

Passports are the property of their issuing governments. A person cannot take your passport away from you and keep it from you unless they are permitted to do so by law. If your passport has been taken away from you, you should seek legal advice immediately.

Employers are required to be satisfied a person has the government's permission to work in Australia. An employer may lawfully request you provide evidence of your right to work, such as proof of citizenship / residency or visa.

RIGHT TO WORK IN AUSTRALIA AND IDENTIFICATION

You have the right to get your personal property back after you no longer work at a particular workplace. If you stop working at the workplace, you should try to arrange with your boss to get your property back. If management refuses to allow you to get your property you should seek legal advice to discuss your options. A person who refuses to return your personal property may have committed an offence, such as theft.

Sometimes you might leave your personal property behind after leaving a workplace. Unless you have donated or gifted the items to management, they remain your property.

LEAVING PROPERTY BEHIND IN A WORKPLACE

Management does not have the right to conduct a search of your body without your consent and it is very unlikely it would be lawful or reasonable for management to ask you to consent to a body search. If they ask, you should seek legal advice before agreeing.



The information in this booklet is of a general nature. **For detailed and up-to-date advice contact a lawyer.**

A full copy of this information sheet, including reference and source material, is available at skls.org.au

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Examples of when it may be reasonable to interfere with your personal property without your consent include:

- « where there is a reasonable belief your personal property may cause a risk to your health and safety or the health and safety of others; or
- « there is a medical emergency, such as the need to retrieve and administer an EpiPen to save your life.

Management can only search or interfere with your personal property at the workplace if:

- « you have provided consent (such as in an employment contract);
- « management has given a lawful and reasonable direction in a policy (like to conduct security checks at entry and exit points of the premises); or
- « you have not provided consent but it is reasonably necessary.

YOUR PERSONAL PROPERTY

YOUR PERSONAL PROPERTY, SURVEILLANCE DEVICES AND FINES/BONDS

Everyone is entitled to a healthy and safe workplace. There are other rights you have when working which restrict what management at a workplace can do, including in relation to how management treat your property, and the use of surveillance devices. This fact sheet is for Victorian workers who provide sex services in sex-on-premises venues (brothels) or through escort agencies.

There are limited circumstances in which management at a workplace can interfere with or search personal property you bring into the workplace. This includes what you may have in your handbag or backpack.

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RIGHTS AT WORK

USEFUL THINGS TO KNOW ABOUT: PERSONAL PROPERTY, SURVEILLANCE, YOUR HEALTH AND SAFETY AND SEXUAL HARASSMENT

AUDIO AND VISUAL SURVEILLANCE DEVICES

Many workplaces have installed surveillance devices. When used appropriately, surveillance devices can contribute to a safer and more secure workplace for workers.

Victorian law regulates the installation and use of microphones, cameras and tracking devices.

A person cannot use a device to listen to and / or record a private conversation to which the person is not a party. A private conversation is one that the parties intend to keep between themselves which cannot be overheard by anyone else. An example of this includes discussions between a sex worker and a client about the services they wish to experience.

A person cannot use a device to observe and / or record a private activity to which the person is not a party. A private activity means an activity which the individuals want to keep to themselves. Activities occurring outside a building or where someone else could observe them are not 'private'. Examples of private activities includes using a toilet, areas where workers are getting changed or providing sex services to a client at a brothel.

FINES AND BONDS

A private individual or business cannot lawfully fine you for any reason. They also cannot impose a bond or withhold your pay.

For example, you cannot be fined or have your pay withheld for being late to work, damaging property, or refusing to work with a particular client.

If someone withholds your pay, asks you to pay a bond, or demands you pay a fine, you should seek legal advice.

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As stated above, sex workers may refuse to see a client, refuse to provide a particular service, or withdraw consent previously provided, for any reason, at any time.

If a person forces you (physically or verbally) to perform or participate in a sexual act without your permission, they have committed a criminal offence.

If this happens to you, you have (as soon as it is safe to do so) a range of options including:

- » calling triple zero (000);
- » notifying the business where you are working;
- » contacting your local police station, Gay and Lesbian Liaison Officers (GLLO), or Sexual Offences and Child Abuse Investigation Team (SOCIT); or
- » contacting your local peer sex worker organisation, Vixen Collective.

STI CHECK OBLIGATION

If you are a sex worker in Victoria you are required to have a sexually transmitted infection (STI) test (including blood tests and swabs) every three months. This can be arranged by your doctor or at a specialist sexual health clinic, such as the Melbourne Sexual Health Centre.

After an STI check, the doctor should give you a 'Certificate of Attendance' which is valid for three months. Brothel and escort agency workers will need this certificate to work. You do not have to wait for your results to have a certificate issued. Certificates can be issued in your working name and you can get multiple certificates (if for example you are working in more than one venue). You only need to supply your certificate of attendance, not the results of your test, to your manager/operator.

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YOUR HEALTH AND SAFETY

All workers are entitled to a work environment that is as far as reasonably possible safe and without risks to health. Any business where you work is required to provide safe systems of work. Businesses have similar obligations towards other individuals, such as clients. Businesses running brothels should provide the following facilities to promote health and safety in the workplace:

- » **condoms and lubricants:** must be provided free of charge
- » **lighting:** must be appropriate so you can check for signs of sexually transmissible infections
- » **signage:** safer-sex signs should be displayed, these should be displayed in the reception area and in every room
- » **showers/baths:** suitable for cleaning and sanitation, and
- » **communication devices:** all client rooms in brothels must have a communication device (e.g. an alarm button) that works and is easily accessible. Also escort agencies must provide you with a phone (or other communication device) so that you can contact the service provider.

NEGOTIATIONS ON YOUR BEHALF

A person taking bookings on behalf of a sex worker must not misrepresent the worker's qualities or negotiate the sexual services to be provided by the worker.

RIGHT TO REFUSE TO PROVIDE SERVICES

All people are legally entitled to refuse to engage in a sexual act with any person for any reason or withdraw consent they previously provided at any time. This includes sex workers.

In particular, sex workers may refuse to provide a service if they suspect a client has a sexually transmissible infection (STI), or if a client refuses to use a condom.

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SEXUAL HARASSMENT

Laws in Victoria and across Australia protect workers against sexual harassment at work.

SEXUAL HARASSMENT

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature that makes you feel offended, humiliated and/or intimidated where any reasonable person could see that it might offend, humiliate or intimidate you. Examples of sexual harassment can include unwanted touching as well as jokes about sexuality and gender identity.

It does not matter whether you work in a brothel or an office - no one has the right to sexually harass you.

Complaints about sexual harassment can be made under Victorian laws to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Victorian Civil and Administrative Tribunal (VCAT), or under Federal laws to the Australian Human Rights Commission (AHRC). Their details are at the end of this information sheet. Strict time limits may apply, so if you believe you have been sexually harassed and want to raise a complaint, you should seek legal advice immediately.

For information on unlawful discrimination as well as other contact details for organisations that may be able to give you advice on your rights at work - see the full information sheet online skls.org.au

CONTACTS

Vixen Collective peer support line 0414 275 959
or email vixencollectivemelbourne@gmail.com

Resourcing health & Education in the sex industry (RhED) visit sexworker.org.au, call 1800 458 752
or email sexworker@sexworker.org.au

St Kilda Legal Service (SKLS) call (03) 8598 6635
or email info@skls.org.au

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