

# Service User Rights & Responsibilities

Policy version: 0.1

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## 1. Background

SWOP is committed to developing an organisational culture that supports the legal and human rights of all people accessing our service. We seek to comply with, and where possible exceed, all relevant legislation, in order to ensure that all SWOP service users are able to exercise the rights outlined in:

- [Age Discrimination Act 2004](#)
- [Australian Human Rights Commission Act 1986](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Health Records and Information Privacy Act NSW 2002](#)
- [Privacy Act Commonwealth 1988](#)

SWOP understands and supports the principles of fairness and human rights in all aspects of our service delivery. Our Code of Conduct outlines how we will ensure that our services are provided in an environment free from discrimination, financial, sexual, physical or emotional abuse, neglect and exploitation.

## 2. Policy Statement

This policy is designed to clearly articulate the rights and responsibilities of people accessing SWOP services. For this purpose, a 'service user' includes any person accessing SWOP programs or services, including those accessing SWOP counselling, who are generally referred to in other SWOP policies as 'clients'. This policy will explain the role of SWOP staff in ensuring that service users are aware of their rights and responsibilities, and how we can help ensure that they are able to exercise those rights.

## 3. Procedures

SWOP will:

- provide easily understood and accessible information to all service users at service commencement about what the organisation does, how service users can contact the organisation, service user rights, the service standards they can expect and opportunities to provide feedback or make a complaint.
- ensure service users have access to a fair and transparent system for making complaints and for reporting any breach of their rights.
- support service users to exercise choice and participate in service delivery and direction
- involve service users in the development of policies and procedures that impact on their service.

## 4. Principles

Across all areas of our service provision, SWOP particularly values equal access, safety and security, privacy, respect, participation and feedback. **SWOP's perspective on many of these service delivery principles is expanded upon in other SWOP policies, including our Privacy Policy, Diversity Policy, Service User Feedback Policy, Complaints Policy, Outreach Policy, Confidentiality Policy and in our Code of Conduct. Refer to these policies for more information.**

#### **4.1. Equal Access**

**SWOP services are open to be fairly accessed by all workers who are currently, or have previously worked in the NSW sex industry, or express an intention to begin sex work and request additional support or information.** Being a member of SWOP is not a requirement of accessing our services. The requirements for membership are typically more stringent than the requirements to access our services, for more information see the SWOP Constitution.

SWOP services may also be available to other people that have an impact on sex workers' lives – for example the partners/family of sex workers and clients of the sex industry. It must be noted however that sex workers are the focus of SWOP's work, and services directly with sex workers will always be prioritised over services to other people. We will also prioritise the needs of sex workers facing more immediate risks, or presenting with complex needs.

Our services are offered in a way that ensures equal access regardless of gender, disability, socioeconomic background, alcohol or other drug use, cultural and linguistic background, sexual orientation, race, age or geographic location within NSW. The services SWOP provides to NSW sex workers are generally free of charge and never contingent upon sex workers holding or producing any official documentation (e.g. work visas, paying tax, Medicare cards) or working in compliance with the law or other regulation (e.g. council regulation). Not all workers in the NSW sex industry see themselves as sex workers, and service users do not have to self-identify as a sex worker to use SWOP services.

While the extent of their need will vary between service users, it is SWOP's responsibility to ensure our finite resources are fairly distributed among NSW sex workers, particularly in times of high demand. From time to time, this may include placing restrictions on high volume service users, including plans to manage how they engage with SWOP services.

**SWOP reserves the right to delay, limit or refuse service on the grounds of professional judgement, service availability, or to ensure the safety of staff, volunteers or other SWOP service users. All decisions to limit SWOP services should be discussed with your line manager and approved by the CEO, and should include a discussion about how any decision to limit services will be communicated to the service user.**

#### **4.2. Safety & Security**

**SWOP will make every attempt to ensure all service users feel safe and secure while accessing our services, activities and programs.** Across all aspects of our work SWOP staff should endeavour to ensure privacy and security for sex workers accessing our services. This could include anything from parking the outreach vehicle so sex workers do not have to cross a dangerous road to access supplies, to choosing event venues that have well-lit access to public transport close by, to keeping any service user information collected stored securely, to moderating conversations on our social media when participants are discriminatory or overly aggressive (for more information see the Acceptable Use of Email, Internet and Social Media Policy).

#### **4.3. Privacy**

**SWOP aims to exceed legal requirements in terms of maintaining service user privacy and confidentiality.** This includes respecting a sex worker's privacy about their occupational history. SWOP does this because we acknowledge that being a sex worker is not currently protected by occupational discrimination legislation,

but is likely to result in negative outcomes to the individual if revealed while sex work is still stigmatised.

SWOP aims to make all services accessible anonymously or via the use of a pseudonym. The only times that The only times that SWOP will violate privacy are when it is in the interest of the individual's life, health or safety; when it is in the interest of public health or safety; or when we are required to do so by law. Before making a decision that will violate a service user's privacy, staff should discuss this with their line manager, and gain approval.

#### **4.4. Respect**

**Everyone accessing SWOP services has the right to be treated with respect.** SWOP will provide all services in a manner that shows courtesy and consideration for every service user's culture, race, language, age, gender, sexual orientation, socioeconomic status, ability/disability and right to privacy.

We will endeavour to always choose accurate, appropriate and non-offensive language when communicating with sex workers, while being aware that what this means can vary between sex workers, and changes over time.

Respect is a two-way street. SWOP has a zero-tolerance approach to threatening, abusive or violent behaviour by any service user, and will take appropriate action to protect our staff, service users and property should this occur. In choosing an appropriate action, SWOP will consider and try to avoid any negative impacts of this action on anyone involved.

#### **4.5. Participation**

**SWOP services are designed around the principle of mutually beneficial peer education, which involves active participation from our service users.** All SWOP services should endeavour to be non-prescriptive, and geared towards offering our service users enough accurate information to make their own informed choice about their own health and wellbeing. SWOP believes that sex workers are the experts on their own health.

SWOP staff should try to respect and value individual differences, viewpoints and service user participation, in all aspects of service provision. SWOP is in principle against one-size-fits-all mandatory health regimes being entrenched in legislation, such as mandatory sexual health testing, because they remove sex worker-centred participation in their own health care.

#### **4.6. Feedback**

**SWOP welcomes feedback from service users on all aspects of our service, viewing it as an opportunity to improve our practice, and help us to remain a relevant, accessible and high quality service.** To this end we will endeavour to always inform service users about the standard of service they can expect, protect their rights to provide feedback and make complaints, encourage and make it easy to provide feedback in a wide variety of ways, and provide the option to submit feedback anonymously. It is acknowledged that this is not always possible depending on the type of service offered. For example, SWOP outreach workers would not be expected to hand a service user rights and feedback brochure to every sex worker they come into contact with, but it is expected that they would carry some for distribution upon request, or at minimum be able to direct the worker to where they can find these things online.

## 5. Informing Service Users of their Rights and Responsibilities

SWOP is committed to the individual rights of service users being easily accessible, easily understood by service users, and publicly available for all other stakeholders and relevant people. While the exact method of display of service user rights and responsibilities may change from time to time at the direction of the SWOP CEO, it is the responsibility of all SWOP employees to ensure all service users can access their individual rights and responsibilities.

Suggested display methods include on the SWOP website, in a brochure or pamphlet that can be distributed on outreach and displayed in the SWOP office, via SWOP's social media channels, or as a framed charter displayed within the SWOP office. Where possible, consideration should be made to make these rights and responsibilities also available to our culturally and linguistically diverse service users, even if that means ensuring that our multicultural staff members explain them verbally. Please see Appendix A for the text any public facing charter, brochure or website page must contain. Altering this text requires CEO approval, though it must contain the following statement: "SWOP reserves the right to delay, limit or refuse service on the grounds of professional judgement, service availability, or staff, volunteer and service user safety."

## 6. Miscellaneous

Any questions relating to this policy should be addressed to your line manager.

## 7. Review of this Policy & Procedure

This policy will be reviewed at least once every three years by the CEO.

## 8. Related Documents

- Code of Conduct
- Privacy Policy
- Complaints Policy
- SWOP Strategic Plan (current)
- Diversity Policy
- Service User Feedback Policy
- Confidentiality Policy
- Outreach Policy
- SWOP Constitution
- Acceptable Use of Email, Internet and Social Media Policy

## 9. Policy History

Date	Reason for Change	Change Description	Author	Issue No:
02/11/2016	Creation		Jackie McMillan / Michelle Wood / Cameron Cox	0.1
11/11/16	Editing	Incorporated Executive Committee changes	Michelle Wood	0.2
17/11/16	Approved		Cameron Cox / SWOP Committee	1.0

## APPENDIX A: SWOP SERVICE USER RIGHTS & RESPONSIBILITIES

### As a SWOP service user, you have the right to:

- Access any/all SWOP services for which you are eligible.
- Feel safe and secure while accessing services and programs.
- Be treated with respect
  - Get respectful advice on any aspect of sex working, including leaving the sex industry
  - Be informed about any expected waiting times for service
  - Request to speak to someone else (while we will endeavour to accommodate this, SWOP time and resources are finite, so it may not always be possible)
- Have your privacy and confidentiality upheld.
  - Expect that any information you tell us about yourself or others will not be available to anyone who is not directly involved in your care/support unless you give us your written consent, or it is required by law, or your safety or that of another person is at risk.
  - Request that information you provide is not documented, or to be anonymous in terms of name or any other distinguishing feature.
  - Request to see any records kept about you, and to request corrections when you believe the information is wrong.
- Participate in making decisions about the health and work options that are right for you.
- Access an interpreter if required.
- Get accurate and complete information.
- Have your suggestions, or any complaints you may make, taken seriously.

### Similarly, as a SWOP service user you have a responsibility to:

- Treat everyone (staff, volunteers, and other service users) with respect.
- Respect the privacy and confidentiality of other visitors and service users.
- Smoke only in designated areas at the SWOP office and events, and cease smoking if a SWOP outreach officer requests for the duration of their outreach to you.
- Not engage in illegal activities at the site of SWOP service, including: stealing or damaging property, verbally or physically threatening or abusing anyone, dealing in illicit drugs. You are able to access SWOP services whilst under the influence of drugs and alcohol, as long as you are respectful to our staff.
- Provide us with information relevant to your needs, like your contact details when making appointments.
- Give information that assists the SWOP staff member you are seeing, however your right to withhold information is respected. Understand that withholding information may impact on our ability to offer you service, or on our ability to offer sound advice.
- Accept the outcomes of your own decisions in relation to your health, wellbeing, care and support.
- Advise us if you cannot attend an appointment.
- Advise us of a change of contact details as soon as possible.

**SWOP reserves the right to delay, limit or refuse service on the grounds of professional judgement, service availability, or staff, volunteer and service user safety.**