

Ellen Lukins  
Senior Director  
Regulatory Policy  
Workplace Safety and Industrial Relations  
Chief Minister, Treasury and Economic Development Directorate  
[ellen.lukins@act.gov.au](mailto:ellen.lukins@act.gov.au)

Dear Ellen

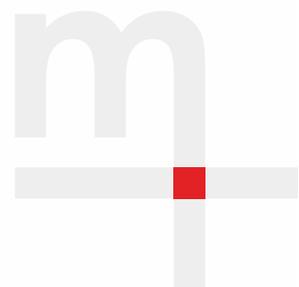
Meridian (formerly AIDS Action Council) welcomes the opportunity to respond to the revising of the Work Health and Safety (Sexual Services Industry) Code of Practice. To provide you with genuine, quality and peer-informed feedback we have consulted with sex workers and the national peak body, Scarlet Alliance. Thank you for the opportunity to provide the important feedback.

Meridian was formed in 1983 and incorporated in 1986 as part of the community response to the impact of the HIV/AIDS in Australia. Today, we are Canberra's leading community-based organisation for people living with HIV/AIDS, the LGBTIQ community and sex workers. We provide a range of services to our communities, including counselling, support, information and advocacy. Our work is always responsive to cultural and social change. Understanding and eradicating discrimination and stigma have always been a strong focal point for services and support provided by the Council.

Meridian has the only Canberra based Sex Worker Outreach Program. A peer based program aimed at acceptance of sex work as a valid occupation and empowerment of sex workers to encourage, support and educate each other. SWOP has been strongly supporting a legal and administrative frameworks that does not discriminate against sex workers and former sex workers and has long advocated for the changes included as part of this legislative change and now subsequent changes to the Code of Practice. The changes we would like to see centre on reducing stigma and discrimination and improved work health and safety outcomes for sex workers.

Major issues identified –

1. This instrument provides model best practice and to be effective in ensuring that PCBU's ("commercial and sole traders") are best informed of their duty we recommend that the document is in language that is easy to understand.



2. To support improved language we recommend that the wording be changed to include all genitals and types of insertive and receptive sexual practices with the move away from the tired assumption that commercial sexual services are delivered to those who have a penis only.
3. SWOP recommends that the document should include “sexual health clinics” as the suggested testing sites in addition to GP’s. Sexual health clinics like SHFPACT, STRIP and Canberra Sexual Health Centre are specialists in sexual health, free and accessible. In addition these clinics work closely with SWOP to ensure they provide a sex worker friendly service.
4. Appendix 8: last paragraph is misleading and implies the requirement of mandatory testing with an area for the sighting of sexual health checks by PCBU, HSR, WorkSafe ACT? It is not clear in the checklist. No legislation supports this practice in the ACT. Reasonable precautions is only required PCBU, like providing PPE and access to SWOP for induction training. We strongly recommend that this paragraph is removed.
5. There is a mismatch of terms throughout the document using interchangeable terms such as workers, employees, outworkers which could cause confusion.
6. A large portion of the document applies directly to sole trader brothels and sole trader escort agencies. It is randomly mentioned in places and we have had to try to add where flagged but the bulk of this document is heavily laden with commercial brothels and escort agencies in mind. We advise that the content is streamlined to appropriately focus on sex service premises as an umbrella term to encapsulate all types of premises and environments where commercial sexual services are provided.
7. On page 10: 3.1, paragraph 2. We recommend that you review the language used specifically 'the person in control' because it assumes that the person in control can use their power over the workers. The wording needs to be changed from 'person in control' to responsible person at the premises. The wording 'responsible person at the premises' and this should be changed in the document wherever it states, 'the person in control'. This will ensure that we are protecting the workers own autonomy and will prevent further issues and legal issues around workers where management and owners are potentially taking advantage of sex workers, due to the 'open interpretation' of the wording.
8. On page 16, 6.2.1 Facilities for personal belongings. We believe this may be 'open to interpretation' of safe custody for personal belongings. This sentence should be changed to 'the workers are allowed free access to their personal belongings without duress'. This is to ensure that 'owners' and or managers are not holding belongings such as passports, money, etc against their will. We need to ensure we protect the workers and the 'owners' best interests for all parties involved. We do not want 'owners' and other people of interest accessing personal belongings as it may stop the worker from being able to potentially leave a negative scenario and the means of a worker needing to escape a bad situation.

Finally, we would like to note that in our meeting in October last year (Joshua, Venus, Ellen, Donna), we were informed that the Code of Practice could not be translated into other languages for the sex industry similar to how SafeWork NSW currently provides their documentation. The government communications required during COVID-19 has demonstrated that this can be done when it is vital for information to be accessible and understood by our multicultural communities. Health Protection Services worked with SWOP and translated the Guidelines for a COVIDSafe Plan for Brothels, Escort Agencies and Strip Bars into Simplified Chinese, Korean, Thai, Vietnamese and Filipino and allowed sex industry business owners to fill out their COVIDSafe plans in language of their choice. We urge you to ensure this important document is available in a number of languages.

To assist you please find an edited document in google sheets for sharing with many additional considerations -

<https://docs.google.com/document/d/1UK4tLXAPEAXhKAea7wFQ7Efu4rAeyrmZ674z0p-V6XA/edit?usp=sharing>

If you have any questions or concerns or would like any further information please feel free to contact Venus De Siren our SWOP Coordinator on 6257 2855 or via email [venus@meridianact.org.au](mailto:venus@meridianact.org.au)

Kind regards



Philippa Moss  
**Chief Executive Officer**  
13 November 2020