

Australian Capital Territory

Work Health and Safety (Sex Work Code of Practice) Approval 2023

Notifiable instrument NI2023–631

made under the

Work Health and Safety Act 2011, section 274 (Approved Codes of Practice)

1 Name of instrument

This instrument is the *Work Health and Safety (Sex Work Code of Practice) Approval 2023*.

2 Commencement

This instrument commences on 5 February 2024.

3 Code of Practice Approval

Under section 274 of the *Work Health and Safety Act 2011* (the Act) and being satisfied that this code of practice was developed by a process described in s274 (2) of the Act, I approve the attached Sex Work Code of Practice.

4 Revocation

This instrument revokes the *Work Health and Safety (Sexual Services Industry) Code of Practice) Approval 2011* [NI2011-762].

Mick Gentleman
Minister for Industrial Relations and Workplace Safety
06/10/2023



ACT
Government

Sex Work

Code of Practice

October 2023

Chief Minister, Treasury and Economic Development Directorate

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Foreword

This code of practice provides guidance to workers and businesses on how to manage the risks associated with the Sexual Services/Sex Work Industry and is an approved code of practice under section 274 of the *Work Health and Safety Act 2011* (WHS Act).¹

An approved code of practice provides practical guidance on how to achieve the standards of work health and safety required under the WHS Act and the *Work Health and Safety Regulation 2011* (the WHS Regulations) and effective ways to identify and manage risks.

A code of practice can assist anyone who has a duty of care in the circumstances described in the code of practice. Following an approved code of practice will assist the duty holder to achieve compliance with the health and safety duties in the WHS Act and WHS Regulations, in relation to the subject matter of the code of practice. Like regulations, codes of practice deal with particular issues and may not cover all relevant hazards or risks. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and WHS Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk, risk assessment or risk control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code of practice relates. For further information see the Safe Work Australia [Interpretive Guideline: The meaning of 'reasonably practicable'](#).

Compliance with the WHS Act and WHS Regulations may be achieved by following another method if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

Purpose

The purpose of this code of practice (Code) is to provide practical guidance on how to manage health and safety risks associated with sex work in the ACT. The Code is intended be read by:

- persons conducting a business or undertaking (PCBU), including owners, operators and sole traders in the sexual services industry
- sex workers, and
- other workers in the sexual services industry in the ACT.

Scope and application

This Code provides practical guidance to PCBUs and sex workers on how to manage health and safety risks associated with sexual services in their workplace. The Code aims to foster a culture of safe work practices and promote the welfare and occupational safety of sex workers in the Territory. It is recognised that sex workers can be exposed to hazards in the workplace that other workers may not be exposed to, so this code aims to provide practical guidance on how to control these identified hazards and promote a safe environment for both sex workers and clients.

This code of practice applies to all workplaces where sex work is carried out.

How to use this Code of Practice

This code of practice includes references to the legal requirements under the WHS Act and WHS Regulations. These are included for convenience only and should not be relied on in place of the full text of the WHS Act or WHS Regulations. The words 'must', 'requires' or 'mandatory' indicate a legal requirement exists that must be complied with.

¹ It should be noted that the sexual services industry is regulated under the *Sex Work Act 1992*

The word 'should' is used in this code of practice to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

1. Introduction

1.1 What is sex work?

Sex work is the provision of a sexual service for a commercial benefit. A sex worker is a worker who provides sexual services for monetary or material reward, irrespective of whether the reward is, or is to be, paid or given to the sex worker or another person.

Sex workers are deemed workers for the purposes of the *Workers Compensation Act 1951* and have the same rights under the Work Health and Safety framework as all other workers in the Territory. Persons conducting a business or undertaking (PCBUs) in the sexual services industry have specific obligations to workers under the *Work Health and Safety Act 2011* (the WHS Act) and *Work Health and Safety Regulation 2011* (the WHS Regulation) to ensure the workplace and working conditions do not expose workers to risks to their health and safety.

1.2 Legislative framework

The sexual services industry in the ACT is supported by a number of different legislative pieces which serve to promote the welfare and work health and safety of sex workers and safeguard public health.

Legislation	
<i>Crimes Act 1900</i>	<p>Section 50 of the <i>Crimes Act 1900</i> defines sexual intercourse.</p> <p>Section 67 of the <i>Crimes Act 1900</i> describes when a person does not consent to an act, this includes the intentional misrepresentation by another person about the use of a condom (otherwise known as <i>stealthling</i>).</p>
<i>Labour Hire Licensing Act 2020</i>	<p>The <i>Labour Hire Licensing Act 2020</i> establishes a licensing scheme to regulate the provision of labour hire services. Labour hire services include the provision of a person to do work for another person. PCBUs have a responsibility to ensure compliance with all relevant legislation, including the Labour Hire Licensing Act if applicable.</p>
<i>Public Health Act 1997</i>	<p>The <i>Public Health Act 1997</i> establishes arrangements for the protection of the public from public health risks and includes a number of sexually transmissible infections.</p>
<i>Sex Work Act 1992</i>	<p>It is an offence under the provisions of the <i>Crimes Act 1900</i> and the <i>Sex Work Act 1992</i> to cause a person to provide commercial sexual service (commercial or otherwise) against their will.</p> <p>It is an offence under the <i>Sex Work Act 1992</i> to provide or receive commercial sex services that involve vaginal, oral, or anal penetration by any means unless a prophylactic is used.</p>
<i>Work Health and Safety Act 2011</i> <i>Work Health and Safety Regulation 2011</i>	<p>The WHS Act and WHS Regulation emphasises the development of safe work practices and provides the means of developing, administering, and enforcing workplace safety in the ACT. Compliance with the WHS Act and WHS Regulation may be achieved by</p>

	<p>following another method, if it provides an equivalent or higher standard of work health and safety than the code.</p> <p>From 9 June 2023 PCBUs must formally notify WorkSafe ACT as soon as they become aware of a sexual assault incident in their workplace, under part 4 of the Workplace Legislation Amendment Act 2022.</p> <p>For information on notifying WorkSafe ACT visit their website.</p>
Workers Compensation Act 1951	<p>Under the <i>Workers Compensation Act 1951</i> a PCBU has a responsibility to fulfil their work health and safety obligations including holding a current workers' compensation policy.</p>

1.3 Who has duties in relation to sex work and working in the sexual services industry?

Owners and managers of sex work premises such as brothels, massage parlours, and escort agencies are considered PCBUs and have certain duties with regard to workers, sub-contractors, customers, suppliers and others in the workplace.

If a PCBU has sex workers on their premises or at a sex work premises, they have specific duties under the work health and safety legislation to ensure the workplace and working conditions do not expose workers to risks to their health and safety.

Duty holders who have a role in managing the risks in the sexual services industry include:

- PCBUs, including:
 - Operators of a commercial brothel and/or escort agency;
 - Sole operators;
 - Sole operator brothels or sole operator escort agencies;
- sex workers; and
- other workers in the sexual services industry in the ACT.

WHS Act section 19

Primary duty of care

PERSONS CONDUCTING A BUSINESS OR UNDERTAKING (PCBU)

Under the WHS Act PCBUs must ensure, as far as is reasonably practicable, that the health and safety of workers and other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

A PCBU must eliminate risks arising from work in the sexual services industry, or if that is not reasonably practicable, minimise the risks so far as is reasonably practicable. For example, PCBUs should undertake a thorough security check of the premises and can provide drivers to undertake security checks.

A self-employed person is also a PCBU for the purpose of section 19 of the WHS Act.

Under the WHS Act, a *person with management or control of a workplace* means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace.

Officers

Under the WHS Act, an *officer* means a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking. An officer must exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to:

- gain an understanding of the hazards and risks associated with the operations of the business or undertaking; and
- ensure that the business or undertaking has and uses the appropriate resources and processes to eliminate or minimise risks to health and safety.

WORKERS

Workers have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of other persons. Workers must comply with reasonable instructions, as far as they are reasonably able, and cooperate with reasonable health and safety policies or procedures that have been notified to workers, including information, instructions and training. For example, this could include instructions relating to remote or isolated work. If personal protective equipment (PPE) is provided, the worker must so far as they are reasonably able, use or wear it in accordance with the information, instructions and training provided.

Workers are also required to follow safety procedures and instructions and participate in safety training. They must use the safety equipment provided by a PCBU and take all reasonably practicable steps to report any action that creates a workplace hazard or leads to a serious event, to the persons in control or management.

OTHER PERSONS AT THE WORKPLACE

The WHS Act also provides protections for other persons at the workplace. Other persons at the workplace, like clients, must take reasonable care for their own health and safety and must take care not to adversely affect other people's health and safety. They must comply, so far as they are reasonable able, with reasonable instructions given by the PCBU to allow that person to comply with the WHS Act.

1.4 What is involved in managing the risks associated with working in the sexual services industry?

WHS Regulation Part 3.1 sections 32-38

Managing Risks to Health and Safety

There are specific hazards that exist within the sex work industry that may require specific control measures. There are also general hazards that exist within the sex work industry that are prevalent in any workplace and require the use of controls to eliminate or minimise the risk of harm.

This Code provides guidance on how to manage risks associated in the sex work industry and uses the following systematic process:

- **Identify hazards** and find out what could cause harm;
- **Assess risks** and understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening;

- **Eliminate risks** so far as is reasonably practicable;
- **Control risks** if it is not reasonably practicable to eliminate the risk, implement the most effective control measures that are reasonably practicable in the circumstances in accordance with the hierarchy of control measures, and ensure they remain effective over time (an example of a control is the use of prophylactics); and
- **Review** control measures to ensure they are working as planned.

Further guidance on the risk management process is available in the [Code of Practice: How to manage work health and safety risks](#).

1.5 Information, training, instruction and induction

WHS Act section 19

Primary Duty of Care

WHS Regulation 39

Provision of information, training and instruction

INFORMATION AND TRAINING

PCBUs have duties under the WHS Act to ensure, as far as is reasonably practicable, the provision of any information, training and instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

PCBUs must provide information and training to their workers and clients that is current, accurate and easy to understand. This includes information about work health and safety, safe sex, sexually transmissible infections (STIs), blood-borne viruses, and first aid.

PCBUs must ensure that information, training or instructions provided to a worker are suitable and adequate having regard to:

- the nature of the work carried out by the worker;
- the nature of the risks associated with the work at the time of the information, training or instruction; and
- the control measures implemented.

PCBUs must also ensure, so far as is reasonably practicable, that the information, training and instruction are provided in a way that is readily understandable for the workers to whom it is provided.

Workers must be trained and have the appropriate skills to carry out a particular task safely. Training should be provided to workers by a competent person with sex work experience. No sexual activity should be provided or required in training.

Information, training, instruction provided to sex workers should include:

- client STI examinations;
- safer sex practice;
- the proper use, wearing, storage and maintenance of personal protective equipment (PPE);
- safe use, cleaning and maintenance of all equipment;
- correct technique for BDSM work (if applicable);
- correct massage techniques (if applicable);
- strategies to avoid hazardous manual tasks;

- where to access information from peer-led sex worker organisations such as Scarlet Alliance or the sex worker outreach program (SWOP);
- how to work safely in hazardous environments, such as isolated environments;
- how to properly use a duress alarm;
- controls in place to manage aggressive behaviour in the workplace;
- first aid and emergency procedures;
- how to react to blood and body substance exposure incidents; and
- information on STIs and blood-borne viruses (for example hepatitis B and C, and HIV), vaccinations and counselling.

At commencement of employment, PCBUs should provide written information to all sex workers in the workplace about the prevention and transmission of sexually transmissible infections and blood-borne viruses as is necessary to enable them to perform their work in a safe manner. This information should cover safe sex practices, cleaning and disinfection of equipment, and immunisation. The persons conducting the business or undertaking should ensure that all new sex workers are fully informed of the need to use PPE such as condoms, dams, gloves and water-based lubricants as well as the sex worker's legal obligation to use PPE.

1.6 Consultation with workers

WHS Act section 47

Duty to consult workers

WHS Act section 48

Nature of consultation

WHS Act section 49

When consultation is required

CONSULTING WITH WORKERS

Consultation with workers and their health and safety representatives is a critical part of managing work health and safety risks.

PCBUs must consult workers who are involved in carrying out work in the workplace during the process of identifying hazards, assessing risks and implementing control measures.

If the workers are represented by a health and safety representative, the consultation must involve that representative.

A PCBU must consult, so far as is reasonably practicable, with contractors and subcontractors and their workers, on-hire workers, outworkers, and other people who are working for the PCBU and who are, or are likely to be, directly affected by a health and safety matter.

Workers are entitled to take part in consultations and to be represented in consultations by a health and safety representative who has been elected to represent their work group. Sex workers have the right to speak up about any WHS issue they are concerned about and refuse to do something that's unsafe, without facing any ramifications such as losing their job or having their shifts decreased.

Further information can be found in the [Work Health and Safety Consultation Cooperation and Coordination Code of Practice](#).

CONSULTING, COOPERATING AND COORDINATING ACTIVITIES WITH OTHER DUTY HOLDERS

WHS Act section 14

Duties are not transferrable

WHS Act section 16

More than 1 person can have a duty

WHS Act section 272

No contracting out

More than one person can have the same WHS duty at the same time. The WHS Act requires that where more than one person has a duty for the same matter, each person retains responsibility to meet their duty in relation to the matter and must do so to the extent to which they can influence and control the matter.

Duty holders cannot transfer their duty to another person or contract out their health and safety duties. Duty holders can make arrangements or agreements with other duty holders to assist with meeting their duties.

WHS Act section 46

Duty to consult with other duty holders

Duty holders must consult, cooperate and coordinate activities with all other persons who have a WHS duty in relation to the same matter, so far as is reasonably practicable. Where you share a duty (e.g. you share a workplace or are involved in the same activity), each duty holder should:

- exchange information; and
- find out who is doing what about their respective WHS obligations and work together in a cooperative and coordinated way so risks are eliminated or minimised.

Consulting, cooperating and coordinating with other duty holders can help you more easily and effectively control risks, and assist each of you to comply with your duty.

2. The risk management process

A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of it happening.

Risk assessments help to:

- Identify which workers are at risk;
- determine what sources and processes are causing the risks;
- identify if and what kind of control measures should be implemented; and
- check the effectiveness of existing control measures.

2.1 Identifying the hazards

The first step in the risk management process is to identify all hazards associated with sex work. This involves finding things and situations which could potentially cause harm to people.

Hazards generally arise from the following aspects of work and their interaction:

- Physical work environment;
- equipment, materials and substances used;
- work tasks and how they are performed; and
- work design and management.

Hazards may be identified by looking at the workplace and how work is carried out. PCBU's must eliminate risks to health and safety so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks then risks must be minimised by implementing suitable control measures to mitigate the risk. Specific hazards exist in the sexual services industry such as exposure to sexually transmitted infection (STI). Some sex workers may also be at risk of exposure to violence and aggression in the workplace. It is important for PCBU's to consult with workers on relevant hazards in the workplace and include workers in changes to work health and safety practices.

Potential hazards may be identified by conducting a walk-through assessment of the workplace, with particular attention to placement of entry and egress points, and by talking to workers about how their work is carried out.

2.2 Assessing the risks

A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of it happening. A risk assessment can help PCBU's determine:

- The severity of the risk;
- whether any existing control measures are effective;
- what action you should take to control the risk; and
- how urgently the action needs to be taken.

Hazards can cause varying amounts of harm, ranging from minor discomfort to a serious injury or death.

Some hazards and their associated risks are well known and have established and accepted control measures. Ensure that you are checking the effectiveness of existing controls and assessing the risks in your workplace.

There are specific control measures that must be used when providing or receiving certain sexual services. The *Sex Work Act 1992* requires sex workers and clients to take reasonable care not to transmit a transmissible condition when engaging in sex work. This means that a person must not, at a

brothel or elsewhere, provide or receive a commercial sexual service that involves vaginal, oral, or anal penetration by any means unless a prophylactic is used.

Different working environments may also influence the risk. For example, the risk of violence or aggressive behaviour from a client may be heightened when the sex worker is working alone or in a space without an available and accessible entry and egress point. The following questions may help to assess the risk:

- In the event of exposure to aggressive or violent behaviour, will the sex worker be able to remove themselves from the situation or seek assistance if needed?
- What control measures could be implemented to eliminate or minimise the risk of exposure to violence or aggression in the workplace?

2.3 Controlling the risks

WHS Regulation section 36

Hierarchy of control measures

The WHS Regulations require duty holders to work through the hierarchy of control measures when managing risks. The hierarchy ranks control measures from the highest level of protection and reliability to the lowest. Further guidance on the risk management process and the hierarchy of control measures is available in the [Code of Practice: How to manage work health and safety risks](#).

A PCBU must **eliminate** risks in the workplace, so far as is reasonably practicable.

If eliminating the hazards and associated risks is not reasonably practicable, PCBUs must minimise the risk by one or more of the following types of control measure:

- **Substitution:** substitution controls involve replacing the hazard with something safer. For example, PCBUs might consider risks of allergens present in certain types of prophylactics and provide alternatives.
- **Isolation:** an isolation control is used to physically separate the source of harm from people by distance. For example, providing safe rooms for sex workers to retreat away from environments where there is a risk of assault.
- **Engineering controls:** an engineering control is a control measure that is physical in nature. For example, using guardrails around exposed edges and on stairways.
- If risk remains, it must be minimised by implementing **administrative controls**. For example, a brothel may implement a policy around service of alcohol and dealing with aggressive or violent clients.

Administrative control measures and PPE are the least effective control measures as they do not control the hazard at the source. They rely on human behaviour and correct usage to be effective in minimising risks.

2.4 Maintaining and reviewing control measures

Control measures must be maintained so they remain:

- Fit for purpose;
- suitable for the nature and duration of work; and
- installed, set up and used correctly.

The control measures put in place to protect health and safety should be regularly reviewed to ensure they are effective.

PCBUs must review and as necessary revise control measures to maintain a work environment that is without risks to health and safety so far as is reasonably practicable. A review is required:

- when the control measure is not effective in controlling the risk;
- before a change at the workplace that is likely to give rise to a new or different risk to health and safety that the measure may not effectively control;
- if a new or relevant hazard or risk that is identified;
- if the results of consultation indicate a review is necessary; or
- if a health and safety representative requests a review.

Common review methods include workplace inspection and consultation with workers.

PCBUs can use the same methods as in the initial hazard identification step to check control measures and must also consult workers and their health and safety representatives.

If problems are found, go back through the risk management steps, review your information and make further decisions about controlling the risks.

3. Specific hazards and control measures

3.1 Sexually transmitted infections (STIs) and other infections

Public Health Regulation section 21

People with transmissible notifiable conditions

Good sexual health is an important aspect to controlling the risk of STIs. A sex worker should maintain good sexual health by regularly visiting a doctor, health care centre or sexual health clinic of their choice for sexual health assessments appropriate to their needs. Sexual health assessments can include medical tests, counselling and education.

Medical health assessments are a matter to be determined by the sex worker and their doctor. A sex worker is under no obligation to provide copies of medical records or results of medical health assessments to a PCBU.

The Sex Work Act does not preclude a worker or client from providing or receiving a sexual service if they have a sexually transmitted infection. However, under section 21 of the *Public Health Regulation 2000* it is an offence for any individual to fail to take reasonable precautions against transmitting a transmissible notifiable condition. 'Transmissible notifiable condition' is defined in the *Public Health Act 1997* as a disease or medical condition determined by the Minister to be a transmissible notifiable condition. The *Public Health (Notifiable Conditions) Determination 2022 (No 2)* includes a number of STIs, including HIV.

Sex workers are encouraged to conduct visual health checks of clients prior to providing a sexual service as part of undertaking reasonable care for their own health and safety. Visual health checks are precautionary and are not intended to be relied upon to rule out the presence of an STI. A visual health check is not an alternative to practicing safe sex and PPE must always be used when providing a sexual service.

Common signs of infection which may be detected in this way include:

- any sores, ulcers, lumps, warts or blisters on the genitals or surrounding area;
- any evidence of genital and/or anal discharges;
- pubic lice or eggs;
- any signs of itching or rashes in the genital or anal area;
- cold sores on the mouth; and
- jaundice.

WHS Act section 84

Right of worker to cease unsafe work

A sex worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them to a serious risk to health or safety – this may include the refusal to provide a sexual service to a client at any time.

Due to the nature of the work, sex workers may also be more at risk of non-sexually transmitted infections.

PCBUs must have steps in place to manage sexually transmitted and communicable infection and other infections at the workplace. This must include any applicable ACT Public Health Directions. When managing the risks of non-sexually transmitted infection, PCBUs should consider things like:

- Safe systems of work;
- COVID-19 safety plans;
- Risk assessments; and
- Implementing control measures.

While physical distancing in the workplace may not be practicable, consider the use of other control measures, including encouraging good hand hygiene, disinfecting surfaces and undertaking regular cleaning of the workplace.

3.2 Personal protective equipment (PPE)

A PCBU must provide personal protective equipment (PPE) to workers to minimise the risk of a hazard. For sex work this can include condoms, dams, gloves, and water-based lubricants. PPE provided to workers must be in reasonable quantities and a range of sizes and type. For example, condoms and dams must be available in latex and non-latex and comply with Australian Standards.

The PCBU is responsible for storing PPE so that they are accessible to workers, prevented from premature deterioration – away from moisture, light and heat, and in a secure, tamper-proof location not accessible to clients.

PCBUs must provide workers with information, training and instruction in the proper use of PPE.

3.3 Blood and other bodily spills

Care should be taken when dealing with bodily fluids (including blood, vomit, semen, vaginal fluids, urine, faeces, saliva) to avoid transmission.

If a visible spillage of blood or bodily fluids occurs:

- disposable gloves and protective clothing should be worn;
- broken glass or any other sharp object included in the spill should not be picked up by hand;
- blood and/or bodily fluids should be wiped up with paper towels or tissues which should then be put immediately in a plastic bag which is tied up and discarded;
- surfaces should be cleaned with detergent and warm water using disposable wipes or paper towels; and
- surfaces should be rinsed and dried (carpeted areas should be shampooed).

After exposure to blood or other bodily fluids the following action should be taken as soon as is safe to do so:

- wash the area thoroughly with liquid soap and water for a period of at least 30 seconds;
- if eyes are contaminated rinse them while they are open, gently but thoroughly with water or normal saline;
- if blood or other bodily fluids get in the mouth, spit it out then rinse the mouth with water several times;
- if clothing is contaminated, remove clothing and shower if necessary; and
- notify an appropriate person to ensure that necessary further action is undertaken.

3.4 Remote or isolated work

WHS Act section 19

Primary Duty of Care

WHS Regulation section 48

Remote or Isolated Work

A PCBU must manage risks to health and safety associated with remote or isolated work, including ensuring effective communication with the worker carrying out remote or isolated work.

Some sex workers undertake remote work, and most sex workers will work in isolation at some point during their shift. Remote or isolated work means work that is isolated from the assistance of other persons because of the location, time or nature of the work.

PCBUs should implement policies around remote and isolated work, with processes implemented for workers to seek assistance, should they require it. Some things to consider are access to duress alarms and ensuring adequate and unobstructed exit points in rooms.

3.5 Work-related violence

A PCBU must, so far as is reasonably practicable, provide and maintain a safe and healthy work environment for all their workers. This includes providing and maintaining systems of work that are, as far as is reasonably practicable, safe and without risks to health and consulting with workers about health and safety issues that may directly affect them. This includes controlling the risk of work-related violence.

Work-related violence or aggression can be any incident where a person is abused, threatened or assaulted at the workplace or while they are carrying out work. Violence can harm both the person it is directed at and anyone witnessing it. This can have significant economic and social costs for workers, their families, and the wider community. Whilst workplace violence and aggression can happen in any industry, it is more common in industries where people work with the public or external clients, and workers in the sexual services industry may be at high risk of exposure.

Work related violence can include:

- Physical assault such as biting, scratching, hitting, kicking, pushing, grabbing, throwing objects;
- sexual assault or any other form of indecent physical contact that has not been agreed and consented to, including sexual intercourse without consent (rape); and
- harassment or aggressive behaviour that creates a fear of violence, such as stalking, sexual harassment, verbal threats and abuse, yelling and swearing.

PCBUs must consult with their workers when:

- identifying and assessing hazards or risks in the workplace;
- making decisions about measures to be taken to prevent and manage work-related violence risks;
- making decisions about information and training on work-related violence; and
- proposing changes that may affect the health and safety of workers.

Some typical hazards that give rise to work-related violence include:

- handling cash, drugs or valuables;
- working alone, working in isolation, working at night; and
- providing services to distressed or angry people.

When identifying work-related violence hazards and assessing the risk of violence at work it is important to recognise that it is known to be under-reported, particularly in occupations where incidents occur on a regular basis. Additional factors can deter workers from reporting incidents, such as:

- reporting is time-consuming and complicated;
- once it's over, the worker just wants to forget about it;
- it is considered 'just part of the job';
- assumptions that nothing will happen if a report is made;
- workers believe they will be blamed for the incident; and
- incidents are so common that only serious ones are reported.

Reasonably practicable steps for managing work-related violence can include a workplace violence prevention program which forms part of a PCBU's overall health and safety program and should include the following components:

- a written policy to eliminate or minimise risk;
- regular risk assessments;
- prevention procedures;
- worker and supervisor training;
- procedures for reporting and investigating incidents;
- incident follow-up;
- program review;
- designing service delivery solutions (if required);
- emergency and evacuation plans;
- reporting procedures and incident investigation;
- guidelines on when to call the police;
- guidelines on when to call ambulance services; and
- testing and maintenance of communication and duress equipment.

There are some practical policies that PCBU's can implement to reduce the risk of work-related violence and aggression in the sexual services industry, such as establishing no-alcohol policies in the workplace, displaying a sign reminding patrons of the right to be refused entry and services if they are intoxicated or aggressive, and implementing policies around working in isolation, installing duress alarms for workers and ensuring exit points are unobstructed.

Responses to work-related violence will vary depending on the nature and severity of the incident. Systems should be in place that document what to do at the time of, and immediately after, an incident.

All incidents of physical assault, sexual assault and threats to harm someone should be referred to ACT police immediately.

Further guidance on work-related violence and other psychosocial hazards is available in the [Code of Practice: Managing Psychosocial Hazards at Work](#).

Appendix A: Glossary²

Key Term	Meaning
blood borne virus	means any infection (e.g. HIV, hepatitis C, hepatitis B) in which the principal way of being transmitted from person to person is by blood to blood contact such as: <i>in utero</i> , blood transfusion, contaminated injecting or tattooing equipment.
brothel	means premises used or to be used for the purpose of sex work but does not include premises where accommodation is normally provided on a commercial basis if the sex work occurs under an arrangement initiated elsewhere.
BDSM	means bondage and discipline, sadism and masochism.
client	means a person who gives monetary or material reward in exchange for sexual services.
commercial sexual services	means sexual services provided for monetary consideration or any other form of consideration or material reward (regardless of whether the consideration or reward is, or is to be, paid or given to the person providing the sexual services or another person).
escort agency	means a business of arranging sex work being a business carried on at premises other than a brothel.
HIV	means Human Immunodeficiency Virus. HIV attacks the body's immune system and can be transmitted through contact with infected blood, semen or vaginal fluids. HIV is a serious condition, which, if left untreated, can lead to AIDS (acquired immunodeficiency syndrome).
Officer	means a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking.
operator	of a brothel or escort agency, includes a person in day-to-day control of the brothel or escort agency.
person conducting a business or undertaking	means a person or entity that is conducting a business or undertaking. This includes, but is not limited to, employers, self-employed persons, corporations, sub-contractors and franchisors.
personal protective equipment (PPE)	means anything used or worn by a person to minimise risk to the person's health and safety. In relation to sex work, it can

² It is noted that this Code of Practice applies to all PCBUs including commercial brothels and commercial escort agencies which are brothels or escort agencies other than sole operators.

	include dental dams, latex gloves, water-based lubricants, and sponges.
premises	includes a structure, building, vehicle, a place whether enclosed or built on or not; and part of a premises.
prophylactic	means a condom or other device that is adequate to prevent the transmission of a sexually transmissible infection.
sex work premises	means all types of premises and environments where commercial sexual services are provided.
sex work	means the provision of commercial sexual services by an adult.
sex worker	means a worker who provides commercial sexual services.
sole operator	means a sex worker who solely owns and operates the business of a sole operator brothel or sole operator escort agency.
sole operator brothel or sole operator escort agency	means a brothel or escort agency where the premises are used, owned and operated by a single sex worker.
sexual services	means: <ul style="list-style-type: none"> • an act of sexual intercourse as defined in the Crimes Act 1990, section 50, or • the masturbation of one person by another; or • any activity that involves the use of one person by another for his or her sexual gratification.
sexually transmissible infection	means: <ul style="list-style-type: none"> • chancroid, chlamydial infection, donovanosis, gonorrhoea, HIV/AIDS, lymphogranuloma venereum or syphilis; or • an infection prescribed by regulation.
worker	A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking.
workplace	A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.
workplace policy	means a document, which includes: <ul style="list-style-type: none"> • a statement of intent; and/or • clear operating procedures to give effect to the statement and provision for monitoring

	compliance with the statement of intent and operating procedures.
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Appendix B: Work-Related Violence Checklist

Use this checklist as a guide to assist in identifying potentially violent situations and to review and improve safety procedures. Tick the appropriate response.

Responses should guide persons in control to determine what hazards require a risk assessment and control measures.

Hazard Identification Checklist

1. The Work Environment

Are money/valuables/drugs kept at the workplace?	Yes	No
Does the workplace provide a customer or client service?	Yes	No
Do staff work alone or at night?	Yes	No
Are violent incidents common in your industry or area?	Yes	No
Is it easy to enter the workplace unnoticed?	Yes	No
Does the workplace have:		
Low lighting or dark areas?	Yes	No
Irritating or high noise levels?	Yes	No
Inadequate space for staff and clients/customers?	Yes	No
Inadequate barriers between staff and clients?	Yes	No
Furnishings or equipment that could be used as weapons?	Yes	No

2. Clients/Customers

Are customers or clients likely to become angry or disgruntled?	Yes	No
Are clients likely to be affected by drugs or alcohol?	Yes	No
Are clients/patients likely to suffer from mental illness?	Yes	No
Do inexperienced workers deal with potentially difficult clients?	Yes	No
Are procedures available for referring clients to other services for psychiatric, drug, alcohol and behavioural reasons?	Yes	No
Are clients made aware of what is expected of them regarding their conduct at the workplace?	Yes	No

3. Workers

Are staff relationships frequently tense?	Yes	No
Are certain workers likely to become violent?	Yes	No
Are certain workers likely to use abusive language?	Yes	No
Are workers stressed, unhappy or bored at work?	Yes	No
Are personal difficulties becoming a problem at work?	Yes	No
Is prejudice or intolerance displayed at the workplace?	Yes	No
Are initiation ceremonies or bullying accepted practice among workers?	Yes	No

4. Training

Have workers who may be exposed to workplace violence received the following training:

Legal responsibilities?	Yes	No
How to recognise potentially violent behaviour?	Yes	No
Causes and types of violence?	Yes	No
Client service skills?	Yes	No
Negotiation skills?	Yes	No
Communication skills?	Yes	No
Security procedures?	Yes	No
Basic self-defence?	Yes	No
Incident reporting and recording?	Yes	No
Emergency and response procedures?	Yes	No
Workers assistance programs?	Yes	No

5. Procedures

Is there an agreed response plan for violent situations?	Yes	No
Are there written procedures for the following:	Yes	No
Cash handling?	Yes	No
Securing the premises?	Yes	No

Safe storage of personal property?	Yes	No
Handling disputes involving clients?	Yes	No
Responding to alarms?	Yes	No
Reporting violent incidents?	Yes	No

6. Communication

Can workers communicate effectively with clients/customers to diffuse potentially violent situations?	Yes	No
Are field workers or persons working alone able to call for help quickly in an emergency?	Yes	No
Are mobile phones, intercoms, duress alarms and beepers available and in good working order?	Yes	No
Are emergency telephone numbers prominently displayed or on automatic dial?	Yes	No

7. Security

PCBUs should undertake a thorough security check and can provide drivers to undertake security checks. Does the premises have:

Duress alarms at counter areas and in interview rooms?	Yes	No
Monitoring and surveillance systems?	Yes	No
Fire alarms and sprinkler systems?	Yes	No
Firefighting equipment meeting current regulations?	Yes	No
Security screens and doors?	Yes	No
Master key locking systems?	Yes	No
Outdoor security lights triggered to operate after dark?	Yes	No
Hidden safes?	Yes	No
Interview rooms with two exits?	Yes	No
Staff only exits from office areas?	Yes	No
Parking facilities which are close by, well-lit and with minimal shrubbery?	Yes	No

Post Incident Checklist

Did the procedure for reporting the violent incident include a description of:

The type of incident (for example verbal, physical, sexual, armed hold-up, bomb or death threat)?	Yes	No
Nature and extent of injuries, if any?	Yes	No
Time and location, including whether it was on call-out?	Yes	No
Who was involved (for example client and staff member)?	Yes	No
Was the immediate response procedure correctly followed?	Yes	No
Were police/other emergency services promptly called?	Yes	No
Was first aid immediately available if required?	Yes	No
Was the incident discussed with workers afterwards?	Yes	No
Was an employee assistance/counselling service provided if needed?	Yes	No
Were workers able to return to normal duties soon after the incident?	Yes	No
Was there a review to see if procedures could be improved?	Yes	No

Personal Safety Measures in Brothels and in Escort Services

The following is provided as guidance only.

All working rooms should have an accessible personal safety alarm and an established procedure for their use as well as follow-up action. No locking mechanisms should be fitted on working room doors.

Sex workers have the right to refuse clients, or kinds of work.

Workers should not be left alone in a brothel that is open to the public.

A client who is behaving unacceptably, or who has a history of inappropriate behaviour, can be refused entry, or asked to leave.

Any sex worker has the right to refuse to participate in any work activity where they have reason to believe that to do so may place them at risk.

Sex workers engaged in escort work should carry mobile phones or personal alarms with them. In ensuring that the workplace is without risk to health and safety PCBU's should undertake a thorough security check of the premises to ensure the client is alone and that there are no video/internet/web cameras. For example, PCBU's may provide drivers to undertake security checks.

Appendix C: Useful Contact Numbers

ACT Human Rights Commission

- For investigation & conciliation of complaints of discrimination or sexual harassment - 02 6205 2222
- Victim Support ACT - 1800 8222 72 or (02) 6205 2066

Fair work Ombudsman - 13 13 94

Directions Health Services for alcohol, drugs and other addictions - 02 6132 4800

Meridian – 02 6257 2855

Australian Federal Police

- Request for police attendance – 131 444

Domestic Violence Crisis Service – 02 6280 0900

Emergency - Police, Ambulance and Fire Brigade – 000

Hepatitis ACT – 02 6230 6344

Needle and Syringe Program –02 5124 9977

NSW Poisons Information Centre – 131 126

Providers of First Aid Training and Resources

- Red Cross – 02 5116 1430 (City)/02 6282 9978 (Woden)
- St John's Ambulance – 02 6282 2399

Rape Crisis Centre, Crisis Line – 02 6247 2525

Sexual Health Services

- Canberra Sexual Health Centre – 02 5124 2184
- Forensic and Medical Sexual Assault Care – 02 5124 2185
- Sexual Health and Family Planning ACT (SHFPACT) – 02 6247 3077

SWOP- Sex Worker Outreach Program

- Offers education and outreach services for sex workers – 02 6257 2855

Sharps (needles, syringes) Hotline – 13 22 81

WorkSafe ACT

Report a workplace concern or issue – 13 22 81