

‘Strippers are workers’ — how union power is leading to real change

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In October 2020, United Sex Workers, the specialist adult entertainment branch of United Voices of the World trade union, held an online talk that discussed the misclassification of strippers as independent contractors without labour rights. The ‘Strippers Are Workers’ panel featured both legal experts and litigants and invited a diverse audience of lawyers, trade union activists, feminists and entertainers. This built on earlier workshops such as ‘Worker Status 101’ which focused solely on people working within the adult sector.

The panel included Sonia Nowak, a member of the USW Union and the successful claimant in *Nowak v Chandler Bars Group Ltd*, [UKET 3200538/2019] who described how she was initially encouraged to work as many shifts as possible in her first year but was told not to come back after she returned from a holiday. After contacting the union, caseworkers discovered a high level of workplace control and a commission structure which exploited their misclassification as self-employed contractors. The judgement decided that strippers fell into the legal category of ‘limb b worker’ as similarly defined in s.230 of the Employment Rights Act 1996, Regulations 2(1) of the Working Time Regulations 1998 and

s.146 of the Trade Union and Labour Relations (Consolidation) Act 1992. A thorough presentation on these technicalities was given by Katie Cruz, Senior Lecturer in Law at the University of Bristol and co-ordinating editor of the *Feminist Legal Studies* journal. As an expert in the legal framework around sex work, this was an opportunity to explain to dancers how employment law could be used to improve their working lives. This was particularly crucial as many stripclub managers discourage union activity and disseminate negative stories of how Nowak could penalise dancers’ earnings.

UVW legal lead Richard O’Keefe emphasised that the new classification should be viewed as beneficial and even empowering for women employed within the striptease industry. He also

explained how it could add weight to a number of live cases that UVW is currently fighting.

This success is even more remarkable as the trade union is still in its infancy. In 2018, following the success of the Women’s March through Soho, United Sex Workers was established in order to prioritise workers’ rights and welfare. By creating an organising space of collective power that was supported by the UVW and its wider membership, dancers were able to organise their own campaigns. Over the summer I interviewed sex worker rights activists for the Legally Feminist podcast, which looks at the gendered nature of the law. Stacey Clare, the co-founder of the East London Strippers Collective, noted that ‘whilst strippers are not the only precarious workers in the country, the women are expected to prop up the business model. It’s a massive relief to us to have a fully affiliated trade union with the clout to get behind campaigns, so in a very short space of time we have had a number of very significant wins.’

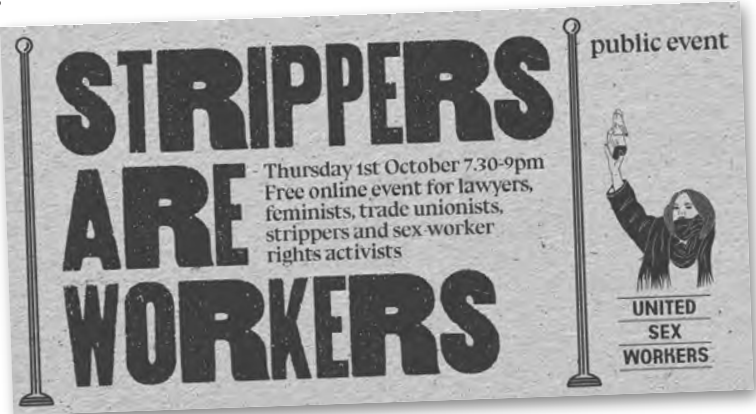
The union has been successful



With a membership made up of strippers and

in providing legal protection, and has launched several Employment Tribunal disputes, notably so in the precedent-setting *Nowak v Chandler Bars*. In *Nowak*, the respondent based their argument on that they were a conduit or client between the customer and the claimant. Judge Housego ridiculed this notion; ‘It is the club that is licensed, not the dancers. Without the people providing that ‘entertainment’ there is no business.’ Nowak is a development from the narrower view taken in the Court of Appeal case *Stringfellow’s Restaurant Ltd v Quashie* [2012] EWCA Civ 1735, where the court found that whilst there was a degree of mutuality of obligations between the parties, crucially it was not sufficient to constitute a contract of employment.

Like many other workers in the gig and hospitality industries, lapdancers suffer rampant labour rights abuses in



September

18: Parliament’s Public Accounts Committee of MPs report says Home Office officials have ‘no idea’ what its £400m annual spending on immigration enforcement achieves and that Priti Patel’s department had drawn up policies based on ‘anecdote, assumption and prejudice’.

18: Former justice secretary Chris ‘failing’ Grayling, who when transport secretary awarded a lucrative ferry contract to a firm that had no ferries, is given a £100,000 job advising the owner of some of the UK’s top ports.

21: Hackers leaked the personal data of 1,000 Belarusian police officers after street demonstrations against President Lukashenko were attacked by cops wearing masks, balaclavas or riot helmets, with hundreds detained. Some protestors have physically torn masks off officers.

23: The independent body that recommends legal reforms, the Law Commission, proposes sex and gender should be a ‘protected characteristic’ in hate crime laws, primarily to protect women. The consultation is open until 24th December.

26: Government’s consultation paper on a new national data strategy pledges to remove ‘legal barriers (real and perceived)’ to data use and international sharing. European Union officials express concern about the use of data by UK intelligences service and potential ‘onward flow’ to the US.



sex workers, the USW is also 'worker-led', with an elected rotating committee.

an industry that is rife with exploitative business practises. Dancers sign contracts but have no agency on arbitrary changes to extortionate commission structures or petty fines, blacklisting and sexual harassment by managers or bouncers. They are dissuaded from reporting malpractices by the real threat of losing their job or threatening the club license. The introduction of Sexual Entertainment Venue licenses through the Policing and Crime Act 2009 was not initially welcomed by the stripclub industry who objected to its categorisation within Part 2, nestled amongst sexual offences including paedophilia and prostitution. Tellingly, the increased powers of local authorities to regulate SEVs have seen a reduction in the number of venues nationwide from 350 to 150. Those operating must re-apply annually, facing pressure from SWERFs looking to shut them down. Furthermore, the

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licenses are enforced by local council officers who make spot checks which concentrate on the 'no-contact' rule but make few policy provisions for the welfare of the dancers beyond this.

Whilst the panellists at the 'Strippers Are Workers' event emphasised how beneficial collective organising within the community can be, during the Q&A discussion afterwards sex workers in the audience described how their efforts are increasingly stymied by a puritanical social media. The latest update from Instagram, which comes into force on 20th December 2020, has led to an outcry from sex workers, who argue that the new regulatory framework threatens to

jeopardise the income and safety of a community which is already heavily marginalised, stigmatised and suffering heavily from the effects of the Covid pandemic. Violations of 'objectionable content' are wide ranging, including emojis, slang and erotic art, or even the suggestion of solicitation for sexualised imagery. This is further compounded by the unscrupulous business practices of online gateways such as OnlyFans, who often withhold earnings and block accounts.

Online platforms have seen a surge as workers pivot after Covid closed physical venues, and the USW committee are planning future workshops on concerns around working from home and the difficulties around online promotion. Following a nationwide stripper survey in 2019, and a phonebanking session during the first UK Covid lockdown, the union committee have collected unique data which can be utilised proactively to leverage clubs and councils to improve the industry.

Initiatives such as these are being echoed around the world as new platforms open up in intersectional politics and marginalised worked combat stigma and conservatism in a struggle for the future. It is increasingly clear that there is an appetite to hear their voices and that the arena of sex work is organising to create lasting change on their own terms.

Billy Laser

Billy is an entertainer, activist and law student who co-produces the Legally Feminist podcast which you can find on Spotify. She is the elected legal rep for United Sex Workers. www.uvunion.org.uk/

Between April and July 2020, billionaires' fortunes rose to:

7.9 trillion pounds
(\$10.2 trillion)

An increase in their wealth by 27.5 per cent. A trillion is one million billions. There are 2,189 billionaires.

Amazon founder and chief executive Jeff Bezos's wealth rose by \$74bn this year to \$189bn.

£13k

Annual pre-tax earnings of some UK barristers on legal aid pay, according to the Bar Council.

'We have asked them to stop being floppy... when we arrest them and pick them up, they go all floppy, which is why you see four or five officers carrying them away. It's a complete waste of officers' time, and a complete pain in the neck.'



Sir Stephen House, Deputy commissioner of the Metropolitan police gets angry with Extinction Rebellion protesters.

'The problem [is it] looks to the general public like police are overreacting here.'