

April 28, 2021

Dear Newmarket Town Council and Town Staff,

I am writing to you from Freedom United, an international anti-trafficking NGO home to the world's largest anti-slavery community, to express our concern with Newmarket Town Council's current review of bylaws governing the Town's body rub parlours, based on the stigmatizing perception that body rub parlours are simply "disreputable" sites of human trafficking. Already, Newmarket's body rub parlour bylaws are extraordinarily restrictive: not only is there a two-license cap for body rub parlours, as well as costly and prohibitive licensing fees for owners, operators and attendants, but the bylaws also impose extremely restrictive zoning requirements and prohibit locked doors. In this letter we explain how a restrictive bylaw would limit the ability of the Council to effectively address trafficking, as well as the need to uphold workers' rights and prevent exploitation.

We have watched the council's workshop meeting presenting four policy options to better understand the concerns of council members. Fundamentally, the council has conflated two separate matters – sex trafficking and sex work by suggesting that the presence of sex work inevitably indicates the presence of human trafficking. Assisting victims of human trafficking is a valid goal of Newmarket, but to do this effectively, bylaws should focus on making working conditions in body rub parlours safer as a means to promote workers' resilience to trafficking — not imposing restrictions that would further marginalize workers, making it easier for perpetrators to exploit trafficked victims and harder for cases of trafficking to be identified.

The council, as well as input from the police, highlights the risk of new regulations driving sex work underground. From an anti-trafficking perspective, when this occurs it isolates those who are trafficked for sexual exploitation, making it harder for them to access support. In a similar way this also impacts sexual health, a topic raised by several members during the council's workshop. Body rub parlour workers are required to undergo medical screenings — including STI testing — however when sex work is driven underground, this decreases the negotiating power of sex workers, meaning that they may accept clients that they may not have otherwise, making them not only more vulnerable to being exploited, but putting them in a weaker position to negotiate safe sex or condom use.

Accordingly, restrictive regulations in this bylaw that drive sex work underground increase the risk of HIV and STI transmission. As UNAIDS, the United Nations Development Programme (UNDP), and the United Nations Population Fund (UNFPA) stress, "Any conflation of voluntary, adult sex work with trafficking in persons is an abuse of sex workers' human rights, and greatly increases the risk of HIV and violence for both sex workers and trafficked women and girls, by driving it to be further hidden 'underground'."¹

Newmarket Town Council must prioritize the health and safety of the workers most directly affected by any bylaw amendments. If new bylaws are to be established, we support proposals made by Butterfly and their allies, to instead **classify massage services according to whether**

¹ https://www.ohchr.org/Documents/HRBodies/CEDAW/GRTrafficking/UNAIDS_UNDP_UNFPA.docx

or not they hold training credentials, such as their proposed categories “non-credentialed vs. credentialed personal wellness centres,” or “holistic centres vs. personal wellness centres.” Such a designation would minimize the stigma currently attached to the term “body rub parlour” which has encouraged Newmarket staff and law enforcement to erroneously assume that human trafficking is taking place at all body rub parlours and that restrictions on their operations will help victims of trafficking.

We also recommend Newmarket invests in community resources and policy change to address worker safety, following the “do no harm” model and preventing racial profiling and over-policing of Asian and migrant women working in this industry. Research has shown how law enforcement models of regulation can conflate sex work with human trafficking, which negatively affects sex workers, and particularly racialized and migrant sex workers who can be wrongly perceived as being involved in trafficking and experience harassment, discrimination and other abuse at the hands of officers. This alienates workers from health, social, legal and government services in times of actual need and so perpetuates — rather than addresses — exploitation and fails to correctly distinguish victims of trafficking from consenting sex workers.

Therefore, we call on Newmarket Town Council to further consult with and center the perspectives of the workers most directly affected by the proposed bylaw amendments, i.e., workers in body rub parlours and wellness centres, particularly those who are racialized and/or subject to immigration rules, to better understand their concerns and ensure that the focus is on improving working conditions, thereby using a rights-based approach to making these premises more resilient to human trafficking and upholding workers’ rights.

Yours sincerely,

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Freedom United