New Zealand’s 2003 decriminalization of sex work has reduced the incarceration and exploitation of sex workers, as well as the health and safety risks in the industry. Despite these successes, barriers to sex workers’ physical, economic, social, and legal rights remain. The 2003 Prostitution Reform Act’s (PRA) prohibition of migrants on temporary visas from working in the sex industry intersects with transnational punitive policies towards sex work and societal discrimination against racial and gender minorities, creating widely heterogeneous experiences of decriminalization. Qualitative analysis of semi-structured interviews with a diverse sample of 24 sex workers affiliated with the New Zealand Prostitutes’ Collective in Auckland sheds light on the ways race, legal status, and gender moderate the effects of decriminalization. I draw on Foucauldian theories of panoptic social control in a globalized market to frame how decriminalization exposes persistent and intersectationally patterned experiences of discrimination and labor exploitation, with consequences on participants’ agency, dignity, and income security at work. In addition to the PRA’s exclusion of migrant workers and the persistent stigmatization of sex work, neoliberal socioeconomic inequality in New Zealand limits the reform’s abilities to uphold the labor rights and guidelines for occupational health and safety put in place to protect all sex workers.

**THEORETICAL FRAMEWORK**

- Panopticism (Foucault 1975)
- “Managing the rabble” (Iwan 1985)
- Social control beyond deregulation (Kohler-Hausmann 2018)
- Global panopticism and corporate surveillance (Backer 2008)
- The Matrix of Domination & mutual adaptation (Collins 2000)
- A critique of power with liberating potential (Shaw 2008)
- Intercategorical methodology that avoids reifying normative categories of power (McCain 2005; Yurlal-Davis 2007)
- Asymmetrical outcomes within intersecting systems of oppression (Collins 2000; Racek 1998)

**FINDINGS**

**Sex Work Law in Aotearoa New Zealand**

- The Prostitution Reform Act (2003)
  - Section 19 prohibits people without NZ citizenship or permanent residency from sex work
  - FOSTA-SESTA (United States, 2018), which led to the international shutdown of Backpage.com
  - Municipal by-laws zoning street work and brothel location

**SITE & METHODOLOGY**

- Internship & field work at the New Zealand Prostitutes’ Collective, February-June 2018
- 4 case-observation participants
- 20 semi-structured interviews; 30-90 minutes long
- Interviews addressed: interactions with the police, management, clientele, peers, the public, as well as discrimination and income management.
- Qualitative data analysis using Nvivo software

**TABLE**

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**THEORICAL FRAMEWORK CONT.**

- Subverting false dichotomy of agency “or” victimization in sex work → navigation & mobility (Kamensky & Demuzio, 2015)
- The PRA’s neoliberal paradox (Abel, 2017)
- Embedded agency in fields of power (Baltiana & D’Arnott, 2009; Foucault, 1988; McKay, 2013)
- Dignity at work (Bolton, 2007; Lamont, 2000; Hodson, 1999)

**CONCLUSIONS**

Discussion

- Market panopticism and the convergence of state and corporate surveillance that maximizes profit (online advertising monopolies, excessive fines and fees for workers, informal social control, and gentrification)
- Convergence of transnational market and state hegemony via surveillance is reliant on 1) the maintenance of the carceral (prohibition of migrants, transnational punitive policies) and 2) interlocking systems of power in the historically rooted and contemporary counter-matrix of domination, expressed by the disparate impact of the PRA, both of which reinforce “the internalized gaze” and SES stratification within and beyond the sex industry

Policy Implications

- Repeal of PRA Section 19
- Repeal of FOSTA-SESTA and prohibition of online advertising sites’ exclusivity clauses
- Repeal of municipal by-laws prohibiting street work
- Greater labor rights protections, including paid sick leave
- Establish a formal firewall between INZ and those with the responsibility to protect sex workers (the police) to support migrant sex workers in reporting crimes (see 2018 New Zealand chapter of GAATW report recommendations)
- Internationally recognized formal differentiation between 1) consensual sex work that requires labor rights and 2) human trafficking, involving all forms of coerced or forced labor

**REFERENCES**

Special acknowledgments to Annick Pickering and her staff at NZPCF Auckland for recruitment, support, and their continued advocacy for sex workers.