

Australian Capital Territory

Work Health and Safety (Sexual Services Industry) Code of Practice 2011*

Notifiable instrument NI 2011 – 762

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 (Sexual Services Industry) Code of Practice 2011.

2 Commencement

This instrument commences on 1 January 2012.

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 in accordance with the process described in s274 (2) of the Act, I approve the ACT Work Health and Safety (Sexual Services Industry) Code of Practice 2011.

Dr Chris Bourke
Minister for Industrial Relations
15 December 2011

*Name amended under Legislation Act, s 60



OFFICE OF REGULATORY SERVICES
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

Sexual Services Industry

Code of Practice

December 2011

Table of Contents

1	INTRODUCTION	5
1.1	Title	5
1.2	Authority	5
1.3	Purpose	5
1.4	Work Health and Safety Act 2008	5
2	DEFINITIONS AND INTERPRETATIONS	6
3	DUTY OF CARE	8
3.1	Employers and/or Operators	8
3.2	Persons in Control of Premises	8
3.3	Workers	8
4	A RISK MANAGEMENT APPROACH	10
4.1	Identify Hazards	10
4.2	Assess and Control the Risks	10
4.2.1	Personnel	10
4.2.2	Equipment	11
4.2.3	Environment (<i>Section 6</i>)	11
4.2.4	Others	11
4.3	Evaluate and Review	11
4.4	Record Keeping	12
4.5	Injuries and Incidents	12
4.6	Accident Reporting	13
4.7	Shift Work	14
5	CONSULTATION	14
5.1	Procedures for Resolving Work Safety Matters	15
5.2	Provision of Information	15
5.3	Induction Process	16
6	WORKING ENVIRONMENT	17
6.1	Amenities	17
6.2	Accommodation	18
6.2.1	Facilities for personal belongings	18
6.2.2	Facilities for rest	18
6.3	Fire Safety	18
6.4	Electrical Safety	18
6.5	Cleanliness	19
6.5.1	Premises	19
6.5.2	Spas	19
6.5.3	Baths, Showers and Toilets	19
6.5.4	Cleaning	19
7	WORKPLACE AND PERSONAL SAFETY/SECURITY	20
8	PERSONAL HEALTH ISSUES	22
8.1	Personal Protective and Safety Equipment (PPSE)	22
8.2	Blood and Other Bodily Fluid Spills	22
8.3	Condom breakage	23
8.4	Infectious Diseases	23
8.5	Fertility	24
8.6	Pregnancy	24
8.7	Occupational Overuse Syndrome	25
8.8	First Aid	25

9	ALCOHOL AND OTHER DRUG(S)	26
9.1	Smoking	26
10	USEFUL CONTACT NUMBERS	27
	APPENDIX 1	28
	APPENDIX 2	31
	APPENDIX 3	32
	APPENDIX 4	35
	APPENDIX 5	39
	APPENDIX 6	40
	APPENDIX 7	42
	APPENDIX 8	43

INTRODUCTION

Title

This Code of Practice shall be cited as the Sexual Services Industry Code of Practice.

Authority

This Code of Practice, approved in accordance with section 274 of the *Work health and Safety Act 2011*, (the Work Health and Safety Act) shall have effect from the 1 January 2012.

Purpose

The purpose of this Code of Practice is to provide practical guidance to persons conducting a business or undertaking and/or operators, sex workers and other workers in the sexual services industry in the ACT with regards to meeting appropriate work safety standards.

Codes of practice approved under the Work Health and Safety Act are designed to be used in conjunction with the Work Health and Safety Act and associated regulations. Codes of practice have evidentiary status during legal proceedings and can be called on to show that a person has failed to meet a duty specified in the Work Health and Safety Act or a regulation, unless that person can establish that their alternate method provides equivalent or better standards of safety.

Where there is a breach of the Work Health and Safety Act an Inspector appointed under the Work Health and Safety Act may cite a relevant Code of Practice when issuing an Improvement or Prohibition Notice. Failure to comply with an Improvement or Prohibition Notice is an offence under the Work Health and Safety Act.

Work Health and Safety Act 2011

The Work Health and Safety Act emphasises the development of safe work practices and provides the means of developing, administering, and enforcing workplace safety in the ACT.

DEFINITIONS AND INTERPRETATIONS

- “**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: *in utero*, blood transfusion, contaminated injecting or tattooing equipment.
- “**brothel**” means premises used or to be used for the purpose of prostitution, but does not include premises where accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.
- “**client**” means a person who gives monetary or material reward in exchange for sexual services.
- “**commercial sexual services**” means sexual services provided 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).
- “**escort agency**” means a business of arranging commercial sexual services where more than one sex worker is employed, being a business carried on at premises other than a brothel.
- “**HIV**” means Human Immunodeficiency Virus. The virus is spread person to person via infected blood or sexual bodily fluids entering the blood stream.
- “**operator**” means the owner(s) and the person(s) in day-to-day control of a commercial 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.
- “**person in control**” means anyone who has control of the premises, plant or equipment, a system of work, design, import or manufacture including anyone with authority to make decisions about the management of any of the above. This can include the owner, operator, or manager concurrently.
- “**personal protective equipment (PPE)**” means clothing, equipment and/or substances which, when worn correctly, protect part or all of the body from risks of injury or disease at work or in the workplace, and can include items such as condoms, dams, gloves and water-based lubricants.
- “**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, including but not limited to condoms, dams and latex gloves.
- “**prostitution**” means the provision of commercial sexual services.

- “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:
 - the penetration, to any extent, of the vagina or anus of a person by any part of the body of another person, or by an object, used by another person
 - oral sex
 - the masturbation of one person by another
 - any activity involving more than one person where the purpose is the sexual gratification of one person.
- “sexually transmissible infections” means any infection in which the principal, but not necessarily only, way of being transmitted from person to person is by sexual contact. For example, chlamydia, gonorrhoea, genital wart virus, genital herpes, hepatitis A & B, HIV, syphilis, *molluscum contagiosum*, and pubic lice are sexually transmitted infections.
- “spa bath” means a domestic type bath fitted with a water recirculation system and/or an air injection system. A water heater may be incorporated in the system, but a water filter is not required.
- “spa pool” means a pool or other water retaining structure with a capacity of holding 680 litres or more of water, fitted with a water re-circulatory system and/or an air injection system, equipment that is capable of heating any water contained in it, and a water filter.
- “worker” means an individual who carries out work in relation to a business or undertaking, whether for reward or otherwise, under an arrangement with the person conducting the business or undertaking.
- “workplace” means a place where work is, has been, or is to be, carried out by or for someone conducting a business or undertaking.
- “workplace policy” means a document, which includes:
 - a statement of intent
 - clear operating procedures to give effect to the statement and provision for monitoring compliance with the statement of intent and operating procedures.

DUTY OF CARE

It is an offence under the provisions of the *Crimes Act 1900* and the *Prostitution Act 1992*, to cause a person to provide sexual services against his or her will. The Commonwealth *Criminal Code 1995* (Criminal Code) makes it an offence to provide an environment where a sex worker is not able to cease providing sexual services due to the use of force or threats.

In the Criminal Code, a sexual service means the use or display of the body of the person providing the service for the sexual gratification of others.

Employers and/or Operators

The primary duty imposed on persons conducting the business or undertaking and persons in control is to take all reasonably practicable steps to protect the health, safety and wellbeing of their workers at work. This includes providing and maintaining, so far as is reasonably practicable, a working environment that is safe for workers and without risk to their health and wellbeing.

Persons conducting the business or undertaking and persons in control need to make available to workers the resources to implement and support safe work practices, and ensure that workers are informed about, and are involved in, work safety issues (see Appendix 1). The guidelines in the appendices should be observed. If a sex worker has difficulty communicating in the English language, the person in control should provide, or arrange for the provision of, the information in a language with which they are familiar.

A duty is also imposed on persons conducting the business or undertaking and persons in control in relation to the health and safety of third parties who are not workers. This means, for example, that persons conducting the business or undertaking and persons in control of workplaces have obligations under the Work Health and Safety Act to clients and others who are not workers to ensure that they are not exposed to risks to their health or safety arising from conducting the business or undertaking.

It should also be noted that persons conducting the business or undertaking have other legislative responsibilities, which are not covered in this Code of Practice, including those under the *Prostitution Act 1992*, *Workers Compensation Act 1951* and the *Public Health Act 1997*.

Persons Conducting a Business or Undertaking

Under the Work Health and Safety Act, persons in conducting a business or undertaking must take all reasonably practicable steps to ensure that the premises, including access to and from the premises, is safe and without risk to health or wellbeing.

Workers

Under the Work Health and Safety Act, workers are to ensure that their conduct (acts/omissions) in the workplace does not create or increase any risk to their own health and safety, nor to any other worker or other persons at or near their workplace. Workers are to co-operate with persons in control or any other persons to enable them to fulfil any duty or obligation under the Work Health and Safety Act.

Workers have a duty to act responsibly and perform their work safely as outlined in the Code of Practice and any policies or guidelines established by persons conducting the business or undertaking and persons in control to give effect to the Code of Practice.

Workers are required to follow safety procedures and instructions and participate in safety training. They must use the safety equipment provided by the persons conducting the business or undertaking or persons in control 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.

A RISK MANAGEMENT APPROACH

The Work Health and Safety Act requires that everyone in the workplace be aware of industry-specific risks and take steps to prevent workplace accidents, injuries and illnesses.

Persons conducting the business or undertaking and persons in control of a workplace should have clear, well-documented policies and procedures for dealing with work safety issues that set out who is accountable for each element of the work.

The four simple steps to risk management are **S.A.F.E.**

See it – Identify the hazards associated with the workplace.

Assess it – Assess the potential risks to workers and others affected by the work.

Fix it – Determine and implement appropriate control measures to eliminate or reduce the risks.

Evaluate it – Monitor and review the implementation and effectiveness of the control measures.

Identify Hazards

Persons in control of the workplace must take all reasonably practicable steps, in consultation with workers, to identify all potential health and safety hazards that could create a risk to any person at or near the workplace.

Methods for identifying hazards can include: inspections of the workplace; consultation with the workers; and analysis of workplace injury and incident records.

Assess and Control the Risks

Once the hazards are identified, they should be assessed in terms of their potential to cause injury or loss to a person exposed to the hazard. Hazards should be assessed in terms of the likelihood of exposure to the hazard, and the seriousness of the potential injury or loss.

Risk control involves introducing measures to eliminate or reduce the risk of a person being injured or suffering loss. The order in which controls should be considered is elimination, substitution, isolation, engineering control, administrative control and personal protective and safety equipment (PPSE). More than one control may need to be used at a time to reduce exposure to a hazard.

The following list of potential hazard hot spots in the sexual services industry is indicative only.

Personnel

- Fatigue
- Rest breaks
- Ergonomics in bondage
- Sex aids and toys (Appendix 3)

- γ Intoxication at work (Section 9)
- γ Intoxicated clients

Equipment

- γ Beds
- γ Personal Protective and Safety Equipment (PPSE) (Section 8.1)

Environment (Section 6)

- γ Building
- γ Lighting, inside and around premises
- γ Spa
- γ Showers
- γ Physical safety in working rooms - no door locks, personal alarms
- γ Amenities - staff and client

Others

- γ Time of day work undertaken
- γ Car parking at work
- γ Communication systems for outworkers
- γ Emergency situations - police, fire, ambulance, security
- γ Cash limits
- γ Record maintenance (Section 4.4)
- γ Confidentiality of worker details
- γ Hazardous waste (condoms, sharps, razors, etc)
- γ Escort (off premises) bookings

Evaluate and Review

Risk management is an ongoing process. It is a fundamental part of overall business management and just like other business activities risks must be reviewed regularly and control measures improved where possible.

Record Keeping

Under the Work Health and Safety Act, persons conducting the business or undertaking and/or persons in control must take all reasonably practicable steps to maintain appropriate information and records relating to workers' health and safety.

These records include, but are not limited to:

- measures to eliminate and/or control risks
- health and safety audits
- first aid and minor accident reports
- worker health and safety training
- serious event reports
- facilities and equipment maintenance logs.

Injuries and Incidents

Procedures in the Event of a Critical Incident

While it is not feasible to completely eliminate all opportunities for violent or threatening behaviour, a management plan should include procedures that should be followed when a critical incident occurs.

Procedures should be developed for dealing with particular incidents, e.g. armed hold-ups; physical violence; verbal threats or threats received over the phone; and responding to alarms, including those by escorts.

In developing the procedures, the persons conducting the business or undertaking and/or persons in control should give instruction for the following:

- how workers should seek assistance
- if the area needs to be cleared of people, under what circumstances, and how this is to be done
- how workers should respond to an aggressor's request
- what observations workers should make
e.g. noting physical characteristics and clothing to help identify the aggressor.
- what steps need to be taken following an incident
e.g. attending to injured persons, reporting the incident to the person in control, Police, other parties or authorities and preserving evidence, which may be helpful in an investigation.

Accident Reporting

Under the Work Health and Safety Act, the person in control of the business or undertaking must notify WorkSafe ACT of a serious event. A serious event, if it is attributable to the business or undertaking, includes each of the following:

- The death of a worker or another person;
- An injury to a worker which results in their being unfit for work for seven days or more;
- A serious injury to a person other than a worker; or
- A dangerous occurrence. A dangerous occurrence can include: an occurrence involving imminent risk of the death or serious injury to anyone; or occurrences involving damage to boilers, plant, equipment, cranes, hoists, lifts, uncontrolled fire, dangerous substance or steam that is likely to endanger the work safety of a person at the workplace, e.g. assault, fire, exposure to bodily fluids that present a risk of transmitting blood-borne viruses.

Notice of a serious event to WorkSafe ACT must be given as soon as possible in writing or orally, but no later than eight days after the persons conducting the business or undertaking becomes aware of the event. Where the serious event involves the death of a person the notice must be given within two hours. The persons conducting the business or undertaking and +must retain a copy of the notice sent or the acknowledgment received from WorkSafe ACT for a period of at least five years after the notice date.

Shift Work

Shift work is usually described as work outside normal day hours.

Working hours should be treated in the same way as other work safety hazards. Most people will be affected by working shift work. Shift work can create and/or deteriorate a range of work safety hazards.

Shifts should be designed to ensure workers are free of fatigue. This includes providing for appropriate duration of a shift, and appropriate breaks between shifts to allow for sufficient sleep, rest and personal time. Generally, a shift where a worker is working in excess of 12 hours would be unacceptable.

CONSULTATION

The Work Health and Safety Act requires employers to take all reasonably practicable steps to consult with workers and take into account their views when making decisions that effect their health, safety and wellbeing, including systems of work.

It is the employer's responsibility to consult, as soon as possible, with workers on any changes planned for the workplace where those changes may have an effect on the health and safety of any workers, independent operators and persons who perform unpaid work.

Under section 56 of the Work Health and Safety Act, an employer must consult workers about a matter by sharing with workers information about the matter; giving the workers a reasonable opportunity to contribute information and express their views about the matter; and giving consideration to the workers' views.

Where the workers are represented by a work safety representative (WSR), the employer consults the workers by consulting with the WSR whether with or without the direct involvement of workers. Where the workers are represented by a Work Safety Committee, the employer consults the workers by consulting the Work Safety Committee whether with or without the direct involvement of workers. If the employer and the workers in a worker consultation unit have agreed to a consultation procedure, the employer must consult workers in accordance with the procedure. If the workers are not represented by a WSR or Work Safety Committee, the employer must consult directly with the workers.

Procedures for Resolving Work Safety Matters

While the emphasis is on consultation and co-operation, problems may still arise when there is disagreement between employers and workers on work safety issues.

If the employer and workers cannot reach an agreement on work safety issues, then the advice of the WSR or Work Safety Committee should be sought. Advice can also be sought from WorkSafe ACT. If the consultation process fails to resolve a work safety issue, the WSR has the power to issue a Provisional Improvement Notice (PIN). Issuing a PIN is a formal process which involves notifying WorkSafe ACT. Issuing a PIN should be used as a last resort after other forms of dispute resolution have proven ineffective.

Provision of Information

All reasonably practicable steps must be taken by the persons conducting the business or undertaking and/or person in control to ensure workers are provided with any information, instruction and training necessary to ensure their health, safety and wellbeing.

The persons in control should make copies of any policies, relevant codes of practice and any safety risk assessment or review reports available for the use of workers in an easily accessible place. All work must be performed in accordance with the relevant legislation, codes, policies and risk assessments.

If a sex worker has difficulty communicating in the English language, the person in control should provide, or arrange for the provision of written information in a language with which the sex worker is familiar.

All reasonably practicable steps should be taken to ensure that any information about sexually transmissible infections and blood-borne viruses provided at the workplace for the benefit of clients or sex workers is medically accurate.

It is also important that all sex workers have ongoing education regarding safe sex practices.

In order to obtain comprehensive and up-to-date information, and to provide ongoing education and training, the persons conducting the business or undertaking and/or person in control should provide reasonable access to government and non-government agencies which provide health and education services, including outreach services for sex workers.

Induction Process

Persons conducting the business or undertaking and/or persons in control must ensure that each new worker receives induction training appropriate to the position of the worker that covers the following:

- work safety procedures at the place of work, including the use and maintenance of risk control measures;
- access to work safety information which the employer and/or operator is required by legislation to make available to workers;
- safe sex measures that must be followed, including the correct way to use prophylactic devices; and
- the use of equipment in the course of their work.

Receptionists and cleaners in brothels and escort agencies should be given specialist training or education as required, e.g. receptionists should receive training in how to handle difficult clients and emergency procedures relating to escort (off premises) bookings.

It should be ensured that sex workers and other workers are aware of their rights and responsibilities under the Work Health and Safety Act, the *Prostitution Act 1992*, as well as this Code of Practice.

WORKING ENVIRONMENT

Amenities

The Work Health and Safety Act requires that persons conducting the business or undertaking provide and maintain adequate facilities for workers' work safety while they are at work.

To fulfil this duty, persons conducting the business or undertaking should refer to all relevant regulatory material and Codes of Practice. These include, but are not limited to the:

- *Work Health and Safety Regulation 2011*
- *Public Health Act 1997*
- *Prostitution Act 1992*
- Building Code of Australia (ACT Appendix)

Adequate heating and cooling facilities should be provided.

There should be adequate sanitary facilities provided, taking into account the number of people (sex workers, other workers and clients) who use them, in compliance with the relevant provisions of the Building Code of Australia.

It is recommended that sex workers should have access to separate showers and toilets from those used by clients. Non-slip mats should be provided in all wet areas.

Adequate facilities should be provided for sex workers and other workers including a staff room that is off limits to clients.

If food is provided to clients in a brothel, the brothel must be registered as a food business with ACT Health and must meet the requirements of the *Food Act 2001* and *Food Regulations 2002*. There are requirements for skills, knowledge, health and hygiene of food handlers, cleaning, design and construction of food premises and equipment, and for safe handling, processing and storage of food. These requirements are largely outlined in the National Food Safety Standards which apply across Australia.

Where food is prepared on the premises by workers for themselves, simple precautions should be followed to minimise risks associated with food borne illness (see Appendix 2). The guidelines in the appendix should be observed.

Ergonomic furniture should be provided for all workers. This would include suitable beds, with firm, supportive mattresses that are not too heavy for workers involved in cleaning to lift; adjustable chairs for those who do office work; and supportive seating in staff areas. Waterbeds should not be used in brothels.

Persons conducting the business or undertaking shall provide and maintain adequate PPSE to allow a new PPSE item to be used for each sexual act in a sexual service as well as instruction in its use. Items such as condoms, dams, latex gloves and water-based lubricants shall be provided free of charge. Installation of condom vending machines does not meet this requirement.

Persons conducting the business or undertaking should ensure that condoms and dams are stored in a cool place, away from light and heat, which may contribute to premature deterioration. To provide out of date or damaged PPSE is not providing a safe working environment.

Clean bed linen or clean bed covers and clean towels for the individual use by clients and sex workers should be provided.

Accommodation

Permanent accommodation onsite is unacceptable and does not meet requirements of the *Land (Planning and Environment) Act 1991*. Section 175 states that a lease shall not be used for any purpose other than a purpose authorised by the lease.

Facilities for personal belongings

Facilities should consist of hanging space with provision for safe custody of personal property.

Facilities for rest

Where feasible, facilities for rest breaks should be provided. If workers are permitted to rest at the workplace between jobs, workers should be provided a room. The room should be separate from the workplace and should be in a sound and clean condition, consistent with general community standards.

Fire Safety

Persons conducting the business or undertaking should ensure that the workplace complies with all legislative requirements relating to fire safety, including those in the *Building Act 2004*, the *Fire Brigade Act 1957* and the specifications in the Building Code of Australia.

All fire exits must be kept clear, be easily identified, and are always capable of being opened from the inside. Fire detectors and extinguishers should be installed and all workers should receive training in the use of any fire fighting equipment provided.

All workers need to be trained in evacuation procedures.

Electrical Safety

Electrical work and wiring must be performed by a licensed electrician and comply with *AS/NZS 3000 Electrical Installations* (known as Australian/New Zealand Wiring Rules).

For further information

AS 3760, In-Service Safety - Inspection and Testing of Electrical Equipment.

Cleanliness

Premises

The premises used as a brothel and all fixtures and fittings installed in the premises must be kept in a clean, hygienic, appropriately maintained and serviced state at all times.

An appropriately maintained and serviced state for premises includes documentation of a regular, routine cleaning regime, adequate waste disposal and pest control programs for that premises.

Failure to keep premises in a clean, hygienic and maintained state may cause an insanitary condition to occur. An insanitary condition means any condition that a reasonable person would consider to be, or to be likely to become, a risk to public health or offensive to community health standards. Creating an insanitary condition by not maintaining hygienic premises carries penalties, including fines or imprisonment under the *Public Health Act 1997*.

Spas

Operating a spa or a pool that is used by members of the general public is considered a non-registrable public health risk activity under the *Public Health Act 1997* and persons who operate these spas or pools must comply with the *ACT Code of Practice to Minimise the Public Health Risks of Swimming/Spa Pools 1999*. The Code of Practice can be obtained from the ACT legislation register at <http://www.legislation.act.gov.au/di/1999-260/current/pdf/1999-260.pdf>

Baths, Showers and Toilets

Regular physical cleaning, e.g. with detergent and water, is required to ensure removal of dirt/soiling and soap residue. It is recommended that premises have a cleaning schedule posted outlining the frequency of cleaning. It is recommended that showers and baths be cleaned after each use (or each client). It is recommended that damaged surfaces be repaired or replaced e.g. chipped tiles, cracked shower screens, leaks.

Liquid soap and single use towels should be provided at all hand basins, with a suitable waste receptacle.

Cleaning

Cleaners should be fully informed of the contents of this Code of Practice and should be provided with protective apparel. Cleaning is done for the dual purpose of hygiene and aesthetics. Clean, dry and smooth surfaces do not support microbial growth, thus decreasing the risk of disease transmission. Mould is best controlled by good ventilation, drainage, maintenance (no cracks, chips or leaks), and regular cleaning.

The cleaning of accidental spills of bodily fluids or other spills that constitute a hazard should be carried out as soon as possible. Particular attention should be paid to linen, spas/baths, sex aids and toys (see Appendix 3). The guidelines in the appendices should be observed.

WORKPLACE AND PERSONAL SAFETY/SECURITY

Violent or abusive situations may arise through working with clients and in some cases, from co-workers and management.

Workplace policies on personal safety must be developed in consultation with workers and workers made aware of the policy and its provisions. Policies must include clear procedures to protect the safety of sex workers and other workers from clients' inappropriate or unacceptable behaviour.

Persons conducting the business or undertaking should have a sexual harassment policy and guidelines in place, and a copy should be given to **all** workers on commencing employment.

Occupational violence constitutes a serious event under the Work Health and Safety Act, and persons conducting the business or undertaking and persons in control are required to encourage all workers to report all serious events to WorkSafe ACT. A workplace policy on occupational violence shall include a provision that all incidents of inappropriate behaviour must be reported to the person in control.

Persons conducting the business or undertaking and persons in control are responsible for eliminating potentially abusive situations, violence or intimidation from their workplace regardless of the source. In developing policies and procedures persons conducting the business or undertaking and/or persons in control shall take into account any known risks or hazards associated with the industry. A Workplace Violence Checklist (Appendix 4) should be conducted and the guidelines in Appendix 4 should be observed.

If a violent incident has occurred, the ACT Police should be contacted and the affected workers must be offered appropriate support including medical assistance and counselling. The offer of such services must be made even if the incident does not seem to warrant such a response. Individual reactions to violence vary depending on a number of factors including previous experience, personal skills and general character traits.

Violent and/or bullying acts include but are not limited to:

- verbal abuse in person, over the phone or via text message
- threats of a sexual nature
- verbal and emotional threats
- stalking
- threatened or actual sexual harassment
- group "ganging up" over an individual (bullying)
- physical or sexual assault
- threatened or actual physical assault of an individual or property
- threat of or actual disclosure of employment to third parties (e.g. families of workers)

It is an offence under the Commonwealth *Privacy Act 1988*, to reveal the nature of a person's employment to a third party.

It is the responsibility of persons conducting the business or undertaking to ensure measures are in place to protect the health and safety of all workers regardless of whether they are working on or off the brothel premises.

Persons conducting the business or undertaking should provide security to workers providing escort services and should not allow them to travel unaccompanied to or from escort engagements. The following procedures should be implemented:

- Specific training to maximise safety must be provided to any worker engaged in the provision of escort services, including sex workers and drivers. Operational procedures for drivers must be developed outlining an automatic and consistent course of action they must take in the event of the sex worker they are accompanying requiring assistance.
- It is the person conducting the business or undertaking's responsibility to ensure that if drivers are employed in the provision of escort services, they have a registered vehicle and a current driver's licence.

Administrative staff must be trained as a backup safety mechanism at any brothel providing escort services. A consistent procedure must be developed and all current and new staff trained in its application. A break in the usual procedure should trigger an emergency response by the brothel operator.

“Ugly Mug” information is a useful tool to prevent exposure to known high-risk clients and should be freely accessible to all workers. This information can be obtained by contacting Sex Workers Outreach Project (SWOP) ACT on (02) 6247 3443.

Persons conducting the business or undertaking and/or persons in control should ensure that all workers are aware of workplace policies on personal safety.

PERSONAL HEALTH ISSUES

Personal Protective and Safety Equipment (PPSE)

Employers and/or operators are required by the *Prostitution Act 1992*, to take all reasonably practicable steps to ensure that sex workers and clients practise safe sex. The *Prostitution Act 1992*, states that it is an offence to provide or receive commercial sexual services involving vaginal, oral or anal penetration by any means unless a prophylactic is used. It is also an offence under the *Prostitution Act 1992*, for an operator to discourage the use of prophylactics at a brothel.

Clients are to be advised of their obligations under the *Prostitution Act 1992* to use PPSE for any penetrative sex before commencement of any sexual services. Signs are to be placed in public areas of the brothel to explain that it is a criminal offence to have sex in a brothel without a condom.

Blood and Other Bodily Fluid Spills

An accidental spill of bodily fluids is considered to be an event that persons conducting the business or undertaking are required to record in the register of serious events. If the spillage meets the criteria of a serious event or dangerous occurrence then the persons conducting the business or undertaking must notify WorkSafe ACT in accordance with the Work Health and Safety Act.

When dealing with bodily fluids (including blood, vomit, urine, faeces, saliva) which may contain infectious organisms, special care should be taken.

If a visible spillage of blood or bodily fluids other than sweat 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.

Where water is not available, use of a non-water cleanser or antiseptic should replace the use of soap and water for washing cuts, punctures or unbroken skin.

The injured person should report the incident immediately to the persons in control and then go to either their medical practitioner, hospital or health centre as soon as possible for assessment of the exposure, blood tests and post-exposure counselling.

Hard surfaces should be mopped or sponged over with detergent and water. On soft surfaces the area should be sponged thoroughly with cold water and detergent, rinsed and air-dried (e.g. carpets, rugs).

Mops and sponges used for cleaning up bodily spills should be washed and stored to dry.

If spills are a regular event, a 'spills kit' should be established with the required equipment ready to use.

Condom breakage

Sex workers and clients should be given advice on what to do when a condom breaks. The service should be stopped immediately. The key message is: Don't panic and don't douche. The Receptive person should, squat and cough to squeeze seminal fluid from vagina or anus with their muscles. The Insertive person should pass urine and wash genitals, especially under the foreskin.

Sex workers should be advised to see their general practitioner to have tests for sexually transmissible infections, get antibiotics if necessary, and to keep follow-up appointments for results and further tests. If the sex worker is not using contraception, they should be advised to get emergency contraception as soon as possible within five days.

Pending confirmation of test results, counselling may be appropriate to assess whether the worker needs to take a break from work. When they are ready, sex workers should be advised to find out why the condom broke and think about what to do differently next time.

Infectious Diseases

Routine examination of clients and regular medical screening of sex workers cannot guarantee the absence of infectious disease. There are no reliable visual signs of HIV infection and many other sexually transmissible infections. The examination of clients should not be seen as an alternative to, or lessening the need for, observing safe sex practices.

Persons conducting the business or undertaking should provide written and verbal information on the correct procedures for examining clients (see Appendix 5). The guidelines in the appendix should be observed.

The sex worker should not provide commercial sexual services if the sex worker believes there is a risk of acquiring a sexually transmissible infection from a client. Under section

42 of the Work Health and Safety Act, a worker has the right to refuse to do work if the worker has a reasonable belief that the work involves a significant risk to work safety, such as acquiring a sexually transmissible infection.

A person should not, at a brothel or elsewhere, provide or receive commercial sexual services if the person knows, or could reasonably be expected to know, that he or she is infected with a sexually transmissible infection. The maximum penalty is \$5,500, imprisonment for six months, or both as defined in the *Prostitution Act 1992*.

Any client with evidence of a sexually transmissible infection should be advised to seek medical advice and where necessary, treatment.

It is recommended that all sex workers be immunised against hepatitis A and B.

For Further Information:

STD Handbook – A reference guide for workers to sexually transmissible diseases 1998 Edition Editor Jocelyn Snow 2003 Editor Maria McMahon, ANCAHRD 2003

A Guide to Best Practice – Occupational Health and Safety in the Australian Sex Industry, Scarlet Alliance and Australian Federation of AIDS Organisations 2000

Last night I picked up someone... and something! A guide to sexually transmissible infections for gay men. AIDS Council of NSW, Sydney, June 2003.

Fertility

Future fertility and current contraception should be considered when choosing sex work as an occupation. Damage to reproductive health can be caused by factors in a work environment. Any work safety hazard that damages the fertility of people working in the sex industry must be removed from the workplace. Untreated sexually transmissible infections can lead to infertility. The use of condoms and dams (with water based lubricant) will prevent the transmission of sexually transmissible infections. Regular sexual health screenings are also advisable to monitor and maintain sexual health.

Pregnancy

It is the person conducting the business or undertaking and person in control's responsibility to apply risk management strategies to minimise and/or eliminate risks and hazards in the work environment.

The principle of reasonable adjustment must be applied to the work circumstances of any pregnant worker. A sex worker or other worker should not be excluded from the workplace or prevented from undertaking their employment on the basis of their pregnancy or their need for reasonable adjustment at work.

A pregnant worker shall have the right to refuse to engage in any aspect of her usual employment where they have a reasonable belief that to do so may place their foetus at risk of harm or where they are acting on advice from their treating health practitioner.

It is the pregnant worker's responsibility to seek antenatal care and specific medical advice regarding any particular risk to herself or her foetus that may arise from her usual workplace practices. Some conditions in pregnancy would preclude some sex work activities e.g. placenta previa would exclude intercourse.

Occupational Overuse Syndrome

Occupational Overuse Syndrome (OOS) occurs when people work in fixed or constrained postures or perform rapid repetitive tasks. In the sex industry these can include back pain from unsuitable beds and wrist injury from constant massage.

The prevalence of OOS can be minimised through ensuring that:

- all beds support the back and allow for a variety of sexual services to be performed comfortably
- massage tables are adjustable and not used for unsuitable sexual activities
- bondage and discipline equipment is adjustable and not too heavy

The persons conducting the business or undertaking and persons in control should provide information to sex workers and other workers about appropriate back care strategies, including appropriate manual tasks techniques, OOS and stress. It should be noted that Codes of Practice apply in the ACT in relation to manual handling and OOS.

First Aid

Under the Work Health and Safety Act, persons conducting the business or undertaking and persons in control must take all reasonably practicable steps to ensure that they provide appropriate medical and first aid services for their workers.

Procedures for the appropriate medical treatment of injured persons, the administration of first aid and the contents of first aid kits, must be determined in accordance with the safety risk assessments and meet or better the requirements in the *First Aid in the Workplace Code of Practice*. This Code prescribes the minimum contents of a first aid kit (see Appendix 6). The guidelines in the appendices should be observed.

ALCOHOL AND OTHER DRUG(S)

It is recommended that persons conducting the business or undertaking establish an Alcohol and Other Drug(s) policy. The policy should set out the rules regarding the use of alcohol or other drugs within the workplace and should be based on the principles of harm reduction. A worker under the influence of alcohol or other drugs may not conduct a thorough examination prior to engaging in sexual services.

The policy should be a written document developed in consultation with sex workers and other workers, and be on display for staff and clients outlining:

- when it is considered appropriate to consume alcohol or other drugs
- the acceptable standard of work performance
- appropriate use of prescribed drugs
- prohibition of being in possession of or, being under the influence of, illegal substances

Disposal of Sharps (see Appendix 7). The guidelines in the appendices should be observed.

For Further Information:

“Drug and Alcohol Policy for the Sex Industry Workplaces in the ACT” - available from SWOP.

Smoking

Brothels are required to comply with their obligations under the:

- *Smoking (Prohibition in Enclosed Public Places) Act 2003*
- Code of Practice for Smokefree Workplaces.

The *Smoking (Prohibition in Enclosed Public Places) Act 2003* prohibits smoking in enclosed public places unless a certificate of exemption has been granted. Only premises licensed under the *Liquor Act 1975* and restaurants can apply for an exemption. Under the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, areas in a brothel that are accessible to the public, such as reception areas, waiting rooms and rooms where commercial sexual services are provided, must be smoke free.

The Code of Practice for Smoke Free Workplaces, recommends that the most effective manner in which persons in control of premises can fulfil legal obligations to all workers is to implement a workplace non-smoking policy.

USEFUL CONTACT NUMBERS

ACT Health

- Chief Health Officer - 6205 0883
- Communicable Diseases Control, Health Protection Service - 6205 2155
- Environmental Health, Health Protection Service - 6205 1700

ACT Hepatitis C Council - 6253 9999

ACT Human Rights Commission

- For investigation & conciliation of complaints of discrimination or sexual harassment - 6205 2222

AIDS Action Council of the ACT - 6257 2855

Australian Federal Police

- Request for police attendance - 131 444
- Hotline - 1800 813 784

Department of Justice & Community Safety

- Registrar of Brothels & Escort Agencies - 6207 3000

Domestic Violence Crisis Service - 6280 0900

Emergency - Police, Ambulance and Fire Brigade - 000

Needle and Syringe Program - 6247 5230

Poisons Information Centre - 131 126

Providers of First Aid Training and Resources

- Red Cross - 6206 6099
- St John's Ambulance - 6282 2399

Rape Crisis Centre, Crisis Line - 6247 2525

Sexual Health Services

- Canberra Sexual Health Centre - 6244 2184
- Forensic and Medical Sexual Assault Care - 62442222 (hospital switch)
- Sexual Health and Family Planning ACT (SHFPACT) - 6247 3077

Sex Workers Outreach Project (SWOP) ACT

- Offers education and outreach services for sex workers - 6247 3443
- Sharps Hotline - 13 22 81

WorkSafe ACT

- General enquiries for workplace safety, Workers Compensation and Dangerous Substances - 6207 3000

APPENDIX 1

Induction Procedures

The persons conducting the business or undertaking should provide written information to 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 PPSE such as condoms, dams, gloves and water-based lubricants as well as the sex worker's legal obligation to use PPSE.

The following page is an induction form that all workers should complete prior to commencing their employment.

All staff should work through this form. Once the worker is satisfied with their answer on each point, they should cross the relevant box.

Once all the points have been covered, the worker, along with the instructing employer or operator, should sign and date in the space provided. This form should then be placed on the worker's employment file.

Yes No Are you familiar with the Code of Practice for the "ACT Sex Industry"?

General -

Are you aware of the Work Safety Policy?

Yes No

Can you locate the Work Safety Policy?

Yes No

Designated Work Groups established & displayed?

Yes No

Do you know your Work Safety representatives?

Yes No

Do you know the Smoke Free Workplace policy?

Yes No

Can you locate the Smoke Free Workplace policy?

Yes No

Do you know the Alcohol and other Drugs policy?

Yes No

Can you locate the Alcohol and other Drugs policy?

Yes No

Do you know the Infection Control policy?

Yes No

Can you locate the Infection Control policy?

Yes No

Fire Safety - Do you know:

How to use CO2 or dry extinguishers?

Yes No

If exit doors are clear of obstructions and where they are?

Yes No

The Building evacuation procedures?

Yes No

Disposal of Sharps - Do you know:

Where the sharps container is?

Yes No

First Aid - Do you know:

Who the trained first aid personnel are?

Yes No

Where the first aid cabinets are?

Yes No

The emergency phone numbers?

Yes No

Welfare Standards - Do you know:

There are separate toilets for clients?

Yes No

Meal rooms are off limits to clients?

Yes No

Manual Handling - Do you know:

Floors should be clear of materials?

Yes No

Cleanliness - Do you know:

Linen must be changed after each client?

Yes No

Linen is stored in separate labelled receptacles (clean & dirty)?

Yes No

Sex Toys - Do you know sex toys should:

Be cleaned after every use?

Yes No

Be used with a condom?

Yes No

Leather equipment cleaned in soapy water and sun dried?

Yes No

Corroded equipment not used?

Yes No

Personal Protective Equipment - Do you know if:

Condoms, dams, gloves etc are available & provided free of charge?

Yes No

Clients receive instruction on the use of condoms?

Yes No

Signs are placed in public areas on the use of condoms?
Yes No

What steps are taken if the client refuses to wear a condom?
Yes No

You have a legal obligation to use condoms?
Yes No

Condoms are changed after each use?
Yes No

Accidental Spills of Bodily Fluids - Do you know:
The procedure for accidental spills?
Yes No

The procedure if a condom breaks?
Yes No

Occupational Violence - Do you know the:
Procedures in place in event of a violent incident?
Yes No

Infection Control - Do you know:
If workers are offered a course of hepatitis B vaccine by employers?
Yes No

If training on infection control is provided to all workers?
Yes No

If there is a record kept of incidents of workers coming into contact with human blood, body fluids or body tissue, for example a broken condom?
Yes No

If examination lamps are available?
Yes No

If spare globes are kept and where?
Yes No

Where condoms, soiled tissues etc are disposed?
Yes No

Worker Name: Signed:
.....

Employer / Operator Name:
.....

Signed:.....

Date:

APPENDIX 2

Preventing Food-Borne Illnesses

The potential to contaminate food, and therefore cause illness, is always present in any area where food is prepared or stored. The following simple precautions will minimise any risks associated with food-borne illness:

- ensure that people preparing food wash their hands thoroughly before handling any food or food utensils, particularly after using the toilet or handling condoms;
- ensure that all perishable items like milk, meat and dairy foods are refrigerated at four degrees Celsius or below;
- ensure that all food utensils are thoroughly cleaned in warm soapy water and rinsed in hot water and allowed to air dry;
- ensure that counters and benches where food is prepared are regularly cleaned using hot water and detergent; and
- a sink or basin that is used for the regular cleaning of eating and drinking utensils **MUST NOT BE USED** for the purpose of washing used sex aids and toys or any appliance contaminated with blood or bodily fluids.

APPENDIX 3

Cleaning Guidelines

Disinfection of Spas

Persons conducting the business or undertaking and persons in control of premises should ensure that strict standards are maintained in relation to spas. Spa pools provide a higher infection risk than swimming pools because the warm, turbulent, aerated water is ideal for the rapid growth of many organisms, including Legionella. It is recommended that spas be maintained, treated and operated in accordance with the *Swimming/Spa Pools Code of Practice 1999* and the *ACT Cooling Towers, Evaporative Condensers and Warm Water Storage Systems Code of Practice 2005*. These Codes of Practice can be found at:

<http://www.legislation.act.gov.au/di/current/p.asp>

Any spa pool should be designed and constructed in accordance with the relevant Australian Standard (*AS2610.1:2007, Spa Pools - Public Spas*).

Water quality tests shall be done on every spa pool, in accordance with the Codes of Practice listed above.

The water in spa pools should be kept at an appropriately balanced chemical level. They should have a system of automatic analysis and dosage control equipment that will maintain the level of disinfectant. Spa pools should be drained, cleaned and refilled with fresh water at least once a week.

The temperature of the water in the bathing area of a spa pool should be maintained at a level between 35-37 degrees Celsius, with a maximum temperature of 40 degrees Celsius. It should be noted that spa pools with a temperature of 30-55 degrees Celsius are regarded as Warm Water Systems under the *Building Act 2004*,

Spa baths should be drained after each use so they can be cleaned and refilled with fresh water. Any spa bath should be designed and constructed in accordance with the relevant Australian Standard (*AS 3861 - 1991 - Spa Baths*).

Linen

All linen, including towelling, which comes into contact with clients, should be changed immediately after use.

The following steps will assist in minimising health risks associated with linen:

- at least two separate and appropriately labelled receptacles should be provided in the laundry for the separate storage of clean and used linen.
- any soiling and solid matter should be removed prior to washing and disposed of safely e.g. in toilet, lid down and flush.
Splashing/contamination can be avoided by wearing PPE
- linen should be washed by category in a hot water wash. I.e. a water temperature of 71 Celsius using laundry detergent.
- all items of linen should be thoroughly dried after washing.

Sex Aids and Toys

Sex aids and toys can be a source of infection transmission between different people. They can also be the cause of spreading an infection from one part of an individual's body to another part of the same individual's body e.g. from anus to vagina. Wherever possible, disposable equipment should be used for each new client and each new sexual activity. At the very minimum, new PPSE and clean equipment should be used for each new client and each new sexual activity.

In situations where more than one worker is providing a service to a client, it is necessary to ensure that sex aids and toys are not used by one person and then another without being cleaned, disinfected and having a new condom put on prior to any activity. Ideally, workers should have their own toys and equipment that are not used by other workers. In addition, each worker may choose to use a condom of a different colour in order to identify who last used the equipment.

Sex aids and toys can also be used to provide stimulation without penetration. Sex aids and toys should be cleaned and disinfected after use with each client. It should be noted that the cleaning methods outlined below are not guaranteed to eliminate the presence of HIV or hepatitis A, B or C, but following these procedures will significantly lower the risk of transmission of these and other diseases.

Equipment that cannot be thoroughly cleaned (e.g. leather) should only be used on intact skin.

Cleaning and disinfection should be compatible with any relevant manufacturers' instructions and any additional requirements under the Code of Practice.

Any equipment used in the provision of commercial sexual services (other than condoms), such as sex aids and toys, which has had contact with another person's body should be cleaned and disinfected after every use.

A condom should be used on all equipment used for penetration of any bodily orifice or rubbing on the outside of the genital or anal area. A new condom should be used:

- for each new partner;
- when toys are used to penetrate or contact a different bodily part (for example vaginal penetration changes to anal penetration); and
- for each new piece of equipment.

The condom should be removed and discarded after each use, and the equipment then cleaned and disinfected.

Cleaning should be done using detergent and water. To disinfect after cleaning, equipment should be rinsed and immersed for ten minutes in a solution of one part bleach to two parts water. After immersion the equipment should be rinsed and dried prior to use.

Equipment that will not tolerate immersion (for example vibrators) should be cleaned by wiping with detergent and water and then disinfected by wiping with 70% alcohol, and allowed to dry prior to use.

Leather equipment, such as whips, should be washed with hot soapy water and dried in the sun, then disinfected with 70% alcohol and not used until they are dry.

Corroded equipment should not be used.

Used condoms, dams, soiled tissues and the like should be placed in an intact plastic bag and placed in a secure waste receptacle located in the brothel and disposed of safely.

A sink or basin that is used for the regular cleaning of eating and drinking utensils **MUST NOT BE USED** for the purpose of washing used sex aids and toys or any appliance contaminated with blood or bodily fluids.

For Further Information:

National Code of Practice for the Control of Work-Related Exposure to Hepatitis and HIV (Blood-Borne) Viruses [NOHSC: 2010(2003)].

APPENDIX 4

Prevention of Workplace Violence

To create a workplace environment where the risk of violence is minimised, persons conducting the business or undertaking must:

- identify areas of the workplace and procedures which may contribute to the likelihood of violence
- assess the likelihood or frequency of a violent incident occurring and the potential for injury and/or damage
- develop strategies for controlling the risks

This can be achieved by consultation with workers and providing training to all existing and new workers in safe procedures. The following checklist can be used to assess the workplace.

Workplace 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? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the workplace provide a customer or client service? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Do staff work alone or at night? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are violent incidents fairly common in your industry or area? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is it easy to enter the workplace unnoticed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the workplace have: | | |
| • Low lighting or dark areas? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Irritating or high noise levels? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Inadequate space for staff and clients/customers? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Inadequate barriers between staff and clients? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Furnishings or equipment that could be used as weapons? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Clients/Customers

- | | | |
|---|------------------------------|-----------------------------|
| Are customers or clients likely to become angry or disgruntled? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are clients likely to be affected by drugs or alcohol? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are clients/patients likely to suffer from mental illness? | <input type="checkbox"/> Yes | <input type="checkbox"/> 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:
- 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

- 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
 - Fire fighting 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

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

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

No worker shall be alone in a brothel that is open to the public.

A client who is behaving unacceptably or who has a history of inappropriate behaviour will not be admitted or will be asked to leave.

Drivers employed for the provision of escort services should not consume nor be under the influence of alcohol or drugs while working. Any 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 must carry mobile phones or personal alarms with them. Drivers should, as part of their duties, undertake a thorough security check of the premises to ensure the client is alone and that there are no video/internet/web cameras.

APPENDIX 5

Examining Clients For Signs of Sexually Transmissible Infections

Prior to the commencement of sexual services, each client should be examined by the sex worker to detect any visible signs of sexually transmissible disease. Common signs of diseases 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
- jaundice

A separate flexible light source that provides equivalent light to a 60-watt globe should be provided for such examination. In the case of escort work, a torch should be used in the event of unsatisfactory lighting.

Absence of the symptoms listed above does not mean that there is no sexually transmissible disease present. It is necessary to use condoms, dams, etc. regardless of the results from the client's sexual health check.

If there are visible signs that may indicate a sexually transmissible infection, the client may not receive a commercial sexual service. The client should be advised to seek medical advice.

At any time, a sex worker may decide not to provide a sexual service to a client.

APPENDIX 6

First Aid Kit Requirements

Brothels, like all other businesses in the ACT, should comply with the *First Aid in the Workplace Code of Practice* which includes the following:

- having at least one first aid kit in the brothel which is located in a prominent and accessible position;
- ensuring that all workers are provided with practical instruction about the nature of first aid facilities provided, their location, who the first aid officers are, and the procedures to be followed when first aid is required; and
- ensuring there is at least one first aid officer where there are less than 100 workers present at the workplace at the same time. A first aid officer should be trained appropriately, for example, to the level of being awarded a "Senior First Aid Certificate" from St John Ambulance Australia or Australian Red Cross.

Basic First Aid Kit Contents List¹

Item	Quantity
Amputated Bag Set in Envelope	1
Antiseptic - Swabs	20
Bandage Conforming 5cm	2
Bandage Crepe 10cm	2
Contaminated Waste Bag	1
Dressing Strip – Plastic (50 pieces)	2
Dressing Tape (hypoallergenic) 25mm	1
Dressing Wound – No. 14P	2
Dressing Wound – No. 13P	2
Emergency Blanket (Space)	1
Eyepad – Sterile Single	3

¹ This list is taken from *First Aid in the Workplace Code of Practice*, October 2010. It should be noted that the Minister for Industrial Relations approved an amendment to this Code of Practice on 21 April 1997 to remove paracetamol from the above table. Please note that you may need to check with WorkSafe ACT to ensure this list is up to date.

Item	Quantity
First Aid Manual	1
First Aid Pamphlet Insert	1
Gloves Latex – Large (pair)	3
Non Adherent Dressing 7.5 x 7.5cm	2
Protective Eyewear	1
Resuscitation Face Shield/Mask	1
Safety Pin 12 Pack	1
Scissors – Sharp/Blunt 125mm	1
Sodium Chloride 30ml	6
Splinter Forceps 125mm	1
Triangular Bandage	6

APPENDIX 7

Disposal of Sharps

Sharp items can be a source of infection transmission. Sharp items include needles, razor blades, pins and knife blades.

Persons conducting the business or undertaking should provide approved sharps disposal containers for the disposal of sharps by workers and clients. Needles should not be recapped, removed from disposable syringes, nor broken or bent by hand as this can cause skin punctures.

Used sharps should be placed into an Australian Standard (AS 4031) specified, disposable sharps container. Sharps should not be forcefully inserted into the container, otherwise they may puncture the hand. Containers should not be allowed to fill past the three-quarter level.

Once the container is full the lid should be sealed and taped shut. Store safely until it is removed from the premises. When the container is three-quarters full it should be disposed of in accordance with the ACT Clinical Waste Manual (e.g. by utilising the Needle and Syringe Program).

In relation to drug use in brothels, see section 9 of this Code, “Alcohol and Other Drug(s) Policy”.

For Further Information:

ACT Clinical Waste Manual (1991): available at
<http://www.legislation.act.gov.au/di/1991-12/default.asp>

National Code of Practice for the Control of Work-Related Exposure to Hepatitis and HIV (Blood-Borne) Viruses [NOHSC: 2010(2003)].

APPENDIX 8

Checklist for Work Safety Workplace Visit

CHECKLIST

Yes No Are you familiar with the Code of Practice for the " Sexual Services Industry".

Issues to be checked (Cross through if not applicable)

Yes No

General

Work Safety Policy & displayed
Yes No

Designated Work Groups established & displayed
Yes No

Work Safety representatives & displayed
Yes No

Smoke Free Workplace policy available
Yes No

Smoke Free Workplace policy displayed
Yes No

Drug & Alcohol policy
Yes No

Drug & Alcohol policy displayed
Yes No

Infection control policy in place
Yes No

Access and Egress

Stairs & hand rails in good repair
Yes No

No trip hazards
Yes No

Floors not slippery
Yes No

Cleanliness

Clean bed linen
Yes No

Clean towels
Yes No

Changed linen after each client
Yes No

Separate labelled linen receptacles (clean & dirty)
Yes No

Washing in warm water & laundry detergent

Sex toys

Cleaned after every use
Yes No

Condom used on all equipment
Yes No

condoms changed after each use
Yes No

Leather equipment cleaned in soapy water and sun dried

Corroded equipment not used
Yes No

Accidental Spills of Bodily Fluids

Procedure in place (sighted)
Yes No

Gloves, paper towels, disposed in plastic bags and surface washed
Yes No

Separate mops, sponges used
Yes No

Mops, sponges cleaned and air dried
Yes No

Disposal of Sharps

Sharps container available
Yes No

Sharps container not more than three quarter level
Yes No

Container disposed in accordance with ACT clinical waste manual
Yes No

First Aid

Trained first aid personnel appointed
Yes No

Trained first aid personnel names displayed
Yes No

Cabinets easily accessible	Yes <input type="checkbox"/> No <input type="checkbox"/>	Exits identified	Yes <input type="checkbox"/> No <input type="checkbox"/>
No replacement materials needed	Yes <input type="checkbox"/> No <input type="checkbox"/>	Exit doors clear of obstructions	Yes <input type="checkbox"/> No <input type="checkbox"/>
Emergency phone numbers displayed	Yes <input type="checkbox"/> No <input type="checkbox"/>	Fire alarm functioning	Yes <input type="checkbox"/> No <input type="checkbox"/>
Welfare Standards		Building evacuation procedures	Yes <input type="checkbox"/> No <input type="checkbox"/>
Adequate toilets	Yes <input type="checkbox"/> No <input type="checkbox"/>	Building evacuation signs in place	Yes <input type="checkbox"/> No <input type="checkbox"/>
Separate toilets for clients	Yes <input type="checkbox"/> No <input type="checkbox"/>	Do staff know above?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Washroom clean	Yes <input type="checkbox"/> No <input type="checkbox"/>	Electrical Safety	
Toilets clean	Yes <input type="checkbox"/> No <input type="checkbox"/>	Residual Current Device in place	Yes <input type="checkbox"/> No <input type="checkbox"/>
Liquid soap available	Yes <input type="checkbox"/> No <input type="checkbox"/>	Electrical equip tested & recorded	Yes <input type="checkbox"/> No <input type="checkbox"/>
Meal rooms clean	Yes <input type="checkbox"/> No <input type="checkbox"/>	Electrical equip tagged	Yes <input type="checkbox"/> No <input type="checkbox"/>
Meal rooms off limits to clients	Yes <input type="checkbox"/> No <input type="checkbox"/>	Leads are off the floor	Yes <input type="checkbox"/> No <input type="checkbox"/>
Manual Handling		No exposed wiring on cords or plugs	Yes <input type="checkbox"/> No <input type="checkbox"/>
Storage designed to minimise lifting	Yes <input type="checkbox"/> No <input type="checkbox"/>	Personal Protective Equipment	
Floor clear of materials	Yes <input type="checkbox"/> No <input type="checkbox"/>	Condoms, dams, gloves etc are available & provided free of charge	Yes <input type="checkbox"/> No <input type="checkbox"/>
Bags of linen correct weight	Yes <input type="checkbox"/> No <input type="checkbox"/>	Clients receive instruction on the use of condoms	Yes <input type="checkbox"/> No <input type="checkbox"/>
Chemicals		Signs are placed in public areas (sighted)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Chemical Register	Yes <input type="checkbox"/> No <input type="checkbox"/>	If the client refuses to wear a condom what steps are then taken? _____	
Material Safety Data Sheets available	Yes <input type="checkbox"/> No <input type="checkbox"/>	Assessments have been undertaken on type of condoms used	Yes <input type="checkbox"/> No <input type="checkbox"/>
Appropriate storage	Yes <input type="checkbox"/> No <input type="checkbox"/>	Condoms and dams are stored in a cool place	Yes <input type="checkbox"/> No <input type="checkbox"/>
Ventilation		Occupational Violence	
Air conditioning maintained	Yes <input type="checkbox"/> No <input type="checkbox"/>	No locked doors	Yes <input type="checkbox"/> No <input type="checkbox"/>
Natural ventilation adequate	Yes <input type="checkbox"/> No <input type="checkbox"/>	Procedures in place in event of a violent incident	Yes <input type="checkbox"/> No <input type="checkbox"/>
Dusts or fumes present	Yes <input type="checkbox"/> No <input type="checkbox"/>	Infection Control	
Fire Safety		Workers offered a course of hepatitis B vaccine	
Extinguishers in place	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Extinguishers checking up to date/6 monthly	Yes <input type="checkbox"/> No <input type="checkbox"/>		
CO2 or dry extinguishers			

Yes No

Training on infection control is provided to all workers

Yes No

Is there a record kept of incidents of workers coming in to contact with human blood, body fluids or body tissue for example broken condom (sighted)?

Yes No

If so how are staff made aware of this?

Yes No

Examination lamps are available

Yes No

Where are spare globes kept?

Yes No

Condoms, soiled tissues etc are bagged and placed in a secure receptacle

Yes No

What are the procedures for cleaning equipment?

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Show evidence of your workers health checks.

Sighted:

Details:

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