



## Australian Sex Workers Association

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### Status of Return to Work and Changing of Restrictions 24/09/2020

Each state and territory government alongside the National Cabinet, has started a process to ease the restrictions that were put in place to help slow the spread of coronavirus (COVID-19). Some states and territories have not yet announced return to work dates for sex service premises. Others have already returned to work or have dates in place.

Most states and territories have COVID-19 Safe Work Plans, Checklists and Frameworks in place that operators must comply with in order to reopen. The conditions of these COVID-19 return to work plans and who is required to prepare and/or submit them varies across each state and territory.

Scarlet Alliance member organisations in each state and territory have been assisting sex workers in understanding the requirements to return to work and in preparing the required checklists and work plans. For a list of contacts for your local sex worker organisations visit: <https://redbook.scarletalliance.org.au/home/sex-worker-orgs/>

This document is correct at 24th Sept, 2020. Scarlet Alliance and our [member peer sex worker organisations](#) are remaining open or providing support via phone, and will continue to update workers with new information when available.

The table below provides a summary of the current requirements in your state and territory and links to any guidelines and/or COVID-19 Safe work plans or checklists.

COVID-19 Safe Plans by Jurisdiction	
NSW	<p>Sex services premises were allowed to open on 01 July 2020 provided a Covid-19 Safety Plan to maintain a safe environment for business operators, workers and clients was in place and operating.</p> <p>The COVID-19 Safety Plan can be accessed here: <a href="#">COVID-19 Safety Plan for sex services premises</a>.</p> <p>Private sex work and escort agencies can operate subject to COVID restrictions and guidelines but do not need a COVID-19 Safety Plan.</p> <p>Lists of premises requiring a COVID-19 safety plan can be found <a href="#">here</a></p> <p>Generally the number of people allowed on premises will be determined by the 'one person per 4 square metre rule'.</p>

	<p>Limits apply to weddings and funerals on residential premises.</p> <p>People can participate in outdoor public gatherings of not more than 20 people. There is a 20 person limit on visitors to a home.</p> <p>Employers must allow employees to work from home if this is reasonably practical.</p> <p><a href="#">Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020</a></p> <p>There are currently no restrictions on travel within NSW</p> <p>Persons who have been in Victoria in the last 14 days cannot travel to NSW with <a href="#">certain exceptions</a></p> <p>A person must not intentionally spit at or cough on public officials or other workers in a way that is reasonably likely to cause fear about the spread of COVID-19.</p> <p><a href="https://www.health.nsw.gov.au/Infectious/covid-19/Pages/public-health-orders.aspx">https://www.health.nsw.gov.au/Infectious/covid-19/Pages/public-health-orders.aspx</a></p>
VIC	<p><u>Metropolitan Melbourne:</u></p> <p>Under stage 4 restrictions, In-person sex work is NOT permitted in metropolitan Melbourne.</p> <p>As per the August 5th Restricted Activities Directions (Restricted Areas) (no 6) in-person sex work is not permitted in any form. Brothels, escort agencies, strip clubs and sex on premises venues are closed. Private sex work is also not permitted. Outcalls are not permitted.</p> <p>Curfew: The only permitted reasons to leave home between 8pm and 5am are permitted work (not sex work), medical care and caregiving.</p> <p>The local government areas where Stage 4 restrictions apply can be found here:  <a href="https://www.dhhs.vic.gov.au/stage-4-restrictions-summary-covid-19#who-does-this-apply-to-and-when">https://www.dhhs.vic.gov.au/stage-4-restrictions-summary-covid-19#who-does-this-apply-to-and-when</a></p> <p><u>Rest of Victoria:</u>  Stage 3 restrictions apply</p> <p>As per the August 16th Restricted Activity Directions (Non Melbourne) (No 3), outcall only private work and escort work for agencies is permitted outside of Metropolitan Melbourne.</p> <p>As per the August 16th Stay at Home Directions (Non Melbourne) (No 3) people living outside of metropolitan Melbourne can leave their homes for work. Sex workers</p>

CAN leave their homes to do those permitted forms of in-person sex work. They CAN enter a client's home to do that work.

Brothels must remain closed.

#### All of Victoria

Masks/face coverings outside the home are mandatory. You can be fined \$200 if you do not wear one.

#### Policing:

Victoria Police can issue on the spot fines of up to \$1,652 for individuals and up to \$9,913 for businesses for failure to comply with restrictions.

In addition to COVID-19 restrictions, existing laws concerning sex work in Victoria still apply.

If you are questioned or contacted by Victoria Police, or receive a fine, please contact Vixen Collective for information and support and referrals to legal services: 0414 275 959

#### Resources

Victoria's peer only sex worker organisation  
<https://www.vixencollective.org/contact-us>

*Sex work laws in Victoria:*

[http://www.scarletalliance.org.au/laws/vic/index\\_html#ref5](http://www.scarletalliance.org.au/laws/vic/index_html#ref5)

Information on your rights and obligations when questioned by police:

<https://www.legalaid.vic.gov.au/find-legal-answers/free-publications-and-resources/police-powers-your-rights-in-victoria>

Free legal advice and information for people anywhere in Victoria stopped, questioned, fined, or charged by police under COVID-19 laws:

0434 136 501

<https://www.fitzroy-legal.org.au>

*Victoria's Restriction Levels and Restrictions Map:*

<https://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19>

*Metropolitan Melbourne: Stage 4 Restrictions*

<https://www.dhhs.vic.gov.au/stage-4-restrictions-covid-19>

*Regional Victoria: Stage 3 Restrictions*

	<p><a href="https://www.dhhs.vic.gov.au/stage-3-restrictions-covid-19">https://www.dhhs.vic.gov.au/stage-3-restrictions-covid-19</a></p> <p><i>Mandatory Masks and Face Covering</i></p> <p><a href="https://www.dhhs.vic.gov.au/face-coverings-covid-19">https://www.dhhs.vic.gov.au/face-coverings-covid-19</a></p>
QLD	<p>Restrictions on sex work in Queensland were lifted noon Friday 3 July as part of <a href="#">stage 3 easing of restrictions</a>. Sole operator sex workers and brothels were able to return to work in Queensland as part of Stage 2 easing of restriction (scheduled for 10 July but then brought forward to 3 July) under conditions outlined in a <a href="#">Sex Industry Plan</a>. It is mandatory for sex workers to:</p> <ul style="list-style-type: none"> <li>- complete the COVID Safe Checklist for Sole Operators (<a href="#">pages 5-7 of the industry plan</a>)</li> <li>- sign the Statement of Compliance (<a href="#">page 8 of the industry plan</a>) prior to commencing work, and</li> <li>- get a Certificate of completion from the <a href="#">online COVID-19</a> training within two weeks of starting back to work.</li> </ul> <p>A copy of the completed checklist must be “readily available” for compliance checks. A signed copy of the Statement of Compliance is to be displayed at premises where sex services are provided or “readily available where a fixed premise is not used to provide services”. And within two weeks sex workers must have a Certificate for the COVID training.</p> <p><i>Note: If you work at a brothel, it is the brothel that will need to do the STATEMENT OF COMPLIANCE not individual sex workers.</i></p> <p><b>Compliance:</b> Compliance with the COVID Safe requirements may be checked. It is possible this may include police or other authorised officers. If you are approached by police, ask their name, badge number and what station they are from. Be polite, take photos of anything they show you, and contact Respect Inc ASAP. If you are approached by another person stating they are an authorised officer ask for proof of ID.</p> <p>More information including translations available at: <a href="http://www.RespectQLD.org.au/covid/">www.RespectQLD.org.au/covid/</a></p>
TAS	<p>Stage 3 began on 26 June,2020. Business restrictions lifted at this date include:</p> <ul style="list-style-type: none"> <li>- Strip Clubs</li> </ul>

- Provision of services to a person by a sex worker, within the meaning of the Sex Industry Offences Act 2005

All businesses returning to work are required to have a COVID-19 Safety Plan.

All sex workers are considered sole operators or self employed by law in Tasmania. This includes people working in massage studios.

<https://coronavirus.tas.gov.au/business-and-employees/covid-19-safe-workplaces-framework>

This page lists all the sectors that have to have plans, and the dates they are required to be completed. The sex industry is included in the code S951, Other Personal Services.

<https://coronavirus.tas.gov.au/business-and-employees/covid-19-safe-workplaces-framework/sectors-workplace-guidelines>

If you click on that code you'll find a list of all the COVID-19 Safe Workplace Guidelines, including the Hairdressing, Beauty, and Other Personal Services guidelines.

[https://www.worksafe.tas.gov.au/\\_\\_data/assets/pdf\\_file/0009/570168/COVID-Safe-Workplace-Guidelines-Hairdressing,-Beauty-and-Other-Personal-Services.pdf](https://www.worksafe.tas.gov.au/__data/assets/pdf_file/0009/570168/COVID-Safe-Workplace-Guidelines-Hairdressing,-Beauty-and-Other-Personal-Services.pdf)

The worksafe document contains a link to Scarlet Alliance Red Book COVID-19 harm reduction resource, which can be used in developing individual Safety Plans

<https://redbook.scarletalliance.org.au/covid-19/>

"Keep your completed plans/checklist at your workplace: you do not need to submit them to WorkSafe. That way, when an inspector visits, you can use them to show how you are complying with the minimum standards.

You will also need to show an inspector any processes/procedures you've put in place to implement your safety plan. The inspector will check to see that your plan and procedures are being applied in your workplace"

<https://www.worksafe.tas.gov.au/topics/Health-and-Safety/safety-alerts/coronavirus/covid-safe-workplaces-framework>

The template for completing the COVID-19 Safety Plan for small businesses and sole operators can be accessed here:.

	<p><a href="https://www.worksafe.tas.gov.au/__data/assets/pdf_file/0010/567829/Fillable-V3.0-WorkSafe-COVID-19-Safety-Plans-Small-Business-Template.pdf">https://www.worksafe.tas.gov.au/__data/assets/pdf_file/0010/567829/Fillable-V3.0-WorkSafe-COVID-19-Safety-Plans-Small-Business-Template.pdf</a></p>
WA	<p>Phase 4 of the WA return to work plan is active in WA since 27 June 2020.</p> <p>Under Phase 4, Brothels and Massage parlours in WA are required to complete a Covid Safe plan in order to re-open. You can find guidelines to assist you in creating a plan here: <a href="https://www.wa.gov.au/sites/default/files/2020-06/COVID-Safety-Guidelines-Phase-4_0.pdf">https://www.wa.gov.au/sites/default/files/2020-06/COVID-Safety-Guidelines-Phase-4_0.pdf</a></p> <p>And you can find templates for the plans here: <a href="https://www.wa.gov.au/sites/default/files/2020-06/COVID-19-Safety-Plan-Phase-4_0.pdf">https://www.wa.gov.au/sites/default/files/2020-06/COVID-19-Safety-Plan-Phase-4_0.pdf</a></p> <p>Independent sex workers are not required to complete a COVID safety plan</p> <p>Independent/private sex workers may continue working, but must comply with the general restrictions for social distancing. This restriction requires workers provide <b>a space of 2 square meters per visitor in their workplace.</b></p> <p>To ensure you can comply with this restriction for gatherings, we recommend that private sex workers avoid doing doubles with other workers at this time, and we recommend sex workers avoid bookings with more than one client at a time.</p>
SA	<p>The Emergency Management Act in SA was extended for a further 28 days on the 19th of September, 2020.</p> <p>South Australian massage parlours were permitted to reopen during step 2 of the state governments easing of COVID restrictions; step 2 was implemented on the 1st of June.</p> <p>On the 29th June, step 3 of South Australia's road map to recovery was implemented. This step included the reopening of spas, saunas, and bathing facilities.</p> <p>In order to be compliant with COVID 19 protocols businesses and certain defined public activities must complete a covid safe business plan as well as engage in contact tracing mechanisms with clients/customers and participants. Templates and forms have been provided by the state government.</p>

	<p>The COVID safe business plan can be found at this web address -  <a href="https://www.covid-19.sa.gov.au/recovery/create-a-covid-safe-plan">https://www.covid-19.sa.gov.au/recovery/create-a-covid-safe-plan</a></p> <p>The contract tracing template issued by the state govt can be found at this web address -  <a href="https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0011/209594/Contact-Tracing-Record-Attendance-at-public-activities.pdf">https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0011/209594/Contact-Tracing-Record-Attendance-at-public-activities.pdf</a></p> <p>Under the Emergency Management Act SA Police are tasked with checking compliance. SA Police are permitted to visit a business and request a copy of the covid safe business plan, as well as viewing any contact tracing documentation.</p> <p>Penalties for breaching covid regulations may result in a \$5,000 fine.</p> <p>As of midnight, 8th July, South Australia issued a hard border closure with Victoria. Other interstate travel is legislated under the Emergency Management (Cross Border Travel No 15)(COVID 19) Direction 2020. The legislation can be found at the web address below.  <a href="https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0011/296183/Emergency-Management-Cross-Border-Travel-No-15-COVID-19-Direction-2020.pdf">https://www.covid-19.sa.gov.au/_data/assets/pdf_file/0011/296183/Emergency-Management-Cross-Border-Travel-No-15-COVID-19-Direction-2020.pdf</a></p>
NT	<p>Restrictions on sex work in Northern Territory were lifted noon Friday 5 June with restrictions and compliance measures put in place as a mandatory component of being approved for reopening as part of stage 3 easing of restrictions</p> <p>It is mandatory for sex workers to:</p> <ul style="list-style-type: none"> <li>● Complete the online COVID-19 safety plan checklist as outlined in Guidelines for all independent sex workers and sex services business</li> <li>● Sex workers <ul style="list-style-type: none"> <li>○ <a href="#">Guidelines</a></li> <li>○ <a href="#">Checklist</a></li> </ul> </li> </ul> <p>Guidelines for all personal services businesses In where sex work is inserted in the NT must comply with;</p>

The [Public and Environmental Health Regulations 2014](#).

In addition to the mandatory requirements under the Directions, the Guidelines provide additional information that includes; Environmental Health COVID-19 Compliance, [Safe Work Australia](#) – COVID-19 for workplaces, [Scarlet Alliance Red Book](#) – COVID-19 for sex workers

- A Statement of Compliance registration will be assessed by a Environmental Health Officer over the phone for private workers and or may include a site visit. Site visits are conducted by Environmental Health Officers for larger operators
- Once compliance checks are approved a certificate is sent through via email approving adherence to implementation of Checklist and Safety Plan

A copy of your approved COVID Safety Plan must be “readily available” for any further compliance checks. A copy of Statement of Compliance is to be displayed at premises where sex services are provided or “readily available where a fixed premise is not used to provide services”.

*Note: If you work at a brothel, it is the brothel that will need to do the STATEMENT OF COMPLIANCE not individual sex workers.*

***Compliance also includes***

Providing hand sanitiser to the public on premises, unless handwashing facilities are available; and

***To Display signage*** stating that a person should ***consider*** the following principles and practices:

- Practising physical distancing by, if possible in the circumstances – keeping 1.5m away from any person who is not a member of the person's family, a friend or an acquaintance; or otherwise – keeping close contact to less than 15 minutes;
- Practising hand hygiene by washing hands or using hand sanitiser; Staying home if feeling unwell and signage for people ***to consider*** downloading the COVIDSafe App

The signage required must be displayed in a conspicuous position at the place or on the premises as follows: If there is an area that is open to both the public and members of staff



	<p>– in that area; in an area that is open to the public, and or an area that is accessible to staff.</p> <p><a href="https://coronavirus.nt.gov.au/roadmap-new-normal/business/guidelines-for-personal-services-stage-3">https://coronavirus.nt.gov.au/roadmap-new-normal/business/guidelines-for-personal-services-stage-3</a></p> <p>COVID-19 Directions (No. 36) 2020 NT Borders Opening 17th July for all States and Territories not identified as “Hot Spots”. Current directions in relation to NT border restrictions remain in place from 24th August, 2020.</p> <p><a href="https://coronavirus.nt.gov.au/_data/assets/pdf_file/0004/924610/cho-directions-no-49-directions-territory-border-restrictions.pdf">https://coronavirus.nt.gov.au/_data/assets/pdf_file/0004/924610/cho-directions-no-49-directions-territory-border-restrictions.pdf</a></p> <p>All people travelling to the Northern Territory must complete the <a href="#">border entry form</a>.</p> <p>If you are intending to travel to the Northern Territory from an identified coronavirus hotspot you are advised to cancel your plans. Likewise if you are a Territorian intending to travel to a hotspot you are advised to cancel your plans.</p> <p>See Google map with <a href="#">current hotspots</a>.</p> <p>Anyone arriving into the Northern Territory from or through a declared hotspot in the last 14 days must undertake 14 days mandatory supervised quarantine.</p> <p>This will be at your own cost. The <a href="#">cost per person</a> for supervised quarantine is \$2500.</p> <p>Mandatory supervised quarantine will be at the Howard Springs quarantine facility or another approved facility elsewhere in the Northern Territory  <a href="https://coronavirus.nt.gov.au/travel/quarantine/hotspots-covid-19">https://coronavirus.nt.gov.au/travel/quarantine/hotspots-covid-19</a></p>
ACT	<p>Restrictions were relaxed and brothels, escort agencies and strip bars opened on 10 August. Currently, ACT is in Stage 3.1 Restrictions of the Recovery Roadmap:  <a href="https://www.covid19.act.gov.au/_data/assets/pdf_file/0005/1623614/CV_Roadmap_Recovery-plan_Ease_Restrictions_9.0.pdf">https://www.covid19.act.gov.au/_data/assets/pdf_file/0005/1623614/CV_Roadmap_Recovery-plan_Ease_Restrictions_9.0.pdf</a></p> <p><i>COVIDSafe venues</i>  Brothels, escort agencies and strip bar venues have to adhere to the following: Complete a COVID Safety plan, allow 4 square metres per person per usable space, no more than 100 patrons for a venue, ensuring one person per 4 square</p>

metres of usable space is observed, clearly display occupancy allowance at the entrance to venues/spaces and record a name and phone number or email address of all attendees to the venue.

<https://www.covid19.act.gov.au/business-and-work/strip-clubs-brothels-and-escort-agencies#restrictions>

#### *Compliance*

SWOP ACT is aware that both police and/or ACT Health Protective Services visited the sex industry business premises in Fyshwick and Mitchell in early August to help with compliance and ensuring that COVIDSafe plans were in place during the 1 week grace period and to disseminate guidelines for COVIDSafe plans in translatable resources.

#### *Policing*

Importantly, in May ACT government said it 'will be undertaking proactive monitoring to ensure local compliance with these restrictions'. Anecdotally, SWOP ACT has been made aware that ACT Policing resources have been dedicated to surveilling commercial brothels in Fyshwick and Mitchell and "apartment-brothels". At the current time, SWOP ACT is aware of one incident of migrant private sex workers being harassed in an inner city apartment while working together, with no fines given or charges laid. If you have been a victim of police harassment and/or fines, please contact SWOP ACT directly to have a confidential chat and/or seek support.

#### *Travel*

The ACT Government is urging people not to travel to areas where COVID-19 outbreaks are occurring. Currently, this includes all of Victoria, Greater Sydney and Queensland. This advice is changing regularly. Continue to keep up to date with the latest advice if you are planning to travel to the ACT or from the ACT here:

<https://www.covid19.act.gov.au/community/travel>

Please reach out to SWOP ACT if you have any further queries on 62572855 or 0427 475 671 for peer support, referral or advocacy.

