

Trigger warning

Some of the examples provided in this resource are simply examples of poor working conditions, and some are serious sexual assault crimes.

Please contact SWOP NSW if you feel any of these conditions may apply to your experience at work. If any of the following examples cause distress, please feel free to reach out to our friendly outreach team via SWOPConnect. SWOP NSW also provides some counselling services as well as warm referrals to sex worker friendly counsellors.

The aim of this resource is to empower NSW sex workers to assert the workplace rights available to them under decriminalisation and reach out to the appropriate regulatory bodies if needed. SWOP NSW are here to support any workers throughout this process.

Accessing workplace rights for sex workers

Exploitation in the workplace, including in sex work, is a real issue and can be addressed by empowering sex workers to assert their workplace rights available to them under decriminalisation. This might mean reaching out to regulatory bodies like FairWork, SafeWork, or local councils, and seeking legal help when needed. Strong anti-discrimination protections would help remove barriers to reporting and make it easier for sex workers to access these rights.

All sex workers deserve safe and fair workplaces, and access to real justice, rather than raids and “rescue” operations. Sex work workplaces can and do operate like any other business, and the human rights of all sex workers should be respected.

SafeWork: Anyone running a business has a legal responsibility to make sure the workplace and work is safe (both physically and mentally). The government can enforce safety standards at any workplace – and **as a worker you can complain to WorkSafe if these standards are not met.**

You can use the Speak Up Save Lives app to **make anonymous reports to SafeWork.**

Workcover: This is a kind of insurance that almost all employers must have that insures against a worker’s serious injury (**including psychological injury**).

FairWork: All people working in Australia under the Fair Work system are entitled to general workplace protections, **including sex workers, regardless of your visa status.**

These include your right to be paid, conditions of work, negotiating contracts, coercion, harassment, bullying and discrimination. **If your rights are being violated, you can make a complaint to FairWork.**

Criminal law: This covers **threats of violence, harm, sexual or other physical assault, and theft.** A worker may report a crime, and the police may choose to prosecute the perpetrator.

NSW Victim Services: If you have been the victim of a crime (such as domestic violence, sexual or other physical assault, including at work) **you may be able to access financial compensation and counselling** through this agency.

SWOP NSW: Supports sex workers pursuing legal action against a workplace and **can provide referrals to community legal services.**

Inner City Legal Centre: Offers **free employment law assistance** to sex workers.

Examples of poor working conditions

Unpaid Earnings: If your boss withholds your pay after you have provided a service, this constitutes unpaid earnings. Unpaid earnings can be recovered! You can seek legal assistance to write a Letter of Demand to your boss for the unpaid amount, and if they do not pay you properly, you can go to the Fair Work Ombudsman. Contact SWOP NSW for a referral to the Sex Worker Legal Service at the Inner City Legal Centre.

Deductions/Fines: Fines are penalties in the form of withheld wages levied against workers by owners. Fines are not legal in sex work workplaces. Employers withholding part of a worker’s wage as a fine can face legal action by the worker to recover the fines. NSW laws give workers the right to take legal action to recover lost wages. Cashback schemes are also unlawful. This is where an employer pays you the correct amount, and then asks/demands for some of it back. Contact SWOP NSW and/or FairWork for more information.

Debt owed to your employer: It is legal for your employer to loan you money in some circumstances, and for your work earnings to go towards that debt (this might include bonds). However, there are strict rules about deductions from your pay towards a debt. Any bond must be repaid back to you, and the terms and conditions of the debt/bond must be transparent, fair, and reasonable. An employer who requests a bond from sex workers puts themselves at serious risk of breaking employment, criminal, and other laws (including relating to slavery). If a sex worker has paid a bond to their employer, they may want to seek legal advice. Contact SWOP NSW for a referral to the Sex Worker Legal Service at the Inner City Legal Centre.

If the debt has grossly unfair terms or exploitative circumstances surrounding it, or there is coercion in the way you accrued the debt, or lack of clarity/deception regarding repayment, it may be considered ‘debt bondage.’ This is covered under Slavery and Slavery-like offences.

Pressure to take clients: Generally, bosses cannot force you to do anything at all, and you can always leave work (but you might get fired/lose important income). If your boss physically forces you, or coerces you (e.g., through psychological manipulation), this could also be a criminal offence.

At work you are required to do tasks that your boss reasonably requests you to do. However, they cannot request you to do things that are unsafe, unreasonable, outside of your expertise or role, or unlawful.

For sex work, it can get even more nuanced. If your boss pressures you to work in a way that is unsafe or unlawful, you have the right to say no, and keep your job (or at least take legal steps if you have been treated unfairly, and potentially receive a financial payout).

Because a sex workers job involves having sex with clients, our consent to that sex is essential. If we do not freely consent to sex, then that sexual activity becomes a sexual assault (and unlawful). If your boss/the brothel owner unreasonably pressures or coerces you to take clients in a way that is unsafe or unlawful (because you do not consent, or offering services that you do not provide, or without proper client screening, in an unsafe location, etc.), they can be in breach of many laws including relating to workplace safety, employment law, criminal law (as someone enabling a sexual assault).

If you are pressured to take clients, seek legal advice immediately from Inner City Legal Centre or another legal centre.

Sexual harassment at work: Everyone has the right to a workplace that is safe and free from sexual harassment – including sex workers!

Sexual harassment is an unwelcome sexual advance, or other unwelcome conduct of a sexual nature, in connection to work (including boss, clients, in hiring, volunteering, self-employed people, etc.)

If your boss/brothel owner pressures you to have sex with them (especially in return for shifts, pay, help at work, etc.) or is sexually inappropriate towards you, this could be unlawful sexual harassment, and you could be entitled to financial compensation from them. That behaviour is not acceptable in any workplace, including in sex work. If you experience this at work, you can contact FairWork, or Inner City Legal Centre for more information.

About SWOP NSW

We are a not-for-profit, peer-based community organisation run by and for sex workers in NSW.

We provide:



Sexual health information & condoms, dams, gloves and lube (PPE)



Drug and alcohol information & injecting equipment



Peer support & counselling



Workplace Health & Safety information



Culturally & linguistically diverse team & resources (English, Chinese & Thai resources available)

Contact SWOP NSW



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POOR WORKING CONDITIONS, WHAT ARE THEY, AND WHO CAN YOU TALK TO?

- **Accessing workplace rights for sex workers.**
- **Examples of workplace exploitation.**

This is a SWOP NSW resource that is created for sex workers, by sex workers.