

## **Australian Sex Workers Association Inc.**

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Attn: Committee Secretary  
[erwp.reps@aph.gov.au](mailto:erwp.reps@aph.gov.au)

28 April 2005

Dear Sir/ Madam,

### **RE: National Enquiry into Sub contractors and Employees**

Scarlet Alliance is the Australian Sex Workers Association, established in 1989 to represent state and territory based sex worker organizations and sex workers at a national level.

Scarlet Alliance is aware of immense problems surrounding the relationship between employees and employers when it relates to industrial conditions in the sex industry. Current business practices favour owners and operators of sex industry businesses to the detriment of the sex workers who work there.

There is a trend within many workplaces to term sex workers 'subcontractors'. However, in practice the level of control over sex workers in the workplace is significant and more in line with an employee, as would be deemed by industrial law. Under a range of regulatory indicators, such as those developed by the ATO or WorkCover NSW, sex workers would also be considered an employee. In addition, cases like that of Phillipa v Carmel before Ritter, (WI 2523) Perth, WA. 10/9/96) Industrial Court of Australia, are important in setting a precedent of Industrial courts finding in favour of the claimant in an unfair dismissal case and identifying the relationship as one of employer/employee.

Scarlet Alliance endorses the letter tabled by SWOP in Northern Territory. This document covers a range of issues that are evident in sex industry workplaces in all territories and states in Australia.

Unfortunately, we are not able to provide a comprehensive submission at this time but would be interested in providing further information in the future.

Yours Sincerely,

Janelle Fawkes,  
President