

Is sex work really work?

Yes, sex workers are laborers who deserve the same labor rights as other members of the workforce. The absence of these protections exposes sex workers to higher rates of violence and exploitation than other wage workers, and makes it difficult for them to access social benefits such as unemployment and healthcare.

Myth #1: Sex workers deserve the same rights as other laborers.

Every working person is entitled to the same healthcare, safety protocols, social benefits and labor rights. Sex workers, however, are not able to access those rights for various and different reasons based on the type of sex work someone does.

Labor laws that protect workers in our country from exploitation and danger do not apply to sex workers, leaving them exposed to greater risks of violence and injustice. Because sex work that involves selling and trading sex isn't legally recognized, workers often can't pay into the tax system and are excluded from social protections like disability benefits, insurance, Social Security, and unemployment. Legal sex workers, such as adult film actors, phone sex operators, and dancers, are able to pay into the tax system but often struggle to access their deserved benefits because of misclassification as independent contractors, exploitative or retaliatory management practices, and lack of advocacy for enforcement of labor laws.^{1 2} More so, many sex workers, both legal and otherwise, do not make attempts to access the benefits they might qualify for due to fear of criminalization and/or discrimination if their experience in sex work were discovered.³

People engage in paid labor for many reasons - to afford safe housing, pay for their basic needs and leisurely wants, and care for their families. Sex workers are no exception. However, legal barriers and stigmatization inevitably make it difficult for sex workers to access these benefits.⁴ For example, some states can evict sex workers or deny leasing to

¹ Moon, 2021

² Levitt, 2021

³ NSWP, 2024

⁴ Power et al, 2024

tenants engaging in illegal sex work⁵. Other services, like SNAP food stamp benefits, require proof of past and current legal employment to obtain benefits.⁶

Criminalization is the root of many of these barriers for sex workers operating in illegal spaces. Decriminalization would allow sex workers to benefit from labor-based protections against exploitation and advocate for their rights when exploitation occurs. Currently, sex workers face greater risk for public advocacy for rights than other industries, and often do not have a formal employer or union representing them in larger labor rights organizations.⁷

For sex workers operating in legal spaces, these barriers are caused by a combination of factors including stigmatization and discriminatory policy. Sex workers remain an unprotected category and can therefore legally be discriminated against because of their work in the sex trade industry. The normalization of inequality in sex work has also contributed to lessened collective organizing and employer respect; sometimes employers and co-workers target sex workers who advocate for fair and safe working conditions in places like strip clubs, where exploitative pay structures and unsafe working conditions can be commonplace.^{8 9}

Myth #2: Don't sex workers get the same safety protections as other laborers?

No. Labor laws give workers protection and recourse against exploitative actions, but criminalized sex workers do not receive these protections because they are not considered legal members of the workforce and legal sex workers do not get them because of discrimination by employers, policymakers, and/or financial institutions.¹⁰ Like all laborers, sex workers deserve health and safety protocols to protect them in the workplace. This is especially important for sex workers because their work is more isolated and precarious, exposing them to greater risk of exploitation and violence.¹¹

However, sex workers are not given the legal or societal support that other laborers receive. Research shows sex workers are viewed as less deserving of victim services and

⁵ Breakstone, 2015

⁶ US Department of Agriculture, 2024

⁷ NSWP, 2020

⁸ Rose, 2022

⁹ Roberts, 2023

¹⁰ NSWP, 2020

¹¹ NSWP, 2020

justice when faced with violence or assault¹² because they opted into criminalized work that is deemed to negatively contribute to society.^{13 14} The legality of sex work is a major factor in the response they receive and the services they are afforded. Research shows sex workers operating in legal spaces are viewed as more deserving of legal protections and safety than those conducting criminalized forms of sex work.¹⁵ *Read more about the complex relationship between sex workers and law enforcement protections [here](#).*

In addition to health and safety mandates, labor rights would give sex workers legal recourse in the case of unfair terminations, compensation for injuries obtained while working, minimum wage guarantees, and other forms of labor protections. Decriminalization would also allow sex workers to join labor unions and better advocate for safer working conditions¹⁶, which has been more accessible and successful in places that do not criminalize the industry.¹⁷ Unionizing in Argentina, for example, allowed sex workers to pursue labor rights alongside other workers and legitimized their struggles that were similar to those of other laborers, including miners, cleaners, and nurses.¹⁸ However, in the United States, even legal sex workers struggle to benefit from unionization advocacy. This is because formal federal unions are not available to independent contractors in the United States, which is how many erotic laborers are classified.¹⁹ Those employed by businesses also have to fight harder for unionization than in other industries. For example, only two strip clubs in the United States are currently represented by unions²⁰ despite reports of unfairness.

The workplace discrimination sex workers face isn't limited to illegal sex workers or the sex trade. Sex workers operating in legal spaces are also at risk for greater workplace discrimination when they work in spaces outside the sex industry. Employers can fire or discriminate against employees who also work as legal sex workers on the side, such as on OnlyFans creators.²¹

¹² Powers et al, 2024

¹³ Mancini et al, 2020

¹⁴ Long et al 2012

¹⁵ Powers et al, 2024

¹⁶ NSWP, 2020

¹⁷ Carlisle, 2021

¹⁸ Carlisle, 2021

¹⁹ Moon, 2021

²⁰ Actors' Equity Association, 2023

²¹ Moon, 2021

Myth #3: Should people really receive employee benefits for having sex?

Yes. Sex work is a job and, like most jobs, has both enjoyable and challenging components. It requires an immense amount of energy, time, and business skills. And, like other gig work, it is often exhausting with inconsistent income. Sex work is often chosen as a profession for the same reason other laborers choose theirs: to earn enough money to feed themselves and their families. Sex workers, therefore, require the same benefits that afford other laborers the right to live and work safely and comfortably.

However, sex workers face far more challenges in accessing these benefits than other members of the workforce. Many sex workers operating in the selling or trading of sex do not pay taxes because they do not have legal income to report. This leaves them without many of the benefits that tax-paying Americans receive. Additionally, many benefits, such as unemployment, housing, and food assistance, require recipients to submit proof of recent employment.²² Decriminalizing sex work would allow workers to pay taxes and legally report their employment history, and therefore opt into the benefits available to other taxpaying laborers.

This omission from social benefits is especially harmful to sex workers during times of crisis. During the COVID-19 pandemic, in-person sex workers were unable to safely meet their clients, which meant a drastic reduction in income. Unlike other members of the workforce who found themselves unemployed, sex workers had no unemployment benefits²³ including the stimulus payments sent out in early 2020 to offset income loss from the pandemic.²⁴ Even sex workers operating in legal spaces, such as those in the adult film industry, were not eligible for federal relief packages because adult industries were explicitly excluded from Coronavirus benefits.²⁵

Additionally, access to state-subsidized economic benefits would give sex workers a stronger financial foundation to leave the sex trade industry if they chose to.²⁶ Exclusion from these benefits leaves sex workers more prone to social exclusion and economic insecurity,²⁷ with less economic mobility to change or advance their careers and living

²² Powers et al, 2024

²³ Amnesty International, 2020

²⁴ Callander, 2022

²⁵ Grant, 2023

²⁶ Amnesty International, 2016

²⁷ NSWP, 2024

situations. This is further compounded by sex workers' longstanding inability to safely and securely accept payments, maintain bank accounts, and receive loans or mortgages.

Major banks and payment processors do not allow sex workers, legal or illegal, to keep accounts open and will often close these accounts without notice, sometimes not returning the outstanding balance to the account holder.²⁸ One 2021 survey of sex workers found nearly half of the participants had bank accounts closed or denied to them because of their profession, with many reporting limited communication about when and if they would receive their funds back.²⁹ This has also made it difficult for sex workers to accept payments from clients and pay bills, as they are unable to maintain accounts at payment processors often utilized for these transactions.³⁰ The exclusion of many sex workers from social benefits and standard financial systems makes it doubly challenging for sex workers to self-determine and pursue economic stability and advancement.

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²⁸ Cho, 2023

²⁹ Watson & D'Adamo, 2021

³⁰ Watson & D'Adamo, 2021

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