others in the room and among our networks come as sex workers, health practitioners, social support workers, and community activists. Most of us hold multiple roles. And each of us bring different skills to the table.

However, to make our collaboration effective, we must understand the differences among us, respect them, and search for the ways our differences enhance each other.

Today, I would like to contribute to this collaboration by describing the variety of personal and institutional conditions that have contributed to my role as researcher. I'll identify what I have learned in my work, and offer some suggestions regarding our future collaboration.

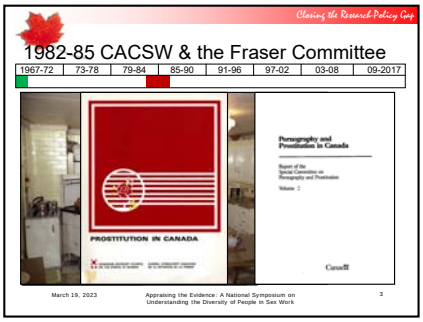
As you might expect, my contributions are the result of personal, professional, and accidental factors. Thus, while sharing my research skills with you, I will situate them—and myself—in the debate of sex work law reform that has unfolded in Canada over the past 40 years.

So, how did I get here?.....



1967-68 Downtown Eastside Vancouver

- **Actually my journey began 50 years ago in 1967** when I took a position as a Community Worker at First United Church in downtown Eastside Vancouver. Since the City Jail was across the street and clearly part of the community, I revised my job description to include jail visits. The Police Chief was enthusiastic and gave me a pass to visit the women in Lockup.
- My objective during these weekly visits was to provide an opportunity for *square-johns* (like me) and *rounders* (like them) to interact and to share stories. In the process I hoped we would learn something from each other. In short, my role was simply to be a *witness*.
- Almost all the women I met were involved in prostitution—it wasn't referred to as sex work back then.
- Very few supports networks existed. Those that were available, were designed for women in '*trouble with the law'*: Elizabeth Fry, the John Howard Society, and the Salvation Army. There were no programs designed for sex workers, and no organizations by or for sex workers.
- My exchanges with the women I visited often laid bare the different worlds in which we lived. I remember Lynn, who was sporting a black eye, describing how she could tell her boyfriend loved her because he hit her. She perceived the rules as black and white; as right and wrong; and *'knew'* that behaving wrongly often ended in a beating.
- The rules in my world were more ambiguous and in some cases entirely different. Rather than changing their way of thinking, I learned to provide them with the support they needed, even if it might mean supporting values & beliefs that I did not share.
- <u>This was my first major lesson</u>.



- **Skip** forward 14 years, a Masters degree, a move from Vancouver to Montreal, two children, some part-time teaching at Concordia, a PhD thesis on women in agriculture almost done, and I was in Ottawa working for the Canadian Advisory Council on the Status of Women (CACSW).
- In the mean time, a series of Vancouver court decisions had rendered the street prostitution law-of-the-day—the "soliciting law"—unenforceable. In order for soliciting to be enforced, it had to be "pressing and persistent", a condition that was very difficult to prove. Eventually it wasn't enforced at all—leading, in part, to the spread of street prostitution. By 1983 it was so widespread that the Liberal government struck the **Special Committee on Pornography and Prostitution** (commonly known as the Fraser Committee), to study sex work and the law with an eye to recommending law reforms (Lowman & Shaver 2018).

- As part of my job with the Advisory Council—and as a tribute to the women I met in Downtown Eastside—I agreed to help develop their publication on *Prostitution in Canada* (1984) (Shaver 1984). It was to be the basis of their presentation to the Fraser Committee.

  The Advisory Council and I parted ways when it became clear that they were more concerned about women residents than women sex workers. Sensing that sex workers needed a *'voice',* I submitted a brief to the Fraser Committee. Based on secondary data, it concluded with a recommendation for decriminalization in combination with social policy programs (Shaver 1985).

  At the time, I thought of myself as a feminist, but soon learned that others didn't think the label fit !! This was the early 1980s and I was defending both the workers ***and*** the business. At the time, most other feminists were ***only*** prepared to defend *'women prostitutes'* (Shaver 1985/86; 1988). Little did I know that more challenges were to come !!

  The Fraser Committee included cross-country consultations—involving 22 centers; hundreds of presentations from individuals and organizations; 16 commissioned reports including 5 regional studies of prostitution, and a national survey of public attitudes.

- It recommended a full array of social policies to address the determinants of prostitution and proposed two sets of revisions to the law: a communicating section (s.213) to replace soliciting and a modification to the Bawdy house section (s.210) to let 3-4 people work together in a bawdy house (Special Committee on Pornography and Prostitution1985).

- **Qs to audience:** How many here were involved with the Fraser committee?
  How did you get involved?



The legislation enacted by the Conservative government did not reflect the broader social and legal concerns of the Fraser Committee, nor did it shift the focus away from the morality debates. The government simply replaced the soliciting offence with a "communicating law." Nevertheless, the Fraser Committee enabled other exciting developments.

- **The first development was an increase in the # of studies about sex work:**

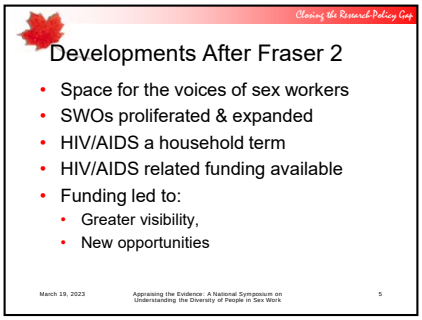
Prior to the Fraser Committee, only a handful of studies about prostitution in Canada were available. For the most part, they examined prostitution as a vector of disease, described sex workers as "fallen women", and generally referred to prostitution as the "white slave trade" and "a social evil". The first contemporaneous interview study of sex workers in Canada—*A Report on Prostitution in Vancouver*—was conducted in 1975 (Layton 1975). And in 1980 —*Hookers, Rounders, and Desk Clerks*—an ethnography of hotel-based prostitution in Toronto was published (Prus & Irini 1980).

- Studies conducted **post**-Fraser Committee grounded 'prostitution' in a greater variety of perspectives and methodologies. Researchers, including academic scholars, advocates, and sex worker organizations (SWOs)—alone, in consultation with each other, and occasionally in partnership—began developing a labour market perspective that conceptualized prostitution as a form of work, rather than a form of pathology.

- New research included empirical studies about sex work from a labour perspective – often involving field work, in-depth interviews, and a community-partnered approach (e.g., Brock 1998, Jeffrey & MacDonald 2007, Jenness 1994, Kempadoo & Doezema 1998, Lowman & Atchison 2006, Sorfleet 1995, STAR 2005, Weinberg et al., 1999).

- In addition to highlighting diversity in the sex industry, it highlighted the workers' vulnerability to assault, substandard and unsafe work conditions, the absence of appropriate health and social services to meet their needs, their marginalization or exclusion from mainstream social and community institutions, as well as the strategies SWOs developed to maximize their own safety, security, and well-being.

- As a whole, the research highlighted the diverse and complex experiences of sex workers and their relationships with loved ones, colleagues, and clients. It also acknowledged the rise of sex worker resistance to the prohibitionist agenda.



- **<u>The 2nd development was the creation of space for the voices of sex workers</u>:**

Representatives from two fledgling sex worker organizations appeared before the Fraser Committee: **ASP** (the Alliance for the Safety of Prostitutes **1982**) and **CORP** (the Canadian Organization for the Rights of Prostitutes **1983**).

Both groups argued strongly for decriminalization. However, they did so from very different positions: **ASP** wanted people to understand that they **didn't** like their work but got involved to support their families. **CORP,** on the other hand, spoke of enjoying their work and being good at it. In spite of these differences, they made a decision to work together for a common goal: decriminalization of prostitution. ASP & CORP represented different groups of sex workers who—in spite of their differences—chose to work together for a common cause. Although the issues may be different today, tensions between differing sex worker populations still exist.

- Since then, sex worker rights organizations have <u>proliferated and expanded</u> their services and political initiatives. In the 1990s, Canada's SWOs began communicating with similar organizations around the world regarding a myriad of issues, including fears related to HIV/AIDS, *The Charter of Rights for Sex Workers*, support for the migration of sex workers, education of their communities about sex work-related issues, and initiating strategies for decriminalizing sex work and improving their living and working conditions (Lowman & Shaver 2018).

- During the same period, <u>HIV/AIDS became household term</u> and the number one threat to public health. Initially identified primarily among gay men, the disease was soon found among intravenous drug users, sex trade workers, and blood donation recipients. When it was reaching epidemic proportions, HIV/AIDS provoked fear and stigmatization of its victims. Local health departments began to develop safer sex campaigns, and found that using the gay community to transmit the message to potential sufferers was the most effective approach.

- SWOs were also effective campaigners and were able to take advantage of HIV/AIDS related funding to support their programs.

- With funding came <u>greater visibility</u> and <u>new opportunities</u>. In my position as educator, I was also able to take advantage of this funding as well.



1989 Canada Research Fellowship

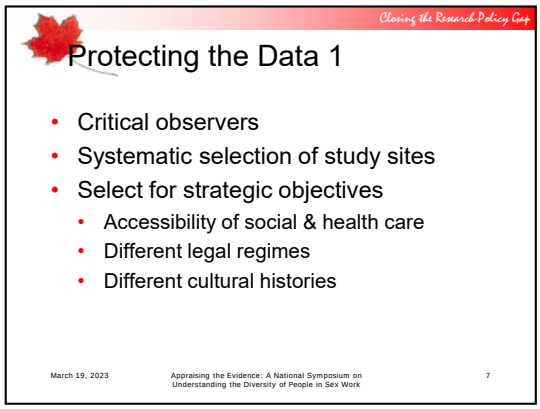
After completing my PhD and a Post Doc on the Household and the Economy, I applied for a Canada Research Fellowship to study Adult Prostitution in Canada. Like others, my fledging sex work research activities expanded enormously in the post-Fraser Committee context.

- Between 1989–2000 my projects adopted a sex-as-work approach. They included field work with street-based sex workers on high track strolls in San Francisco, Montreal and Toronto. I interviewed women, men, and transgender people (both transwomen and others who worked as women even though it was not their gender identity). We also conducted comparison interviews with sex workers and hospital workers.
- In 1994-1995, along with a colleague at Concordia, I taught and received funding to support a course titled "HIV/AIDS: Cultural, Social and Scientific Aspects of the Pandemic". It became a core course for Minor (and then a Major) in Interdisciplinary Studies in Sexuality (Shaver & Waugh 2006). Updated versions of the course are still being taught.
- From 2000–2004 I was a member of a research partnership called STAR (Sex Trade Advocacy & Research). It included three academic partners (Lewis, Shaver, Maticka-Tyndale) and four community partners (Stella, Maggie's, EDA, Peel Health). We conducted case studies in two field sites [Montreal & Toronto] on several sectors of the sex industry: street-based workers, masseuses, exotic dancers, escorts, & doms.

  Over 400 sex workers and 75 hospital workers were interviewed for these projects. The research was exciting and very productive. Unfortunately, my colleagues did not take me seriously: an attitude reflected in their joking references to me as *Queen of Sex* and as *Dean of Vice* during my mandate as the Vice Dean of Student Affairs.

  Worse, the validity of the data was constantly challenged. Friends and colleagues argued that the samples were biased; sex workers wouldn't speak the truth about their pimps; and they would only tell us what we wanted to hear. Such assertions were never, ever, made when I studying farm women !!

  During this period, protecting the integrity of any data collected on my watch became a major preoccupation (see Shaver 2005a) and my second major lesson.
- Fortunately, since "Sex Sells", the media were interested in the findings. Using services at Concordia University, I learned how to improve my relations with the media and had many opportunities to speak to the public through these activities. They provided fantastic opportunities to contribute to the public debates that were still ongoing.

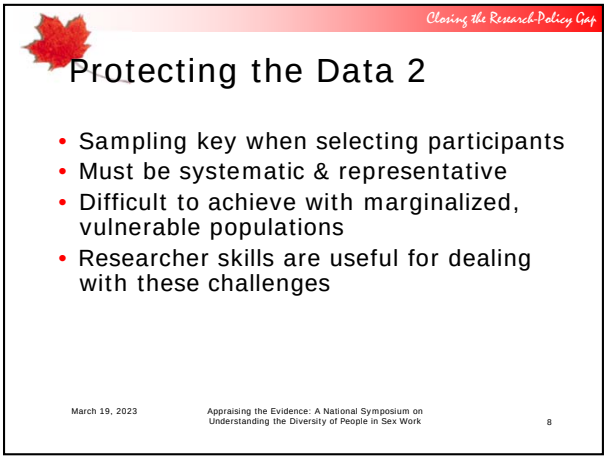


Protecting the data 1

So, what does "*protecting the data"* mean for researchers like me?

- **We need to be critical observers**–including in contexts which are unpleasant, socially unacceptable, on occasion threating, and very often outside one's comfort zone. This means we are involved in activities that activists find triggering, that policy-makers find threatening, and that community partners find stressful. It is a good illustration of where researchers can contribute in the face of these challenges.
- **The selection of the study site(s) must be systematic**: The four fieldwork sites for my study of street-based workers were selected for strategic objectives. We wanted to focus on conditions of those working in similar street-based sex work environments (e.g., high track strolls, adjacent to each other, & close to city center) but in different social, cultural and legal contexts.
- One site difference was reflected in the accessibility of social and health care services. In Canada, where three of the sites were situated, universal health insurance was available. This was not the case for our site in California.
- Another difference at the time of the studies, is that prostitution *per se* was not illegal in Canada, but it was, and still is illegal, in California.
- In addition, the sites were embedded in different cultural histories. For example, San Francisco was a city with a high degree of tolerance for diverse sexualities, and Montreal, in comparison to Toronto, had a history of greater tolerance for public displays of sexual material. In addition, both San Francisco and Toronto were home to strong SWOs (COYOTE, in San Francisco (1973) and CORP (1983) and Maggie's in Toronto (1986)). There was no visible SWO in Montreal at the time of our fieldwork (Shaver 2005a: 300).

Our design did not give us the ability to fully examine all these social, legal, and cultural differences, but we felt that an awareness of them would help inform the interpretation of the commonalities and differences across the four different sites.



Protecting the Data 2

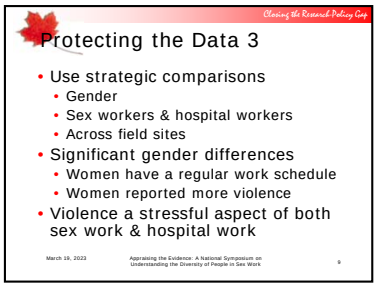
- **We must use careful, systematic techniques when selecting participants**

  The research world is one where generalizations are of critical importance. Therefore, the standards required when selecting participants are high in order to assess the extent and limits of our generalizations.
  Sampling becomes a major pre-occupation, whether it is a sample of one (in the case of ethnographic studies) or a sample of 400 (as in the kind of research I do).

- Sampling must be systematic and, where possible, representative of the population being studied. It includes the rules one devises when choosing who will be invited to participate. Ideally, one wants to interview participants that are representative of the group being studied. The strategies adopted for the field-work studies were grounded in a participant-centered approach (see Shaver 2005a).

- But, selecting such a sample when dealing with marginalized and vulnerable populations, such as sex workers, is extremely difficult to achieve and frequently offends those who might be excluded.

- The skills and training of researchers are useful for dealing with these challenges.



- Another tool for protecting the data is to **Use strategic comparisons:** In my first study, we built in 3 sets of comparisons.

- The first was **Gender:** We were interested in learning whether gender mattered and under what conditions we'd find differences and/or commonalities between the women, men, and transgender people.

- Another compared **sex workers and hospital workers:** Given their job similarities (for e.g., both jobs entail intimate contact with the body and body emissions, and neither has formal entry requirements), we wanted to know how much control they each had over their work environment, whether they were subjected to similar risks, and whether the stigmatization experienced by sex workers was also a significant factor for hospital workers.

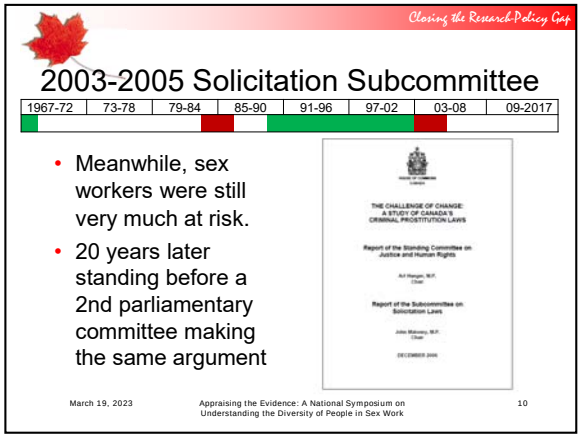
- A third set involved **comparisons across the four field sites**. If the patterns were similar across all the sites, this would add strength and reliability to our findings and to our ability to generalize beyond the study population.

- **Well,** we found significant **gender differences** between women and men: Women were more likely than men to have a regular **work schedule**, worked more days per week, saw more clients, spent less time with their clients, and earned more than either men or transgender workers (Weinberg, Shaver & Williams 1999). Probably one of a very short list of jobs where women earn more than men !!

- Women reported more physical and sexual **violence** than men, assessed their work as more stressful, and were more likely to be arrested (Lesson #7 Is sex work safe). These gender differences were in evidence across all four research sites, giving more credibility to our findings (*Shaver 2005c*).

- Comparisons between sex workers & hospital workers revealed that violence was a stressful aspect of both jobs. Hospital workers were more likely to be assaulted by their patients than were sex workers by their clients. The women in both jobs assessed their work as more stressful than the men. Sex workers, had more personal control over their work environment than hospital workers (Shaver 2005b).

Having learned how to protect the integrity of my data—which was often called into question—stood me in good stead for the rest of my career.



- **Meanwhile, in spite of the Fraser Committee recommendations, sex workers were still very much at risk**. In the mid 1990s, the Pickton case became a flash point in the wider issue of missing and murdered women in Vancouver's Downtown Eastside.** A survey of 183 sex trade workers conducted by PACE Society between 1999 & 2001 revealed that acts of violence against these women were frequent. In addition to going missing and being murdered, women were subjected to robberies, beatings, kidnappings, and forced confinement. Since then, however, there has been a shift away from seeing sex workers as deviant or criminal to seeing them as victims of violence. Public and media narratives now reflect a greater concern for the health and safety of those involved in the sex industry (Shaver et al. 2018).

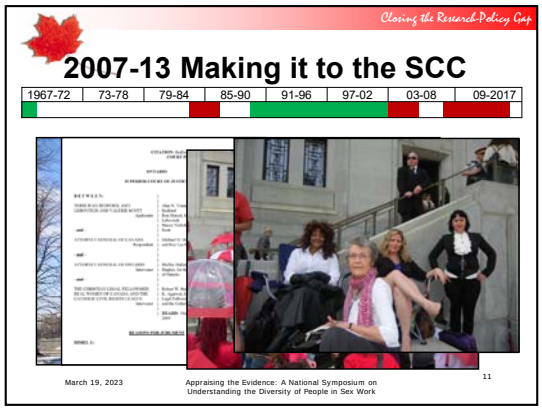
Due in part to this shift in the narrative and the fact that the Conservative government's communicating law—introduced after the Fraser Committee Report—failed to make a difference, the **Liberals struck a House of Commons Subcommittee on Solicitation Laws** (February 2003).

Their mandate was to review the laws in order to improve the safety of sex workers and communities overall, and to recommend changes that would reduce the exploitation of and violence against sex workers.

- Suddenly there I was, 20 years later, standing before a second parliamentary committee making the same argument I had made to the Fraser Committee. This time, however, I had primary research findings in hand, and not just my own! Many other scholars and SWOs had been conducting empirical research on the sex industry from a work perspective. This new information served to strengthen my own data and original position (Shaver 1985) regarding the need for social and legal reform grounded in decriminalization.
- As we all know, the Subcommittee's report (SSLR 2006)—begun as a Liberal initiative but written by the Conservatives—was disappointing. It did not contain a single proposal for concrete legislative reforms, even though this was the core of their job.

Qs to audience: How many here were involved with the SSLR?
How did you get involved?

** I am very thankful to the Symposium participant who drew my attention to this missing piece in my reflections.



2007-2013 Making it to the Supreme Court of Canada (SCC)

The next opportunity to influence policy makers was during the Charter Challenge to Canada's prostitution laws. We are now in a period with which all of you must be familiar.

How many here were involved with this Charter Challenge?

What was your role?

As an invited affiant, one of the most exciting aspects of this process was working in partnership with the plaintiffs and their lawyers when appearing before the Ontario Superior Court (ONSC). Step #1 in the road to the Supreme Court of Canada (SCC).

Knowing full well that the demands of the courts with respect to evidence & facts were quite different from that of academic research, I was apprehensive about how to present my findings and even whether they were relevant to the case being made by the plaintiffs. For example, I couldn't *'prove'* that the communicating section (s.213) made sex work more dangerous, or that working inside was safer. BUT, I could provide 'evidence' using comparisons across several case studies to confirm that :

(i) the communicating section increased the risks faced by street-based workers, &

(ii) inside workers were safer from violence than street-based workers.

Would this be enough? Well, it was enough for Justice Himel.

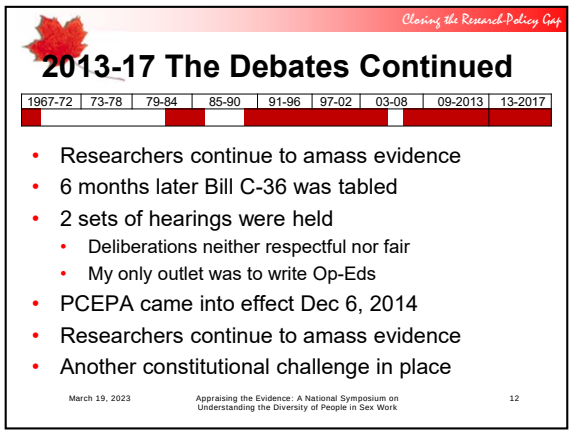
- In her judgment she was careful to identify and rule out anecdotal (45) 'speculative' evidence (72), 'overblown' claims (64), and 'frailty' or absence of evidence (44, 57) from the empirical support found in more systematic reports (49, 54, 56) (*Bedford v Canada*, 2010 ONSC 4264).

  Himel's key distinction between good and bad research is a perfect demonstration of why it is so important to pay attention to participant sampling, site selection, and strategic comparisons.

- The case was heard in the Supreme Court of Canada on June 13, 2013. Happily, the court agreed with Himel's judgments, struck down the same three provisions**, and gave the government one year to respond. I was pleased and greatly encouraged by this expected ally of the law.

  Our next challenge involved encouraging our government legislators to let the judgement stand.

** Communicating (s.213), keeping a bawdy house (s.210) and living on the avails (s.212) (SCC: 60, 67, 72, 135, 154) (Canada (Attorney General) *v.* Bedford, 2013 SCC 72).



The Debates Continued while waiting for the government to respond to the decision of the Supreme Court of Canada (SCC).

- In Canada and beyond, academic researchers, legal experts, and sex worker activists continued to amass evidence they hoped would inform the government's impending prostitution policy.
- On June 4, 2014 (six months later) The Justice Minister (then Peter Mackay) tabled Bill C-36, the Protection of Communities and Exploited Persons Act (PCEPA):

  The bill effectively reintroduced the old laws and created new prohibitions on the purchase of sex and the explicit advertising of sexual services.
- Two sets of hearings were held during to hear evidence and arguments about the proposed laws.
- We hoped that during the hearings elected politicians would engage in respectful and fair deliberations and carefully weigh evidence and arguments in developing public policy. They didn't !! There was a great deal of partisanship and bias in the selection of presenters, and a lack of respect for witnesses against the Bill from big "C" Conservative committee members (Johnson, Burns & Porth 2017).
- At home (on my own) watching the hearings on CPAC, I found myself reacting furiously, especially to the arguments in support of the Bill being made with little or no empirical evidence. With no one to listen to me, my only outlet was to write Op-Eds. I wrote three:

  We already have the legal tools to make sex work safer (*Gazette July 11, 2014a*);

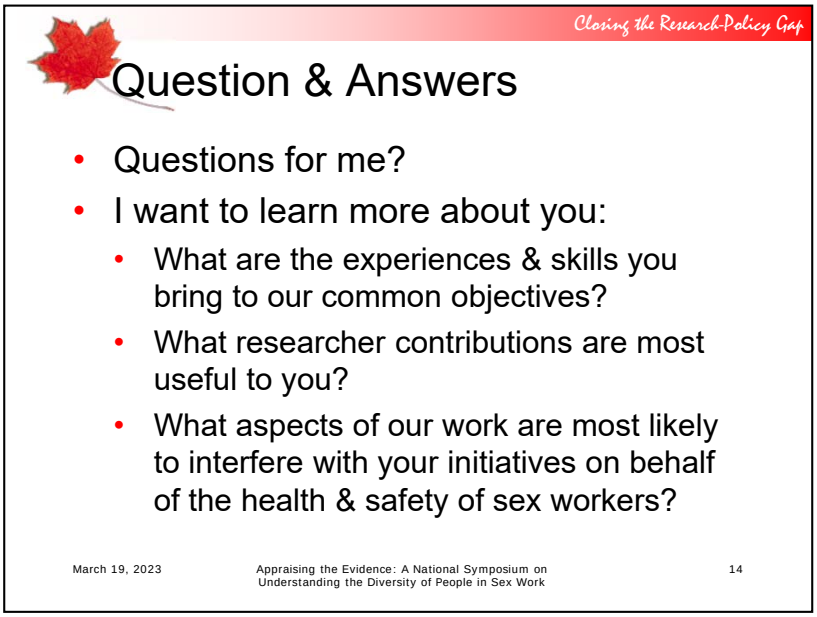
  Prostitution laws: 30 years of conservative failure (*Globe and Mail July 15, 2014b*);

  Do sex buyers lie on surveys? (posted on my webpage July 25, 2014c)
- On December 6, 2014, PCEPA (Bill C-36, Protection of Communities and Exploited Persons Act) came into effect with very few amendments to its original clauses.
- Disappointed but Undefeated, academic researchers, legal experts, and sex worker activists continued amassing evidence.
- And another constitutional challenge is making its way to the SCC. This time spear-headed by The Canadian Alliance for Sex Work Law Reform.
- The work goes on.



Looking to the future: So, what did I learn as a researcher that can guide us for the future?

- Continue producing high quality research: This will ensure that reliable evidence is available for all those who are making decisions about sex work.
- Continue to engage respectfully with all interested parties: sex workers, policy-makers, lawyers, health providers, educators, immigration officers, citizens, media folk etc. Learn about their positions, the pressures they face, their perspectives and values. It not only ensures continued collaboration, but allows us to identify our respective strengths and the ways they can be used on behalf of all. With collaboration comes strength and better evidence.
- Explore multiple ways to represent, interpret, and disseminate research results (including presentations among sex worker groups, lawyers, service workers, those in the political sphere, community groups, and the public).
    - One very effective tactic is paired reporting. For example, multifaceted alliances between differently positioned actors (e.g., sex worker & researcher) can leverage the visibility and power of sex workers in culture and politics, creating opportunities to implement policies that favour sex worker rights (Brazil, 2021).
- Engage with others about the issues and our concerns: talk with friends, family, neighbors. Tell them about the evidence; point out how important it is to avoid rolling child prostitution and human trafficking in with issues about safe and secure working environments. Remind them we live in a pluralistic society and that it is crucial to separate personal moral values and opinions from the legal positions we take (Shaver 2013). Do the same with policy makers and government officials.
- Celebrate the advances we have made:
    - SWOs growing in number and strength
    - People in SWOs are more competent in education, health support, legal sophistication, communication, and self-governance
    - There is a growing number of systematic and reliable studies about sex work
    - We have a larger number and greater range of people as allies
    - New opportunities for strategic action are emerging (e.g., the Sex Worker Activist School).
- Keep your friends, allies, and networks close: they can help when you're down.
- Finally—and this is especially for young scholars, organizers, and mobilizers—embrace your curiosity and passion whole heartedly. It will take you places you never imagined. In part it is my role to train the next generation of researchers. Or, as a long-time activist here today said: It's my job to train up replacements, to pass on the lessons I've learned.
- And one last bit of advice: Prepare for the long term. I look forward to watching your generation exploit these opportunities. With you at the helm, I expect the next 40 years will bring us to a point where you can look back on the early years of this century as a time of ignorance, prejudice, and misguided morality where sex work is concerned.



Questions

- If you have any questions for me, now is the time to ask them?

- But, I also have some questions for you, especially those of you who do not identify as researchers. I want to learn more about you. So:
  - What are some of the experiences, skills, and perspectives that you can bring to our common objectives?
  - What contributions from researchers would be most useful to you?
  - Which aspects of our work are most likely to interfere with your initiatives on behalf of the health, safety, and well-being of sex workers?



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