



RESEARCH BRIEF

Safety, Violence Prevention and Municipal Licensing of Indoor Sex Work Establishments

Background

To date, there is little to no research on the different ways that licensed indoor sex work establishments, including massage parlours, beauty salons and body rub studios, are licensed, regulated and policed. To address this gap in research, researchers at the BC Centre for Excellence in HIV/AIDS compared licensing and policing practices of indoor sex work establishments across municipalities in the Greater Vancouver Area, to look into how these policies and practices shape health, safety and the risk of violence for sex workers in these settings.

Methods

As part of a larger ethnographic and qualitative investigation of the physical, social and structural HIV risk environment of the sex industry, this study draws on 46 in-depth interviews conducted in 2011 with sex workers, managers and business owners of licensed indoor sex work establishments, including massage parlours, beauty salons, acupuncture and body rub studios, as well as micro-brothels, in the Greater Vancouver Area. The interviews were conducted in English and/or in Mandarin, and were recorded, transcribed, translated, coded and then analysed to allow researchers to uncover themes and issues of importance.

Results

This study showed that several different aspects of the municipal licensing requirements and policing practices had a negative impact on the health, safety and risk of violence for sex workers in these settings. These requirements can roughly be divided into the following categories: those that impact the physical environment; those that impact who is employed, manages or owns such businesses; those relating to policing and bylaw enforcement; and those relating to the overall impact of a formal, licensed workplace, versus an informal, unlicensed one.

The Physical Environment

Door lock restrictions – Some licenses (eg. Body Rub Salons in Burnaby) require front doors to remain unlocked during business hours, to provide police and inspectors immediate access to the premise for inspection. Participants reported that this left them vulnerable to theft and robbery, and unable to screen for potentially violent or problematic clients. As a policy intervention, prohibitions on door locking decrease workplace safety by punishing managers with fines or license revocations if they attempt to protect workers by locking the front door.

"If they ring the doorbell, we would come out and see what this client is like by talking to them shortly. If they seem drunk, we would definitely ask them to leave and not let them in."

Lighting and windows – Many licenses require bright lighting and unobstructed windows or doors into the massage rooms, again to enable police and inspectors access to the massage rooms. This prohibition on privacy can undermine a worker's ability to manage their work environment, and cause stress, a fear of exposure, and makes workers vulnerable to harassment, humiliation and fines in the event of police raids.

"I think it is unreasonable to ask us not to hang towels in front of windows. It not only invades my privacy but also my clients'. And it doesn't really deter us from doing this work."

Security cameras – Many violence prevention measures identified by workers as key to their safety are not included in licensing regimes and are therefore not mandatory. Participants reported that security cameras deter violence by signaling to clients that they will be held accountable for any theft or violent acts. Security cameras also assist with screening unwanted or potentially dangerous clients.

"If the client sees that you are alone, they feel like they can bully or abuse you, and you can't defend yourself. The security camera we install in the parlour can also serve as a warning, that if the client's do not behave themselves, they will leave evidence behind, and the police can find them."

Employees, Managers and Owners

Owners with experience – Many licenses (eg. Body Rub Studios in Richmond and Health Enhancement Centres in Vancouver) are not available to anyone who has been convicted of a sex work related criminal offense. This is problematic for employees, who reported inexperienced owners as more likely to issue fines for having condoms around, pressuring them to provide higher risk services (eg. sex without a condom), undervaluing the labour and physical demands of sex work, and less likely to support them in a conflict with a client. Experienced owners were reported to be more likely to encourage HIV prevention, provide condoms, and protect them from dangerous clients.

"If I had any issues, whether it's inside the rooms, or if we were short on condoms, [the current owners] would always listen to me...because they've worked in the trade. The parlours before, [the owners] hadn't. It's completely different. The ones where they just want to make money for themselves...even if we were in danger, we weren't able to call the police..."

Working alongside others – Current licensing regimes do not require or encourage owners to ensure that more than one employee or receptionist is present, despite employees reporting the important role of co-workers in collectively deterring violence, de-escalating conflict, intervening in case of violence and sharing information about dangerous clients. In fact, some participants reported that fear of attracting attention of police, and losing their business licenses, discouraged them from having larger establishments with more employees.

"This place is safe in every aspect...there is always more than one person working in the parlour. We usually have about four people here... the clients wouldn't do anything to us."

Employee registration – Some licenses (eg. Body Rub Studios in Richmond) require individual employee registration, including their name, address and sometimes even a photograph. Participants reported avoiding working in municipalities that require registration due to concerns about their privacy, the privacy of their families and homes, the potential impact on future employment opportunities, and their ability to exit the sex work industry. Employees reported the individual licensing process as onerous and expensive, as increasing their stigma and marginalization and as pushing them towards unlicensed, less safe venues. Owners reported difficulty adhering to the strict registration requirements due to high worker-driven turnover; as many employees prefer to set their own schedules and rotate among establishments to achieve better working conditions.

"I may choose micro-brothels, rather than getting a [registration] card. My family or relatives would know if I registered in this industry."

Policing and Bylaw Enforcement

Police raids – Licensing regimes allow police to target, raid and fine licensed indoor sex work establishments. Many owners reported feeling betrayed for obtaining the license that most accurately reflected the nature of their business (eg. Body Rub Studios) despite the high annual fee (\$3000-9000), only to be punished by police raids, inspections, fines or license revocation for violations of the licenses burdensome requirements.

Police raids deter clients, cause lost revenue, and ultimately result in the closing of many safer indoor work environments, displacing workers to hidden, unlicensed, and less safe, venues. Participants reported the psychological stress of police raids as the most difficult part of their work, describing it as humiliating and stressful. They reported that raids are usually conducted without a translator, which for migrants or new immigrants is extremely stressful, compounding other stresses they report experiencing such as income security, single parenting, language, immigration obstacles, and social isolation resulting from the stigma of sex work.

"I'm afraid that they would put it [the police raid] up in the news, so then everyone would know...I've heard that this would definitely affect my [Immigration] status. The biggest concern is that my child finds out, or my family finds out."

Lack of police support – Fear of losing clients, being fined, or losing their business license motivates owners to forbid workers from calling the police when faced with violent clients. Participants reported being unable to rely on police for support or protection, even when subjected to extreme violence or sexual assault. Additionally, clients are able to manipulate workers into providing free or unsafe services by threatening to anonymously report a business to the police. Some owners turn to gangs as security providers in response to violence or theft as they report being unable to rely on police.

"If anything happens, it's difficult or impossible to report anything to the police because we're working illegally. We can't really seek protection. They [clients] can still call the police on us if they want to threaten us."

Licensed vs. Unlicensed and Covert Venues

Displacement – Burdensome licensing regimes, along with stress and loss income caused by police raids, can lead workers to leave licensed establishments, despite reporting them to be safer. Some are displaced to more hidden, unlicensed venues, such as micro-brothels, a worker's home, or take outcalls in client's homes or hotels, while others may opt to work in more covert, less explicitly sex work related licensed venues, such as beauty salons, spas or acupuncture clinics.

Participants working in these covert types of establishments reported that the incongruity between the business license held and the services actually offered, places a burden on the employee to negotiate services, price, and safety conditions, such as condom use, with clients, and creates more opportunity for conflict, especially when there is a language barrier. Additionally, restrictions around signage and advertising can make it difficult for owners to communicate job expectations to new applicants, and may lead someone to unintentionally enter the sex work industry.

"Regulation without proper planning and consideration has led to businesses such as spas and beauty salons illegally providing sex services. If you always bother licensed businesses like massage parlours, the workers will leave these businesses, but they will not leave this industry or this city, they will find other ways to do this business...I think the present regulation just exacerbates the problem."

Implications

This study supports a growing body of evidence of the harms to sex workers of a criminalized and enforcement-based approach, and highlights some of the potential benefits of decriminalization, including increased safety, improved health, the prevention of violence and better relationships with police. With the constitutionality of Canada's sex work law currently being decided, there will likely be an immediate need to consider how current municipal licensing, regulations and police practice regimes can be revised to better support sex workers, business owners and managers.