CONDITIONS, CONTROL AND CONSENT:

Exploring the impact of platformisation of sex work

About ESWA

European Sex Workers' Rights Alliance (ESWA) is a sex worker-led network proudly representing more than 100 organisations in 30 countries across Europe and Central Asia. Our aim is to ensure that all sex workers' voices are heard and that their human, health and labour rights are recognised and protected. With our actions and approach inspired by our membership community, we work to build a strong, vibrant and sustainable network that mobilises national, regional and international advocacy activity that moves us towards long-term, systemic change.

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Introduction

This paper is the third in a series of resources developed by the European Sex Workers' Rights Alliance (ESWA) as part of its [Digital Rights programme](#) that explores the intersecting issues of sex work and digital rights.

The widespread availability of information and communication technologies (ICTs) has transformed sex work in many ways. Today, sex workers in Europe (similar to many other parts of the world) have different tools to choose from when communicating with clients and advertising their services which result in different ways of working, each carrying benefits and potential threats to workers' health and safety (Cunningham et al., 2018; Sanders et al., 2016; Swords et al., 2021). The impact of new technologies on work practices and workers' rights are not limited to the sex industry. Similar transformations can be observed within other sectors, such as health, education, and agriculture, where workers traditionally enjoyed labour rights and privileges brought by long-term contractual employment relationships. Alongside the role that new technologies have played in changing ways of working in traditional industries, ICTs have also allowed another type of work to grow substantially in the last couple of decades: gig economy work.

The gig economy is a part of the service economy based on performing temporary or short-term tasks (Butler, 2021). It is often characterised by a lack of long-term contracts, benefits, financial stability and overall labour rights that most workers with traditional employment contracts can access (Gig Economy, 2022). Although gig work is nothing novel - individual contractors and freelancers (such as private tutors and house painters) existed prior to the internet, the advancement in new technologies and the widespread availability of the internet has resulted in a high-paced expansion of the gig economy through the use of digital platforms, especially after 2004. A platform can be defined broadly as "a set of digital frameworks for social and marketplace interactions" (Kenney & Zysman, 2016). Through digital platforms, many traditional sectors expanded the reach of their services, which led them to hire freelancers and individual contractors[1] for whom they did not need to pay benefits or social security contributions as opposed to

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[1] There can be various arrangements between platforms and workers. Not all platforms hire freelancers and contractors. For example some platforms enable certain types of work such as selling of content or goods to generate income.

hiring employees, thus enjoying low costs and higher profits. Such expansion in reach meant that many individuals, such as undocumented migrants who previously did not have access to many job markets, now had more choices to generate income. In addition, gig economy workers enjoy other benefits, such as more flexibility compared to traditional employment. However, the said benefits of the gig economy are not enjoyed by all workers, and there are stark differences in the experiences of workers that belong to different streams of the gig economy, such as sex workers and other individuals whose occupations are criminalised. Even though platform work that many sex workers practice today has been argued to improve working conditions of sex workers compared to traditional modes of working (for example, working in brothels or doing street-based sex work), today, sex workers' rights activists and academics are highlighting actual and potential harms on workers' health and safety (Hacking//Hustling, n.d.). Current developments towards regulating the gig economy in order to improve the working conditions of gig economy workers, such as the proposed directive to 'improve the working conditions of people working through digital labour platforms', missed an opportunity to include a group of workers most at risk of exploitation and bad working conditions: sex workers. (European Commission, 2021).

In light of such developments, this paper aims to examine the process and impact of platformisation of work on the working conditions of sex workers while pinpointing the close-knit relationship between the sex workers' rights movement and the gig economy. We argue that digital platform infrastructures have an enormous impact on how sex work is organised in the digital age as well as on the health and safety of workers. Therefore, adult sexual service platforms should be responsible for adopting policies that aim to improve the working conditions of sex workers, who are the main source of any platform's value and profit. We will also mention the most recent efforts by the European Union to regulate platform work in order to protect the rights of people who are involved in it and how the lack of recognition of sex work as a form of work excludes them from the proper labour protections that they need urgently.

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The evolution of online sex work and the impact of digital platforms on sex workers

2.1 Platformisation of (sex) work

A digital platform is a digital structure that allows users to interact with one another in multiple ways through the functions provided by the platform (Rossotto et al., 2018). Today, online platforms occupy an important place in the lives of millions of people. They are used for entertainment, to access information, communicate and connect with others. They are also used for providing and accessing many other services, from transportation to food delivery and sex work. The place platforms occupy in our lives has been increasingly cemented by another popular concept and buzzword of our time: digitalisation.

Digitalisation can be simply defined as using digital technologies to transform society's functions (Vrana & Singh, 2021). It is commonly argued that digitisation (converting and storing information into a format that computers can understand) has been ongoing since the advent of the first computers in the 1950s,

DIGITISATION

converting and storing information into a format that computers can understand

leading to the digitalisation we observe today (Kraus et al., 2021). Especially after the advent of the World Wide Web in the 1990s (Internet Society, 1997), the speed of digitalisation increased; more and more people gained access to the internet and enjoyed the first-ever webpages that focused primarily on providing content for consumption but failed for the most part in allowing communication and networking between users (known as Web 1.0) (Naik & Shivalingaiah, 2009). This business model was forced to undergo significant changes at the beginning of the 2000s. The new platform business
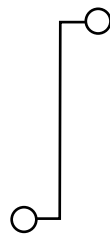
model became increasingly dependent on advertisement revenues, user-generated content, user interaction and networking, generating steady profit for the platforms (Web 2.0) (Choudhury, 2014).

Most digital platforms are multi-sided markets; they bring together distinct groups with certain needs willing to use the platform infrastructures to satisfy those needs (Ballon, 2014). For example, social media platforms bring together general users, advertisers and developers who access the platform without any initial payment. Similarly, adult sexual service platforms are online spaces where service providers (sex workers) and service purchasers (clients) find each other and act within the constraints of the regulations drawn by governments that regulate the internet and sex work as well as the platform design and policies (terms of conditions)[2].

Adult sexual service platforms are primarily used for advertising sexual services and facilitating interactions between consenting adults (Swords et al., 2021). The first platforms in the 1990s were static webpages that took the form of forums and online listings such as Craigslist, where users' interaction and ability to network were limited. This changed at the beginning of the 2000s when platforms with novel features were developed to create more engaging structures, and priority was given to encouraging engagement between workers and the clients on the platform. For example, sex workers could now upload visual content and use direct messaging services offered by the platform instead of static, text-heavy ads that depict the services they offered. By the end of 2010, sex workers' dependence on adult sexual service platforms substantially increased in many parts of the world, including Europe, due to the complete ban on sexual service advertisements in print media (Jones, 2015) as well as the widespread use and increased accessibility to the internet (Barrett-Ibarria, 2018). The improvements in smartphones and other mobile devices also meant that the internet quickly became the dominant way of advertising sex work.

Digitalisation and the resulting platformisation of sex work greatly shaped how sex work is organised today. Platformisation enabled new

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[2] Sex workers often have to negotiate multiple sets of terms and conditions within a single platform. For example, the terms and conditions of any third party technology that is used on the platform such as payment processing. As an additional layer, platforms often outsource their account security. For example, OnlyFans allows customers to sign up and login using their Twitter or Google credentials which brings questions regarding data sharing between several platforms and could lead to risks for sex workers (Swords et al., 2021).

ways of working, such as through camming (Stuart, 2016) and selling user-generated erotic content. For example, the growing number and reach of porn platforms meant that sex workers could now generate income by selling pornographic content. Later on, the invention of subscription-based platforms such as OnlyFans provided sex workers with more opportunities to earn income by selling erotic content online (Atkinson, 2022; Njeim, 2021). OnlyFans and other similar subscription platforms helped to mainstream digital-only sex work (Berkeley Political Review, 2021; Bernstein, 2019), and this mode of working was adopted by many due to its comparatively lower risk of encountering physical violence, including from the police, as opposed to internet-mediated in-person sex work, where sex work is advertised online to meet clients in person (Sabelis, 2021; Cunningham et al., 2018).

Today there are several ways of generating income thanks to the internet and digital platforms that enable sex workers to offer various erotic services. The important place digital platforms occupy was cemented by the COVID-19 pandemic (Azam et al., 2021), where in-person services posed significant health risks and were banned in most countries (ESWA, 2020; ESWA, 2021a). Undeniably, many sex workers significantly benefit from the existence of platforms. Much academic research demonstrates the benefits of engaging in sex work through platforms, which we will now turn to. However, we will also hone in on the worrying aspects of platform work and discuss how, in reality, the potential benefits of platform work are significantly reduced due to not consulting with sex workers in the innovation process as well as the criminalisation of sex work and the complete lack of legal protections.

2.2 The impact of platforms on sex workers and the sex industry: The good, the bad and the ugly

Many academics have researched the impact of platforms on sex work and sought to uncover how sex workers' safety, privacy and general well-being were impacted by this phenomenon (Sanders et al., 2016). Some of the earlier work on the impact of internet-mediated sex work argued that the internet made sex work safer, workers enjoyed increased levels of autonomy, earned better wages and could set and protect their boundaries more effectively (Pruitt, 2005; Bernstein, 2007). More recently, a participatory

action research (Cunningham et al., 2018) conducted in the U.K. amongst sex workers who work online confirmed the results of previous studies. In fact, according to the results of this study, which was based on an online survey filled out by 641 sex workers and in-depth interviews with 62 sex workers, 78.3% of sex workers who work online said that the internet had improved their working life. Participants of this study also argued that the internet decreased the dependence on third parties (89.4%), made it easier to access peer support and sex worker networks (80.7%), and it facilitated screening clients (85%), which is important to lower risks to sex workers' safety. More strikingly, 65.3% of the participants 'agreed' or 'strongly agreed' that 'they would not do sex work if it were not for the internet'. The percentage of workers who agreed with this statement was significantly higher (90.5%) amongst those who engaged in digital-only sex work (for example, web cammers). Even though the internet has undeniably provided sex workers with new modes of working and improved their working conditions in various ways, more recent research has also demonstrated how working through online platforms can simultaneously negatively impact workers' safety and well-being.

Sex workers are often placed within the gig economy as they share many commonalities with other workers, such as Uber drivers and couriers, in that through their design and policies, online platforms significantly impact their working conditions and the level of income they obtain. However, in contrast to the work of Uber drivers or Deliveroo workers, sex workers' labour is criminalised in most national contexts, and the work is heavily stigmatised globally (Butler, 2021). The lack of legal protections that recognise and safeguard the labour rights of sex workers against powerful corporations means that sex workers operate on platforms that claim no responsibility for the safety and well-being of the workers they profit from. We will now look at how the lack of consideration and exclusion of sex workers from platform decision-making processes negatively impacts workers.

GIG ECONOMY

Gig economy is often characterised by a lack of long-term contracts, benefits, financial stability and overall labour rights that most workers with traditional employment contracts can access.

2.2.1   Online and offline health and safety

Ensuring online and offline safety is a significant matter for all sex workers considering that they experience high levels of violence from people who pose as clients and the police (ESWA, 2017a; NSWP, 2001). The chance of being exposed to certain forms of violence varies according to the type of sex work and mode of working. For example, some research has shown that street-based sex workers experience much higher physical violence levels than those who work indoors (Sanders et al., 2016). On the other hand, the increasing number of sex workers choosing to work through online platforms means that more and more workers have to counter threats that are often associated with the internet, such as online harassment, stalking, doxxing, threats (Hamilton et al., 2022; Sanders et al., 2016), intimate image-based abuse (non-consensual sharing of images and videos), surveillance and other threats to privacy (ESWA, 2021b; Hacking//Hustling, n.d.). All these issues significantly impact the safety of sex workers online and offline, which are heavily influenced by the platforms' features and policies. The frequency of encountering such problems has increased, especially during the COVID-19 pandemic when traditional workplaces of sex workers were shut down due to pandemic restrictions, and many workers migrated to online work (digital-only or digitally mediated sex work) (ESWA, 2021a; Azam et al., 2021).

Many platforms operate in opaque conditions where workers do not have access to information regarding what type of data the platform collects and how their data is kept. In addition, the terms of services of most platforms are written in an inaccessible language, and most users ignore such texts. Even when users pay attention to the terms of service agreements, the actual rules that a platform imposes on the workers may differ from their written policy, resulting in certain types of workers being discriminated against based on their race and nationality. A critical example of this is the practice of collecting passport and ID copies by the platforms. On the majority of platforms, sex workers are required to submit their passport and ID copies as a way to prove that they are above the national legal age. While the need for age verification is less contested, the method of age verification that is based on the collection and storing of extremely sensitive data is often argued to be harmful to sex workers' safety due to the possibility of data leaks and the criminalisation and stigma of sex work (ESWA, 2021b). While the threats of being stalked, blackmailed and outed are real concerns for all sex workers, there are additional threats that racialised and migrant sex workers face in the case of loss of privacy, such as experiencing racism and

facing deportation. In addition, there are significant risks for sex workers who are mothers, such as losing the custody of their child. Privacy is one of the preconditions to safety for sex workers who use it as a barrier that helps them avoid stigma and criminalisation (Jiao et al., 2021). However, this protective barrier is constantly undermined by the platform policies that are developed and adopted without any consultation with the workers on the platforms.

Sex workers' safety is also impacted negatively in other ways due to most platforms' failure to evaluate the impact of platform design and features on workers' safety. For example, images and videos uploaded by workers on the platform can be easily captured by individuals who then use this material to blackmail workers. In most cases, there is very little chance of identifying these individuals, as most platforms do not require potential clients to register on the platform, as opposed to sex workers who are expected to provide an incriminating amount of sensitive data in order to register to use the site. In addition, while some platforms offer some safety features such as bad client lists or worker-only forums (where platform workers can communicate with one another to share experiences, safety tips and strategies), such features do not exist in most mainstream platforms, that do not want to invest in interventions that could improve the health and safety of the workers on the platforms.

Finally, sex workers on digital platforms are put in danger by the impact of the criminalisation of sex work that prevents platforms from adopting helpful safety features. For example, some safety features that are available on platforms based in countries where sex work is decriminalised, such as tips and information for people new to sex work, cannot be adopted by platforms that operate in other national contexts where sex work is a criminal activity. This is because providing such information on how to stay safe while selling sex can be treated as facilitating prostitution, which is a criminal offence and is punishable by law in many countries in Europe and Central Asia.

2.2.2 Ability to exercise agency and control over working conditions

One of the first benefits of platform work mentioned in many academic studies is its positive impact on sex workers' independence. Compared to more traditional working modes, such as working in a brothel or with a third-party involvement (e.g., managers), working online through self-managed

profiles on platforms seems to provide extensive flexibility. Sex workers report being able to decide when and where they work, which services they provide, which boundaries to negotiate and which clients to accept (Cunningham et al., 2018). In addition, some platforms allow brand/persona creation through platforms. For example, on Only Fans, workers can create Spotify playlists as part of their brand as a marketing tool. Nevertheless, as the importance of - and the dependence on - the internet and platforms grow, so does their power to influence the sex workers' ability to exercise agency (Aydinalp, 2022; OpenDemocracy, 2019).

Platforms play a significant role in facilitating sex work through the features and tools they provide, as well as the policies that govern these online spaces. For example, some platforms ban sex workers from advertising certain services that they or the law deem inappropriate, such as BDSM (bondage, discipline, sadism, masochism) practices. Mentioning some words and phrases is forbidden on many platforms, even when they are not used for advertising a service. For instance, OnlyFans' list of banned words is a particularly draconian example; the platform forbids the use of some keywords which would help workers to negotiate safety practices, such as 'consent', and even everyday words like 'meet' to prevent workers from arranging an in-person meeting through the platform, but seriously limiting their ability to express themselves (hoesomeslut, 2021; Quora, n.d). Despite the claims that platform work removes the involvement of third parties in sex work, thus increasing control over working practices and boundaries, the reality is that the agency of a worker is still heavily influenced by platform structure and rules, which arguably reflect, to a certain extent, the attitude of that platform towards sex work and sex workers.

Agency in this context is understood to mean having control over working conditions and practices, with the ability to voice concerns to create change in one's own situation. When we look at the relationship between platform owners/managers and sex workers, we often see a stark power imbalance where sex workers have limited to no control over their digital environment (Aydinalp, 2022). The platform owners take decisions that impact the working conditions of workers with no input from labourers, who often operate within hostile legal and social conditions and arguably need the additional protection that a digital platform could provide. The decisions taken by the platform impact sex workers; yet they are given no chance to give their input and influence decision-making processes. Adele Clarke, a sociologist and a feminist-technology scholar, coined the term 'implicated

actors' (Clarke, 2009), which can be used to understand the situation sex workers find themselves in when engaging with platforms. Implicated actors are those whose ability to influence their network and environment is limited or non-existing, even though the actions of those in power heavily impact them. In other words, implicated actors are not "actively involved in the actual negotiations of self-representation in the social world or arena, nor are their thoughts or opinions or identities explored or sought out by other actors through any openly empirical mode of inquiry (such as asking them questions)" (Clarke & Star, 2008). Sex workers' lack of control over their digital environment when working via digital platforms is seriously concerning, particularly because this can result in their total exclusion from their online workplaces with no possibility of redress (Barwulor et al., 2021). Sex workers are regularly kicked out from the platforms without any further explanation, and in most cases, they cannot demand that the platform be transparent about their decision. The power these platforms hold over their user base is so strong that some platforms do not offer any way for users to be able to contact them for any reason. This unchallenged power that digital platforms have means that platform management can seriously restrict a worker's ability to generate income (Hamilton et al., 2022). Even though being de-platformed has deeply concerning consequences for the workers, as implicated actors, they often have no power to challenge these decisions.

Understanding sex workers as implicated actors in the context of the platform-worker relationship is essential as it helps uncover online platforms' impact on sex workers' (in)ability to exercise agency. Sex work is regulated through online platforms' features and policies (as well as the features and policies of any third-party applications used by the platform); however, as has been explored above, this regulation is not made in a democratic manner (Verbeek, 2006), where workers are recognised as agents. Instead, their demands and needs are constantly ignored or dismissed. Online platforms can make important decisions without consultation with the workers on their platform because many online platforms enjoy a monopolistic power in their national market. The criminalised nature of sex work means that the potential legal risks to entering the market are high for competitors, creating a lack of competition. When coupled with the lack of appropriate labour rights for sex workers, protected by law, it gives platforms free rein to function without consultation and consideration for the workers' health, safety and wellbeing, which we should analyse next.

2.2.3 Financial security

How platforms are designed and regulated also significantly influences a worker's financial security. The level of financial security a sex worker has is an important determining factor in how safe said worker is while working. Being financially secure empowers sex workers to negotiate their boundaries, refuse clients they do not trust and take fewer risks (Choi & Holroyd, 2007). Conversely, poverty results in workers taking more risks, reducing their ability to set boundaries (Reeves et al., 2017). Although it is often argued that sex workers who work online are able to set their prices and keep their earnings to themselves, as opposed to working in a brothel where a third party (a manager) determines the service prices, and the venue takes a cut from the earnings of the worker, the reality is that online platforms also influence the prices set by sex workers for their services[3]. OnlyFans, for example, caps the maximum amount of payment a worker can receive for pay-for-view content (Vice, 2020), effectively deciding the maximum value of the service. In addition, most online platforms charge sex workers a standard monthly fee in addition to the extra fees that may occur if a worker wants to promote their services further on the platform. In the case of OnlyFans, the platform claims 20% of workers' earnings as service costs (The Verge, 2021).

The aforementioned mandatory passport/ID collection for age verification can exclude sex workers who do not want to share such sensitive information with platforms due to the risks this practice poses. Such practices force sex workers to choose between their safety and being able to generate income and financially excludes those who cannot afford to

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[3] In the context of sex work, third parties are defined as "those individuals involved in commercial sex transactions who are neither sex workers nor clients and includes a range of individuals, including but not limited to, managers, brothel keepers, receptionists, maids, drivers, landlords, hotels who rent rooms to sex workers, and website operators who run sites where sex work is advertised" (NSWP, 2017). Therefore, the same pimping laws that criminalise traditional managers are frequently used to shut down online platforms, costing sex workers their income. The reality is that the level of involvement of adult services platforms in facilitating sex work and their impact on the working conditions of workers vary greatly depending on the platform. While some platforms merely provide sex workers with a space to advertise their services with minimum facilitation, others develop more complex features and policies that resemble managerial functions. Even though the debate on whether online platforms can be defined as managers or not continues, for example, in the case of Uber (BBC News, 2021), the criminalisation of sex work (including third parties) and the laws that conflate sex work and trafficking (Blunt et al., 2020) are proved to be harmful due to their role in shutting down adult services platforms. This is why ESWA advocates for the full decriminalisation of sex work, including third-parties.

risk their privacy (ESWA, 2021b). Migrant and racialised sex workers are particularly impacted by the mandatory passport/ID collection. Either they do not have passports due to being undocumented, or they are too worried to send out passport copies in case this would negatively impact their migration process if there was a data leak (NL Times, 2019; Simon, 2017). Moreover, racialised sex workers often report to have faced different treatment than their white, Western European colleagues when it comes to the age and identity verification process itself. It is not uncommon for platforms to ask for additional documentation, such as work permits from racialised and migrant sex workers, even though, according to their terms of service, providing such information is not a pre-condition for accessing the platform (Aydinalp, 2022).

Another example of the impact of platform policies on sex workers' financial security is chargebacks (Jiao et al., 2021). A chargeback is when a client requests a refund after receiving the requested service. For example, in the case of OnlyFans and other similar platforms that are used to access pay-per-view content, a client (in this case, a 'fan' to use the language of OnlyFans online commerce) agrees to pay a certain amount in order to have access to content and once they 'consume' that media content, they ask for a refund (in some cases for content that was paid for six months ago) which leaves sex workers' finances extremely vulnerable to income fluctuations (Veljanovski, 2021).

Finally, receiving payments for sexual services is becoming increasingly complex in Europe. Countries such as Norway (Ingenico, 2022) and Sweden (Nast, 2020) have become increasingly cashless in day-to-day life. Digital transaction as a norm constitutes problems for sex workers who have traditionally received their payments in cash (Forbes, 2012). Furthermore, digital-only payments also restrict the ability to receive payments for those without a bank account, such as migrants who are often excluded from financial services, including banks, that do not want to accept sex workers as clients due to whorephobia, racism and suspicion of trafficking (NUM, 2021). Moreover, the increasing reliance on digital payment services means that the exclusion from such services is a much more severe problem as it results in sex workers being unable to receive any payments. For example, in recent years, sex workers have been experiencing exclusion from payment platforms such as PayPal that regularly freeze or cancel the accounts of sex workers (Clancy, 2020). In addition, Visa and MasterCard regularly refuse to work with platforms frequented by sex workers, an effort to de-platform

sex workers (ESWA, 2021c), which expectedly push sex workers into poverty and unsafe working conditions (American Civil Liberties Union, 2021; NSWP, 2015; VICE, 2022).

As we have argued so far, adult sexual service platforms impact how sex work is organised. Through their design, features and policies, digital platforms influence the level of agency, safety and financial security sex workers can obtain. Although platform work provides some benefits to sex workers, there are growing concerns stemming from platforms refusing to acknowledge their impact or accept responsibility for workers' health and safety. Considering the lack of attention to the workers' interest by the platforms, national and international laws and policies should be developed to regulate and limit platform power. However, it is absolutely essential that any regulation must be developed and adopted democratically while meaningfully engaging sex workers. Time and again, we observe the harms of non-inclusive policymaking on marginalised communities. The only way to identify and meet marginalised communities' needs is to empower them to empower them to be involved in decision-making processes.

Regulation of gig work (minus sex work) by the EU

Several policies aim to regulate the labour market in the European Union in addition to the laws and regulations of each member state. Labour rights are protected in documents such as the Charter of Fundamental Human Rights of the European Union, which states that every worker has the right to working conditions which respect their health, safety and dignity (Charter of Fundamental Rights of the European Union, 2012). Some of these policies were drafted and accepted when online platforms were not as dominant as today. The effects of digitalisation in the last couple of decades has drastically changed how labour markets function, as well as altering the needs of workers.

Through digital platforms, gig work has grown exponentially. The European Commission estimates that today around 28 million people work through digital platforms in the EU, which is expected to reach 43 million by 2025 (European Commission, 2021). Considering this rapid increase in the number of platform workers, the European Commission decided to develop a new directive that aims to improve the labour conditions of these workers (European Commission, 2021). The draft Directive on Improving Working Conditions in Platform Work has three overall objectives; first, 'to ensure that people working through platforms can obtain correct employment status and access appropriate labour and social protection rights', secondly 'to ensure fairness, transparency and accountability in algorithmic management in the platform work context' and finally, 'to enhance transparency, traceability and awareness of developments in platform work and improve enforcement of the applicable rules for all people working through platforms, including those operating across borders'. At the time of writing this report, the draft directive mainly focuses on the correct categorisation of labourers on digital platforms. In the case of an employee-employer relationship, the directive requires these labourers to access the appropriate labour rights that other employees enjoy.

Although the aims of this draft directive are admirable, in its current state, it adopts a very narrow focus on what it defines as platform work and digital platforms. For example, Article 21 of the directive explains that 'online

platforms which do not organise the work performed by individuals but merely provide the means by which service providers can reach the end-user, for instance by advertising offers or requests for services or aggregating and displaying available service providers in a specific area, without any further involvement, should not be considered a digital labour platform'. According to this definition of digital platforms, many platforms that sex workers use to advertise their services are not considered digital labour platforms. Therefore they are omitted in the draft directive and thus left unregulated. The assumption that advertising platforms do not organise the work performed by individuals is a false claim. As we have demonstrated in the previous section of this report, advertising platforms do have a significant impact on the health and safety of sex workers; they influence the working conditions as well as the price of a service offered by the worker. Furthermore, even though such platforms do not always algorithmically manage the work on their platform, this does not mean that workers do not need better transparency and accountability, considering the power and control they have over sex workers' lives. By defining what constitutes a digital labour platform in such a limited way, the Commission ignores the needs of hundreds of thousands of people involved in the sex industry and working via digital platforms under completely opaque conditions and without proper protection of their labour and human rights.

In its current state, the draft directive also fails to protect one of the most marginalised segments of the gig economy workers: undocumented migrants who have additional needs to stay safe while working on platforms (PICUM, n.d.), in most cases working through an account created and managed by third-parties, because of lack of documentation and work permit. Undocumented migrants, often involved in sex work, are among the most precarious workers operating on such platforms. Lack of protection, racism and criminalisation of migration creates a prime environment for individuals and corporations who wish to exploit them for profit and personal gain.

Sex workers are regularly excluded from the consideration of the European Commission also because sex work is not a competence of the European Union (the European Union cannot regulate sex work on behalf of the member states), and most regulations on sex work are made by member states. Furthermore, the different approaches and attitudes towards sex work amongst member states make it challenging to harmonise rules and regulations that can help protect sex workers. Sex workers need decriminalisation of sex work as it is widely recognised as the most important

first step towards granting sex workers appropriate labour rights to improve their health and safety (ESWA, 2017a; Kim & Alliance, 2015; World Health Organization, 2012) and protect them from exploitation in the sex industry, whether online or offline (ESWA, 2017b).

4 Conclusion

Sex work, similar to other service industries, is becoming ever more digitalised, which in turn results in the platformisation of sex work. Especially in the last ten years, platform work has enabled sex workers to develop new modes of working and helped them generate income, even during the difficult conditions that the COVID-19 pandemic imposed on them.

Despite the number of benefits of online platform work, such as improved agency, safety and financial stability, sex workers who work via the digital platform are also impacted negatively by the platforms' design, features and policies, which are developed and adopted without any consideration of sex workers' health, safety and wellbeing. Sex workers find themselves excluded from the decision-making processes and cannot influence their digital working environment - even though, in most cases, it is their labour that the very same platforms depend on to gain profit. Even though the platformisation of sex work was initially thought to eliminate the involvement of third parties in sex work, the relationship between the platform and the workers suggests that the reality is much more complex than this initial analysis. Platforms have an important role in facilitating sex work, and they do profit from the labour of sex workers. Thus they must recognise their impact and acknowledge their responsibility to protect the rights of sex workers.

Although platforms should have a corporate responsibility to protect workers' rights, this responsibility cannot be left entirely to the platform. Most sex work advertising platforms currently avoid accepting any responsibility for workers' health and safety, and the lack of adequate labour rights protections allows the platforms to ignore the needs and demands of sex workers. Therefore, sex workers urgently need to be legally recognised as workers and given the same labour rights to protect them from discrimination, criminalisation and exploitation. Even though there are attempts at regulating platform work in order to give gig economy workers more rights, sex workers are excluded from these efforts due to not being recognised as workers in the first place. In order to protect the most marginalised people and provide safety to all, sex work must be decriminalised.

5 Recommendations

For sex worker-led organisations

- Build and foster relationships with other gig economy workers and worker-led initiatives to build bridges between our communities that face similar obstacles and are impacted by platforms. Exploring common issues and exchanging ideas can lead to long-term advocacy and policy strategies that will benefit all workers in the long term.

For funders

- Sex worker-led organisations should be supported by funding in-depth explorations of issues such as digital exclusion and discrimination against sex workers.
- Funding must be made available for sex workers to pursue legal challenges against online platforms if they choose to do so.

For online platforms and digital services

- Invest in research and development of a safer method of age and consent verification in collaboration with sex workers and sex workers' rights organisations.
- Adopt practices of age verification that do not depend on storing sensitive data.
- Recognise that your profit and the existence of the platform are dependent on the labour of sex workers and find ways to give back to the community by financially supporting and engaging with sex worker-led organisations.
- Acknowledge the impact of platform design, features and policies on the safety, health and well-being of sex workers and accept your responsibility of keeping workers safe. Build features that centre the safety and privacy of workers.
- Democratise your platform. Meaningfully engage with sex workers on your platform regularly and establish a consultation process to understand workers' needs.

- Increase platform transparency by establishing a reporting mechanism that would inform the workers of the rules and decisions as well as how and why these decisions were taken.
- Improve redress mechanisms and enable workers to challenge platform decisions.
- Develop safety features for sex workers, such as worker-only forums, blacklists, and information pages. More safety features can be created by meaningfully consulting sex workers who use your platform.

For governments and policymakers

- Decriminalise sex work to protect sex workers from stigma and criminalisation and promote the labour rights of sex workers. Similar to other industries, it is only by granting labour rights to sex workers that exploitation and discrimination in the sex industry can be tackled.
- Recognise the importance of lived experience and knowledge that derives from experience. Sex workers and other marginalised communities must be meaningfully included in the policymaking and law-making processes.
- Regulatory safeguards must be created to prevent discrimination and exclusion of sex workers from online platforms and financial services.
- Regulation of adult sexual service platforms must be based on fundamental human rights principles and aim to empower the workers within the platform.
- Harmful laws such as FOSTA/SESTA and obscenity laws must be repealed.

Bibliography

American Civil Liberties Union. (2021)

How Mastercard's New Policy Violates Sex Workers' Rights Retrieved 22 December 2021, from https://www.aclu.org/news/lgbtq-rights/how-mastercards-new-policy-violates-sex-workers-rights/

Atkinson, T. (2022)

Sex-e-Work: An Exploration on the Rise of OnlyFans as a Space for Sexually Explicit Content [Master of Arts, Carleton University]. https://doi.org/10.22215/etd/2022-15243

Aydinalp, Y. (2022)

The Struggle for Power and Representation: The Impact of Digital Platform Structures on Sex Workers' Agency. https://www.academia.edu/86040368/Struggle_for_Power_and_Representation_The_Impact_of_Digital_Platform_Structures_on_Sex_Workers_Agency

Azam, A., Adriaenssens, S., & Hendrickx, J. (2021)

How Covid-19 affects prostitution markets in the Netherlands and Belgium: Dynamics and vulnerabilities under a lockdown. European Societies, 23(sup1), S478–S494. https://doi.org/10.1080/14616696.2020.1828978

Ballon, P. (2014)

Old and New Issues in Media Economics (SSRN Scholarly Paper No. 2423769). https://papers.ssrn.com/abstract=2423769

Barrett-Ibarria, S. (2018)

Sex Workers Pioneered the Early Internet—And It Screwed Them Over. Vice. https://www.vice.com/en/article/qvazy7/sex-workers-pioneered-the-early-internet

Barwulor, C., McDonald, A., Hargittai, E., & Redmiles, E. M. (2021)

"Disadvantaged in the American-dominated Internet": Sex, Work, and Technology. Proceedings of the 2021 CHI Conference on Human Factors in Computing Systems, 1–16. https://doi.org/10.1145/3411764.3445378

BBC News. (2021)

Uber drivers are workers not self-employed, Supreme Court rules. https://www.bbc.com/news/business-56123668

Berkeley Political Review. (2021)

Revolutionizing Sex Work? The Growth of OnlyFans Within a Hostile Working Environment – Retrieved 23 February 2023, from https://bpr.berkeley.edu/2021/01/18/evolutionizing-sex-work-the-growth-of-onlyfans-within-a-hostile-working-environment/

Bernstein, E. (2007)

Sex Work for the Middle Classes. Sexualities, 10, 473–488. https://doi.org/10.1177/1363460707080984

Bernstein, J. (2019)

How OnlyFans Changed Sex Work Forever. The New York Times. https://www.nytimes.com/2019/02/09/style/onlyfans-porn-stars.html

Blunt, D., & Wolf, A. (2020)

Erased: The impact of FOSTA-SESTA and the removal of Backpage on sex workers. Anti-Trafficking Review, 14, Article 14. https://doi.org/10.14197/atr.201220148

Brouwers, L., & Herrmann, T. (2020)

"We Have Advised Sex Workers to Simply Choose Other Options"—The Response of Adult Service Websites to COVID-19. Social Sciences, 9, 181. https://doi.org/10.3390/socsci9100181

Butler, Y. (2021)

Aligned: Sex Workers' Lessons for the Gig Economy. Michigan Journal of Race & Law, 26.2, 337. https://doi.org/10.36643/mjrl.26.2.aligned

Charter of Fundamental Rights of the European Union, 326 OJ C (2012) http://data.europa.eu/eli/treaty/char_2012/oj/eng

Choi, S. Y. P., & Holroyd, E. (2007)

The influence of power, poverty and agency in the negotiation of condom use for female sex workers in mainland China. Culture, Health & Sexuality, 9(5), 489–503. https://doi.org/10.1080/13691050701220446

Choudhury, N. (2014)

World Wide Web and Its Journey from Web 1.0 to Web 4.0. 5.

Clancy, M. (2020, July 9)

Paypal is Widening the Racial Wealth Gap with Discriminatory Practices Against Sex Workers. Knock LA. https://knock-la.com/paypal-sex-work-discrimination-ground-game-8eee88240ec4/

Clarke, A. (2009)
From grounded theory to situational analysis. What's new? Why? How?
(pp. 194–233)

Clarke, A., & Star, S. (2008)
The Social Worlds Framework: A Theory/Methods Package. In The Handbook of Science and Technology Studies (pp. 113–137).
https://doi.org/10.1002/9780470377994.ch6

Cole, S. (2022)
Sex Workers Detail the Financial Damages of Mastercard's Discrimination.
Vice. https://www.vice.com/en/article/88gvpk/sex-worker-mastercard-discrimination-survey

Cunningham, S., Sanders, T., Scoular, J., Campbell, R., Pitcher, J., Hill, K., Valentine-Chase, M., Melissa, C., Aydin, Y., & Hamer, R. (2018)
Behind the screen: Commercial sex, digital spaces and working online. Technology in Society, 53, 47–54.
https://doi.org/10.1016/j.techsoc.2017.11.004

ESWA. (2017a)
Understanding Sex Work As Work: A Brief Guide For Labour Rights Activists'.
Retrieved 1 March 2023, from https://www.eswalliance.org/understanding_sex_work_as_work_a_brief_guide_for_labour_rights_activists

ESWA. (2017b)
Understanding Sex Workers' Right to Health: Impact of Criminalisation and Violence. Retrieved 1 March 2023, from https://www.eswalliance.org/understanding_sex_understanding_sex_workers_right_to_health_impact_of_criminalisation_of_violenceworkers_right_to_health_impact_of_criminalisation_of_violence

ESWA (2020)
Sex Workers on the Frontline: The Role of the Sex Worker Rights Groups in Providing Support During the COVID-19 Pandemic. Retrieved 1 March 2023, from https://www.eswalliance.org/sex_workers_on_the_frontline_the_role_of_the_sex_worker_rights_groups_in_providing_support_during_the_covid19_pandemic

ESWA. (2021a)
The Impact of Online Censorship and Digital Discrimination on Sex Workers.
Retrieved 4 December 2022, from https://www.eswalliance.org/the_impact_of_online_censorship_and_digital_discrimination_on_sex_workers

ESWA. (2021b)

Contested and Misunderstood: The value of privacy and data protection for sex workers. Retrieved 4 December 2022, from https://www.eswalliance. org/contested_misunderstood_value_privacy_data_protection_sex_workers

ESWA. (2021c)

ICRSE (ESWA) Statement Regarding OnlyFans' Explicit Content Ban and the Exclusion of Sex Workers from Digital Platforms. Retrieved 6 March 2023, from https://www.eswalliance.org/icrse_statement_regarding_onlyfans_ explicit_content_ban_and_the_exclusion_of_sex_workers_from_digital_ platforms

European Commission. (2021)

Improving working conditions in platform work. [Text]. - European Commission. Retrieved 1 March 2023, from https://ec.europa.eu/commission/presscorner/ detail/en/ip_21_6605

Forbes. (2012)

Can Sex Workers Transition To A Cashless Economy?. Retrieved 23 February 2023, from https://www.forbes.com/sites/forbeswomanfiles/2012/06/14/ can-sex-workers-transition-to-a-cashless-economy/

Gig Economy. (2022)

Gig Economy: Definition, Factors Behind It, Critique & Gig Work. Investopedia. Retrieved 14 January 2023, from https://www.investopedia.com/terms/g/gig-economy.asp

Hacking//Hustling. (n.d.)

About. Retrieved 17 March 2023, from https://hackinghustling.org/

Hacking//Hustling. (n.d.)

Posting Into the Void: Studying the Impact of Shadowbanning on Sex Workers and Activists. Retrieved 17 March 2023, from https://hackinghustling.org/posting-into-the-void-content-moderation/

Hamilton, V., Barakat, H., & Redmiles, E. M. (2022)

Risk, Resilience and Reward: Impacts of Shifting to Digital Sex Work (arXiv:2203.12728). arXiv. http://arxiv.org/abs/2203.12728

hoesomeslut. (2021)

You cannot say these: List of OF forbidden words [Reddit Post]. R/ Onlyfansadvice. www.reddit.com/r/onlyfansadvice/comments/r6bohd/you_ cannot_say_these_list_of_of_forbidden_words/

Ingenico. (2022)

The Nordic countries are ready to say goodbye to cash. Retrieved 23 February 2023, from https://ingenico.com/en/newsroom/blogs/nordic-countries-ready-say-goodbye-cash

Internet Society. (1997)

A Brief History of the Internet. Retrieved 27 February 2023, from https://www.internetsociety.org/internet/history-internet/brief-history-internet/

Jiao, S., Bungay, V., & Jenkins, E. (2021)

Information and Communication Technologies in Commercial Sex Work: A Double-Edged Sword for Occupational Health and Safety. Social Sciences, 10, 23. https://doi.org/10.3390/socsci10010023

Jones, A. (2015)

Sex Work in a Digital Era: Sex Work in a Digital Era. Sociology Compass, 9(7), 558–570. https://doi.org/10.1111/soc4.12282

Kim, J., & Alliance, S. (2015)

Decriminalisation of sex work: The evidence is in. HIV Australia, 13(1), 39–42. https://doi.org/10.3316/informit.056722894925692

Kraus, S., Jones, P., Kailer, N., Weinmann, A., Chaparro-Banegas, N., & Roig-Tierno, N. (2021)
Digital Transformation: An Overview of the Current State of the Art of Research. SAGE Open, 11(3), 21582440211047576. https://doi.org/10.1177/21582440211047576

Naik, U., & Shivalingaiah, D. (2009)
Comparative Study of Web 1.0, Web 2.0 and Web 3.0. https://doi.org/10.13140/2.1.2287.2961

Nast, C. (2020)

Sweden's cashless society dream isn't all it's cracked up to be. Wired UK. Retrieved 23 February 2023, from https://www.wired.co.uk/article/sweden-cashless-society

Njeim. K. (2021)

OnlyFans: Revolutionizing the Online Sex Industry?. Digital Innovation and Transformation. Retrieved 1 March 2023, from https://d3.harvard.edu/platform-digit/submission/onlyfans-revolutionizing-the-online-sex-industry/

NL Times. (2019)

Dutch website hack reveals data of 250,000 sex workers' clients: Report |. Retrieved 4 March 2023, from https://nltimes.nl/2019/10/10/dutch-website-hack-reveals-data-250000-sex-workers-clients-report

NSWP. (2001)

Research for Sex Work 4: Violence, Repression and Other Health Threats. Retrieved 28 February 2023, from https://www.nswp.org/resource/nswp-publications/research-sex-work-4-violence-repression-and-other-health-threats

NSWP. (2015)

Visa and MasterCard Cut Sex Workers Off from Advertising Site. Retrieved 28 November 2022, from https://www.nswp.org/fr/node/9455

NSWP. (2017)

Policy Brief: The Decriminalisation of Third Parties. Retrieved 18 March 2023, from http://nswp.org/resource/nswp-policy-briefs/policy-brief-the-decriminalisation-third-parties

NUM. (2021)

Payment Rejected: Financial discrimination against sex workers in the UK – Retrieved 23 February 2023, from https://www.nationaluglymugs.org/2022/01/31/payment-rejected-financial-discrimination-against-sex-workers-in-the-uk/

OpenDemocracy. (2019)

From brothels to independence: The neoliberalisation of (sex) work. Retrieved 20 March 2022, from https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/from-brothels-to-independence-neoliberalisation-of-sex-work/

PICUM. (n.d.)

A Worker is a Worker • Retrieved 25 February 2023, from https://picum.org/aworkerisaworker/

PRUITT, M. V. (2005)

Online Boys: Male-for-male internet escorts. Sociological Focus, 38(3), 189–203.

Quora. (n.d.)

What are forbidden words on OnlyFans that will block your messages?. Retrieved 22 February 2023, from https://www.quora.com/What-are-forbidden-words-on-OnlyFans-that-will-block-your-messages

Reeves, A., Steele, S., Stuckler, D., McKee, M., Amato Gauci, A., & Semenza, J. C. (2017)
Gender violence, poverty and HIV infection risk among persons engaged in the sex industry: Cross-national analysis of the political economy of sex markets in 30 European and Central Asian countries. HIV Medicine, 18(10), 748. https://doi.org/10.1111/hiv.12520

Rossotto, C. M., Lal Das, P., Gasol Ramos, E., Clemente Miranda, E., Badran, M. F., Martinez Licetti, M., & Miralles Murciego, G. (2018)
Digital platforms: A literature review and policy implications for development. Competition and Regulation in Network Industries, 19(1–2), 93–109. https://doi.org/10.1177/1783591718809485

Sabelis, I. (2021)
Camming: Money, Power and Pleasure in the Sex Work Industry. By Angela Jones. New York: New York University Press, 2020. Pp. xxii+322. American Journal of Sociology, 126, 1285–1287. https://doi.org/10.1086/713141

Sanders, T., Connelly, L., & King, L. J. (2016)
On Our Own Terms: The Working Conditions of Internet-Based Sex Workers in the UK. Sociological Research Online, 21(4), 133–146. https://doi.org/10.5153/sro.4152

Simon, C. (2017)
The Eros Raid Means None of Us Are Safe. Tits and Sass. https://titsandsass.com/the-eros-raid-means-none-of-us-are-safe/

Stuart, R. (2016)
Webcamming: The sex work revolution that no one is willing to talk about. The Conversation. http://theconversation.com/webcamming-the-sex-work-revolution-that-no-one-is-willing-to-talk-about-69834

Swords, J., Laing, M., & Cook, I. R. (2021)
Platforms, sex work and their interconnectedness. Sexualities, 13634607211023012. https://doi.org/10.1177/13634607211023013

The Verge. (2021)
The payments mess that almost scared OnlyFans away from sex work – Retrieved 23 February 2023, from https://www.theverge.com/2021/8/27/22641095/onlyfans-sex-work-ban-online-porn-payment-processing-controversy

Veljanovski, L. (2021)

OnlyFans Creators Forced to Give Refunds to Scammers Who Stole Naked Images. Newsweek. https://www.newsweek.com/onlyfans-creators-forced-give-refunds-scammers-stole-naked-images-1609127
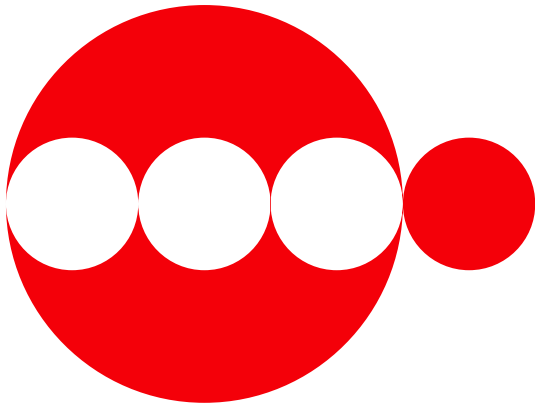
Verbeek, P.-P. (2006)

Materializing Morality: Design Ethics and Technological Mediation. Science, Technology, & Human Values, 31(3,), 361–380.

Vrana, J., & Singh, R. (2021)

Digitization, Digitalization, and Digital Transformation. https://doi.org/10.1007/978-3-030-48200-8_39-1

World Health Organization. (2012)

Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low- and middle-income countries: Recommendations for a public health approach.. https://apps.who.int/iris/handle/10665/77745

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alliance