



Newmarket Bylaw Amendment Public Consultation Written Submission

Butterfly (Asian and Migrant Sex Workers Support Network) and HIV Legal Network

June 15, 2021

Butterfly (Asian and Migrant Sex Workers Support Network) and the HIV Legal Network provide the following feedback with respect to the most recent proposed amendments to Newmarket's body rub parlour bylaw:

- 1. The mandatory training requirements for the proposed Personal Wellness Establishment ("PWE") licensing classification will create barriers to employment for Asian migrant massage workers.** The new bylaw will require businesses applying for the PWE license to employ only those workers with massage training accreditation from a recognized college. Asian migrant massage workers often come to Canada with limited English skills, and already face significant barriers to employment. Many face language barriers to accessing college education, which typically only offer coursework in English and require a minimum English requirement for enrolment. Some are not able to afford college courses due to financial barriers.

A lack of college accreditation does not mean Asian massage workers are unskilled. On the contrary, massage has been a traditional practice of many Asian countries for thousands of years. Many of the workers have learned their skills in Asia, during on-the-job training, and/or through informal training programs. Some have worked for more than a decade in the massage industry. By mandating minimum training credentials to access employment in the massage industry, the proposed bylaw does not recognize the breadth of experiences, knowledge, and skills brought by Asian massage workers. This exclusion constitutes a form of systemic anti-Asian racism: many Asian massage workers will be excluded from working in PWEs as a result of this amendment, and many Asian massage parlours will be forced to close.

- 2. The proposed vetting procedures in the licensing application process are excessive and will create additional barriers for Asian migrant massage workers.** The screening process will include interviews with owners and attendants, on-site inspections, and referrals to public health and the York Regional Police. The net vetting procedures will also require proof of eligibility to work in Canada, creating another barrier to employment for workers with precarious immigration status. Asian women already experience systemic discrimination in seeking employment, and such procedures would impose additional burdens. We are particularly concerned about the engagement with York Regional Police (YRP), given that Asian migrant massage workers already experience disproportionate harassment, surveillance, and

targeting from police and bylaw enforcement officers, and are likely to be the subject of discriminatory and unfounded complaints. The partnership with YRP would undoubtedly exacerbate this issue.

- 3. Asian massage workers and business owners have not been properly consulted during this bylaw review.** During the May 3, 2021 Committee of the Whole meeting, testimony was shared from an Asian massage worker in Newmarket, who stated, “I do not understand why the government keeps targeting us. I would not have even known about this proposed bylaw amendment if my friends had not told me.” Another worker said, “Your amendment is creating more barriers including financial difficulties for us as massage workers.” 29 massage businesses were contacted for consultation during the body rub parlour bylaw review, of which 22 were consulted. Our understanding is that the majority of these businesses already had RMT licenses or some form of college accreditation. However, the Asian businesses and Asian massage workers who will be most adversely affected by this bylaw amendment were not reached and did not get a chance to meaningfully participate in this consultation.
- 4. We are deeply concerned by the conflation of massage parlours and human trafficking.** During the May 3, 2021 Committee of the Whole meeting, representatives from groups such as Parents against Human Trafficking and BridgeNorth made sweeping claims in front of the Newmarket Town Council, stating that all body rub parlours were sites for trafficking and sexual exploitation. These deputations appeared to be well-received by council members, despite anti-Asian, orientalist statements made by deputants such as, “I assure you that the diploma mill is actually in mainland China.” We urge Newmarket Town Council to recognize these campaigns as anti-sex work campaigns seeking to shut down massage parlours and criminalize the people who work in them, under the banner of anti-human trafficking advocacy. The conflation of massage work with human trafficking is harmful, incorrect, and not based on evidence. Many of these campaigns purporting to advocate against human trafficking ignore migrant workers’ voices and fail to focus on issues related to labour trafficking such as migrant labour exploitation in Canada and the fight for full and permanent immigration status.
- 5. The proposed bylaw amendment is driven by anti-Asian and anti-sex work discrimination.** The Newmarket Town Council made its intentions clear during the May 3, 2021 Committee of the Whole Meeting that their intention was to “drive sex work out of Newmarket.” In addition to falsely conflating sex work with human trafficking, the Mayor and Deputy Mayor also expressed that they simply did not want body rub parlours in Newmarket — regardless of whether human trafficking was an issue, citing “community values”. These statements confirm that the Council’s intentions underlying this review do not stem from a genuine concern for the safety of workers or potential victims of trafficking, but rather from a disdain for sex workers, and a disregard for their safety and economic well-being. The language that has been used by Newmarket Town Council and staff paint a picture of massage parlours as illegal, irreputable, and undesirable, and promotes the hatred and discrimination of sex workers.

Two Ontario courts have already deemed the sex work offences unconstitutional on the basis that they threaten the safety and security of sex workers; these decisions will undoubtedly change the legal landscape governing sex work in the coming years. Furthermore, not all Asian migrant massage workers engage in sex work. Whether or not they sell or trade sex, the discrimination migrant massage workers face is nevertheless rooted in discrimination against massage parlours, and hateful and moralistic perceptions of sex work. Bylaws that seek to shut down massage parlours which are majority Asian ultimately have the effect of restricting workers' ability to work to meet basic needs, while causing further harm by increasing their vulnerability, fining workers, subjecting them to harassment from bylaw enforcement, and heightening the risk of arrest, detention, and deportation.

We urge the Newmarket Town Council to prioritize **inclusion** and **respect** as Newmarket community values — rather than promoting systemic racism and hateful perceptions of sex work. The proposed PWE licensing classification will perpetuate the latter, and we urge the Town Council to reject this proposal and commit to further consultation with migrant massage workers and Asian businesses before amending the current bylaws.

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