

Submission Number: 68

Date Received: 29/8/08

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Submission to

Standing Committee On Employment And Workplace Relations

Addressing Pay Equity and Associated Issues Related To Increasing Female Participation In The Workforce August 2008

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Submission To Standing Committee On Employment And Workplace Relations

Inquiry Into Pay Equity And Associated Issues Related To Increasing Female Participation In The workforce

Submission by Project Respect

Project Respect

Project Respect was established in 1998 to work with women in the sex industry. The organisation was founded largely in response to the need to address the high level of violence experienced by women working in the sex industry, including women trafficked into prostitution (also called sexual slavery).

Project Respect spearheaded the national campaign on trafficking for prostitution that led to the Federal Government's \$20 million package on trafficking, and is widely recognised as Australia's leading counter-trafficking non-government organisation.

In addition to its counter-trafficking work, Project Respect works directly with the women experiencing violence and exploitation in the sex industry and women who desire to leave the industry but find it difficult to enter the mainstream workforce. Our work includes outreach to brothels, provision of information to women in prostitution about community and government services available to them. We provide support and referrals, individual counselling, leadership training and education for women in the sex industry. Project Respect also conducts research on the sex industry, and undertakes community education, advocacy, and policy development.

In 2007, with the funding and support of the Reichstein Foundation, Project Respect, in connection with The Brunswick Women's Theatre, began an in-depth exploration of the experiences of women in

prostitution and the issues that concern them, in a project entitled ***“Prostitute – Who Is She?”***

The exploration took the form of direct consultation with women from brothels, information gathering via weekend workshops with women in the sex industry (including women who had been trafficked), and by detailed personal interviews and a series of drama workshops with a group of women who are currently or who have been in prostitution.

In 2008 from this uniquely derived research, a series of educational scripts and soundscapes emerged, culminating in a Theatre Production of ***“Prostitute – Who Is She?”***, which was staged at the Fitzroy Town Hall in Melbourne on the 10th, 11th & 12th of July. A soundscape of the stories of Thai women who had been trafficked to Australia, unscripted and spoken in their own voices with musical accompaniment, was created and has been used to train members of the Australian Federal Police (AFP), and in trainings with other organisations who may come into contact with trafficked women. **Two documents were also sourced from the material.**

The first document outlines the issues and concerns of women in the sex industry, related to financial instability and the abuses inherent in the 'contract worker' arrangements. It also exposes some of the abuses, exploitation and violence, which are a regular part of the women's experience of the sex industry, and exposes the failings of the current Victorian Prostitution Control Act to address women's rights and equality.

The document also outlines recommended changes to existing legislation and other additional improvements that will have a beneficial impact on the women, their lives and their conditions in the sex industry. The document is entitled **Recommended Changes to the Prostitution Control Act 1994 and Other Sex Industry Related Matters.** (*This document is available on request.*)

The second document has been compiled for the purpose of informing and educating women who consider entering the sex industry (*very few women have an accurate idea of what that really entails*) and for women who are currently in the industry yet have little, if any, knowledge of their rights or of the laws that are supposed to protect them. It aims to provide a general set of standards for customer service, and to provide women

with detailed guidelines for how to keep as healthy and safe as possible while in the sex industry. An outline of the regulations and laws on prostitution, included in the Prostitution Control Act and the Crimes Act, is also included, both to help women make a more informed choice regarding entering the industry, and to ensure that they recognise when their rights are, or are not, being upheld.

This document is intended to be published as a **manual (*available on request*)** to be made available to *every* women *before* they enter the industry. The overwhelming number of women who begin prostitution and suffer harm and exploitation before they 'learn the ropes', if they ever do, is unconscionable in an industry that our government now endorses. No training and little information on such potentially lethal issues as sexually transmitted diseases and how to manage dangerous clients exposes women unnecessarily to danger and disease.

These documents will be presented to representatives of the Department of Consumer Affairs in Victoria, and to the Office of Women's Policy. They can be made available in their entirety to other agencies on request. Part of the information in these documents will be reproduced in this submission.

Scope of this submission

This submission addresses the following issues for women involved in the sex industry:

1. The adequacy or existence of current data to reliably monitor employment trends.
2. Current structural arrangements in the negotiation of wages and how they impact on women.
3. The need for education and information among employers and employees in relation to pay equity issues.
4. The current availability of appropriate information and training.

5. The availability of current arrangements to ensure fair access to training for women who desire to leave prostitution and enter/re-enter the mainstream workforce.

1. The adequacy or existence of current data to reliably monitor employment trends.

There is little data available on the current employment trends of women in the sex industry. There is plenty of anecdotal information, and talk of young women entering the sex industry in order to pay for higher education. Women have long used prostitution as a means of paying for education and in place of taking out loans to build businesses, or to fund other endeavours. It is still difficult for women whose wages are generally lower than men's wages, or who are working part-time to fit in with family demands, to access loans from a bank. Many turn to high-risk loan companies where the interest rates and terms are extortionate. Women often resign themselves to doing prostitution to earn the money to fund their goals. For many women, prostitution is a means of survival and a way to provide subsistence support for their families.

Research conducted by Project Respect's metropolitan outreach worker, Shirley Woods, as reproduced in the Project Respect Annual Report, has observed a rise in the average age group of women working in brothels. The average age is now between 28 and 37 years, at approximately 55%. Less young women appear to be entering the industry, with the majority of women in the industry being mothers supporting children.

To quote from Shirley's report:

"...Based on the information that women provide, I conclude that most women in this age range have left violent relationships after suffering for many years. Most maintain that their ex-partners do not support their children. They feel guilty about not being able to maintain the lifestyles and housing that their children have become accustomed to...

Magazine articles on women who earn \$2,000 a night, paint a misleading picture, and do not faithfully represent the reality for most women working in the sex industry.

2. Current structural arrangements in the negotiation of wages and how they impact on women.

Women in the sex industry are employed as contract workers. Yet most brothels treat their workers as employees, without the rights or benefits of choice and flexibility that contract work implies, and certainly without the security and benefits due to an employee. Women are often bullied into doing long hours, and made to continue shifts when they no longer wish to continue. They are frequently harassed to do shifts when they feel unwell or emotionally fragile.

From the point of view of the Licensee or Manager, this is 'business' and they want reliable staff on every shift and for that staff to remain for the duration of the allotted time. This stance reflects a lack of awareness and empathy. Having sex with numerous clients pushes the personal boundaries of the women, physically, mentally and emotionally, to a profound degree: women are people, not machines. A lack of care, or of a realistic understanding of human physiology and psychology, contribute to making what is already difficult job become traumatic.

It is convenient for management to have all the contractors on shift as planned. *However, they are not paying for that privilege*, as women earn a percentage of the bookings they do, and no more. Nor do they receive employment benefits such as sick pay, superannuation, or protection from unfair dismissal, as would be provided to regular employees. They carry the full financial burden and risks involved in being independent contractors, whilst being treated as employees. In addition, imposed fines and bonds, and the uncertainty of earnings cause the financial climate in these establishments, to be precarious.

Individual contracts to negotiate payment and hours are not conducted. Remuneration for bookings is set by the Licensee, not by the individual worker. The licensee decides the hourly rates and

the division of percentages of the client's total fee. To quote David Edler in his work- *A Guide To Best Practice- Occupational Health and Safety in the Australian Sex Industry*,

Defining sex workers as contract workers is a means of owners and operators ignoring their obligations to employees. In many workplaces, the reality is that sex workers are employees, with employee rights and obligations, rather than contract workers.

...Case law has demonstrated that in some instances, even where workers and employers have both described the worker as an independent contractor, the courts have ruled that the worker is in fact an employee.

3. The need for education and information among employers and employees in relation to pay equity issues.

It is obvious, as outlined above, that there is a need for education and information both for employers and employees in the sex industry. The level of stigma experienced by women in prostitution inhibits their ability or desire to access information, or to challenge their employers. Clearly this is to the employers' advantage. As the Victorian Government has legalised prostitution, it needs also to provide information and support to women in this area and provide the means to uphold their right not to be exploited by this system.

4. The current availability of appropriate information and training.

The current state of access to appropriate information is poor, and available information is inadequate to meet the needs of women in ensuring safety and appropriate remuneration. There is no available training for women in the sex industry.

It is virtually impossible to ensure that all women who enter the sex industry receive adequate training (when they need it), or receive vital education on how to do prostitution safely. And yet, it is such an important requirement for their health and safety.

There are women working in the sex industry who do not have knowledge of their own anatomy in the areas of the body that come into personal contact with every client they see, every time they work. *Some women have no knowledge of the reproductive system and do not know how women get pregnant.* Some women are illiterate, and there are many women who cannot speak English or only speak low levels of English. It is easy for such vulnerable women to be exploited. However, most women in prostitution can do all of the above, and are better educated, yet still they come to grief through the actions of unscrupulous or ignorant licensees, management and clients.

As implied in the “No To Violence” campaign, informing women of what is *unacceptable*, as well as what is good practice, empowers them to stand firm, or to seek help, when unsafe, violent or abusive men try to take advantage of them. Through ignorance and fear, women in the sex industry put up with behaviour way beyond the bounds of what is considered right and acceptable by society’s standards. Apart from the physical and psychological damage this produces, within the framework of ‘legal employment,’ this simply should not go on.

In order to educate and inform each individual woman who works in the Victorian sex industry, a printed manual of guidelines, best practices, practical hints, extensive sexual health information, and self care, should be readily available in all major languages (with recorded versions for those who cannot read).

We recommend that it be mandatory for every women who applies to be engaged by legal brothels and other sex industry related business, to be presented with a free copy of a manual, which will outline their job description, along with industry standards and practices, including an outline of the nature of contract work and what that means to them, before they begin in that establishment.

The women in the sex industry Project Respect works with tells of the pitfalls they endured before “learning the ropes”. Every woman has stories to tell of bad management, bad clients and unhealthy workplaces. And every woman has said how she wished she had

known when she began what she learned through harsh experience, and how she wishes other women did not have to suffer unnecessarily.

Project Respect, encouraged and funded by 'The Reichstein Foundation', has recently completed a manual, to meet the requests of the women we work with. (*Available on request*)

5. The availability of current arrangements to ensure fair access to training for women who desire to leave prostitution and enter/re-enter the mainstream workforce.

In 1994 when Prostitution was legalised in Victoria, the government made a commitment to provide exit programs for women who wanted to leave the industry, as it was recognised and understood that, inherent in the work, were factors that could cause difficulty for many women, including the ability to exit after having spent time in the industry.

In 2008, Victoria, there is currently no specific arrangement for the training of women who desire to leave the sex industry and move into more mainstream employment. Project Respect has recently run a pilot program to fulfil that need. The program called *Pathways*, was designed to address the psychological and emotional needs and issues of women who have been in the sex industry, as well as their practical need for skill building and links to advocacy, support services and education.

Only half of the required funding for the program was found, so Project Respect partnered with the Melbourne City Mission, who have successfully established a program for women leaving prison, called Women 4 Work. Their focus was on putting together resumes and developing job search skills, followed by intensive individual work placement for women who, for obvious reasons, have barriers to finding work. Many of the issues for women leaving prison are identical to those of women leaving the sex industry. Issues include the stigma involved, the gap in mentionable employment, often no previous employment history, or none recent enough to be of advantage, and lastly a lack of referees.

The first part of the pilot program is now in its final two weeks and has been held at the Project Respect offices over the past two school terms. It has been highly successful (*the interim evaluation is available on request*) and a detailed formal evaluation of the program is expected to be available by mid October. The need for such a program has been substantiated by the beneficial impact it has already had on the lives of the women who became involved. Funding is required to turn this pilot into an ongoing, fully-resourced program.

Project Respect is willing to speak to any interested parties about the Pathways Program.

In conclusion:

There is a great need to address the issues related to pay equity and training (or lack thereof) currently experienced by women in the sex industry. More women are entering the industry due to the increase in interest rates, lack of affordable housing, HECS fees, and recent changes to Family Law. Once there, they are frequently exploited, mainly due to the lack of available information or training. And leaving the sex industry is fraught with difficulty for many many women.