**Out of sight, out of mind?**

**Prostitution policy and the health, well-being and safety of home-based sex workers**

Hubbard, P.J.1  and Prior, J.2

(1) Professor of Urban Studies, School of Social Policy, Sociology and Social Research, University of Kent, Chatham Maritime, ME4 4AG. Email: [P.Hubbard@kent.ac.uk](mailto:P.Hubbard@kent.ac.uk)

(2) Research Principal, Institute for Sustainable Futures University of Technology Sydney, PO Box 123, Broadway, NSW, Australia, 2007. Email  [Jason.prior@uts.edu.au](mailto:Jason.prior@uts.edu.au)

**Author details:**

Phil Hubbard is Professor of Urban Studies in the School of Social Policy, Sociology and Social Research, University of Kent. He is a geographer who has written widely on social exclusion in the city, with a focus on sexual minority groups. His publications include *The Sage Companion to the City* (Sage, 2008), *Key Thinkers on Space and Place* (Sage, 2010) and *Cities and Sexualities* (Routledge, 2011).

Jason Prior is a planner, architect and social researcher working at the University of Technology Sydney. He builds on his trans-disciplinary background in planning, urban design, architecture, property development and property rights, geography and sociology to obtain a clearer understanding of the role of social and cultural processes within urban and regional futures. His publications include papers in *The Journal of Homosexuality,* the *Australian Geographer*, *Urban Studies* and *Environmental Practice*.

**Out of sight, out of mind?**

**Prostitution policy and the health, well-being and safety of home-based sex workers**

**Abstract**

Policy discussions relating to the selling of sex have tended to fixate on two spaces of sex work: the street and the brothel. Such preoccupation has arguably eclipsed discussion of the working environment where most sex is sold, namely the private home. Redressing this omission, this paper discusses the public health and safety implications of policies that fail to regulate or assist the ‘hidden population’ of sex workers, focusing on the experiences of home-based workers in Sydney, NSW. Considering the inconsistent way that Home Occupation Sex Services Premises (HOSSPs) are regulated in this city, this paper discusses the implications of selling sex beyond the gaze of the state and law. It is concluded that working from home can allow sex workers to exercise considerable autonomy over their working practices, but that the safety and legality of such premises must be considered in the development of (non-punitive) prostitution policy.

**Keywords**

Home, welfare, safety, gender, commercial sex

**Introduction**

Regarded as an intractable social phenomenon, prostitution has long excited distinctive policy responses, ranging from outright prohibitionism through to forms of legalization and even decriminalization. Yet even where prostitution is legally sanctioned, it continues to court controversy, regarded as a form of employment that is morally questionable, potentially risky and often associated with exploitation (Sanders et al, 2009). Moral panics around the spread of sexually transmitted disease (especially HIV), ‘pimping’ and sex trafficking have hence prompted more punitive forms of regulation in recent decades, designed to discourage people from participating in what is seen as an undesirable form of commerce. In many nations, there has also been a vociferous feminist lobby arguing that prostitution subjects women to exploitation by clients, managers and pimps (Raphael and Shapiro, 2004). As such, in some jurisdictions (e.g. Sweden and Norway) there has been a wholesale condemnation of prostitution, with the purchasing of sexual services having been outlawed via controversial new legislation (Spanger, 2011).

Yet while there is a case for prohibition, this has often been countered by the case for decriminalisation, with sex workers and their advocates presenting an increasingly strong argument for prostitution to be regarded as a form of work like any other (Sullivan, 2010). From the state’s perspective, this argument can be persuasive given that when prostitution is left in the informal or grey economy, it tends to attract criminal elements: accordingly, the decriminalization or legalization of sex working has been justified in several jurisdictions as a way of reducing the involvement of those who exploit sex workers (e.g. through pimping or trafficking). An additional consideration here is that forms of decriminalization or legalization provide a basis for effectively managing the impact of prostitution on the wider community where it occurs, noting that both street and off-street sex work are widely accused of attracting certain anti-social elements who threaten community safety (Lowman, 2000; Matthews, 2008). While the association between sex work, drugs and other forms of criminality is by no means universal, and often non-existent (Sanders et al, 2009), this does not prevent the media circulating representations which associate prostitution with other forms of criminality, creating strong exclusionary urges at the local level aimed at displacing sex workers and their clients (Hubbard, 2004).

The circulation of these different discourses (i.e. prostitution as legitimate work versus prostitution as social problem) serves to ensure prostitution remains fiercely debated in policy terms. Significantly, such debates about the merits of different regulatory approaches are increasingly informed by peer-reviewed empirical evidence about the impacts of policy on health, safety and well-being, with assessments suggesting different policy approaches can have different implications for workers, clients and local communities. For example, noting that indoor environments where women can work together are generally safer than street soliciting (Sanders and Campbell, 2007), there are now many positive evaluations of the consequences of decriminalising or legalising brothels (Brents and Hausbeck, 2005, Abel et al, 2009). In contrast, it is evident that where street prostitution has been decriminalised either completely or in specific areas, there has often remained opposition from local residents or businesses, with the benefits for workers and clients being unclear (Church et al, 2001; O’Neill and Pitcher, 2010).

However, it is apparent that the evidence-base for policy remains strongly fixated on particular spaces of sex work, namely the street and the brothel. While both feature prominently in traditional representations of female prostitution, and have been implicated in the making of the ‘whore stigma’ through simultaneous processes of social and spatial marginalization, the focus on these two spaces neglects the range of spaces where commercial sex is negotiated, sold and transacted. Setting aside virtual ‘indirect’ sexual exchanges and performances (see Hearn, 2006), Harcourt and Donovan (2005) have tentatively identified at least 25 forms of direct sex work which are played out across a variety of public, quasi-public and private spaces including streets, doorways, clubs, hotels, brothels, massage parlours, sex and swinging clubs, dance halls, and private homes. Despite the lack of comprehensive mappings of the sex industry (Cusick et al, 2009), there is good reason to suspect the latter now represents the most popular form of working environment, with mobile telephony, internet contact boards and newspaper adverts allowing both male and female sex workers to advertise and negotiate sex without publically soliciting or working in managed brothels. Yet Harcourt and Donovan (2005) concede there is little known about home-based sex work since it is relatively covert and largely invisible within an urban landscape of private residences: some researchers have accordingly made a connection between the growth of middle class sex work, the rise of independent prostitution and its suburbanization (Bernstein, 1999; Hubbard and Whowell, 2008).

Given off-street sex workers outnumber street sex work by at least 2:1 in most reputable estimates of contemporary sex work (Cusick et al, 2009), the lack of attention paid by sex work researchers to home-based sex work helps perpetuate the myth that street-based prostitution remains a dominant form of sex work, making it a particular priority for sex work support services as well as the prime focus of policy debates. As such, this paper encourages a focus on home-based sex working to redress its omission in policy debates and to contribute to a better understanding of the challenges and rewards of working in this largely unregulated environment. The focus here is on women selling sex from their own homes in Sydney (NSW), a city where 40% of sex work is thought to be transacted in private homes rather than in the city’s licensed brothels, sex clubs or in areas of street sex work (City of Sydney, 2006a). While the regulatory environment in Sydney is distinct from that existing in jurisdictions where brothel and/or street prostitution is criminalized – meaning that attitudes to, and practices in, home-based sex work may be more liberal than elsewhere - there are reasons to suppose that there may be certain similarities between the risks faced by those working at home in Sydney and spaces of home-working elsewhere in the urban West given home-working tends to exist in a zone of legal ambiguity (i.e. it is not illegal but is seldom regulated or even acknowledged to exist). As such, this paper contributes to an appreciation of home-spaces as distinctive ‘risk environments’ (Rhodes, 2009) in which interpersonal relationships and negotiations are shaped by physical, economic, social and legal factors which can combine to either increase or diminish the chance of harm occurring.

**Home-based sex work in its socio-legal context**

In most Western nations, the sex industry has long been figured as standing at the boundary between sexualities that are considered good, healthy, and normal, and those that are deviant. Privileging heterosexual, monogamous relationships, the state and law has tended to regard commercial sex as a threat to social stability, and hence sought to discourage it. At the same time, however, sex work and commercial sexual exchange have remained valued and sought-after, meaning that the law has often recognized the impossibility of preventing prostitution, instead regulating it so that its negative impacts on communities are minimized, simultaneously sending out a message that it is not a respectable occupation. Historically, this has often involved the separation of commercial sex via an enclosure of the bodies of participants within a space subject to surveillance and control (Godden, 2001). Following Foucault, numerous scholars have identified the panoptic qualities of many spaces of prostitution – whether brothels or street working zones - tracing the legal instruments employed by agents of the state as they seek to police and monitor these sites as spaces of potential criminality (Hubbard, 2011).

Within such constraints, it is evident that the placement of sex work within cities has been controlled by the state and law in the interest of maintaining the social and economic value of particular land uses that might be adversely affected by the secondary impacts and negative externalities of sex premises (Boydell et al, 2011). Street prostitution, for example, has generally been tolerated in the urban West only if it occurs in areas where it attracts little opposition from residents or businesses, with soliciting and kerb-crawling laws invoked when it intrudes into other, more ‘respectable’, spaces (Lowman, 2000). Moreover, given sex work is rarely considered to be the ‘best and highest use of land’, street sex work has often been displaced by property development. For instance, Pitcher et al (2006) have explored how an area of tolerated street prostitution in Edinburgh was closed down to allow for new residential development. In this case, the loss of street prostitution was not discoursed as an economic or social loss *per se*, but deemed to make the city safer, more commodious and family-friendly (see also Hubbard, 2004 on London; Kerkin, 2004 on Melbourne; Mathieu, 2011 on Paris).

Despite being a ‘victimless crime’, street sex work is hence often classified, alongside other behaviours such as begging and loitering, as profoundly anti-social. As urban public space becomes increasingly structured according to ‘a territorial division between the excluded and the included, between the spaces of consumption and civility and the savage spaces on the margins’ (Sanders, 2009, 573), the public display of sex for sale has thus become viewed as increasingly ‘out of place’ in Western nations, despite the fact that the sexual act itself is negotiated between adults and usually transacted in private space. A significant shift in this drift towards Zero Tolerance for sex work in public space has been a discourse of gendered exploitation: the (female) worker is seen as not merely antisocial but responsible for putting herself at risk of exploitation by men (Sanders et al, 2009). In dominant representations of street work, the kerb-crawler is assumed male and depicted as a sexual threat (Matthews, 2008)**.** The increase in laws against ‘the kerb-crawler’ is testament to this – for example, in England and Wales the 2001 Criminal Justice & Police Act made kerb-crawling an arrestable offence; in 2003 the Criminal Justice Act allowed for on the spot fining, driving license revocation and high profile ‘naming and shaming’.

Given the UK government has repeatedly insisted that street sex working has no place in a ‘civilized’ society, with more punitive approaches adopted to street soliciting and kerb-crawling, it might be anticipated that off-street work would be facilitated to allow for the displacement of street workers. To the contrary, the Home Office has repeatedly backed away from the idea of legalizing off-street sex work, based on the idea that prostitution could take place in licensed brothels which would have to observe select conditions of operation. Such licensing, as practised in the Netherlands since 2000, Nevada (US) since 1978, Germany since 2002, Queensland since 1999, Victoria since 1984 and New South Wales since 1995, delegates control over brothels to local councils who handle planning procedures and are expected to identify and close down illegal brothels. This approach is somewhat different tp the outright decriminalization (as passed in New Zealand in 2003) that removed all laws relating to prostitution and makes sex workers and clients liable to the laws that affect all citizens (including the obligation to pay taxes).

In New South Wales (NSW), the key legislative change legalising brothels was the *Disorderly Houses Amendment Act* 1995. This removed that part of the *Disorderly Houses Act 1943* (called the *Restricted Premises Act 1943* from 2003 onwards) which made it a criminal office to operate a brothel or other commercial sex on premises venues. Records of the parliamentary debates leading up to the amendment of the Act show that decriminalisation of brothels was preferred over other models such as legalisation, registration and licensing (Boydell et al, 2011). Under decriminalisation it was thought that existing laws regulating businesses (e.g. environmental health and taxation laws) were sufficient to regulate brothels. Shifting the regulatory onus from the police to planners, the amending legislation removed the prohibition on private property being used as a brothel within NSW and gave local councils power to regulate brothels through plan-making powers, governed by the *Environmental Planning and Assessment Act 1979 (NSW)*. This served as a catalyst throughout the following decade for the development of a myriad of Local Environmental Plans (LEPs) that provided guidelines on where brothels could be placed within particular local government areas. While the state government has told councils they cannot ban brothels outright, they can restrict them to industrial zones in the interests of maintaining neighbourhood amenity: under s.17(5)(a) of the *Disorderly Houses Amendment Act 1995* a brothel can be closed if it is operating ‘near or within view from a church, hospital, school or other place regularly frequented by children from residential or cultural activities.’ In effect, this enables councils to prevent sex premises opening in residential and commercial areas, reinforcing a moral geography in which sex work is deemed incompatible with family occupation (Boydell et al, 2011).

Significantly, street prostitution in New South Wales is also legal, with soliciting for sex in public places – streets, parks etc. - ruled not to constitute ‘truly offensive behaviour’ in a landmark 1979 ruling (Frances and Gray, 2007). However, following a 1983 amendment to the *Prostitution Act 1979*, soliciting in a public street near a dwelling, school, church or hospital became an offence. In the Second Reading in NSW Parliament of the *Prostitution (Amendment) Bill 1983*, it was stated that: ‘[t]he aim of this legislation is to ensure that persons who reside in basically residential areas are not subjected to the flagrant and unseemly aspects of prostitution, which cause severe inconvenience’ (Walker, 1983, 5244). The purpose of this amendment was to contain soliciting to areas where it would not cause annoyance to residents or ‘sensitive’ uses: however, rather than focusing on reducing nuisance per se, the intention of the law appeared to be removing sex work from view in ‘family’ residential or commercial areas. This preoccupation with vision is widely noted in literatures on prostitution, suggesting that the regulation of prostitution is based on forms of *optical governance* which seek to determine who can see what (Hubbard, 2011).

In this respect, it is worth stressing that most home-based operations remain invisible to local residents. For example, Cox (2003) led a survey of residential blocks in Woollahra and Marrickville (Sydney) where home-based sex work occurred, and concluded that there was no awareness of home-based sex workers in either area (and only limited awareness of home-based sex work in general): the presence of home-based sex work appeared to have no impact on residents’ perception of crime and safety. Irrespective, any home occupation involving sex work in New South Wales is legally defined as a brothel or commercial premises only permissible in certain non-residential zones, usually industrial areas. Such areas are clearly far from ideal for sex work undertaken by one or two sex workers, as they are often isolated and poorly served by public transport (Brothels Taskforce, 2001). Moreover, the larger scale of an industrial premises is unsuited to small sex worker businesses and is inconsistent with clients’ desire for a discreet encounter in a residential setting (Bernstein, 1999), meaning it is unlikely that workers would want to establish in industrial areas.

This given, the fact NSW legislation does not distinguish between dedicated commercial sex service premises and the provision of part-time home based sex services by a single worker creates a range of legislative ambiguities and conflicts which have the potential to disadvantage providers of home-based sex services. For example, under current NSW legislation and associated local government planning guidelines, an individual selling sex from their own home would be required to lodge an development application to use that premise for sex work. When considering this application, the authorities do not differentiate between a large-scale commercial premise and a HOSSP, requiring the applicant to go through similar processes. As a result of these complications many private sex workers would not apply for planning consent - even where it is required - due to the difficulty in complying with council policies, and because they want to protect their privacy. Even if someone is able to get the approval for a HOSSP, the lack of consideration within NSW legislation of the multiple uses of the premise (as both residential home and place of work) results in a range of legal ambiguities that have the potential to problematize the life of those living within the residence – e.g. the person who provides sex services from home, their partner and children. For example, given that a child at a private residence that is also being used for sexual services is technically ‘in a brothel’ (a restricted premises which people under the age of 18 are prohibited from entering), the police, the Department of Community Services and other authorised people have the power to take action to protect children whom they consider to be ‘at risk’ (see Restricted Premises Act 1943, and Children and Young Persons (Care and Protection) Act 1998, s23).

Accordingly, while prostitution itself is no longer a crime in New South Wales, the majority of home-based work remains in breach of planning consent. This is despite the intent of the 1995 reforms to regulate all forms of sex services premises, including in the residential dwellings where approximately 40% of the sex sold in New South Wales is thought to be transacted (Crofts, 2002). Home-based working has hence tended to fall between the cracks, typically existing below the thresholds of both state and public visibility. As such, these premises are ‘out of sight and out of mind’: the women (and men) who choose to work in this way may well escape taxation, but they also lack the ‘protection’ of state recognition given they are not recognised as running a legitimate home business. Lacking formal, legal recognition, there is also always the threat that workers may be issued with a notice to cease use of the premises for sex services: if they do not cease operation councils have the right to disconnect services to the premise.

However, continued discussion over the merits of decriminalization and the approach taken by planners to ‘zoning’ sex work has provided opportunities to propose alternative approaches to home-based sex working. The *Standard Instrument (Local Environmental Plans) Order 2005* (NSW), for example, provided a potential basis for recognizing home based work by proposing a standard Land Uses classification for all councils which no longer utilises the term ‘brothel’ but referred instead to ‘sex services premises’, defined as any ‘premises habitually used for the purpose of sex services, but not home occupation or sex services (home occupation)’. This means that for the first time, the State Government differentiated between types of sex services premises on the basis of size, albeit that it continued to differentiate home occupations (sex services) from home occupations in general. Thus the 2005 *Standard Local Environmental Plan* requires councils to discriminate against home occupations (sex services), treating them differently from other home occupations even though there are no obvious planning grounds for this distinction (Crofts, 2002). This said, by suggesting that home-based work is distinct from brothel work, such planning reform has opened the door to recognizing home sex working as something that is not necessarily incompatible with residential dwelling.

**Home Occupation Sex Service Premises in Sydney**

Given the paucity of research on home-based prostitution, findings from recent research on Home Occupation Sex Service Premises (HOSSP) commissioned by the City of Sydney Council are revealing of the impacts of prostitution policy on those who sell sex at home, alone. Alongside a review of local planning approaches and analysis of safety reports lodged with the local sex work project, this research incorporated five interviews with HOSSP operators, as well as three with representatives of organisations providing support and guidance to home based workers. The HOSSP operators were between thirty and fifty-six years of age, and all were female. They had operated HOSSP within the City for between two and twenty-five years, albeit those that had operated HOSSP for longer periods of time reported that they had intermittently closed their operation before recommencing work.

The interviewees identified common characteristics among HOSSP workers and operators, suggesting that most had worked in a parlour or brothel for between 2 to 5 years previous to operating from home, often choosing clients from among those they had met through parlour work. This given, it appears most home workers in Sydney were in their thirties upwards, albeit from extremely diverse backgrounds, as one interviewee stated:

‘Sex workers are as diverse as society comes, some have other jobs and some have it as their sole income, some educated, some uneducated.’

Interviewees identified two important trends occurring over the previous five years that they believed had increased the prevalence of HOSSP operations within the City (and more broadly within the wider Sydney area). The first was a general increase in the number of multicultural and migrant workers selling sex in the city (one of the interviewed representatives of organizations that provide support services to HOSSP indicated that their data showed that ‘up to 35% of home based workers are multicultural workers’). The second was a trend towards private home based work as increasing number chose not to work in a parlour. The reasons provided for this ranged from ‘increased convenience’, ‘feeling better [i*mproved wellbeing*]’, ‘obtaining a larger ‘cut’ of earnings’, and avoiding ‘the competitiveness of parlours [and other commercial sex premises]’.

The five HOSSP operators who were interviewed indicated that they currently worked from an apartment or semi-detached house. Three of the premises being used for home-based sex work were rental premises, with two premises owned by the HOSSP operator. The size and layout of the buildings varied; some were located in apartments that had separate road access, others were located in apartments that shared common foyers. All HOSSP operators indicated that they restricted sex services to one particular room within the premises that could be closed off from the rest of the house. When asked to describe what made particular premises and locations appropriate for HOSSP, interviewees identified a broad range of characteristics. These included the accessibility of public transport and street parking; the presence of good security and lighting; and being in a location that is easy to explain to clients over the phone, but not too isolated.

Most interviewed HOSSP operators indicated they required clients to have an appointment and to ring on approach. Many HOSSP operators indicated that they educated their clients on the importance of entering the premises ‘discretely and quietly’, and that they did not accept return business from noisy clients. One interviewee noted that it is in the HOSSP operators’ interest to maintain a ‘low profile’. The most popular time for HOSSP operation was accordingly reported as being during the daytime and early evening, with interviewed HOSSP operators indicating their preference was to work during daytime hours to avoid alcohol-related problems with clients and ‘only provide services to long term clients during the night for security reasons’. Overall, the interviewees were of the opinion that HOSSP workers spent more time with clients than sex workers from commercial sex industry premises such as brothels. The HOSSP operators that were interviewed indicated they saw anywhere between 1-20 clients in a week.

Overall, there was a high level of confusion amongst the interviewees about the legality of HOSSP. The majority of participants appeared aware that HOSSP are subject to different planning approaches in different parts of the City. As one service agency representative noted:

‘Workers [and operators] know the basic regulation but not the detail’.

There was general confusion over the meaning of the ‘one worker policy’ within the South Sydney Local Environmental Plan 1999, which applied to most of those interviewed; as one service agency representative noted:

‘workers generally understand the South Sydney LEP 1999 to mean only one person can be [*in a HOSSP*] and only one person can be working [*in a HOSSP at anytime*]’.

Much of the discussion surrounding the ‘one sex worker per HOSSP policy’ reflected a lack of understanding among some interviewees of current regulations for HOSSP given the one worker policy does not preclude other workers being on the premises at the same time but that only one person is permitted to *work at any one time*. This given, the standard way of working has been for a woman to sell sex at home with no-one else on the premise, something that generated particular concerns in relation to health and well-being.

***Workers’ well-being and safety***

A quantitative and qualitative analysis of the information provided in 333 safety incident reports voluntarily lodged with the Sex Workers Outreach Project (SWOP) between February 2000 and March 2008 confirms that safety incidents vary considerably within, and across, different types of sex work. Almost half of the safety incidents were reported by those working in street-based sex work (49.2%, 164 out of 333), much more numerous than incidents reported by sex workers in brothels, parlours or strip clubs (19.5%, 65 out of 333), doing private work (19.8%, 66 out of 333) and escort work (9.3%, 31 out of 333). The types of sex work with the fewest reported safety incidents included Internet and telephone sex work (0.3%, one out of 333). For private workers such as HOSSP operators, theft, harassment and assault were the most frequently reported types of safety incidents. The relatively high number of thefts in private situations involved cases in which the assailant watched where the worker kept their money and then waited until the worker was in another room before stealing their belongings. Yet only a small proportion of the 333 reported safety incident reports occurred within the worker’s home (8.1%, 27 out 333) when compared to commercial premises (26.4%, 88 out of 333) or the client’s vehicle or home (44.4%, 148 out of 333).

Despite these relatively low risks, health, wellbeing and safety issues associated with HOSSP remained key concerns among both the HOSSP operators and service agency representatives that were interviewed. Significantly, working in or operating HOSSP was identified by interviewees as one of the healthiest environments for sex work within the sex industry, offering ‘increased control and freedom’, ‘increased financial independence’, ‘flexibility of work hours’, ‘personal autonomy’, and ‘increased self esteem’, when compared to working in a large commercial sex industry premises. HOSSP were seen to be particularly important for increasing the self esteem of older sex workers; as one interviewee noted:

‘it’s not so brutal as being an older worker [*in a brothel*], and you’re not as beautiful as you used to be and you’re sitting in a parlour all day having clients pick other women.’

This suggests that work in HOSSP could impact positively on the emotional wellbeing of a sex worker. Conversely, however, HOSSP work was described as ‘lonely work’ with some suggestion that mental health was impacted negatively from ‘lack of social interaction’. One interviewee nevertheless pointed out that these adverse impacts:

‘are common for all people who operate a business from home alone, not just sex workers’.

Here, the health risks associated with ‘working in isolation’ were regarded as ‘exacerbated’ by planning regulations. The interviewees expressed their frustration that current planning regulations made it difficult for HOSSP operators to work with other sex workers in the same premises. One HOSSP operator argued that current policies:

‘take away the opportunity for sex workers within home sex services to have work companionship’.

One interviewee noted that some HOSSP workers work alongside other sex workers for companionship and appreciate the support of others within the home.

For the interviewees the level of health and wellbeing within HOSSP was closely associated with issues of safety. Incidents that the interviewees reported included: clients not paying for services; the harassment of private workers by people from commercial sex industry premises; and aggression and harassment (e.g. stalking) by clients. Several of the interviewees noted that aggression by clients and attempts to engage in unsafe sex (e.g. ‘there is a big push for no condoms’) as the most significant concern. It was felt that having another worker on the premise would be likely to prevent such instances, but was not permitted given dominant planning approaches, as one interviewee expressed:

‘The current perceptions of plans covering one part of the city [*South Sydney LEP 1998*] and that covering another part of the city [*Sydney LEP 2005*]…adversely affect safety and security [*of a HOSSP*]. To ensure worker safety and security they should be able to pair up with someone and run their own [*HOSSP*]’.

The implication here is that although the women interviewed wished to avoid the inflexibility and competitiveness of a managed brothel, they felt that working alongside others could provide significant safety benefits.

***Impacts on locality***

Prostitution policy is justified not only in relation to worker safety, but the wider effects of sex work on the communities in which it is based (O’Neill et al, 2008). Several sources of information were hence examined to provide insight into the way that HOSSP operations impacted on their surrounding locality. Significantly, three of the HOSSP operators who were interviewed reported that surrounding residents and or businesses were not aware of the HOSSP they operated. Two HOSSP operators stated that residents and/or businesses were aware and that this was because they had told them about their work. The HOSSP operators indicated that the reason they told the neighbours was because they felt they had a ‘friendly relationships with them’ and that they had known their ‘neighbours in the area for a long time, including shop owners’. Three of the HOSSP operators indicated that they had friendly relationships with their neighbours. Only one of the interviewed HOSSP operators indicated that they had to deal with a neighbour as a result of an impact that adversely affected the neighbour, in this instance a ‘client [*had*] annoyed a neighbour by making loud noise’.

For personal and commercial reasons, all HOSSP operators sought to minimise the potential for disruption to those in the vicinity. The most commonly reported ways of minimising noise levels and ensuring that clients do not ‘wander around’ outside the premises included vetting drunk/disorderly clients; closing windows/blinds; limiting the hours of operation where possible to 9am-5pm Monday to Friday; training clients how to enter and leave the premises quietly; and keeping client numbers down wherever possible. The interviewed HOSSP operators believed these efforts had a positive effect on reducing impacts on the local area in which they operated. It was also suggested by two of the HOSSP operators that their operations had positive impacts on the locality in which they are located. As one HOSSP operator noted, the presence of home businesses means:

‘that there is someone in the apartment building whilst everyone else is at work, which deters people from vandalising and stealing things because they think twice when they can see people are still there … in case they get seen’.

Interview responses with representatives of organisations that provided services to HOSSP also indicated that most neighbours and businesses were unaware of HOSSP operating in their local area, and explained that the most common way that neighbours found out about HOSSP operations was when ‘owners tell neighbours’. However, it was noted that this only happened when HOSSP operators ‘already had a very good relationship with [*the neighbours*]’ given HOSSP workers generally desired anonymity and privacy:

‘[*they*] don’t want ‘sex worker’ hanging on [*their*] door, [*they*] don’t want your in-laws to know, [*they*] don’t want you and your neighbours to know, or the whole street to know - [*they*] want to keep it private.’

In considering the level of impact of HOSSP on the locality in which they operate, the City’s complaints records provide insight into the level of impact. In the complaints record system, complaints against HOSSP are recorded by Complaint Service Module software (CSM) under the category BDSX. It is worth noting that BDSX is described as a low volume CSM category within the system given it does not receive a large number of complaints in comparison to other categories: for the period January 2008 to August 2009, forty-five BDSX complaints were received. An analysis of these complaints revealed that the City only received two substantiated complaints for HOSSP.

**Discussion: the home as a low ‘risk environment’?**

Previous analyses of the impacts of working environment on health, safety and well-being of sex working women have drawn fairly mixed conclusions about the differences in safety and well-being evident across the different working environments where prostitution occurs. Nonetheless, a range of different occupational risks - including physical assault, fraud or scamming, having belongings stolen, rape and attempted rape, being forced to have unprotected sex, verbal abuse, sexual assault, harassment threats, kidnapping, drugging, and stalking - have been deemed to be be considerably more pronounced in street-based working as opposed to off-street settings (Day, 1994, Hearn, 2006, Kerkin, 2004, City of Sydney, 2006b, Travis, 1986, Harcourt et al., 2001, Roxburgh et al., 2005). Church et al (1981), for example, found that that 81% of women working in street prostitution and 48% of women in indoor prostitution experienced client violence in their study of three UK cities, with 27% of women in street prostitution and 8% of women in indoor prostitution reporting being raped in the previous six months. Jeal and Salisbury (2007) likewise found that only 4 of 71 massage workers experienced violence, whereas 15 of 71 street-based sex workers had done so; Sanders and Campbell (2007) suggest around three quarters of those employed in off street sex work had never experienced violence. These findings reinforce the notion that street sex work is both the most dangerous and ‘lowest’ form of sex work, something that is seen to have direct consequences for mental health, with Seib et al (2009) arguing that street sex workers exhibit patterns of disadvantage, stigma and trauma not seen in sex workers from other industry sectors.

But while some research highlights the fact that indoor sex workers experience lower levels of violence than those who work in other ‘risk environments’, there has been little discussion as to the variation between different spaces of off-street work. The available evidence nonetheless indicates that there are considerable differences in whether HOSSP workers have ever reported being raped, robbed, and/or assaulted when compared with brothel or bar workers. In one Queensland survey, for example, it appeared that over half of street workers had been raped or assault, as compared with 15% of home workers but only 3% of those based in legal brothels (Ross et al, 2004). This is a trend echoed in Kinnell’s analysis of violence in the UK sex industry, which shows that flat-based workers generated more ‘Ugly Mug’ reports of dangerous or ‘dodgy’ punters than those in massage parlours or brothel work. This contrasts with our Sydney study, which shows home-based sex work to be the least risky of all working environments. O’Doherty (2011) also shows independent home-based sex work to be associated with the lowest rates of threats with weapons and physical assault, although the tendency for clients to refuse to wear a condom or sexually assault the worker was comparable to massage parlour work.

The reasons for these disparities are complex, varying according to the environmental, social and legal conditions in which sex is bought and sold. One significant factor here is the legality or otherwise of different forms of sex work: where brothels are in the regulated sector there appears to be more likelihood for women to report violence to police, something less likely when off-street brothel working is illegal, as in the UK (Church et al, 2001). Likewise, violence against sex workers is more likely to be reported and recorded if outreach and support services are aware of it, meaning that violence is more likely to be identified in street environments than the home premises which remain unknown to many sex work support projects. Here there is a significant contrast between the UK, where some home-based and brothel workers appear to have little contact with outreach projects (Sanders and Campbell, 2007), and the experience of Sydney, where home-working exists in a decriminalized environment and there is more recognition of the legality of off-street work.

The suggestion here is that working in the private home is relatively safe compared with other spaces of prostitution, but that the legality or otherwise of home-working makes it more or less likely for crimes to be reported. Benoit and Millar (2001) found that clients were the most likely source of violence against home-working prostitutes and that sex workers were not likely to report this given virtually all those interviewed expressed alienation from the protective services of the police. While this potentially makes home working less safe, from the perspective of the home-worker this can be a distinctive advantage, allowing them to avoid police harassment. For example, harassment by police was reported by over half of the street-based sex workers in one Queensland survey (54.5%), while over a quarter had been sexually or physically assaulted by a police officer in the last five years (27.3%) and over a third had been sexually propositioned (39.4%) (Woodward et al, 2004). This suggests that there is something of a ‘trade off’ involved in working off-street, with sex workers utilizing a variety of resources and skills to manage potentially risky encounters, something that is facilitated when working in a familiar, ‘home’ environment rather than visiting client’s homes or having sex in their cars (Sanders, 2007). Having control of one’s own environment, and being confident that clients are entering the premise on given terms, appears hugely important in boosting sex worker’s self-confidence, safety and job satisfaction.

In the absence of regular surveillance or visitation by the police, there are a number of obvious policy recommendations that emerge from our analysis, primarily that when more than one worker is present in a home setting, this should not necessarily deem it an illegal brothel. Co-working in a domestic setting would seem to have certain advantages in terms of health and well-being, but governments seem reticent to explore the viability of decriminalizing this form of working given this might lead to a proliferation of ‘mini-brothels’ in residential settings, exciting community opposition. Yet if home-working is legally recognized, and subject to planning consent, enforcement could ensure that premises possessed intercom communication, solid security doors with peepholes in, and that all workers were informed of relevant sex work support services. Moreover, when compared with large, visible sex premises, small home-working operations would have few impacts on local residential communities, suggesting they should not necessarily be limited to isolated industrial areas.

Yet among the legal, social and environmental factors that heighten the risks of sex work, it is the social stigma of sex work that has often been identified as most significant (Kinnell, 2006). In this regard, where policies seek to ‘design out’ or otherwise criminalise prostitution, this is seen to reinforce the social stigma and discrimination that perpetuates a culture of violence. In so much that home based work exists covertly – it is not illegal in most jurisdictions, yet nor is it regulated or planned for - it is difficult to ensure that the health and safety risks of selling sex at home are reduced. Sanders and Campbell (2007: 13) write that it is not simply an issue of removing or minimising the risks inherent in different working environments, but one of simultaneously designing respect into these environments: ‘sex workers [*need*] the legal support, environmental conditions, and social status that protects them from sexual victimization and sets out expectations for those who seek out sexual services’. This speaks to a social strategy of acknowledging sex workers as members of communities who are engaged in a legitimate and useful form of work, and encouraging clients to be respectful and educated consumers, by recognizing home–based sex work as legitimate land use, even in residential areas.

**Conclusion**

Throughout the urban West, there is good reason to suppose that home-based sex work is an important and increasingly significant form of prostitution. For all this, it is rarely discussed in policy circles and generally falls outside the ambit of legal scrutiny given prostitution is not illegal if transacted between two consenting adults in private space. Yet given home occupation sex working excites so little controversy or comment, and is rarely even recognised by neighbouring residents, it appears that this is a form of working that has little potential to generate anti-sociality or cause public disturbance. As such, there are good grounds for evolving policies which aim to minimize the health and safety risks faced by those who sell sex at home given the evidence suggests home working is more flexible, less intrusive, more discrete, safer and potentially more rewarding than other modes of working.

While our conclusions about independent home working in Sydney suggest it has many advantages over other forms of (managed) sex work, policy-makers need to be mindful that many of those who sell sex at home do so because it provides them with some anonymity and allows them to negotiate the stigma of sex working by ‘hiding in plain view’. Like planning approval, compulsory registration or licensing of home operations might prove unpopular among home workers given dominant social attitudes remain censorious of prostitution: we thus conclude by arguing for a harm reduction and labour rights approach to be enshrined in planning and health policy, something that would help shift dominant attitudes towards sex working, spreading the message that home-based sex work is not a social problem to be eradicated, but a form of home working to be supported.

**References**

Abel, G.M., Fitzgerald, L.J. and Brunton, C. (2009) The Impact of Decriminalisation on the Number of Sex Workers in New Zealand *Journal of Social Policy* 38: 515-531.

Benoit, C., and Millar, A. (2001) *Dispelling myths and understanding realities: Working conditions, health status and exiting experiences of sex workers*. Retrieved from http://www. hawaii.edu/hivandaids/Working%20Conditions,%20Health%20Status%20and%20Exit- ing%20Experience%20of%20Sex%20Workers.pdf

Bernstien, E. (1999) What's wrong with prostitution? What's right with sex-work? Comparing markets in female sexual labour *Hastings Women's Law Journal* 10**,** 91-119.

Brents, B. and Hausbeck, K. (2005) Violence and Legalized Brothel Prostitution in Nevada: Examining Safety, Risk and Prostitution Policy *Journal of Interpersonal Violence* 20(3): 270-295.

Brents, B. and Sanders, T. (2010) Mainstreaming the Sex Industry: Economic Inclusion and Social Ambivalence *Journal of Law & Society* 37(1): 40-60.

Brents, B. and. Hausbeck, K. (2010) Sex Work Now: What the Blurring of Boundaries around the Sex Industry means for Sex Work, Research and Activism. In M. H. Ditmore, A. Levy, and A. Willman (eds) *Sex work now*. New York, Zed Books.

Brothels Taskforce (2001) *Report of the Brothels Taskforce*. Sydney, NSW Government.

Church, S., Henderson, M., Bernard, M. and Hart, G. (2001) Violence by clients towards female prostitutes in different work settings *British Medical Journal***,** 524-525.

City of Sydney (2006a) *Adult Entertainment and Sex Industry Premises Development Control Plan*. Sydney City of Sydney

City of Sydney (2006b) *Mystery Men: the client and street sex worker survey: Research Project Report* Sydney

City of Sydney (n.d.) *Safe City Factsheet Series Issue 7: Sex Service Premises Safer Design and Security*.

Cox, E. (2003) *UTS Students’ Research on Home Occupations Under Supervision of Eva Cox* Sydney, University of Technology Sydney.

Crofts, P. (2003) Ambiguities in approaches to brothels: disorderly houses of commercial premises? *Environmental Planning and Law Journal* 10**,** 445-458.

Crofts, P. (2007) Brothels and disorderly acts *Public space: the journal of law and social justice* 1 (2) 1-39.

Cusick, L., Kinnell, H., Brooks-Gordon, B. and Campbell, R. (2009) Estimating the size of the sex worker population in Britain Wild guesses and conflated meanings? *Critical Social Policy* 29 703-719.

Day, S. (1994) What counts as rape? Physical assault and broken contracts: contrasting views of rape amongst London sex workers. In Harvey and Gow (Eds.) *Sex and Violence: Issues in representation and experience* London, Routledge.

Decker, J. (1979) *Prostitution: Regulation and Control* Littleton, CO, Rotham.

Frances, R. and Gray, A. (2007) Unsatisfactory, discriminatory, unjust and inviting corruption: Feminists and the decriminalisation of street prostitution in New South Wales *Australian Feminist Studies* 22 (53): 307-324.

Godden, L. (2001) The bounding of vice: prostitution and planning law *Griffith Law Review* 10(1): 77-98.

Harcourt, C., Beek, I., V., Heslop, J., McMahon, M. and Donovan, B. (2001) The Health and Welfare Needs of Female and Transgender Street Based Sex Workers in New South Wales *Australian and New Zealand Journal of Public Health* 25**,** 84-89

Harcourt, C. and Donovan, B. (2005) The many faces of sex work *Sexually Transmitted Infections* 81:201-206.

Hearn, J. (2006) The Implications of information and communication technologies for sexualised violences: Contradictions of sexual citizenship *Political Geography* 25**,** 944-963.

Hubbard, P. (2004) Cleansing the metropolis: Sex work and the politics of zero tolerance. *Urban Studies* 41(9): 129-140.

Hubbard, P. (2011) *Cities and Sexualities* London, Routledge.

Hubbard, P. and Whowell, M. (2008) Revisiting the Red Light District: Still neglected, immoral and marginal? *Geoforum* 39(5):1743-1755.

Jeal, N. and Salisbury, C. (2007) Health needs and service use of parlour-based prostitutes compared with street-based prostitutes: a cross-sectional survey *BJOG an International Journal of Obstetrics and Gynaecology* 114: 875–881.

Kerkin, K. (2004) Discourse, representation and Urban Planning: how a critical approach to discourse helps reveal the spatial reordering of street sex work *Australian Geographer* 35 185-192.

Kinnell, H. (2008) *Violence and sex work in Britain* London, Willan.

Kurtz, S., Surratt, H., Kiley, M. and Inciardi, J. (2005) Barriers to Health and Social Services for Street-Based Sex Workers *Journal of Health Care for the Poor and Underserved* 16**,** 345-361.

Lowman, J. (2000) Violence and the outlaw status of (street) prostitution in Canada *Violence Against Women* 6**,** 987-1011.

Mathieu, L. (2011) Neighbors’ anxieties against prostitutes’ fears: ambivalence and repression in the policing of street prostitution in France *Emotion, Space and Society* 4 (2) 113-120.

Matthews, R. (2008) *Prostitution, Politics and Policy* London, Routledge-Cavendish.

NSW Department of Planning (2008) *Benefits of the LEP Template* Sydney, NSW Government.

O’Doherty, T. (2011) Victimization in Off-Street Sex Industry Work*Violence against Women* 17 , 944-963.

O’Neill, M., Campbell, R., Hubbard, P., Pitcher, J and Scoular, J. (2008) Living with the other: street sex work, contingent communities and degrees of tolerance *Crime, Media, Culture* 4(1): 73-93.

O’Neill, M. and Pitcher, J. (2010) Sex Work, Communities and Public Policy in the UK. In Ditmore, M, Levy, A. and Willman-Navarro, A. (Eds) *Sex Work Matters: beyond divides* New York: Zed Press.

Papayanis, M.A. (2000) Sex and the revanchist city: zoning out pornography in New York *Environment and Planning D: Society and Space* 18(3): 341-353.

Perkins, R. (1991) *Working girls: Prostitutes, their life and social control* Canberra, Australian Institute of Criminology

Perkins, R. (1994) *National Transgender HIV/AIDS Needs Assessment Project* Sydney School of Sociology, University of New South Wales

Perkins, R. and Lovejoy, F. (2007) *Call girls: Private sex workers in Australia* Crawley, WA, University of Western Australia Press.

Plumridge, L. and Gillian, A. (2001) A Segmented Sex Industry in New Zealand: Sexual and Personal Safety of Female Sex Workers *Australian and New Zealand Journal of Public Health* 25**,** 78-85.

Prior, J. (2008) Planning for sex in the city: urban governance, planning and the placement of sex industry premises in inner Sydney *Australian Geographer* 39(3): 339-352.

Prior, J. (2008) *Safety Incident Report* Sydney, Elton Consulting.

Prior, J., Boydell, S. and Hubbard, P. (2011) Nocturnal rights to the city: property, prioriety and sex premises *Urban Studies* 48 (available online early).

Raphael, J. and Shapiro, D.L. (2004) Violence in indoor and outdoor prostitution venues *Violence Against Women* 10 126–139.

Rhodes, T. (2009) Risk environments and drug harms: a social science for harm reduction approach *International Journal of Drug Policy* 20(3), 193-201.

Ross, M.W., Crisp, B.R., Månsson, S-A, Hawkes, S. (2011) Occupational health and safety among commercial sex workers. *Scandinavian Journal of Work and Environmental Health* – online first. doi:10.5271/sjweh.3184

Roxburgh, A., Degendardt, l., Larance, B. and Copeland, J. (2005) Mental Health, Drug Use, amd Risk among Female Street Based Sex workers in Greater Sydney *National Drug and Alcohol Research Centre (NDARC) Technical Report No. 237.* Sydney University of New South Wales.

Sanders, T. (2007) Protecting the health and safety of female sex workers: the responsibility of all *BJOG: an International Journal of Obstetrics and Gynaecology* 114 (6): 791-793

Sanders, T. (2009) Controlling the ‘anti sexual’ city: Sexual citizenship and the disciplining of female street sex workers *Criminology and Criminal Justice* 9(4): 507-525.

Sanders, T. and Campbell, R. (2007) Designing out violence, building in respect: violence, safety and sex work policy *British Journal of Sociology* 58:1–18.

Sanders, T., O'Neill, M. and Pitcher, J. (2009) *Prostitution: sex work, policy and politics* London, Sage.

Seib, C., Fischer, J. A. and Najman, J. M. (2009) The health of female sex workers form the three industry sectors in Queensland *Social Science & Medicine* *68* 3: 473-478

Shaver, F.M., Lewis, J. and Maticka-Tyndale, E. (2011) Rising to the Challenge: Addressing the Concerns of People Working in the Sex Industry *Canadian Review of Sociology/Revue Canadienne de Sociologie* 48: 47–65.

South Sydney Council (1999) *South Sydney Development Control Plan 1999 - Exempt and Complying Development* Sydney, South Sydney City Council.

Spanger, M. (2011) Human trafficking as a lever for feminist voices? Transformations of the Danish field of prostitution *Critical Social Policy* online early.

Sullivan, B. (2010) When (some) prostitution is legal: the impact of law reform on sex work in Australia *Journal of Law and Society* 37(1): 85-104.

Travis, G. (1986) *Soliciting in Darlinghurst: Female: transsexual, and male street prostitutes talk about their work* Sydney NSW Bureau of Crime Statistics and Research Department of the Attorney-General.

Whittaker, D. and Hart, G. (1996) Research note: Managing the risks: the social organisation of indoor sex work *Sociology of Health and Illness* 18**,** 399-414.

Woodward, C., Fischer, J., Najam, J., and Dunne, M. (2004) *Selling sex in Queensland*. Brisbane: Prostitution Licensing Authority.