

*Report of the Meeting on
Trade Union Protections For Sex Workers*

January 30 – February 1, 2009 - Belém, Brazil

During the World Social Forum 2009

*Organized by
Karnataka Sex Worker Union
New Trade Union Initiative
International Commission for Labor Rights*

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In addition, we would also like to thank Kate D'Adamo for the incredible work she did transcribing the event.

We are also deeply indebted to everyone who shared with us their information, ideas, and expressed support for this cause, whether or not they were able to attend, and we hope this meeting will be the first of a series.

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Executive Summary

Trade Union Protections For Sex Workers

January 30 – February 1, 2009 - Belém, Brazil

(Organized To Coincide With The World Social Forum)

The meeting was organized by the Karnataka Sex Worker Union, with the assistance of its federation, the New Trade Union Initiative, and the International Commission for Labor Rights (a non-profit organization supporting unions in cross-border organizing). The meeting brought together sex workers' unions, and national unions committed to sex worker organizing, from around the world in order to discuss potential strategies for international solidarity and collaboration. A number of unions were unable to attend since there were few resources available for travel for participants, particularly from the Global North.

The organizers had reached out to trade unions sharing an understanding that workers in the sex sector are entitled to basic labor rights, including the right to organize and bargain collectively, to be free of discrimination and to be free from forced labor. In terms of sex worker participants, we had prioritized outreach to representatives of unions, and those committed to a union strategy (maybe in addition to other strategies of collectivization). Some experts in labor rights, gender issues, labor law, labor migration, HIV-AIDS and other relevant areas were also invited, as facilitators.

The first two days of the meeting were open to all participants at the World Social Forum. Day 3 was intended to be a closed event, by invitation only, in order to allow participants to share thoughts frankly and collaborate on issues.

Abbreviations used in this report:

AFL-CIO – American Federation of Labor and Congress of Industrial Organizations

AIDS – Acquired Immune Deficiency Syndrome

AMMAR – Asociación de Mujeres Meretrices de la Argentina (Association of Women Prostitutes of Argentina)

ESPU – Erotic Service Providers Union

GMB – General, Municipal, and Boilermakers' Union

HIV – Human Immunodeficiency Virus

IOM – International Organization for Migration

KSWU – Karnataka Sex Workers Union

NEP – Núcleo de Estudos da Prostituição (Center for the Study of Prostitution)

NGO – Non-governmental Organization

ONAEM – Organización Nacional de Activistas por la Emancipación de la Mujer (National Organization of Activists for the Emancipation of Women)

SACCAWU – South African Commercial, Catering and Allied Workers Union

SEIU – Service Employees International Union

STI – Sexually Transmitted Infection

SWEAT – Sex Worker Advocacy and Education Task Force

Ver.di – Vereinten Dienstleistungsgewerkschaft (United Services Union)

Day 1, Session 1

Trafficking, Migration and Sex Work

This panel sought to explore the links between trafficking, migration and sex work, while critiquing assumptions about how these might be related to each other. The speakers also probed the question of whether (and how) trade union approaches to trafficking and migration might differ from those of states, or NGOs. In conversation with other participants, we also tried to address issues of accountability in developing anti-trafficking initiatives (do anti-trafficking activists consider themselves accountable to states? To trafficked persons? To a broader activist community – women’s rights activists, trade unionists, or others?) In terms of sex work, we discussed how trade unions define sex work, and tried to explore some of the different positions among trade unions on this issue.

The panel began with three presentations addressing the South African context.

Vivienne Lulu, Sex Worker Advocacy and Education Task Force (SWEAT), Cape Town, South Africa

Vivienne described how, in South African public discourse, all sex work is seen as trafficking, and all trafficking is seen as sex work, which colors how the issue is discussed and addressed, and creates a number of specific problems.

The confusion of sex work and trafficking erases the line between forced and voluntary sex work. Vivienne pushed for a clearer definition of ‘choice’ to be established, which would apply equally to how we look at other low-income occupations (farm work, for example), where the level of ‘choice’ that motivates workers is also questionable.

Another concern, Vivienne noted, is the dichotomy of the ‘good prostitute’ versus the ‘bad prostitute’. In the public mind, a ‘good prostitute’ is a victim who was tricked, coerced, or forced into the profession and must be rescued from it. This ‘good prostitute’ is deserving of protection and (some) human rights. On the opposite side of the coin is the ‘bad prostitute’ who enters sex work voluntarily and deserves to have her human rights violated and limited, as she should have expected these conditions. The restrictions on sex workers’ human rights are often justified, on the grounds that the violence and humiliation they face will deter other women from entering the profession.

Vivienne pointed out that underlying the dominant discourse on sex work is the ulterior motive of abolishing sex work, rather than genuine concern for sex workers. The terms of the discussion must be changed, so that it is no longer thought relevant how sex workers came to their work, but whether or not they can access their rights – including, if they wish, the right to leave.

SWEAT has tried to promote this discourse in many arenas, and Vivienne believed that the efforts had yielded few results. Now, their resources are actively directed toward trying to challenge the laws criminalizing sex work in South Africa. Currently, SWEAT is collaborating with the Women’s Legal Centre on the case of a woman who is suing the brothel where she worked for breach of her employment rights. She lost her case in the Labour Court, since the court determined that, while she was an employee under the *Karnataka Sex Workers Union* Email: sexworkersunion@gmail.com Tel: +91 9731018692, 6 99455 25411

Labour Relations Act, they would not enforce her rights since sex work is illegal. The case is now being taken to the Constitutional Court.

Vivienne explained that SWEAT is also trying to engage in more concrete research on the situation in Cape Town in terms of sex work and trafficking, because the statistics which come from the International Organization for Migration (IOM) seem to exaggerate the numbers of victims of “sex trafficking.” So far, one of the most striking things they have found, in interviewing sex workers, is that the two criteria for a situation to be considered trafficking – coercion and geographic movement – are typically not present, further underlining how different the issues of sex work and trafficking actually are. The critical concern – poor working conditions in brothels and for street-based workers – are not addressed by the trafficking discourse.

Pat Horn, StreetNet International (Cape Town, South Africa)

Pat spoke primarily about migration and labor, and also helped formulate an initial union perspective for the panel.

Firstly, she noted that it is important to highlight the fact that many of the issues facing migrant workers are the same issues that sex workers face. Barriers to bargaining with employers would be one example. One of the challenges we face, both within and outside sex work, is that migrant workers and non-migrants are treated differently, and it is contrary to the goals we seek as trade unionists to have different rights for different workers. Whatever benefit is available to some should be a benefit shared by all. It is frequently the case that employers will divide workers by their status; migrant workers, for the most part, will be employed on a contract basis rather than as permanent workers, and that, in itself, is a barrier to attaining full rights as workers. Pat also observed that these and other strategies used by employers are inherently discriminatory, and reinforce migrant workers' fears about losing their jobs, and of deportation.

Louise Thipe, South African Commercial, Catering and Allied Workers Union (SACCAWU), Johannesburg, South Africa

Louise placed the issue – of sex work, migration and trafficking – in the context of the informal economy, and the problems faced by informal workers.

She began by reiterating the ILO's four pillars of decent work for all – among them, and particularly relevant to the issues here, standards and rights at work, and the need for social protection. While in theory, the principles for the promotion of decent work apply to all workers, regardless of their migration status or the industry they work in, in practice, this is of course not the case. The problem, then, is how to achieve these values.

Louise underscored the critical importance of strong workers' organizations, something that is often difficult for marginalized workers to achieve by themselves. She also marked the ways in which, in South Africa as well as other countries, distinctions are drawn between the workplace rights of citizens, cross-border refugees and undocumented migrants. They are not regarded first and foremost as workers, with the same rights, but as people who it is permissible for employers to treat differently because of their different immigration status. This is a problem also faced by sex workers, as they are not viewed primarily as workers, but instead face stigma related to the particular work they do.

The best way to address this problem, Louise proposed, would be to pressure the authorities to recognize the rights of all workers, regardless of their social status or occupation. To do this, it will be necessary to unite all

workers, which is the only way to help break down barriers of discrimination, not only with respect to how others view sex work, but how sex workers view themselves.

One current trade union campaign in South Africa is centered on the 2010 FIFA World Cup, being held in Johannesburg, to put pressure on the municipalities to have a more open and inclusive approach to the event preparation. This has helped not only unite local workers, regardless of their position, but has also put an international spotlight on the issue. German organizations have begun a similar movement. (The 2014 FIFA World Cup will be hosted in Germany).

Elavarthi Manohar, Karnataka Sex Workers Union (KSWU), Bangalore, India

Manohar described an incident which took place in India in January 2008, which indicates some of the problematic ways in which states and NGOs collaborate on poorly-conceived, highly-politicized “raid and rescue” interventions which confuse sex work, trafficking and migration. The entire story takes place within the borders of India, and there are no legal restrictions on travel across state lines within India.

As related by Manohar, police from the southern Indian state of Andhra Pradesh joined with Delhi police to conduct raids on a number of Delhi brothels. They separated out women who they guessed to be Telugu-speaking people from Andhra Pradesh, and released the others. Of the 75 women they detained, they decided that 24 were “traffickers,” and the remaining 51 were “trafficking victims.” Most of the “victims” resisted the police action, insisting that they had not been forced into sex work, and stating that they were all adults. A few even begged the police, saying that they did not want to return to their native place since it would bring shame to their families. Three NGOs participated in this raid, in which women were dragged out by their hair, with police abusing them physically and verbally. All 75 women were detained without food or water for three days. Several days later, they were refused bail by a court, and all were ordered to be taken to Andhra Pradesh – even those who were “rescued” against their will. Those who had children had no opportunity to see them or bring them.

The same month, the police team from Andhra Pradesh also raided brothels in the city of Pune, in the state of Maharashtra. Thirty women were arbitrarily identified as “traffickers” from Andhra Pradesh and sent to a prison there. In both instances, the police and NGOs actively courted media attention, even forcing the “rescued” women to appear at a press conference and be photographed.

The “rescued” women from Delhi were sent to state- and NGO-run shelters; 24 managed to escape, citing insufficient food, unsanitary conditions and abuse. Others were forced to go into debt to secure their release through bribes. None received the promised “rehabilitation package” of housing, money and other amenities.

Manohar emphasized that the intervention failed to deal with the reality and complexity of the situation. Sex worker advocates who interviewed many of the rescued women confirmed that there were in fact two instances of coercion (one woman was trafficked by a relative; the other, who had entered brothel work voluntarily, was forcibly prevented from leaving). Also, the working conditions were described as terrible by all the women. However, the intervention did not improve conditions in the brothels, support or rehabilitate the self-identified victims, or identify and prosecute anyone plausibly responsible for actual crimes.

Emilija Mitrovic, social scientist and consultant for the trade union Vereinten Dienstleistungsgewerkschaft (Ver.di)

Emilija began by noting that Germany has approximately 400,000 people working in the sex industry (mostly women), and every day, up to 1.2 million men seek sexual services. Germany has generally good laws addressing sex work as well as trafficking. However, she noted several problems: in particular, she pointed out that trafficked persons must be entitled to permanent immigration status in order for anti-trafficking interventions to be effective, particularly in the sex sector. Since 60% of sex workers in Germany are migrants, residence status is one of the major barriers to coming forward to report a crime; in the sex industry as elsewhere, exploited workers legitimately fear they will be deported if they approach the authorities.

Emilija also described the legal framework with respect to sex work in a range of European countries, noting that they had chosen a variety of different options, from prosecuting sex workers and/or their clients, to decriminalization or legalization.

Carmen Lucia Paz, Núcleo de Estudos da Prostituição (Center for the Study of Prostitution; NEP), Porto Alegre, Brazil

Carmen underlined the importance of having sex workers themselves involved in the discussion. She began by discussing the stigma surrounding sex work, pointing out that when something problematic happens in society it is immediately blamed on the marginalized, such as sex workers and those who use their services. (This has been the case with respect to HIV-AIDS, for example). This contributes to the notion that sex workers are inherently bad people. Once the stigma is challenged, it will be infinitely easier to address issues of labor rights.

Carmen then told her own story, saying that when she first started working as a sex worker, she believed that she did not deserve access to labor rights. Through organizing with other sex workers, she began to understand that she was a part of society and had rights like everyone else. With a greater sense of self-confidence, she then went on to study at college.

In 2002, Brazil took the major step of granting sex work an official classification as a category of work. However, a problem that remains is that prostitution continues to be linked to trafficking in the eyes of the state, and it is necessary to challenge this. Carmen said that once, while at a panel organized by the ILO, she specifically asked the Brazilian Minister of Labour, as well as an ILO representative, how they viewed sex work in the context of the decent work agenda; they both informed her that sex work was in the same category as child exploitation – i.e. not work, but a phenomenon to be eradicated. Thus, another problem with the full integration of sex work into the legal framework is that it is conflated with a different set of issues, addressing a very different population of marginalized and exploited people, as in this case: there is no connection between consensual adult sex work and the sexual exploitation and abuse of minors, but the two are considered equivalent or inseparable. Carmen noted that the dominance of the Catholic Church contributed to shaping this discourse; in Brazil, the church typically promotes the idea that adult, consensual sex work is inextricable from child prostitution.

Day 2, Session 1

Organizing Sex Workers within a Mainstream Labor Movement

This panel tried to address how trade unions might engage with the issue of sex work, and the task of organizing sex workers. There is a long history of sex worker groups organizing either autonomously or working closely with unions; the turn towards sex workers organizing directly under the umbrella of trade unionism is more recent. We regretted the absence of some of the earliest and largest examples of sex worker unions at this meeting: Asociación de Mujeres Meretrices de la Argentina (AMMAR), the Women's Network for Unity in Cambodia, and the International Union of Sex Workers, affiliated to the British GMB. In attendance, though, were many people who had been extremely thoughtful and engaged in considering both the possibilities and obstacles to sex worker involvement in mainstream unionism. We hoped to shape a discussion that would focus on the compromises required on both sides, strategies for sex worker organizing (and ways in which these might resemble/ differ from strategies for organizing other marginalized workers), and what might be the pros and cons of unionization – as compared to other advocacy and organizing strategies – for sex workers.

Yemisi Ilesanmi, Nigeria Labour Congress, Abuja, Nigeria

Yemisi began by emphasizing the importance of naming and acknowledging any area of work, as a precondition for achieving the legal and community protections available to those who are considered workers. She also said that we must recognize ways in which sex work as an occupation is changing, in order to better organize workers.

With the advent of globalization, Yemisi noted, the “oldest profession” has not been left behind in terms of modernization, in the Global South. The profession is no longer the traditional image of the woman on a street corner waiting for a customer, but includes women using cell phone and internet technology to connect with potential clients. This is accompanied by complications, since we have to engage with the role of connected workers, including hotel or nightclub employees, and how they might enable or inhibit organizing efforts. Pimping has also made the shift to become more sophisticated, but it is still the case that sex workers, like other workers, have employers and managers who do not care about employees. Therefore, it is important there be not only a union, but a movement, that takes on the issue of sex worker rights.

She urged that the movement should address issues such as the connection between treatment of sex workers and other independent/ assertive women. For example, in Nigeria it is not uncommon for police to raid clubs and arrest women based not on incidents of soliciting, but on dress and appearance; if they are drinking; or simply because they are alone in a club. This inhibits the right of women to move freely.

There is stigma attached to sex workers, based on the assumption that they are carriers of HIV and other STIs. On one level, this emphasizes the necessity of educating sex workers, communities and clients about protection and health risks. However, the stigma and exploitation will remain until sex work is viewed as a job. The criminalization of sex work will only expose sex workers to harassment, exploitation, and violence, while legalization will go a long way towards empowering sex workers.

Yemisi recommended, as strategy, that sex workers organize from within, and then reach out to the union with the strength of their numbers, and with the demand that the union be ready to accept them as full members. She felt that unionization would be in the interest of sex workers: they are, in many cases, demeaned and discriminated against by both the police and society as a whole. Through organization in a broader workers' movement, sex workers could build capacity and have more opportunity for choice than they would alone. She clarified that this must not be read as diminishing the critical need for sex workers and the labour movement to join with other social movements, such as women's rights and human rights organizations, in order to make a larger impact.

Yemisi recognized that sex workers have begun to be organized, both through their own efforts and through outsiders, and that both elements are important. While trade unions should work to organize sex workers, it is important for unions to step back and enable sex workers to have their voice as well.

She concluded that we must promote the principle that the situation is primarily about the protection of rights, and there is no justification for trade unions to discriminate against certain categories of workers, or to determine that some workers do not deserve adequate working conditions.

Dawn Passar, founding member of the Exotic Dancers' Alliance, affiliated to SEIU Local 790 (now SEIU 1110), San Francisco, USA

Dawn began her remarks by focusing on exotic dancing, a legal profession within the sex industry, though treated very differently than some other areas of employment, as there is no sick leave, maternity leave, etc.

She related the story of a group of exotic dancers in San Francisco who were concerned with their working conditions, particularly pay. In the first place, they were not paid a salary, but were only allowed to keep their tips, though these had to be shared with the manager, bouncer, DJ, and “go-fer” at the club. Furthermore, their dressing room conditions were distressing, as there were nowhere to rest or eat, the room was often crowded, and the bathroom stalls had no doors. They often faced harassment from the all-male management, who would routinely come to the dressing rooms to watch them change. Dawn noted that after seven years as an exotic dancer, though, she viewed this as unpleasant, but normal.

After she had attended college, she began to change her view of the situation. She also began to secretly photograph the conditions in the club, using this documentation as an activist tool. To try and rectify the problems, a meeting was organized for exotic dancers to air their grievances and to strategize. They initially talked amongst themselves, coming to the management with a small list of specific demands, mainly that their tips remain intact, that they be given a supply of potable water, and that doors be put on the bathroom stalls. The management, in turn, told the dancers that they could leave if they were unsatisfied. Utilizing local labor laws, Dawn and other key organizers took the matter public and filed a complaint for back wages with the Labour Commissioner in San Francisco. The club immediately retaliated and fired the two dancers who initially lodged the complaint. The women cited labour laws in support of claims with respect to back wages, sexual harassment, retaliatory dismissals, and discrimination based on sex (since the male exotic dancers were all given salaries). In addition, they also lodged complaints with the California Occupational Safety and Health Agency (OSHA), which ordered the club to put up doors on all bathroom stalls. In the end, the dancers won on all five issues, with 76 dancers receiving substantial back wages.

This victory led to increased success in organizing, for the dancers, and eventually to workplace action at the Lusty Ladies club. Worker dissatisfaction was rooted in issues of racial discrimination (for example, women of colour were not permitted to dance in the high-paying, private booths). The Exotic Dancers' Alliance approached the Service Employees International Union, Local 790, believing that they would be best represented along with other service industry workers, and a union was formed. Together, they lobbied the state to pass a law regarding tipping, allowing dancers to keep all of their tips; Local 790 (as well as a range of labor and other community groups) supported the dancers at the Lusty Lady when they went out on strike and picketed the club. Currently, the Lusty Lady is run successfully as a cooperative, maintaining its affiliation with SEIU, which also represents non-dancers who work there. There are still many outstanding issues for exotic dancers in San Francisco, such as “stage fees” that they are forced to pay to management in order to perform (but are actually an inappropriate deduction from earnings), and improper classification of dancers as “independent contractors” for whom no insurance, workers' compensation, payroll taxes, social security etc. need to be paid. For the most part, however, great strides have been made for in improving working conditions for exotic dancers.

Yessica Flores, Organización Nacional de Activistas por la Emancipación de la Mujer (ONAEM), Cochabamba, Bolivia

Yessica said that, as she was listening to the other speakers it became clear to her that, where sex workers are concerned, there are similar patterns of discrimination and poor treatment all over the world. For her, as a sex worker, listening to others' experiences, and speaking of her own, was so painful that it brought her to tears.

Yessica noted that, in Bolivia, access to health care for sex workers is substantially worse than it is for the general population, and the experience of seeking it is humiliating and painful. Much of the issue seems related to stigma and lack of information on HIV-AIDS. Nurses will actively avoid treating sex workers, and test results are given to them by the cleaning staff of the hospital. Also, though condoms are free in the country for the general public, sex workers are forced to pay for them. Recently, however, they have managed to get the Minister of Health to admit that they should have free access to condoms, like everyone else in the country.

Due to her organization not having been granted a legal nonprofit status, they also have a great degree of difficulty receiving funds. Even when they do receive them, though, there are many restrictions imposed by the state, and she feels that they are not able to adequately promote their program. In part to address the issue of alliance-building and greater functional autonomy, as well as to seek support in organizing (given the difficulties ONAEM faced while functioning as an NGO), the organization joined with a mainstream trade union federation. However, initially they were grouped in with the “unemployed” category, a segment of the union which turned out to be, for the most part, pimps. So despite being accepted by a national trade union federation, they still face a great deal of issues and discrimination within it. There was even an incident with Evo Morales, while he worked with the union prior to his political career, where they tried to alert him to the violations and abuse they faced. Instead of responding directly to their concerns, though, he demanded to know where they worked, making the women feel unsafe and bullied rather than supported. Later, they joined with a part of the union that is entirely comprised of women; they continue to face stigma from some other union members who are unwilling to accept them as workers.

Maxine Doogan, Erotic Service Providers Union (ESPU), San Francisco, USA

Maxine described the ESPU as a San Francisco-based organization which includes anyone who gains a living through erotic labour, including prostitutes, dancers, phone sex operators, porn stars, and webcam performers, which is the fastest-growing part of the sex industry. The ESPU also welcomes members who do not speak English and members who are undocumented, and allows for auxiliary memberships for ex-sex workers, family members of sex workers, and supporters of the cause.

Maxine also spoke of her work on “Proposition K,” which was an attempt to seek, through a ballot initiative, local legislation stating that no allocations of money could be made towards the investigation/arrest of prostitutes, as well as barring San Francisco from funding organizations whose agendas were anti-prostitution. The proposition would also have barred San Francisco from receiving grant money to racially profile workers of color under the guise of “rescuing” them from prostitution. (In reality, police would target sex workers based on race, demand to see their documentation, and then deport those without papers) While Proposition K failed to get enough votes to pass, it was a very useful organizing tool, which gave sex workers perspectives on their treatment a great deal of visibility in the media. Proposition K also served to demonstrate that sex worker organizations could challenge laws through a model more often associated with traditional labour unions.

Maxine stressed that we must try to engage the public, the media and mainstream allies in order to promote the concept of labor organizing in the sex industry, since broad support is critical. In 2005, Maxine trained at the Organizing School run by one of the US trade union federations, the AFL-CIO. In 2007, she went to a regional summer programme for trade union women. Since the programme was held in Berkeley, California,
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that year, Maxine was able to push for the inclusion of several other sex industry workers, which was an historic victory. Through these venues, she was able to meet both union officials and rank-and-file members across the country, and talk to them about the situation facing sex workers. She found that the vocabulary of labor rights and trade unions was an effective means of conveying the urgency of the struggle for better labor and working conditions. Certain anecdotes resonated very strongly with the union audience. For example, they were shocked to hear that personal protective measures such as condoms are actually seized by police from sex workers as evidence of criminal intent or activity. The idea that police were interfering with basic occupational health and safety measures being taken by sex workers was offensive, from a union perspective, and helped union members come on board with the broad agenda of sex worker unionism, avoiding the fruitless moralistic discussions. As Maxine stressed, these are the conversations that keep the debate dignified on both sides of the aisle, which is important.

Maxine thought that, in the particular context of her work in the San Francisco area, one model that she kept in mind, as a successful struggle by another marginalized worker community for legal reform and enhanced labor rights was that of farm workers in central California. However, she noted, we are not yet anywhere near that place; we are simply organizing the organizers. In conclusion, Maxine assessed the pros and cons of unionization as a strategy for sex workers. She emphasized that unionization helps us sidestep many moralistic conversations, but at the same time there is a fear among sex workers that this is just another means of exploitation, particularly because many unions have strong political connections.

Day 2, Session 2

Developing a Trade Union Analysis of Promoting Sex Worker Rights

Through this panel, we hoped to explore where sex workers' concerns fit within the current preoccupations of the trade union movement. And in terms of sex workers seeking to organize within the union framework, we wanted to ask whether the aspirations were truly compatible with the strategy.

Penelope Saunders, Desiree Alliance, New Jersey, USA

Penny addressed two specific questions in her presentation. First, she discussed what it would mean to define the issues faced by sex workers in terms of workers' rights: how could we articulate the problems in terms of harassment, discrimination, health and safety, for example? The second question was: What do sex workers hope to achieve through unionization?

Penny suggested that we keep a few items in mind. First, it is important to know that there are vast differences in the positions of, and problems faced by, people who are working in legal and illegal sectors. Another distinction is the area of sex work: street prostitution compared to indoor sex work, dancers compared to those who consider themselves prostitutes, etc. This is not to say that dancers are not sex workers, but simply to keep in mind that the issues they face are different in many cases.

In terms of the first issue, Penny began by addressing the dangerous working conditions. From her work in Washington, D.C., she painted a picture of how gentrification and escalating housing prices were pushing sex workers out of downtown areas and into more isolated parts of the city. As a result, they faced more violence and harassment. She also discussed a case where dancers in a club faced dirty, run-down work environments, experiencing problems including their dressing room flooding, forcing them to work in several inches of water. Furthermore, sex workers in general are harassed regularly, with the majority of the harassment coming from the police. Though many assume that the greatest threat is from customers, in Penny's experience many

sex workers are far more concerned about the treatment they receive from police, which may include extortion.

Another issue to address regards health concerns, which includes not only easy and affordable access to condoms, but also to lubricants and other equipment that may help sex workers engage in safer sex. The broader issue related to that, of course, is whether or not sex workers are able to receive access to health care within the public system, and whether or not they experience more abuse than the general population when they try to seek care. There are specific needs, such as drug use, but this can be said about any community.

With respect to hours of work and earnings issues, Penny noted that there is no standardization with respect to the money that is made by workers in the sex industry. While the media portrays sex work as lucrative, this is false, for a number of reasons. In dancing establishments, a portion of the income goes to the owner, and then is further taxed. Also, if sex work is considered illegal, there is no legal recourse for a customer who does not pay, or a manager who deducts more from a sex worker's earnings than agreed.

In terms of the second question – what do sex workers hope to achieve through union organization? – Penny noted that many sex workers hope that unionization could serve as a step towards legalization, which may or may not be true. Another issue with respect to unionization is that many sex workers have very little incentive to come forward in the initial phases of union building, meaning that education and outreach must take place before a union can even come into play. What works in favor of a unionizing/ organizing agenda, as Penny pointed out, is that many members of sex worker communities do want to see change and want to end police abuse.

Louise Thipe, SACCAWU

Louise said that, while SACCAWU has taken a pledge to organize sex workers, they had yet to begin organizing. There are still obstacles, given that the union is much more familiar with a more traditional target population, and strategies that involve direct challenges to the employer. In the case of sex workers, it will be necessary to identify the employer, which can be a struggle in itself, or if that is impossible, then developing some other mechanism for addressing the questions of working conditions and wages through collective bargaining. At a minimum, SACCAWU has acknowledged that sex workers are indeed workers, who contribute to the economy and are entitled to labour rights such as the right to organize.

Louise noted that, while the sex industry is often attacked as encouraging or promoting child exploitation, we must remember that it is appropriate and necessary to deal with child labour through the union framework, and treat them according to relevant UN norms.

With respect to the question of what it is that trade unions expect to achieve through organizing in the sex sector, Louise noted that it was important not to reduce the issue to just numbers, but to recognize that there is a greater rights issue. Education will be critical in order to frame it in these ways, for trade union officials and for current rank-and-file members. The labour rights of sex workers must be understood as including not only rights at work, but also, if they choose, the right to exit the sector. With all of this, it must be a priority to bring sex workers onto the membership rolls of unions.

In conclusion, Louise discussed the possibilities for a joint programme of action, saying that SACCAWU would appreciate the opportunity to discuss with NGOs and other unions, on how best to address the challenges – including cultural and traditional beliefs – that hinder the process of organizing.

Yessica Flores, ONAEM

As Yessica had mentioned in her earlier presentation, ONAEM does not have a legal nonprofit registration, making fundraising extremely difficult. The organization has collaborated with LGBT groups who receive
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support for HIV-AIDS prevention, but she felt that the funder-driven focus on HIV-AIDS issues had distorted ONAEM's agenda to some extent. Yessica also described negative experiences collaborating with an NGO interested in sex worker issues; they were not very interested in interfacing directly with sex workers, and even organized a meeting on the issue populated primarily by professionals rather than sex workers themselves.

With respect to the need for a trade union analysis of the problems facing sex workers in Bolivia, Yessica noted that while they have tried to articulate their grievances to organizations all over the world, they have had little or no help from larger human rights groups. She has come to realize that what works in Bolivia is not the typical human rights strategies of distributing manuals or pamphlets, but more aggressive tactics, such as strikes and demonstrations.

Yessica gave an example, where in 2004 the Mayor of Santa Cruz ordered the shutdown of all the establishments where sex workers worked. In response, over 100 sex workers blocked traffic by lying down in the streets. The mayor sent in the police to handle the situation, but the sex workers managed to limit the confrontation, since they had already agreed beforehand that they would not touch or strike the police officers or do anything else that might legitimately get them arrested. After a great deal of struggle over the following six months, the mayor agreed to allow the establishments to reopen.

Given the political connections of many of those responsible for the oppression of sex workers, it is useless to hope that there will be justice through the rule of law, Yessica said. In one case that she described, a powerful right-wing candidate for mayor in another city, paid a group to engage in extreme violence against sex workers in the area, to intimidate and control them. Two sex workers – aged 15 and 17 – went missing, and were later found dead. Because of the mayoral candidate's political connections, no arrests have been made. Yessica said that ONAEM has planned a series of demonstrations to challenge impunity for these crimes.

Carmen Lucia Paz, NEP

Carmen added her own story to the testimonials that had been shared thus far at the meeting. She said that until 1989, sex workers in her city – Porto Alegre – were persecuted, killed, and violated in every sense of the word. Routinely, four or five times a month the police would round up local sex workers in cars and trucks and drop them in far, isolated places. There they would be raped, tortured, robbed, assaulted, and tied naked to trees. Several were killed, including some of Carmen's friends and acquaintances, and thrown into the river. Even if they tried to escape to churches, nuns would lock the doors, keeping them out.

In 1989, Carmen met Gabriela Leite [founder of the organization Davida], as well as others who were doing HIV-AIDS prevention work. These were the first in the region to begin working with prostitutes. When prostitutes were first approached, they described the history of violence and abuse, saying that violence was killing them far faster than AIDS. The activists, seeing the problems they faced, agreed to help and brought in a lawyer to assist the sex workers and document the violence. Therefore it was not the government, but a network of sex workers, who helped stem the violence. Also supportive was GAPA [Grupo de Apoio à Prevenção à Aids, AIDS Prevention and Support Group], a Brazilian network of NGOs. Because of this work, prostitutes face considerably less violence today.

The issue of unionization, though, is a new one. Most of the current activism that sex workers are engaged in is focused on legalization. Because of this, Carmen specifically asked what has worked in terms of other sex workers' experiences of collaboration with trade unions. Her own experience with union federations has been similar to that described by other participants, where her group faced discrimination and sex workers were classified as non-workers. For the meantime, they have found the most benefit in organizing as a more informal network, rather than a union.

Carmen described a recent event which, as she noted, mirrored other sex workers' experiences and also underlined, for her, the critical importance of addressing legalization. There was a specific part of her city which was known to be a site of sex work; the police decided to shut down the hotels which were used by the sex workers and their clients, and approached the public attorney. However, the public attorney fortunately recognized that closure of the hotels and harassment of the sex workers was not the appropriate means of dealing with the issue of sex work in the neighborhood, and instead negotiated with the network of sex workers to reach an agreement, that they would henceforth rent a house to work in, and each sex worker would have her own room. Carmen noted how important it was for her to be in this space, and to hear the stories of others who have faced the same challenges.

In terms of their work on changing the legislation in Brazil, recently they took a significant step forward when sex work was added to the list of occupations, in terms of labour law. Currently the law requires that a sex worker be over the age of 18 and pimps are prohibited. What is in the future for them, hopefully, is to have sex work covered by other legislation, and then to have the work be recognized by various sectors of society.

Day 2, Session 3

Closed discussion

This session was initially intended to be a panel presentation on the impact of laws and state policy on sex worker unionism, but participants felt strongly that the time should be used to think about possible ways of engaging more deeply with the World Social Forum space, and potentially finding ways to participate in the *Assembly of Labour in the Global Crisis*, as well as the *Assembly of Assemblies* the following day. The group drafted a charter of recommendations for the *Assembly of Labour in the Global Crisis*, and decided that the following morning, while some participants would go to the World Social Forum space, others would focus on considering next steps for further discussion.

The draft that was developed reads as follows:

We believe that trade unions and allies in social movements should recognize that sex work is work, and join with sex workers to fight for a sex industry free of harassment, discrimination and forced labour, with adequate provisions for health and safety, in line with relevant human rights norms and the guarantees of the ILO's Fundamental Principles and Rights at Work.

Trade unions should commit to and support organizing sex workers and workers in the sex industry, and integrate them into their membership as equal partners, as a critical and primary means of advancing sex workers' rights.

Trade unions must support sex workers in challenging the laws that undermine sex worker organizing – through criminal, civil or other means – by joining with their sex worker members to seek reform or repeal.

Day 3

Closed discussion

The discussion focused on making concrete plans to continue communication as well as strategize for the upcoming six months to a year. Participants said that they hoped this session would yield some sharing on issues including:

-Organizing strategy and how it might differ for unions and those organizing through other frameworks

-As Maxine had raised earlier, how do you bring together under one umbrella people who engage in prostitution and exotic dancers, migrants and non-migrants, people with different HIV statuses, full-time sex workers and those who do sex work to supplement their income from other occupations (including students, for example, who may dance or do sex work for a few years and then move on), male/ female/ transgender sex workers, etc. Could trade union experiences in other sectors help us talk through some of these issues?

-What is the potential role of international/ cross-border solidarity? Could the experiences of RedTraSex, the Latin American network of sex worker organizations (which includes five sex worker trade unions) help us think about unions supporting each others across borders?

Friederike Strack (Davida, Rio de Janeiro) noted the importance of thinking about nuance in terms of the label “union”: for some sex worker groups that she knew of, calling themselves a “trade union” was a means of compromise, to reduce pressure from left political parties and thus enhance space available to organize – even if that organizing was not classic trade union organizing. There was a difference between such groups and what happened in Germany, where sex workers really were interested in working with Ver.di in labor organizing and developing collective bargaining agreements; it was even possible to join as a freelancer, since Ver.di represents service workers in general.

Participants explored the pros and cons of an arrangement where they could join a union directly, as “self-employed,” or “freelance,” or “independent worker,” without having to identify themselves as sex workers. There was also debate about the benefits associated with being organized by an existing union, versus forming a new union specifically for sex workers.

Ashwini Sukthankar (International Commission for Labor Rights, New York, USA) noted that the union organized in partnership with DMSC in Calcutta, the Binodini Shramik Union, chose to organize as entertainment workers rather than service workers – so there are different models available, and it would be worth exploring the implications of the choices made. The decision in Germany to work within a more public sector framework was also discussed. Some participants noted that, where there was no clear employer-employee relationship (street-based sex work, e.g.), working with a public sector union could help emphasize the critical role played by the state in shaping working conditions for sex workers, and the union could help hold the state accountable. If not as de facto employer, then at least the actor most capable of setting standards in the sector.

Discussion followed of whether the trade union model could address the scope of sex workers' aspirations; during an informal discussion on the previous day, Gautam Mody (New Trade Union Initiative, India) had commented that trade unions are not structures able to enable social transformation – they are there to fight for workers' rights. If sex workers approach unionization with the sense that it could bring about profound societal change, are they bound to be disappointed? However, Yemisi challenged the premise, saying that trade unions in Nigeria occupied a much more comprehensive role than that envisioned by Gautam; they were sometimes a mass movement, sometimes an opposition party. Given the political realities, they had no

choice but to have a broad vision. Others were more of the opinion that trade unionism is not a social movement, and should not strive to be.

This is particularly relevant given the degree to which legalization/ decriminalization of sex work is a centrally motivating force for sex workers themselves to organize. Unions themselves have multiple positions on sex work and legal recognition, so it should not be taken for granted that joining a union will mean being able to mobilize the union's strength in the struggle for legalization. Also, as one participant noted, if unions see themselves purely as operating within the limitations of the *labour* law (let alone criminal law), not all demands will be considered an appropriate topic of bargaining or collective protest action. For example, calling a strike in order to bring attention to social stigmatization of sex workers would, in most jurisdictions, be considered an illegitimate strike. Likewise, within the framework of labour law, a brothel owner might not be required to negotiate over greater democracy in the workplace, since that would generally not be considered a mandatory topic of bargaining.

This left us trying to think about the question of how to differentiate between “business unionism” and “movement unionism,” and whether there was any sense that sex worker groups would naturally seek to affiliate to movement unions.

Some participants continued to be wary of the union model, and wondered whether the desire for sex worker autonomy/ autonomous organizing was compatible with the union framework, where the primary identity was of “worker,” rather than an identification with a particular sector of work. Also, Friederike noted, how likely was it that sex workers would be treated as equals in the near future, by other union members and in particular, union bosses? Yemisi disagreed with the focus on union bosses, noting that it was a matter of developing the political consciousness of all members, that the “bosses” have their salaries paid through union dues, and so the members are the true boss.

Several participants reflected on their own contexts, and noted that union bureaucracy could be a limitation. As Vivienne noted, maybe the underlying issue was that no single organizing space can possibly meet all of the needs/ aspirations of any group, and going into unionization with that realization would be helpful.

The issue of legal frameworks came up over and over again, throughout this session. Some wondered whether union experiences organizing undocumented migrant workers could be instructive, particularly in industries with a mix of both migrant and non-migrant workers. We felt that the International Union of Sex Workers could contribute meaningfully to this discussion, in the future, since they have engaged extensively, at the level of principle and practice, with the issue of how to take on workplaces and workers that are in grey areas of legality, ranging from establishments employing dancers, where it is understood that prostitution is also involved, to brothels. Union members had described being able to achieve collective bargaining agreements at strip clubs, for example, but not in brothels, where owners had no incentive to bargain, given that they knew it would be unfeasible for the union to engage in strikes, picketing, or other collective action that could expose the workers to prosecution.

Penny suggested that we try to be clear when discussing legal frameworks; it is not really meaningful to say, for the most part, “sex work is illegal” or “sex work is legal,” in any given context. Instead, she proposed, it might convey more to be more specific, and to say, for example: “there are national laws on prostitution, and they are used like this,” or “There are municipal laws, and they are enforced like this,” or “There are liquor laws and they are used against dancers like this.” Otherwise, advocates who are new to the issue think it’s just about national law (and particularly, criminal law) whereas it could be about using licensing or zoning laws to

harass clubs. In one state in Australia, New South Wales, street work was legal but police continued to harass the workers, so even when there is no law, police can act as if there is one.

We were reminded of a critical intervention by Louise the previous day, where she had noted that when SACCAWU passed its resolution regarding sex workers and the union's obligation to organize them, she had taken it to the police union, calling for an end to police harassment of sex workers in the name of labour solidarity.

The discussion moved to the issue of moving the conversation forward. We all agreed that the following were critical:

-To reach out to the organizations who could not come to this meeting, and try to bring them into this conversation and our planning process.

-To consolidate the knowledge that we have, so that if individuals among us have particular contacts in the international labour movement, or sections of the ILO, who are receptive to the issue of sex worker unionism, we should compile and share the contacts.

-To compile our own information on who we are: which trade unions are organizing sex workers or would be open to organizing them? What are the different models of sex workers unionism? How many members do these unions have?

Day 3

At the World Social Forum

Prior to going to the *Assembly of Labour in the global crisis*

(<http://www.fsm2009amazonia.org.br/noticias/propostas-de-assembleias/>) at the World Social Forum, the group met to discuss again the draft that was going to be presented at the Forum.

The draft that was developed reads as follows:

We believe that trade unions and allies in social movements should recognize that sex work is work, and join with sex workers to fight for a sex industry free of harassment, discrimination and forced labour, with adequate provisions for health and safety, in line with relevant human rights norms and the guarantees of the ILO's Fundamental Principles and Rights at Work.

Trade unions should commit to and support organizing sex workers and workers in the sex industry, and integrate them into their membership as equal partners, as a critical and primary means of advancing sex workers' rights.

Trade unions must support sex workers in challenging the laws that undermine sex worker organizing – through criminal, civil or other means – by joining with their sex worker members to seek reform or repeal.

After discussions upon the content and the language of the document, the group drafted a new text. Carmen Paz (NEP, Porto Alegre, Brazil), Yessica Flores (ONAEM, Cochabamba, Bolivia), Louise Thipe (SACCAWU, Johannesburg, South Africa), Dawn Passar (founding member of the Exotic Dancers' Alliance, affiliated to SEIU Local 790 (now SEIU 1110), San Francisco, USA), and Emilija Mitrovic (Ver.di, Germany) went to the event representing the group.

As the group arrived at the *Assembly of Labour in the Global Crisis*, Carmen Paz asked to be lined up to speak and present our text and ideas, as other participants of the World Social Forum had also done. She also handed to the organizers a copy of our text. After the presentation, some participants of the Assembly came to talk to our group to get further information about us and also about sex workers.

Upon the closing of the debates, the organizers of the *Assembly of Labour in the Global Crisis* invited some participants to be part of the working group that was going to draft a very brief text summarizing the discussions of the assembly. The report was going to be presented before the Assembly of the Assemblies. Carmen Paz was invited to be part of the group.

As a member of the working group, Carmen was asked to present a shorter version of our text (a paragraph long). Our team quickly summarized our text. Here is the condensed version:

Trade Unions should recognize sex work as work, and should commit to and support organizing sex workers.

Carmen then spoke again on the importance of including in the report the idea that trade unions should recognize sex work as work, supporting and helping coordinate sex workers. The other members of the working group welcomed the idea, and we received particular support from some of the organizers. Because the final document had to be very brief (maximum of 6 paragraphs), the group had to condense ideas and summarize all the proposals presented during the debates that took place in the morning. Our text, along with other proposals, was merged into paragraph 5 of the final text of the *Assembly of Labour in the Global Crisis* (<http://www.fsm2009amazonia.org.br/programacao/6o-dia/resultados-das-assembleias/asamblea-trabajo-en-la-crisis-global/>). Paragraph 5 stated that, in order to promote radical changes in the world to combat the effects of the current crisis on labour, it would be necessary to build up alliances between movements, associations, NGOs and trade unions, alliances of all forms of work, and against racism and all forms of discrimination. We also assisted in drafting the other paragraphs of the text. Despite the fact that our text could not be fully integrated into the final text, we felt that our priorities were contemplated by paragraph 5, as it encompassed the idea that all forms of work should be accepted as work, without discrimination of any kind.

In the afternoon, the final text was read by one of the facilitators of the *Assembly of Labour in the Global Crisis* during the *Assembly of the Assemblies*, the closing program of the World Social Forum 2009, for all the 133,000 participants and delegates, from over 42 countries.

Final Comments

One of the main outcomes of the meeting was to bring together various actors and stakeholders from several countries in the world, with very diverse backgrounds, but committed to sex worker organizing, and provide them a space to discuss potential strategies for international solidarity and collaboration. There was a consensus that more meetings such as this should be organized in the future. As mentioned earlier, the next steps for this group would be:

-To reach out to the organizations who could not come to this meeting, and try to bring them into this conversation and our planning process.

-To consolidate the knowledge that we have, so that if individuals among us have particular contacts in the international labour movement, or sections of the ILO, who are receptive to the issue of sex worker unionism, we should compile and share the contacts.

-To compile our own information on who we are: which trade unions are organizing sex workers or would be open to organizing them? What are the different models of sex workers unionism? How many members do these unions have?

During the discussions, participants also brought up suggestions regarding basic principles for the protection of sex workers' rights. Some examples that came up are:

1. We need to change the terms of the discussion, so that it is no longer thought relevant how sex workers came to their work, but whether or not they can access their rights – including, if they wish, the right to leave.
2. The trafficking discourse should be expanded beyond issues of coercion to address the critical concerns related to poor working conditions in brothels and for street-based workers. We must press for state interventions to focus on the real problems: improving conditions in the brothels, supporting/rehabilitating self-identified victims of trafficking, and identifying/prosecuting those plausibly responsible for actual crimes against sex workers.
3. It is critical that we lobby for new or improved legislation – labor codes, criminal law, anti-discrimination provisions, family law and immigration laws – that will protect sex workers and guarantee the full realization of their human rights.
4. Sex workers are currently not viewed primarily as workers, but instead face stigma related to the particular work they do. Challenging the stigma sex workers face will help in engaging them and including them in discussions related to their labor rights.
5. We should pressure the authorities to recognize the rights of *all* workers, regardless of their social status or occupation. To do this, it will be necessary to unite all workers, which is the only way to help break down barriers of discrimination, not only with respect to how others view sex work, but how sex workers view themselves. It is important to name and acknowledge any area of work, as a precondition for achieving the legal and community protections available to those who are considered workers. With respect to sex workers or any other workers, migrants and non-migrants

should not be treated differently. It is contrary to the goals we embrace as trade unionists to have different rights for different workers.

6. With respect to strategy in shaping relationships between sex workers and the union movement, we think it is critical that sex workers organize from within, and then reach out to the union movement with the strength of their numbers, and with the demand that the union be ready to accept them as full members. Trade unions will be more responsive to requests coming from a movement of sex workers themselves, than to appeals coming from advocates who speak on behalf of sex workers.
7. Trade unions should draw on their experiences organizing other marginalized workers – women, migrants, home-based workers – in reaching out to sex workers, but should also recognize the ways in which sex industries present unique challenges. It may be necessary to acknowledge that, in the short term and in certain contexts, organizing towards informal networks of sex workers may make more sense than union structures. Together, as sex worker groups and trade unions, we must also address the ways in which sex work as an occupation is changing, in order to better organize workers.
8. As a public health policy, sex workers should have access to free condoms, like any other citizens. The broader issue related to that, of course, is whether or not sex workers are able to receive access to health care within the public system, and whether or not they experience more abuse than the general population when they try to seek care. The availability of condoms, lubricants and other equipment related to safer sex is also a matter of occupational health and safety, to be addressed within the framework of workers' rights.
9. Broad support for the cause of sex workers' rights is critical: we should try to engage the public, the media and mainstream allies in order to promote the concept of labor organizing in the sex industry. Many sex workers have very little incentive to come forward in the initial phases of union building. Education and outreach must take place before a union can even come into play, and organizers must prioritize the actual concerns of sex workers. At this point in time, it would be more relevant to shape a unionizing/ organizing agenda around calling for an end to stigma and police abuse, rather than earnings or hours of work, for example.
10. Sex workers and trade unions cannot turn a blind eye to child labour in the sex industry, but we must challenge the myths of widespread child trafficking, and the demonization of adult sex workers on that basis. It is appropriate and necessary to deal with child labour in the sex industry through a trade union framework, and treat these children according to relevant UN norms.

Appendices