

Unionised strippers' response to concerns about the Browns 'worker status' ruling

We have read the petition regarding worker status for strippers with care. We remain committed to working with Browns and its dancers in light of the recent court ruling regarding worker status. As management decides how to respond to the court ruling, our priority is that Browns strippers are listened to.

Before responding to the specific points raised in the petition - amongst persistent misconceptions, we think it is important to restate the current reality around strip clubs, the union and workers' rights.

Most industries have trade unions, and the strippers' union was founded by strippers who want to build collective power to improve working conditions, to have protection from unfair treatment, and to help build a more resilient industry. The union has supported strippers to keep their clubs open up and down the country, and stood by dancers when so-called 'feminist' groups have tried to undermine the industry and expose dancers without their consent. We were there, as dancers and trade unionists, to save clubs.

As part of a union, members have access to legal support when they face certain challenges at work. Last year, a former Browns dancer brought a case to the union regarding trade union victimisation. As it would for all members, the union's legal team judged the merits of this case and supported the member to take it to an employment tribunal. Based on all the evidence brought by both sides, the judge ruled that dancers at Browns are 'workers'.

This ruling has implications for Browns that cannot be avoided unless it is overturned in an appeal. As it stands: either the club implements the rights its workers are legally due; or, the club must change the way the strippers work so that they are not 'workers' anymore, but independent contractors. Union members extend our solidarity to Browns workers as the club decides how to implement changes on the basis of the judge's ruling. The union would like to support Browns as it decides how to become legally compliant, so that any changes benefit workers.

Some points responding to specific aspects of the petition:

- The union did not 'seek' worker status as such - rather, the union fulfilled its responsibility to support a member with a court case. In order for the employment tribunal to be able to decide on this case, it first had to establish the status of the claimant (as only workers and employees can bring employment tribunal cases. Independent contractors don't have that right). Looking at the evidence given to the tribunal - by the claimant, the club owner and another dancer - the judge ruled that Browns dancers are workers and, therefore, the tribunal can hear the case.

- The changes necessary for Browns to become legally compliant with worker status do not necessitate any loss of flexibility for dancers in relation to shifts and holidays. Dancers can continue to book shifts using the existing system.
- Browns becoming legally compliant with worker status still means strippers have to do their own tax returns, as they currently do.
- Browns becoming legally compliant with worker status does not mean strippers will earn less; the way strippers work now already falls within the definition of 'worker status' - it is the club's legal responsibility to meet the related employment rights.
- There are many ways Browns could meet their obligations as an employer - as many other businesses do. The union is committed to working with Browns to support the club to become legally compliant, so that the business can thrive and become the gold-standard for UK strip clubs. This could well mean increased profits all-round. For years, strip clubs have been receiving fewer customers, and this is in part due to a public perception of exploitation in the industry. If Browns becomes compliant with worker status in collaboration with its workforce, the club could become well-known as an industry leader, and attract more customers for this reason. The union would be happy to provide press support in this case.
- If becoming legally compliant costs Browns some money, this cost should categorically not fall on workers. Running a business that respects employment law is not an 'additional expense': it is a baseline commercial responsibility. It is unethical for a business owner to state or imply to its workforce that the 'cost' of meeting their rights will fall upon them - whether through loss of earnings or jobs. The union is committed to working with strippers to collectively bargain with their bosses on this point.
- In response to the concern that the HMRC's definition of 'worker' means strippers "would have to come to work, even if we don't want to" - this is not the case, because the way Browns dancers work, under the current system, already meets the HMRC definition of 'worker'. Nothing needs to change with the rota system; the rota system already meets the definition of worker status.
- With regards to protection from dismissal (apart from for trade union activity), under worker status there is also protection from dismissal due to:
 - Discrimination under the Equalities Act
 - Whistleblowing e.g. alerting management to a criminal offence, such as an assault
- It is correct that, as workers, you don't have the right to request a 'flexible working pattern' or time off for dependents - but how the system works now already falls under the definition of worker status. As such, if your boss currently does allow you to miss a shift due to an emergency, or allows you to work flexibly, at their discretion - this need not change due to the court ruling.
- The judge's ruling means that Browns is liable to meet certain legal responsibilities. Since Browns workers have collectively decided they don't want the rights they are entitled to as workers, one option is for Browns to alter working conditions such that dancers become reclassified as independent contractors. The union supports the right of workers to collectively organise for whatever they see as their best interests, and would be happy to support the club and dancers to implement a new working system that

means dancers would no longer be legally classified as workers, but as independent contractors.

Like Browns workers, unionised workers want a resilient strip club industry: one that provides us with sustainable incomes and support during hard times. We know our clubs face a dwindling footfall; we know strippers have the answers to secure the industry's future.

We regret that Browns dancers are disappointed by the judge's ruling regarding worker status. We understand you have concerns that the club might choose to become legally compliant in a way that impacts dancers' income or job security.

We know that this does not have to be the case: this ruling could be the beginning of a modernised, fairer, and more prosperous future for Browns strippers and the industry as a whole. It is an opportunity for Browns to become the gold standard for all strip clubs.

Unionised strippers extend our sincere support and solidarity to Browns workers at this time, and our continued desire to work with you to move through this time together. Once again: Browns dancers' voices are those that matter most in how the club proceeds with this ruling. Without strippers, there are no strip clubs - and no one knows a workplace better than its workers.

In warm solidarity,
Unionised strippers