

Discrimination and Doctors

RhED receives a number of calls from sex workers, informing RhED that some medical practitioners refuse to provide STI testing and doctors' certificates to people who work in the sex industry.

RhED has reported this to the BBV/STI Program Communicable Diseases Section, Public Health, Department of Human Services. The Department has notified all General Practitioners of the relevant legislation. RhED publishes the contents of the letter (below) together with the Melbourne Sexual Health Centre fact sheet on screening, vaccination and issuing of certificates.



Medical practitioners are able to refuse to provide a service to a sex worker. However, they should not refuse a person in a way that makes that person feel they have been discriminated against. The medical practitioner should also provide the patient with a referral.



Department of Human Services

Incorporating: Health, Children, Community Services, Mental Health and Housing

120 Spencer Street
GPO Box 1670N
Melbourne Victoria 3001
DX210081
www.dhs.vic.gov.au
Telephone: (03) 9637 4000
Facsimile: (03) 9637 4779

Dear Doctor,

Re: The provision of medical certificates to sex workers.

As a GP you may be asked to provide a patient who is a sex worker with a medical certificate to enable them to work. The relevant legislation and regulations pertaining to this matter are contained in the following:

- *The Prostitution Control Act 1994;*
- *The Prostitution Control Regulations 2005;*
- *The Health (Infectious Diseases) Regulations 2001;*
- *The Health Act 1958.*

In short, it is an offence under the *Prostitution Control Act* for sex workers to work if they have a sexually transmissible infection (STI). The legislation requires brothel and escort agency management to ensure sex workers with an STI do not work, and that sex workers use condoms and have up to date medical certificates.

Testing for STIs in sex workers reduces the risk of transmission into the broader community and provides a defence for sex workers against possible legal action, alleging they infected a client.

The General Practitioner's Role

Sex workers are required to have **quarterly** blood tests for HIV and syphilis and **monthly** vaginal/cervical swab tests for chlamydia, gonorrhoea and trichomonas. Sex workers will seek a Certificate of Attendance to verify they have complied with these testing requirements.

As a general practitioner, you may be asked to provide a certificate stating that the sex worker has attended and received STI screening. The certificate should state the client's name (the "working name" may be used rather than the true name), the date the STI screen has been performed, the words "attended for STI screen" and, if bloods were taken, "including blood tests" and the practitioner's signature.

If a sex worker feels that a medical practitioner has discriminated against them, the following contacts may be able to offer assistance and information:

The Victorian Equal Opportunity & Human Rights Commission

The Victorian Equal Opportunity & Human Rights Commission have informed RhED that it is unlawful to discriminate against somebody on the basis of their lawful sexual activity. It is discrimination if you are treated less favourably than another person because of your sexual activity.

You can contact them on the Advice Line (03) 9281 7100.

Web site: www.humanrightscommission.vic.gov.au

Over the page there is a fact sheet from the Victorian Equal Opportunity and Human Rights Commission.

Australian Medical Association (AMA)

The AMA promotes and advances ethical behaviour by the medical profession and fosters communication between the medical profession and the community.

AMA Victoria can be contacted on:

Ph 1800 810 451

Web site: <http://www.ama.com.au>

The Health Services Commissioner

Ph 1800 136 066

Web site: www.health.vic.gov.au/hs

If a prescribed STI listed under the *Prostitution Control Act* is detected in a sex worker, GPs are required to discuss the legal obligation to cease sex work whilst infected. These are currently:

- HIV/AIDS
- Genital and anal herpes (when lesions are visible)
- Genital and anal warts (when lesions are visible)
- Genital chlamydia
- Lymphogranuloma venereum
- Gonorrhoea
- Infectious Syphilis
- Chancroid, Donovanosis: these are two tropical conditions that are very rare in Victoria.

As regular screening forms part of a regulatory process, it is important that suitable record keeping is maintained.

More detailed information is provided in the attached Management Guidelines from the Melbourne Sexual Health Centre.

Resources

Melbourne Sexual Health Centre

- MSHC website at www.mshc.org.au. See Services for Health Professionals, Management Guidelines, MSHC Treatment Guidelines, Commercial Sex Workers.

The Doctors Advice Line, Melbourne Sexual Health Centre (9-12 am, 1-4 pm)
Ph: 1800 009 903.

RhED Service (Resourcing health & Education in the Sex Industry).

- This organisation provides sex workers and health and social service providers with practical and realistic health information and supports to deliver improved health outcomes in the sex industry. Ph 1800 458 752.

The Business Licensing Authority's website www.bla.vic.gov.au

STI notification forms and information are available on the Department of Human Services IDEAS web site at www.health.vic.gov.au/ideas

Should you require any further information, please contact Dr Danny Csutoros on 9096 5170 or Ms Karen O'Neill on 9096 0368.