*Article*

# Digital Exclusion and the Structural Barriers to Safety Strategies among Men and Non-Binary Sex Workers Who Solicit Clients Online

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**Abstract:** Background: Evidence shows that online solicitation facilitates sex workers' ability to mitigate the risk of workplace violence. However, little is known about how end-demand sex work criminalization and the regulation of online sex work sites shape men and non-binary sex workers' ability to maintain their own safety while soliciting services online. Methods: We conducted 21 semi-structured interviews with men and non-binary sex workers in British Columbia between 2020–2021 and examined their ability to enact safety strategies online in the context of end-demand criminalization. Analysis drew on a structural determinants of health framework. Results: Most participants emphasized that sex work is not inherently dangerous and described how soliciting services online facilitated their ability to enact personal safety strategies and remain in control of client interactions. However, participants also described how end-demand criminalization, sex work stigma, and restrictive website policies compromise their ability to solicit services online and to enact safety strategies. Conclusions: Alongside calls to decriminalize sex work, these findings emphasize the need to normalize sex work as a form of labour, promote access to online solicitation among men and non-binary sex workers, and develop standards for online sex work platforms in partnership with sex workers that prioritize sex worker safety.

**Keywords:** sex work; sexual and gender minorities; men's health; occupational health; violence; structural interventions; stigma; criminalization; digital technology

## 1. Introduction

With the increasing pervasiveness of digital technologies, there has been a significant shift among sex workers towards soliciting clients online (Minichiello et al. 2013; Sanders et al. 2016). The shift to online-based sex work has been particularly notable among men (including transgender and cisgender men) and non-binary sex workers who have few opportunities to work out of formal indoor sex work venues, such as massage parlors, and have been displaced from street-based solicitation in many urban centers due to urban planning efforts to eradicate visible sex work (Argento et al. 2018; Minichiello et al. 2021; Ross 2010). The emergent use of phone apps to connect for non-commercial sexual encounters ("hook-up" apps) among men who have sex with men

(Phillips et al. 2014; Sanders et al. 2018b) also contributes to the popularity and normalization of online sex work. A growing body of research has elucidated how soliciting services online provides benefits to sex workers' occupational health and safety and reduces their risk of experiencing workplace violence through increased opportunities to enact personal safety strategies (Argento et al. 2018; Jones 2015; Machat et al. 2022; Sanders et al. 2018a). These strategies include using pseudonyms, only seeing regular clients, pre-screening new clients, and letting their social networks or other sex workers know details about a transaction ahead of time (Jones 2015; Sanders et al. 2018a). Such strategies are especially important in jurisdictions where sex work is criminalized and sex workers lack access to legislated occupational health and safety protections (Goldenberg et al. 2018).

However, there have also been debates on the categorical safety of online solicitation, as sex workers who solicit services online continue to be exposed to a number of occupational risks, including workplace violence and threats to having their identities non-consensually disclosed (Argento et al. 2018; Jones 2015; Redman and Waring 2021; Sanders et al. 2018a). Recent social science and epidemiological evidence show how the workplace harms of sex work are the product of the social and structural factors that shape sex workers' working conditions, such as prohibitive sex work legislation and punitive policing, sex work stigma, and racism (Crago et al. 2021; Deering et al. 2014; Krüsi et al. 2016; McBride et al. 2020; Platt et al. 2018; Shannon et al. 2015). While there are clear benefits to soliciting sex online (Argento et al. 2018; Machat et al. 2022; Sanders et al. 2018a), there has been limited research into how these structural conditions shape the ability of men and non-binary sex workers who solicit services online to mitigate the risk of workplace violence.

There has been an increasing global trend towards "end-demand" models of sex work criminalization, which reduce criminal sanctions against selling sex while criminalizing the purchase of sex, along with most other aspects of sex work, including advertizing sexual services, and third party supports (Benoit et al. 2019; Platt et al. 2018). In Canada, the federal government enacted end-demand criminalization via the Protection of Communities and Exploited Persons Act (PCEPA) in 2014, in response to a Supreme Court of Canada ruling that deemed previous sex work legislation unconstitutional (Department of Justice 2014). While these laws leave the selling of sex legal under specific circumstances, they criminalize key aspects of sex work, namely the purchasing of sex, advertizing services, and third parties commercially profiting from sex work (Department of Justice 2014). Because of the criminal code provisions focused on criminalizing advertizing services and targeting third parties, websites that host sex workers have become particularly vulnerable to the prohibitive conditions of the PCEPA, and there remain significant uncertainties regarding the enforcement of these provisions (Canadian Alliance for Sex Work Law Reform 2015; Department of Justice 2014). In response to the implementation of these end-demand laws, one popular Canadian website that hosted men sex workers, Squirt, removed the option for sex workers to advertise on their site in 2015 (Christopher n.d.). The removal of sex workers from this site demonstrates how, despite not categorically criminalizing the selling of sex, end-demand laws contribute to the displacement of men sex workers, and this is indicative of the structural effects that end-demand criminalization extends on sex workers' working conditions.

The removal of sex worker advertisements from Squirt is also reflective of a global trend of increased regulation and restrictions on online sex work environments. In 2014 and 2015, the United States Federal Bureau of Investigation and the Department of Homeland Security investigated and shut down two popular websites for hosting men and women sex workers, MyRedBook and Rentboy, on the legal grounds of these sites promoting and facilitating prostitution (Majic 2020). More recently, in 2018, the United States government enacted the Allow States and Victims to Fight Online Trafficking Act and the Stop Enabling Sex Traffickers Act (FOSTA-SESTA) (Albert et al. 2020). Having the ostensible purpose of targeting sex traffickers, this federal legislation clarified that websites can be held liable for hosting content that violated anti-trafficking and sex work laws (Albert et al. 2020). The fear of potential liability under these laws has led to a number of websites and apps used by

sex workers to connect with clients, such as Backpage, Craigslist, and Grindr, to either shut down or to change their terms of service in order to limit sex workers' ability to advertise (Albert et al. 2020; Callander and DeVeau 2021). The impacts of removing websites that host sex workers extend to sex workers located outside of the United States but that use United States-based websites, including sex workers located in Canada, and have resulted in the displacement of sex workers across online spaces globally (Blunt and Wolf 2020). Sex worker advocates argue that the displacement of sex workers from online spaces is akin to digital exclusion, in which specific groups are denied access to digital technologies due to structurally imposed barriers (European Sex Workers' Rights Alliance 2022; Warren 2007). Given that previous research with street-based sex workers has shown that displacing sex workers increases their risk of experiencing violence through limiting their ability to negotiate services (Shannon et al. 2009), the online displacement and digital exclusion of sex workers raises concerns about their impacts on online-based sex workers' safety.

An ever growing body of public health research indicates that criminalizing any aspect of sex work compromises the occupational health and safety of sex workers and produces conditions that enable increased levels of violence (Deering et al. 2014; Krüsi et al. 2012, 2016; Shannon et al. 2018). However, there have been limited empirical data on how end-demand criminalization and online regulations shape the working conditions of men and non-binary sex workers who solicit services online. Other intersecting structural conditions that have been identified as impacting sex workers' safety but have not fully been explored in the context of online solicitation include sex work stigma (Baral et al. 2015; Krüsi et al. 2016), homophobia and transphobia (Baral et al. 2015; Lyons et al. 2017), and punitive models of policing (Crago et al. 2021; Krüsi et al. 2016; Platt et al. 2018). Research has begun to call into question the unequivocal safety of online solicitation and has shown that sex workers who solicit online continue to be exposed to a number of occupational risks, including violence (Argento et al. 2018; Sanders et al. 2018a). Other occupational risks to working online include threats of non-consensual identity exposure to their social networks, having personal data stolen, and being stalked (Redman and Waring 2021; Sanders et al. 2018a). However, less is known about how intersecting structural conditions, such as sex work laws, shape online-based sex workers' experiences with these forms of violence.

Men and non-binary sex workers who solicit services online are largely excluded from the growing body of research that examines how sex work laws and other intersecting structural conditions shape the occupational health and safety conditions of sex workers (Crofts and Orchiston 2021; Jones 2020). In particular, there is a demonstrable gap in the literature on men and non-binary sex workers' experiences with violence and factors that shape their ability to mitigate violence (Deering et al. 2014). Further, men and non-binary sex workers are frequently excluded from sex work policy discussions (Department of Justice 2014), which has contributed to their existence being erased. Therefore, there is a critical need to examine how intersecting structural conditions shape men and non-binary sex workers' experiences with workplace violence, especially in jurisdictions where sex work is criminalized. In light of the recent Canadian and United States legislation regarding online-based sex work, as well as prior research by our team on the use of online sex work spaces among men sex workers and clients of men prior to the implementation of end-demand legislation (Argento et al. 2018), this research examines how online solicitation shapes men and non-binary sex workers' ability to enact personal safety strategies. Specifically, this research examines how end-demand criminalization and increased internet regulations, along with intersecting structural conditions, affect men and non-binary sex workers' ability to enact personal safety strategies in online settings.

## 2. Methods

This paper draws on qualitative interview data from a participatory community-based study which investigates sex workers' safety, health, and human rights in the context of evolving sex work legislation and regional policies and was located in Vancouver, British Columbia. The project, housed at the Centre for Gender and Sexual Health Equity

at the University of British Columbia, centers community partnerships with sex work organizations and includes current and former sex workers in all capacities across the research team. Community partners and people with sex work experience were involved at every stage of the research process, from design and data collection to the analysis and interpretation of findings.

This project was created to understand how men and non-binary sex workers experience and engage in online sex work following the enactment of end-demand criminalization in Canada. This project builds on our earlier community-based research (2012–2014) with men, non-binary, and Two-Spirit[1] sex workers and clients in Vancouver conducted prior to the PCEPA (Argento et al. 2018; Matthen et al. 2018). This earlier community-based research and the current project were both conducted in partnership with the Health Initiative for Men and their sex worker advocacy team, HUSTLE, and "the Corner" (formerly known as 'Boys R Us'), a joint program between the Health Initiative for Men and AIDS Vancouver that primarily provides services to men and non-binary sex workers (Argento et al. 2018; Matthen et al. 2018).

Consultations were held with men and non-binary sex workers to develop an initial semi-structured interview guide (Supplementary Materials) which was then reviewed by our community partners. The primary topics included general views on the sex industry; gender and sexual orientation; sex work criminalization and policing; solicitation experiences in online, outdoor, and indoor environments; views on safety; experiences with and views on clients; housing; substance use; emotional wellbeing and stigma; sexual health; experiences with health and social services; and experiences with COVID-19.

The study draws on 21 semi-structured interviews with cisgender and transgender men sex workers and non-binary sex workers, as well as one transgender woman sex worker who identified as a cisgender man within the previous year, conducted between September 2020–August 2021. Eligibility criteria included: having exchanged sex for money, drugs, or other resources in the previous year, identifying or working as a man or non-binary person in the previous year, being at least 18 years old, and living or working in Metro Vancouver or on Vancouver Island in the previous year. Based on community partner input and previous research by our team (Matthen et al. 2018), eligibility criteria recognized the complex, dynamic, and expansive experiences that sex workers have with gender identity and emphasized the inclusion of cisgender men, transgender men, and non-binary sex workers based on participants' personal identification. Using an inclusive and expansive conceptualization of gender gave space for the research team to examine the "multiple, divergent, and contested experiences" (Smith 2012) of sex work instead of restricting analysis to more narrow understandings of gender. Participants were sampled through purposive sampling, not to be representative, but to reflect the diversity of men and non-binary sex workers' experiences in terms of racialization and Indigeneity, age, ability, socio-economic status, substance use, gender identity, and sexual orientation (Palinkas et al. 2015).

Due to COVID-19 restrictions and precautions, recruitment primarily occurred via online websites and apps used to host men and non-binary sex workers. Study advertisements were posted on these platforms, and website staff distributed additional invitations to men and non-binary sex workers who used their site on behalf of the research team. Our community partners further supported in-person recruitment in the context of drop-in programs for sex workers in both Vancouver, through a joint program between the Health Initiative for Men and AIDS Vancouver, and on Vancouver Island, through the Health Initiative for Men. The evolving COVID-19 policies over the study period also led to a combination of interviews occurring in-person, over the phone, or via Zoom. All participants provided informed consent. Interviews lasted between 30 and 160 min. Participants were remunerated with a CAD $40 honorarium for their time and expertise. Interviews were transcribed verbatim and reviewed for accuracy. Verbatim quotes are reported in the results section using pseudonyms to protect participants' confidentiality and using pronouns chosen by participants that are reflective of their diverse gender identities. The study was approved by the University of British Columbia/Providence Research Ethics Board.

*Analysis*

Data collection and analysis occurred concurrently. Once interview transcripts were reviewed for accuracy, data were thematically analyzed using NVivo12 in a two stage process (Rhodes and Coomber 2010). Initially, the research team developed a coding framework that was based on the interview guide, fieldnotes, and participants' narratives, which defined the bounds of preliminary codes (Bradley et al. 2007). Data were then deductively analyzed and coded using this coding framework (e.g., online working conditions; sex work criminalization; safety strategies). Following the initial coding process, the first author applied more focused and conceptually driven substantive codes organized around the specific research question (Braun and Clarke 2006) of how structural factors affect men and non-binary sex workers' experiences with violence (e.g., experiences of safety online; legal impacts on online spaces; barriers to accessing online spaces). Themes were identified and interpreted from these codes using a conceptual framework that integrated a structural determinants of health framework (Shannon et al. 2014) and intersectionality (Collins 2019).

This hybrid framework facilitated an analysis of how various levels of mutually constitutive structural factors impact interpersonal and behavioral factors to promote or restrict health and safety (Shannon et al. 2014), which is conceptualized as being the dynamic interplay between physical, emotional, sexual, spiritual, and community wellbeing. Structures are understood as being factors that are external to the individual and operate outside of the individual's control and can be physical, social, economic, or policy-based (e.g., sex work laws, online regulations) (Shannon et al. 2014). The model emphasizes that these structures, their impact, and their relevancy are constrained and perpetuated by socio-political contexts, mutually constitutive systems of power, and intersecting identities (Collins 2019). These frameworks allowed for the conceptualization of participants' occupational health and safety as rooted in structural conditions, rather than individual and dyadic behaviors (Shannon et al. 2014), and for explicitly naming the intersectional systems of power (De Maio and Ansell 2018) that shape men and non-binary sex workers' experiences with violence.

## 3. Results

### 3.1. Participant Characteristics

Participants represented a diversity of sex worker experiences with regard to their location, socio-economic status, age, race, Indigeneity, gender identity, sexual orientation, and experiences with criminalized substances. Sixteen participants lived in Metro Vancouver, while five lived on Vancouver Island. Fourteen participants were recruited online across various platforms that hosted sex workers, while seven were recruited in person. The median age of participants was 34 and ranged from 22 to 55. Eleven participants identified as White, four as Indigenous, five as being of mixed Indigenous ancestry, and one of mixed race ancestry. Participants varied across gender identities, with 11 identifying as cisgender men, 2 identifying as transgender men, 1 identifying as Two-Spirit, 6 identifying as gender fluid or non-binary, and 1 identifying as a transgender woman. There was also variation in terms of participants' sexual orientation, with two participants identifying as straight men, six identifying as gay, two participants identifying as queer, three identifying as bisexual or pansexual, three identifying as fluid, one identifying as Two-Spirit, two identifying as straight women, one identifying as "open-minded", and one identifying as a "unicorn". Nine participants noted that they used criminalized substances at least 3–4 times a week. Twelve participants lived in market housing while four indicated that they had no-fixed address, and five lived in either supportive housing, subsidized housing, or a Single Room Occupancy hotel. Over half of the participants identified as having either a physical or cognitive disability. The vast majority of participants solicited services primarily online, while two participants solicited services primarily in outdoor settings. Twenty participants had currently or formerly solicited services online. All participants provided services in person.

*3.2. Importance of Safety Strategies*

While participants overwhelmingly viewed sex work as not inherently dangerous or violent, many identified that there were specific contexts or labour conditions that created risks within their sex work experiences. This is not dissimilar to other occupations where workers interact with non-workers, such as retail, teaching, and healthcare (Lanctôt and Guay 2014), especially when workers work alone (Worksafe British Columbia 2012). To minimize the risk of workplace violence, participants stressed that sex workers needed to enact their own safety strategies, which included screening clients; negotiating services prior to a session, including the types of services they offered; and limiting the amount of personal information they disclosed. Other personal safety strategies involved connecting with their social networks, letting friends know details of their transaction ahead of time, and relying on other sex workers for information on violent or difficult clients and to share specific safety strategies. Through their narratives, participants outlined how online solicitation can both promote sex workers' safety through facilitating their ability to screen clients, negotiate services, and maintain their privacy, while simultaneously undermining sex workers' ability to enact personal safety strategies in the context of institutionalized power imbalances perpetuated by end-demand criminalization.

*3.3. Online Safety Strategies*

3.3.1. Pre-Screening and Refusing Unsafe Work

Participants consistently described how soliciting services online facilitated their ability to enact personal safety strategies and avoid unwanted transactions. Many participants relied on online solicitation to have conversations with potential clients prior to meeting in-person, where they could screen clients and refuse unsafe work. Ryan explained how the lack of physical proximity afforded by online solicitation presented no direct risk of physical violence during this screening process and allowed him to screen for potentially aggressive clients.

> "I've done this for a while and I haven't been in a violent situation ... the way that somebody's talking to me through the phone or if they're calling me or messaging me or emailing me, it's the words that they use and how they use them, will differentiate what I feel or think, that something's okay or something's not. And there's a lot of people who I've disregarded ... like someone who was really aggressively telling me like, hey slut, you wanna come meet me slut, let's go slut, I want you to come over here this, my address slut and I'm just like hey, okay, blocked. It's like that. There's lot of ... sick people out there." (Ryan, White, Cisgender man, Vancouver)

As Ryan described, if potential clients were acting in ways that made sex workers feel uncomfortable or unsafe, participants were able to cease further communication and refuse services to that person without the risk of adverse consequences such as physical or sexual violence. Because soliciting services online provided enhanced screening capabilities, many participants, such as Scott, discussed that soliciting services online was the only way that they felt safe while doing sex work.

> "I mean look, I would never have done [sex work] if online solicitation was not an option right ... I think that there's a lot of people who would not have necessarily done this job if doing it online was not an option. Cause there's relative safety where you can do your best to vet through, language and texting and emails and you get a sense of somebody. I think the flipside of that is that you only get that much interaction ... You know you don't get to know what the person is ... You don't get a gut check, that you might get if you're dealing with somebody in person." (Scott, White, Cisgender man, Vancouver)

Participants such as Scott emphasized how soliciting services online facilitated men and non-binary sex workers' ability to enact safety strategies in order to reduce the risk of violent encounters by being able to better screen for potentially unsafe situations. As Scott alluded to, though, there were still safety concerns with soliciting services online, such as clients acting differently in person than they portray themselves virtually.

### 3.3.2. Control over Service and Price Negotiation

Participants also discussed how online solicitation enabled men and non-binary sex workers to list the services that they were comfortable providing, where, and under what conditions in their online profiles or in a pre-meeting online session. By setting out the terms of service prior to meeting with the client, participants such as Jake described feeling that they were better positioned to reject situations that they felt were riskier.

> "*You can tell [clients] what . . . services you offer, right up front, on your advertisement and spell it out for them so, they kinda know already before they talk with you. So it kind of weeds out situations that may occur if you were just to negotiate in person. Cause sometimes [they] can be pushy or want to do things you don't and you're kind of pressured into it but at least if you have a fair negotiating medium first it's easier to control that.*" (Jake, Indigenous/White, Cisgender man, Vancouver)

Jake described that negotiating services online prior to meeting in-person helps men and non-binary sex workers avoid being coerced into certain activities, including sexual activities that participants felt were less safe, such as sex without a condom. Participants described that the online platforms that allowed the most comprehensive communication between sex workers and clients were those designed explicitly for commercial sex.

Explicitly outlining the services that they offered was particularly important for some transgender and non-binary participants who disclosed their gender identity as part of the terms of their service. River, a gender-fluid sex worker who provides services as a "crossdresser", highlighted how posting their gender identity online allowed them to avoid potential clients who would assume that they are a cisgender woman.

> "*In my profile it says nothing that I am a real girl. Like it says in the first line I always say I am one hundred percent a male who's a crossdresser . . . slash female impersonator or illusionist. That's what you're getting.*" (River, White, Gender-fluid, Vancouver)

Previous research with transgender women sex workers has shown how transgender sex workers can experience transphobic violence from their clients if their gender identity is disclosed during a transaction ([Lyons et al. 2017](#)). River's narrative shows how transgender men and non-binary sex workers can use online platforms to disclose their gender identity prior to meeting with potential clients as a way to mitigate potential transphobic violence. Mark, a transgender man, outlined the importance of this strategy and described a situation where he narrowly avoided a physical assault when his client assumed he was a cisgender man.

> "*Well, I went to go meet up with this guy, and as soon as it came down with the trousers he was just so fucking disgusted . . . he was just so disgusted and like pretty much like, shoved me out of his hotel room, but said that like, you're lucky I don't fucking smash your head in.*" (Mark, Indigenous, Transgender man, Vancouver)

While incidences of transphobic violence still occurred, soliciting services online minimized the opportunities for client-perpetrated violence against transgender and non-binary sex workers by enabling them to disclose their gender identity without the immediate risk of physical violence.

### 3.3.3. Enhanced Privacy and Control over Identity Disclosure

While client screening was facilitated in online settings, participants frequently described the importance of keeping aspects of their identities anonymous while soliciting services online in order to maintain their privacy. Some participants discussed that having their identities disclosed to their clients left them vulnerable to being stalked by clients. Other participants, such as Hunter, emphasized that their need for privacy was related to fears of being "outed" to their social networks.

> "*If the word gets out about your [sex] work then you can also lose friends and family and stuff like that.*" (Hunter, White, Cisgender man, Vancouver)

Participants' narratives demonstrated that privacy violations could lead to significant social repercussions due to the pervasive stigmatization of sex work. However, participants emphasized that soliciting services online protected their privacy and gave them control over many aspects of their identity disclosure. This included participants choosing how much of their personal information, such as their names, they disclosed to potential clients in order to protect their anonymity. Adrian described how this relative anonymity contributed to him feeling safer while working.

> "*[Soliciting services online] you can retain any element of your anonymity or your identity as private, as you wish. You can reveal or not reveal your image, reveal or not reveal your name, change your name ... I feel like well I have a greater degree of control. And a greater degree of safety for sure.*" (Adrian, Metis/White, Cisgender man, Vancouver)

Participants described having their identity disclosed to others as being a threat to sex worker safety within a context where sex work is both criminalized and stigmatized. Participants were especially concerned with privacy violations if clients had access to too much of their personal information (e.g., names, face pictures, geolocations) or if their social networks discovered their online profiles. However, participants emphasized that soliciting services online allowed them to maintain aspects of their anonymity and feel in control of the transaction, which led to them feeling safe while working. This was particularly important for sex workers who were not open about their occupation with their social networks, which did not vary in terms of participants' socio-economic status, sexual orientation, or race.

*3.4. Barriers to Online Safety*

3.4.1. Asymmetric Privacy

As outlined above, participants emphasized that soliciting services online gave them more opportunities to enact personal safety strategies, such as negotiating the terms of transactions ahead of time and keeping aspects of their identities anonymous. Participants also described how structural power imbalances were perpetuated through online platforms in ways that impeded their ability to enact these strategies and compromised their occupational health and safety conditions. The majority of participants felt that sex workers had control over many aspects of their identity disclosure while soliciting services online. However, other participants described that one of the main barriers to men and non-binary sex workers' safety online was the discrepancy in identity disclosure requirements and expectations between sex workers and their clients. Participants, such as Jason, described that many clients expected men and non-binary sex workers to provide some form of personally identifying information, such as pictures of their faces. Conversely, Jason also described how clients frequently refused to provide their own personal information.

> "*One of the huge issues in online sex work is if you post your face or not. And a lot of guys won't book me unless they see my face first ... I've tried to screen in situations like that. And I basically just get laughed out of the room, you know like, clients are just not, accustomed to any kind of screening ... I think it's just not something that they've come across before, from my understanding, so you know it's like, if the if they have options out there that don't require that then yeah.*" (Jason, White, Cisgender man, Vancouver)

Jason described a form of asymmetric privacy that exists for online solicitation, with sex workers being expected to disclose aspects of their identities while clients are able to remain anonymous. Participants' narratives described how this asymmetric privacy was perpetuated by both client expectations and online policies that require or encourage sex workers to verify their identities in order to register for the sites, while allowing clients to remain anonymous. Participants also demonstrated that clients' willingness to disclose aspects of their identities to men and non-binary sex workers is rooted in the criminalization and stigmatization of purchasing sex. Participants such as Chris highlighted how these

concerns made their clients less willing to offer personal identification during online screening processes.

> "*[Clients do not] really share their picture. Like you might get lucky once in a while and they send a picture, but if you ask for a picture, most of the clients like, stop talking . . . They want their discretion . . . They don't want to let their wives find out . . . Whatever the deal is you know and they would prefer to keep their identity hidden . . . that might be what they're thinking is, oh they're gonna send like pictures to the Feds or something . . . I would actually like if you know, people would send a picture of their driver's licence when they contact . . . That would make me feel very comfortable. I'd know that who the fuck I'm talking to is a real person.*" (Chris, Indigenous/White, Cisgender man, Vancouver)

Participants' narratives also suggest how the criminalization and stigmatization of purchasing sex intersects with homophobia to inform clients' need for discretion. While clients can face legal repercussions for purchasing sex, Chris highlighted how clients' identities being disclosed to the police could also lead to significant social repercussions if their social networks learned of them purchasing sex, especially for clients in heterosexual relationships. Although maintaining their anonymity can be an important protective strategy for clients, participants described how being unable to verify potential clients' identity made it more difficult to discern actual clients from aggressors who wanted to harass or emotionally harm sex workers.

Additionally, by requiring men and non-binary sex workers to verify their identities, online platforms can prevent some men and non-binary sex workers from accessing their sites if they do not have adequate personal identification. Mark, a transgender man with a history of homelessness, described how he has less access to certain sex work sites due to lacking identification that aligned with his gender identity.

> "*[I use] Squirt, Scruff, fucking Grindr, there's BBRT, there's frickin'—Couple of other ones but there's the other ones the actual ones that are meant for my line of work I just, I can't do it cause they need ID that matches you.*" (Mark, Indigenous, Transgender man, Vancouver)

Because Mark was unable to verify his identity, he was unable to solicit clients on platforms explicitly meant for sex work. Instead, he used mainstream hook-up apps that participants frequently mentioned would remove profiles that openly discussed soliciting sex work. When participants used these apps instead of sites designed for sex work, they discussed being less able to discuss the terms of service with potential clients without being removed from the platform which, as discussed previously, represented an impediment to their safety. By requiring verified identification, online sex work sites can deter transgender sex workers from negotiating services more safely via online solicitation.

3.4.2. Website Removal as Sex Worker Displacement

Participants' narratives showed how current end-demand criminalization and the reach of the FOSTA-SESTA into Canada contributed to the removal of popular sex worker websites and apps. This meant that participants frequently had to find new modes of online solicitation. Chris explained how the enactment of end-demand laws led to the removal of platforms that he used for solicitation, eventually driving him to use chat or hook-up apps not specifically geared towards sex work.

> "*[The laws have] fucking stressed me out every day since I started doing it . . . I mean like, when I first started doing it, they shut down the Rentboy, or whatever, so that was like my main income at first. They shut that down . . . And then I got on Backpage and that was going good and then, Backpage got shut down for a while and then . . . I tried to [do] anything on chat apps and just kinda you know, talk to people and make it happen, I'd get banned and like they blocked my phone number. I can't use that app anymore. I have to like, get other people to let me use their phone number and sign up through their account and then log in on my phone. It was a pain in the ass all the way around, you know . . . Who is it bugging, that these two people do something in a room together?*

> *Why is that your problem or the next person's problem, or [why does] anybody give a*
> *fuck about that? . . . Why is that illegal, why why why. I don't understand.*" (Chris,
> Indigenous/White, Cisgender man, Vancouver)

Participants, such as Chris, discussed being removed from online sex work platforms or
having these platforms be removed due to prohibitive sex work laws. For Chris, this led
to him using hook-up apps that often ban users for soliciting sex work, making it more
difficult to negotiate services and transactions explicitly and to screen clients. Hunter
reiterated this point, demonstrating how prohibitive sex work laws displaced men and
non-binary sex workers to other online venues which were frequently deemed as being
less secure and less safe.

> "*Well when they got rid of the websites . . . they think that it's only making it better for*
> *us but it didn't, it made it worse for us . . . . Most people went back to Backpage and*
> *Craigslist. And now Backpage is gone. Or Backpage is banned or whatever or it's not*
> *the same. So now you have to go to other sites and there's some awful ones out there . . .*
> *I don't even know if there's many safe ones or [if] they're actually any safer than they*
> *were at the point of this whenever the laws got passed.*" (Hunter, White, Cisgender
> man, Vancouver)

Hunter described how the current operationalization of online sex work criminalization
continues the legacy of historical sex work policies that displaced sex workers from safer
areas to more hidden or dangerous locations in which their ability to negotiate services was
undermined (Ross 2010). As Scott described, this virtual displacement also led to a loss of
regular clients, which participants overwhelmingly felt were safer than one-time clients
due to the added familiarity and having had previously negotiated services.

> "*Squirt.org, it's like a Canadian [website]. They had allowed sex workers to advertise on*
> *there. But then when PCEPA [end-demand legislation] came into play they eventually*
> *took it down, 'cause they were worried . . . The way that that website was designed, none*
> *of the clients I had had on there . . . could contact me any other way basically . . . I had*
> *clients that I would see from the website only and I'm just like, mostly not seeing them*
> *again because they didn't know where else to go to find me. I think that's probably the*
> *same for Rentboy in a lot of situations and, certainly Backpage and other places . . . It's*
> *like this game of whack a mole where you're like trying to find the place where you can*
> *advertise then it somehow gets shut down.*" (Scott, White, Cisgender man, Vancouver)

Through the regulation and banning of certain online platforms, many participants noted
that they were displaced in ways that led to a loss of regular clients. Participants over-
whelmingly felt that these clients were more predictable than one-time clients, as terms of
service had previously been negotiated which contributed to feelings of familiarity and
safety. Other participants spoke to this displacement as limiting their ability to connect with
other sex workers in their community. Joey, who had been doing sex work for over 10 years,
noted that they had previously used online platforms to connect with new sex workers in
order to build community and share safety strategies prior to websites being removed.

> "*And things like Squirt, when they allowed the escorts, also gave us escorts that oppor-*
> *tunity to connect with newbies. And just you know, give them the run down or give*
> *them sort of the you know, watch out for [them] or take them under our wings . . . The*
> *removal of that ability was to our detriment. Even though we weren't the ones that were*
> *the criminals. That's another thing with the impacts of the law is that it's stopped us*
> *networking. Or stopped us having that network ability . . . Cause we're still networking*
> *but not to a degree that we could be.*" (Joey, White, Non-binary, Vancouver Island)

The removal of certain online platforms consequently limited participants' ability to pro-
mote community safety and support through connecting with other sex workers. By remov-
ing sex workers from online venues, through which they are able to better connect with
regular clients and other sex workers in the community, the current sex work laws in Canada
and the United States continue to displace sex workers from safer work environments.

## 4. Discussion

The emerging literature has shown that, in the absence of access to legislated workplace protections (Goldenberg et al. 2018), soliciting services online can help sex workers promote personal safety strategies and mitigate the risk of workplace violence (Argento et al. 2018; Machat et al. 2022; Sanders et al. 2018a). Online-based sex workers in Canada have experienced increased regulation due to the implementation of end-demand legislation in 2014 and through the transnational reach of FOSTA-SESTA, enacted in 2018 in the United States (Albert et al. 2020; Department of Justice 2014). There have been growing concerns that the criminal sanctions placed on websites and third parties that host sex workers compromise sex workers' ability to safely solicit and negotiate services online (Argento et al. 2018). Our findings demonstrate how online solicitation continues to provide safety benefits to men and non-binary sex workers under end-demand criminalization by facilitating service negotiation and client screening and helping sex workers control identity disclosure. However, these findings are also among the first to demonstrate how the enactment of end-demand legislation and FOSTA-SESTA have impeded men and non-binary sex workers' ability to safely screen and negotiate services with clients while maintaining their anonymity.

Our findings indicate that both Canada's end-demand legislation, the PCEPA, and the United States' FOSTA-SESTA actively contributed to the displacement of men and non-binary sex workers who solicit services online by leading to the takedown of popular sex work sites, causing men and non-binary sex workers to use lesser-known platforms and hook-up apps not geared towards sex work. Through this displacement, men and non-binary sex workers lost contact with regular clients and had decreased capabilities to network with other sex workers. As seeing regular clients and networking with other sex workers have both been shown to reduce the risk of physical and sexual violence (McBride et al. 2022; Sanders et al. 2018a), laws and regulations that limit the accessibility of such strategies therefore compromise sex workers' occupational health and safety. In addition to certain online platforms shutting down and displacing sex workers following the implementation of both end-demand legislation and FOSTA-SESTA, other online platforms updated their terms of service in order to restrict users communicating for the purpose of commercial sex (Albert et al. 2020; Christopher n.d.). Our results demonstrate that these regulations restrict the type of content that men and non-binary sex workers are allowed to post, thus impacting whether they can openly and effectively discuss services with clients. This was most notable on dating or hook-up apps. Instead of suggesting that men and non-binary sex workers have stopped using apps meant for non-commercial sex due to these restrictive regulations, our results indicate that these restrictive regulations ultimately compromise the safety of men and non-binary sex workers who continue to use these apps to solicit services. Our findings demonstrate how Canada's current end-demand criminalization shapes men and non-binary sex workers' experiences with workplace violence and indicate that regulatory frameworks and policies that curtail the advertisement of sexual services can harm sex workers' occupational safety.

Although platforms that are designed for commercial sex appeared to be more conducive to communication between sex workers and clients, our results indicate that men and non-binary sex workers who use these sites continue to be subjected to online regulations that compromise their ability to negotiate services while maintaining their anonymity. Most apparent in our findings were the asymmetric verification requirements between clients and sex workers, which encouraged sex workers to disclose and verify their identities before registering while allowing clients to remain anonymous. Our results demonstrate how client expectations and platform requirements for sex workers to verify aspects of their identities can lead to sex workers having aspects of their personal information widely available to all platform users. This places sex workers at risk of having their personal information and images shared non-consensually which, due to the pervasive stigmatization of sex work, can cause significant repercussions, such as being fired from employment, being threatened with violence, and social exclusion (Redman and Waring 2021).

Our results further demonstrate how online regulations that allow clients to remain anonymous are embedded in the criminalization and stigmatization of purchasing sex, as well as homophobia. Because clients can face significant social and legal repercussions under end-demand criminalization if police or social networks learn of them purchasing sex, online regulations that facilitate client discretion help clients mitigate these potential repercussions. However, these regulations also make it difficult for men and non-binary sex workers to enact their own safety strategies, such as screening potential clients and verifying their identities. Therefore, asymmetric sex work laws that criminalize the purchase of sex subsequently contribute to asymmetric privacy expectations between sex workers and clients by encouraging clients' unwillingness to provide personal information to sex workers. As such, end-demand sex work laws need to be recognized as structurally impeding men and non-binary sex workers' occupational health and safety.

Through limiting access to online spaces, our findings demonstrate how sex work criminalization and restrictive online policies displace sex workers to platforms that have distinct barriers to screening clients and maintaining anonymity. In Vancouver, street-based sex workers have an extensive history of being displaced through residential opposition, municipal regulations, and police harassment (Argento et al. 2018; Ross 2010). Comparatively to our earlier research on the shift to online spaces and safety strategies among men and non-binary sex workers and clients prior to the PCEPA (Argento et al. 2018), the results herein suggest that new legislative restrictions on third party advertizing have negatively affected men and non-binary sex workers' ability to screen clients and enact other safety strategies. Therefore, our findings support previous research on street-based sex workers that shows how displacing sex workers in any capacity impedes their ability to safely negotiate services (Shannon et al. 2009) and demonstrates how the digital exclusion of sex workers needs to be conceptualized as significantly undermining sex workers' occupational health and safety. Despite these policies that contribute to the exclusion of sex workers from digital spaces, our findings show that men and non-binary sex workers continue to find ways to solicit services on certain platforms. Rather than suggesting that online regulations have little effect on men and non-binary sex workers' safety, these findings demonstrate how sex workers continue to resist repressive and harmful sex work policies in order to promote their occupational health and safety.

Our results further demonstrate some of the distinct benefits and distinct barriers to online solicitation across populations of sex workers. Among street-based sex workers, transgender women experience increased odds of violence, especially when clients assume they are cisgender (Lyons et al. 2017). However, recent research with women sex workers found that sexual and gender minority sex workers were more likely to solicit services online than heterosexual and cisgender sex workers (Machat et al. 2022). Our results with transgender men and non-binary sex workers suggest that soliciting services online can facilitate gender minorities to enact safety strategies to mitigate the potential of transphobic violence by enabling sex workers to disclose their gender identity online in the context of service negotiations. Despite these safety benefits, our results demonstrate that when online platforms require identity verification to access their sites, some transgender and non-binary sex workers can face barriers to accessing these sites when they do not have identification that matches their gender identity. This ultimately prevents some transgender men and non-binary sex workers from accessing the safety benefits of online solicitation.

Recent and ongoing policy discussions have demonstrated the importance of these findings. In 2021, the Canadian House of Commons Standing Committee on Access to Information, Privacy and Ethics introduced a set of recommendations that would hold websites liable for content uploaded on their platforms that depict non-consensual sexual acts and child sexual abuse (Canada House of Commons, Standing Committee on Access to Information, Privacy and Ethics 2021). While such recommendations are promoted as addressing harms against victims of sexual abuse, our findings demonstrate that broad reaching regulations targeting website operators have the potential to unintentionally limit sex workers' access to online spaces for soliciting consensual sexual services. As shown,

limiting access to online solicitation can negatively impact sex workers' ability to safely screen clients and negotiate services. Therefore, our findings support the need to guarantee meaningful consultation with sex workers when enacting regulations for online spaces in ways that ensure sex worker safety is prioritized.

Additionally, our findings call on platforms that host sex workers, including those meant for non-commercial sex, to meaningfully engage with sex workers to develop online policies that better facilitate sex worker safety and promote the negotiation of services. Further, our findings support the need to develop workplace protections and industry standards for men and non-binary sex workers that prioritize sex worker safety and enable sex workers to safely report incidents of violence, which include having their occupational status non-consensually disclosed. Such protections and industry standards need to be developed with meaningful input from men and non-binary sex workers. Given the safety benefits of online solicitation, our findings also demonstrate the need for increased access to online spaces, including policies that promote universal internet access and improved access to affordable technologies that can access the internet (i.e., smartphones).

Recently, the Standing Committee on Justice and Human Rights in the Canadian House of Commons conducted a mandatory review of the PCEPA (Canada House of Commons, Standing Committee on Justice and Human Rights 2022). While the report recommended repealing the current prohibition in the Canadian Criminal Code on advertizing sexual services, it did not recommend the full decriminalization of sex work. While our results support repealing the prohibition on advertizing sexual services to improve sex workers' access to online platforms for solicitation, our findings also highlight that criminalizing other aspects of sex work, including the purchasing of sex, makes it more difficult for sex workers to negotiate services online. Therefore, our findings further support calls from international human rights organizations to decriminalize sex work in order to improve the occupational health and safety of sex workers across genders (Amnesty International 2016). Because of the transnational reach of laws that impact online regulations, our results demonstrate the importance of decriminalizing sex work in Canada and globally, including the immediate repeal of FOSTA-SESTA in the United States. However, since its decriminalization of sex work, evidence from New Zealand has shown that sex workers continue to be pervasively stigmatized and discriminated against (Armstrong 2021). Therefore, in addition to decriminalizing sex work, these findings support the need for efforts to promote the normalization of sex work as legitimate labour in order to reduce stigma and improve occupational health and safety.

*Strengths and Limitations*

There are several strengths and limitations to this study. Our recruitment strategy allowed for a diverse sample of men and non-binary sex workers, as we were able to recruit across a variety of online platforms, including those meant for sex work and those geared towards non-commercial sex. This ensured that we did not only recruit from platforms that required sex workers to verify their identities, meaning that sex workers without the appropriate identification were not systematically excluded from recruitment. Additionally, our community partners were able to support in-person recruitment in the context of a drop-in for marginalized sex workers. Their support ensured that our sample included men and non-binary sex workers who may have had limited access to online technologies, including those who were currently homeless, had experienced homelessness, and had solicited services outdoors. Because of the COVID-19 pandemic and fluctuating public health guidelines, we had limited opportunities for in-person interviews and relied on phone and Zoom interviews. This may have been a barrier for men and non-binary sex workers who had limited access to phones or the internet. However, only two participants requested in-person interviews and both were accommodated. While there was a sizeable representation of participants who faced precarious housing, more research needs to be conducted on this population's distinct experience with enacting safety strategies online and their access to online platforms more broadly. Although the sample was diverse across

many socio-demographic variables, there was a low representation of Black and other non-Indigenous racialized participants, which limited our ability to examine the experiences of this group of sex workers.

## 5. Conclusions

Our results demonstrate how under current end-demand sex work laws, online solicitation continues to provide opportunities for men and non-binary sex workers to enact safety strategies to support their occupational health and safety. Results further demonstrate how intersecting structural conditions, such as end-demand criminalization and the transnational reach of United States internet legislation, sex work stigma, and asymmetrical online regulations limit men and non-binary sex workers' access to online spaces used for soliciting services and constrain men and non-binary sex workers' ability to enact safety strategies online. While violence is not inherent to sex work, it is crucial to recognize that men and non-binary sex workers can experience occupational violence and are deserving of access to work environments that reduce the risk of experiencing harms. Legislative barriers to accessing these environments, namely the criminalization of any aspect of sex work and laws that tighten the regulation of online sex work spaces, need to be reviewed and removed in order to prioritize the occupational health and safety of sex workers across genders.

## Note

1    Two-Spirit is a term for people who are Indigenous to Turtle Island (commonly known as North America) and who embody diverse sexualities, genders, and gender expressions (Pruden 2019). The meaning of Two-Spirit varies between individuals' Nation affiliation. Two-Spirit refers to understandings and traditions of gender and sexuality that predates colonization and Western conceptualizations of the gender binary (i.e., man, woman) and identity-based sexual orientation (i.e., lesbian, gay, bisexual).

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