

# Licensing Sex Work: Public Policy and Women's Lives

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La promotion du modèle de santé pour la population oriente notre attention vers l'impact des politiques publiques et de l'interface entre divers niveaux de politiques sur la santé et le bien-être. Nous appliquons ce modèle à l'étude d'un cas: l'effet sur la santé et le bien-être des "hôtesse" à Windsor, Ontario, de l'obligation d'obtenir de la municipalité un permis pour exercer leur industrie. L'attention portée sur les autorisations municipales et les politiques appliquées à l'industrie des hôtesse révèle que, bien qu'il soit possible que de telles politiques, qui sont actuellement en opération à Windsor, améliorent la santé et le bien-être des travailleurs dans l'industrie du sexe, ces politiques ne sont pas saines. Cela est dû en partie à la façon dont la police utilise les informations et les ressources dont elle dispose en se référant aux permis; en partie aussi à l'ambiguïté de la situation dans laquelle sont placées les municipalités et les agences d'hôtesse, pour que soit mise en oeuvre l'obligation d'un permis sans violer les lois criminelles fédérales relatives à la prostitution.

The population health promotion model directs our attention to the impact of public policy, and the interface between various levels of policy, on health and well-being. This model is applied in a case study of the effect of municipal licensing of the escort industry on the health and well-being of escorts in Windsor, Ontario. Attention to municipal licensing and policing practices applied to the escort industry reveals that although the potential exists for such policies to enhance the health and well-being of sex workers, as such policies currently operate in Windsor, they are not healthy public policies. This is in part because of the way police use the information and resources made available to them through licensing. It is also related to the ambiguous position in which municipalities and escort agencies are placed, in order to implement licensing without violating federal criminal statutes related to prostitution.

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## INTRODUCTION

**B**rock (1998), in her historical overview of sex work in Canada,<sup>1</sup> dated the emergence of the escort industry to the late 1970s when "escort services" filled the void left by police crack-downs on massage parlours and other fronts for prostitution. Since the 1970s, some municipalities (e.g., Calgary,

Edmonton, Winnipeg, Windsor, Sault Ste. Marie) have introduced bylaws that require escorts and escort agencies to be licensed, similar to other service providers within the city (e.g., taxi drivers). In Windsor, Ontario the opening of a casino and the resulting weekly influx of tens of thousands of visitors from the United States provided the impetus for the licensing of escorts and escort agencies (Bianchi

1996; Vander Doelen and Smrke 1996; van Wageningen 1996; *Windsor Star* 1996a,b,c,d,e). The implementation of such policies raises the question of how licensing, and the associated police practices affect the conduct of escort work and the health and well-being of escort workers, most of whom are women. In this paper, the framework of population health promotion (Hamilton and Bhatti 1996) is used to address this question.

The population health promotion model integrates the approaches of population health and health promotion by placing health, health determinants, actions that influence these determinants, and avenues through which the actions operate into a single model. This model identifies at least five action strategies that influence health through their impact on any combination of health determinants. These strategies work at levels that range from the individual to the societal. Public policy is one of these action strategies, and building healthy public policy in all sectors is identified as a condition for enhancing health and well-being. While there has yet to be a coherent operationalization of healthy public policy, there have been discussions of how policies within the health, environmental, economic, and employment sectors (Frankish, Green, Ratner, Chomik and Larsen 1996; Hamilton and Bhatti 1996) influence health.

The criminal justice sector (e.g., criminal law, police, courts, correctional services) and its impact on policies and programs of other levels and sectors of government (e.g., licensing bylaws, provision of health services such as methadone maintenance and needle exchange programs, etc.) to date has been excluded from discussions of healthy public policy. The conduct of escort work, however, is influenced by policies in the criminal justice sector, in particular, federal statutes related to prostitution (see *Criminal Code of Canada*, sections 210 through 213). These statutes set the framework within which other policies affecting this occupation must operate including programs and policies of provinces, municipalities, police, employers, managers, agents,

health units, and social service and labour sectors. Using the population health promotion model, this paper examines the impact of the interface between municipal licensing of escorts and escort agencies and federal criminal statutes and police practices on the health and well-being of women who work as escorts.

## METHODS

This paper is based on a case study of the escort industry in Windsor, Ontario. The study was conducted between the fall of 1997 and the spring of 1999. Municipal licensing and police practices were reviewed and semi-structured, in-depth interviews were conducted with 18 escorts, eight escort agency personnel, five community workers, and five city officials who have contact with the industry or work with policies related to it, including public health and social service workers, city councillors, municipal employees, and police. Municipal licensing and police practices were also reviewed and semi-structured interviews were conducted with seven community workers and four city officials in Calgary, Alberta. Calgary was used as a point of comparison for Windsor because licensing had been in place for 20 years in Calgary and Windsor looked to Calgary as a model in designing its own licensing bylaw. In addition, municipal bylaws from Edmonton, Lethbridge, Red Deer, Vancouver, Victoria, and Winnipeg were reviewed and compared to the Windsor bylaw.

Interview participants were selected using purposive sampling techniques to maximize diversity in the sample. This strategy contributed to confidence that the conclusions drawn from the research took into account the diversity of experiences and situations relevant to the area of inquiry (Strauss and Corbin 1990). The goal of purposive sampling is to represent a broad range of population units in the sample, with minimal replication of unit types (in this case escorts, agencies, and their workers). In this study, the sample was continuously expanded

to encompass participants with different characteristics and experiences until saturation had been reached, that is, until no new types of experiences appeared in the sample. This maximized the diversity of this small sample, contributing to the development of descriptive and preliminary relational analyses that took into account a wide range of situations, experiences, and scenarios. This purposive sampling did not, however, replicate the proportional representation of different types of escorts, agencies, and their workers in the population, and therefore did not provide data suitable for developing quantifiable profiles or results, or inferential testing. Triangulation was used to ensure that results were representative of the segment of population under consideration, and were not merely idiosyncratic of a single individual or setting. Accounts from interviews with different types of participants (e.g., escorts, community representatives, city officials, agency workers, etc.) and analysis of policy documents were triangulated to increase confidence in the validity of the conclusions that were drawn.

Interviews lasted one to four hours and were conducted in locations chosen by the participants. The topics covered in interviews with escort agency personnel, community workers, and city officials included identification of areas of concern to be explored with escorts and elaboration of health and well-being concerns associated with escort work and related policies. Escort interviews covered the following topics: demographic characteristics, occupational history, the work of escorts including the work environment and relationships among co-workers and customers, sexual history, and implications of escort work, and various types of public policy for health. Interviews were transcribed verbatim.

## RESULTS

### **Federal Statutes and Municipal Bylaws**

Although it is commonly believed that sex work is illegal in Canada, the exchange of sex for money is

not prohibited by the *Criminal Code of Canada*. Instead, the relevant sections of the *Criminal Code* (sections 210 through 213) target only activities associated with sex work, including: keeping or being found in a common bawdy-house (s. 210), procuring or living off the avails of prostitution (s. 212), communication in a public place for the purposes of prostitution (s. 213), and purchasing sexual services from someone under 18 years of age (s. 212(4)).

While Canadian criminal law makes it difficult for street prostitutes (who solicit in a public place) and in-call prostitutes (who work in a “bawdy house”) to practise their profession without violating federal statutes, it does not necessarily impede the work of escorts, who work on an out-call basis. Certain sections of the *Criminal Code* can, however, be applied to escort work. For example, according to s. 212, any individual who arranges for someone to engage in prostitution is in violation of Canadian criminal law. This section could be applied to an escort who “brings a friend along on a ‘date,’” and agency owners who arrange for escorts to meet clients explicitly for the purpose of the exchange of sex for money. In addition, s. 212 makes it illegal for anyone to live off the money earned in the process of conducting sex work, which can technically be extended beyond “pimps” and employers or agents to include children, spouses, lovers, parents, siblings, friends, babysitters, and drivers.

In some Canadian municipalities (e.g., Winnipeg, Windsor, Calgary, Edmonton, Vancouver) certain forms of sex work such as escort services, exotic dancing, and massage parlours, are regulated by municipal licensing and zoning policies. The police, city officials, and community workers interviewed for this study in both Windsor and Calgary described the escort industry as one that was prone to “fraud,” “violence,” “assault” (of both customers and workers), “organized crime,” and the involvement of “underage sex workers.” The motive behind establishing licensing in both cities was to facilitate the policing of the industry. As a police service representative interviewed for this study explained:

Escort work is particularly difficult to police. You can't find it.... When it's licenced we know who they are and where they are. We can keep tabs on it.

Since escort work is relatively invisible, without licensing, it is difficult for police to gain information about the industry. Licensing of escorts and escort agencies is seen by police as a mechanism to control the industry. Municipalities regulate who can work as an escort or open an agency in their city by imposing restrictions on who can be licensed. In Windsor, for example, such restrictions included setting a minimum age, and excluding anyone with a *recent* history (a two-year cut-off is used) of involvement in prostitution, drugs, fraud or crimes of violence from being licensed. Qualifications for licensing are established through police clearance checks.

The licensing of escorts and agencies produces a file of names, addresses, phone numbers, and photographs which is maintained by the licensing office and the police. In Windsor, the clearance checks conducted by police allowed the municipality to assure agencies and potential customers that licensed escorts had no *recent* history of involvement in prostitution, drugs, fraud, or crimes of violence. Such checks also assured escorts and clients that agencies were not associated with organized crime. The licensing bylaw included requirements that were designed to facilitate police protection of escorts, the apprehension of customers when they engaged in crimes against escorts, and bylaw enforcement. In Windsor and Calgary, this included a requirement that agencies maintain a record of names and locations where escorts were sent with this record available for police inspection (City of Windsor 1996a, s. 7). Both bylaws required escorts to show their licence to police officers on request (*ibid.*, s. 13). In Calgary, escorts were prohibited from working independently of an agency to facilitate the location of escorts for enforcement purposes and as a way to maximize their protection.

Escorts interviewed for this study initially felt that municipal licensing provided official recogni-

tion of escort work as an occupation. This belief increased their sense of safety and security on the job. As one escort said:

The bottom line is, it's licensed, it's legal, it's a business that people have to treat as such. So, before we were licensed anybody that was working got ripped off all the time — customers stole everything, customers got ripped off, the girls got beat up, there was nothing you could do about it.

Another reported:

A lot of guys are assholes, but they're a little bit scared now because we are licensed. They're a little bit leery of doing anything they might have, you know, normally done.

In addition, escorts saw licensing as increasing the legitimacy of their occupation:

A lot of people are still going to be prejudiced against us, but now that we have our licence, we're self-employed. It shows we are legally working.... So, if I want to lease a car, I can say I'm an escort, here's my licence. It's easier that way because before .... there was no proof you were doing it.

Municipal licensing also provided a mechanism to control the practices of escort agencies. Since municipal regulations must not conflict with *Criminal Code* statutes, they function as a method for setting local regulations that facilitate policing. For example, agencies cannot *require* escorts to provide sexual services to clients. If they do, this constitutes procurement, and violates s. 212 of the *Criminal Code*. In addition, agencies cannot promise clients that particular sexual services, or *any* sexual services, will be provided. In a 1998 police raid on escort agencies in Windsor, agencies that violated these restrictions were charged with *Criminal Code* offences. These raids reaffirmed that in order for the escort industry to operate without violating *Criminal Code* statutes, the exchange of sex for

money must be privately negotiated between escort and client, without any involvement of the agency.

### **Implications of Statutes and Bylaws for**

#### **Escorts**

Although the official recognition of escort work as a legitimate business and the limitation of the power of escort agencies to require escorts to provide sexual services can be seen as a healthy public policy, there are also disadvantages to licensing. One disadvantage is the creation of a record of who works in the industry. Although this record is not available to the general public, it is available to government organizations, such as taxation and social services, and may be subpoenaed in legal proceedings, such as child custody and criminal cases. This information can be used to restrict access to social services and to threaten a mother's custody and/or access to her children. A second disadvantage is the control that is imposed by specific bylaw provisions. For example, women with sex work experience or those who work with a manager may be denied a licence if this is known to the police. Escorts working independently of an agency cannot work together in teams for self-protection unless they purchase the more expensive agency licence.<sup>2</sup> In Calgary, the requirement that escorts work for an agency provided the agencies with a captive labour force and restricted the ability of escorts to control their own work conditions. A third disadvantage related to the restrictions placed on the municipalities and escort agencies by the *Criminal Code*. Municipalities must walk a fine line when formulating and implementing local licensing policies in order to avoid coming into direct conflict with federal laws. Thus, for example, while municipalities can license particular "personal services" such as escorting, dating, massage services, and exotic dancing, they must avoid any inference that the services they are licensing involve the sale of sex or the violation of federal criminal statutes. As a result, municipal employees cannot discuss with escorts anything that relates to engaging in sex with clients, including how to minimize health and safety risks associated with escort work.

Even stricter restrictions exist for escort agencies and their personnel. Any agency employee who provides information or services to an escort that can be construed as indicating that they are aware of the sale of sexual services (e.g., providing condoms), is subject to charges under federal statutes. In fact, agency owners have been charged under the procuring statute for discussing expected and optional sexual practices with escorts (see Claridge 1999). After the 1998 police raid of escort agencies in Windsor, the owners met with representatives of the local Licensing Commission to request clarification of the bylaws and the legal restrictions on their businesses. They were provided with some broad guidelines. Among them was the recommendation that agency personnel not become involved "in the actual *delivery* [emphasis added] of personal services." Owners were instructed that they must restrict their services to "telephone answering, paging, referral and introduction services, [and] telephone follow-up for security purposes" (Bertolin 1998).

The fine line that municipalities and escort agencies must walk to avoid coming into direct conflict with federal laws impedes the provision of information about, or services to facilitate, conducting escort work in a safe manner. As one City of Windsor employee commented, this approach is based on the assumption that the provision of services and information encourages individuals to participate in the exchange of sex for money. He observed, however, that this perspective fails to recognize that providing information and services may have the opposite effect. It may discourage individuals from becoming escorts once they fully realize what is involved. If they do become escorts, they will do so more fully aware of the nature of the occupation and how to protect their health and well-being. At the time this study was conducted, escorts in Windsor were left on their own to figure out how to conduct their work in a manner that minimized risk to health and well-being and the possibility of being charged with *Criminal Code* or municipal bylaw violations. These factors detract from the health-enhancing potential of municipal licensing.

## Police Practices

Police come into contact with escorts when responding to their complaints of victimization and when enforcing federal statutes and municipal bylaws. Research demonstrates that in some instances police act in a non-discriminatory manner; however, there are also numerous accounts of police acting in a discriminatory manner (Hatty 1989; Maticka-Tyndale, Lewis, Clark, Zubick and Young 1999; Miller 1993; Pheterson 1990) or of not providing sex workers with appropriate police protection (Barnard 1993; Pheterson 1990, 1993; Lewis and Maticka-Tyndale 1998a).

### *Police Response to Criminal Victimization*

The literature consistently indicates that sex workers are subject to a variety of forms of victimization including robbery, and physical and sexual assault (Duchesne 1995; Farley and Barkan 1998; Hatty 1989; James and Meyerding 1997; Lewis and Maticka-Tyndale 1998a,b; Miller 1993; Pyett and Warr 1997; van Wageningen 1996; Vanwesenbeeck, de Graaf, van Zessen, Straver and Visser 1995). Escorts interviewed in this study reported experiencing all of these forms of victimization. One escort who had been subject to a particularly violent sexual assault reported sensitive and respectful treatment by police, the more common police response to complaints of victimization by the escorts interviewed for this study was, "well, what do you expect, you're in this kind of business. Don't call us." Such treatment by police made escorts reluctant to call for assistance or to report crimes. As the following woman explained:

You know how many girls I know have been beaten up and won't call the police because when they did call the police the first time they got treated so bad that they won't call the police the second time they get beat up. So, what the hell's the sense [of licensing]? Pay the city for what? Protection? No we ain't getting no protection.... They treat us like we're scum.

Bindman and Doezema (1997), in their review of the implementation of laws and policies related

to sex work internationally observe that when sex workers' reports of criminal victimization are not taken seriously by the police the workers are both marginalized and stigmatized, and are also denied their rights as citizens to police protection. The police, however, may not see it this way. For example, one high ranking police officer interviewed for this project explained that the police practice of non-response to sex worker complaints could ultimately be beneficial to female sex workers, since the experience of victimization and lack of police assistance would provide incentive to leave sex work.

Until these women hit rock bottom and experience hard times first hand they won't get out. Making it easy for them isn't helping. It just keeps them in the business.

As the following escort's experience illustrates, such views may also motivate police harassment of escorts:

Sometimes they try to freak the hell out of you to scare you out of the business. Like this one time, I just had my license a week, ... I walked in the room and there was one guy [who did not identify himself as a police officer] there and then ... one guy jumped out of the closet, another guy from around the corner and the three of them grabbed me at the same time. I didn't see ... the other two, only the one guy. I started fighting right away, but they ... grabbed my hands. I didn't have time to do nothing. They just wanted to show me what could happen. That I didn't have time to get into my purse or put my hands in my pockets, nothing.

### *Proactive Policing*

Escorts also felt victimized by the proactive practices used to police federal statutes and municipal bylaws. Women experienced these practices as entrapment and harassment. Two techniques that escorts viewed as entrapment were commonly used. In one, a call was made to an agency to request an escort. When the escort arrived, attempts were made

to entice her into negotiating a fee for sexual services in what is technically a public place, thereby violating the statute pertaining to public solicitation (s. 212).<sup>3</sup> Another technique was to call an escort who worked privately and ask her to bring a friend on the "date." If she did, she violated the federal statute regarding procurement (s. 213), as well as licensing regulations that require an agency licence to arrange a "date" for another escort.

In Windsor, one factor that contributed to the vulnerability of escorts to these police practices was the inability of the licensing office and escort agencies to provide information to escorts about the federal laws related to the exchange of sex for money. In fact, many of the women we spoke with thought that licensing superseded the criminal statutes eliminating the restriction on this exchange. Escort agency receptionists and owners reported feeling that this impression was also shared by some of the clients they had spoken with. Police representatives from both Windsor and Calgary insisted, however, that it was the responsibility of escorts and agency owners to ensure they knew and abided by municipal, provincial, and federal laws and bylaws. When we pressed this issue with Windsor police representatives, we were reminded that s. 19 of the *Criminal Code* is clear that ignorance of a law cannot be used as a defence. Escorts and agency owners, however, asked "Who is responsible for telling us what the laws are that apply to our business?"

Escorts in this study were poorly informed about federal statutes and municipal regulations related to their work. As one escort noted:

We don't know what the hell we're doing.... You know, like we don't know what's legal, what's illegal, how we can ... get nailed for solicitation ... and how to work around that. You don't know that you don't have to hand them your licence when they sit there and ask you if you have any ID.... You don't have to give them your escort licence unless ... they're questioning you about your licence.... I didn't know that.

City councillors and several escort agency receptionists, drivers, and owners interviewed for this study were similarly ill-informed about such matters. One city councillor expressed disbelief when she learned of the different federal regulations and statutes and was confused about how a city could license sex work and simultaneously deny that it *was* sex work. The lack of information about regulations available to people in the industry led one owner to comment:

I think that ... they should have thought harder when they licensed the businesses, they should have come up with better bylaws, they should have explained the bylaws better, they should have said look, you know, this is ok, this is ok, this is ok, now this is out.

Following the police raid of several escort agencies in Windsor, considerable confusion and shock was expressed by owners and escorts (Mandel 1998a). Owners were confused about how they could be charged with "living off the avails," but the city, which makes money through licensing the agencies and workers, and Revenue Canada, which makes money through taxing the industry, could not be similarly charged. The confusion experienced by escorts was summarized by one of the women we interviewed:

This is ridiculous. How can anyone imagine that escort work is about anything but sex? How are we supposed to work?

A police representative confirmed the accuracy of her position, noting that: "Escorting isn't about prostitution ... it *is* prostitution. But we can't say that."

The legitimation of escort work, attained through licensing, was jeopardized by the police raid on the escort industry. In addition, the police raid made escorts and agencies reluctant to trust the police. As one agency owner noted:

Before we got raided I felt that we could call the police if we had to, if there was a problem we could confront the police. Not any more.

When asked what they felt they needed to conduct their work safely, escorts' responses typically made reference to the law and police practices:

I'd like to know what the laws are and stuff, 'cuz I'm not going to jail for this, I don't want no type of a charge, just protection.

Proactive policing in enforcing the municipal licensing bylaw and conducting police investigations was often experienced as harassment by the escorts we interviewed. Licence inspections were conducted by police to ensure that no unlicensed escorts were working in the city. A tactic used in both Windsor and Calgary involved the police posing as clients in order to arrange to have an escort come to a hotel room. Upon arrival, the escort was asked to produce the licence. Since escorts are responsible for a \$20 driver's fee, whether or not they stay with a client, the licence check costs them \$20. Though checking a licence requires little time, police periodically detained escorts unnecessarily and coerced them to be photographed or interviewed about the work they did and their relationship with the agencies they were associated with:

Then they sat me down, took my Polaroid, and I was like well "why are you taking my picture?.... I already had a picture taken for city hall ... for my licence...." They had no right. Unlawful confinement. I didn't break any law. So what right do they have to take my Polaroid picture in a hotel room.

In our interviews with police representatives in Windsor, it was confirmed that as long as everything with an escort's licence "was in order," the escort could decline to be photographed or interviewed. However, most escorts reported that they were reluctant to decline *any* requests from police, particularly since they were unsure of their rights and the restrictions on their occupation. In general, the escorts we interviewed did not object to licence inspections per se. Instead, they objected to the loss of \$20, the manner in which the inspection was car-

ried out, including unnecessary detention and photographing, and being "kept in the dark" about their rights and the specific conditions of local bylaws and federal statutes, all of which were experienced as harassment.

The information provided to police as a result of licensing facilitated other police practices that were experienced as harassment. For example, during the police investigation of escort agencies in Windsor, the personal information that was on file with the police was used to contact current and former escorts to inquire about agency practices. Escorts reported that police arrived at private homes without warning, "at all hours of the night," wanting to speak to escorts about the agency they worked for. Escorts who were unaware of the specifics of the laws related to their occupation were bullied with threats of loss of licence if they did not provide information about agency practices. Several women unknowingly informed on the very agencies that had provided them with information and services appropriate for conducting their work in a manner that minimized health and safety risks. The invasion of privacy and the disrespect for individual escort workers' private lives were exacerbated for some women who spoke of feeling forced to comply with police requests to allow them to enter their homes and to answer questions without counsel or time to reflect. One woman reported that the police told her "either you answer our questions now or we'll take you down to the station." Others recounted stories of the police acting without discretion and "outing" escorts to their family members. In one case, a woman who had left the industry several years earlier and had since married, was "outed" by the police to her husband when they arrived at her door late one night wanting to ask her questions about the agency where she had worked. A similar situation occurred when the police arrived at the door of a young woman who lived with her grandmother.

### **Health and Well-Being of Escorts**

Policing of federal statutes and municipal bylaws affect the social and emotional well-being of escorts

through incurred economic costs, disempowerment, stigmatization, invasion of privacy, and disruption of family and personal life. Economic costs come in the form of income lost during time spent with police, drivers' fees that escorts must pay, and expenses associated with being arrested and charged (e.g., lawyers fees, fines) and with having licences revoked.<sup>4</sup> Social, emotional, and physical health are also affected when escorts take risks in order to maximize their incomes to compensate for losses associated with entrapment and harassment, or when they are forced to turn from the relative safety of escort work to the greater danger of street prostitution (Brannigan, van Brunschot and Williams 1992) because they have lost their licences. The women we interviewed typically had minimal education and few marketable skills. They became escorts because of the absence of employment that could provide a livable wage. As Jackson, Highcrest and Coates point out, "economic incentives for risk-taking behaviours are common [in sex work]" (1992, p. 282). A consistent research finding is that the workers in the greatest financial need are the ones who are most likely to comply with clients' requests for risky sexual encounters (see De Zalduondo 1991; Jackson, Highcrest and Coates 1992; Scambler and Scambler 1995; Vanwesenbeeck, de Graaf, van Zessen, Straver and Viesser 1993). Risky encounters include both those that increase chances of contracting sexually transmitted infections and those where there is less protection from assault or personal injury.

Municipal licensing of escorts provides a semblance of legitimacy for the occupation, potentially combatting the negative emotional and social effects of stigmatization. In Windsor and Calgary, escorts were promised that licensing would provide increased police protection and freedom from police harassment (a common problem for street prostitutes, see Brannigan *et al.* 1992). In addition, a portion of the licensing revenues was designated for use in programs to assist escorts who wished to change their occupation.<sup>5</sup> As the following quotes illustrate, the experiences of escorts did not match these expectations and promises.

What do I pay for a licence anyway? They said they wanted us to be licensed so they could control things, but they aren't controlling anything.

All I see they do is take your money. They give you your licence and say good riddance.

I feel the police could/should do more for escorts. This is a licensed profession but escorts don't get anything for their licence fee.... The police don't help when they're assaulted or cheated. All they do is harass the escort services and the women.

From the women's perspective, licensing is a way to increase the money in police and municipal coffers. It also makes policing of escorts easier, gives police one more thing (loss of licence) to "hold over their heads," and facilitates police harassment (through "outing"). It has been of little visible benefit to escorts. In fact, in Windsor, funds designated to assist escorts have not been used in any consistent manner, despite efforts by municipal employees and community-based organizations to actualize the promise of such programs.

Municipal licensing appears to increase police presence in the lives of escorts and to disempower escorts and their employers from taking action to enhance health and safety. Such disempowerment, together with the social stigma associated with sex work, even when it is licensed, make it difficult for escorts to act assertively on their own behalf. They fear further increasing police presence in their lives and being forced into a public arena where they can be subject to public denigration and harassment because of their occupation. Consequently, escorts rarely ask questions or protest discriminatory treatment by the police, and they are reluctant to organize, all of which are strategies that could potentially improve their work conditions and their physical, emotional and social health.

## CONCLUSION

Recent events in Windsor reflect the development of a licensing policy that *had* the potential to

enhance the health and well-being of escorts. Initially, escort licensing in Windsor produced a sense of legitimacy and empowerment among escorts. Several escorts we interviewed were drawn to Windsor specifically because of licensing and the legitimization it conferred on their occupation. Local agencies, the city, and the police worked together to frame a bylaw that provided greater autonomy and respect for the human rights of escorts, compared to bylaws developed elsewhere in Canada (e.g., Calgary). Escorts in Windsor were able to choose whether to work for an agency or be independent of one, to work for several agencies if they wished, and to change agencies at will. They were able to arrange their work from their homes, remaining in their community and with their families while they awaited calls from clients. Agency owners and receptionists were also able to work from home. Residency restrictions were no different than those for other municipally licensed occupations (e.g., taxi drivers). The city clerk made it clear to city council, the police, and the community that escorts were to be treated as any other business persons. When escorts and agency owners contacted the city clerk's office, they *were* treated with respect, "just like other business people." These provisions contributed to escorts, agency owners, receptionists, and drivers remaining integrated in their local communities rather than segregated in "red light" districts and thus, kept them part of the mainstream, "above ground" community rather than pushing them into the "underground" sector of society. They also allowed escorts to make decisions about how and for whom they would work, similar to workers in other occupations. As a result, escorts and agency owners initially felt they could call on the city and police services as any legitimate business people could.

Windsor's licensing bylaw also differed from that of other Canadian municipalities reviewed in this research in its allocation of a portion of the licensing fees for programming to benefit escorts (City of Windsor 1996*b*). Such programs were to be developed by a coalition of community agencies. The plan was for licence applicants to be provided with a se-

ries of workshops dealing with topics such as money management, health, community resources, safer sex, and laws related to the occupation of escorting. These were envisioned as similar to workshops required of other municipally licensed occupations such as taxi drivers. The plan, however, did not receive city council approval. Councillors were not prepared to allocate funds to "training sex workers," even though the funds came from the workers themselves (Mandel 1998*a*). To date, community agencies have not moved forward with the planned workshops because they have insufficient funds or authority within their own organizations. Although a portion of the licensing fees *is* still allocated for programs to benefit escorts, specifically to assist them to leave the profession, city council has not approved any of the programs. Instead, the funds are currently provided on a discretionary basis, to individual escorts who request assistance from the city clerk's office for education or training in order to leave escort work. None of the escorts we interviewed were aware of the presence of the funds or how to access them. In the absence of workshops, attempts have been made by the city clerk's office to put together an information package for escorts which would be distributed with licences and would include information on issues pertaining to health, law, and services available in the city. The package has not yet been prepared.

The population health promotion model developed by Hamilton and Bhatti (1996) directs our attention to the impact of public policy, and the interface between various levels of policy, on health and well-being, that is, the creation of healthy public policy. This model is a useful framework for exploring the impact of public policies, not only in the areas for which the policies are intended, but more broadly, on the health and well-being of people overall. Although Windsor's escort licensing policy has the potential to enhance the health and well-being of escorts — to be a healthy public policy — in practice, this potential has not been realized. This is, in part, because of the way police use the information and resources made available to them

through licensing. It is also related to the ambiguous position in which municipalities and escort agencies are placed, in order to implement licensing without violating federal criminal statutes related to prostitution. Given the current provisions of the *Criminal Code of Canada*, and the dual mandate of local police forces to both enforce these statutes and to participate in and enforce municipal licensing bylaws, it is difficult to see how licensing can be a healthy public policy for escorts. Licensing of escorts and escort agencies merely provides the municipality and police with information about who is or has ever been an escort or agency owner and an increase in revenues to police and the municipality.<sup>6</sup>

Based on the data collected for this study, we cannot conclude that the potential benefits associated with licensing have been realized for escorts and agency owners in Windsor. This is particularly the case since the police raid that occurred in the spring of 1998. Although some escorts felt the raid was necessary because some agencies were engaging in practices that bordered on forcing escorts to have sex with clients and inhibiting their ability to directly negotiate their services and fees, other escorts and agency owners felt the raids shattered trust in the police and much of the sense of empowerment that escorts had developed (Mandel 1998b). The shattering of trust and empowerment is, in large part, due to the confusion over what is and is not legal and the inability or unwillingness of anyone to clarify legal issues for those working in the escort industry.

Escorts, the casino, and strip clubs are all part of the adult entertainment industry. As more municipalities open casinos in order to "cash in" on the economic benefits that they bring, they face the possibility of increases in other areas of adult entertainment such as escort services, similar to that experienced in Windsor. If our concern is with health, safety, and well-being of escorts, implementation of the following five recommendations *could* help increase the potential benefits of escort licens-

ing. First, programs such as those proposed by the coalition of community agencies in Windsor should be made available, with escorts participating in their design and delivery. Second, escorts and agencies should be provided with guidelines that clearly outline the parameters of local bylaws and how they interface with any provincial or federal statutes that might affect what goes on as part of escort work. Since the exchange of sex for money is not illegal in Canada, it should be possible to provide information about *what*, in relation to the exchange of sex for money, is illegal. Third, information should be readily available to clients about the legal parameters that apply to escort work, including municipal bylaws and federal statutes related to prostitution, sexual assault and age of consent. This type of information could, for example, be made available on the Internet to improve accessibility while retaining a degree of confidentiality. Fourth, occupational health and safety standards associated with the industry should be developed with the responsibility for maintaining safety in relation to the work of escorts resting with agency owners. Fifth, municipal bylaw enforcement should be removed from the responsibility of the local police services.

In the literature review conducted for this project, only four articles (Foltz 1979; Jackson, Highcrest and Coates 1992; Lowman 1985/86; Pyett and Warr 1997), two research reports (Brannigan, van Burnshot and Williams 1992; Hancock 1998), and one autobiographical reflection (Highcrest 1997) about escort work were found. The research reported in this paper contributes to this literature by broadening our knowledge of the escort industry, the licensing of the escort industry in Canada, and the effects of municipal licensing and related policing practices on the work and health of escorts. When considering the applicability of the findings of this study to other areas of sex work and to other municipalities, the limitations of the study must be taken into consideration. This study focused on escort work within a particular social context. Escort work was municipally licensed and took place in a border city with a casino that attracted a large

number of foreign clientele. These contextual factors place limitations on the transferability of the research conclusions. Further comparative research is necessary before we can draw conclusions about the health costs and benefits of licensing as compared to the absence of licensing, in a variety of municipal contexts and for a variety of forms of sex work.

## NOTES

This research was funded by the Laboratory Centres for Disease Control, Health Canada grant #H1021-7-0241/001/SS. We would like to acknowledge the contributions of our research associates, Jocelyn Clark and Jennifer Zubick, and research assistant, Carolyn Dutot, to the study and this paper. Inquiries should be addressed to: Dr. Jacqueline Lewis, Department of Sociology and Anthropology, University of Windsor, 401 Sunset Avenue, Windsor, Ontario, Canada N9B 3P4.

<sup>1</sup>Scambler and Scambler define adult sex work as “a transaction between ... [the individual], as seller, and the client, as buyer, of a sexual service in exchange for money or things of monetary value” (1995, p. 18).

<sup>2</sup>In a review of municipal escort licensing policies across Canada, it was found that licensing fees range from \$95 to \$300 for escorts and \$100 to \$5,000 for agencies.

<sup>3</sup>The line between what constitutes a public versus a private place is open to debate and has not clearly been spelled out by the courts. Until a resolution is reached on this matter, escorts are vulnerable to police entrapment techniques, criminal charges, and the associated costs.

<sup>4</sup>Escorts can lose their licences if they are found in violation of municipal licensing regulations or federal *Criminal Code* statutes related to prostitution, drugs, fraud, or crimes of violence. For example, if someone holding an escort licence responds to a request to “bring a friend” she is violating the municipal regulation that requires an agency licence to arrange a “date” for someone else and is also violating *Criminal Code* statutes related to procurement.

<sup>5</sup>According to Windsor’s municipal licensing bylaw, “up to 50% of the revenues from licensing of Escorts and Personal Service Agents [are to] be directed to a fund to

be ‘earmarked’ for use for special investigations necessary to monitor the successful implementation of the provisions and to be used for transitional assistance to persons wishing to leave the business” (City of Windsor 1996b).

<sup>6</sup>It is questionable whether licence fees compensate for licensing implementation costs.

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