

Managing work health and safety risks in the live adult entertainment industry

Fast Facts for Workers

This document has been developed in conjunction with the Media, Entertainment and Arts Alliance (MEAA) and the South Australian Stripper Hub (SASH).

Work health and safety responsibilities

Your workplace has a legal responsibility to make sure that your health and safety is not harmed while you are at work.

Under workplace health and safety laws, an employer must provide:

- ◆ a work environment without risks to health and safety
- ◆ a safe system of work, including safe working conditions and safe remote or isolated work
- ◆ adequate facilities and access to those facilities for the health and safety of workers
- ◆ information, supervision, instruction and training necessary to protect a person from health and safety risks which may arise as a result of a workplace
- ◆ a system to identify hazards and assess and control risks, including noise and psychosocial hazards
- ◆ a method of consulting with workers about safe work issues or changes in the workplace.

As a worker, you have a responsibility to take steps to keep yourself safe, including following reasonable directions.

Are you concerned about poorly maintained equipment and facilities?

For example:

- ◆ dance poles not safely installed
- ◆ damaged stage
- ◆ lack of adequate change rooms
- ◆ dirty work environment
- ◆ no secure storage for your personal belongings.

It is recommended that you talk to the PCBU* about your concerns. If this does not resolve the matter, contact SafeWork SA to lodge a complaint. This can be done by telephoning 1300 365 255, emailing help.safework@sa.gov.au or through the website: www.safework.sa.gov.au.

SafeWork SA can consider an anonymous workplace safety complaint. Contact the SafeWork SA Help Centre on 1300 365 255 during business hours.

Are you concerned about your psychosocial safety or feeling stressed about your work demands?

For example:

- ◆ being asked to work for an extended period of time without being given the opportunity to sit and rest
- ◆ being asked to work on a quiet night in order to be eligible to work on a busier night
- ◆ poor support from management
- ◆ violence and aggression in the workplace
- ◆ bullying and sexual harassment.

If these things are making you feel worried, reluctant to come to work and your mental health is being adversely affected, it is recommended that you talk to the PCBU* about your concerns. If this does not resolve the matter, This can be done by telephoning 1300 365 255, emailing help.safework@sa.gov.au or through the website: www.safework.sa.gov.au.

SafeWork SA can consider an anonymous workplace safety complaint. Contact the SafeWork SA Help Centre on 1300 365 255 during business hours.

You may wish to take another person with you as a support person to discuss your concerns about bullying and sexual harassment.

You can also contact the Office of the Commissioner for Equal Opportunity about sexual harassment on telephone number: (08) 7322 7070, emailing Equal@sa.gov.au or making an online enquiry through the Equal Opportunity SA website www.equalopportunity.sa.gov.au.

Long service leave entitlements

Long service leave entitlements form part of the National Employment Standards. This standard applies to all workers covered by the national workplace relations system regardless of any award, agreement or contract.

Are you concerned that your years of service are not being recorded or accrued for long service leave?

It is recommended that you talk to the PCBU* about your concerns. If this doesn't resolve the matter, contact SafeWork SA for more information.

This can be done by telephoning 1300 365 255 or emailing help.safework@sa.gov.au.

Contractual and employment issues

Contractual and employment arrangements are likely to be specified in your contract, Enterprise Bargaining Agreement, or Award. If you have questions of concerns, contact the Fair Work Ombudsman on telephone number: 13 13 94, or through their website at www.fairwork.gov.au.

What if the Fair Work Ombudsman and/or the Fair Work Commission cannot assist me with my query regarding contractual and employment matters?

Some employment relationships such as those involving an independent contractor* fall outside the scope of the Fair Work Ombudsman. If this is the case for you, you may wish to seek legal advice to help resolve a contractual dispute. If you need help accessing legal services, contact:

- ♦ the Legal Services Commission on telephone number: 1300 366 424, or visit their website: www.lsc.sa.gov.au
- ♦ the Law Society of South Australia on telephone number: 8229 0200 or visit their website: www.lawsociety.sa.gov.au
- ♦ the Working Women's Centre on telephone number (08) 8410 6499 or visit their website at www.wwwcsa.org.au

Are you concerned about contractual or employment related conditions?

For example:

- ◆ weekly working hours and the length of shifts
- ◆ being asked to provide a medical certificate
- ◆ making a request for flexible working arrangements or having a request denied without a reasonable explanation
- ◆ leave entitlements
- ◆ being forced by a venue to pay excessive house fees
- ◆ not being given a copy of your employment contract
- ◆ termination of your employment or you are being made redundant.

It is recommended that you or the other workers talk to the PCBU* about the concerns. If this does not resolve the matter, contact the Fair Work Commission for information on telephone number 13 13 94, or visit Fair Work Commission | Australia's national workplace relations tribunal (fwc.gov.au)

Discrimination issues

Are you concerned about discrimination in the workplace?

For example:

- ◆ a PCBU having body shape and weight requirements
- ◆ a PCBU allowing monitoring of weight through measurements and photos
- ◆ being removed from a roster because of failing to agree to weight measurement requests or 'failing' the weight measurement
- ◆ being removed from a roster because you are pregnant
- ◆ being removed from a roster because you have changed your gender identity.

It is recommended that you or the other workers talk to the PCBU* about the concerns. If this does not resolve the matter, contact the Office of the Commissioner for Equal Opportunity for information on telephone number: 1800 188 163, emailing Equal@sa.gov.au or making an online enquiry through the Equal Opportunity SA website (www.equalopportunity.sa.gov.au).

Superannuation

Is your PBCU refusing to pay your superannuation?

It is recommended that you or the other workers talk to the PCBU* about the concerns. If this does not resolve the matter, contact the Australian Taxation Office for information at: www.ato.gov.au

Liquor licensing issues

Are you being asked to drink alcohol with your clients?

It is recommended that you or the other workers talk to the PCBU* about the concerns. If this does not resolve the matter, contact Consumer and Business Services to raise concerns about how this may relate to the venue's liquor licence on telephone number: 131 882.

*Glossary

Independent contractor

Under the Fair Work Act 2009 (Cth), a person is an 'independent contractor' if they provide services to another person or business and they are not employed by that person or business. An independent contractor usually negotiates their own fees and working arrangements and can work for more than one client at a time. Independent contractors are also called contractors or subcontractors.

PCBU

A PCBU can be:

- ♦ an employer
- ♦ a sole trader / self-employed person
- ♦ a company or corporation
- ♦ an association
- ♦ each partner within a partnership.

Worker

A person is a 'worker' if that person carries out work in any capacity for a person conducting a business or undertaking, including:

- ♦ an employee
- ♦ a contractor or subcontractor or
- ♦ an employee of a labour hire company who has been assigned to work in the person's business or undertaking.

Whether someone is an independent contractor or an employee depends on a number of factors. These can include:

- ♦ the amount of control over how work is performed
- ♦ financial responsibility and risk
- ♦ who supplies the tools and equipment

- ♦ ability to delegate or subcontract work
- ♦ hours of work
- ♦ expectation of work continuing.

Whether a worker is an independent contractor, or an employee can be complicated and will depend to the circumstances of each working arrangement. In some situations, a court may need to determine the nature of the working relationship.

Stripper

Is a term commonly used to refer to a worker in the live adult entertainment industry.

Clause 49.2 of the Live Performance Award 2020 defines performer as a 'person performing a striptease act, erotic dance, tabletop dance, podium dance, private dance, lap dance or peepshow performance'. Industry trends may result in the use of names like stripper.

For clarity, a stripper could be both a 'PCBU' and also a 'worker' if the person is an individual who carries out work in that business or undertaking. For example, the person runs an agency and is also engaged to work as a stripper under that agency.

Workplace

A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work, including off-site venues and locations.

If work activities occur an off-site private venue or residence, this would be a workplace to the extent that the PCBU has control or influence over it.

Referrals

Work health and safety issues including psychosocial concerns	SafeWork SA	Phone: 1300 365 255 www.safework.sa.gov.au Email: help.safework@sa.gov.au
Long service leave issues	SafeWork SA	Phone: 1300 365 255 www.safework.sa.gov.au Email: help.safework@sa.gov.au
Contractual and employment issues including wages and working conditions	Fair Work Commission	Phone: 1300 799 675 https://www.fwc.gov.au
	Fair Work Ombudsman	Phone: 13 13 94 www.fairwork.gov.au
Discrimination and sexual harassment	Office of the Commissioner for Equal Opportunity	Phone: (08) 7322 7070 www.equalopportunity.sa.gov.au
Superannuation Issues	Australian Taxation Office	www.ato.gov.au
Liquor licensing	Consumer and Business Services	Phone: 131 882 www.cbs.sa.gov.au/sections/LGL

Other Useful Contacts:

- ♦ South Australian Stripper Hub (SASH), SASH (southaustraliastripperhub.com)
Email: hello.sash@outlook.com
- ♦ Lifeline Australia, <https://www.lifeline.org.au>
Telephone: 131 114
- ♦ 1800RESPECT: 1800 737 732 Home | 1800RESPECT (support regarding domestic and family violence)
- ♦ Yarrow Place, 64 Pennington Terrace, North Adelaide South Australia 5006, 1800 817 421,
<https://www.wchn.sa.gov.au/our-network/yarrow-place> (for support regarding sexual assault).