

## Vital information for workers and employers in the adult film industry

A recent cluster of HIV infections in the adult film industry in Southern California has drawn attention to [health hazards](#) in these work places.

Workers in this industry need to know there are laws written to protect them from injury and illness on the job, and where to go for help if their employer doesn't follow those laws. Employers in the adult film industry must know how to protect their employees from health and safety hazards and understand the consequences of failing to comply with state regulations.

[Click here for information on how to file a complaint with Cal/OSHA if you work in the adult film industry.](#)

The [California Occupational Safety and Health Act](#) requires employers to provide a safe and healthful workplace for employees, and pay the costs of their health and safety program. This same act gives Cal/OSHA jurisdiction over virtually all private employers in California, including employers in the adult film industry. Employers must comply with all relevant regulations, which are contained in Title 8 of the [California Code of Regulations](#).

In the adult film industry, these requirements include:

- Following a written safety and health program, known as an [injury and illness prevention program](#), or IIPP. In simple terms, an IIPP identifies potential hazards specific to the workplace and ways to protect workers from those hazards. [Click here](#) to view Cal/OSHA's model IIPP for employers with intermittent workers
- Training employees in health and safety hazards
- Protecting employees from electrical hazards, such as those associated with special lighting
- Protecting employees from hazards associated with [bloodborne pathogens](#)
- Providing sanitation facilities
- Not discriminating against employees who complain about safety and health conditions.

### Health hazards in the adult film industry

In addition to general health and safety hazards associated with film and video production, workers in the adult film industry face particular hazards because actors perform sex acts

in the course of making the films or videos. Many diseases can be transmitted through blood, semen, vaginal fluid and fecal material, or by mucous membrane contact.

One important group of diseases is those caused by [bloodborne pathogens](#), including HIV, hepatitis B and hepatitis C. In addition to actors, employees in this industry at risk of becoming infected include people who clean up after scenes and people who assist in developing scenes, whether or not they are shown on film. If any sharps, such as razor blades or wires, are used (for shaving, piercing, etc.), they pose a particular risk for spreading infection because they can puncture the skin.

Other sexually transmitted diseases (STDs) are not considered bloodborne pathogens, but can be transmitted through contact with mucous membranes, semen, vaginal fluids or feces.

### Bloodborne pathogens

The Cal/OSHA [bloodborne pathogens standard](#) requires employers to protect workers from serious diseases including HIV, hepatitis B and hepatitis C, which can be transmitted through exposure to blood and other potentially infectious materials. The major requirements of this standard include:

- [Controlling exposures](#)
- [Personal protective equipment](#)
- [Hepatitis B vaccine](#)
- [Confidential medical record](#)
- [Procedures for exposure incidents](#)
- [Training](#)

#### Controlling exposures

The [bloodborne pathogens standard](#) requires employers to use feasible **engineering and work practice controls** to protect workers from coming into contact with blood or other disease-carrying body fluids (referred to in the standard as "other potentially infectious material", or "[OPIM](#)"). Semen and vaginal fluid are always considered OPIM. Any other body fluid is considered OPIM if it's visibly contaminated with blood. Saliva is considered OPIM in connection with dental procedures because these procedures routinely cause saliva to be contaminated with blood.

The kind of contact prohibited by the standard is contact between skin or mucous membranes and blood or OPIM.

The methods an employer will use to protect employees from contact with blood or OPIM must be spelled out in detail in a written **exposure control plan**, which is described in the [bloodborne pathogens standard](#).

The bloodborne pathogens standard is built on the rule of **universal precautions**. This means blood or OPIM is always treated as hazardous, no matter who the source is. This is

important because the available testing methods do not always guarantee that disease will be detected. This is particularly true right after a person has become infected. Depending on the test and the disease, it may take anywhere from two weeks to six months to be able to detect an infection. There is also a risk of "false negative" results, particularly if tests have not been properly administered, or if specimens have not been properly stored. Also, many bloodborne diseases are not routinely tested for.

Examples of engineering and work practice controls used in the adult film industry include:

- Simulation of sex acts using acting, production and post-production techniques
- Ejaculation outside the partner's body
- Use of barriers, which protect the partner from contact with semen, vaginal fluids, mucous membranes, etc. Examples of barriers include condoms and dental dams (Condoms and dental dams can also be considered personal protective equipment for the partner who uses them)
- Plastic and other disposable materials to clean up sets
- Sharps containers for disposal of any blades, wires or broken glass.

### **Personal protective equipment**

If, after using all practical engineering and work practice controls, workers are still exposed to hazards, employers must provide, and ensure employees use, appropriate personal protective equipment. Personal protective equipment can include:

- Condoms
- Dental dams
- Gloves
- Eye protection.

To learn more about safer sex, [click here](#)

*Note:* Cal/OSHA regulations do not require these barriers or personal protective equipment to be visible in the final product, and producers are free to use production and post-production editing techniques to remove them from the image.

### **Hepatitis B vaccine**

Employers in this industry must provide the hepatitis B vaccine series to employees who may be exposed to blood, semen, vaginal fluid or OPIM. This series consists of three shots, generally administered into the arm muscle, over a period of six months. About one or two months after the third shot, the healthcare provider will draw blood to ensure the employee has developed a strong enough immune response (antibody titer, which refers to the concentration of antibodies in the blood) to protect against infection. In some cases the healthcare provider will recommend an additional series of shots. To learn more

about the hepatitis B vaccine, [click here](#).

### **Confidential medical record**

Every employer covered by this standard must ensure that a medical record is maintained for each employee, which must be kept confidential.

### **Procedures for exposure incidents**

If an employee has unprotected contact with someone else's blood, semen, vaginal fluid, or OPIM, the employer must provide them with a [medical evaluation and follow up](#) [5193 (f)] at no cost to the employee. If the source individual consents, he or she can be tested, and the results can be disclosed to the exposed employee, but that employee must be informed of requirements to keep the person's identity and infection status confidential.

If there is reason to believe a person has been exposed to HIV, the doctor may recommend the person be put on drugs to prevent infection (post-exposure prophylaxis, or PEP), such as AZT. If there is reason to believe a person has been exposed to hepatitis B, and has not been completely vaccinated, the doctor may recommend hepatitis B immunoglobulin, and may start the vaccine series. There is currently no post-exposure treatment recommended for hepatitis C.

To read more about recommendations for PEP [click here](#)

### **Training**

Employers must provide each employee with training about bloodborne pathogens, including how they can protect themselves against infection and what to do if they are [exposed](#).

### **Other diseases**

Many other diseases can be transmitted through sexual contact (sexually transmitted diseases, or STDs). Examples of STDs that are not considered bloodborne include:

- [Human papilloma virus \(warts\)](#)
- [Herpes virus](#)
- [Bacterial vaginosis](#)
- [Chlamydia \(may cause pelvic inflammatory disease\)](#)
- [Gonorrhea](#)
- [Hepatitis A](#) (oral contact with feces).

In general, the use of barriers such as condoms and dental dams and, when necessary, protection of the eyes, nose, and mouth, will help prevent these infections, as well as preventing infection with bloodborne pathogens. Employers are required to have written procedures for preventing disease transmission.

## **Employer/employee status**

Currently, some workers in the adult film industry are paid as employees (they get a paycheck with taxes and other deductions) and some are paid as independent contractors (they get a 1099 at the end of the year). Even workers who are paid as independent contractors may be considered employees under the law. The [Division of Labor Standards Enforcement](#) (DLSE) provides [guidance for determining whether someone is an independent contractor](#). Although determinations about whether a person is an employee or an independent contractor are made based on the circumstances of each case, an employer/employee relationship has been found in similar circumstances, including in the mainstream film industry and exotic dance establishments.

## **Where to go for help**

Employees who believe their employer is not complying with the law can file a complaint with Cal/OSHA. The name of any person who submits a complaint to Cal/OSHA is kept confidential. To file a complaint related to hazards in the adult film industry, **call (213) 237-9958**.

Upon receiving a health or safety complaint, a Cal/OSHA inspector will visit the worksite or employer's office and investigate the working conditions. Citations may be issued, which include a requirement to fix the problem (abatement) and may also require the employer to pay a civil penalty. For **general** information on the Cal/OSHA enforcement program [click here](#).

It is illegal for employers to retaliate or otherwise discriminate against workers who complain about unsafe working conditions. Employees who believe they've been discriminated against for complaining about an unsafe condition can [file a complaint](#) with DLSE.

Workers in the adult film industry can contact the [Los Angeles County Department of Health Services STD branch](#) for STD information, testing and treatment.

Employers can get free assistance in evaluating hazards and developing an appropriate health and safety program by contacting the [Cal/OSHA Consultation Service](#). To request an on-site consultation visit, call **(213) 237-9958**.

## **Links:**

[Centers for Disease Control and Prevention \(CDC\)](#)

[CDC "Exposure to Blood" publication](#)

[CDC publication on post-exposure treatment for occupational exposure to HIV, HBV, HCV](#)

[Hepatitis B vaccine \(HBV\) info sheet](#)

[Information on STDs from the CDC](#)

[Male latex condoms and sexually transmitted diseases](#)

[University of California at San Francisco \(UCSF\) Center for AIDS Prevention Studies  
HIV prevention fact sheets](#)

[UCSF publication on sex workers and HIV](#)

[Facts from the U.S. Food and Drug Administration about condoms and STDs](#)