

"LET US PRIORITISE OUR SAFETY"

SYNOPSIS 4: WORK HEALTH & SAFETY

The work of sex workers in Queensland is currently regulated by a licensing framework. Many aspects of sex work are criminalised. Sex workers risk arrest for using basic safety strategies. **This synopsis presents outcomes of the recent survey of 204 sex workers, key WHS information, background context, facts and current practices that are integral to the process of decriminalisation.** The evidence demonstrates the need for comprehensive WHS guidelines to be applied to all sex work workplaces in Queensland.

Decriminalisation creates an **empowered workforce**

- Bodily autonomy protected by universal state & federal WHS regulations
- Safety strategies encouraged, not criminalised by police
- Access to complaint processes and incident reporting through mainstream WHS channels
- No stigmatising barriers to sex worker safety or industrial rights
- **Remove police from sex work regulation**

Decriminalisation will deliver **safer workplaces**

- Allow access to mainstream WHS protections
- Remove sex work entirely from the Criminal Code (1899)
- Repeal licensing and close the failed and expensive PLA
- **Create new WHS guidelines developed by WHS regulators, unions and Respect Inc in consultation with sex workers**



1972 Whistleblower Shirley Brifman dies in suspicious circumstances. Many more sex workers will risk everything to report.

1980s HIV epidemic, sex workers lead the response by implementing PPE in their workplaces.

1990 Sex worker use of PPE in Australia exemplary and world renowned, historically changing the course of the local pandemic.

1991 Fitzgerald Report recommends regulating sex work as work.

1996 New South Wales decriminalises most sex work workplaces, WHS guidelines a world first.

1999 Scarlet Alliance, Australian Sex Worker Association, releases national sex work OHS guidelines.

2000 Prostitution Licensing Authority (PLA) established in Queensland.

Less than 10% of the industry will be regulated by the PLA, at a cost of more than \$10 million to date.

2000 Queensland police entrapment powers expanded. Sex workers using basic safety strategies are now at higher risk of police posing as clients.

2003 New Zealand uses Scarlet Alliance OHS guidelines as template for their WHS guide.

2009 PLA's own report finds sex workers to be in a "more precarious position now than they were when the legislation was first passed."



DECRIMINALISATION DOESN'T MEAN NO REGULATION



Sex workers want the existing WHS laws, regulations, codes, rights and responsibilities that currently protect all the other workplaces in Queensland to be applied to the sex industry.

WHS REGULATION

Decriminalisation will support sex worker compliance.

Deliver practical WHS guidelines, created in consultation with sex workers and in collaboration with Respect Inc, outlining all relevant and applicable WHS regulations.

The WHS guidelines will be issued in multiple languages and promoted by free training workshops, on-site skills development and peer education.

WHS guidelines will improve compliance with existing laws, codes and WHS regulations.

WHS REPORTING

Decriminalisation will grant access to WHS incident reporting.

Extend the role of the workplace health and safety regulator, WHSQ, into ALL sex work workplaces using the current extensive, applicable and appropriate WHSQ powers.

WHSQ reporting processes for injury (physical or psychological), illness, dangerous incidents or unresolved risks to be made available to all sex industry workplaces in Queensland.

Support sex workers to report workplace issues to WHSQ without fear of arrest or reprisal.

Existing laws that would apply after decriminalisation...

*Qld WHS Act 2011
Qld WHS Laws and Regulations
First Aid in the Workplace 2021
How to Manage WHS Risks 2021
Psychosocial Code of Practice 2023
Waste Reduction & Recycling Act 2011
Duty to Provide and Maintain Adequate and Accessible Facilities WHS Reg 41
Duty to Prepare, Maintain & Implement Emergency Plan WHS Reg 43
PPE Provision WHS Reg 44.4
Remote or Isolated Work WHS Reg 48
WHS responsibilities of 'People who Conduct Businesses or Undertakings'*

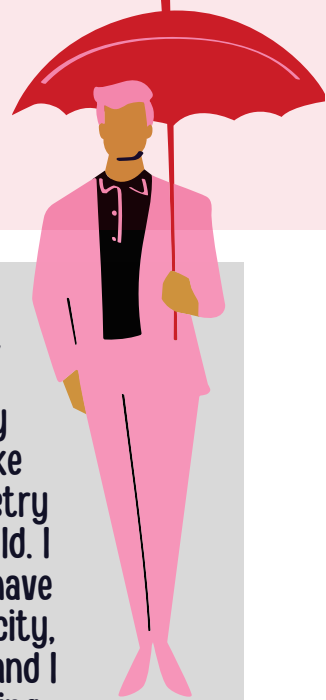
Sex workers want new WHS guidelines developed in consultation with sex workers.



*Inspection of workplaces
Enforcement of laws
Provision of advice about rights
Advice on duties and responsibilities
Advice on complying with WHS laws and regulation
'People who Conduct Businesses or Undertakings'
WHS compliance advice
Assistance for sex workers and others in the industry to resolve WHS issues, disputes, injury and illness
Ensure compliance by issuing notices, accepting enforceable undertakings and commencing prosecutions*



SEX WORKERS TOLD US THE CURRENT LAWS REGULARLY MADE THEM FEEL UNSAFE:



"I was alone in QLD, out of fear my partner being around could be seen as illegal."

"I don't comply or I would risk my safety. If I don't come home who will look after my family?"



"It is impossible to not tell people where I am, I communicate with my friends about my day like anyone in any other industry who travels for work would. I casually tell my friends I have checked into X hotel in X city, which is currently illegal, and I face prosecution for having basic conversations with my friends."

"My husband helps me with my admin and is my security/check-in person but that is illegal under QLD law."

"It is just impossible to be safe AND follow the laws. I follow the laws where possible, business laws, tax law, unfair business law. However, when it comes to safety calls, checking in with other workers, sharing resources, allowing more than one worker to work from the same property venue, etc..."

there are times where I choose my safety over the law..."



"There's absolutely no way I'm going to work without sharing the details of my sessions with a safety person, and most of my friends are sex workers. I'm aware that this would put me in breach of the law."



"If I value my safety, it is impossible to comply with the current sex work laws. I reckon they made them so unsafe to scare us and stop us working. Or just kill us off."



"I often disregarded laws that said I couldn't use my partner as a driver or let someone know when and where I was working."

PROSTITUTION LICENSING AUTHORITY (PLA)

10% → \$20m

The Prostitution Licensing Authority is responsible for regulating the licensed brothel sector, representing less than 10% of the sex industry and so far costing more than \$20 million of public money.

The PLA's 'operational standards manual' for licensed brothels is not fit for use as a **WHS** guide



The PLA regularly mandate incorrect WHS practices

The PLA unnecessarily and without evidence mandated latex gloves as PPE for masturbation in sex work bookings. This was communicated only to brothel licensees and **not distributed to sex workers**, causing industry-wide confusion about risk, STI transmission, safety, and the legality of PPE for masturbation.

The issue remained unresolved until Sept 2016 when Queensland Health clarified gloves were not mandatory for masturbation.



2022 survey of 204 sex workers found:

92.8% trust sex worker organisation **Respect Inc** for support.

54.4% say they did not receive any information about **Respect Inc** from brothel management.



WHS conditions in licensed brothels are getting worse

There has been a concerning increase in sex workers reporting they received incorrect information from brothel management about their legal right to do private sex work.

Q: "Does your brothel allow you to do private work on the side?"

In 2017
31% of
sex workers said
their brothel
DID NOT
permit them to
work privately

In 2022
54% of
sex workers said
their brothel
DID NOT
permit them to
work privately

2017: 18% reported if they participated in any sex work outside the brothel they would be fired, taken off the roster, fined or have their shifts reduced.

2022: Repercussions included being sacked, banned from that brothel in future or having money withheld by brothel management.






2017 survey n=200.
2022 survey n=204.



QUEENSLAND POLICE SERVICE

90%

of sex workers and our workplaces are at risk of QPS **raids, entrapment & charges** for implementing basic WHS strategies:

-  Working in a small group
-  Employing a receptionist to screen calls
-  Sharing a trusted driver
-  Having a support person who knows where I am
-  Working from a location that is not eligible for a license



Undercover police pose as clients & pressure sex workers

Police actively use entrapment.

Posing as clients, police pressure sex workers to agree to a doubles booking or other illegal service.

They arrive having obtained entry by deceit, arrest the sex worker, seize earnings and phones as 'tainted property' and add this to the charges.

96%

of sex workers in the 2022 survey **did not support** police being allowed to pose as clients.

Sex workers said:

"I am worried that everyone I talk to is a cop."

"I am suspicious of clients and trying to avoid police entrapment makes me anxious."

"Always stressed answering phone to new potential clients in case it was a police sting."

"They will do everything they can to catch you. Even assault."

"I fear of sexual assault from police who might push it and no one would know."

"The laws around unprotected sex are also problematic. Fear of police entrapment in this context makes it more difficult to clearly and effectively negotiate consent around condom use."



Police entrapment is bad for safety

The cost of this type of policing is exorbitant and does nothing to support sex worker health.



QPS are not work health & safety regulators




Sex workers want the full repeal of criminal laws and charges attached to use of WHS + PPE (condoms, dams).



STI FACTS



SEX WORKERS IN AUSTRALIA HAVE BETTER SEXUAL HEALTH THAN THE GENERAL COMMUNITY:

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- Consistent STI rates equal to or lower than the general population of blood-borne viruses (BBVs) and sexually transmitted infections (STIs).
 - High rates of sexual health testing and prophylactic use compared with the general population.

THE VICTORIA "SEX WORK DECRIMINALISATION ACT" REPEALED ALL SEX WORK-RELATED PUBLIC HEALTH OFFENCES IN MARCH 2022:

"Evidence has shown that **sex workers in Victoria already take great care looking after their sexual health** by consistently using condoms and getting tested regularly."

AUSTRALIA'S NATIONAL STI STRATEGY & MANAGEMENT GUIDELINES 2018 STATES:

"**There is no evidence** that sex workers in Australia have higher rates of sexually transmitted infections (STIs) than the general population."

THE LANCET 2014 HIV AND SEX WORK EDITION:

"**Decriminalisation of sex work was associated with lower HIV transmission.**"

PLATT, GRENFELL, ELMES, SHERMAN, SANDERS, MWANGI, CRAGO. **THE LANCET** 2018:

"**Criminalisation and repressive public health approaches** to sex work (e.g., mandatory registration and HIV/sexually transmitted infection [STI] testing) have been shown to hinder the prevention of HIV. Mathematical modelling has estimated that **decriminalisation of sex work could halve the incidence of HIV among sex workers and their clients over a 10-year period.**"

QUEENSLAND POSITIVE PEOPLE 2020:

"**Criminal law** and popular understandings have not kept up with the scientific consensus regarding HIV transmission and clinical advances. Criminal laws perpetuate stigma, discrimination, and mis-education around HIV."

DID YOU KNOW?

"**The decriminalisation of sex work is directly associated with improved access to health promotion.**"

Harcourt, Fairley, Marshall, Kaldor, Donovan NSW. (2010)



PPE + WHS FACTS

DID YOU KNOW?

Provision and use of PPE by the worker and the client and information and training on use and correct storage of PPE is **already a requirement in QLD.**

Applies to all "People Conducting a Business or Undertaking" (PCBU) under Qld Work Health and Safety Regulations (2011)

DID YOU KNOW?

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

Section 84 WHS Act 2022
Right of worker to cease unsafe work

DID YOU KNOW?

Migrant sex workers in Queensland are vigilant with PPE usage and sexual health. 90% of migrant sex workers in the Queensland 2015 survey did an STI visual check on clients prior to the booking.

Respect Inc Asian-language background sex worker survey (2015)

DID YOU KNOW?

Migrant sex workers in Queensland use condoms 90% of the time for sexual services and nearly half express they have never had difficulties when negotiating condom use with clients.

Respect Inc Asian-language background sex worker survey (2015)


DID YOU KNOW?

"...**high rates of condom** use amongst sex workers—including migrant sex workers—without criminal law that mandates condom use. Near 100% condom use in Sydney brothels. No difference in condom use between migrant sex workers or other".

Report to NSW Department of Health (2010)

DID YOU KNOW?

THE WHS NEEDS OF SEX WORKERS ARE NOT BEING MET IN QUEENSLAND UNDER LICENSING



WHO WE ARE 我們是誰 소개 พวกเราคือใคร

#DecrimQLD is a committee of sex workers who have joined with Respect Inc to progress the removal of harmful and discriminatory sex work laws and achieve decriminalisation in Queensland.

Our campaign aims to:

- raise awareness of the problems with the laws in Queensland
- demonstrate the importance of removing harmful laws
- provide information on decriminalisation and other models of sex work regulation
- ensure policy discussions are informed by evidence, and
- make sure sex workers inform any and all changes to the sex industry laws in Queensland.

#DecrimQLD 是一群性工作者主持的性服務除罪化委員會，並與Respect Inc 性工作者協會，一起努力以推進消除有害和歧視性服務業相關的惡法，並在昆士蘭實現性服務業除罪化。

我們推動法律改革運動的宗旨是：

- 讓社會大眾與性工作者們意識到對目前昆士蘭州針對性產業的惡法問題
- 證明廢除針對性產業的惡法的重要性
- 提供有關性產業除罪化和其他性產業政策模式的信息
- 確保任何與性產業相關的政策討論是有科學證據為依據，以及
- 隨時告知性產業工作者關於昆士蘭性行業法律相關的任何變更和調整。

#DecrimQLD는 퀸즐랜드에서 행해지고 있는 유해하고 차별적인 성노동법을 철폐하고 성노동의 비범죄화를 추진하는 성노동자들로 이루어진 Respect Inc 에 소속된 위원회 입니다.

활동목표:

- 퀸즐랜드 법률의 부조리함을 널리 알립니다
- 유해한 법률 철폐의 중요성을 설명합니다
- 비범죄화 혹은 다른 성노동법 모델에 관한 정보를 제공합니다
- 정책에 관한 논의가 증거를 바탕으로 하는지 확인합니다
- 퀸즐랜드 성노동법의 부분적 혹은 전체적인 변경이 있을시 성노동자에게 정보를 전달합니다

#DecrimQLD เป็นคณะกรรมการของผู้ให้บริการทางเพศที่ได้ร่วมกับ Respect Inc เพื่อดำเนินการขจัดกฎหมายเกี่ยวกับบริการทางเพศที่มีอันตรายและการเลือกปฏิบัติและดำเนินการลดทอนความเป็นอาชญากรรมในรัฐควีนส์แลนด์

แคมเปญของเรามีจุดมุ่งหมายเพื่อ:

- ปลุกจิตสำนึกปัญหากฎหมายในรัฐควีนส์แลนด์
- แสดงให้เห็นถึงความสำคัญของการแก้ไขกฎหมายที่เป็นอันตราย
- แสดงให้เห็นถึงความสำคัญของการแก้ไขกฎหมายที่เป็นอันตราย
- ตรวจสอบให้แน่ใจว่าการอภิปรายนโยบายได้รับแจ้งด้วยหลักฐานและ
- ตรวจสอบให้แน่ใจว่าผู้ให้บริการทางเพศได้รับแจ้งการเปลี่ยนแปลงกฎหมายทั้งหมดของอุตสาหกรรมบริการทางเพศในรัฐควีนส์แลนด์

"Decriminalisation is the best practice, human rights based approach to regulating the sex industry. Anyone who says licensing is good for sex workers is actively ignoring everything sex workers have been saying for years. Licensing does not keep us safe, it restricts us and keeps us away from society."



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