

To:  
Mayor of Newmarket  
Councillors of Newmarket  
Town Staff of Newmarket

Dear all,

We are writing on behalf of the Asian Law Student Association at Osgoode Hall Law School. We are a collective of Asian-identifying law students who hold space, support and foster community for Asian-identifying law students and all the communities we have deep connections to, in and beyond the Osgoode community and law school context. We are committed to working towards dismantling systemic barriers in the legal profession and beyond. As such, we were deeply concerned to hear about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism. We are writing in solidarity with Butterfly to urge that the bylaw be reconsidered in light of the concerns brought forward in the remainder of this letter, and that it be amended accordingly.

The new bylaw amendment (amendment to Business By-law 2020-31, to adopt proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and the massage parlours they work in will be shut down.

Although the bylaw claims that an exemption is available for “non-Western practice,” the application for the exemption (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 are trained abroad or by informal, on-the-job training will not meet the criteria for the exemption.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

We ask that this concern be added to the agenda on Monday.

Signed,

Asian Law Students of Osgoode 2021-2022

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