

# Occupational Health and Safety in the Australian Sex Industry: The ACT Experience

*Sera Pinwill*

The Australian sex industry is diverse, both in terms of the legislation operating in different legal jurisdictions and in terms of how each state's commercial sex traders conduct business. While there are clear differences, there are also similarities and issues which are a priority for all sex workers regardless of their location. Sex workers in Australia have long recognized the need for a formal set of rules to ensure their occupational health and safety (OH&S) and the health and safety of their clients. Health and safety standards vary greatly from brothel to brothel and sex industry educators are constantly faced with re-educating both workers and management in best practice safety standards.

In some parts of Australia, the law prevents any address of OH&S. In South Australia, for example, the police routinely visit premises where sex work is taking place. They search for and confiscate any condoms and/or safer sex material they find and keep them as evidence of prostitution activity. Obviously, for most South Australian sex workers, avoiding criminal prosecution would be a priority. They are, therefore, forced to limit the number of condoms they have in their personal possession to two or three at any given time. This is not good for anybody's health or safety.

The Australian Capital Territory, however, is a world leader in the area of prostitution law reform. The *Prostitution Act (1992)* is largely concerned

with protecting public health but also prohibits coercion in the sex industry, prevents minors from working in the sex industry and establishes zoning restrictions for the location of brothels in industrial areas only. The Act also provides for regulations to be made concerning OH&S.

The ACT Attorney-General appointed a Sex Industry Consultative Group (SICG) made up of stakeholders from within the industry (sex workers and brothel owners) and allied professionals (HIV/AIDS educators, health workers working in the area of sexually transmitted disease, police, lawyer). Among the terms of reference of the SICG, was the issue of occupational health and safety for the sex industry. The 1996 SICG Annual Report recommended: 'That the effectiveness of occupational health and safety law in the sex industry be enhanced by the development of a code of practice for the industry in accordance with section 87 of the *Occupational Health and Safety Act 1989*' and that 'the Sex Industry Consultative Group contribute to the process of developing the code'. The involvement of the SICG in the development of the code is important and the strongest push within the SICG for this came from the sex worker representative (myself). I was convinced of the need for a range of sex worker input into the code.

The ACT Occupational Health & Safety enforcement body, ACT WorkCover, had indicated an

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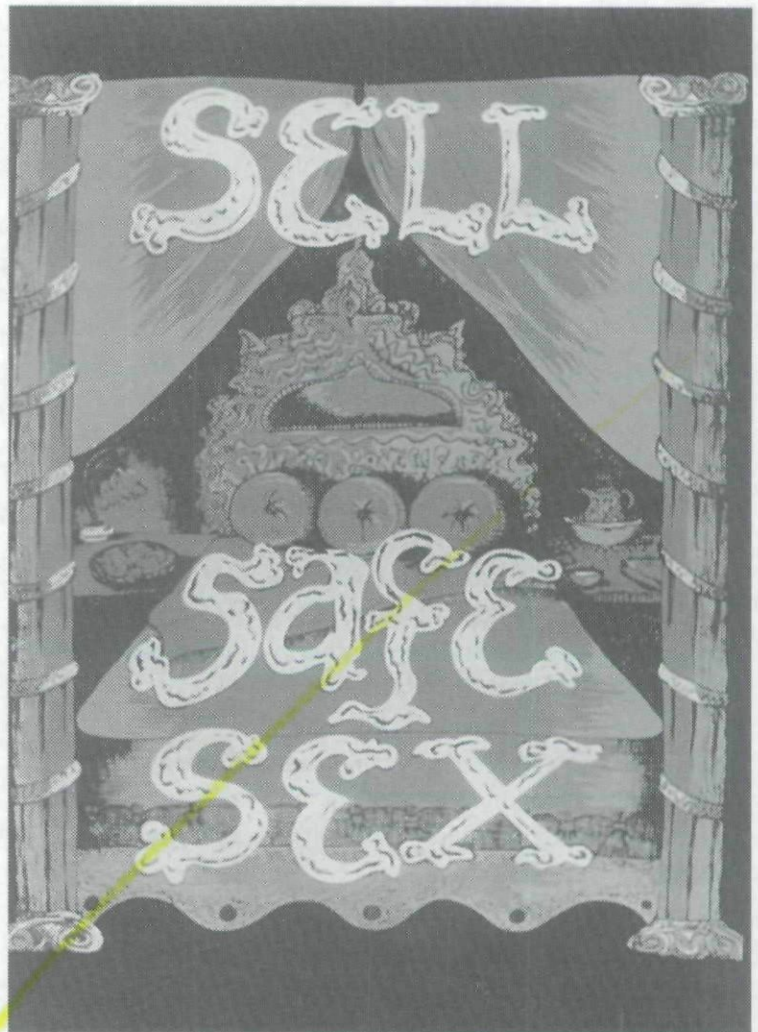
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unwillingness to prioritise the development of an OH&S Code of Practice for the sex industry. WorkCover chief, Dr. Greg Ash, indicated to the SICG that it was unlikely the code could be developed in under two to three years. The SICG felt that this was unacceptable; given the desire of the SICG to have strong input into the code, it was decided to recommend to the Attorney General that the SICG develop the code with secretariat support from the Attorney-General's Department.

Members of the SICG voted unanimously for broad consultation about the code within the industry. Both sex workers and brothel management were canvassed for their views. The response from brothel management was surprisingly disappointing; the only real comments they made concerned the proposal to place Sharps' Disposal Units in each brothel. The SICG agreed that Sharps' Disposal Units were important for the protection of staff, management and clients. However, some brothel operators were concerned this would create a perception that drug use was encouraged on brothel premises. The SICG noted these concerns and amended the code to make sure it was clear that sharps containers were to be used for ALL sharps (for example, razor blades), not just needles and syringes. It was also pointed out to brothel operators that if a syringe was, for example, hidden under a mattress and a worker or client sustained a needle stick injury then they (the brothel operator) could be liable.

Some of the issues workers felt were important were:

- that brothel owners should bear responsibility for the cost for Personal Protective Equipment (PPE) used by workers, such as condoms and lubricant;
- that there be no excessively long shift hours or inadequate breaks;
- that induction training of new workers be available as well as ongoing training when new health issues arose;
- that adequate guidelines were established for the storage and disposal of supplies (for example, condoms);
- that authorities should take responsibility for regular inspections to ensure that the code was being observed.



*Produced by Workers In Sex Employment in the A.C.T.  
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Other bodies who were consulted on the content of the code included medical practitioners, legal experts, health educators and the staff of WorkCover.

Ultimately, the following areas were addressed in the code:

- Information about the *OH&S Act 1989 (ACT)*;
- An explanation of the legal status of codes of practice;
- Cleanliness of brothels, including linen, food preparation areas, disinfection of spas, sex toys, accidental spills of bodily fluids;
- Disposal of sharps;
- Amenities including showers, baths and toilets;
- Personal protective equipment (PPE);
- Personal safety, including issues for escort workers and their drivers;
- Examination of clients by sex workers;
- Education and training of sex workers;
- First Aid;
- Smoking policy, and drug and alcohol policy;
- Fire and electrical safety.

When the code was completed to the satisfaction of the SICG, it was handed over to ACT WorkCover, who printed it and took responsibility for its distribution. The Occupational Health and Safety Code of Practise for the Sex Industry in the ACT was released in January 1999.

One of the difficulties identified by Workers In Sex Employment (WISE) in the ACT is that, apart from a media report in the Canberra Times, there has been no official notification of the existence of the Code or of the rights and responsibilities of brothel operators or sex workers. It has been left to WISE to educate brothel owners and staff as to the contents of the Code. Most brothel operators have indicated that until they receive official notification, along with a copy of the Code, they will continue to operate as they have been. In some cases, this is not problematic but some brothel operators are in clear breach of the Code and this has a significant impact on sex workers. For example, some brothel operators are charging staff considerable sums of money for their PPE (condoms etc.); are not providing adequate light for the inspection of clients for sexually transmitted infections; and are not giving new sex workers any information or training in how to perform their job safely. WISE hopes that this situation will be remedied by ACT WorkCover taking a proactive role in the education of brothel owners and sex workers in their rights and responsibilities under the Occupational Health and Safety Act and under the Code.

The ACT, NSW and Victoria now all have regulations addressed to OH&S in the sex industry. The Scarlet Alliance (the national peak body for sex worker organisations) is at the time of writing (April 1999) putting the finishing touches to its own 'Best Practise Occupational Health and Safety Guidelines for the Australian Sex Industry'. This is clearly an area which warrants close attention.

It would certainly be in the interests of the ACT to continue to provide education on OH&S in the sex industry. The ACT Government has shown itself to be both brave and far-sighted in its willingness to legislate sensibly for the sex industry. Sex workers will continue to work with the government to ensure that both the industry and its clients work within this best practise model.

## References

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South Australian *Summary Offences Act (1953)*

*Terms of Reference for the Sex Industry Consultative Group* dated 1/9/95

WorkCover ACT. 1999. *Occupational Health and Safety Code of Practice for the Sex Industry in the ACT*. 15 January.

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## STOLEN CHILDREN

They used charcoal mixed with fat  
To smother their young in, so that  
When the white men came, only jet  
Blacks could be seen in the distance.  
Hide kid! Hide in the bush, less chance  
The whitefella's'll get you. Don't let  
Them find you. But they were always found  
If their skin was lightly browned,  
The litter was split up, all young set  
Aside for grading and degrading  
Half cast this way, half that, fading  
To oblivion, expected to forget  
Grieving mothers in the bleaching  
Process. A solution preaching  
A fair outcome, the selection met  
With general approval,  
Many whites in favour of removal  
Of pale half-bloods to orphanage, set  
To work on properties or taken  
For adoption by white Christians, shaken  
From their complacent hybrid crime  
And missing the dreamtime.

*Paula McKay*

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