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‘The street’s got its advantages’: Movement between sectors of the sex industry in a decriminalised environment

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This article explores the movement of sex workers between sectors of the sex industry in New Zealand’s decriminalised environment and motivations for working in these different venues. We argue for contextual, risk environment approaches to understanding risks associated with the different sectors and how these risks might influence the movement of sex workers between sectors. By doing so we also address arguments made by policy makers in different countries, with different ways of regulating sex work, for the eradication of the street-based sector of the sex industry. The findings are drawn from a survey of 772 sex workers and in-depth qualitative interviews with 58 sex workers in New Zealand. Findings suggest there is a growing private sector but little change in the size of the street-based sector following decriminalisation. Street-based sex workers argue the need to maximise earnings and that this is only possible from the street environment. They are prepared to make the trade-off of more money for less safety, something which managed sex workers are not prepared to do. This article demonstrates the relativity of risk perceptions and concludes that attempts to eradicate the street-based sector of the sex industry through more stringent regulatory practices are unrealistic and will only serve to place this vulnerable segment of the sex worker population at greater risk. It argues that in addition to decriminalisation, other social and economic policies are required to address risk and develop more enabling environments within the diverse sectors of the sex industry.

Keywords: risk; risk perception; public health; sex work

Introduction

There is interest internationally in street-based sex work as it is seen as a particularly risky sector of the sex industry and some countries have sought to tighten the laws in attempts to eradicate it (Home Office 2006, Scoular 2010). This article utilises data collected in a large study carried out in New Zealand with decriminalised sex workers to explore street-based sex workers’ perceptions of risk and their motivations for working in the street-based sector as opposed to an indoor setting. It examines different risk environments within the sex industry and how sex workers weigh up these risks in their ‘choice’ of occupational location.

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For the purposes of this article, sex work is defined as the exchange of sexual services for monetary gain or favours (including food, accommodation, drugs and alcohol) and excludes indirect services such as exotic dancing, stripping, pornography and phone sex. In exchanging sex for money or favours, sex workers have been marginalised and, as one of many other marginalised groups, have to wear the label of 'at risk' (Lupton 1999). Public health has tended to focus on the risks associated with sex work, including drug use, disease, violence, discrimination, debt, criminalisation and exploitation (Rekart 2005). There has been a wealth of public health research on risk factor epidemiological surveillance of sex workers and harm minimisation interventions (Frohlich *et al.* 2001, Chan and Reidpath 2003, Williams 2003). Social research into the risks associated with the sex industry have instead examined the experiences of sex workers, how they recognise and manage risks, especially the risk of violence, sexually transmitted diseases and police actions (Plumridge 2001, Wallman 2001, Izugbara 2005). Such research has challenged public health to move beyond an individual-level focus to broader structural and environmental interventions, in particular, legal reform (Rekart 2005, Shannon *et al.* 2008).

While sex work as an occupation is perceived as risky, the environments in which they work vary greatly, with some environments seen as more risky than others. Sex workers may work under a system of management, either in a brothel or for an escort agency. In such cases, they provide a portion of their income to management but in return, it is commonly acknowledged that they are able to work in a relatively safe environment with the presence of others in close proximity and additional safety devices such as panic buttons and security cameras (Pyett and Warr 1997, Pyett and Warr 1999, Brents and Hausbeck 2005, Perkins and Lovejoy 2007, Sanders and Campbell 2007). Other sex workers may work alone or with other workers, from their own home or rented premises. These private sex workers advertise for clients and are able to keep all the money earned from the commercial transactions and have more autonomy than managed sex workers. They do have to compensate for the lack of safety in numbers in their working environment and they will often work in pairs or ensure that there is another person in the house when a client visits their home or place of business (Whittaker and Hart 1996, Sanders 2004a). Alternatively, sex workers could work on the street which is widely acknowledged as the most risky sector as they often get into the unfamiliar environment of a client's car and there is the potential that they could then be taken to a location not of their choosing (Benoit and Millar 2001, Plumridge and Abel 2001, Vanwesenbeeck 2001, Sanders 2004b). In most cases, street-based sex workers are able to keep all the money earned (except when they have a pimp or minder who may take a portion of earnings), they are more autonomous than managed workers and they are more visible and thus have the ability to attract more clients than they might by working indoors.

Regulation of street-based sex work

It is the visibility of street-based workers that often underlies attempts to eradicate the street-based sector. Sex work is regulated in different ways in different countries yet there seems to be some consistencies in attitudes towards street-based sex work. It is argued that street-based sex work is particularly dangerous and thus should be eradicated or street-based sex workers should be encouraged to work in indoor venues (Home Office 2004, 2006, Prostitution Law Review Committee 2008). In the UK, all activities associated with sex work are criminalised and there are moves to

tighten the laws around sex work to make them even more stringent. The Home Office released the Coordinated Prostitution Strategy in 2006 which highlighted the importance of eradicating street-based sex work (Home Office 2006). Boynton and Cusick (2006) have argued that attempts to eradicate or disrupt this sector will only result in displacing street-based workers, forcing them to work in more remote and thus dangerous locations and increase their risk to violent attacks and unsafe sex practices. They have noted that the Strategy 'does not explicitly tackle health and human rights and will not, therefore, tackle genuine areas of vulnerability and exploitation' (Boynton and Cusick 2006, p. 191).

Indeed, in her article which argues the case that law matters when it comes to regulating sex work, Scoular (2010) presents the cases of Sweden and the Netherlands, two countries which have taken different positions to the regulation of sex work. Sweden has prohibitionist policies where the purchasing of sex is criminalised and street-based work has been particularly targeted. This has led to the displacement of street-based sex workers as they have moved to less visible and more isolated locations. They are thus more vulnerable to violence and less accessible by health and social workers. The Netherlands, on the other hand, has legalised sex work in brothels and, because there is an assumption that people could move from the street to work in legalised brothels, there has been closure of many traditional street-based sex work locations. This has led to a large unregulated illegal sector as street-based sex workers have been forced to move to other locations. There are thus similarities between these three countries, all with very different ways of regulating sex work: all three seek to eradicate street-based work in very different ways but all make this sector of the sex worker population extremely vulnerable.

A fourth approach to policy on sex work is decriminalisation. Sex work was decriminalised in New Zealand in June 2003 with the passing of the Prostitution Reform Act (PRA). This legislation saw the lifting of all previous laws which criminalised most of the activities associated with sex work. A public health harm minimisation and human rights philosophy lay at the heart of the PRA which was designed to enhance the health and safety of all sex workers and protect them from exploitation. A review of the PRA, which was released five years after its enactment, found that on the whole it had been an effective piece of social policy and that the 'vast majority of people involved in the sex industry are better off under the PRA than they were previously' (Prostitution Law Review Committee 2008, p. 168). However, the Prostitution Law Review Committee stated that promoting the welfare and occupational health and safety of sex workers could not be fully realised in the street-based sector and that street-based work was particularly dangerous. It was considered that 'street-based sex workers should be encouraged to either move to a safer, indoor setting, or leave sex work altogether' (Prostitution Law Review Committee 2008, p. 16). So this position is not that dissimilar to the criminalised approach in the UK, the prohibitionist approach in Sweden and the legalised approach in the Netherlands. There is still an understanding that due to the risky nature of street-based sex work it can and should be eliminated. But is this realistic?

To answer this question there is a need to understand why people choose to work in the street-based sector as opposed to the indoor sector, whether it be working under a system of management in a brothel or escort agency, or working privately from home or rented premises. There is a widespread perception that the street-based sector is 'risky' and dangerous so why would people choose to work there? The potential for violence is a risk for all sex workers, regardless of the sector in which

they work, but perceptions of risk differ within the different sex work environments (Whittaker and Hart 1996, Sanders 2005, Kinnell 2006). It is important to examine these different perceptions of risk to understand why people make the choices that they do.

Sex work and the risk environment

There has been a move in many industrialised countries to a neoliberal philosophy of individual choice and accountability. There is a suggestion that individuals are able to engage in rational decision-making and that this is isolated from the wider physical, social, economic and policy environments (Rhodes 2002). This discourse has been at the heart of public health governance and practices where risk is ‘constructed as primarily a responsibility of individuals who have a duty to self care’ (Rhodes 2009, p. 197). In public health, risk is regulated against population ‘norms’, and with the aid of health promotion emphasis is placed on individuals to act responsibly for their own health and for the public good (Rhodes 2009). Those who engage in risky activities are deemed irrational and indeed, Rhodes (2002) argues that neoliberal societies are amongst the worst for victim-blaming. Risk perceptions are, however, context-dependent. Social norms play a key role in informing individual risk perceptions and it is through social networks and social interaction that perceptions of risk are consolidated (Douglas 1986, Rhodes 1997, Abel and Fitzgerald 2006, Cotterell 2007, Abel and Fitzgerald 2008). Socio-cultural context influences people’s attitudes to risk and it has, therefore, been argued that a contextual approach should be taken to look at risk behaviour, exploring cultural, individual and interactional aspects (Douglas 1986, Sanders 2004b). Sanders (2004b, p. 1704) maintains that:

(i)f we are to understand how others interpret their social environments in deciding what is too risky and what is worth the risk, their reactions to the space in which they face the dilemma is an integral part of understanding risk in society. Individuals do not simply engage in risk-taking or risk-averse behaviour as a result of predisposed traits or irrational responses. Sex workers react to their surroundings and, through a complex process of assessing their own biography, skills and experience, decide whether to take or avoid risks.

Rhodes’ (2002) concept of ‘risk environment’ is useful for moving beyond individualistic notions of risk and reconceptualising public health responses. Examining risk environments involves a ‘focus on the *social situations, structures and places* in which risk is produced rather than a reliance on a conception of risk as endogenous to individuals’ cognitive decision making and immediacy of interpersonal relations’ (Rhodes *et al.* 2005, p. 1027–1028). This approach to understanding the risks associated with sex work places emphasis on structural, social and physical spaces. A focus is on the relations between individuals and their broader environments, how risk is experienced and embodied as part of everyday practices, within broader socio-cultural and political economic contexts (Rhodes 2009). It draws attention to power inequalities in risk negotiation (such as gender, ethnicity and material factors) and that people’s risk decision making is situated and often contradictory, ‘embedded within socially constructed discourses of risk and morality’ (Rhodes 2002, p. 86).

The risk environment conceptual framework has been used to examine risk environments in relation to sex work in Canada. Shannon *et al.* (2008) examined environmental risk factors at three levels, the micro (such as social norms), the meso

level of institutional or organisational responses and the macro level of distal causes. The authors concluded the need for urgent legal reform to Canadian prostitution laws as a structural approach to facilitating enabling environments for sex workers. In addressing this need, this article examines sex workers constructions of risk and the role of the physical, social, and broader economic and policy environments. It draws on the experiences and perceptions of sex workers in a decriminalised policy environment to understand how they weigh up the risks associated with working in different sectors of the sex industry. It examines intersectoral movement of sex workers in New Zealand and motivations for working in the street-based sector. It draws its findings from a large research project carried out in New Zealand following decriminalisation.

Research design

The study was granted ethical approval by the Multi-region Ethics Committee, Ministry of Health, New Zealand. It was a mixed method study which examined the impact of decriminalisation of the sex industry on the health and safety practices of sex workers in New Zealand. A community-based participatory approach (CBPR) was taken which is considered best practice for doing research in the sex industry (Wahab and Sloan 2004, Benoit *et al.* 2005). It is an approach which is especially beneficial to marginalised populations, whose perspectives are not well represented in traditional research processes. We conducted the research in partnership with the New Zealand Prostitutes' Collective (NZPC). They were involved as full partners in identifying the research questions, had input into the design of the data collection tools, the recruitment of participants and the collection of data.

The study was carried out in the three main cities of New Zealand where the majority of sex workers work: Auckland, Wellington and Christchurch, and also included two smaller regional cities: Nelson and Napier. A questionnaire was administered by NZPC staff, who we trained in interviewing techniques, to a sample of sex workers in the five cities. Although random sampling was not carried out, care was taken to represent the diversity of the industry within the final sample by conducting an estimation of the number of private, managed (people working in brothels and escort agencies under a system of management) and street-based sex workers, including the gender distribution within each sector, across the five locations of the study (see Abel *et al.* 2009 for details on the estimation methods). Participants were sampled purposively within the sectors and locations of the study and street-based, small city, male and transgender workers were over-sampled because of smaller numbers in these populations. The final sample achieved was 772, which represents 32% of the estimated sex worker population across those areas.

Questionnaire data was analysed using SAS 9.1. Disproportionate sampling and inequalities in the selection frame and procedures create unequal selection probabilities and are corrected by weights inverse to those probabilities (Kish 1965). Weighting of a sample to a known population distribution will adjust for differences in sampling rates and will also adjust for the difference in response rate of different sectors of the industry (Kalton 1983). Unequal weights were applied to control for bias. However, although bias is controlled, the unequal weights also increase imprecision through increasing the standard error of the estimates. Therefore, SAS Survey Procedures were used, as these use weights for point estimates and also take into account weights for standard errors.

In-depth interviews were carried out with 58 sex workers in the five locations of the research. The diversity of the industry was also reflected in this sample. The interviews utilised a semi-structured interview guide and were conducted by NZPC outreach workers who we had also trained in interviewing techniques. The interview guide included questions around motivations for entering sex work, discussion on why they chose to work in their particular sector of the industry, what their concerns were about working in that sector, how they strategised to manage the risks they perceived within that sector and whether some sectors were better to work in than others. All interviews were digitally recorded and transcribed to word accuracy. Thematic analysis was undertaken, which is ‘a method for identifying, analysing and reporting patterns (themes) within data’ (Braun and Clarke 2006, p. 79). Transcripts were read and reread and datasets were developed by cutting and pasting relevant quotations by participants around a range of subject areas. Each dataset was analysed for identifying themes, or patterned responses or meaning. We were also attentive to contradictions and differences in participants’ talk.

Informed consent was obtained from all participants, and names of all participants who took part in in-depth interviews have been changed to protect their identity.

Results

Movement between sectors after decriminalisation

Rhodes (2009, p. 198) claims a challenge for public health is to ‘capture the socially constructed dynamic nature of environment and its incorporation into everyday practices’. The participants provided emic perspectives of the sex industry, including their experiences and perceptions of different sectors of the industry. They illustrated how sectors of the sex industry are not static; participants described fluidity between certain sectors of the sex industry, yet rigidity in others post-decriminalisation. Previous publications have highlighted that the number of sex workers in NZ has remained stable following decriminalisation but there has been some movement between sectors (Abel *et al.* 2007, 2009). This movement has primarily been from the managed to the private sector and there has been little change in the number of people working in the street-based sector.

Our survey of sex workers showed that the majority of current street-based workers and managed workers had not moved sectors during the course of their time in the sex industry, with 78.8% of street-based workers starting work on the streets and 92.3% of managed workers starting in the managed sector (see Table 1). Half of

Table 1. Sector of original employment by sector of current employment in the sex industry[†].

	Started work			Comparison across sectors
	Street sector % (s.e.)	Managed sector % (s.e.)	Private sector % (s.e.)	
Working now:				
Street workers ($N = 203$)	78.8 (3.6)	18.4 (3.4)	2.8 (1.6)	$\chi^2 = 1415.1$ df = 4 $p < 0.0001$
Managed workers ($N = 376$)	3.9 (1.0)	92.3 (1.4)	3.8 (1.0)	
Private workers ($N = 180$)	11.5 (2.3)	49.3 (4.6)	39.2 (4.5)	

Note: [†]Weighted estimates to account for variation in probability of selection and response.

surveyed private workers had, however, begun their work in the sex industry in the managed sector. The question on current work sector in the questionnaire only asked in which sector participants *mainly* work and many could have been working in more than one sector. In qualitative interviews, 34 of the 58 participants had worked in more than one sector and several were currently working in two sectors.

Experiences of risk are socially situated within individual–environmental interactions (Rhodes 2009). Participants described their situated rationalisations for working in certain sectors of the sex industry highlighting their active agency within local sex work settings (Fitzgerald 2009). They described the ‘trade-offs’ they made in their occupational choices and the role of environmental risks in these choices. Brothels are acknowledged as providing a safer working environment than other sectors as they reduce social isolation, are good environments for effective health promotion and provide a better level of security (Brewis and Linstead 2002). Managed participants in this study valued the ability to socialise with other workers, as well as clients. However, the rules and regulations were disliked by many of the participants and the take-home money was much less after management deductions. Nonetheless, the managed participants saw the trade-off between a safer environment and less money and less autonomy as worthwhile.

Well I’ve never done anything else, yeah, so to me private, street, just doesn’t appeal to me, because of the whole security safety issues. You know, I like being in a parlour because it is safe. Yeah, sure, you don’t make as much, they take a big cut, but that’s the price you pay, you know, for your health and life, yeah. (Virginia, Managed, Female)

The suggested movement from the managed (and to a lesser extent the street-based sector) to the private sector after the enactment of the PRA was talked about in the qualitative interviews. Working concurrently in the private and street sectors was reported more frequently since the passing of the PRA. Prior to this, sex workers who wished to advertise in the newspaper were required to provide proof that they were registered with the police. This deterred many from working in the private sector. The law change thus provided street-based workers with the option of working in an environment which they perceived as safer but also allowed them to maximise their earnings. The managed sector, however, although acknowledged as being the safest environment in which to work, was still much less popular.

But once law reform went through and it was easier to advertise, a lot of the girls have gone through advertising. I myself have advertised through the paper when I needed to be registered, and then of course the Internet come along. So I do the advertising through the newspapers, over the Internet, and of course I do street work, and I do actually have a normal part-time job, which I attend to throughout the week . . . But I always still find time to do the occasional sex work, and see regular clientele, which I’ve been seeing for about 15 years. . . . I’ve actually heard that quite a few more of the sex workers have gone into private advertising because the lifting of that police restriction or police registration. And they tend to find it more financially rewarding than perhaps attending, getting dressed up and going to a parlour or working on the street. (Val, Street, Transgender)

The move from the street and the managed sector to the private sector was not seen as positive for all participants and some perceived this movement to have been detrimental. There were claims from the managed participants that fewer clients were going to brothels because, as private workers did not have to pay a portion of their income to management, they were undercutting prices.

There's been a huge slump in parlours, like how busy they've been. A year ago, you know, a bad night for a girl was jobs, and now a bad night is nothing at all. And this is in Auckland and in Wellington, both places, and there are girls flying up from the South Island every day going, 'We need to find more work'. And it's because there are so many more girls working. Well I think it's because there's so many girls, more girls are working private and that they're charging less because they don't have to give a cut to anyone, and that they're just treating their clients better, because they're being treated well, because it's all on their own terms. Girls aren't forced to, you know, at 4 o'clock in the morning after, you know, working since 7 o'clock that night, aren't forced back into the lounge to do one more job. There's nothing like that because girls are working on their own terms. Clients are a hell of a lot more happy about it, getting charged decent rates and don't have to go to a, you know, brothel, 'cos a lot of guys don't like it. (Vicky, Managed, Female)

The resultant increase in private workers was also seen as increased competition for private workers who had worked in the private sector prior to decriminalisation.

Well when I first started, there was very few girls working privately, and I did really, I was really busy, 'cos there was very few girls. And I see within the short time over 2 years, you know. . . Yeah, the whole world and the dog, you know, and the grandmother is working (in the Private sector). (Maureen, Private, Female)

Under clauses 12–15 of the PRA, Territorial Authorities (TAs) were given the power to enact bylaws within their regions to control signage and advertising and location of brothels. Some TAs attempted to restrict all brothels, including small owner-operated brothels (SOOBs) to the central business district, which effectively outlawed private workers operating from the suburbs. Renting premises in the central business district is not an option for most private workers as this is expensive and in many cases landlords require long-term leases which makes it difficult for people to leave the sex industry at any point in time (Barnett *et al.* 2010). In qualitative interviews, private workers did discuss how some TAs had attempted to restrict them to the central business district. They perceived fear on the part of the TAs that by allowing them to operate within the suburbs, they would be putting 'respectable' people at risk. They emphasised that private workers have always, and would still, have a desire to operate discreetly and that fears that lewd and unwelcome signage outside private residences were unfounded. They saw councils' attempts to institute bylaws which outlawed them for working outside of a designated zone as contravening the intentions of the PRA.

Some of these by-laws sort of I feel are contradicting the aims of the Act. It's sort of like, 'Oh yes, we can, we can regulate it. And so, so you have to work in the main street'. I mean it's just trying to push the privates out of existence. I mean they might say, 'We don't want big gaudy signs of a pink flashing neon sign of a naked woman'. Well hang on, if, you know, some mother in the suburbs slips an ad in for 4 hours while her children are at school, I mean that's no big flashy signs in the suburbs. And there probably are quite a few that do that. You see people who advertise 10am till 2pm. (Brenda, Private, Female)

Private workers saw their working environment as being safer than the street environment as they perceived that their clients were more likely to be businessmen and different to those who approached street-based workers. The private sector provides autonomy and the money to be made in this sector is considerably more than in the managed sector as they do not have to give a cut to management.

I've always worked privately, so I'm advertising through newspapers, and that's my primary source of income. I've never, never bothered changing. I would never do this working for somebody else. If I'm going to do it, I want all the money myself. (Jack, Private, Male)

Yeah, I mean private at least is a lot better because you don't feel like you've got a boss keeping tabs on you. (Philippa, Private, Female)

It should be regarded as a positive outcome of the PRA that more sex workers are opting to work in the private sector where they are less vulnerable to exploitation by others. In general, the courts have been successful in upholding the intentions of the PRA and restricting TAs from enacting bylaws which are not in line with the purposes of the Act. Yet, although moving to the private sector may be viewed as a positive one, few street-based workers have taken this option in a decriminalised environment. Whilst some did advertise and work privately, they did this in conjunction with working the street. It is therefore important to understand why street-based workers continue to work in what is perceived as being a risky sector.

Choosing to work in the street sector

It is widely acknowledged that sex work is a dangerous occupation, however, it is also argued that this has been overstated and that the majority of commercial sex transactions go without incident (Brewis and Linstead 2000, Lowman and Atchison 2006), especially those that occur in an indoor setting (Pyett and Warr 1997, Pyett and Warr 1999, Brents and Hausbeck 2005, Perkins and Lovejoy 2007, Sanders and Campbell 2007). It has also been argued that there is an uneven distribution of harm and that this is associated with material and social inequalities (Rhodes 2002). Whilst some people choose to work in the street sector despite other options, others are often limited in their choice by gender identity (Worth 2000) as well as personal circumstances, including their youth, homelessness, inexperience and drug use (Pyett and Warr 1997). Access to material resources plays an important part in framing how people conceptualise risk as well as their capacity to react reflexively to risk (Lupton 1999). Many street-based workers experience difficulty in meeting routine requirements of working within rigid regulations and several studies have reported a preference for the flexibility of the street environment as opposed to the controlled environment of the managed sector (Benson and Matthews 1995, Pyett and Warr 1997, Pyett and Warr 1999, Brewis and Linstead 2002). Similarly, one of the main themes to emerge from the qualitative interviews with street-based workers in this study was autonomy. Autonomy was enhanced on the street as participants were not subject to the rules and regulations they would have to work under in a managed situation and they were free to work the hours they chose.

Yes, I have (thought of working in other sectors), but I didn't want to. I found the street more freely to work, but just it was just dangerous at the same time, but I was more free when I worked out on the, as a street worker than what I would be inside, cause there'll be rules and regulations, yeah, and I'm not really used to rules and regulations and people telling me what to do. (Toni, Street, Female)

Economics is cited as a primary factor for the entry into sex work (Davies and Feldman 1997, Plumridge and Abel 2000, Benoit and Millar 2001, Prostitution Licensing Authority 2004, McKeganey 2006, O'Neill and Campbell 2006, Svanstrom

2006, Ward and Day 2006, Willman-Navarro 2006, Perkins and Lovejoy 2007) and for street-based workers, maximising earnings was of central importance. The ability to keep all the earnings made from sex work, instead of having to pay a portion to management, is important for many individuals entering street-based work (Pyett and Warr 1999, Day 2007). The discourse of 'the money is all mine' made working on the street the preferred choice for all the street-based participants and they were prepared to trade the safer environment of the managed sector for a higher income.

I prefer working the streets because the money I make on the streets is all mine. When I was working for an escort parlour, I had to give them a cut basically, and at that time they were asking for 30% of whatever my income was. So, to me, well I suppose they provided a nice, safe establishment and things like that as well, like the bedroom, linen, receptionist and things like that. So, but to me, yeah, paying 30% wasn't really worth that. (Kyra, Street, Transgender)

In addition, before decriminalisation in New Zealand, sex workers wishing to work in the managed sector were required to pay a bond to management prior to starting work. The bond was usually taken out of the money they made from their first jobs in the establishment. This bond was frequently around \$200 and was supposedly refundable upon leaving the establishment but this was often not the case. A few businesses continue to bond sex workers post-decriminalisation. This is a barrier to working in the managed sector for some people. The outlay for the required standard of dress is seen as another barrier:

Well I think the street's got its advantages in the sense that there's really basically no outlay to start off with. I mean you can just walk out in what you're wearing, you know, as long as you've got a condom on you. (Dora, Street, Transgender)

There is more drug use in the street-based sector compared to the managed and private sectors (Plant 1997, Plumridge and Abel 2001, Sanders 2006, Abel *et al.* 2007, 2009), and the fact that many street-based workers had a drug habit to support reinforced the 'money is all mine' discourse. When funding an expensive drug habit, earnings had to be maximised and thus accepting a lower return for time worked in a managed setting was not an option.

Well I've got a bit of a drug habit, which costs me \$300 or \$400 a day, and I'm not going to make that in a parlour. (Sarah, Street, Female)

Although safety was of lesser importance than money and autonomy when considering working in the street-based sector, physical safety was the main risk identified by all street-based workers. There are only a small proportion of clients who perpetrate violent acts against sex workers, yet these clients tend to 'prey on the marginalized social and situational position of street sex workers' (Lowman and Atchison 2006, p. 296). Street-based workers are not unaware of the danger of their environment but they are often more fatalistic in their acceptance of violence as a condition of working. This is especially the case in countries where they are working within a criminalised environment where legal rights for sex workers are compromised (Pyett and Warr 1999). Many sex workers see violence as a normal part of their job (World Health Organisation 2005) and even in a decriminalised environment, the street-based workers in this study accepted their susceptibility to violence. Joyce described the danger of working on the street but maintained that

there was 'nothing much you can do about it'. Working on the street meant having to accept the possibility of violence.

The street's way too dangerous. It's just so easy for people to do anything they want. Like we've lost about, lost two lovely ladies from the street, and you know, just like that, you could just, yeah, just there's nothing you can do about it when you're standing out on a corner or any part of the street, there's nothing much you can do about it. There may be a lot of traffic, but not many people pull over to help. (Joyce, Street and Private, Female)

With the passage of time, a behaviour or activity that was once seen as risky may become habitualised as normal, especially if there has been no traumatic outcome from that activity (Rhodes 1997). Although street-based workers in this study discussed the danger on the street, they also articulated feelings of comfort and a sense of safety of the known.

Tina: But mainly I've always worked the streets. I tried a parlour once in Brisbane and that didn't work out, so I just hit the streets, yeah, and I always feel comfortable on the streets.

Interviewer: What do you think that, being comfortable, what's that about?

Tina: Maybe, maybe I feel safe.

Interviewer: Yeah.

Tina: Whereas maybe it's because I've always been on the streets. I don't know what the reason is, but it's never interested me to go to parlours. Like I tried one, and it didn't work.

Interviewer: So for you, you feel safer?

Tina: All round in all aspects have been safe. Like in a parlour there are too many doors and too many – well not so much rules, but oh just parlours have never appealed to me. (Tina, Street, Transgender)

The justifications participants provided for their choice of sector revolved around money, autonomy and safety, with participants in each sector placing a different emphasis on each factor. Managed workers were prepared to trade less autonomy and less money for the security of working with others in a safe location: safety was therefore of prime importance. Private and street-based participants were not prepared to make this trade-off but private workers still tried to ensure a safer environment through working indoors with, what they perceive to be, a more select clientele. Street-based workers strategised to maximise their earnings by working in a more visible location, which afforded them the opportunity of less contact time per client but the likelihood of more clients within each work shift. Although the streets were acknowledged as dangerous, potential earnings was the factor that overrode all others. These findings demonstrate the relativity of risk perception amongst the participants in this study. Different weights were attached to safety versus other possible risks such as less money and less autonomy. Within a hierarchy of risks, some may be seen to be of more immediate importance than others (Sanders 2005, Abel and Fitzgerald 2006) and some behaviours may seem risky for many people, while to others they are not (Rhodes 1997, Lupton 1999).

Discussion

There is a need for contextual approaches to understanding the risks associated within the diverse sectors of the sex industry and how these risks might influence the

movement of sex workers between sectors of the industry. Decriminalisation could certainly be seen as a move from a risk environment to a more enabling policy environment for sex workers. Commentators in countries with punitive policies associated with the sex industry have called for decriminalisation as a way of reducing harms associated with sex work, citing the New Zealand experience as an example of effective harm minimisation policy (Shannon *et al.* 2008, 2009). This article and other publications (Abel *et al.* 2007, 2010, Abel 2010) have shown that decriminalisation has provided rights to sex workers and influenced a burgeoning private sector yet there has been little change in the size of the street-based sector, the sector acknowledged as the most 'risky'. Decriminalisation is but one aspect of reducing a risk environment and developing more enabling environments, focus must also be placed on the social and structural, acknowledging that all these spaces are interconnected (Rhodes 2002).

This study has shown the importance of contextual and localised understandings of sex work risk environments. As Rhodes *et al.* (2005, p. 1028) suggest 'even policy interventions – which have potential for bringing about change at the community level – can differ on account of the local, regional and national settings in which they are produced'. This was illustrated in different New Zealand community reactions to decriminalisation, such as local territorial authorities' attempts to introduce local by-laws that would have contradicted the intentions of the Act. Sweat and Denison (1995) demonstrate the complexity of how risk environments operate at different levels: superstructural factors (economics) affect nations, structural factors (including laws and policies) affect certain populations, environmental factors (living and working conditions) affect the conditions and resources of individuals, and individual factors affect how environmental factors are experienced. The structural features of risk environments operated at different levels for participants in different sectors. Decriminalisation afforded rights to sex workers in all sectors of the sex industry in New Zealand; however, for many participants neoliberal policy changes such as cuts to welfare support were more prevailing in participants 'choice' of workplace and the weighing of potential risks (Abel and Fitzgerald 2008, Forthcoming). For those with limited social resources and vulnerability, street-based sex work provided much needed resources such as money and autonomy, which outweighed possible work-related risk.

As emphasised in this article, there is diversity amongst sex workers, and street-based sex workers are the most disadvantaged in terms of their social and economic situations. In this study, they were more likely than managed or private workers to report some Maori ethnicity, being transgender, being under the age of 18 years and over half reported starting sex work before the age of 18 years (Abel 2010). Many had to fund expensive drug habits (Abel *et al.* 2007, Abel 2010) and they were able to attract more clients on the streets, spend less time with them than they would in either a private or a managed setting and were then able to be back on the street available for another client. When they advertised privately, they could attract different sorts of clients – ones that they would not have reached from the street. They could therefore maximise the amount of money earned. It would be idealistic to imagine that merely decriminalising or legalising sex work would mean that fewer people would operate from the streets. The streets are particularly attractive to some people and they would elect to work in this sector whether it was illegal or not. However, in a criminalised setting they would have to operate in a more clandestine manner and thus would be subject to many of the dangers that decriminalisation aims to avoid.

Street-based sex work is seen as more vulnerable to violence and thus safety (or lack thereof) is often used as an argument to eradicate this sector of the sex industry. There is an expectation that women in general should modify their behaviours and avoid risk of violence because they are socially constructed as being more vulnerable to violent incidents than men (Malloch 2004). Female sex workers, in particular, are discredited as they are seen to be placing themselves at risk through their actions and they are therefore often faced with perceptions that they deserve violence (Vanwesenbeeck 2001, Sanders and Campbell 2007). Violence is socially constructed as being more or less understandable when it is directed towards some people rather than others:

If people frequent places that are known to be dangerous or they do not follow exactly the rules for precaution then we implicitly hold them responsible for whatever happens to them. (Stanko, 1999 in Richardson and May (1999, p. 312))

Violence is linked with stigma and sex workers are a highly stigmatised population (Vanwesenbeeck 2001). Stigmatised population groups are typically constructed as being 'at risk' or 'risky' and therefore require more control, surveillance and discipline (Lupton 1999). Lowman (2000) articulates a 'discourse of disposability', which is most pertinent to street-based workers.

Indeed, in most countries, no matter the way sex work is regulated, there is concern to dispose of the street-based sector. We first need to ask the question: why is this? Are we concerned because they are 'at risk', because they are in greater danger on the street than they would be if they worked indoors? Or is it because they are visible and indoor workers are not and they therefore constitute a moral affront? They are frequently 'othered', depicted in media reports as deviant, a blight on society, a polluting and threatening invasion of public space (Sibley 1995, Hubbard 1998, Sibley 1998). Periodically, in New Zealand post-decriminalisation, media attention focuses on the street-based sector with anecdotal claims that there has been an increase in the number of street workers (The New Zealand Herald 2005, Burt 2006, Orsman 2011) and that they constitute a public nuisance through increased noise, leaving used condoms lying about and urinating in doorways (TVNZ 2009, Orsman 2011). This then leads to calls to recriminalise this sector. In contrast, indoor sex workers in New Zealand have received much less attention. They are out of sight and can be conveniently forgotten about.

Rhodes (2009, p. 193) has argued that a risk environment approach would assist in framing a 'social science for harm reduction'. In a recent review of HIV and risk environment for injecting drug users, Strathdee *et al.* (2010, p. 277) stress the need for theoretical models of risk environments to move forward from 'heuristics that list factors to examining the interactions and processes'. Research is needed that moves beyond preoccupation with demonising sex work as risky, especially the street-based sector, to instead examining the diversity and complexity of interactions and processes of sex work-related risk environments. However, research also needs to examine protective factors such as resilience, social cohesion and solidarity utilised by individuals, communities and populations. Enabling environments have not been explored in detail in the risk environment literature (Duff 2010). For Duff (2010), enabling environments are made in practice and interaction, as much as they are a product of diverse social, political and economic processes. A key task for public health researchers is to examine how within localised settings social, affective and material resources can act as facilitators of health promoting practices. Research

questions relevant to examining enabling environments within the sex industry could include: what are the social contexts that shape particular (localised) sex work practices? How can enabling environments be created that preserve and promote the resilience of sex workers in different sectors of the industry? Participatory research and the use of multiple methods are necessary to address these research questions (Benoit *et al.* 2005, O'Neill 2010, Strathdee *et al.* 2010). Gaining sex workers' views and perceptions is essential for these more complex investigations of risk.

Conclusion

Decriminalisation, despite not having an impact on the number of people entering sex work, does appear to have had an impact on movement into a burgeoning private sector in New Zealand (Abel *et al.* 2009). The bulk of this movement has been from the managed sector. It has been recommended that, as the street-based sector is the least safe sector, street-based workers should be encouraged to leave the street for indoor venues (Prostitution Law Review Committee 2008). Movement into the private sector from the street-based sector could be viewed as a positive outcome of the PRA. However, few private workers in the survey reported having started work on the streets and in the qualitative interviews, street-based participants gave accounts of advertising for work privately in addition to, not instead of, working on the streets. Leaving the streets to work solely in the private sector was rarely reported.

From a public health harm minimisation perspective, it may seem irrational that street-based sex workers should make the choice to work on the streets when they are able to avoid or minimise risk by working indoors in a less risky environment. However, from the perspective of street-based workers, their choice is fully rational as they have made a considered decision to maximise their income and autonomy. They are not unaware of the danger associated with their sector of the sex industry, but they are prepared to make that trade-off. There are motivations to work on the street and different perceptions of risk that will ensure that the size of this sector is unlikely to change significantly. It should be recognised that there is a diversity of people working in the sex industry and street-based sex workers are particularly vulnerable and have complex needs. Rhodes (2002) argues that harms attributed to economic and social determinants should be addressed through economic and social interventions and therefore appropriate policies need to be put in place alongside decriminalisation to address street-based workers' needs (Abel and Fitzgerald 2008, Abel 2010). This would create a more enabling environment for risk reduction and shift the focus from individual behaviour to the wider issues of vulnerability associated with inequalities (Rhodes 2002). Applying more stringent regulations to this vulnerable sector is not the answer.

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