



## Survey on sex workers' access to corona support in the Netherlands: paying taxes but no rights

### Introduction

#### → Background of the survey



This survey aims to gain more insight in the situation of sex workers in times of corona: their access to emergency income support, barriers they face, reasons why they apply or refrain from applying. It was developed by the Prostitution Information Centre (PIC) in cooperation with SekswerkExpertise, a network of sex workers, service providers, health professionals, researchers, academics and jurists, aiming to improve the position of sex workers.

*Perhaps it is a bit stupid, but I wish that our profession would be accepted by more people, including women. I'm not even talking about politics. I, too, want to walk the streets with my head held high and to be able to talk about my profession. It's a profession, nothing more or less than that!*

Like other 'contact professions' sex workers had to stop working in mid-March. From the start of the covid-19 crisis the government created emergency income support schemes for self-employed workers who lost their income from one day to the other due to corona-related measures. Measures included the immediate prohibition on 'contact-professions', like hairdressers, pedicures and sex workers. Although most sex workers are self-employed, many of them fall between the cracks. They are prohibited to work but also do not qualify for corona income support due to the conditions the government attached to it.

The survey was conducted online. It was distributed through twitter in Dutch, English and Spanish, and is still ongoing. Sex workers can fill in the survey fully anonymous. Each answer represents a new sex worker, based on a unique contact. No follow-ups were included in this analysis.

This report is based on 108 questionnaires, which were received between 22 April and 4 May 2020. It contains an analysis of the data of 80 respondents to the Dutch survey, 19 to the English, and 9 to the Spanish. The report shows the results in percentages, but the narrative also contains quotes of respondents given in response to open questions.

#### → Summary



Of the 108 respondents, 61 (56%) applied for coronavirus income support. Of those 61 applicants, only 8 sex workers (13%) received income support. The application of 26 sex workers (45%) was rejected; 11 sex workers (18%) were still waiting for a decision at the time of the survey. In 15 cases (24%), the question was not answered.

Of those who did not apply, about one in three said they already knew they would not qualify, and one in six said they were worried about outing themselves as sex workers to government institutions, in case their identities were leaked.

Given the small numbers, the results are not representative for the total sex workers population but they give a reliable indication of the current situation: the barriers sex workers meet in accessing the emergency support they need in this crisis, the groups that fall through the cracks and the reasons why sex workers apply for emergency aid or refrain from doing so.

## Profile of respondents

■ **GENDER** | Around 80% of the sex workers who answered the survey identify as women, with the remainder comprising of 13.8% men, 1.8% transgender 4.6% non-binary or other. This is comparable with our outreach experiences in the Netherlands.



### Gender

Female	86	79.7%
Male	15	13.9%
Transgender	2	1.8%
Non-binary, other	5	4.6%
<b>TOTAL</b>	<b>108</b>	<b>100 %</b>

■ **ORIGIN AND NATIONALITY** | The majority of respondents (71%) indicate to have Dutch nationality (this doesn't exclude the possibility of a migrant background; part of the respondents with Dutch nationality are migrants). Of the 29% of non-Dutch sex workers 12% are EU citizens and more than 5 years in the Netherlands, 6% are EU citizens shorter than 5 years in the Netherlands; 11% comes from a country outside the EU .

### Nationality

Dutch nationality	77	71.2%
EU more than 5 years in the Netherlands	13	12.%
EU less than 5 years in the Netherlands	6	5.6%
Non-EU more than 5 years in the Netherlands	6	5.6%
Non-EU less than 5 years in the Netherlands	6	5.6%
<b>TOTAL</b>	<b>108</b>	<b>100%</b>

Almost three quarters of the respondents has Dutch nationality. This is not representative for the pre-corona situation. Based on our outreach experience, the presence of migrant sex workers (particularly from EU countries) is predominant in many of the sex work settings in the Netherlands. At the other hand it is indicative of the impact of the Covid-19 pandemic on migrant sex workers. Respondents estimate that about 50% of the migrant sex workers have returned to their home country due to the shutdown of the sex business. Brothel owners confirm this estimate.

### Migration

Nationals (with Dutch nationality)	77	71%
Migrants (without Dutch nationality)	31	29%
<b>TOTAL</b>	<b>108</b>	<b>100 %</b>

## Place of work before the lockdown, labour and residence position

### → Diversity of sex sectors, employment- and residence status



Respondents worked in a variety of settings before the lock down. The majority worked in closed prostitution settings like clubs, private houses, or erotic massage parlours (38%) but with different working status: 31% worked via the so-called opting-in arrangement and 7% as self-employed. A further 23% worked as escorts, of whom 9% via opting-in and 14% as self-employed. In total 40% of all respondents work via the opting-in system. Other respondents worked behind the windows (12%), home-based (9%), or met their clients in hotels or other locations (8%). A smaller group worked in the BDSM-sector, did webcam or porno, or worked the streets. The distribution of respondents is representative for the diversity of sex work settings in the Netherlands.

### Places of work and employment status

Window, self employed		12%
Closed setting (brothel/clubs/erotic massage), opting-in		31%
Closed setting (brothel/clubs/erotic massage), self-employed		7%
Escort, opting-in		9%
Escort, self-employed		14%
Home-based, self-employed		9%
Webcam/ porno		5%
Meet clients in hotels, AirBnB, holiday parks or other accommodations		8%
Other forms (massage, BDSM)		4%
Street		1%
<b>TOTAL</b>		<b>100 %</b>

■ **OPTING-IN VS SELF-EMPLOYED** | The so-called 'opting-in' scheme is the most common working relationship between the sex workers and brothel owners in the Netherland. Under this arrangement, which is largely imposed by the government, the operator withholds income tax and VAT on the earnings of the sex worker, as in an employment relationship, on top of the regular percentage system (usually 50/50). The sex worker, however, cannot derive workers' rights from this. Neither can s/he claim the (tax) benefits due to self-employed workers. The operator determines which regime applies and concludes an agreement with the tax department. If the operator decides for the opting-in system, s/he has to comply with a number of conditions to guarantee the independence of the sex worker. These include amongst others that the sex worker must be free to come and go as s/he pleases and cannot be obliged to take specific clients or perform services that s/he does not want to do. Due to the way they are registered with the tax department, sex workers who work under the opting-in system cannot register at the Chamber of Commerce as self-employed workers, despite the fact that the system aims to guarantee their independence from the brothel operator and that they do not have the rights attached to an employment relation, like paid sick leave, pensions, etc.

■ **LICENSED VS UNLICENSED/IRREGULAR SEX SECTOR** | A second distinction that defines the labour position of sex workers and their access to emergency relief is whether they work in licensed establishments or are working outside the licensed sector. The latter concerns mostly home-based sex workers, including independent escorts. Most cities prohibit home-based sex work on a professional basis, including escort. If caught, they risk fines and in some cases eviction from their homes. Next to home-based workers, the unlicensed sex work sector also includes those working in massage parlours, saunas, bars and hotels.

An unknown part of the home-based and/or independently working sex workers is registered at the Chamber of Commerce under the general heading of ‘personal services’ and pays taxes under that heading without identifying themselves as sex workers. Another part is not registered at the Chamber of Commerce due to different reasons, for example for fear of being caught, to protect their privacy or because they just do sex work occasionally.

■ **MIGRANT SEX WORKERS** | Many sex workers come from other EU countries, especially Eastern Europe. If they live and work for more than 5 years in the Netherlands, they have the same status and rights as Dutch workers. If they have been less than 5 years in the Netherlands recourse to social welfare benefits may negatively impact their right of residence. The government decided that the latter group may apply for the corona-income support without the municipalities being obliged to report this to the Immigration Services (IND). Any recourse, however, on the general social welfare system must still be reported and can have a negative impact on the right to stay. Undocumented non-EU sex workers are not allowed to work in the sex industry (or any other industry). They are not punishable but do not qualify for corona-income support (or any other income support) and risk deportation.

■ **SUMMARY** | The main factors that define the labour position of sex workers and their access to corona income support are whether they are registered at the Chamber of Commerce as self-employed or work via the opting-in system; whether they work in the licensed or non-licensed/irregular sector; and their migration status.

## Access to income support

### ➔ Applications for income support



A small majority of respondents (56%) had applied for financial support; 44% did not apply for several reasons. Of the 56% of sex workers who applied for financial support, almost half (47%) applied for the Temporary bridging measure for self-employed professionals (TOZO). About a quarter (24%) applied for general social welfare, and 14% for special social welfare (a social welfare scheme for special target groups).

#### Applications for financial support

Yes	61	56%
No	47	44%
<b>TOTAL</b>	<b>108</b>	<b>100%</b>

## Type of application

Application for corona income support TOZO		47%
Application for general social welfare, Participation Act ('algemene bijstand, Participatiewet')		24%
Application for special social welfare (special target groups), Participation Act ('bijstand bijzondere doelgroepen, Participatiewet')		14%
Other/not clear		15%
<b>TOTAL</b>		<b>100%</b>

■ **TOZO** | TOZO is a temporary income support scheme, which was specifically set up to provide fast financial relief to self-employed entrepreneurs who lost their income due to the covid-19 crisis. The scheme is implemented by the municipalities. Self-employed persons can apply for additional income support for living costs for a maximum of three months via an accelerated procedure<sup>1</sup>. The amount is dependent on the individual household situation (maximum of net €1,050 for single persons and €1,500 net for a couple/family). It does not have to be repaid and, contrary to the regular social benefit schemes, qualification for TOZO is independent of the income of a possible partner and assets (such as a house, a car, savings, etc). Self-employed EU citizens or persons with a temporary residence permit who are residing lawfully in the Netherlands and meet the criteria of the scheme, can also apply. The most relevant conditions are:

- being self-employed
- living & working in the Netherlands
- being registered with the Chamber of Commerce
- having all required permits
- spending a minimum of 1225 hours per year on the business

■ **REGULAR SOCIAL WELFARE** | 24% of the respondents applied for general social welfare and 14% for the special target groups social welfare. However, the conditions for the general social welfare schemes are much more severe than for corona income support: the income of a partner and possible assets (such as a house, car or savings) count, applicants have to give complete and very detailed insight in their private live, there is a waiting period of 4 weeks, the decision period is at least 8 weeks, you may have to pay it back if you earn some money the rest of the year and applicants are obliged to apply for other jobs, next to a complicated and bureaucratic procedure. The fact that the conditions are much stricter, that applicants are obliged to apply for other jobs and that consequently few self-employed people will qualify for general welfare are precisely the reasons why the TOZO was created.

*I find it sour that I only have the possibility to apply for regular social welfare. I still have a little savings and must use that first. Social welfare usually also implies that it is mandatory to apply for jobs. I also notice that I get a lot of text messages from social workers asking if I want to quit sex work and the police are harassing me just because my advertisement was still online. It states that I am not available.*

■ **OTHER/NOT CLEAR** | In 15% of the case it was not clear whether respondents had applied for financial support and/or for which type of financial support. From the comments to this question it became clear that that there is a lot of uncertainty about the different forms of emergency assistance. For example, someone asked what TOZO is.

<sup>1</sup> The TOZO scheme is extended now till 1 October with slightly amended conditions (TOZO II).

*I think it's totally absurd that for almost everyone (employees, freelancers, temporary workers, zero-hours contracts, payrollers) there is support in this period, except for people who work via opting-in. I always properly pay taxes, so I contribute to our society, but I don't get any support right now, just because I'm not registered with the Chamber of Commerce. It is forbidden to practise my profession, but I must bear the consequences myself. Why doesn't a zzp'er have to eat his or her buffer but I do? There's no logic in it.*

■ **EXCLUSION OF MOST SEX WORKERS FROM TOZO** | The conditions for access to TOZO, in particular the requirement of registration at the Chamber of Commerce, imply that at the maximum only one third of the respondents (33%) qualify for TOZO, notably the window workers (12%); the self-employed workers in the closed settings (7%); and the self-employed escorts (14%) if they are registered at the Chamber of Commerce.

All sex workers who work via the opting-in system (40%) are automatically excluded because they are not registered with the Chamber of Commerce, despite the fact that they pay taxes and that the arrangement is imposed by the government itself. Sex workers themselves have no choice whether they want to work via opting-in or would prefer to work self-employed.

For the remaining categories of sex workers, it depends on whether they meet the TOZO-conditions. This also applies to EU-migrant sex workers and non-EU sex workers with a residence permit that allows to work. However, home-based workers, f.e., will be generally excluded, even if registered at the Chamber of Commerce, because they do not have the required permit as most cities prohibit home-based sex work and do not issue licenses to independent workers.

■ **MIGRANT WORKERS** | EU-nationals who meet all the conditions can apply for TOZO without negative impact on their residence rights. The same applies for non-EU nationals with a residence permit that allows them to work. They are, however, facing extra difficulties. These include practical problems such as language barriers, lack of access to a bank account and/or a house address, but also lack of trust in the public authorities. Non-EU sex workers without the right staying permit do not qualify for any support.

➔ **Awards & rejections of applications for income support**



Of the 56% that applied for income support, only a small minority (13%) was granted. Almost half of the applications (45%) was rejected. In one fifth there is not yet a decision. Another one fifth of the respondents did not answer the question.

This means that only 8 of the 108 respondents actually received corona income support at the time of this survey, in 11 cases there was not yet a decision. All the others were left without a safety net.

**Awards & rejections of applications for income support**

Application for income support submitted	61	56%
Application granted	8	13%
Application rejected	27	45%
No decision yet	11	18%

Question not answered	15	24%
<b>TOTAL</b>	<b>61</b>	<b>100%</b>

If applications were granted, this mainly concerned TOZO-applications from window workers. This is consistent with the experience of Shop/Spot46, a sex workers service organisation in The Hague. Of the 28 window workers who applied for TOZO 24 were granted at the time of this survey; in 4 cases it was not known. Of the 4 opting-in workers who applied for general welfare, 1 was rejected while in the other 4 cases no decision was taken yet.

## ➔ No application submitted for emergency income support



Of the respondents 44% said they did not apply for income support.

### Reasons for not applying

Other income/savings /not direct in money need		35%	
Don't meet the requirements		30%	
Don't want to disclose the work situation		15%	
Don't know how to apply		11%	
Still working (online)		4%	
Other Reasons		5%	
<b>TOTAL</b>		<b>100%</b>	

The reasons can be divided in four groups:

■ **NO NEED** | 35% of the respondents has another source of income or savings (18%), has a partner with an income (8%) or does sex work only as an 'extra' (9%).

■ **NON-ELIGIBILITY** | 30 % of the respondents indicate that they are not eligible because they work via opting-in and/or are not registered at the Chamber of Commerce (17%). Another reason is that they do not meet the required minimum working hours for the TOZO (8%) or do not meet the requirement of having the necessary permits (4%). An additional barrier for migrant workers is residence status.

■ **PRIVACY & SAFETY CONSIDERATIONS** | A third group of reasons are due to privacy as an application for TOZO or social welfare requires the disclosure of many private data. Several respondents say that they do not want to make their work known (10%) or that they are afraid that the authorities get to know that they do sex work (5%). Reasons why sex workers are reluctant to apply for income support and disclose their personal data may include seeing it as a disguised form of registration; doubts about how the municipality deals with stigma and privacy protection; working home-based and not having a license, or not being sure if a license is required as policies differ per municipality; or not wanting to risk that their work becomes known in their own municipality.

■ **LACK OF KNOWLEDGE** | Finally, 11% of the respondents says not to know how to apply and are not in contact with a supportive organization that can help them, or they continued to work (online).

## Summary and conclusions

### ➔ EXCLUSION OF SEX WORKERS FROM CORONA SUPPORT



The Dutch government created specific income support schemes for self-employed persons who due to the covid-19 crisis lost their income. However, even though sex workers are disproportionately affected, the majority is excluded from accessing these schemes. From the 61 sex workers who applied for income support, only 8 actually received an emergency grant at the time of the survey. Almost half of the applications were rejected. 11 sex workers had not received a decision yet.

*I normally pay (a lot of) taxes. And now I get nothing. Because I work through opting in - which comes from government policy, because it's either opting in, or working unlicensed in my situation. If it would be an acceptable solution to make us apply for general welfare, there wouldn't be protections for employees and independent workers. And there are. But not for us. That's sick. I feel used, and then I don't mean by my clients, which I miss quite a bit actually.*

The main reason is that most sex workers in clubs, private houses and other closed settings as well as part of the escorts work under the so-called opting-in system. Opting-in is an agreement between the tax department and brothel operator, in which the operator withholds income tax and VAT on the earnings of the sex worker. Sex workers have no say in this and enjoy neither the advantages of an employment relation, nor of being self-employed. Although the opting-in arrangement is imposed by the government, the same arrangement is now used to exclude sex workers from access to corona-support. Even though they pay taxes, they are not eligible as they are not registered at the Chamber of Commerce. At the same time brothel operators cannot make use of the specific support schemes for employers, such as subsidies on salaries to avoid redundancies, as opting-in sex workers are not employees.

Even self-employed sex workers who are registered at the Chamber of Commerce (and thus pay taxes) may not qualify for an emergency grant. This applies, e.g., to home-based workers. Since most cities prohibit professional home-based sex work, including independent escort, most home-based workers will not have the required permit. Others may not meet the '1225 hour per year' criterion, for instance because they manage to earn a decent income in less than the required number of hours.

Finally, the application for emergency support is a complicated process that requires knowledge and professional support that not all sex workers have.

### ➔ LACK OF POLITICAL WILL TO FIND A SOLUTION



Sex work is a legal profession in the Netherlands. Yet, despite several emergency letters to the responsible ministers by sex workers organisations, support organisations and SekswerkExpertise, parliamentary questions and media coverage, up till now the government refuses to solve the barriers that exclude the majority of sex workers from corona-income support. This is especially poignant for the opting-in workers, as it is the government itself that



imposes this arrangement, but it is as devastating for all other groups of sex workers.



## ➔ REFERRAL TO THE GENERAL WELFARE SYSTEM

Rather than ensuring that all sex workers have access to corona-income support, the government refers opting-in sex workers and other sex workers who do not qualify for corona support to the regular social welfare scheme. This is not only evidently a matter of unequal treatment, but it also does not offer a solution. Contrary to corona-income support, the regular social welfare schemes take the income of a possible partner as well as assets (including a house or car) and savings into account. It also requires applicants to apply for other jobs. Given the more severe conditions, very few sex workers qualify for general social welfare benefits as the survey shows. Moreover, EU citizens and non-EU citizens with a residence permit which allows them to work risk negative consequences for their right of residence if they apply for social welfare.

*It's not just the lack of income that is so bad, but above all the fact that the government is knowingly and intentionally abandoning us. Why do we have to work through opting-in at all, we're not allowed to be independent workers and now that's being used against us. It makes me so sad.*

The psychological impact of exclusion and the feeling of social injustice is high. This is particularly so for the opting-in sex workers, who despite the fact that they are legal workers with regular payment of taxes and other labour obligations, are not considered to be a professional category that has the same rights as others workers.



## ➔ SEX WORKERS NOT ALLOWED TO WORK TILL SEPTEMBER

The situation is even more urgent as, unlike other contact-professions, sex workers will not be allowed to start working till 1 September despite a lack of arguments.<sup>2</sup> The ban on working while not being able to access emergency support has left many sex workers without any income to cover basic needs, support their families and pay the rent. For some of them this means that they see no other solution than to continue working, even if they do not want to do so and risk being fined. This is neither in the interest of the sex workers concerned, nor in the interest of public health. Sex workers also report cases of unjustified threats of the police for the fact that they left their advertisements online, even if the ad just announces that they do not provide physical services for the time of the corona-crisis.

The fact that sex workers are among the last groups who can start working again shows how sex work, despite being a legal profession, still carries a stigma. Policy makers do not understand the difference between various forms of sexual services and the attached risks of transmission, or between independent workers and sex businesses.

## ➔ REASONS WHY SEX WORKERS DO NOT APPLY FOR INCOME SUPPORT



Of all respondents 44% did not apply for any income support. Major reason are that they are not in direct financial need, think on forehand that they do not qualify, or do not want to disclose the fact that they are sex workers due to the stigma and because they are fearful of

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<sup>2</sup> Parliamentary minutes, Second Chamber of Parliament, 4 June 2020.

possible repercussions.

## WHAT ELSE?



We don't have to go that far to see that access of sex workers to corona-support can also be handled otherwise, as proven by the Ministry of Social Affairs in the Caribbean Netherlands:

*“Although the ladies are not registered with the Chamber of Commerce, the State Department SZW understands the problem and it has decided to allow the ladies to qualify as independent entrepreneurs by way of exception. The ladies who worked at Pachi's were informed about this last Wednesday and they submitted their application last Friday. These applications will be dealt with like all the others”.<sup>3</sup>*

Amsterdam, 10 June 2020

*I think it's outrageous that we have no right to anything. I do not want social welfare payments but a temporary bridging until my workplace is open again.*

*It is a scandal that you have to meet all obligations such as paying tax, but the conditions for compensation for corona damage are designed in such a way that almost no legally working sex worker is entitled to it.*

*I wish the state would also see that prostitution is a profession, something that a lot of people, especially men, use and that we also just pay taxes. So why don't we get a benefit? I think sex is one of the first essentials of life. Paid sex is part of that too.*

*Sex workers who work via opting-in fall between the shore and the ship; no KvK, no emergency support. Having a car, you have assets, so no assistance. I pay taxes, but now I have no income and shortly I will have no house. Something should be really done about this, if you pay tax, then you should be entitled to help in crisis situations.*

*I think it's too ridiculous for words, they want me not to work, but I have bills to pay and I also must eat.*

*Why I am not getting helped from the government and discriminate. This is not good, to treat people who are working and paying tax from this sector this way.*

*I think it's scandalous that we're being treated like this again by the government.*

*It would be nice if people who work true opting-in are recognized as self-employed. My debts are running up and my partner can't pay my fixed charges as well on top of his own. I don't understand that I don't have any right to the emergency measures from the government. I have always properly paid all taxes! This is incomprehensible!*

*I hope something will be arranged for the sex workers. Always having to make things so difficult, while we just work hard and pay taxes. Be glad we're here!*

*Always paid taxes and can't appeal to anything now. I think it's disgraceful.*

*I keep working as escort. Not much but enough to pay my bills. So, I'm just trying to survive like everybody.*

<sup>3</sup> <https://www.rijksdienstcn.com/actueel/nieuws/2020/april/15/overheidssteun-ook-voor-animeerdames>