



# Acknowledgements



**Scarlet Alliance, Australian Sex Workers Association, is the national peak body for sex workers and sex worker organisations in Australia.**

Formed in 1989, Scarlet Alliance is a peer organisation, made up entirely of past and current sex workers.

For more information visit: <https://scarletalliance.org.au/>



**SEX WORKER OUTREACH PROGRAM (SWOP NT)**

**SEX WORKER REFERENCE GROUP (SWRG)**

**SWOP NT** is a member of the Scarlet Alliance and assists sex workers gain knowledge about the Northern Territory's legal and work, health and safety requirements.

**SWOP NT** is located within the **Northern Territory AIDS & Hepatitis Council.**

The **Sex Worker Reference Group** is comprised of past and current Northern Territory sex workers who present best practice case studies to support joint recommendations and evidence based reforms.

For more information visit: <https://www.ntahc.org.au/swopnt>



**Unions NT** is the peak body representing 13 affiliated unions and over 15,000 workers across the Northern Territory.

**The affiliated union with sex work coverage is the United Workers Union. For sex workers who work in peer educator roles at sex worker organisations coverage is the Australian Services Union.**

For more information visit: <https://unionsnt.com.au/whs/>



**NT WorkSafe** is responsible for assisting businesses and workers understand their obligations under work health and safety, dangerous goods, electrical safety, and rehabilitation and workers compensation in the Northern Territory.

For more information visit: <https://worksafe.nt.gov.au/>

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# 01 | Background

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## About these Guidelines

These Guidelines assist operators of sex work businesses, including independent sex workers, build a better understanding of the laws of the Territory and the Commonwealth as they apply, including laws governing work health and safety and workers compensation requirements.

The development of these Guidelines has been led by the **Sex Worker Outreach Project NT** (SWOP NT), the **Sex Worker Reference Group** (SWRG), and **Scarlet Alliance**, Australian Sex Workers Association, with technical support and endorsement of Unions NT, NT WorkSafe, the Department of Health (NT DOH), and the Department and Office of the Attorney General and Justice.

Between 2020 and 2022, Scarlet Alliance, SWOP NT, Unions NT, NT WorkSafe, and the NT DOH met as an advisory working group to agree upon best practice overlaps in public health, environmental health and workplace health and safety for sex workers and sex work businesses in the NT. The agreed areas are included in these comprehensive Guidelines, with the insertion of relevant standards and Codes of Practice to enhance safety at work.

## National strategies for blood borne viruses and sexually transmissible infections

For decades, sex workers have maintained incredibly high rates of sexual health testing and low rates of blood borne viruses (BBV) and sexually transmissible infections (STI), lower than or comparable to that of the general population. The centrality of sex workers in Australia's successful public health approach to the prevention of BBV and STI has been widely acknowledged, including the Australian [National BBV and STI Strategies](#).

The Australian Government has worked in partnership with sex workers in supporting peer-led responses and programs, resulting in sustained low rates of BBV and STI, high rates of testing, and the virtual elimination of the transmission of HIV among sex workers. Sex workers have a long track record of effective leadership in responding to communicable diseases and workplace health and safety. Sex workers have been at the forefront of implementing work health and safety protocols in the sex industry in Australia, including the NT. The [Scarlet Alliance Red Book Online](#) is a targeted sexual health resource for sex workers in Australia.

## Definitions for use in these Guidelines

**Australian/New Zealand Standards** are published documents which set out technical specifications or other criteria necessary to ensure that a material or method will consistently achieve its intended outcome. Only their most recent version and amendments should be used as source documents.

**Cleaning** is the removal of visible dirt and stains and the reduction of micro-organisms from a surface by a process such as washing in detergent and water.

**Disinfection** is the inactivation of non-spore forming organisms using either thermal (heat and water) or chemical means.

**Operator** means a person who owns, operates or manages a business. Operators may also be described as a person conducting a business or undertaking.

**Person Conducting a Business or Undertaking (PCBU)** means any person with responsibilities for other peoples' health and safety at work. Business owners and operators are PCBUs. Any worker who pays, employs or contracts another worker to perform a booking with them or on their behalf is also a PCBU.

**Sex work** means providing sexual activity, or display of the body for the purposes of sexual arousal, in return for payment or reward.

**Sex work business** means a business that provides for or arranges sex work. Referred to in the *Sex Industry Act 2019* as a 'sex services business', a sex work business can be just one person (e.g. an independent sex worker), a small collective (group of independent workers working together who do not manage each other) or a larger business.

**Sex worker** means a person who performs sex work.

**Sharps** are any items designed to pierce, cut, puncture, tear or shave the skin or other body parts.

**Skin penetration** means any process which involves intentional non-medical piercing, cutting, scarring, branding, scraping, puncturing, tearing or penetration of the skin using an instrument, and includes waxing.

**Sterilising** is the process which kills all micro-organisms including spores. The most effective method of sterilisation is the application of moist heat under pressure for a specific time and pressure, as occurs in an autoclave.

**Suitability Certificate** is a type of personal history check, required by owners and operators of sex work businesses engaging 3 or more sex workers. Application fee is \$135.

**Worker** is anyone who works for a person conducting a business or undertaking, including working for oneself.

## Decriminalisation of sex work

The **Sex Industry Act 2019** (Act) commenced in June 2020, and fully decriminalised sex work in the Northern Territory. The objects, set out in section 3 of the Act, are:

- a) to decriminalise sex work and legalise contracts in relation to sex work; and
- b) to enhance sex worker, client and public health and safety through:
  - (i) applying the *Public and Environmental Health Act 2011* to operators of sex services businesses; and
  - (ii) allowing sex workers to work together and employ support staff; and
  - (iii) providing a mechanism to ensure the suitability of operators of sex services businesses; and
- c) to prohibit exploitation of sex workers and enshrining the right of sex workers to refuse to perform sex work; and
- d) to prohibit the use of children for and in sex work; and
- e) to enable the sex industry to operate in accordance with the laws of the Territory and the Commonwealth as they apply to all individuals and businesses generally, including laws governing employment, occupational health and safety, workers compensation and rehabilitation, planning, taxation and discrimination.

In accordance with section 8 of the Act, operators and sex workers must take all reasonable steps to adopt and promote safer sex practices.

A **suitability certificate** is required for all owners and operators of sex work businesses engaging three (3) or more sex workers. In investigating whether a person is suitable to operate a business, the Commissioner can take into account any contravention of a law of the Territory or the Commonwealth governing the operation of a business.

As part of the implementation of sex work decriminalisation, the **Anti-Discrimination Act 1992 (NT)** was amended in November 2022, and commenced in July 2023. This amendment ratified one of the key objectives of the Act, being 'to enable the sex industry to operate in accordance with the laws of the Territory and the Commonwealth' including in the area of discrimination. The Act now fully protects:

- employment in sex work or engaging in sex work, including past employment in sex work or engagement in sex work; and
- extends to those who associate with sex workers and/or sex work and/or those who are assumed to be current or former sex workers in the NT.

## 02 | Regulation of sex work in NT

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Operators of sex work businesses, including independent sex workers, brothels, erotic massage parlours, bondage and discipline, dominance and submission, sadism and masochism (BDSM) houses, and escort agencies have certain duties with regard to workers, sub-contractors, customers, suppliers and others in the workplace.

**Regardless of business size, all sex work businesses, including independent sex workers, have duties under work health and safety legislation to prevent and respond to health and safety risks.**

Sex work businesses engaging sex workers must comply with industrial relations laws. Operators must consider the hours and days worked (including reasonable length of shifts), breaks between shifts and leave provisions. Obligations under workers compensation legislation may also apply.

Operators must not coerce anyone to work as a sex worker, or request that a sex worker provides services that are outside their personal boundaries. They must not prevent, or attempt to prevent, sex workers from using personal protective equipment such as condoms. Section 9 of the Act clearly states:

- (1) Despite anything in a contract for sex work, a person may, at any time, refuse to perform or continue to perform sex work.
- (2) The fact that a person has entered into a contract for sex work does not of itself constitute consent for the purposes of the criminal law if the person does not consent, or withdraws the person's consent, to performing sex work.
- (3) However, nothing in this section affects any right to rescind or cancel, or to recover damages for, a contract for sex work that is not performed.



## Legislative frameworks

### Work Health and Safety

Northern Territory work health and safety laws consist of the [Work Health and Safety \(National Uniform Legislation\) Act 2011](#) (WHS Act) and the [Work Health and Safety \(National Uniform Legislation\) Regulations 2011](#). The objects of the WHS Act are to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

### Workers Compensation

Northern Territory workers' compensation laws consist of the [Return to Work Act 1986](#) and the [Return to Work Regulations 1986](#).

The laws establishes a balanced scheme that provides effective rehabilitation and compensation for injured workers; effective management of workplace injuries that promotes and assists injured workers return to work, and adequate and just compensation to injured workers, while maintaining costs to a reasonable level for businesses.

### Public Health

The [Public and Environmental Health Act 2011](#) (PEH Act) protects and promotes the health of individuals in the Northern Territory, including enabling special action to protect the health of particular individuals and communities who are a public health risk. Section 6 of the Sex Industry Act establishes the relationship with the PEH Act by declaring sex work to be a declared activity as defined in section 4 of the PEH Act.

However:

- (a) sex services businesses are exempt from registration under the PEH Act; and
- (b) a police officer may not exercise powers or perform functions as an authorised officer under the PEH Act in relation to sex work.

The Minister responsible for the PEH Act may declare standards relating to a declared activity only after consulting with and considering the recommendations of the Chief Health Officer.

## NT Codes of Practice

NT Codes of Practice outline legal requirements, suggestions and recommendations for creating safer workplaces. Relevant to sex work in the Northern Territory are:

- **Sexual and Gender Based Harassment Code of Practice** provides practical guidance on managing the risks to a workers and/or other person's psychological or physical health and safety, including psychosocial hazards such as sexual and gender-based harassment.
- **Managing Psychosocial Hazards at Work Code of Practice** provides practical guidance on managing the risks to a workers and/or other person's psychological or physical health and safety.

## Australian Standards

Standards are published documents that are designed to provide guidance to help ensure safety, performance and reliability through the specifications of goods, services and systems. The recommended standards in this Guideline are voluntary, and whilst not specifically for sex work they may provide information on how to implement and improve safety at work.

## National Workplace Relations

Australia has a national workplace relations system called the Fair Work system, it includes the:

- **Fair Work Act 2009 (Cth)** and **Fair Work Regulations 2009 (Cth)** which provides the framework for a cooperative and productive workplace by ensuring minimum terms and conditions through the National Employment Standards, modern awards and national minimum wage orders, providing for flexible working arrangements, protecting against unfair treatment and discrimination, and providing effective procedures to resolve grievances and disputes.
- **Independent Contractors Act 2006 (Cth)** protects the freedom of independent contractors to enter into services contracts, recognises independent contracting as a legitimate form of work, and prevents interference with the terms of genuine independent contracting arrangements.

## Responsible agencies

Agencies and government bodies relevant to sex work in the Northern Territory:

### NT WorkSafe

NT WorkSafe works with Territory businesses and workers by:

- setting the safety standards to ensure that businesses and workers meet their responsibilities under the law;
- explaining and interpreting laws by providing businesses and workers with guidance materials;
- helping businesses and workers meet their responsibilities through workplace visits, advice, audits and inspections; and
- managing the NT workers rehabilitation and compensation scheme.

### Northern Territory Environment Protection Authority

The NT Environmental Protection Authority core obligation is to deliver the regulatory responsibilities imposed on it under the environmental regulatory framework, as they apply to all businesses, including sex industry businesses and include the:

- **Environment Protection Act 2019** which ensures that matters affecting the environment are fully examined and taken into account in proposals, work, projects, expenditure, recommendations and decision-making; and
- **Waste Management and Pollution Control Act 1998** and **Waste Management and Pollution Control (Administration) Regulations 1998** which combined seeks to prevent and reduce pollution, avoid and reduce the generation of waste, increase the re-use and recycling of waste, and manage waste disposal.

### Northern Territory Department of Infrastructure, Planning and Logistics

The NT Planning Scheme sets out the NT Government's planning principles relating to land use and development. Locations of businesses and general approval to develop or change a use of the land are regulated under the NT Planning Framework.

The Planning Scheme requires a Development Consent Authority (DCA) to make decisions about development applications. There are seven divisions of the DCA corresponding to each of the major population centres of the Territory. Each DCA determines development applications within their area. The Minister for Lands and Planning is the consent authority for areas outside the DCA divisions. A DCA cannot make a determination that is inconsistent with or would frustrate the achievement of the planning principles.

## Northern Territory Department of Health

The NT Department of Health develops, manages and administers the public health system.

## Northern Territory Civil and Administrative Tribunal (NTCAT)

The NT Civil and Administrative Tribunal (NTCAT) helps people quickly resolve disputes that would otherwise have been dealt with by the courts.

Small sex work businesses, sex workers who work independently or/or sex workers who work at a sex work business are able to make a claim through NTCAT if they are owed money for goods or services up to \$25,000.

## Fair Work Australia

Fair Work is Australia's national workplace relations system, and covers the majority of workplaces in Australia. All employees and employers in the Northern Territory are covered by the national system. Drivers, receptionists, managers and other staff employed in sex work businesses have a national award that informs pay rate and conditions.

- The **Fair Work Commission** sets out minimum wages and employment conditions, ensures the enterprise bargaining process is fair, deals with protected and unprotected industrial action, helps with resolving workplace disputes, and deals with termination of employment matters.
- The **Fair Work Ombudsman** can help find correct pay rates, correct entitlements for leave, overtime and allowances, educate people about fair work rights and obligations, investigate complaints, enforce workplace laws, work with industry, unions and stakeholders, and assist managing business transfers and closures.
- The **Federal Court of Australia** has jurisdiction over all matters arising in the Fair Work jurisdiction. An application for unfair dismissal, termination of employment or contravention of a general protection is first conciliated at the Fair Work Commission. If it is not settled there, applicants can commence proceedings in the **Fair Work Division of the Federal Circuit Court**.

## **Sex Workers Outreach Program Northern Territory (SWOP NT)**

SWOP NT is a peer-based service for sex workers and other sex industry stakeholders in the Northern Territory. SWOP NT and other state and territory sex worker member organisations contact information can be located through [Scarlet Alliance, the Australian Sex Workers Association.](#)

### **Peer education and information**

SWOP NT provides information and education to sex workers on sex industry laws and regulations, including work health and safety and workplace rights.

### **Provision of safer sex supplies**

The SWOP Shop is located within the NT AIDS and Hepatitis Council, in Darwin and Alice Springs. The SWOP Shop stocks affordable safer sex products as PPE in a discreet and non-judgemental environment, including external and internal condoms, lubricant (water-based and silicone), massage products, gloves and dental dams.

### **Connecting sex worker peers directly to other sex workers**

SWOP NT offers free, non-judgmental services to all people who engage in sex work in the NT. The program is staffed by past and current sex workers. Every 6 weeks, SWOP NT hosts Sex Worker Reference Group meetings. These confidential meetings are open to sex workers only, and allow sex workers to meet peers, engage with the sex worker rights movement, participate in decision-making, and stay informed about issues affecting sex workers within the NT and nationally.

### **Sex worker-friendly referrals**

SWOP NT maintains an up-to-date and comprehensive list of referral agencies and organisations that has evolved over many years via the ongoing evaluation by sex workers of service providers.

### **Outreach services**

SWOP NT peer staff and volunteers provide outreach services to sex workers in their work locations. The service operates during regular office hours, and with prior arrangement SWOP NT is able to conduct outreach outside of office hours.

### **Training to other service providers**

SWOP NT provides training to stakeholders to reduce stigma and discrimination against sex workers with the aim to improve sex workers access to services

## 03 | Sex workers are ‘workers’

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**Sex workers are workers for the purposes of workplace health and safety laws. Operators must provide information to workers on their rights to refuse and/or terminate sex work services.**

Section 7(1) of the WHS Act, defines **a worker** as anyone who works in any capacity for a PCBU, whether paid or not. A worker can be:

- A permanent or casual employee, for example a receptionist or manager.
- A contractor, or subcontractor, for example a sex workers can be a contractors or subcontractors
- An employee of a contractor or a subcontractor, for example a driver or security person.
- An employee of a labour hire company assigned to work in a business or undertaking, for example a cleaner.
- An apprentice or trainee, for example an apprentice at a BDSM venue.

Section 7(3) of the WHS Act specifies that an owner, manager or PCBU may also be a worker, for example when they are performing duties for that business (e.g. a manager of a massage shop who also performs massages).

A worker may also have the responsibilities of an operator if they pay another worker to perform a booking with them or on their behalf. This means sex workers can have responsibilities to other workers under WHS Act.

In accordance with section 19 of the WHS Act any person conducting a business has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged by the person, and workers whose activities in carrying out work are influenced or directed by the person.

In some scenarios, sex workers may also be considered **workers** for the purposes of workers compensation. Independent sex workers or sex workers who are also business owners may consider obtaining their own income insurance. Nothing prohibits the payment of workers compensation to contractors.

## 04 | Consult workers

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Work health and safety laws require operators to consult **with workers** so workers can contribute to all decisions affecting health, safety and welfare at work. If the workers are represented by a health and safety representative, the consultation must involve that representative. Encourage workers to set up a work health and safety committee where possible.

Consultation with workers is required at each step of the risk management process. By drawing on the experience, knowledge and ideas of workers, operators are more likely to identify all hazards and choose effective control measures.

Workers **have the right to speak up** about work health and safety issues, if they are concerned about, or refuse to do something because it's unsafe, without any ramifications (e.g. losing their job or shifts). Operators must give genuine consideration to everything workers raise with them, and let workers know what their final decisions are.

## 05 | Control workplace risks

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Effective control of workplace risks starts with recognising potential sources of injury or illness.

Operators of sex work businesses must inform and assist sex workers and staff prevent and manage risk exposures such as to BBVs, STIs, blood and body fluid splashes and needle stick injuries.

Risk management requires operators to identify work areas and activities that may put workers and others at risk and then decide how to eliminate or control those risks.

### Identifying hazards and assessing risks

Risk assessments are proactive processes to help businesses respond to change and facilitate continuous improvement.

A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of it happening. It will help determine:

- How severe a risk is;
- Whether any existing control measures are effective;
- What action you should take to control the risk; and
- How urgently the action needs to be taken.

When you identify a risk, you should:

- Identify which workers are at risk of exposure;
- Determine what sources and processes are causing the risk;
- Identify if and what kind of control measures should be implemented; and
- Check the effectiveness of existing control measures.

## Controlling risks and reviewing control measures

To control the risks, follow the hierarchy of controls contained in the [How to Manage Work Health and Safety Risks Code of Practice](#).

Operators must implement the most effective control measure that is reasonably practicable in the circumstances and ensure it remains effective over time. A combination of controls can be used. For example, you could eliminate hazards with well-designed work premises, work processes and automated equipment. You could also use engineering controls, (e.g. lifts or hoists).

Higher controls may also be supported by administrative controls, which are safe systems of work (including safe work procedures, information and training, and supervision) to manage any remaining risks. If the business uses sharps, needles, glass or metal, ensure that safety protocols are in place to ensure they are used safely.

Every sex work business should review hazards and control measures to ensure they are working as planned.

## 06 | Work Premises

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Sex work businesses must ensure that the workplace meets the required standards of local and state fire laws. Following an initial fire safety assessment, you should regularly inspect and maintain your workplace.



The **Managing the Work Environment and Facilities Code of Practice** outlines specific physical premises requirements for workplaces. These include:

- the layout of the workplace allows, and is maintained to allow, persons to enter and exit the workplace and move within it safely, both under normal working conditions and in an emergency
- work areas have space for work to be carried out safely
- floors and other surfaces are designed, installed and maintained to allow work to be carried out safely
- lighting enables each worker to carry out work safely, persons to move around safely and safe evacuation in an emergency
- ventilation enables workers to carry out their work without risk to their health and safety
- workers exposed to extremes of heat or cold are able to carry out work without risk to their health and safety, and
- work in relation to or near essential services (such as gas, electricity, water, sewerage and telecommunications) does not affect the health and safety of persons at the workplace.

Ensure suitable systems are in place for sex workers who work alone or off-site such as physical barriers, duress alarms, electronic surveillance and appropriate communication protocols.

## **07 | Prevent and minimise violence, harassment and harm**

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In accordance section 9 of the Sex Industry Act, sex workers may, at any time, refuse to perform or continue to perform sex work. The fact that a person has entered into a contract for sex work (e.g. agrees to accept a booking or to meet a client) does not mean that a sex worker consents to all, or any sexual activity.

Violence includes verbal and emotional threats, sexual harassment, stalking, physical attacks, and property damage. It can involve clients, co-workers or managers.

Employers, owners, managers, operators and receptionists are responsible for managing potentially abusive, violent or intimidating situations in their workplaces. To minimise the risk of violence, ask workers for input on developing strategies to control the risks. Strategies may include:

- Establishing and enforcing a restrictive admission and access policy for clients who appear to be intoxicated by alcohol or other drugs, and/or are physically or verbally threatening or abusive.
- Establishing and enforcing a strict policy of removing and not readmitting clients who are behaving unacceptably, for example clients who are verbally or physically threatening or abusive.
- Providing appropriate training and procedures for workers on taking bookings, staffing phones and reception areas, cash handling and working alone.
- Supporting workers to exercise their right to refuse clients.
- Implementing suitable systems for sex workers and other staff who work alone or remotely (e.g. physical barriers, duress alarms, electronic surveillance and appropriate communication protocols).
- Supporting any workers who have experienced violence and/or abuse within the workplace to receive any medical treatment and counselling services or follow-up action they require.

SWOP NT can provide advice on any contact you or the worker may consider having with police. You can also refer to [preventing workplace violence](#) and [work-related violence](#) for more information.

## 08 | Safer sex and hygiene

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### Sexual health

Sexual health is vital to sex workers, because sex workers' livelihood depends on it. The [Scarlet Alliance Red Book Online](#) is updated regularly and is a reliable source of sexual health information for sex workers. A sex worker is under no obligation to share their sexual health assessment records with anyone else, including operators.

**Operators of sex work businesses must provide contact information for local sexual health services.**

## Visual checks on clients

While conducting visual health checks of clients is essential, it is important to note that many STIs are asymptomatic (without symptoms). Operators and sex workers should understand that visual checks are precautionary only and not a definitive diagnosis.

### Sex work businesses should develop clear protocols for:

- Another sex worker or staff member conducting a 'second opinion' visual health check if a sex worker is concerned a client has possible STI symptoms
- Informing clients with visual indicators of potential STIs and providing information on accessing sexual health testing
- Informing sex workers of their right to refuse to provide services, or if they wish, to offer an alternate service, such as hand relief using suitable PPE.

## Personal protective equipment (PPE)

### Provision and storage of PPE

Sex work businesses must only use safer sex equipment compliant with relevant Australian Standards. The following provisions address the issues of providing and storing safer sex products. The operator of a sex work business must:

- provide an adequate supply of PPE, including latex and non-latex condoms of a variety of sizes, dental dams, gloves (and any other required safer sex products), and water-based lubricants, including hypoallergenic lubricants, free of charge to sex workers and their clients;
- store condoms, dental dams and gloves (or any other approved safer sex products) away from light and heat, which may contribute to premature deterioration; in a tamper proof location accessible to sex workers but inaccessible to clients or other third parties;
- check condoms and safer sex products prior to use to ensure they have not passed their expiry (use by) date, and dispose of out-of-date equipment; PPE that has expired should be disposed of,
- provide water-based lubricant in individual sachets or pump packs as appropriate to prevent cross-contamination and for ease of travel

Safer sex equipment/condom vending machines must not be the sole means of supply.

## Training and use of PPE

Operators of sex work businesses must provide induction and ongoing training for workers on conducting visual health checks on clients, location, use and disposal of PPE, and other workplace hygiene protocols;

Correct sized condoms and water-based lubricant should always be used for insertive sexual services. Providing unprotected sexual services greatly increases the risks of contracting a BBV or STI. **If a client requests that a worker does not use a condom, the worker has the right to refuse to engage in any sexual practice.**

Operators should ensure workers are well informed of the appropriate use of condoms, dental dams, gloves (or any other approved safer sex products) and water-based lubricant, if using lubricant in a tube, sex workers and clients should wear single-use disposable gloves to prevent contamination.

Condoms must be changed during sexual activity involving different orifices (e.g. between vaginal and anal sex), and during sexual activity between different partners (e.g. when a client is engaging in sex with more than one worker, or a worker is seeing more than one client during the same session).

Condoms must also be used to cover sex toys, and changed when the toy is used on a different person and/or a different orifice. A separate container must be provided for contaminated equipment such as sex toys, within the working room. This container must be cleaned after use.

Sex toys or related equipment should be cleaned and disinfected using a solution of 70% isopropyl alcohol before re use.

## Housekeeping and cleaning

Sex work businesses should be kept in a clean condition and in a good state of repair at all times. Regularly clean and disinfect showers, baths, toilets and other wet areas. Clean shared surfaces more frequently (service counters, handrails and EFTPOS keypads) using antiviral disinfectant.

Each working room should contain sanitary facilities including a toilet, hand wash basin provided with soap and hand drying facilities, and shower, where needed. If design or building constraints prevent the provision of adequate sanitary facilities in, or adjacent to, the working rooms, then these facilities should be available elsewhere on the premises.

## **Regular hand washing**

Hand washing facilities should be available in work areas, eating areas and in the toilets. They should be separate from troughs or sinks used in connection with any sex work activities and have hot and cold water and liquid soap. There should also be paper towels (or air-dryers) and waste containers.

See the [World Health Organisation Guidelines](#) on hand-washing. Any cuts, abrasions or rashes should be covered with waterproof dressings and, if necessary, suitable gloves.

## **Spills**

Blood and body substance spills create a risk of transmission of bacteria and viruses, and must be cleaned up immediately. Workers cleaning bloody and body substance spills should wear appropriate PPE, such as gloves and masks.

## **Bondage and discipline**

Where bondage and discipline services are provided, the sex services business operator must ensure spaces when used for this purpose contain:

- Easy access to a hand wash basin; and
- First Aid kits stored in an area that is not accessible to the public.

The flooring, walls, shelves and any equipment in such spaces must be smooth, impervious and easy to clean. Chains in sling rooms are not recommended as they are difficult to clean, if however chains are used they must be modified for easy cleaning, (for example the chains may be inserted into plastic tubing so they are completely sealed and impervious to moisture and bodily fluids.

## **Skin penetration**

Some sexual activities involve piercing or damaging the skin. Sex work businesses must ensure that any materials used to pierce the skin are sterile. All reusable equipment used for skin penetration must be cleaned and sterilised and maintained in a sterile condition. Due to the difficulties with sterilising needles, only single use needles must be used to penetrate the skin.

## Disposal of sharp objects

Sharp objects, including injecting equipment, may pose a risk for the transmission of blood borne viruses. If sharp objects are used within the business, where practicable, make sure only disposable, single-use items are used. Sex services businesses should provide sharps disposal bins in workrooms where sharp objects are used and in the toilets, with no penalties for using them. Sex services businesses which undertake skin penetration must provide containers for the collection of used sharp instruments in accordance with:

- (i) AS/NZS 4261:1994 Reusable containers for the collection of sharp items used in human and animal medical applications; and
- (ii) AS 4031-1992 Non reusable containers for the collection of sharp medical items used in other health care areas.

Where the units are located in communal or publicly accessible areas of the premises, such as the staffroom or toilet, the unit should be secured, such as by being affixed to a wall.

It is not appropriate to dispose of sharps as domestic waste. The [Needle and Syringe Program](#) can provide you with safe sharps disposal.

## Waste disposal

Sex work businesses must have:

- A waste collection system operated by the relevant authority or a contractor;
- Garbage collection receptacles and recycling areas maintained in a sanitary condition; and
- Suitable facilities for washing and disinfecting garbage storage containers.

Used condoms, dams, gloves, soiled tissues, paper towels are not classified as 'contaminated waste' and can be collected in a lined bin with a lid and disposed of as general waste.

## **Anal douching facilities**

The potential for spreading micro-organisms from an anal douching facility is extremely high.

Sex work businesses providing anal douching facilities must apply the following provisions:

- Douching facilities are to be installed in accordance with Power and Water Corporation's requirements for cross connection control and backflow prevention systems.
- Clients using the douching room must be provided with single use colonic tubing.
- A separate toilet must be provided at the douching facility that is available for use by clients undertaking douching only.
- The douching facility must contain a separate hand basin and be provided with soap and hand drying facilities, being air-drying or disposable single use towels.
- A separate waste bin with a lid must be provided in the douching room/facility for the disposal of the used single colonic tubing and this waste bin must be emptied regularly. The waste bin should be designed so as used tubes cannot be accessed by visitors after disposal.
- The douching rooms should be cleaned between each use.

## **Laundry services**

- Operators must provide clean linen (or a clean bed cover) and clean towels for the use of clients.
- All linen, including towelling and other bed coverings which come into contact with clients or staff must be changed immediately after each use. If towels or similar bed coverings are used, they must be of sufficient size to prevent body contact with bed linen that is not intended to be changed after each client.
- All mattresses contaminated by body fluids should be changed. Alternatively mattresses can be fitted with washable non-permeable mattress covers. If soiled, the mattress cover and the linen must be removed and washed prior to re-use.
- Used and clean linen must be stored separately so as to avoid cross contamination. Linen should be washed in a hot water using laundry detergent. It is recommended that linen is commercially laundered for larger businesses for example those employing three or more workers. All items of linen should be thoroughly dried before re-use.

## Pregnancy

Operators of sex work businesses must develop a risk management approach in consultation with pregnant workers that excuses them from certain duties, such as heavy lifting, and having to work the ordinary minimum number of hours per shift.

The Australian Human Rights Commission has [Pregnancy Guidelines](#) that help workplaces understand and fulfil their obligations to make all reasonable adjustments to accommodate pregnancy under the *Anti-Discrimination Act 1992*.

## 09 | Swimming pools and spas

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Operators of sex services businesses with swimming pools and spas on premises should ensure that these are regularly inspected, repaired and maintained to prevent disease transmission. Poorly maintained swimming pools and spas can cause infection.

The water quality of swimming pools and spas must be monitored to ensure that water treatment processes are working as expected. The disinfectant residual, pH and water balance (alkalinity, calcium hardness and TDS) should be monitored regularly and records maintained.

At a minimum, effective treatment processes include filtration combined with primary (chlorine or bromine-based) disinfection. Secondary disinfection treatment processes such as ultraviolet disinfection and ozone can be considered as additional treatment barriers. Only plastic drinking cups should be used in pools and spas.

If spa pools, saunas or steam rooms are provided then additional shower facilities should be provided either within the same room or in close proximity to the facility.



## 10 | Information and training

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**Operators of sex services businesses must provide access to peer outreach workers in order to ensure sex workers have access to current information about sexual health.**

You must provide information and training to your workers and clients that is current, accurate and easy to understand. This includes information and training about work health and safety, safer sex, sexually transmissible infections, blood borne viruses, and first aid.

Information about BBVs and STIs can be found in the [Scarlet Alliance Red Book](#).

[SWOP NT](#) provides sex workers peer-to-peer education, information and resources. SWOP NT also provides specific workplace health and safety training including how and what to test depending on the services offered, current information from the Centre for Disease Control to inform sex workers of which STIs are rising within the Territory, correct usage of safer sex supplies, how to clean work equipment safely, how to check clients for STIs before a job, legislative requirements around what is legal, and tips and resources for keeping safe.

**It is important for SWOP NT to be able to access workplaces for the purposes of outreach, service delivery and peer education to workers.**

Training should include information about workplace health and safety measures including, but not limited to:

- client STI examinations
- safer sex practice
- safe use, cleaning and maintenance of equipment
- correct technique for B&D and S&M fantasy work (if applicable)
- correct massage techniques (if applicable)
- strategies to avoid hazardous manual tasks
- how to identify potentially dangerous situations and how to protect themselves
- how to react to a fire or other emergency situation
- how to react to blood and body substance exposure incidents
- vaccinations and counselling
- information for first-aiders, health and safety representatives and other safety professionals.

If workers have difficulty communicating in English, the operator should make sure they are given access to information in a language they understand. Refer to [Information for Workers](#) for more information.

## 11 | Complaints and notifiable incidents

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To lodge a work health and safety concern phone 1800 019 115 or email [ntworksafe@nt.gov.au](mailto:ntworksafe@nt.gov.au).

A PCBU is required to notify NT WorkSafe immediately after becoming aware of a dangerous incident or the death, serious injury or illness of a person.

If an incident is notifiable, the incident site must be made secure, so it's not disturbed until an Inspector attends to carry out enquiries, or you are directed otherwise.

You may also be required to submit an [incident notification form](#) within 48 hours from the time you notified the incident by phone.

For more information about what constitutes a 'notifiable incident' see [this bulletin](#).

## 12 | Workers compensation and injury management

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### Workers compensation

The Northern Territory has a no fault workers' rehabilitation and [compensation scheme](#). If a worker suffers an injury or disease in the course of their work they may be eligible for entitlements such as:

- payment of medical and other reasonable expenses
- weekly payments of income maintenance while incapacitated / unfit and away from work
- rehabilitation services
- assistance to return to work

Additionally, if a work accident results in the death of a worker, the family or dependents of the worker may be entitled to a lump sum payment and / or weekly payments for minors.

## Claims

When a worker is injured at work, the operator, worker and insurer all have responsibilities to ensure that the worker can recover and return to work safely and as soon as practicable.

In the event that a worker sustains a workplace injury or illness it is the business owner or operator's responsibility to assist the injured worker with seeking first aid or medical treatment.

An injured worker is entitled to nominate their own treating doctor or medical practitioner who will be responsible for a medical assessment of their injury, providing them with a medical certificate and medical treatment if required. If your worker loses income or requires treatment as a result of their workplace injury and wants to claim compensation, they need to fill in and lodge a 'workers' compensation claim form' with the operator.

Operators should remain in communication with the injured worker to find out about any time away from work that the worker needs and any assistance that the injured worker may need to return to work, which could include reduced hours or modifications to their normal duties or work area.

Workers should notify the manager or operator as soon as practicable of their workplace injury. They should also keep the manager or operator informed about any time away from work that they may need, or any assistance that they need to return to work, which could include reduced hours or modifications to their duties or work area. Workers should keep copies of all treatment invoices and receipts.

Read more about [injuries and claims](#).

## Legal obligations

In the Northern Territory, workers' compensation insurance is compulsory for every employer who is not a self-insurer. Any business that employs or hires workers on a full-time, part-time or casual basis, inclusive of sub-contractors, under an oral or written contract of service or apprenticeship, must have workers' compensation insurance that covers their liability for all workers under the *Return to Work Act 1986*.

## Injury management

Workers may need help when returning to work after a serious illness or injury. They may require rehabilitation to help them return to the physical, economic and social state they were in before the injury or illness.

Sex Work Businesses must cooperate with a reasonable rehabilitation and return to work program organised by the manager, operator, or an accredited vocational rehabilitation provider engaged by their insurer. This can include:

- Education and counselling;
- Gradual re-introduction of work
- Retraining for a different job
- Workplace assessment and advice
- Liaison with the manager or operator
- Advice on other work possibilities.

If the illness or injury prevents a worker from doing their regular work, you must discuss a return to work plan with them. Read more about [returning to work](#).

## 13 | Relevant Services

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### Sexual Health Clinics/Services

#### Clinic 34 (NT Wide)

Clinic 34 is a specialised sexual health service that provides testing and treatment for sexually transmitted infections and blood borne viruses in the Northern Territory.

***No Medicare card or ID is required; pseudonyms are able to be used, free services.***

#### Danila Dilba (Greater Darwin Region Only)

Danila Dilba Health Service is an Aboriginal community-controlled organisation providing culturally appropriate, comprehensive primary health care and community services in the greater Darwin region.

***No Medicare card or ID is required; for Aboriginal and or Torres Strait Islander people, free services.***

#### Wurli-Wurlinjang Health Service (Katherine Only)

Wurli-Wurlinjang Community Services offers social and emotional wellbeing and mental health support, family support as well as individual support programs.

***No Medicare card or ID is required; for Aboriginal and or Torres Strait Islander people, free services***

#### Congress (Alice Springs)

Central Australian Aboriginal Congress works in partnership with the community to deliver coordinated and effective primary health care to Aboriginal people living in Central Australia.

***No Medicare card or ID is required; for Aboriginal and or Torres Strait Islander people, free services***

#### Anyinginyi Health Centre (Tennant Creek)

Anyinginyi offers a holistic approach to health care that encompasses clients' emotional as well as physical wellbeing.

***No Medicare card or ID is required; for Aboriginal and or Torres Strait Islander people, free services***

### **Miwatj Health Aboriginal Corporation (Nhulunbuy)**

Miwatj Health is an independent, Aboriginal Community controlled health service based in Eastern Arnhem Land who provide walk-in health services, fixed clinics and outreach workers for communities with an emphasis on preventative and acute care.

***No Medicare card or ID is required; for Aboriginal and or Torres Strait Islander people, free services***

### **Family Planning Welfare Association NT**

Family Planning NT specialise in advice and care on contraception, pregnancy, medical abortion, cervical screening, sexually transmitted infections, menopause, general sexual health issues plus more.

### **Touching Base**

Touching Base is a charitable organisation, developed out of the need to assist people with disability and sex workers to connect with each other, focusing on access, discrimination, human rights and legal issues and the attitudinal barriers that these two marginalised communities can face.

### **Sexual assault referral centres**

Sexual assault referral centres can give you support if you have experienced sexual assault. Sexual assault can be verbal harassment, unwanted touching or an attack.

## **Workplace protections, advice or avenue for complaints**

### **Fair Work Commission**

The Northern Territory office is open from 9 am to 5 pm weekdays (excluding public holidays) in Darwin. Hearings and conferences take place in Darwin.

### **Northern Territory Anti-Discrimination Commission**

The Northern Territory Anti-Discrimination Commission (Commission) promotes equal opportunity for all Territorians, by raising awareness about individual's rights and responsibilities under the *Anti-Discrimination Act 1992*.

The Commission will accept complaints, evaluate and then assist in a mediation process to resolve complaints of discrimination that are in breach of the Act.



*Notes: Scarlet Alliance, Australian Sex Workers Association and SWOP NT are monitoring, updating, amending and checking links in this document annually, and documenting feedback from PCBUs on the implementation of the guidelines. Recommendations from SWOP NT to update and/or future proof any edits required will be provided for joint review with NT WorkSafe, Unions NT and members of the Sex Worker Reference Group.*

*The information contained in this guideline and links to the associated laws for this Industry are intended for information purposes only. The manual should not be viewed as a definitive guide to the law. Readers should also refer to the Work Health and Safety (National Uniform Legislation) Act and Work Health and Safety (National Uniform Legislation) Regulations and other relevant legislation linked within this document.*

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