

OHS in the oldest profession

Kevin Jones, director of Workplace Safety Services, argues for better health and safety in brothels.

The topic of this article will seem odd to many readers. Not because they don't accept that brothels are workplaces and therefore need to comply with the Occupational Health and Safety legislation, but because OHS in the sex industry is something many have never even considered.

The dominant health threat perception on the sex industry is of rampant, and sometimes life-threatening, sexually transmitted infections (STIs). This has not eventuated, as will be discussed later, but the perception has generated millions of dollars of research into risk control strategies. It has also skewed our understanding of the sex industry, and brothels in particular.

It is necessary to establish some common terms and concepts for the brothel industry, in order to better understand OHS. Victoria's industry will be focused on, as it is the oldest legalised industry. However, several states are considering legalising their sex industries, and the risks and processes are similar.

Background

Brothels are only one part of the sex industry in Australia. The sex industry can include bondage and discipline centres, pornography and erotic film production, streetwalking, brothels (legal and illegal), massage parlours, male brothels, and escort services for both sexes. There are several national organisations that oversee elements of the sex industry, such as Scarlett Alliance and the Eros Foundation.

A total of 60,000 men spending \$7 million a week provide the brothel industry in Victoria with \$360 million a year (*The Age*, May 6, 1999).

Prostitution has existed in Australia since the arrival of the First Fleet. Since that time government has attempted to control the industry, principally through the application of town planning laws. These laws tried to restrict the industry to specific areas where operation had minimal effect on the sensibilities of the general community. These laws and practices have been operating for so long they are now part of Victoria's brothel industry licensing legislation, the Prostitution Control Act 1994. New South Wales regulates its industry through the Disorderly Houses Act 1995 and Queensland will be integrating them in their Prostitution Act 1999.

These risk control measures commonly restrict a business from operating within specific distances of schools, churches and retail areas. Political correctness sometimes refers to these premises as "sensitive land uses". In Victoria, the majority of brothels are in industrial areas. Even the large brothels close to the CBD are in industrial areas. (A difficulty those brothels face is that many of the industrial sites are becoming residential apartments.)

No other industry seems to be controlled in this manner. Other illegal industries don't seem to be tolerated as brothels have been. Indeed, in Victoria the primary enforcement activity by police has been on illegal brothels, even though recently the media has focused on underage and illegal workers in licensed brothels.

Consultation structure

Most industries in Australia have operated for years with a tripartite consultative

structure. This was advocated by Lord Robens in the 1970s but operated in an unofficial capacity for decades previously, ever since unions achieved some political legitimacy. Robens' proposal was integrated in Australian OHS legislation.

But OHS legislation passed brothels by. This was the particular fault of no one, in that the industry was illegal and had no formal structure. In 1992 the Victorian WorkCover recognised this deficiency and undertook an audit program of 55 brothels. The audit found deficiencies in the following areas:

- Fire protection – 76 improvement notices and inspection record notices;
- Floors/aisles/stairs – 12 improvement notices;
- Manual handling – five inspection record notices.

These notices included advice, suggestions and immediate repairs, of which many were made.

This level of non-compliance indicates not that the industry was unsafe but that it was ignorant, innocent and under-resourced on safety matters other than health. (The Victorian WorkCover Authority found excellent awareness and knowledge on the issues of infection control). An essential missing element in this industry was a union.

The sex worker support groups provide excellent services on shoestring budgets, but they do not have the formal structure, finance base or recognised legitimacy of a trade union. As such, the workers and managers are not provided with the level of OHS information that is an expected element of all other industries.

There have been attempts in Victoria to establish a formal union for sex workers.

This initiative has failed for several reasons. Sex workers are not all keen on providing regular union dues, thus depriving a union of a sound funding base. The majority of sex workers operate under aliases and, in an occupation that family and friends are unaware of, becoming a union member may involve "coming out" as a sex worker, when sex workers operate with anonymity.

Sex industry risks

There is an obvious and unique occupational risk in the sex industry of sexually transmitted infections. This has received considerable attention and resources, particularly since the appearance of HIV/AIDS. However, the health network of government and support groups has controlled this hazard successfully in the brothel industry. Of course, the unregulated elements of street work and illegal brothels are likely to have a substantially different story. The risk management of STIs in this industry can provide substantial lessons for OHS practitioners on the control of hazards, particularly in the service industries.

Brothels would be workplaces of low risk and on a level with the office environment if there were a similar consultative structure and information network. The function of brothels is to provide a comfortable and pleasurable service and, although busy nights have their fair share of drunken clients, the clients visit to have sex, not to fight.

Most brothel management and sex workers have sufficient experience to deal with an abusive or dissatisfied, and drunken, client. Very few brothels have a formal procedure for this issue, but brothels have very few formal procedures for anything, as the organisational structure is unique and "abnormal".

The Victorian WorkCover Authority has very little statistical information on the industry, as only five workers' compensation claims have ever been lodged. The anonymity and nature of the industry doesn't encourage WorkCover claims.

Other than the persistent fire protection problems, my research would indicate chemical storage and handling as being a prominent hazard. Brothels undertake a

considerable volume of laundry, usually on the premises, and have established protocols for the disinfection of showers and spas. Many brothels have inappropriate storage systems, labelling, ventilation and materials handling.

Most brothels are environments where considerable cigarette smoking occurs among clients and workers. It is certainly at a level comparable to that of pubs on their busiest nights. Movement hazards are common, through dim lighting, stairways and high-heeled footwear. Thermal comfort is a difficult issue, as clients and workers have varying levels of clothing. Sprains and strains can be serious.

The most common hazards in brothels are those presented by clients. Drunkenness is an issue that needs to be controlled. Considerable client handling skills are required by the receptionist or approved manager of the brothel. Clients are discreetly but thoroughly assessed, so as to minimise any risk to workers, staff or other clients. Several brothels have pop-up security screens, hotlines to the police and other extensive security measures.

However, the brothel industry has not been without its fatalities. Information from the Victorian Coroner's office has identified the death of a cleaner in 1997 through mysterious circumstances. Escort services are

particularly dangerous for workers; there was a strangulation of a sex worker in Wangaratta in 1998. Client deaths in the sex industry are more frequent. In 1999, two clients died from heart attacks. 1998 and 1997 had one death in each year, and there were two deaths in 1995 and three in 1994.

Other issues

There are many issues that space doesn't allow to be discussed.

There is considerable argument on the employment status of sex workers in brothels. Are they employees, contractors, or tenants? For OHS purposes, the status is clear, but such is the confusion in the industry that WorkCover is seeking a legal statement on brothel workers' status.

Is there a way of accessing workers' compensation and other occupational services without being exposed as a sex worker? Our industrial support services need a process that allows sex workers the

same access and support as other workers, without them being exposed as working in an industry that remains shunned by the community. Are there other industries that can require workers to provide monthly health certificates before allowing them to work?

Sex workers receive very little formal training. Most safety training occurs from peers and support groups. The workers rarely receive a safety induction.

The industry has a high percentage of workers with poor literacy skills. Safety training for those who use languages other than English simply don't exist.

Almost all brothel workers are casual employees. They have no career path and are provided with little advice on financial management. Tax collection is poor and superannuation is almost non-existent.

Almost all of the elements and conditions that are taken for granted by workers and management in mainstream industries don't exist for the sex worker, even though the industry is regulated and licensed and, to this extent, operates as legitimate businesses.

Not only do these occupational health and safety handicaps exist, but the industry also contends with considerable community objections. The Australian Christian Coalition is encouraging people to protest against the Queensland brothels that will be licensed from June 2000. It has issued this call to arms:

"JOIN ONE OF THESE TEAMS TODAY!!

24[hour] Prayer vigils outside all brothels.

Photographers or video camera operators.

Media Advertising observers.

Rapid Response telephone, fax, email team members.

Leaflet drop distributors."

Only timber workers have a similar level of activism against them doing their legitimate work.

OHS legislation has generated considerable benefits for most workers in Australia but, even in 2000, working conditions are not equitable. There are many lessons for OHS practitioners if they look at the brothel industry as a legitimate industry. Regardless of the business activity, employers of sex workers have just as much, if not more, obligation to provide a safe and healthy work environment. When considering your own safety achievements at your company, consider the struggles that remain for managers and owners in the brothel industry. ■

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