

## Organising Beyond the Employment Relationship: Scaling Up and Institutional Power in Own-Account Unions

Work, Employment and Society

1–21

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DOI: 10.1177/09500170251410861

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### Abstract

Sex workers lack structural power; they cannot withdraw their labour to stop production and most do not have a single employer with whom to collectively bargain. The absence of 'wage-effort bargaining' has led to conclusions that these workers cannot form successful unions. Yet own-account informal workers in the Global South have routinely organised outside employment relationships and wage-effort bargaining. Organisational forms amongst such workers are generally characterised as spontaneous and non-traditional, with demands focused on social welfare at the municipal scale. Drawing on 32 interviews in Guatemala and Colombia, we demonstrate that sex workers have established formal unions and accessed 'institutional power', including re-scaling contestation from the municipal scale to the nation state. We theorise formal union recognition as an enduring vital strategy, with direct material implications for the conditions of work inside the workplace.

### Keywords

employment relationship, informal work, institutional power, sex work, trade unions

### Introduction

Independent sex workers directly selling sex to clients lack structural power; they cannot withdraw their labour and stop production, and most do not have a single employer with whom to collectively bargain. The absence of an employment relationship has frequently confounded orthodox sociology of work scholars trying to understand how

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such workers might organise. Yet–informal and own account workers in the Global South – whose conditions are reflective of the majority of the world’s workers – have routinely organised outside employment relationships and wage-effort bargaining. As such, this reality of work does therefore ‘not warrant the privileging of wage labour as an analytical category’ (Prins, 2021: 188). Where authors have considered non-formal waged workers, they have tended to emphasise the spontaneous, alternative, or non-traditional forms of their mobilisation and emphasised the salience of the municipal scale and their emphasis on reproductive demands. Similarly, most authors considering sex worker organisation have similarly focused on non-union collectivisation (Crago and Clamen, 2013; Gall, 2016; Koné, 2016; Kotiswaran, 2011; Sultana, 2015; Sukthankar, 2012; Vijayakumar, 2018; Vijayakumar et al., 2015) and have shown the barriers to include criminalisation, the temporariness of sex work and ‘entrepreneurialism’ (Barbagallo and Cruz, 2022) and disidentification with the occupation, with some concluding that these workers simply cannot form successful unions due to the absence of a wage-effort bargain (Gall, 2006, 2016).

We argue that sex work is an apposite lens for the de-centring of the wage as the site from which to develop our theorisations of labour organisation (see also Monteith et al., 2021). Drawing on 32 semi-structured interviews undertaken in Guatemala and Colombia as part of a broader project on sex worker organising in Latin America and the Caribbean, we demonstrate that sex workers in fact can and do establish formal unions and access ‘institutional power’ (Brookes, 2013). We argue that such formalisation fundamentally differs from the adoption of other forms of sex worker organisation, because state recognised trade unions enable a *re-scaling of contestation* from the municipal scale (where demands focus on social welfare in the reproductive sphere) to the scale of the nation state (where demands focus on labour rights within the workplace itself).

In what follows, we first outline existing theorisations of organisational forms and practices amongst both own-account informal economy workers in general and sex workers in particular, to argue that emphasis in existing research has been placed on the municipal scale and non-union organisational forms for these workers. Second, we discuss the methodological approach used for the project. Finally, we present our original data, highlighting key findings. The conclusion outlines the broader implications for sex worker organising and other workers, demonstrating that the union form has enduring significance for non-traditional labour actors, and that ‘scaling up’ enables national frameworks to become the site for asserting labour rights as the state remains the key actor enforcing labour protections.

## Literature review

### *Sex worker unions/collectivisation*

As sex workers organise themselves all over the world (Crago and Clamen, 2013; Kempadoo and Doezema, 1998; Vijayakumar, 2020) sex worker collectivisation has gained growing visibility in academic literature (Gall, 2006; Hardy, 2010). Within this research, however, few authors have focused explicitly on unionisation (Hardy, 2010; Vijayakumar et al., 2015). The few existing studies that have explicitly considered sex

worker *unions* have focused mainly on the Global North (Barbagallo and Cruz, 2022; Clamen et al., 2013; Cruz and Hermann 2024; Gall, 2006; Lopes, 2006). Amongst these, some authors (Barbagallo and Cruz, 2022: 354) have asserted the importance of recognition as workers as a precursor to unionisation, in part because it offers ‘protection against detriment for joining and participating’ in those unions and as a basic requirement for union recognition. One assertion within this literature has been that sex workers cannot form successful unions due to the absence of a wage-effort bargain and are therefore unions in name only (Gall, 2006, 2016). As part of this, Gall (2010: 289) makes a distinction between sex worker ‘labour unions’ and ‘pressure groups’, suggesting that due to their weakness, many sex worker trade unions have instead acted ‘as pressure groups concerned with work issues in a way in which other pressure groups operate on non-work issues’ and operating without a large membership base. Yet, collective bargaining is only one of three classic methods of unionism, alongside mutual insurance and legal enactment (Webb and Webb, 1897) and ‘in practice, unions tend to use a mix of these methods’ (Joyce et al., 2023: 6; Cruz and Hermann 2024). Indeed, while collective bargaining did become the *sine qua non* of unionism in the 20th century in the Global North, this cannot be simply abstracted out ahistorically to other contexts and times. Indeed, some scholars have now argued that for some contemporary non-standard workers – such as platform workers – the prioritisation of institutionalised collective bargaining has restricted unions’ capacity to organise workers (Joyce et al., 2023: 6).

Admittedly, many sex worker organisations are nominally unions, which have not (yet) received formal state recognition as trade unions and Gall is correct that the term ‘union’ is occasionally used to refer instead to what might be more accurately labelled a collective. In the case of the Karnataka Sex Workers Union (KSWU) in India, for example, while the organisation helps sex workers claim a worker identity and use membership cards to negotiate with police, KSWU’s application to the Trade Union Register was rejected (Vijayakumar et al., 2015). Implicit in many attempts to distinguish between unions and worker collectives, however, is a fetishisation of trade unions as the ‘par excellence form of workers’ organisation’ (Atzeni, 2021: 1349). Indeed, some have argued that unionisation is ‘an advance on other forms of sex worker collective organisation’ (Gall, 2016: 3). In what follows, we define a sex worker union as an organisation that has received state recognition and intervenes in job regulation (albeit not always directly vis-a-vis employers). Based on this definition, we argue below that sex workers have indeed been able to organise within unions and to intervene in collective job regulation.

### *Informal and own-account worker organising*

Informal work has long been the predominant form of labour in the majority world (Eaton et al., 2017; Monteith et al., 2021) and by some accounts is becoming increasingly common in the Global North (Bieler and Nowak, 2022). Yet as ‘the term informal labour exists as a negative definition of everything that does not fit into established industrial relations perspectives’ (Bieler and Nowak, 2022: 2), it has tended to be largely sidelined in Eurocentric approaches to the sociology of work (for a notable exception, see Bieler and Nowak, 2022). Such a ‘negative definition’ includes both the

'self-employed in unregistered enterprises or as wage workers in unprotected jobs' (Devenish and Skinner, 2004: 2), but vitally also includes an important subset of 'own-account' workers. Own-account workers are self-employed and operate without either employers or employees. Own-account workers might include any lone person working independently; informal own-account workers might include, for example, market traders, waste pickers and petty traders, among others. As independent informal workers, their self-employed status places them in a complex position in terms of accessing rights or the possibility of collective organising within industrial relations systems presaged by formal working status and official recognition by the state. As informal own-account workers, independent street sex workers therefore not only diverge from the 'norm' of standard employment in terms of the lack of formal recognition of their work, but also the absence of an employment relationship.

If own-account informal workers have been marginalised in general, analysis of informal own-account workers' collectivisation has been neglected more still. Earlier studies of labour struggles tended to assume that informal own-account workers were too vulnerable and difficult to organise, and that the lack of a formal labour contract with a single employer made labour organising impossible (Bonner and Spooner, 2011). Challenges to self-organisation include a lack of official recognition, inability to draw on the state for protection and violence and repression by police (Eaton et al., 2017).

Attention to informal organising has tended to focus on the intersubjective and cultural processes which lead to collectivisation, the activation of worker identity (Hardy and Cruz, 2018) and on the divergences from orthodox organising practices. Informal workers indeed engage with differing forms of unionism and labour movement, including incorporation into existing traditional unions, drawing on existing unions to form new organisations or unions, and frequently some combination of the two (Eaton et al., 2017; Pero and Downey, 2022). It is often argued, however, that informal workers' demands are focused on meeting their immediate reproductive needs for housing, health-care, and education (Agarwala, 2008; Gillespie and Hardy, 2021). For example, informal workers in India have tended to focus on demanding education and malaria control measures, rather than higher wages (Agarwala, 2008). For own-account workers, the absence of an employer and employment relationship means that these demands are directed towards the state, usually at the municipal or local level (Agarwala, 2008; Appadurai, 2002; Heller and Evans, 2010; Unni, 2023). As Unni (2023: 474) explains, 'the city or neighbourhoods in cities are the ground to mobilise the dispersed, unprotected workforce, rather than the shop floor'.

One conceptual framework that has been mobilised for understanding the most 'novel' forms of organising amongst informal workers has been that of power resources (Benassi and Vlandas, 2016; Schmalz et al., 2018). In this paper, we use the conceptual framework of 'structural power', 'institutional power', and 'coalitional power' (Brookes, 2013, 2019; Silver, 2003; Wright, 2000), as it is generative for understanding how non-standard workers organise and which alternative sources of power they can access. What Brookes (2013) calls 'institutional power' refers to workers' ability to access protective laws, regulations, and procedures, including access to formal channels for addressing workplace grievances. Brookes (2013: 188) argues that institutional power 'derives most often from national or subnational political and economic institutions', but

she also suggests that both structural and institutional power depend on workers' direct relationship with employers. Brookes acknowledges that 'globally. . .the majority of workers have neither the structural capacity to disrupt economic processes nor the institutional capacity to invoke protective laws and rules' (2013: 191). Finally, Brookes describes 'coalitional power' as the capacity of workers to draw on social connections beyond the employment relationship, including with community organisations, consumers, journalists, and other interest groups, including transnationally (see also Piven and Cloward, 2000).

In sum, in the course of the valuable theoretical attempts to dislodge wage labour as a central analytical category, formal trade union formations have been somewhat displaced as irrelevant to informal own-account workers, placing a focus instead on more 'novel' and less recognised organisational forms. We argue instead that formal trade unions remain an enduringly important organisational form, even outside waged labour and among workers who form part of what has been called the 'patchwork economy of make-shifts' (Da Silva and Blanchette, 2017). To evidence this, in what follows, we explore the ways that sex workers unionised in Colombia and Guatemala, despite being own-account workers who cannot bargain with an employer.

## Background

Latin America is marked by high levels of informal employment. Informal workers make up almost three-quarters of the workforce in Guatemala (79.7%) and over half in Colombia (55.9%) (Statista, 2023). It is almost impossible to estimate how many of these informal workers operate outside an employment relationship, due to the problems in enumerating work that is not officially recognised. Sex workers represent one of the most marginalised groups of workers within this part of the labour force. Four sex worker unions have gained recognition in Latin America: in Colombia, Guatemala, Nicaragua, and Peru (Hardy and Rivers-Moore, 2018). In Colombia, sex workers made the shift from a civil society organisation to a labour union in 2015, becoming the *Sindicato de Trabajadoras Sexuales de Colombia* (Sex Workers' Union of Colombia, or Sintrasexco). In Guatemala the *Sindicato de Trabajadoras Sexuales Autónomas de Guatemala* (Union of Autonomous Sex Workers of Guatemala, Sintrasexgua) was recognised by the Ministry of Labour in 2016.

These unions are constituent members of RedTraSex, the regional network of sex worker organisation. RedTraSex functions as an umbrella network, bringing together largely cisgender women sex workers across 15 countries at the national scale. While the network is open to and includes workers in all sectors of the industry, the majority are street-based or indoor workers in small local businesses, rather than those who work with tourists, as escorts, or online. RedTraSex addresses a variety of themes, including labour conditions (RedTraSex, 2016b), institutional violence (RedTraSex, 2016a, 2018), the role that sex work plays in the region's economies (RedTraSex, 2020) and the impact of COVID-19 on sex workers (Alpizar Lobo et al., 2023). RedTraSex has also worked closely with UNAIDS, The Inter-American Commission on Human Rights, The Pan-American Health Organisation, the Organisation of American States, the Economic

Commission for Latin America and the Caribbean, and Latin American feminist movements, amongst others (Reynaga, Executive Director RedTraSex, interview).

Guatemala and Colombia are marked by a long history of anti-union repression. In the Guatemalan case, this is in large part due to state repression of the labour movement during the authoritarian dictatorship (Levenson-Estrada, 1994). In Colombia, decades of repression by co-operating forces of corporate interests, right wing governments, and paramilitary death squads have placed trade union movements under severe threat. Violence against trade unionists is extreme and regularly documented (Amnesty International, 2023; European Center for Constitutional and Human Rights, 2012; ITUC, 2023). Between 2008 and 2012, Guatemala and Colombia tied for having the highest number of murdered trade unionists (Delpech, 2015). In 2023, Colombia was listed as the deadliest country for trade unionists and Guatemala one of the ten worst countries in the world for working people, due to the increase in threats, physical attacks, and homicides against trade unionists (ITUC, 2023). The most recent available data from the ILO (2019) puts the unionisation rate of workers in Colombia at just 4.7% and 3.1% in Guatemala, most of whom are located in the formal sector. It remains institutionally difficult to gain formal union recognition in Guatemala. In 2019, only 19 of 59 applications to register unions were approved by the Labour Ministry due to onerous bureaucratic processes (ITUC, 2023). Sex workers, like members of the labour movements, often face significant levels of violence because of the stigmatised (and sometimes criminalised) nature of their work, impacting the possibility of successful labour organising (RedTraSex, 2016b, 2018). This reality of institutional resistance and high rates of violence highlights the complex and difficult context in which sex workers have unionised.

## **Methodology**

Sex workers have repeatedly criticised researchers, calling on them to involve sex workers in the research process, to generate and provide information useful to their lives, and to engage with participants as subjects and agents (Agustín, 2002; Pyett, 1998). We are committed to doing research with sex workers at the centre of knowledge production about their lives (see also Benson and Nagar, 2006; Gillespie et al. 2021; Gillespie and Hardy, 2021; Pratt, 2004; Stardust 2020). As such, the research design in this project responded to the call by many sex workers for ethical methods, driven by an agenda to produce ‘useful’ knowledge and a use of approaches which recognise their voices and experiences as legitimate and includes them as partners in research (Jeffreys, 2010).

We have been working with RedTraSex and its component members for approximately two decades each and have long standing and ongoing relationships with activists in the region. Responding to debates within the movement about sex worker organising and organisational formations, particularly in terms of unionisation efforts in the Global South, we identified a gap in the existing academic research. With these issues in mind, we engaged with RedTraSex to explore the utility of research in this area. RedTraSex expressed an interest in collaboration in order to generate data that could assist with their organising and after multiple online meetings, we developed a research proposal to interrogate the role of unions in sex worker organising in Latin America. Driven by this collaborative agenda, we took the responsibility for seeking funding to support the project,

which was funded by a SSHRC Insight Development Grant and a Carleton University Covid-19 Rapid Response Research Grant.

We worked directly with sex worker activists to develop and fine tune research questions relating to their experiences of organising in the region. In the case of this article, we focus on the core research questions: 1) what is the relationship between the recognition of sex work and unionisation? 2) what difference does it make when sex workers organise in a formally recognised union rather than a workers' collective? There were four possible options for case studies: Guatemala, Colombia, Nicaragua, and Peru. RedTraSex asked us to focus on the unions that were established first, those in Guatemala and Colombia, as their longer histories would give us more to draw on and allow for more robust conclusions. Furthermore, the political situation in Nicaragua made undertaking research with sex workers unsafe both for them and for us. Moreover, a comparison of Guatemala and Colombia enables an interrogation of differences despite similarities in terms of the type of sex worker organisation, the historic and contemporary strength of the labour movement, and the wider political context, particularly concerning violence.

Sex workers themselves have provided guiding ethical research principles including asserting the specific interests of sex workers vis-a-vis bureaucratic ethical approval processes and resisting the 'whore stigma' which frequently frames and shapes review processes on research with sex workers (Dewey and Zheng, 2013; Ferris et al., 2021; Huysamen and Sanders, 2021). University research ethics boards tend to assert that sex workers are always by definition vulnerable subjects who require special protections and higher levels of intervention. For this project, our application to the Carleton University Research Ethics Board was returned because of concerns that 'you state that pseudonyms will be used unless the participant wants their real name used. As a rule, it protects the anonymous participants if all participants are anonymous.' We responded that some of the sex workers we were interviewing were internationally known activists, who were quite insistent that they appear in our work using their own names. Forcing activists to use pseudonyms, we argued, reinforces stigma around sex work as shameful and sex workers as always marginalised and vulnerable. Part of our commitment to working with sex work in collaboration and solidarity means ensuring that their political values and activist practices take priority over bureaucratic requirements that often function primarily to protect academic institutions. We received clearance from the Research Ethics Board, and the publications based on this research, including this one, include the real names of anyone who requested that we do not use pseudonyms. We use pseudonyms for everyone else quoted here. Fieldwork involved three visits, one each to Guatemala, Colombia, and Argentina (where RedTraSex was located), where we carried out a total of 32 semi-structured interviews and participated in the day-to-day activities of union activists. The interviews probed the issues identified through collaboration with RedTraSex, focusing on the history, goals, strategies, and challenges of each organisation. Using snowball sampling and under the advice of RedTraSex, in Guatemala City, we interviewed union leaders, rank and file members, street sex workers, and key allies, including legal advisors, supporters in other unions, and staff at the Ministry of Labour. In Bogotá, we interviewed union leaders, rank and file members, supporters in other unions, academics, and NGO staff. Later, we interviewed leaders from Colombia's newly

emerging sex worker union online. In Buenos Aires, we interviewed members of the core RedTraSex team, as well as social movement and union allies. Interviews took place mostly in person and a few online. All were in Spanish and were audio-recorded, then transcribed by a native Spanish speaking research assistant. The transcripts were uploaded to NVivo qualitative data analysis software. The first stage of building a coding framework was for the researchers to inductively engage with the raw data, to identify initial themes, with the aim of centring the perspectives of the participants themselves. Next, we developed higher level codes, and then the research assistant undertook line-by-line coding of the data, resulting in three levels of coding informed by the research questions and themes that emerged during fieldwork.

A core principle was also ethical dissemination: returning data and findings to our participants. We met regularly with members of RedTraSex to update and present our preliminary findings. We published a report on unionisation after incorporating RedTraSex feedback that was followed by an online presentation. In 2022, after several rounds of discussions and edits, we published a report in English, Spanish, and Portuguese and hosted online events in Spanish and English to launch and discuss the findings. In sum, the fieldwork upon which this article is based forms part of a long-term working relationship of research collaborations and allyship that dates back almost two decades.

## **From crafts and sewing machines to political organising**

In both Colombia and Guatemala, activists' narratives traced a trajectory from welfarist organisational models and practices to those focused on political organisation revolving around labour identities and workplace issues. The first programme for sex workers in Guatemala was 'La Sala', a project funded and coordinated by the Dutch non-governmental organisation 'Hivos' and directed by technical staff of a local organisation (Asociación de Salud Integral). La Sala offered a space for sex workers to meet, receive workshops on topics like HIV prevention, and collect condoms. Similarly in Colombia, sex workers had the typical experience of being seen as victims in need of charity. Fidelia Suárez (General Secretary of ASMUBULI, Colombia) described the approach taken by many outreach organisations:

The nuns have a lot of resources, and do you know what they want to give us? Knitting courses! And sewing machines. I don't want to do it. It took me a year of trying to do one stitch for a bag and I couldn't do it! I was not born to do that.

La Sala offered an important opportunity for sex workers to connect with one another, leading to the creation of sex worker led La Organización de Mujeres en Superación (OMES, the Organisation of Women Overcoming). In 2002, OMES replaced La Sala and new leadership began a gradual process of moving away from service provision towards political lobbying and activism, focused on demands for rights and recognition. Samantha Carrillo (General Secretary of OMES) was – like Suárez – critical of welfarist models which sought to find alternative employment for sex workers, instead emphasising the importance of political education as the basis of collective organisation:

We stopped operating as a welfare organisation and became a political organisation. . . Some people were upset about the change, but we didn't want to try to rescue anyone. We said, how about instead of making crafts, instead of learning to bake pastries, we read books together?

The emergence of La Asociación de Mujeres Buscando Libertad (ASMUBULI, The Association of Women Seeking Freedom) differed somewhat from this. By 2008, Suárez was already an 'organic leader' in Colombia. Known as the 'lawyer of the poor' in her neighbourhood of Ipiales, sex workers frequently came to her for help with their problems. During this time, an academic from the University of Nariño invited Suárez to join her at a series of RedTraSex workshops in Ecuador. Although her father was a member of the *Movimiento Obrero Independiente Revolucionario* (MOIR, Independent Revolutionary Workers' Movement), Suárez herself had little experience as an activist. However, Suárez was inspired by the meeting with RedTraSex, learning about the struggle for rights amongst sex workers across the continent. When she returned home, she got to work, explaining that 'we started talking to the women in Ipiales. After two weeks, we had 20 join us.' The initial approach was individualised, focusing on how to help sex workers with their personal concerns, but when ASMUBULI was founded, its principal objective was to collectively defend the rights of sex workers, and to work toward the regulation of autonomous sex work. After this, Suárez says 'we started to have meetings and I started going to the mayor's office, to the chamber of commerce. Even the police started seeing me as an enemy.'

## **Unionisation as a path to the recognition of sex work**

The recognition of sex work as work was foundational to the political objectives of both organisations. Following the pivot towards more politicised and collective forms of organisation, both OMES and ASMUBULI began to consider registration as formal trade unions. The role of other organised labour proved vital in ensuring the shift to official trade union status. OMES began to organise with labour organisations and unions in other sectors in Guatemala, including participating in a series of workshops and meetings with the Association of Domestic, Home, and Maquila Workers (ATRAHDOM), an umbrella organisation that has successfully registered unions. This training provided legal knowledge, culminating in the leaders of OMES writing the required statutes to form a union of sex workers.

Likewise, in Colombia, Suárez and other ASMUBULI activists approached the *Confederación de Trabajadores de Colombia* (CTC) who bring together tens of thousands of workers in various unions and regional federations under a single national umbrella. The CTC had already opened a department dedicated to organising informal workers and were moved by the sex workers' stories:

We were already working on a proposal to support vulnerable populations, to support informal workers, and so we said why not? Why not work on this? Fidelia and her compañeras told us about the problems sex workers were facing, issues with the police, social security. . . Obviously this touched us. (Nohora Tovar, Executive Director, CTC)

In November 2015, with the guidance and support of the CTC, Colombia's union of sex workers, Sintrasexco was registered with the Ministry of Labour, with 28 members. A year later, in 2016, the paperwork for the Sindicato de Trabajadoras Sexuales Autónomas de Guatemala (Union of Autonomous Sex Workers of Guatemala, Sintrasexgua) was filed at and accepted by the Ministry of Labour. Coalitional power, in both cases, was key to establishing formal trade union recognition, specifically the support of RedTraSex as well as local labour organisations.

As Victor Hugo, a lawyer working with Legal Network and Observatory of Human Rights, HIV, and High Risk Populations in Guatemala, explained: 'For the first time, in a legal document, with ministerial agreement, we have the term "sex worker". It's a huge advance. Beyond the juridical effects, conceptually speaking it's a huge advance.' Maritza Velazquez (ATRAHDOM organiser) told us that this status was vital because: 'to be able to fight for labour rights, you need to have a union. It's more likely that the ministry will respond, will support us.'

Although sex work is not regulated in Guatemala, the acceptance of Sintrasexgua by the Ministry of Labour means that *de facto*, sex work is recognised as work. As Rocío Samayoa from Red Legal explained,

the fact that the Ministry of the Interior made an announcement prohibiting the police from asking sex workers for their health cards. . . it's a way of recognising them as the subjects of rights, as subjects who should be respected. It's a recognition of sex work as work, even if not directly.

Contrary then, to the assertions that recognition of unrecognised forms of labour is fundamentally a precursor to (and therefore a barrier to) labour organisation within a traditional union form (Barbagallo and Cruz, 2022), the establishment of a union in these two cases ushered in the formal recognition of sex work as work.

In Guatemala, Karla (General Secretary, Sintrasexgua) highlighted an important immediate impact of the formation of the union: 'where there are raids, when the police show up, we can show our union membership cards and then our rights aren't violated, there isn't extortion, there isn't manipulation.' Maritza Velazquez (ATRAHDOM) concurred:

union membership is a way of confronting police harassment. The police still bother sex workers, but they pull out their membership cards and say 'I'm a member of the union, I'm going to make a complaint against you'. They aren't alone anymore.

## Re-scaling contestation

Moving beyond individualised and welfarist healthcare provision, such as HIV testing and condom distribution, OMES worked in close collaboration with RedTraSex to develop a political action plan aimed at combating healthcare discrimination faced by sex workers. The Guatemalan police often harassed sex workers about their health status, a historic artefact left over from the 19th-century hygiene laws and policies that required mandatory testing and detention for sexually transmitted infections (Bliss, 2001; Findlay, 1999). Before union recognition, Guatemalan police would demand to

see sex workers' health cards, check the results of their STI tests, and then stamp the document with a police seal. The administrators of sex work businesses would only allow sex workers to work if their health records had the police seal, effectively making the ability to work contingent on police approval. On 3 March 2016, OMES submitted an official complaint about this policing practice at the Ministry of the Interior, the attorney general for human rights, and the Ministry of Health. After discussion with OMES, the Ministry of the Interior directed all police forces to put an immediate end to the practice. Simultaneously, the Ministry of Health agreed that STI checks were only needed once a month and moved to replace the specialised documents used by sex workers with the regular appointment cards used by other citizens accessing healthcare. As such, they have intervened collectively and moved beyond providing only 'individualised assistance' (Gall, 2016: 174).

ASMUBULI orientated away from social welfare assistance to focus instead on 'defending human rights' (Fidelia Suárez, General Secretary of ASMUBULI, interview). In 2010, a sex worker filed a complaint with Colombia's constitutional court when she was fired from the bar where she worked for being pregnant. The court ruled in her favour, instructing her employer to pay her legal benefits, compensation, and maternity leave (García et al., 2012). The wider implications of the ruling was that for the court to find in her favour, the court simultaneously needed to recognise that the sale of sexual services was not prohibited by law and therefore should be provided with the protection of the state and fall under the jurisdiction of labour law (García et al., 2012). That is, the court ruling required sex work to be recognised as work (Laverde, 2015).

Both the legal ruling and the policing directive are indicative of the organisations' ability to scale up from the municipal scale to instead operate on national terrain. The police desist directive in Guatemala led to a reduction in harassment of sex workers and an immediate impact on their well-being. Moreover, however, the directive was also crucial because it was the first tacit acknowledgement from the Guatemalan state – at the national scale – that sex workers should be able to work without intimidation and persecution. At the national level, sex workers' concerns were taken seriously and the country-wide directives from the Ministry of the Interior and the Ministry of Health signalled that sex workers were worthy of respect. In Colombia, while the court ruling addressed a single employment case it had wider ramifications in terms of recognition of sex work in national case law. More importantly still, the sentence referred to as 'T-629-10', also directed the Ministry of Labour to create a plan for regulating sex work. This opened up new possibilities for ASMUBULI, creating the conditions for making demands on the state for workers' rights. In the context of the COVID-19 pandemic, efforts shifted toward supporting the immediate needs of sex workers who were unable to work during the lock-down period (Alpizar Lobo et al., 2023). Significantly, as some sex workers moved online, the constitutional court ruled that webcam models who produce adult content have labour rights (in ruling T-109-21). Similar to the 2010 ruling, the webcam case involved a woman who was fired for being pregnant (Rodríguez, 2021). Sintrasexco's recognition as a union, and a member of a national confederation of unions, helped generate the horizon for this second court ruling.

In Guatemala City, Carrillo was invited to a meeting at the Ministry of Labour in 2018, and was surprised to discover that despite the conservatism of the government,

individuals at the Ministry of Labour were willing to collaborate with sex workers, and they began having regular working meetings. Activists from OMES carry out frequent visits to sex workers' workplaces in various locations around the country, a process they call '*monitoreo social*' (social monitoring). They record sex workers' concerns and then bring them to the union leadership, which then reports them to the Workplace Inspection department at the Ministry of Labour. During a meeting at the Ministry which we attended with Carrillo and two other union activists, Carrillo reported a business charging workers 50 quetzales (about US\$5) to cover electricity costs. Some businesses were requiring sex workers to do additional work as cleaners or servers, while others were fining sex workers for a range of supposed offences (including being late, drinking water rather than beer). Sex workers had complained about the conditions of a workplace that has a single pit latrine for the entire establishment. Carrillo also reported receiving a phone call from a social worker at a health clinic who said sex workers were being forced to use their health cards improperly, which was corroborated via other complaints from sex workers. The director of Workplace Inspection told Carrillo and the others that issues related to the health cards need to be taken up with the Ministry of Health and the police, and that the question of migrant work permits is the remit of the immigration department. In relation to the additional costs and fines, he asked for the names and addresses of the businesses that were charging sex workers for electricity, fining them, requiring extra work not covered by their job descriptions, and that have unsanitary working conditions. Workplace inspectors from the Ministry would, he said, be dispatched to visit each business and investigate the complaints.

## Union status provides legitimacy

The union is a political strategy. Now OMES doesn't sit at the table to argue, the union does. (Samantha Carrillo, General Secretary of OMES)

Unionisation is not an inherently superior form or end point for sex workers' organisations. In both Colombia and Guatemala, the unions have not replaced or displaced the initial sex worker organisations. Instead, the two organisational forms co-exist, intervening in different terrains and institutions. In Guatemala, OMES monitors the situation of sex workers, but Sintrasexgua officially makes complaints to the Ministry of Labour. While OMES operates as an advocacy organisation, Sintrasexgua undertakes the traditional activities of a trade union. Through recognition of the union, the Guatemalan state inadvertently recognised sex work as work and is now responsible for responding in kind and addressing labour violations against sex workers. The union can now bring workplace complaints that the state is obligated to investigate. As Rocio explained:

OMES passes the complaints to the union, and the union takes them to the Ministry. By putting this process into practice, we start to challenge the state, and hopefully start generating certain kinds of resolutions, to regulate schedules, to regulate salaries, to regulate dignified working conditions, occupational safety.

Beyond formal recognition, serious challenges remain. The cultural shift away from welfarism to unionism has brought internal challenges to the union: 'it's been hard to

convince *compañeras* to pay their union dues. We're used to going to organisations for them to give us things, to help us' (Carrillo). Moreover, the union remains small in Guatemala and efforts to extend the union's reach across the country were slowed during the COVID-19 pandemic. Union membership requires paying a nominal monthly fee and only small numbers of sex workers have signed up, but Carrillo explains:

We're 35 members of the union and we're not in a hurry. We believe that things that are hurried get ruined. What is important is creating a culture, educating about the importance of the union, about the importance of contributing to the union, because the union is what is going to give you the labour status that you need if tomorrow the manager of your brothel beats you up, he fires you.

In Colombia, ASMUBULI continues to do regular outreach in Bogotá and around the country, visiting street-based sex workers and indoor businesses. Activists provide condoms and safer sex information, invite sex workers to training sessions, and talk about rights: 'we bring them information, we use condoms as the hook and then we talk with them, we raise their consciousness. We want all our *compañeras* to be informed, to be trained, to learn' (Lina Mena). The union, however, has given the movement a different kind of legitimacy, particularly in the media. As activist Lina Mena, explained:

ASMUBULI is our base, ASMUBULI is our strength. But when we show up to debates, discussions and we say 'the union', then everyone does a double take. Even people who don't know about us, or don't believe in us, they think twice about us then. The union gives us so much weight. . . Even in the media, for example, we might talk about ASMUBULI, but the journalists focus on the union. They prefer to talk about the union. Precisely because of the weight it gives us.

In the time we spent with Suárez in Bogotá, she was constantly receiving phone calls, voice messages, and texts, from union organisers, journalists, and academics. The sheer quantity of news coverage that exists that focuses on Suárez personally and the union more generally demonstrates the central role that they play in any public discussion around issues of sex work. Stories about abuse of sex workers' rights, their conditions of work, and their vulnerability almost always quote Suárez (Cortés, 2020; Quevedo, 2021; Uribe, 2020). ASMUBULI was able to take advantage of the space that emerged in a specific legal and political moment: when the constitutional court ruled in favour of the pregnant sex worker. Such 'legal enactment' is redolent of many trade unions globally and is a key tactic for improving workers' conditions across the world (Joyce et al., 2023; Cruz and Hermann, 2024); it has been similarly used by sex worker organisations in countries in the Global North, such as the UK (Barbaggio and Cruz, 2022).

Other organisations that work in Bogotá's Santa Fe neighbourhood, where many sex work businesses are concentrated, have argued that ASMUBULI and Sintrasexco lack an organisational base. One activist we interviewed told us

there are so many community based sex work organisations around the country that do the difficult, daily work with their populations on the ground, but no one knows them, no one hears about them. We're holding on by our fingernails to try to mobilise, to lobby.

Indeed, during visits to Santa Fe, sex workers we talked to had no knowledge of the union. On a visit with Suárez, it was clear she was not in the district regularly and lacked contacts. That said, we also witnessed Suárez receiving endless calls from sex workers asking for help for themselves or their comrades. Contradictorily, while Suárez voiced complaints about tensions with trans workers and the growing numbers of Venezuelan sex workers in Bogotá, she also nonchalantly recounted having spent most of one night at the police station helping to liberate a trans Venezuelan sex worker who had been detained.

In recent years, more sex worker organisations have emerged in Colombia, some led by allies (such as Putamente Poderosas) and others led by sex workers themselves (Calle 7 Colombia and Lxs Locxs). In March 2022, the first Cumbre Puteril (Whore's Congress) was held in Bogotá, bringing together 50 representatives of community-based sex worker organisations, including trans workers and men (Vargas Fonseca, 2022). ASMUBULI was notably absent, despite the Congress's focus on advocating for many of the issues that ASMUBULI and Sintrasexco have focused on for years. A new union emerged in 2022, called the Asociación Sindical de Trabajo Sexual en Colombia (The Sex Work Trade Union Association in Colombia, Astrasex), with the intention of establishing a union that would include men and trans workers, as well as workers in all sectors of the industry (including porn and online sex work). The newly elected president of Astrasex, Katherine Angel, has referenced Sintrasexco, but argued that a new union was needed that was more inclusive of diverse populations and various modalities of work (Castro, 2022; Díaz, 2022). Vitaly, Sintrasexco established 'institutional power' not only for the organisation itself, but also created avenues for institutional power for other labour organisations in its wake. Indeed, Katherine Angel emphasised that union status provided legitimacy, tools, and access to institutional spaces: 'we decided to collectivise as a union to be able to access the legitimacy that is needed, we feel that from the union we can arm ourselves with tools and spaces to achieve it' (Díaz, 2022).

While perhaps circumscribed in their impact in sex working communities beyond Bogotá, Sintrasexco have clearly established institutional power. In 2023, the organisation was invited to participate in a series of technical discussions at the Ministry of Labour, aimed at reviewing the current state of regulations of sex work employment in the country, with topics including contracts, working hours, health and safety risks, and prevention of harassment and violence (El Heraldo, 2023).

The current existence of two sex worker unions registered with the Ministry of Labour also means that any claims sex workers might have about issues at work now fall under labour law, giving them the same rights and obligations as other Colombian workers. As Suárez explained,

We unionised. What's the difference? It gives you political status. It gives you status, recognition that [a non-union] organisation doesn't give you. The organisation is still here, our association is to hook the *compañeras* so they start their training, their education, their consciousness raising. And then after that process, the union part is stronger.

Informal own-account sex workers in Latin America have, therefore, been able to deploy institutional power even in the absence of a single employer, through gaining

union recognition and making claims on to national laws, regulations, and procedures that protect other workers. This success is due, at least in part, to the coalitional power that has been generated through their membership of and ongoing participation in RedTraSex at a regional scale and local allies within and beyond their national labour movements.

## Conclusion

Autonomous sex workers – like other independent own-account workers – operate outside formal employment relationships, and as such their focus has been on making demands directly on the state rather than on employers. As such, much like the ‘majority’ of other workers (Brookes, 2013), sex workers lack structural power. To date, sex workers organising outside unions in other forms of collectives instead have relied solely on coalitional power with the labour movement and other civil society organisations. Previous accounts of organising by such workers (both sex workers and own-account workers) have shown how this coalitional power is brought to bear by these workers by focusing on welfare provisions rather than workers’ rights, aimed at municipal level political institutions (Agarwala, 2013; Auyero, 2006; Gillespie and Hardy, 2021) and adopting non-traditional organisational forms. In contrast, we argue that formal trade union recognition of *Sintrasexgua* and *Sintrasexco* has gone beyond this to enable the development of institutional power. Despite the multiple challenges and barriers presented by informality and the stigma of sex work, as well as the explicit and imminent dangers of trade union activism, sex workers have successfully unionised in Guatemala and Colombia and been recognised by both the Ministry of Labour and the institutionalised labour movement. While the relationship between sex workers and the state remains complex and often fraught, gaining state recognition of sex worker unions has significant implications for improving material conditions. These findings contest the assertion that sex workers have limited success in formal unionisation, showing instead that sex workers in fact can and do establish formal unions and access institutional power through formal recognition. Institutional power in this context involves the ability to collectively intervene vis-a-vis employers and to address job regulation, for example through concrete demands made for work workplace inspections through the Ministry of Labour in Guatemala.

Informal own-account workers are not limited to contestation at the municipal scale. Sex worker unions in Latin America are clearly focused on labour rights as workers, and have targeted their demands at the state, at the national level. However, the degree to which these demands have been converted into wins is somewhat limited, with sparse influence beyond the main cities and specific constituencies (such as street sex workers and cis-women). These limitations are reflected in the emergence of new unions with broader representation in Colombia. As such, further progress is needed to expand their bases, to institutionalise existing demands, and to establish a more embedded set of rights and labour protections. While there have been fewer concrete gains in Colombia, the widespread acknowledgement of the union as a legitimate voice for sex workers in the country that is regularly sought out by the media, and the emergence of new

grassroots organisations and a new sex worker trade union, all represent significant shifts in the discursive terrain.

Contra to the claims that only specific forms of wage-effort bargaining constitute unions, we instead confirm Eaton et al.'s (2017: 3) assertion that 'varieties of employment relationships require varieties of unionism.' As such, fetishising the model of unionism which centres the wage-effort bargain as the 'sine qua non' (Gall, 2016) of union organising invisibilises other forms of unionisation. Formal recognition as a union, although not superior to other organisational forms, we argue, does enable key mechanisms such as collective bargaining over working conditions with the state.

Sex work is frequently treated exceptionally in scholarly literature on work and employment. In general, it is sidelined as a form of work located so far outside the norm that little knowledge can be generated from sex work to develop insights into other forms of work and employment. Yet, as this analysis demonstrates, beyond sex work, there is much broader significance of these findings. Our findings have implications for a range of sectors and industries, including in the Global North, in the context of changing forms of union organising as working conditions in the Global North appear to converge, to some degree, with those which have historically characterised the Global South and methods such as legal enactment have grown in importance (Cini and Goldmann, 2020; Joyce et al., 2023; Pero and Downey, 2022).

Centring collective forms of organising that originate in the Global South, particularly amongst own-account and informal workers, can be highly generative for understanding the conditions of work, life, and organising for the majority of the world's workers. By 'build[ing] new theoretical perspectives inspired also by non-Eurocentric social experiences and realities' (Atzeni, 2021: 1350) we have demonstrated that existing theorisations of the reasons for the 'failures' of sex worker movements from the Global North, which -for example- emphasise the temporary nature of sex work (Cruz and Hermann 2024), cannot necessarily be extrapolated out to the Global South. We instead assert the necessity of recognising that theorising occurs from specifically located places, and that rich and significant theorising can and does emerge from the Global South. As unions in the Global North engage in 'institutional experimentation' to contest 'non-standard' (by Global North terms) forms of work (Smith, 2021; Wright et al., 2019), such experimentation can be inspired by actually existing and long-standing strategies from the Global South.

Theories of labour organisation must indeed come to grips with the full 'diversity of actually existing forms of work in the world' (Monteith et al., 2021: 4) and therefore the attendant range of labour organisations able to represent these differentiated forms of labour. All the same, formal union recognition remains an important source of power, because unionisation can both change social narratives and improve working conditions in stigmatised workplaces, bringing concrete advantages for sex workers and other informal own-account workers.

### **Acknowledgements**

The authors wish to thank Natasha Alpizar Lobo for research assistance, RedTraSex for ongoing collaboration, and all of the sex workers who have lent us their time. We are also grateful to Katie Cruz, Simon Joyce, Charles Umney, and the anonymous reviewers for their insightful feedback.

## Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research was partially funded by a SSHRC Insight Development Grant and a Carleton University Covid-19 Rapid Response Research Grant.

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**Date submitted** September 2024

**Date accepted** September 2025