



OBJECT response to the Department for Work and Pensions (DWP) Consultation Document on *Accepting and Advertising Employer Vacancies from within the Adult Entertainment Industry by Jobcentre Plus.*

About OBJECT and Relevant Information

OBJECT¹ is a human rights organisation which challenges the sexual objectification of women in the media and popular culture because of its links to discrimination and violence against women. These links are recognised by a growing body of research and by both international and UK bodies working for women's rights such as the UN Committee to End All Forms of Discrimination Against Women (CEDAW), which since 1979² has called on States to take action on the objectification of women. It has since repeatedly³ identified the links between the portrayal of women as sex objects by the media and sex industry with attitudes underpinning gender-based discrimination. Likewise the End Violence Against Women Coalition – the largest coalition of women's organisations in the UK – has called on the UK Government to tackle the growing sexualisation of women in the media and popular culture, highlighting its role as a 'conducive context' for violence against women⁴.

OBJECT has seen a copy of the consultation response submitted by Eaves Housing for Women and we would like to state that we fully support **all points** made in their response. Please note that the main body of our own response draws on legal advice from a gender discrimination expert. A legal note from a public law specialist is also attached (see appendix 1).

Our interest in this consultation is concentrated in three main areas:

1. The lack of legal basis for DWP's policy
2. The exploitative nature of the 'adult entertainment' industry
3. The incompatibility of DWP's policy with the Gender Equality Duty 2007

1. Lack of legal basis for DWP's policy

- We do not believe there is a legal basis for extending a decision relating to a chain of retail lingerie and sex toy shops to virtually the entire sex industry. Ann Summers shops hold retail licences and are not licensed as sex shops under the Local Government (Misc. Provisions) Act 1982.
- The core function of an Ann Summers shop is to sell articles to customers for their use, not to actually provide services of a sexual nature. Employment within an Ann Summers shop is therefore entirely different from selling sexual stimulation (and sexual 'services' in many cases) in a lap dancing club, 'escort' agency, 'massage parlour', strip web cam, chat line etc.
- This distinction was even drawn by the Judge involved in the Ann Summers Ruling (see enclosed legal note), who stated that jobseekers enquiring about work in an Ann Summers store should not be expected to consider 'work' in an escort agency or massage parlour.
- For this reason we wholly dispute DWP's 2003 decision to accept advertisements for all 'adult entertainment employers' on the basis of the Ann Summers ruling.

¹ www.object.org.uk

² 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

³ E.g 1993 Convention on All Forms of Discrimination Against Women and 2008 Concluding Observations of the Committee on the Elimination of Discrimination against Women: United Kingdom of Great Britain and Northern Ireland

⁴ Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

2. The exploitative nature of the ‘adult entertainment’ industry (‘AE industry’)

- A great deal of OBJECT’s work focuses on challenging the continued mainstreaming and glamorising of the sex industry – in particular prostitution and lap dancing. We firmly believe that prostitution is a key social justice and equality issue – its violent nature reflecting both structural socio-economic and gender imbalances in British society. Physical assault⁵, sexual violence⁶ and psychological abuse are regular occurrences for the vast majority of women in prostitution. The links between young women spending time in local authority care and entry into prostitution are well-established⁷. And, as many women are drawn into prostitution at a young age, the chaotic life style, substance dependency and their abusive relationships make it difficult to exit without considerable support. It is well known by those both in and out of the ‘AE industry’ that ‘escort’ and ‘massage parlour’ are euphemisms for prostitution (for example see appendix 2). By carrying advertisements for these ‘jobs’ the DWP is essentially acting as a recruitment outlet for pimps and legitimising ‘jobs’ which are fronts for prostitution.
- Similarly, lap dancing is frequently portrayed as a ‘just a harmless bit of fun’ yet both research and a large number of women who are involved with OBJECT’s ‘Stripping the Illusion’ lap dancing campaign confirm that both financial and sexual exploitation are rife across the industry. Women pay fees to work, pay fees to staff such as security and DJs, pay for club uniforms, pay fines for being late or missing shifts, pay commission on their earnings and face intense competition to make these earnings due to the industry wide practice of disproportionately high performer to customer ratios. On top of this women face an environment in which sexual harassment is normalised and tolerated (this is backed up by research⁸).
- For all of these reasons we reject the DWP’s term ‘adult entertainment industry’ as this further legitimises the sex industry as ‘harmless work’.
- Moreover, the serious contradiction between legitimising an industry by carrying its advertisements and then stating that ‘safeguards’ are in place / employers offering illegal services will be removed – are not addressed by the DWP consultation document.

3. The incompatibility of DWP’s policy with the Gender Equality Duty 2007 (GED 2007)

- The decision to carry advertisements for the ‘AE industry’ was taken before the introduction of the GED 2007. The legal landscape has therefore considerably changed and as a public body the DWP now has a responsibility to actively promote gender equality and to counter gender stereotyping.
- We again underline the central point that the Ann Summers ruling related to shops which retail materials of a sexual nature – some of which might promote the sexual objectification of women and some which do not. However lap dancing /strip webcam performing/ ‘escorting’ etc clearly objectifies women and has wider implications for women in society as a whole. Each ‘employment’ should therefore be considered distinctly. We dispute the DWP’s view that the industry is ‘gender neutral’ and find that the data methods used in the consultation obscure the gendered nature of the industry, by lumping ‘front of house’ (usually women) with ‘back of house’ staff . It is well confirmed that the ‘AE industry’ is heavily gendered, with the vast majority of the industry catering for male customers.

⁵ Ward H et al. (1999). Risky business: health and safety in the sex industry over a 9 year period. *Sexually Transmitted Infections*, 75:340-343, 1999

⁶ Farley , M. (2003). *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder*. *Journal of Trauma Practice*, Vol. 2, No. 3/4, 2003, pp.33-74. Philadelphia: The Haworth Press Inc.

⁷ For a summary of research in this area please refer to Coy, M. (2007). *Young Women, Local Authority Care and Selling Sex: Findings from Research*. *British Journal of Social Work* (2007), doi:10.1093/bjsw/bcm/049.

⁸ Eg. Holsopple 1999, Bindel 2004, Wesley 2002, Shapiro 2003

- Carrying adverts for a gendered industry whose core function revolves around the sexual objectification of women and gender stereotyping clearly runs counter to DWP's responsibility under the GED 2007.
- Moreover the 'AE industry' increasingly normalises unacceptable levels of sexual harassment of women in the general population as well as towards women involved in the industry.
- According to Equality and Human Rights Commission GED guidelines all Government departments should raise aspirations for young women. By promoting 'AE industry jobs' as normal career choices the DWP contradicts this policy.
- The above factors render the DWP policy an equality and social justice issue – contrary to the consultation document suggestion that objectors to the policy find it 'morally repugnant'.
- A Gender Equality Impact Assessment must be therefore be undertaken. Presently the emphasis of any assessment is on female vs. male application comparisons (eg. paragraph 37 of the consultation). However, this clearly misses the point. The risk of discrimination and harassment of women via such 'jobs' and the undermining of the promotion of equality for women by carrying these advertisements, plainly adversely affects women as compared to male jobseekers.

Conclusion

- OBJECT believes that no advertisements for 'adult entertainment jobs' should be carried, whether front line (eg lap dancing, 'escorts' etc) or back of house (DJs, supervisors etc). The current policy is incompatible with the GED 2007, legitimises an exploitative and harmful industry and is based on a flawed legal decision to extend the 2003 Ann Summers ruling.

APPENDIX 1: Advice from legal counsel (specialised in Public Law)

The case of *R (on the application of Ann Summers) v Jobcentre Plus* does not in my opinion have general application beyond the type of retail outlet that sells the range of goods typical of an Ann Summers store. This case turned almost exclusively on the rationality of the adopted policy in relation to that type of operation. There is indeed a world of difference between such an outlet and the type of establishments that should be the subject of appropriate discrimination in the public interest. In this regard I believe that vacancies in massage parlours, escort and kissogram agencies, striptease artists, models for blue films and magazines, performers in sex shows and vacancies for work roles directly associated with the publication or dissemination of pornographic material should not be advertised in Jobcentre Plus not least because people should not be expressly or impliedly encouraged to participate in this type of industry (and should most certainly not have to justify their objection so to participate).

I believe this to be the case whether or not Jobcentre Plus chooses to withdraw express notification, encouragement and sanctioning in relation to any such advertisement. Nothing in the above case prevents Jobcentre Plus from adopting a policy that appropriately rejects advertisements for jobs in the sex industry that are or exploitative or which tend to promote exploitation and female objectification and which are wholly repugnant to gender equality principles.

Thus, looking at the findings of Newman J I would comment that whilst it is entirely appropriate for Jobcentre Plus to take into account the benefits which might accrue to jobseekers who would be prepared to take up employment in the sex industry and also the extent of its legal obligation to assist employers to fill vacancies it is nevertheless bound also to balance against this the extent to which it should be seen not to encourage activities that promote, either directly or insidiously, the exploitation and objectification of women. In this regard it is appropriate to have regard to the learned Judge's comment in para.45 of the judgment:

“For completeness I should add that I have not forgotten that [counsel] drew the Court’s attention to the past difficulties which had arisen where advertisements had not accurately described a business and where jobseekers had experienced the misfortune of discovering the true character of their new employer. For example, where they had accepted employment in a massage parlour or in escort services. These are real difficulties which, so far as possible, must be avoided but so far as they have been relied upon in connection with the taking of Ann Summers’ advertisements, they are a long way from the substance of the reasons given for the policy and decision”

LEGAL ADVICE UNDERTAKEN ON BEHALF OF OBJECT 25.03.09

APPENDIX 2:

Statement from 'Katie', January 2009:

"I wasn't aware that massage parlours and escort agencies were advertising at Jobcentre Plus. However, the escort agency and the massage parlour I worked at (for massage parlour read brothel) I found through my local paper, so I am sad to hear it but not surprised...

As a survivor of the sex industry in the UK - I worked as an escort and later in a brothel - I have found it almost impossible to find any validation of my absolute belief (from firsthand experience) that the sex industry is not empowering or liberating for women, and that the mainstreaming of pornography and women as objects does immense damage. Talk of 'choices' for women caught in the trap is meaningless: as a sex worker one is in the unenviable position of having to defend the indefensible - clients and the people making money from you simply won't entertain the truth. All of the women I worked alongside had drug or alcohol abuse problems and or a history of sexual abuse or mental health problems.

But I have found that people are unwilling or unable to listen when I have tried to open up about the truth behind the lies of the sex industry: I have been told 'it's not illegal' (pornography), 'men just do that' and that maybe I had a bad experience but the other women involved have chosen it - I need to 'get over it' and 'accept how things are', that I can't change things. I have found myself isolated and felt utterly hopeless with it. I am still trying to get over the emotional damage that working as a prostitute has done me".