

Australian Capital Territory

Occupational Health and Safety (Sexual Services Industry) Code of Practice 2005 (No 1)

Disallowable Instrument DI2005–68

made under the

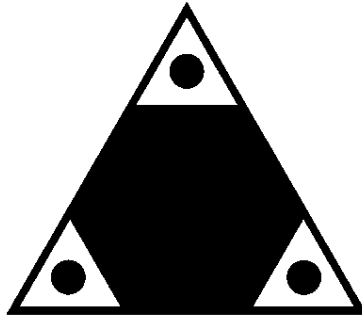
Occupational Health and Safety Act 1989 – section 206 – Codes of Practice

Pursuant to section 206 of the *Occupational Health and Safety Act 1989*, I revoke Instrument No. 259 of 1998 and approve the ACT Occupational Health and Safety Code of Practice for the Sexual Services Industry in the ACT as attached.

This instrument commences on the 7th day after its notification day.

Katy Gallagher
Minister for Industrial Relations

3 May 2005



ACT WorkCover

**ACT Sexual Services Industry
Code of Practice**

March 2005



Forward

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1 INTRODUCTION

1.1 Title

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

1.2 Authority

This Code of Practice, approved pursuant to section 206 of the ACT *Occupational Health and Safety Act 1989*, (*OHS Act*) shall have effect from the 17 May 2005.

1.3 Purpose

The purpose of this Code of Practice is to provide practical guidance to employers and/or operators, sex workers and other employees in the sexual services industry in the ACT in regards to meeting appropriate occupational health and safety standards.

1.4 ACT Occupational Health and Safety Act 1989

The ACT *OHS Act* emphasises the development of safe work practices and provides the means of developing, administering, and enforcing occupational health and safety standards in the ACT.

1.5 Codes of Practice

The *OHS Act* provides for the making of Codes of Practice for the purpose of giving practical guidance on specific areas of work to employers and/or operators, employees and self-employed people.

Codes of Practice are designed to be used in conjunction with the *OHS 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 standard specified in the *OHS 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 *OHS Act* an Inspector appointed under the *OHS 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 *OHS Act*.

This Code of Practice was updated by ACT WorkCover in consultation with ACT Health, the Brothels Escort Agencies and Massage Association (BEAMA), Sex Worker Outreach Project (SWOP), the ACT Police, the Registrar of Brothels and Escort Agencies, and the OHS Council. The OHS Council is established under the *OHS Act* and provides advice to the Minister on the approval of Codes of Practice under the *OHS Act*.

2 DEFINITIONS AND INTERPRETATIONS

In this Code of Practice:

- “**blood borne virus**” means any infection (for example, 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).
- “**employee**” means a person employed by the employer and/or operator under a contract of service. A contract of service may be written or oral or partly written and partly oral. (This would include any person who works in connection with a brothel or escort agency including sex workers, receptionists, drivers and cleaners.)
- “**employer**” means a person who employs a person under a contract of service. A contract of service may be written or oral or partly written and partly oral.
- “**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.
- “**operator**” means the owner(s) and the person(s) in day-to-day control of a commercial brothel or escort agency.
- “**personal protective clothing (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.
- “**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 an employee 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 recirculatory system and/or an air injection system, equipment that is capable of heating any water contained in it, and a water filter.
- **“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.

3 DUTY OF CARE

It is an offence under the provisions of the ACT *Crimes Act 1900* and the ACT *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.

3.1 Employers and/or Operators

The primary duty imposed on employers and/or operators is to take all reasonably practicable steps to protect the health, safety and welfare of their employees at work. This includes providing and maintaining, so far as is reasonably practicable, a working environment that is safe for employees and without risk to their health.

Employers and/or operators need to make available to employees the resources to implement and support safe work practices. Employers and/or operators should ensure that employees are informed about and are involved in, health and 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 employer and/or operator should provide, or arrange for the provision of, the information in a language with which he or she is familiar.

A duty is also imposed on employers and/or operators in relation to the health and safety of third parties who are not employees. This means, for example, that employers and persons in control of workplaces have obligations under the *OHS Act* to clients and others who are not employees to ensure that they are not exposed to risks to their health or safety arising from the conduct of the employer and/or operator.

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

3.2 Persons in Control of Workplaces

Under the *OHS Act*, persons in control of workplaces must take all reasonably practicable steps to ensure that the workplace, the access to and way out of the workplace as well as plant and/or substance at a workplace, is safe and without risk to health.

3.3 Employees

Under the *OHS Act*, employees 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 employee or other persons at or near their workplace. Employees are to co-operate with employers and/or operators or any other persons to enable them to fulfil any duty or obligation under the *OHS Act*.

Employees 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 their employer and/or operator to give effect to the Code of Practice.

Employees are required to follow safety procedures and instructions and participate in safety training. They must use the safety equipment provided by their employers and/or operators and take all reasonably practicable steps to report any action that creates a risk, workplace hazard or occurrence to the employer and/or operator.

4 A RISK MANAGEMENT APPROACH

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

Employers and persons in control of a workplace should have clear, well-documented policies and procedures for dealing with health and 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 - The hazards must be identified

Assess it - The degree of risk associated with the hazard must be assessed

Fix it - Control the risk by determining and implementing appropriate control measures

Evaluate it - Review or evaluate the effectiveness of the control implemented

4.1 Identify Hazards

Employers and/or operators must take all reasonably practicable steps in consultation with employees to identify all potential health and safety hazards that could create a risk to any person at or near the workplace.

4.2 Assess and Control The Risks

This involves assessing the possibility of injury or harm occurring to a person if exposed to a hazard, how likely it is and the seriousness of the potential injury or harm.

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

The following list of potential hazard hot spots is indicative only.

4.2.1 Personnel

- Fatigue (Section 5.6)
- Rest breaks (Section 5.7.2)
- Ergonomics in bondage
- Sex aids and toys (Appendix 3)
- Intoxication at work (Section 9)
- Intoxicated clients

4.2.2 Equipment

- Beds
- Personal Protective Equipment (PPE) (Section 8.1)

4.2.3 Environment (*Section 6*)

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

4.2.4 Others

- Time of day work undertaken
- Car parking at work
- Communications systems for outworkers
- Emergency situations - police, fire, ambulance, security
- Cash limits

- Record maintenance (Section 5)
- Confidentiality of worker details
- Hazardous waste (condoms, sharps, razors, etc)
- Escort (off premises) bookings.

4.3 Evaluate and Review

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

4.4 Record Keeping

Under the *OHS Act*, an employer and/or operator must take all reasonably practicable steps to maintain appropriate information and records relating to the employees' 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
- employee health and safety training
- dangerous occurrence and serious injury incident reports
- facilities and equipment maintenance logs.

4.5 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, eg.

- armed hold-ups
- physical violence
- verbal threats or threats received over the phone
- responding to alarms including those by escorts.

In developing the procedures, the employer and/or operator should give instruction for the following:

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

4.6 Accident Reporting

Under the *OHS Act*, the employer and/or operator must notify ACT WorkCover of a dangerous occurrence and/or serious injury that results in the employee being unfit for work for seven days or more. Employers and/or operators must also report any dangerous occurrences or involve a threat of a dangerous occurrence eg. assault, fire, exposure to bodily fluids that present a risk of transmitting blood-borne viruses.

The death, injury or dangerous occurrence is notifiable if it occurred at or near the workplace and is attributable to the conduct of the employer's and/or operators undertaking at the workplace.

Notice to ACT WorkCover must be given as soon as possible in writing, but no later than seven days after the employer and/or operator becomes aware of the situation. The employer and/or operator must retain a copy of the notice in a bound book or in loose-leaf form for a period of at least five years after the notice date.

4.7 Shift Work

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

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

Workers should not be permitted to be “on duty” for more than 12 hours. To ensure workers are free of fatigue, they should be away from the workplace for at least 12 hours between shifts.

5 COMMUNICATION, TRAINING AND SUPERVISION

The *OHS Act* requires employers and/or operators to take all reasonably practicable steps to consult with employees and take into account their views when making decisions that affect their health, safety and welfare, including systems of work.

It is the employer's and/or operator's responsibility to consult, as soon as possible, with staff on any changes planned for the workplace where those changes may affect the health and safety of any employees, independent operators and persons who perform unpaid work.

Health and Safety Representatives (HSR) are to be consulted in workplaces where 10 or more persons are employed. In workplaces with less than 10 employees each employee should be consulted.

5.1 Procedures for Resolving Health and Safety Matters

While the emphasis is on consultation and cooperation, problems may still arise when there are disagreements between employers and/or operators and employees on health and safety issues.

If employers and/or operators and employees cannot reach an agreement on health and safety issues, then the advice of the HSR or OHS Committee should be sought. Advice can also be sought from ACT WorkCover. If the consultation process fails to resolve a health and safety issue, the HSR has the power to issue a Provisional Improvement Notice (PIN). Issuing a PIN is a formal process which involves notifying ACT WorkCover. Issuing a PIN should be used as a last resort other forms of dispute resolution have proven ineffective.

5.2 Provision of Information

All reasonably practicable steps must be taken by the employer and/or operator to ensure employees are provided with any information, instruction and training necessary to ensure their health and safety.

Employers and/or operators should make available for the use of their employees in an easily accessible place, copies of any policies, relevant codes of practice and any safety risk assessment or review reports. All work must be performed in accordance with the relevant policies, codes and risk assessments.

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

The employer and/or operator should take all reasonably practicable steps 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, employers and/or operators should provide reasonable access to government and non-government agencies which provide health and education services, including outreach services for sex workers.

5.3 Induction Process

Employers and/or operators must ensure that each new employee receives induction training appropriate to the position of the employee that covers the following:

- health and safety procedures at the place of work, including the use and maintenance of risk control measures
- access to health and safety information which the employer and/or operator is required by legislation to make available to employees
- safe sex measures that must be followed, including the correct way to use prophylactic devices
- 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 eg. receptionists should receive training in how to handle difficult clients and emergency procedures relating to escort (off premises) bookings.

Employers and/or operators should ensure sex workers and other employees are aware of their rights and responsibilities under the *OHS Act*, the *ACT Prostitution Act 1992*, as well as this Code of Practice.

6 SUPERVISION

Employers and/or operators must take all reasonably practicable steps to provide supervision necessary to ensure the health, safety and welfare of employees at work.

7 WORKING ENVIRONMENT

7.1 Amenities

The *OHS Act* requires that employers and persons in control of workplaces provide and maintain adequate facilities for employees welfare while they are at work.

To fulfil this duty, employers and persons in control of workplaces should refer to all relevant regulatory material and relevant Codes of Practice. These include but are not limited to the:

- *ACT Public Health Act 1997*
- *ACT Prostitution Act 1992*
- Construction Industries Amenities Code of Practice
- Building Code of Australia (ACT Appendix).

Employers and/or operators should provide adequate heating and cooling facilities.

There should be adequate sanitary facilities provided, taking into account the number of people (sex workers, other employees 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 employees 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 *ACT Food Act 2001* and *ACT 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 employees for themselves, simple precautions should be followed to minimise risks associated with food borne illness (see Appendix 2). The guidelines in the appendices should be observed.

Ergonomic furniture should be provided for all employees. This would include suitable beds, with firm, supportive mattresses that are not too heavy for employees 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.

Employers and/or operators shall provide and maintain adequate PPE to allow a new PPE 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.

Employers and/or operators 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 PPE is not providing a safe working environment.

The employer and/or operator should provide clean bed linen or clean bed covers and clean towels for the individual use by clients and sex workers.

7.2 Accommodation

Permanent accommodation on site is unacceptable and does not meet requirements of the *ACT 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.

7.2.1 Facilities for personal belongings

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

7.2.2 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.

7.3 Fire Safety

Employers and/or operators should ensure that the workplace complies with all legislative requirements relating to fire safety, including those in the *ACT Building Act*

2004, the ACT *Fire Brigade Act 1957* and the specifications in the Building Code of Australia.

Employers and/or operators should ensure that all fire exits are kept clear, are easily identified, and are always capable of being opened from the inside. Fire detectors and extinguishers should be installed and all employees should receive training in the use of any fire fighting equipment provided.

Employers and/or operators should ensure that all employees are trained in evacuation procedures.

7.4 Electrical Safety

Electrical work and wiring must be performed by a licensed electrician and comply with *AS 3000 Electrical Installations - Buildings, Structures and Premises* (also known as *SAA Wiring Rules*).

For further information

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

7.5 Cleanliness

7.5.1 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 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 a hygienic premises carries penalties including fines or imprisonment under the ACT *Public Health Act 1997*.

7.5.2 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 ACT *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.

<http://www.legislation.act.gov.au/di/1999-260/current/pdf/1999-260.pdf>

7.5.3 Cleaning

Cleaners should be fully informed of the contents of this Code of Practice and should be provided with protective apparel.

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.

8 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 staff and staff made aware of the policy and its provisions. Policies must include clear procedures to protect the safety of sex workers and other employees from clients' inappropriate or unacceptable behaviour.

Employers and/or operators should have a sexual harassment policy and guidelines in place, and a copy should be given to all sex workers and other employees on commencing employment.

Occupational violence constitutes an injury under the *OHS Act*. Employers and/or operators are required under the *OHS Act* to encourage sex workers and other employees to report all workplace injuries to ACT WorkCover. A workplace policy on occupational violence shall include a provision that all incidents of inappropriate behaviour must be reported to the employer and/or operator.

Employers and/or operators, owners or persons in control of premises are responsible for eliminating potentially abusive situations, violence or intimidation from their workplace regardless of the source. In developing policies and procedures employers and/or operators shall take into account any known risks or hazards associated with the industry. Employers and/or operators should conduct a Workplace Violence Checklist (see Appendix 4). The guidelines in the appendices should be observed.

If a violent incident has occurred, affected employees 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 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 (eg. families of employees).

It is an offence under the *Commonwealth Privacy Act 1998*, to reveal the nature of a person’s employment to a third party.

It is the responsibility of operators to ensure measures are in place to protect the health and safety of all employees regardless of whether they are working on or off the brothel premises.

Owners and/or operators should provide security to employees 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 employee 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 requires assistance.
- It is the employer’s and/or operator’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 SWOP on 6247 3443.

Employers and/or operators should ensure that all sex workers and other employees are aware of workplace policies on personal safety.

9 PERSONAL HEALTH ISSUES

9.1 Personal Protective Equipment (PPE)

Employers and/or operators are required by the *ACT Prostitution Act 1992*, to take all reasonably practicable steps to ensure that sex workers and clients practise safe sex. The *ACT 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 *ACT 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 *ACT Prostitution Act 1992*, to use PPE 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.

9.2 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 keep follow-up appointments for results and further tests, to assess whether they need to take a break from work and to talk to a friend or another worker.

If the sex worker is not using contraception, they should be advised to get emergency contraception as soon as possible within five days.

Sex workers should be advised to have tests for sexually transmissible infections and get antibiotics if necessary.

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.

9.3 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.

Employers and/or operators should provide written and verbal information on the correct procedures for examining clients (see Appendix 5). The guidelines in the appendices 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 consistent with section 16 of the ACT *Prostitution Act 1992*. Any client with evidence of an STI should be advised to seek medical advice and where necessary, treatment.

A person should not, at a brothel or elsewhere, provide 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 \$5,000 or imprisonment for six months or both as defined in the ACT *Prostitution Act 1992*.

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 (ACON), Sydney June 2003.

9.4 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 occupational health and 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.

9.5 Pregnancy

It is the employer's and/or operator'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 employee. A sex worker or other employee 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 employee 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 employee'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 eg. example placenta previa would exclude intercourse.

9.6 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 employer and/or operator should provide information to sex workers and other employees about appropriate back care strategies, including appropriate manual handling techniques, occupational overuse syndrome and stress. It should be noted that

Codes of Practice apply in the ACT in relation to manual handling and occupational overuse syndrome.

9.7 First Aid

Under the *OHS Act*, employers and/or operators must take all reasonably practicable steps to ensure that they provide appropriate medical and first aid services for the employees.

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 *ACT 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.

For Further Information:

National Code of Practice on Occupational Overuse Syndrome [NOHSC: 2013 (1994)]

ACT Standard and Code of Practice on Manual Handling (2nd Revised Edition)

10 ALCOHOL AND OTHER DRUG(S)

It is recommended that employers and/or operators establish an Alcohol and Other Drug(s) policy. The policy should set out the rules with regard to 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 employees, 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 on having 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.

10.1 Smoking

Brothels are required to comply with their obligations under the:

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

The ACT *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 ACT *Liquor Act 1975* and restaurants can apply for an exemption. Under the ACT *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 ACT Code of Practice for SmokeFree Workplaces, recommends that the most effective manner in which employers and operators can fulfil legal obligations to sex workers and other employees is to implement a workplace non-smoking program.

11 USEFUL CONTACT NUMBERS

AIDS Action Council of the ACT - 6257 2855

ACT Health

Chief Health Officer - 6205 0881

Communicable Diseases Control, Health Protection Service - 6205 2155

Environmental Health, Health Protection Service - 6205 1700

ACT Hepatitis C Council - 6253 9999

ACT Human Rights Office

- For investigation & conciliation of complaints of discrimination or sexual harassment) - 6207 0576

ACT WorkCover

- General enquiries for safety, Workers Compensation and Dangerous Substances - 6205 0200

Australian Federal Police

- Request for police attendance - 131 444
- General enquiries/switchboard - 6256 7777

Department of Justice & Community Safety

- Registrar of Brothels & Escort Agencies - 6207 0422
- Domestic Violence Crisis Service - 6280 0900
- Emergency - Police, Ambulance and Fire Brigade - 000
- Needle and Syringe Program - 6248 7677
- Poisons Information Centre - 131 126

Providers of First Aid Training and Resources

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

Rape Crisis Service - 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)

- Offers education and outreach services for sex workers - 6247 3443
- Sharps Hotline - 132 281

APPENDIX 1

Induction Procedures

The employer and/or operator 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 employer and/or operator 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.

The following page is an induction form that all employees should be made aware of prior to commencing their duties.

Staff Induction Form

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

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

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

General -

Yes No Are you aware of the OHS Policy?

Yes No Can you locate the OHS Policy?

Yes No DWG's established & displayed?

Yes No Do you know your OHS representatives?

Yes No Do you know the Smoke free policy?

Yes No Can you locate the Smoke free 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?

Fire Safety - Do you know:

Yes No 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?

Disposal of Sharps - Do you know:

Yes No Where the sharps container is?

First Aid - Do you know:

Yes No Who the Trained first aid personnel are?

Yes No Where the first aid cabinets are?

Yes No The emergency phone numbers?

Welfare Standards - Do you know:

Yes No There are separate toilets for clients?

Yes No Meal rooms are off limits to clients?

Manual Handling - Do you know:

Yes No Floors should be clear of materials?

Cleanliness - Do you know:

Yes No Linen must be changed after each client?

Yes No Linen is stored in separate labelled receptacles (clean & dirty)?

Sex Toys - Do you know sex toys should:

Yes No 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?

Personal Protective Equipment - Do you know if:

Yes No 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?

Accidental Spills of Bodily Fluids - Do you know:

Yes No The procedure for accidental spills?

Yes No The procedure if a condom breaks?

Occupational Violence - Do you know the:

Yes No Procedures in place in event of a violent incident?

Infection Control - Do you know:

Yes No If employees 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?

Employee 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 five 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.
- 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 body fluid.

APPENDIX 3

Cleaning

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, good drainage, good maintenance (no cracks, chips, leaks) and regular cleaning.

Baths, Showers and Toilets

Regular physical cleaning, for example 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 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 eg. chipped tiles, cracked shower screens, leaks.

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

Disinfection of Spas

Employers and/or operators 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 Warm Water Systems Code of Practice 2000*. These Codes of Practice can be found at: <http://www.health.act.gov.au/c/health>

Any spa pool should be designed and constructed in accordance with the relevant Australian Standard (AS 2601.1 - 1993, Spa Pools Part 1: Public Spas).

Water quality tests shall be done on every spa pool, in accordance with the Code 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 ACT *Building Act 2004*, and thus are required to be licensed to prevent outbreaks of Legionnaires' Disease. Spa pool operators of this category are required to contact ACT Health Protection Service, Applied Environmental Health Program for further information.

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 eg. in toilet, lid down and flush. Splashing / contaminating can be avoided by wearing PPE
- linen should be washed by category in a hot water wash ie. 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 eg. 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 PPE 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 vibrators, dildos and so on 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 (eg. 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)
- 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.

For Further Information:

National Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV (Blood-borne) Viruses [NOHSC:2010(2003)] 2nd Edition.

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 body fluid.

Blood and Other Bodily Fluid Spills

Blood or bodily fluid spills pose a significant health risk.

An accidental spill of bodily fluids is considered a dangerous occurrence under the *OHS Act*. Employers are required to maintain a register of all dangerous occurrences.

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 body fluid other than sweat occurs:

- disposable gloves and protective clothing should be worn
- broken glass or any other sharp included in the spill should not be picked up by hand
- blood and/or body substances 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

- surfaces should be rinsed and dried (carpeted areas should be shampooed).

After exposure to blood or other body substances 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 body substances gets in the mouth, spit it out then rinse the mouth with water several times
- if clothing is contaminated, remove clothing and shower if necessary
- 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 their supervisor 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 (eg. 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.

APPENDIX 4

Prevention of Workplace Violence

To create a workplace environment where the risk of violence is minimised, management 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 employees and providing training to all existing and new employees 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.

A response in a shaded box indicates that the issue should be assessed and controlled.

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? 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 employees 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 employees likely to become violent? Yes No

Are certain employees likely to use abusive language? Yes No

- Are employees 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 employees? Yes No

4. Training

Have employees 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
- Employees 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 employees communicate effectively with clients/customers to diffuse potentially violent situations? Yes No
- Are field employees 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 employees afterwards? Yes No
- Was an employee assistance/counselling service provided if needed? Yes No
- Were employees 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 employee 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 employee 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 Code of Practice “ACT First Aid in the Workplace” 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 employees 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
- ensuring there is at least one first aid officer where there are 20 or more employees 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
Adhesive plastic dressing strips, sterile, packets of 50	1
Adhesive dressing tape 2.5cm x 5cm	1
Bags, plastic (for amputated parts)	
Small 150mm	1
Medium 200mm x 150mm	1
Large 400mm x 200mm	1
Dressing, non adherent, sterile 7.5cm x 7.5cm	2
Eye pads, sterile	3

¹ This list is taken from *ACT First Aid in the Workplace Code of Practice*, April 1994. 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 ACT WorkCover to ensure this list is up to date.



Item	Quantity
Gauze bandages 100mm	2
Gauze bandages 50mm	2
Gloves, disposable, single	6
Rescue blanket	1
Safety pins, packet	1
Scissors, blunt, short nosed, minimum length 12.5 cm	1
Splinter forceps, stainless steel	1
Sterile eyewash solution, 10ml single use ampoule	6
Swabs, packet of 10, prepacked, antiseptic	2
Kidney dish	1
Triangular bandages	6
Wound dressing No 14	2
Wound dressing No 13	2
Antiseptic 250ml - Savlon or equivalent	1
Disinfectant 250ml - Betadine, Iodine or equivalent	1
Guidance note from The Australian Red Cross Society or St John Ambulance Australia on DRABC (Danger Response; Airway; Breathing; Circulation)	1
Guidance note from The Red Cross Society or St John Ambulance on RICE management for bruises	1
St John Ambulance Australia book First Aid Vol 1 or The Australian Red Cross Society First Aid Manual	1

APPENDIX 7

Disposal of Sharps

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

Employers and/or operators should provide approved sharps disposal containers for the disposal of sharps by employees 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 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 (eg. 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)

National Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV (Blood-borne) Viruses [NOHSC: 2010(2003)] 2nd Edition.

APPENDIX 8

Checklist for OHS Workplace Visit

CHECKLIST

Yes No Are you familiar with the Code of Practice for the “ACT Sex Industry”.

Issues to be checked (Cross through if not applicable)

General

- Yes No OHS Policy & displayed
 Yes No DWG's established & displayed
 Yes No OHS representatives & displayed
 Yes No Smokefree policy available
 Yes No Smokefree policy displayed
 Yes No Drug & Alcohol policy
 Yes No Drug & Alcohol policy displayed
 Yes No Infection control policy in place

Access and Egress

- Yes No Stairs & hand rails in good repair
 Yes No No trip hazards
 Yes No Floors not slippery

Cleanliness

- Yes No 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

- Yes No 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
 Yes No Corroded equipment not used

Accidental Spills of Bodily Fluids

- Yes No 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

Disposal of Sharps

- Yes No Sharps container available
 Yes No Sharps container not more than three quarter level
 Yes No Container disposed in accordance with clinical waste ACT

First Aid

- Yes No Trained first aid personnel appointed
 Yes No Trained first aid personnel names displayed
 Yes No Cabinets easily accessible

Yes No No replacement materials needed

Yes No Emergency phone numbers displayed

Welfare Standards

Yes No Adequate toilets

Yes No Separate toilets for clients

Yes No Washroom clean

Yes No Toilets clean

Yes No Liquid soap available

Yes No Meal rooms clean

Yes No Meal rooms off limits to clients

Manual Handling

Yes No Storage designed to minimise lifting

Yes No Floor clear of materials

Yes No Bags of linen correct weight

Chemicals

Yes No Chemical Register

Yes No MSDS's available

Yes No Appropriate storage

Ventilation

Yes No Air conditioning maintained

Yes No Natural ventilation adequate

Yes No Dusts or fumes present

Fire Safety

Yes No Extinguishers in place

Yes No Extinguishers checking up to date/6 monthly

Yes No CO2 or dry extinguishers

Yes No Exits identified

Yes No Exit doors clear of obstructions

Yes No Fire alarm functioning

Yes No Building evacuation procedures

Yes No Building evacuation signs in place

Yes No Do staff know above?

Electrical Safety

Yes No RCD protection

Yes No Electrical equip tested & recorded

Yes No Electrical equip tagged

Yes No Leads are off the floor

Yes No No exposed wiring on cords or plugs

Personal Protective Equipment

Yes No 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 (sighted)

If the client refuses to wear a condom what steps are then taken? _____

Yes No Assessments have been undertaken on type of condoms used

Yes No Condoms and dams are stored in a cool place

Occupational Violence

Yes No No locked doors

Yes No Procedures in place in event of a violent incident

Infection Control

Yes No Employees offered a course of hepatitis B vaccine

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 (sited)?

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

What are the procedures for cleaning equipment?

.....
.....

Show evidence of your workers health checks.

Sighted:

Details:



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