

# Sex work discrimination: What are my rights?

**As a sex worker or someone who works in the sex industry, you are protected from discrimination under the Equal Opportunity Act 2010 (Vic).**

As part of the *Sex Work Decriminalisation Act 2022 (Vic)*, reforms have been introduced that make it unlawful to discriminate against sex workers and others in the sex industry based on their profession, trade or occupation (unless an exception applies). This will help end the long history of sex workers experiencing stigma and unfavourable treatment because of their work.

## What do sex work discrimination and other forms of unlawful conduct toward sex workers look like?

**Sex work discrimination** is when someone treats a sex worker or another worker in the sex industry unfairly, because of their profession, trade or occupation. Discrimination can be direct or indirect.

- **Direct sex work discrimination** is when someone treats another person unfairly because they are a sex worker or work in the sex industry – that is, because of their profession, trade or occupation.

*For example, a bank refuses to open a bank account for a sex worker or sex industry business owner because of their profession, trade or occupation.*

- **Indirect sex work discrimination** is when there is an unreasonable requirement, condition or practice that disadvantages sex workers or people who work in the sex industry – that is, because of their profession trade or occupation.

*For example, a media company has a blanket rule that prohibits material of a sexual nature being advertised on its platform, which disadvantages sex workers who are unable to advertise their services.*

**Sexual harassment** of sex workers is also against the law. Sexual harassment is any unwanted conduct of a sexual nature which could reasonably be expected to make the other person feel offended, humiliated or intimidated.

*For example, a health professional administers a medical procedure for a sex worker and asks inappropriate questions of a sexual nature about their sexual activity with clients.*

**Victimisation** is where a sex worker is treated badly because they have raised an issue or made a complaint about alleged discrimination or other unlawful conduct they have experienced. This is also against the law.

*For example, a sex worker who experienced poor customer service at a hotel because of their sex worker status is then banned from the hotel because they made a formal complaint about their treatment.*

## Where can sex work discrimination occur?

The Equal Opportunity Act protects people from discrimination in most areas of public life, including employment, education, accommodation, clubs and sporting groups and the provision of goods and services.

Sex workers and sex industry workers have identified key areas of discrimination including:

- financial services
- employment
- advertising
- accommodation and housing
- health and support services
- police interactions (in certain circumstances)
- local government

## What are my rights and what can I do if I've experienced sex work discrimination?

Organisations with duties under the Equal Opportunity Act must respond to and prevent discrimination. This means that duty holders such as employers and providers of education, services and accommodation must take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation of sex workers as far as possible.

If you think you have experienced discrimination in any form (as well as victimisation and/or sexual harassment), you can contact the Victorian Equal Opportunity and Human Rights Commission for further information or to lodge a complaint. Call the Commission's free Enquiry Line on 1300 292 153 or visit our website [humanrights.vic.gov.au](http://humanrights.vic.gov.au).

An individual sex worker can make a complaint, or a representative body can make a complaint on behalf of a group of sex workers as long as they have everyone's permission.

A sex worker can use their sex work name in seeking information, education or dispute resolution services from the Commission.

## Where can I get support?

There are also support and advocacy organisations that you can contact for further information.

<b>Vixen</b>	A Victorian peer-led sex worker organisation that advocates for the rights of all sex workers. Phone (03) 9070 9050      Online <a href="http://vixen.org.au">vixen.org.au</a>
<b>Scarlet Alliance, Australian Sex Workers Association</b>	Peak national body advocating for sex worker rights and health for current and former workers in the sex industry. Phone (02) 9517 2577      Online <a href="http://scarletalliance.org.au">scarletalliance.org.au</a>
<b>RhED (Resourcing health &amp; Education)</b>	Victorian-based organisation that provides services, programs and resources to Victorian sex workers. Phone 1800 458 752      Online <a href="http://sexworker.org.au">sexworker.org.au</a>

More information on sex work discrimination and a full list of support, advocacy and legal services for sex workers, workers in the sex industry and advocates can be found in the Victorian Equal Opportunity and Human Rights Commission's *Guideline: Sex work discrimination* available to download at [humanrights.vic.gov.au](http://humanrights.vic.gov.au).