



June 20, 2021

To: Mayor Taylor, Newmarket Town Councillors, and Newmarket Town Staff:

Re: Licensing Regime for Personal Wellness Establishments

The HIV Legal Network is one of the world's leading organizations tackling the legal and human rights issues related to HIV, and has worked since our inception almost three decades ago to uphold the human rights of marginalized communities. We are writing to express our concerns about the proposed licensing regime for a new category of "Personal Wellness Establishments," which will disproportionately affect Asian massage workers and businesses, further contributing to their economic marginalization.

As you know, the proposed bylaw requires all workers at Personal Wellness Establishments to be trained by accredited institutions, which often have English language skills requirements. Numerous human rights organizations (including those representing migrant communities) and migrant massage workers themselves have informed you that this requirement will erect significant barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking workers will not be able to attend an accredited educational institution in Canada. It is utterly unrealistic to expect workers based in Newmarket without formal credentials to seek accreditation through an institution that may not only be prohibitive in terms of cost, but also location (e.g. potentially requiring a worker to relocate to a different city or province in order to gain such accreditation). As a result, they will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to "non-Western practice," the application for the exception (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or gained experience on-the-job will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. Nor has there been any evidence of human trafficking occurring in Newmarket's massage parlours, despite some deputants' troubling stereotypes of massage parlour workers as victims of human trafficking — a claim numerous deputants who work closely with migrant massage workers have rejected. The Asian community is already heavily hit by the COVID-19 pandemic and facing

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anti-Asian racism. The Town of Newmarket should not impose further social and economic barriers to prevent them from working.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket towards sex workers. Numerous courts, including the Supreme Court of Canada in the historic decision *Canada (Attorney General) v. Bedford*, have ruled that laws that contribute to sex workers' experiences of harm (and particularly those laws intended to address sex work as a form of "nuisance" — as is apparently the case in Newmarket), are invalid and will not withstand constitutional scrutiny. Newmarket should not be enacting laws in a misguided attempt to drive sex workers out of the city. This is a blatant form of discrimination on the basis of gender and occupational status.

As such, we urge the Town of Newmarket to remove the requirement for accreditation to work in the Personal Wellness Establishment category so that Asian workers can continue to work and massage parlours can continue to operate and serve the community.

A handwritten signature in black ink, reading "Sandra Ka Hon Chu". The signature is written in a cursive, flowing style.

Sandra Ka Hon Chu
Director of Research and Advocacy
HIV Legal Network