

WORKING IN MANAGEMENT in brothels and escort agencies

CONTRIBUTION

In your role as an **approved manager or receptionist**, you are subject to a number of circumstances that may affect you legally.

This information is derived from my experiences of working in the industry and serves as a guide to some of your rights and responsibilities under the current laws that govern the legal industry.

If you find yourself in a situation whereby you become subject to the jurisdiction of the law through legal action, I strongly advise you to obtain the appropriate professional advice and representation.

RhED is able to help in referrals to experienced practitioners. Managing a brothel or escort agency requires you to comply with the Sex Work Act 1994 and Sex Work Control Regulations 2006. You must also comply with many other laws, including public health, occupational health and safety, and equal opportunity. For further information about these laws contact RhED 1800 458 752.

Specific legal responsibilities/liabilities of approved managers

Whilst an approved manager is acting in their supervisory capacity – on the premises or on the phone – their responsibilities include:

- Ensuring no illegal activities are undertaken on the premises (ie illegal drug taking or selling, the presence of underage persons, alcohol consumption)
- Remaining available for any responsible authorities such as police, the Department of Immigration, the Department of Health, Consumer Affairs Enforcement, to contact if they need to;
- Ensuring that all available security measures are undertaken in the advent of any threat to the safety of the sex workers and other staff; and
- Ensuring the following are displayed: “SWA No”, the illustrated “Safe sex is always practiced on these premises”, “trafficking signage” are displayed in the proper places (reception area, rooms).

Control over medical certificates

Under Section 19 of the Sex Work Act, it is an obligation for owners and managers to monitor the health of sex workers who work for them. It is not a legal requirement that sex workers actually produce a medical certificate in order to legally work. However, the Sex Work Act does state that it is an offence for a sex worker to knowingly infect a client with a STI. An acceptable defense against this charge, for the worker, manager and owner is proof that the worker had undergone monthly checkups for STIs and thrice monthly blood tests.

Therefore, for the legal protection of all concerned, it is more or less mandatory that all parties abide by these conditions. Methods of enforcement should be negotiated and carried

through by both owners and managers for their own protection and workers should produce a Certificate of Attendance to indicate that they have seen a doctor for STI checks. No health information is to be provided to management or other workers – that is the private business of the sex worker. Business practice varies as to how you record sighting of a STI certificate. These include a register detailing the worker's name, the date a medical certificate was sighted, the date of the next check.

Bag searches/stolen goods

Bag searches by owners/managers are only able to be carried out if these have been made a condition of working at that establishment. If sex workers have not been made aware that bag searches are a condition of working in that establishment, then the manager/owner does not have the right to just go ahead and do it anyway.

Alcohol and drugs

The sole responsibility of management in relation to the presence of alcohol and drugs on the premises is that of taking caution to create “an alcohol and drug-free environment”. Measures taken could be, for example, a sign at reception saying “no alcohol or drugs allowed on the premises”. For these purposes, any adjoining car park is considered to be “on the premises”. When meeting with new sex workers to your establishment, you should inform them that alcohol and drugs are not permitted.

If, in the case of a search carried out by the police, alcohol or drugs are found on the premises, proof by managers/owners that every effort has been taken to create “an alcohol and drug free environment” would be a good defense. In the case where the alcohol or drugs are obviously the property of a particular person (ie the alcohol or drugs were found in the person's bag or locker), then that person also would be held responsible and charged.

Registration required for each specific brothel/agency

It is the licensee's responsibility to inform the Business Licensing Authority (BLA), of the details of the approved managers they have on staff.

However, as a courtesy you can also notify the BLA in writing, by fax or phone of the brothels/agencies that you are employed by.

Applying for registration as approved managers

To download an application form go to:
<http://www.bla.vic.gov.au/wps/wcm/connect/justlib/Business+Licensing+Authority/Home/Sex+Work+Service+Providers/>

Each applicant for a brothel manager license must provide:

- A completed consent to Criminal History and Other Record Check form.
- Certified Copies of 100 points of Identification Documents
- A certified copy of your passport (including Visa details) if you are not an Australian Citizen.

- ONE recent passport size colour photograph (not more than 3 months old).
The current cost of the application is \$310.60.
The approved manager license is to be renewed every three years.

Misrepresenting sex workers

It is required by law that when you talk to clients over the telephone or in person, you do not misrepresent the way a sex worker looks or behaves. This is usually more relevant to escort agencies because the sex workers are traditionally not on the same premises as the person who answers the phone. It is therefore easier to misrepresent a sex worker even if it is unintentional – you may not have met her. In this case, accurate descriptions (within reason of course) of the sex workers you refer must be available for you to use.

If a client is led to expect something different from what he gets, not only is it bad business, it is uncomfortable for the sex worker and may be potentially dangerous. For example, in an escort situation, when the escort arrives and does not fit the description given over the telephone, the client may become aggressive. Equally, in a brothel situation, if the client comes to the brothel and then sees that there are no sex workers that fit the description you have given on the telephone they may become agitated and angry.

Negotiating sexual services on behalf of sex workers

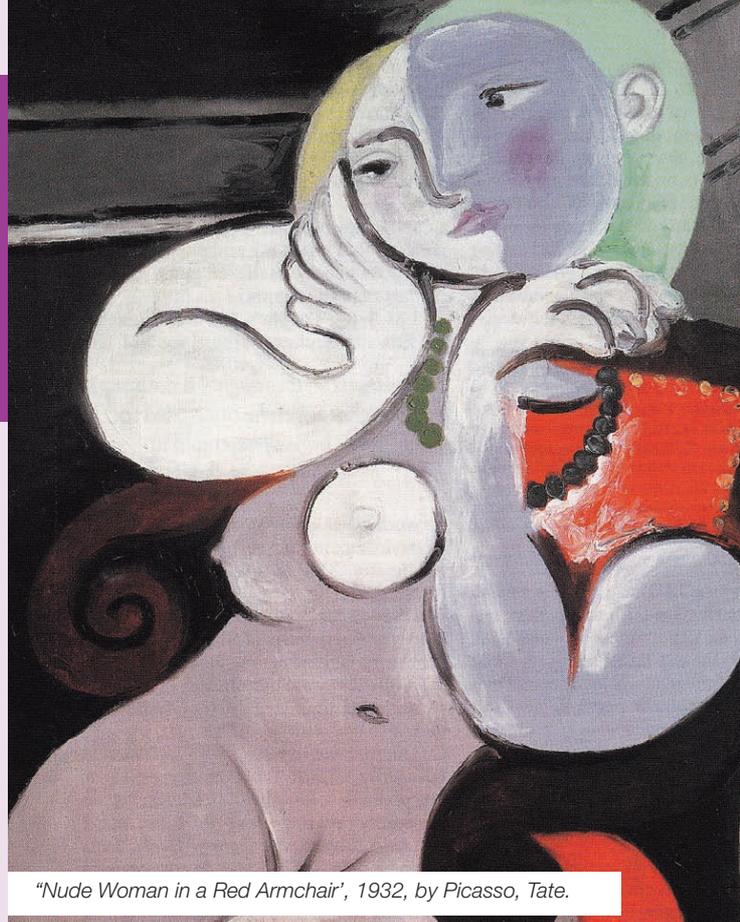
The law states that you cannot negotiate on behalf of a sex worker, the sexual services to be provided. The idea of this is to allow the sex worker the choice of what kind of sexual service they will provide – on a day to day basis. For instance, if a sex worker offers anal sex, you cannot assume that worker will do this service on any day for any client. In brothels this is simple – just ask the sex worker. With escort agencies however, or in brothels when a client is booking in advance, it is best to tell the client that he can negotiate this with the worker on the phone, or in a private talk before the booking. This goes for any service beyond the basic “massage-oral-sex” service, even kissing. Clients with disabilities may telephone and again, it is wise to ask the sex workers if they are happy to work with people with disabilities.

Safety rule

The law now specifically states that whoever is in charge – for instance, the receptionist, manager or licensee – cannot reprimand or punish a sex worker in any way for refusing to see a client if the worker feels unsafe. This means if a worker feels unsafe for any reason at all, including lack of confidence in the security system they are being asked to rely on, as well as feeling unsafe with that client because he’s drunk, aggressive or just particularly rough.

Job descriptions/required duties

Many managers/receptionists negotiate with the owner, their job descriptions and conditions of employment. For example,



“Nude Woman in a Red Armchair”, 1932, by Picasso, Tate.

some managers are required to do secondary consultations on STI checks for sex workers, others are not.

You may be paid as an employee or as a casual worker. A casual worker does not receive holiday pay or sick pay. Alternatively, managers/receptionists are often paid employees with the accompanying benefits of sick leave and holiday pay. Under the Fair Work Act, levels of wages have been set and these are set according to the duties the approved manager and/or receptionist is required to undertake. To find out more you can go to www.fairwork.gov.au or telephone the Fair Work Infoline 131394 or contact RhED on 1800 458 752 or email sexworker@sexworker.org.au

If reading this material, raises any issues for you, please do not hesitate to ring RhED on 1800 458 752 for debriefing and support.

This is a reader contribution. The views in this article do not necessarily represent those of RhED or ISCHS. If you would like to make a contribution to this magazine, please contact RhED on 1800 458 752. We would love to hear from you.

Useful Contacts

The above information is to be used as a guideline and has been developed to answer some of the enquiries that RhED receives. For further information on any of the above issues, or any other specific to these roles that may arise, the following contacts may be useful:

RhED (Resourcing health and Education in the Victorian Sex Industry)
Phone 1800 458 752 | Fax (03) 9525 4492
www.sexworker.org.au or email sexworker@sexworker.org.au

Business Licensing Authority

Phone (03) 9627 7260
www.bla.vic.gov.au

Consumer Affairs Victoria

Compliance and Enforcement
Sex work hotline Tel 1300 764 671