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Harms of third party criminalisation under end-demand legislation: undermining sex workers' safety and rights

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ABSTRACT

After Canada's laws criminalising sex work were struck down by the Supreme Court for violating sex workers' rights and new end-demand legislation was passed in 2014. These new laws however continue to criminalise sex work third parties (i.e. venue owners/managers) who gain material benefits, despite evidence that managed in-call venues can provide important protections for sex workers. As part of a longstanding community-based study in Vancouver, this analysis drew on 25 in-depth interviews with third parties who provide services for indoor sex workers. We explored how end-demand third party criminalisation shapes indoor sex workers' working conditions, health and safety. We found that most third parties were women and current/former sex workers, problematising assumptions of third parties as exploitative male "pimps". Third parties provided client screening, security and sexual health resources for sex workers, yet end-demand laws restricted condom availability and access to police protections in case of violence, thereby undermining sex workers' health and safety. Our findings highlight that third party criminalisation under end-demand legislation reproduces the unsafe working conditions under the previous laws deemed unconstitutional by Canada's highest court. Legislative reforms to decriminalise all aspects of the sex industry, including sex workers' right to work with third parties, are urgently needed.

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Introduction

Globally, individuals who earn money from sex workers' labour are reviled and criminalised due to assumptions that third party roles are inherently exploitative. Sex industry third parties include venue owners/managers, security, receptionists, bookkeepers, advertisers, webhosts, drivers and others. Public discourse and media portrayals frequently offer homogenous representations of third parties as coercive 'pimps' and 'traffickers' (Bruckert and Law 2013; Shelby 2002), and this discourse informs legal

strategies: pimping, procuring and brothel management were criminalised in 80 countries in 2012 (McCarthy et al. 2012). While interactions between managers and workers in the sex industry range from exploitative to supportive (Goldenberg, Duff, and Krusi 2015; Bruckert and Law 2013; Casey et al. 2017), as in other service-oriented industries, evidence illustrates that supportive third parties can play a critical role in enhancing sex workers' health and safety (Yi et al. 2012; Bruckert and Law 2013; Semple et al. 2013). Moreover, little research has highlighted the perspectives of third parties themselves.

Despite robust evidence highlighting the harms of criminalising any aspect of the sex industry (Beyrer et al. 2015), 'end-demand' criminalisation models portraying sex work as a form of gendered sexual violence (Bruckert and Hannem 2013; Vuolajärvi 2019) have been implemented in an increasing number of countries over the past two decades, including in Sweden, Norway, France and Canada (NSWP 2018). End-demand ideology aims to eradicate sex work by ending demand for paid sex services and combatting the commodification of sexual activity (NSWP 2018). Towards these objectives, end-demand laws generally criminalise clients (i.e. people who purchase sex) and third parties who are seen as facilitating sex workers' exploitation (NSWP 2018).

In 2013, Canada's previous sex work laws, including provisions prohibiting 'living of the avails of another's prostitution' and 'keeping or being found in a common bawdy house (brothel/sex work venue)' (Pivot Legal Society 2013) were struck down by the Supreme Court for violating sex workers' rights to security of person. In response, instead of decriminalising third party activities, end-demand legislation (*Protection of Communities and Exploited Persons Act*, PCEPA) was enacted in December 2014. This model leaves selling sex legal, while criminalising clients and third parties who gain material benefits. The PCEPA emphasises 'the exploitation inherent in prostitution, and risks of violence posed to those who engage in it' (Parliament of Canada 2014). This highlights an ideological shift from historical depictions of sex workers as 'risky' (i.e. vectors for HIV/STIs and moral depravity) (Piot and Laga 1988) to women 'at risk' of abuse (Parliament of Canada 2014). This lens is a hallmark of end-demand models, and is used to justify the ongoing criminalisation of clients and third parties under the guise of protecting sex workers (Bruckert 2015; NSWP 2018). Notably, portraying sex workers as victims (Department of Justice 2014) precludes any analysis of sex work as labour and exploration of policy options to mitigate workplace risks (Bruckert 2015).

In striking down Canada's previous sex work laws as unconstitutional, the Supreme Court stated,

"The law punishes everyone who lives on the avails of prostitution without distinguishing between those who exploit prostitutes, and those who could increase the safety and security of prostitutes (for example, legitimate drivers, managers, or bodyguards)." (Pivot Legal Society 2013)

Despite this judgement, Canada's subsequent end-demand legislation explicitly criminalises all third parties gaining material benefits in indoor sex work establishments, without exception, regardless of whether or not they provide security, health resources or other support for sex workers (Parliament of Canada 2014). This effectively prohibits the legal operation of managed in-call venues (i.e. massage parlours) -

in clear conflict with the aforementioned Supreme Court ruling - on the basis that venue managers/owners/receptionists exploit sex workers (NSWP 2018).

Despite these prominent representations, evidence suggests that third parties are heterogeneous, with involvement ranging from coercive to protective (Bruckert and Law 2013; Casey et al. 2017). The criminalised, stigmatised nature of sex work can shape inequitable manager-sex worker relationships, as in other unregulated/informal industries: instances of third parties levying exorbitant fees/fines; withholding pay; engaging in verbal abuse/threats and sexual harassment; and unfair termination of workers have been documented (Abel et al. 2010; Bruckert and Law 2013; Casey et al. 2017). Simultaneously, the criminalised, stigmatised nature of sex work also promotes violence against sex workers and significantly enhances the appeal of safer, managed indoor workplaces (Casey et al. 2017). That most sex workers in Canada work indoors (Hanger 2006) and with third parties, (Bruckert and Law 2013) despite criminalisation and policing, illustrates the desirability of managed in-call labour settings from sex workers' perspective.

While third parties were also criminalised under the previous Canadian laws, news reports and community organisations suggest that punitive policing targeting indoor third parties has increased under end-demand legislation: recent police raids on massage parlours in several cities have resulted in third parties facing arrests and charges (Leblanc 2016; Seymour 2017; Lam 2018). Canadian end-demand laws also conflate sex work with sex trafficking, particularly among racialised im/migrant women who are categorically presumed to be exploited by third parties (Department of Justice 2014), and emerging evidence suggests that indoor sex workers and managers perceive police harassment, racial profiling, and discrimination in how federal laws are enforced (Lam 2018; Goldenberg et al. 2017). Such repressive policing approaches shape occupational environments in which sex workers face ongoing fear of criminal charges (Lam 2018; McBride, Shannon, et al. 2019), and can result in sex workers moving into more hidden, isolated locations where they face greater vulnerability to violence (Lam 2018; Anderson et al. 2015). Given concerns that end-demand law reforms may undermine sex workers' access to beneficial third party supports, evidence on the impacts of their enforcement is urgently needed.

Third party criminalisation: addressing exploitation, or undermining safer work environments?

Despite gendered media representations depicting coercive male pimps and vulnerable women sex workers (Carville 2015; Shelby 2002), studies from India, Switzerland, China, the USA and Canada suggest that most sex work managers are women, often former/current sex workers themselves, and have manager/worker relationships comparable to other service industries (Semple et al. 2013; Büschi 2014; Gurav et al. 2013; Hannem and Bruckert 2017; Yi et al. 2012; Casey et al. 2017; Nemoto et al. 2005). Research has identified many security mechanisms associated with working indoors with third parties, namely the presence of staff who screen clients and intervene in violent situations (Yi et al. 2012; Bruckert and Law 2013; O'Doherty 2015). In Canada, sex workers have reported that working collectively enables de-escalating conflict,

sharing information about undesirable clients (Anderson et al. 2015); and use of a 'spotter' or 'buddy system', wherein a third party remains nearby/on call, as a critical safety strategy (Bowen, Bungay, and Zanger 2015).

Supportive managerial influence has also been linked to sexual health access: among women brothel managers in India, 83% reported providing education on condom use and 77% reported always having condoms available (Semple et al. 2013), while in China sex workers who received managerial protection were more likely to successfully negotiate client condom use (Yi et al. 2012). Working in in-call venues can support sex workers' ability to safely insist on condom use and uptake of HIV/STI prevention (Anderson et al. 2016), and recent research indicated that using third party services was associated with increased access to mobile condom distribution and community-led drop-in spaces (McBride, Goldenberg, et al. 2019).

Despite this evidence, Canadian end-demand laws prohibit anyone from legally distributing condoms within in-call venues and from collecting fees or negotiating with clients on behalf of sex workers. Thus, while many managers report the desire to implement safer sex policies (Casey et al. 2017; Bruckert and Law 2013; Anderson et al. 2016), they are constrained by laws restricting their involvement, thereby limiting important supports for sex workers (Goldenberg et al. 2017; Anderson et al. 2016). Concerningly, recent evidence has linked third party criminalisation to harmful managerial practices: massage parlour managers have described limiting workers' access to condoms to minimise the likelihood of having condoms seized as evidence during a police inspection, and some have prohibited outreach workers from delivering free condoms and HIV/STI testing due to fear of criminal prosecution (Anderson et al. 2016; Goldenberg et al. 2017).

Third party criminalisation under end-demand ideology is often framed as a way to combat trafficking and exploitation (NSWP 2018). However, research suggests that such criminalisation restricts sex workers' ability to pay others for services to enhance their own safety - a clear labour rights violation likely to exacerbate, rather than alleviate, experiences of violence (Yi et al. 2012; Bruckert and Law 2013; O'Doherty 2015). While scholars have called for further research on third parties' heterogeneous roles (Goldenberg, Duff, and Krusi 2015), few studies document the perspectives of third parties themselves, and limited research has explored how third party criminalisation impacts sex workers' labour conditions. These gaps are particularly salient in the context of end-demand laws which have been implemented in over 50 countries, many of which criminalise third parties (NSWP 2018). Given recent reports of heightened policing and surveillance of indoor sex workspaces, this research aims to examine how third party criminalisation post-implementation of end-demand laws in Canada shapes working conditions and health and safety among indoor sex workers.

Methods

This qualitative study is situated within a larger longitudinal research project that evaluates how evolving approaches to sex work regulation shape sex workers' health and safety, known as AESHA (An Evaluation of Sex Workers' Health Access). The qualitative project runs alongside a longitudinal cohort of 900+ street and off-street sex workers across Metro Vancouver. This research builds on community partnerships with sex work

organisations since 2004 and has included experiential staff (current/former sex workers) on the project team since inception. The origins of AESHA are described in detail elsewhere (Shannon et al. 2007). For this analysis, third parties (i.e. venue owners/managers/security/receptionists/phone handlers) working in massage parlours, beauty parlours and apartments (common indoor environments where sex work takes place across Metro Vancouver) were invited to participate in the context of ongoing AESHA outreach. Recruitment of this criminalised group was facilitated by longstanding relationships between community-based research staff and sex work venues, built over a decade of regular AESHA outreach where staff deliver sexual health supplies and testing to indoor sex workers. Eligibility criteria were: (1) working in an indoor sex work venue, (2) age 18+, and 3) holding a third party role at work (i.e. venue owner/manager/security/receptionist/phone handler). Holding a third party role was not mutually exclusive with doing sex work (selling/trading sex for money/other resources in the past month). Outreach staff purposively invited participants reflecting diverse ages, lengths of time working in the sex industry, and third party roles. Additionally, we used snowball sampling within larger venues, where participants passed study information to their co-workers (Robinson 2014).

Trained interviewers (including experiential staff) conducted semi-structured interviews in English/Mandarin/Cantonese with 25 participants between July 2017–November 2018. The interview guide explored four major topic areas: 1) criminalisation and policing post-end-demand law reform, 2) sex workers' experiences with third parties; 3) access to health and social services, and 4) intersections between sex work and immigration. Interviews took place in a private space in participants' workplace and were 25 to 105 minutes long. Interviews were audio-recorded, translated into English when necessary, transcribed verbatim, and checked for transcription and translation accuracy. We maintained participant confidentiality by removing personal identifiers from all documents, and all participants provided informed consent and received \$30 CAD for their expertise. The study received ethical approval from Providence Health Care/University of British Columbia. The research team discussed the interview content, emerging themes, and coding framework throughout data collection and analyses (Bradley, Curry, and Devers 2007). The first author (BM) broadly coded the interview transcripts using a qualitative analysis software (NVivo), first applying codes using a collaboratively-developed initial coding framework based on the interview guide, participants' accounts, and fieldnotes (Bradley, Curry, and Devers 2007). To establish a valid range for these codes, we consulted the literature on third party criminalisation (e.g. Bruckert and Law 2013) and drew on a structural determinants framework to explore the multilevel risk and protective factors shaping sex work environments (Shannon et al. 2015). Examples of these codes were *impacts of working together* (how working collectively impacts health and safety) and *interactions with police* (participant interactions/relationships with police). Next, BM identified emergent themes based on multiple rounds of revisiting the interview data. All participant names presented below are pseudonyms.

Findings

Problematising prominent assumptions that position third parties as exploitative male 'pimps' (Bruckert and Law 2013; Shelby 2002), 17 of the 25 third parties in this study

Table 1. Demographic characteristics of third parties in indoor sex work venues in Metro Vancouver ($n = 25$), AESHA 2018.

Sample demographics	<i>n</i> (%)
Migration status	
Canadian-born	8 (32%)
Immigrant	17 (68%)
Sex work involvement	
Dual role (third party and sex worker)	13 (52%)
Third party, past sex work experience	4 (16%)
Third party, no sex work experience	8 (32%)
Third party role	
Venue owner	17 (68%)
Manager/co-manager	19 (76%)
Receptionist	7 (28%)
Phone handler	8 (32%)
Security	1 (4%)
Gender identity	
Cisgender woman	22 (88%)
Cisgender man	3 (12%)
Type of workplace	
Massage parlour/beauty parlour	23 (92%)
Informal in-call (i.e. apartment)	2 (8%)

were also current/former sex workers and 22 identified as women (Table 1). 13 currently held a dual role as a sex worker and third party. Consistent with the broader demographics of indoor sex workers in Metro Vancouver (SWAN Vancouver Society 2015; Goldenberg et al. 2017), 17 participants were immigrants born outside of Canada, with nearly half of the sample ($n = 12$) moving to Canada from China.

23 participants worked in massage parlours or beauty parlours and two worked in apartments (work settings often less likely to be supported by third parties). Participants represented 18 separate sex work venues, but most discussed their experiences of working in various massage parlours during the interviews. Participants were aged 30–63 (median age: 43), and their sex industry involvement ranged from 18 months to 28 years.

Participants described providing client screening, security, and sexual health resources for sex workers. They also described how end-demand third party criminalisation hampered sex workers' working conditions through restricting access to condoms, constraining access to police protections, and promoting the vulnerability of venues to robberies and assaults.

Dual roles

Over half of third parties in this study were current sex workers, while others had moved from sex work into managerial roles, mirroring career trajectories in other industries. While the demographics of sex work third parties are difficult to study given the criminalised, underground nature of this work, our outreach within indoor sex work venues in Vancouver and other Canadian research suggests that overlapping dual roles are common (Goldenberg et al. 2017; Bruckert and Law 2013). Scott, a Canadian-born venue manager/owner/security person and former client affirmed that our sample demographics, in terms of gender and sex work involvement, were

representative of indoor third parties in Metro Vancouver: 'Most of these massage parlours are run by workers. Or were workers. Or are still workers.'

These participants used their own sex work experience to inform their managerial style, as expressed by Jenny, an immigrant sex worker and venue owner/manager: 'I work myself [sex work]. I understand their [sex workers'] difficulties. If they don't want to come to work, I would not push them to come. If they don't want to serve a customer, I would not push.' Based on their own sex work history, they emphasised respect for workers' choice and personal boundaries around services they offered, and managers' responsibility in promoting a low-pressure work environment.

'Previously I was working [as a sex worker]. I had always been doing half services [hand jobs]. Then I have my own parlour, as a boss. I never wanted to push the girls to do sex [full service, i.e. intercourse] [...] so in our parlour, as long as they are happy and the clients are happy, we are fine. We particularly don't want to force the girls to do sex just to make more money.' Grace, immigrant owner/manager/receptionist/former sex worker

Many participants emphasised a relatively flat workplace hierarchy and characterised their management style as cooperative. This was eloquently expressed by Jenny, who said: 'I don't treat my staff as staff and myself as the boss. I consider them my partners. We're doing the same work. I don't look down upon anyone. They don't consider me as a boss either.' Several participants suggested that having a manager with sex work experience was ideal given that they understood the demands of the work.

'Places like this [massage parlours] should be the ideal environment or situation for the girls to work. You know, because it does provide safety and health to these girls. And especially if a worker [sex worker] is the owner of the parlour, right?' Vivian, immigrant owner/manager/former sex worker

Third party roles enhancing safety

Participants' narratives highlighted how their activities shaped supportive working conditions for sex workers. Client screening and removing difficult/violent clients from the premises were common protective activities, as succinctly explained by Cecilia, an immigrant owner/manager: 'I screen them. So if any customer is not good, I would just let them go [...] Basically kick them out. I don't keep bad customers.' Banning undesirable clients from future visits was underscored as essential to promoting safe occupational conditions.

"If we know they are bad clients, we don't take them. Some of them are very bad. We don't take them to avoid an argument. We recognise those clients, who treat the girls badly. We don't take them anymore." May, immigrant owner/manager

Most participants ($n = 19$) held managerial roles, and screening was repeatedly cited as a first line of defence towards protecting sex workers from clients who were uncooperative or unsafe (i.e. refused to pay; insisted on services that were not offered). Participants also emphasised their presence outside of private sex work rooms as enhancing security, because it allowed workers to access assistance quickly if clients in any way violated the terms of the agreed transaction.

'At no time do you do anything you do not want to do. If a customer is rude, if he's groping and you say no, anything else that you do not want to do, you are to step out of

the room, come and get me, and I'll deal with it.' Scott, Canadian-born owner/manager/security/former client

Although promoting sexual health for workers posed criminal risks, many managers emphasised this important role. Angela, an immigrant sex worker and venue owner/manager, asserted: 'I always tell them every like everything you do, you do with a condom. It's like protection is the first thing. It's for your safety, your personal safety health concerns, right. You don't wanna have anything. So, I always have condoms in the shop.' Other participants cited providing mentorship, upholding venue safety standards, and ensuring access to sexual health supplies for workers.

'When organisations like yours [AESHA outreach] come here to drop off supplies, I take them from you and distribute them to the staff. I leave the supplies in the parlour so they can take them when they need them.' Eric, immigrant owner/manager

'I often talk to the girls, right. You gotta do everything safe. Covered. And if I find somebody who is not safe, I let them go, after I you know mentor them, we cannot do this, gotta protect yourself and also for the customers.' Cecilia, immigrant owner/manager

Participants' role in screening clients, standing nearby outside private rooms, and providing sexual health supplies contributed direct support for sex workers and vital oversight over the work environment, reflecting previous evidence that third parties in indoor venues can promote healthy, safe occupational conditions (Shannon et al. 2015; Goldenberg, Duff, and Krusi 2015; Krüsi et al. 2012).

Safety in working indoors with others

While several participants who held dual roles as sex workers and third parties had previously experienced managers leveraging exorbitant fees and unsanitary work environments, they maintained that they preferred working in managed in-call settings. Respondents strongly asserted that working collectively indoors promoted physical and psychological health through maintaining a managed, mutually supportive environment. Sarah, a Canadian-born sex worker and co-manager, powerfully emphasised the security enabled by both her supportive boss and colleagues: 'Obviously strength in numbers. There's always security everywhere. I know I have a boss that will have my back no matter what.' Other sex workers affirmed that others present in the venue enhanced their physical and psychological security.

'It would be dangerous if you go to like an apartment 'cause you know, they could choke you or who knows. Anything could happen. But over here at least you're safe, there's other girls here.' Camila, immigrant sex worker/receptionist/phone handler

Clients were less likely to violate transaction terms when they knew others were nearby, which helped put workers' minds at ease.

'You have other people around you so, less likely a client is going to try and do something towards you.' Megan, Canadian-born sex worker/receptionist/phone handler

'I just feel safe. I feel way more empowered and I feel, like I can be more, you know autonomous in that way so, um, working with other girls allows me to feel safe. So, I can go in the room feeling comfortable, and kind of at my best.' Naomi, Canadian-born sex worker/receptionist/phone handler

In general, participants highlighted how working indoors with supportive managers conferred security for workers. These insights are powerful given that over half of participants held dual roles as third parties and sex workers and were able to speak from both perspectives.

Changes post-end-demand law reform

Most respondents were acutely aware that their third party activities remained criminalised under end-demand legislation.

[Interviewer: What do you know about the federal law ruling the sex industry?]

'It's illegal for us to provide a venue.' Grace, immigrant owner/manager/receptionist/former sex worker

[Interviewer: Do you know how the current federal law regulates this industry?]

'The girls are legal while the clients are illegal. And we are illegal as the management as well.' Jane, immigrant owner/manager

Several participants who held exclusively third party roles carefully distanced themselves from the sexual service exchanges which occurred in private rooms, as a strategy to minimise their potential criminal risk.

'I'm providing a place for massage. I'm earning the middle money. Other things if you want to do it, you can do it. None of my business. [...] If you want to earn more, you can negotiate with the client. This has nothing to do with me.' Alice, immigrant owner/manager/former sex worker

'Whatever service happens in the room, it's the business between them. [...] We don't take it from the girls. It's separate. We first charge the room fee from clients for half an hour, 45 minutes. Then whatever the charge is, it's charged by the girls and none of my business.' Grace, immigrant owner/manager/receptionist/former sex worker

Because of the threat of criminal charges under end-demand laws, many third parties hesitated in assisting with interactions between clients and workers. This effectively placed full responsibility for client negotiations and collecting fees for sex services on the sex worker, and limited third parties' ability to take a more active role in supporting their workers if they desired this support.

Similar to prior research which found that condoms were being used by police as evidence of illegal sex work (Anderson et al. 2016), several participants expressed concern about the discovery of condoms being a risk for criminal charges. They described strategies to mitigate this risk, for example, by keeping condoms locked in a storage cupboard.

'You can be charged [if police find condoms]. The shop would get charged. So, I can't have condoms in here. I do, and you know. And they're under lock and key.' Scott, Canadian-born owner/manager/security/former client

The continued risk of facing charges if police found condoms led some venue managers to hide or limit condoms on their premises, undermining sex workers' access to a critical health and safety resource.

Criminalisation and barriers to reporting violence

Third party criminalisation presented a significant barrier to contacting police for assistance after a robbery or assault took place in a venue. Calling police was seen as 'inviting trouble'.

'If there is actually any problem, it's unnecessary to call the police. You don't want to invite trouble. Once the police come in, they must ask what you do, what happened, etc. [...] No, I would not invite troubles. I'd rather protect myself.' Helen, immigrant sex worker/owner/manager

Scott asserted that criminalisation restricted venues from contacting police even when faced with life-endangering violence:

'Two [massage parlours] down on [X street], far as I know did not phone the police, when they were robbed. At gunpoint. That is how fearful some people are, because technically what they're doing is against the law, so why bother phoning the police.'

Participants reported that many venues became cash-only businesses to protect clients' privacy after clients became explicitly targeted under end-demand laws. This heightened safety risks, as not accepting client credit cards limited managers' ability to screen clients, and the prospect of cash on the premises can entice thieves. Participants highlighted the dangers of unequal access to police protection, as summed up May, an immigrant owner/manager: 'The reason why so many micro-brothels get robbed is robbers know that they are not going to call the police.' These structural vulnerabilities made in-call venues prime targets for robbery and rendered participants defenceless against violent aggressors.

'In [Vancouver suburb], I heard that a girl was battered all black and blue, but she didn't dare call the police. They were robbed. Those men are smart, they know the transaction is by cash. He pretended to be a customer and saw that there were only one or two girls working, whom he can handle so he beats you up.' Helen, immigrant sex worker/owner/manager

'When we did have the odd incident happen, VPD [Vancouver Police Department] wasn't even notified. Which, in the long run puts us in a higher level of danger cause now people think, they can get away with things.' Nancy, Canadian-born owner/manager/former sex worker

These alarming narratives raise major concerns about end-demand laws enhancing sex work venues' vulnerability to assaults and hampering sex workers' rights to security and access to justice.

Contradictory laws restrict third party supports

While third party criminalisation purportedly aims to shield sex workers from exploitation, we found that third party criminalisation restricted managers' ability to provide protective supports, rendering sex workers more vulnerable to robbery or fraud. Most participants expressed frustration at laws criminalising third party activities, asserting that working as a team was safer.

'It's unsafe to work on your own. We need to work together as a team. For workers who don't speak English, they need someone to answer the phone for them, don't they? For

those who are physically weak, they need protection, don't they? [...] The law should be more specific. It can't be one size fits all.' Eric, immigrant owner/manager

Participants were particularly critical of laws prohibiting third parties from collecting any fees for sexual services. Speaking from her perspective as an immigrant sex worker and venue owner/manager, Angela asserted that having a manager collect the entire fee for sexual services up front – a Criminal Code infraction under end-demand law – would protect sex workers from theft:

'I understand the law. Like the owner of the massage parlour is not supposed to get any money for the girl. I think that is not right. Because every girl wants the owner to get their [the sex worker's] money first so that they can actually work safely.'

Citing incidents where clients had fled the parlour without paying, or paid in counterfeit currency, Angela argued that the law should allow third parties to collect full fees for sexual services upfront to protect workers:

'I hope to see the law that allows, [the] massage parlour or whoever deals with the customer, to get the money. The girls' money, first. Before they do any service. Lots of owners don't want to collect the charge, because they don't want to [...] Sounds like you're controlling the girl, right. You collect their money. But it's not right. That's not how we do. Everything we do is for the girls' safety. For they feel comfortable. That way they feel comfortable to have the service done.'

This narrative illustrates how laws prohibiting third parties from collecting fees resulted in workers providing sex services while facing the perpetual risk that the client may not pay after the session, with clear negative implications for sex workers' income security and psychological well-being at work.

Similarly in prior research, (Bowen, Bungay, and Zanger 2015) participants highlighted their active roles in creating protective work environments relative to apartments and street-based locations. They called for enabling the legal operation of managed indoor spaces towards increasing security for sex workers.

'I feel that the law is not working. I think the government actually established the law to protect women, to protect vulnerable groups. However, if the girls want to provide full services, as long as they are [...] not under-age, not being pimped or forced or taken advantage of, as an owner, we provide a place for them. [In parlours] we are actually protecting the girls.' Grace, immigrant owner/manager/receptionist/former sex worker

Discussion

End-demand models globally portray sex workers as victims needing protection (Bruckert and Hannem 2013; Vuolajärvi 2019) and, as a result, often criminalise third parties who are seen as facilitating the coercion of sex workers and commodification of sexual activity (NSWP 2018). In Canada in 2013, the Supreme Court asserted that the criminal code provisions prohibiting keeping or being found in a bawdy house (i.e. indoor sex work venue) prevented sex workers from working together to protect their own safety and struck down the law as unconstitutional (Pivot Legal Society 2013). Despite this ruling, Canada immediately implemented end-demand legislation which replicates the criminalisation of third parties operating indoor venues, under the guise of aiming to reduce the exploitation of sex workers (Department of Justice 2014). However, we found that third parties

provided screening, security, and sexual health resources for workers, yet criminalisation constrained third parties' supportive activities, increased venues' vulnerability to assaults, restricted condom availability and access to police protections in case of violence or fraud, severely undermining sex workers' charter rights to security of person.

Our study addresses a prominent research gap on how end-demand third-party criminalisation impacts sex workers' labour conditions and enriches the limited body of empirical research on perspectives of third parties. Findings make a significant contribution by interrogating binarised misrepresentations of sex workers and third parties as mutually exclusive and of their interests as polarised - both assumptions upon which third party criminalisation in Canada and dozens of countries is based. Our results suggest that the ongoing third party criminalisation under end-demand law continues to constrain sex workers' access to critical health and safety-enhancing services, which is likely to exacerbate violence among this marginalised group of workers. They illustrate that the categorical reframing of sex workers as exploited victims – a defining tenet of end-demand ideology – does not increase sex workers' safety, but rather reproduces the unsafe labour conditions of other prohibitive approaches to sex work regulation.

In this study, the overwhelming majority of third parties were women and current/former sex workers, adding to evidence disrupting assumptions of vast, gendered power differentials between sex workers and third parties. Studies from Switzerland, India, Canada and China describe consensual and supportive third party-sex worker relationships (Yi et al. 2012; Semple et al. 2013; Büschi 2014; Hannem and Bruckert 2017) similar to those described by our participants. Notably, participants who did sex work used the words 'empowered' and 'autonomous' to describe their experiences working in managed in-call venues and expressed high confidence in their boss's support, highlighting a severe disjuncture between sex workers' lived experiences and homogenous stereotypes of predatory 'pimps'. End-demand models based on polarising representations of exploitative third parties and victimised sex workers (Parliament of Canada 2014) deny the reality of intersecting sex worker and third party roles globally (Yi et al. 2012; Bruckert and Law 2013; Semple et al. 2013; Büschi 2014; Goldenberg et al. 2017), and minimise sex workers' agency and active participation in seeking out supportive labour conditions (including third party services) for themselves.

Participants' narratives on the security conferred by working collectively indoors affirm previous evidence on the structural protections associated with managed in-call spaces. In-call venues often feature security cameras, door locks, and third parties who collect IDs, and intervene in violent or uncooperative situations, which have been documented in diverse contexts as promoting increased protection and control over sex work transactions relative to street-based work (Atchison et al. 2016; Bowen, Bungay, and Zanger 2015; Bruckert and Law 2013). While our study participants provided these security-enhancing services, they also actively distanced themselves from sex service negotiations and fee collection and restricted workers' access to condoms due to fear of criminal charges. This adds to prior evidence that links criminalisation to harmful managerial practices including restricting sexual health resources and access to outreach (Goldenberg et al. 2017; Anderson et al. 2016).

Participants cited criminalisation as a major barrier to contacting police, which promoted venues' vulnerability to violent assaults. This raises serious concerns regarding

the ensuing long-term health impacts of experiencing workplace violence, and missed opportunities to improve the strained relationships between sex workers and police (Goldenberg et al. 2017; Lam 2018; Anderson et al. 2016). In our study, third party criminalisation restricted participants from calling for police assistance even after facing assaults with weapons: this contrasts directly against end-demand laws' stated aim of encouraging sex workers to access police protections (Department of Justice 2014), and actively upholds dangerous occupational conditions and continued impunity for violent aggressors targeting sex workers.

Addressing the victimisation of women is framed as a core characteristic of end-demand models (NSWP 2018). However, limited research on end-demand laws globally has highlighted continued and in some cases increased exposure to violence and police harassment (Le Bail and Giametta 2018; PION 2017; Levy and Jakobsson 2014; Vuolajärvi 2019). Similar to end-demand models in other settings (PION 2017; Levy and Jakobsson 2014; Le Bail and Giametta 2018), Canadian end-demand laws focus heavily on punitive policing and carceral interventions, including \$20 million in funding for law enforcement and supports for sex workers wanting to 'exit' (Government of Canada 2014). These legislative attempts to encourage sex workers to leave the industry reflect a paternalistic effort to control women's choices (Bruckert 2015), instead of affirming sex workers' bodily autonomy and ability to make economic decisions in their own best interests. This illustrates the hypocrisy of end-demand laws which make the sale of sex services legal, yet heighten barriers to working safely (Bruckert 2015).

Canada's broad criminalisation of third party material benefits in sex work represents a discriminatory restriction on service exchanges that is not applied to other industries. This de-facto decriminalisation of only sex workers who work without engaging third party services is imbued with classism (Bruckert and Law 2013), given that only the most privileged sex workers (and independent business owners in general) possess all necessary capacities to operate a business without paying for any external services. Our findings underscore the implications of a conceptual contradiction in end-demand models which depict sex workers as vulnerable, yet prohibit them from legally accessing security services.

Current representations of sex workers as vulnerable and victimised preclude any analysis of sex work as labour or evaluation of policy interventions to reduce workplace risks, as are typical in other industries towards ensuring workers' rights (Bruckert 2015). Our findings add to robust evidence that laws criminalising any aspect of sex work do not protect sex workers, but rather increase their risks of violence and perpetuate stigma (Beyrer et al. 2015; NSW 2018; Le Bail and Giametta 2018). Despite their rhetoric of promoting gender equality, Canadian end-demand laws and resulting enforcement practices are contributing to ongoing severe labour and human rights violations against sex workers. Legislative reforms which enhance sex workers' rights, rather than limiting their freedoms under the guise of protection, are urgently needed to enable safer working conditions.

Limitations and strengths

This study focused on the experiences of third parties working primarily in massage parlours and may not be representative of those in street-based locations. Challenges in accessing criminalised populations may have constrained participation, as third parties

fearing the law and those with more coercive management styles are likely to have declined to engage in this research. However, our longstanding relationships with Metro Vancouver sex work venues built over years of outreach are also a strength of the study, as they contributed to trusting interactions resulting in rich in-depth interviews. While this study holds the potential for confirmation bias in support of third party roles, two thirds of third parties were current/former sex workers, which is a notable mitigating factor.

The considerable overlap between sex worker and third party roles is a major strength of this study, as it offers dual perspectives on the impacts of working collectively in managed indoor settings. Despite our sample featuring a high proportion of immigrants, exploring intersections between immigration and sex work criminalisation was beyond the scope of this study. We aim to make this the focus of future research. Further research on the intersections between sex worker and third party roles is also recommended, particularly in street-based and informal indoor settings. To our knowledge, this is the first empirical study on the experiences of third parties post-end-demand law reforms in Canada. Our findings have relevance to settings where third parties are criminalised under end-demand legislative frameworks, and settings currently considering legal reforms to address unsafe work environments and labour inequities faced by sex workers.

Conclusion

This study presents important data on the implications of end-demand third party criminalisation for sex workers' labour conditions. While acknowledging the power imbalances between workers and managers which exist in the sex industry as in others, our findings show that sex work third parties offer supportive services, and sex workers use third party services (and work collectively, as third parties to one another) towards creating the most optimal and safe working conditions for themselves. Our findings offer new evidence demonstrating that end-demand ideologies framing sex workers as victims, and laws based on these representations, reproduce the unsafe working conditions of the previous prohibitive sex work laws, which were deemed unconstitutional by Canada's Supreme Court. Legislative reforms to fully decriminalise all aspects of the sex industry, including sex workers' right to work with third parties, are urgently recommended in Canada and globally to uphold sex workers' health, safety, and human rights.

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