

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

Explanatory Statement

Section 206 of the *Occupational Health and Safety Act 1989* (the OHS Act) provides that the Minister may approve a code of practice for providing practical guidance for the Act.

Section 206 provides that before approving a proposed code of practice, the Minister must refer the proposed code to the ACT Occupational Health and Safety Council (the Council) for its consideration, and take into account any relevant recommendation made by the Council. At its 78th meeting on 25 February 2005, the Council endorsed the ACT Sexual Services Industry Code of Practice (the Code) and recommended that it be approved as a code of practice under the OHS Act.

The Code updates the ACT Sex Industry Code of Practice approved on 8 December 1998 (Instrument No. 259 of 1998). This instrument revokes the 1998 code and approves the new ACT Sexual Services Industry Code of Practice.

A summary of the main changes between the old and new versions of the Code are as follows:

- Additional information on general duties under the OHS Act with a particular focus on the employer's duty of care to employees ("sex workers" and others) in sex industry workplaces.
- Employees are provided information on their general duties under the OHS Act.
- General risk management guidelines are included, as well as information on how to deal with particular risks present in the sex industry, such as fatigue, sexual hazards and physical safety
- The section on education and training has been updated to include information on communication protocols between management and employees.
- Sections on working environment, drug and alcohol policy and first aid have been expanded and updated.
- The new code also updates practical guidance on cleanliness, disposal of sharps, amenities, personal protective equipment (PPE), personal safety, examination of clients by sex workers, education and training for sex workers, first aid, smoking, drug and alcohol policies, equipment, fire and electrical safety, and a range of other work safety issues.

Subsection 206 (5) of the Act states the OHS Commissioner must publish in a newspaper a notice of each approval of a Code Practice. The Instrument takes effect one week after notification to allow this publication to occur.

The approval under section 206 is a disallowable instrument.