

## Organizing Sex Workers

The discussion on prostitution as a form of employment is one that has been gaining currency. The sex industry which involves X-rated movies, other forms of pornography and persons working in brothels as exotic dancers is not discouraged but is seemingly accepted. It is sometimes frowned upon by some societal organizations, including the church.

Both male and female prostitution is nothing new, and has been around for ages. It has been outlawed, scoffed upon and in some cases accepted as a practice. Generally, prostitution like homosexuality is denounced by law, but nonetheless continues to be practiced, seemingly without prejudice.

The morality and legality of prostitution and the sex industry are two separate and distinct issues which are often lumped together in any discussion or debates on the sex trade as a form of employment. To date, fifteen countries have legalized prostitution and made provision for the registration of professional sex work workers. These are: New Zealand, Australia, Bangladesh, Belgium, Brazil, Canada, Colombia, Denmark, Ecuador, France, Germany, Greece, Indonesia and Netherlands. Interesting enough, prostitution is criminalized in the United States. According to state laws, both prostitutes and those soliciting prostitution can be arrested and prosecuted. If there is any evidence to support the claim made that Donald Trump, President of the United States of America entered into a confidential agreement with a prostitute, and where upon he is suing the claimant for breach of agreement, this raises a fundamental question regarding the extent to which the law is observed in that country.

Under the Sexual Offences Act 1993, CAP 154, of Barbados, it illegal to purchase sex. The law specifically disallows premises to be used for prostitution; to manage, act or assist in the management of a brothel, to procure for prostitution and to live off immoral earnings.

According to section 19.1 A person who

- (a) Knowingly lives wholly or in part on the earnings of prostitution, or
- (b) In any place solicits for immoral purposes, is guilty of an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment of five years or both.

The law also requires Police and Immigration Officers to periodically raid brothels and deport migrant women found working illegally.

It seems somewhat difficult to exclude prostitution from the category of sex workers. If sex workers are deemed to be part of an industry in jurisdictions where this form of employment is recognized, it begs the question as to whether they are entitled to be

organized and represented by the trade union. This debate may be fueled by the fact that those who legally engage in the sex industry or are openly engaged in prostitution, enjoy the fundamental freedoms under the constitution; including the freedom of choice and the right to associate.

Interesting enough, Amnesty International in the year 2015, issued a policy recommending the decriminalization of prostitution; claiming that such action would drastically improve the lives of sex workers through stigmatization. Can it be justifiably argued that sex workers and those involved in prostitution should be discriminated against because of their choice of work, or acclaimed profession?

Can a case be readily advanced that these workers are satisfying the known conditions for decent work? Are these persons engaged in employment which is freely chosen, not forced to do the work by virtue of being bonded or involuntary prison labour, not required to lodge "deposits" or their identity papers/passport with their employer, and are free to leave their employer after reasonable notice?

Were the trade union to become involved in organizing workers within the sex industry, it could only proceed to do so if law rendered the industry legal. It would be expected that regulations would be in place to guide the sector. It would also be expected that the trade union would press to ensure that working conditions are safe and hygienic, child labor is not be used, no discrimination is practiced, no harsh or inhumane treatment is inflicted, a living wage is paid, working hours are not excessive, regular employment is provided, provision is made for participation in the decisions that affect their lives, there is the freedom of workers to express their concerns and to organize themselves, and for equality of opportunity and treatment for all women and men.

From a trade union perspective, it would be reasonable to exercise great caution in the promotion of the sex industry and the legalization of prostitution. This is balanced against the fact that it can spur the business of human trafficking, which it is believed to have left no land untouched. This is supported by evidence presented by the U.S. State Department in 2013, which estimated that there are 27 million worldwide who were trafficked for forced labour or commercial sex exploitation.