

Survey on Toronto Holistic Practitioners' Experiences

with Bylaw Enforcement and Police

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Executive Summary

This report describes the experiences of the people who work in holistic centres and their encounters with law enforcement. Sixty-one holistic practitioners, ranging in age from 25 to 64 years old, participated in the survey¹ that informed this research. All of the people whom we speak with were born outside of Canada and migrated from Asia; the majority came from China, and with others from Korea, Vietnam, and Thailand. The findings from the survey were used to develop recommendations for Toronto Municipal Licensing and Standards (MLS), city council, and Toronto Police Service.

Despite widely touted claims of trafficking, which has led to increased policing and repression of holistic practitioners, the research did not uncover any instances of forced labour or trafficking. Rather, respondents provided a variety of reasons for working as holistic practitioners, including the ability to overcome language barriers, racism, and discrimination in the job market. While respondents also reported negative aspects of working in holistic centres, overwhelmingly their main concerns were inspections and/or raids (65.5%) and being fined and charged (44.8%). Half of the respondents had been arrested, issued tickets, or received fines. More than one-third reported that they had been abused or harassed by bylaw enforcement or police officers. A significant number (22%) of workers had been insulted or verbally abused, and some (12%) were physically or sexually assaulted by law enforcement officers. In one example, bylaw enforcement officers asked a respondent to show them her underwear, searched her place without a warrant, and then issued her three tickets in one week for challenging their behaviour, demonstrating both a flagrant misuse of power as well as sexual and psychological harassment. Other respondents stated that they found it difficult to understand bylaws and regulations because officers had subjective interpretations of the law, to the extent that issuing tickets often seemed to be the purpose of investigations. Officers sometimes spent over one hour conducting inspections until they could issue a ticket for not displaying the license on the wall or a scratch on a massage bed.

Overall, respondents had very negative impressions of municipal bylaw enforcement officers and police. 60% of respondents had negative perceptions of bylaw enforcement and police officers. Some felt that the officers did not respect them as workers (40%), treated them as criminals (37.8%), or unjustifiably punished them (13.3%). Half described police officers as abusive, oppressive, or humiliating (53.6%), while a significant number perceived them as discriminatory (42.9%) and unreliable (25%).

Almost half of the respondents had experienced violence in their workplace. One-third experienced robbery or theft by client or other perpetrators. However, only 4 (6.9%) reported these incidents to law enforcement and the majority of the respondents were less likely to seek help from law enforcement (62.2%).

¹ In 2014, Butterfly and St. Stephen's Community House (SSCH) received complaints from community members working in holistic centres about the abuse and misconduct they were experiencing from bylaw enforcement and police officers, including requests for sexual favours and verbal and physical harassment, corresponding to an increase of inspections and prosecutions at their workplaces. In order to gain a better understanding of these workers' encounters with law enforcement, a survey was developed in collaboration with Holistic Practitioners' Alliance, Maggie's, Canadian HIV/AIDS Legal Network, Strut, Migrant Sex Worker's Support Network, and No One Is Illegal. Data were collected between October 2015 and August 2017.

These findings suggest that the bylaws themselves are problematic, and enable bylaw enforcement and police officers to use their broad discretion to abuse and harass practitioners who work in spas and wellness centres. Respondents shared that whereas in the past inspections were often collaborative and respectful, they were now abusive, provocative and manipulative, to the extent that some practitioners even described that they were treated as criminals or animals by law enforcement. In particular, practitioners perceived these excessive practices of law enforcement officers to be the result of racial profiling and discrimination, rather than the promotion of workplace health and safety. This negative perception of law enforcement discourages practitioners from seeking help from them when experiencing difficult situations.

Based on these findings, we recommend:

1. An end to excessive and discriminatory inspections and prosecutions of holistic centers and practitioners;
2. Thorough investigation into complaints against bylaw enforcement officers from holistic practitioners, and a guarantee that practitioners will not be punished for making these complaints;
3. A comprehensive review of current bylaws and enforcement policies pertaining to holistic centres, with meaningful participation of owners, practitioners, and other stakeholders.

Introduction

This report presents the findings of a survey of holistic practitioners' encounters with bylaw enforcement and police officers, carried out from October 2015 to August 2017. The sample was 64; 61 of the participants were working in spas and wellness centres (sometimes referred to as holistic centres²) and three were working in body rub parlours. Here we present only the data on the 61 participants working in holistic centres.

All of the participants were born outside of Canada; some migrated here less than one year ago whereas others have been living in Canada for over 10 years. One-third of the participants reported abuse, violence, and misconduct from bylaw enforcement or police officers. More than 60% of the participants described bylaw enforcement and police officers as discriminatory, oppressive, or humiliating. Only a small number of participants reported that they found bylaw enforcement or police officers to be friendly, helpful, kind, professional, or even neutral.

Background

St. Stephen's Community House (SSCH) has been reaching out to people who work in spas and wellness centres since 2007 to promote the health and wellness of the community. SSCH developed a joint project with Butterfly in 2014 to outreach to this particular group and provide information, services, supports, and workshops. This project is ongoing.

In 2014, service providers at SSCH and Butterfly received complaints from community members about misconduct and misbehaviour by bylaw enforcement and police officers, including requests for sexual favours, harassment, use of condoms as evidence to prosecute workers, corresponding to an increase of inspections and prosecutions at their workplaces. In 2015, Butterfly and SSCH developed a survey with a group of organizations, including Holistic Practitioner's Alliance, Butterfly, Maggie's, Canadian HIV/AIDS Legal Network, Strut, Migrant Sex Worker's Support Network, and No One Is Illegal, to gain a better understanding of the experiences of workers at spas and wellness centres. In 2018, the Holistic Practitioners Alliance and the Coalition Against Abuse By Bylaw Enforcement were formed to advocate for the rights of holistic practitioners.³

We also invited Associate Professor Emily van der Meulen of Ryerson University (Department of Criminology), Professor Kamala Kempadoo of York University (Department of Social Science) and Professor Mariana Valverde of University of Toronto (Centre for Criminology & Sociolegal Studies) to provide advice on this project.

² Holistic practitioners are individuals who work in holistic centres and provide a variety of services for medical or therapeutic treatments, including reikki, aromatherapy, or massage therapy.

³ The Holistic Practitioners Alliance and the Coalition Against Abuse By Bylaw Enforcement started a petition to call for an end to abusive bylaw enforcement in 2018. See <https://www.butterflysw.org/campaign> for more information.

Objectives

The purpose of the study was to gain a better understanding of the backgrounds and working conditions of holistic practitioners and their experiences with municipal law enforcement and police officers. We also wanted to examine how municipal licensing, regulations, and policies affect this group of people. The findings were used to develop recommendations for Toronto Municipal Licensing and Standards (MLS), city council, and the Toronto Police Service.

Methodology

Recruitment of participants depended on pre-existing relationships built with this vulnerable group of workers by Butterfly, SSCH, and other partner organizations. Flyers, posters, and an email script with a summary of the study were distributed to organization representatives for forwarding to potential participants. The flyer and poster were translated to Chinese and distributed by community and outreach workers from Butterfly and SSCH. Participants could determine whether to fill out the survey by themselves or be interviewed by a community or outreach worker. Each interview took between 15 minutes to 30 minutes to complete.

Findings

Demographic Information

Participants' ages ranged from 25 to 64; 8.2% were between 25-34, 39.3% were between 35-44, and 42.6% were between 45-54 years old. None were under 18.

All of the respondents were born outside of Canada and migrated from Asia, mostly from China (91.8%). Others came from Korea (3.3%), Vietnam (3.3%), and Thailand (1.6%). Almost half of the respondents (47.5%) had lived in Canada for 1 to 5 years and 37.7% from 6 to 10 years.

Most of the respondents (93.4%) were practitioners who offered massage services to clients. Forty-eight (78.7%) had the role of a practitioner only. Most of the managers or operators of the holistic centers were also practitioners: of the five managers/operators, three were practitioners (4.9% of the 61 respondents) and six respondents were both practitioners and business owners (9.8% of the 61 respondents).

There are many reasons to work in spas or wellness centres. The majority cited economic or financial reasons (66.7%) and/or a lack of employment options (i.e. 63% cited trouble finding other jobs). Many also stated that they could use their professional skills as holistic practitioners (43.3%). 40% of the respondents were attracted to the flexible work hours. Other reasons given were interest in serving others (8.3%) and enjoyment of the work (6.7%). Some also stated that it was an alternative options to other jobs because their health conditions and/or prior work injuries made it difficult for them to work in other employment sectors (5%). None reported being forced to work (e.g. by debt bondage) or being trafficked, nor were they under pressure from family or friends.

Their past occupations were caregiver (35%), service sector worker (35%), food processing/agriculture worker (25%), and restaurant worker (10%). Some were professionals, such as doctors, nurses, engineers and government officials in their countries of origin. Some respondents explained why they left their previous jobs to work in spas and wellness centres: poor working condition at other workplaces, income too low, work injury, long working hours, or lack of options for long-term development within their careers.

“I was an engineer before I moved to Canada. But once I arrived, I found that my credentials were not recognized and I could not find work in my field. I changed my career, and entered the massage business. In doing so, I have developed my professional skills to help others and contribute to society.”

“I was injured while working for a food processing company. I tried working in a restaurant, which required me to have to stand for more than twelve hours at a time. It made my health condition worse and worse. Though my job now is a difficult one, I have better health than I did before.”

“I cannot say this is my dream job, but at least I can have income to support my child to go to school. I will do my best for him.”

“No one will hire you when you cannot speak English.”

“I am a small business owner and am able to create job opportunities. I serve clients and contribute to my community.”

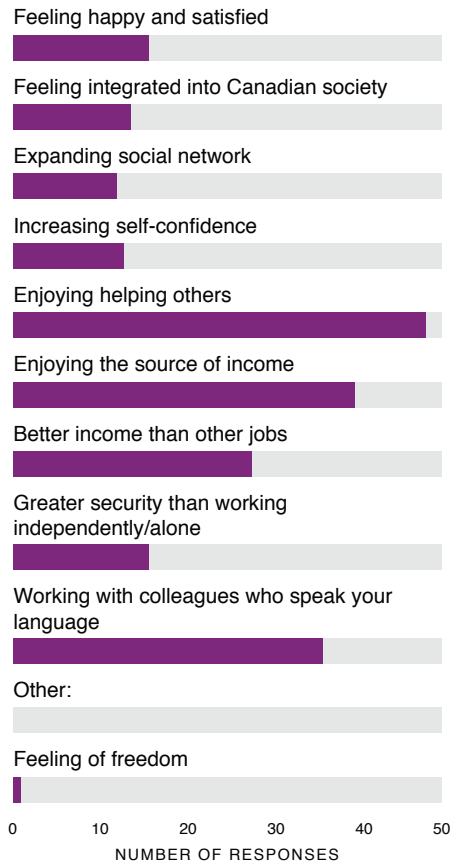
Working Conditions

The respondents mentioned a number of positive aspects in this type of work. Most reported that they enjoyed helping others (78.7%) and good income (65.6%), with many (45.9%) indicating that it provided better income than other jobs. More than half (59%) reported that they enjoyed working with colleagues who spoke their own languages. Respondents also stated that they felt safer than when working alone (26.2%) and felt happy and satisfied (26.2%). Some also felt that this work allowed them to integrate into Canadian society (22.9%) and expand their social networks (19.7%).

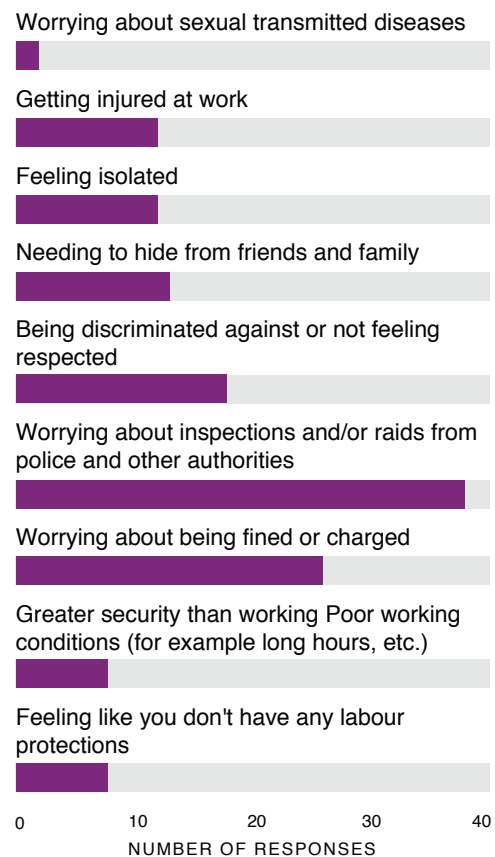
There were also some negative aspects of working in spas and wellness centres. The majority of the practitioners were worried about inspections and/or raids (65.5%) and being fined and charged (44.8%). One-third (31%) experienced discrimination, did not feel respected, and/or felt a need to hide their work from their families (22.4%). Some felt isolated (20.7%) or had been injured at work (20.7%).

Almost half of the respondents had experienced violence in their workplace. 36% experienced robbery or theft and 19.7% experienced physical or sexual assaulted by clients or other perpetrators. **More than one-third (34.4%) reported that they had been abused or harassed by bylaw enforcement officers.** Some also experienced refusal of payment from clients or managers, threats from gangs, or blackmail. A few experienced labour exploitation, but none reported sexual exploitation.

Positive Aspects of Working in Holistic Centres (total respondents: 61)



Negative Aspects of Working in Holistic Centres (total respondents: 61)



Only 4 (6.9%) reported these incidents to police. The majority of respondents informed the manager or business owner, co-workers, friends, or family. Many kept silent (27.6%) or dealt with the incident by themselves (13.8%). Only 12.1% sought help from community organizations.

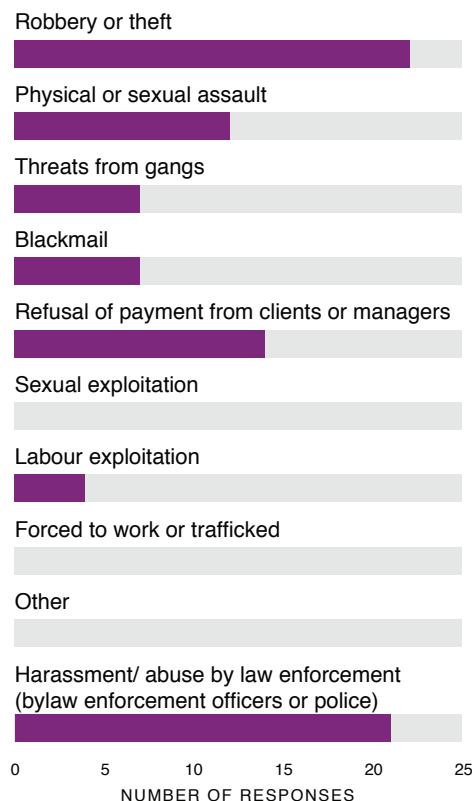
The survey asked why they did not call police when they experienced a difficult situation. Almost half of the respondents stated that it was because of language barrier (48.2%), and fear of more inspections (46.4%) or losing clients or business (46.4%). Almost one-third (30.3%) also stated fear of being arrested, charged, fined, and/or discriminated against by police or law enforcement (32.1%). One-fourth had previous negative experiences with police (25%) or feared revenge from police (25%).

One respondent explained that she had called the police a few years ago and they were very helpful. She shared that she would not call the police now as law enforcement was no longer helpful and seemed to be against the workers. The other three respondents who called the police reported that the police did nothing or refused to follow up on the complaint.

“Our job is important since we help people every day. Some of them may not have a lot of money, or are not respected by others in their daily life. But I still do my best to take care of them. I help them to relax and recover from a tiring day.”

“This is not an easy job, we have to deal with a lot of issues at work. My friend was robbed at gunpoint by a group of gang members. They took all her money and they even took her credit card machine. I have told my daughter that if I ever called her for help, it would put us both in danger.”

Violence in the Workplace
(total respondents: 61)



“White people are the mainstream, and their English is good. Plus they know how to protect their rights by knowing the laws and use them as weapons. If the massage parlours were run by white people, things would be different. Most practitioners in this trade are Asians; 80% of them have limited English, and have not received higher education. As a result, we try to comply as much as we can. Sometimes, even when it is obvious that we are innocent, we yield to the power of the Municipal Licensing and Standards Division, hoping that the officials will not come back to pick on us or issue tickets. The practitioners choose to plead guilty and pay the fines to avoid offending the authorities and provoking retaliation from them.”

“They came to investigate us three times a week. It is really too much and unreasonable.”

“They searched for an hour, and could not find anything. Finally, they found a minor issue that they believed warranted giving me a ticket. They refuse to leave until they can find a reason to give you a ticket.”

Knowledge of Bylaws and Regulations

Respondents reported that they have very little (38.6%) or average knowledge of applicable bylaws (33.8%). 12.3% reported that they do not have any knowledge about the laws and regulations. Some respondents cited difficulties learning about bylaws and regulations because of language barrier. Only a few (8.8%) had read the information on their own. Most of the respondents learned information from their co-workers, managers, or business owners (59.6%). Some also learned from the advice of police or bylaw enforcement officers (21.1%) and 10.5% gained knowledge during the Holistic License Training Program.

Some respondents stated that they found it difficult to understand bylaws and regulations because individual bylaw enforcement officers enforced bylaws and regulations differently.

Experiences of Inspection

The frequency of inspections of spa and wellness centres ranged from less than once per year to three times a week or even twice per day. The majority of respondents indicated that inspections occurred in their workplace every three months (25.9%).

Some stated that the number of inspections had rapidly increased in the last two years and become excessive and unfairly targeting spas and wellness centres over other businesses. Many expressed that the inspections placed great pressure and stress on the employees and affected the operation of the business.

Some respondents explained that in the past, officers explained the bylaws and gave opportunities to business owners or employees to rectify their mistakes. In addition, the officers were familiar to them and were friendly, reasonable, and respectful. However, in the past two years, officers' conducts had become disrespectful and provocative in nature. One stated that the officers acted like gangsters.

Two respondents stated that the inspections had harmed their business because their customers felt harassed. Some respondents expressed their frustration and anger about their experiences of inspections, including, for example, being prohibited from moving or sitting when the officer was conducting an inspection.

In addition, bylaw enforcement and police officers often require workers to provide identification, which undermines the City of Toronto’s ‘Access Without Fear’ policy.⁴ One respondent reported that she had been handcuffed for not showing her identification, and was only released after her friend brought her identification and showed it to the officers. One respondent also indicated that her friend who did not have identification documents was arrested. Another respondent was asked about her immigration status; the bylaw enforcement officer told her that they would call immigration authorities if they saw her again. One manager said that bylaw enforcement officers shared information about her staff with Ontario Works.⁵

“Licensing inspects us too frequently. It has caused a lot of stress to the female workers. The inspection also harasses the customers. The licensing bylaw officials prolong their visits as much as possible, and they abuse their power to the extreme. If they’re in a good mood, they don’t issue you a ticket. Otherwise, they will find fault with you.”

“The customer lay on the bed, relaxed. Two men from the Licensing Division rushed into the room to scare the customers and the female massage worker. We thought it was a robbery. Is this legal? Are there any laws to protect the consumers from being harassed and frightened?”

“There was a couple receiving services from me and my co-workers. At the end of the session, bylaw enforcement officers bust into the therapy room and the clients were disturbed. They refused to pay and left. Bylaw enforcement officers are infringing the privacy of clients. The clients never come back again – who is responsible for our loss?”

Number of investigations carried out at holistic centres and holistic practitioners (Reply from the Access and Privacy unit, City Clerk’s Office of Toronto to an access of information request)

	2013	2014	2015	2016
Holistic centres	569	1649	1419	1780
Holistic practitioners	611	2069	2092	2585
All investigations	31947	29647	25694	22600
% of investigations related to holistic centres & practitioners	3.7%	12.5%	13.7%	19.3%

⁴ The Access Without Fear policy “would ensure that ALL city residents, including people without full immigration status, can access essential services (housing, health, education, social services, emergency services) without fear of being detained or deported. City workers, along with applications for city services, would be forbidden from inquiring into immigration status. All residents of the city with less than full legal status as citizens or permanent residents could apply for and use city services without fear that their immigration status will be discovered” (No One is Illegal Toronto). See <http://toronto.nooneisillegal.org/dadt> for more information.

⁵ Ontario Works (OW) is a provincial financial and employment assistance program, also known as social assistance, provided to people in financial need who meet eligibility criteria.

“If massage practitioners like us cannot quickly open the door within three seconds, or if there is any other delay of five seconds in responding to orders, we will get a ticket for not opening the door.”

“The massage parlour door must not be locked. This rule must be resolutely repealed. The massage staff can assess the safety situation at work, and choose to lock the door. (It’s like if one person goes to work and locks the door in case they feel fearful at night.) The safety of life is the priority, and female massage workers should not be placed in high-risk working environments. Locking the door is a kind of self-protection.”

Experiences of Being Charged

Half of the respondents (50%) had been charged and issued tickets for breaching municipal bylaws. The majority of charges related to not dressing professionally, not keeping records of clients, massage bed not in good repair, locking the door, and operating outside of office hours.

A Numbers of respondents reported that different officers have different standards. Some of the practitioners who had employed certain work practices for a long time were only recently issued a ticket, for example, for not displaying their licence on the wall. Few also complained that bylaw enforcement officers spent one hour conducting inspections until they could find a minor infringement for which they could issue a ticket. Issuing tickets seems to have become the purpose of investigations.

Five respondents reported charges related to their clothing. Two said that they were wearing dresses similar to other women’s street clothes but were charged regardless. One respondent had been wearing similar clothing while at work for eight years and never had a problem until being recently charged.

Another respondent complained that bylaw enforcement officers trapped them by arriving at 8:30 pm, requesting a 45-minute service, then charging the worker for operating after 9:00 pm. Another respondent said that she did not lock her door, but was issued a ticket after a bylaw enforcement officer tried to enter and could not, because he did not push the door hard enough.

Many respondents also found the bylaws themselves problematic. For example, the vague and arbitrary regulation of clothing allows for harassment and abuse. The requirement to display a business license with full name and address infringes on workers’ rights to privacy and compromises their safety, while the regulation against locking one’s door is also a safety concern. They stated that when there were only one or two practitioners working, they would lock the door to screen the clients to avoid theft, robbery or assault.

Respondents also mentioned that they were not able to challenge the charges even if they felt the charges are wrong or unreasonable because they did not think they would receive a fair hearing or able to defend their case in court. They felt that pleading guilty was the only option. One respondent tried to defend herself in court and she received a \$1000 fine instead of the initial \$100. Another respondent said that she wanted to challenge a ticket but the government lawyer (prosecutor) told her that she could get a \$5000 fine if she did not plead guilty.

Charge of "table mat not in good repair".



Charge of "no licensing number on advertisement".



From January to October 2017, there were 255 charges laid, of which 41 were **"table mat not in a good repair"** and 21 were charges of **"no licensing number on advertisement"** (i.e. holistic centres are charged when they do not put the licensing number on their business cards).

"The prosecutor said that if the massage bed is not well maintained, we can be fined up to \$50,000. How is this at all reasonable?"

"Once a ticket was issued for just a tiny crack on the bed... I was furious. I truly couldn't understand."

"The mattress of my massage bed is in good condition. I have also covered it with three layers of towels so that clients will not have direct contact with the mattress. But the bylaw enforcement officers removed all of the towels and then flipped the massage bed. I was then given a ticket because of a tiny scratch at the bottom of the bed."

Number of charges against holistic centre and holistic practitioners
(Reply from the Access and Privacy unit, City Clerk's Office of Toronto to an access of information request)

	2013	2014	2015	2016
Number of charges	75	337	277	236

One person, who had received more than 20 tickets, said that some bylaw enforcement officers were very unprofessional and provocative, and relentlessly visited her workplace without cause. A female officer told her that she would take her picture if she continued to express anger. Without the worker's consent, the officer eventually took her picture and showed it to her. In total, five tickets were issued for minor infringements, including for a small cosmetic flaw on the massage mat.

After issuing this ticket, the female officer made a "V" hand gestures to her, signalling victory before she left. In another incident, the worker was ticketed for having alcohol on the premises for three small cups used to make a religious offering of alcohol to a deity, and that had not been an issue until then.

"We should not be treated as a problem or as criminals; they should not assume that we are bad and treat us badly."

Misconduct and Abuse by Bylaw Enforcement and Police Officers

Half of the respondents (50%) had been arrested, issued a ticket, or received a fine. Some stated that the officials did not clearly explain if they were police or bylaw enforcement officers. **More than one-third (34.4%) reported that they had been abused or harassed by bylaw enforcement officers or police. A significant number of workers (22%) were insulted or verbally abused, and some (12%) were physically or sexually assaulted by bylaw enforcement officers and police.**

14% of respondents also mentioned that bylaw enforcement officers infringed on the privacy of clients by entering the therapy room without notice, and without waiting for the client to leave. 12% reported that their personal items were searched without a warrant. One worker reported that a police officer searched her purse and her clothing drawer. 8% reported that officers searched for condoms at their workplace. Two respondents also said that officers forced them to remove the security camera at their workplace even though they did not have this authority. Only 17% of the respondents stated that they had not encountered any problem with law enforcement.

Among the respondents who reported being sexually assaulted by bylaw or police officers, three were asked to remove their robes or pull up their dresses to show their clothing and underwear, and two indicated that the officers took pictures of them in this state. Another worker was asked by an officer to go with him to a hotel; this officer kept returning to her workplace until she told him that she had a security camera and she knew that what he was doing was not allowed. One respondent was issued three tickets in one week after she challenged bylaw enforcement officers who had asked her to show them her underwear and had searched her place without a warrant.

One respondent was charged for not having her license immediately available for presentation, despite the fact that she told the bylaw enforcement officers that her license had been sent to the wrong address. One person was charged when she was cleaning her spa after working hours. One person shared that her Chinese friend was charged for working without a license, when she was merely visiting and sitting on a sofa in the spa. Other respondents also recounted similar experiences of getting charged when their Chinese, non-English speaking friends were visiting.

Only one respondent called law enforcement authorities to report an incident involving bylaw enforcement officers, but it was not properly investigated. One-third of respondents informed their manager or business owners, and 12% informed a community organization. The others kept silent. Three respondents stated that they did not complain because they were afraid of retaliation, and one respondent shared that the business owner did not approve of the staff reporting these types of incidents.

“Four police officers and bylaw officers came together. They were extremely violent and rude. They ordered us to face the wall and we were not allowed to talk. They treated me like a criminal as they searched my place, including all the drawers, wallets – even my underwear – without a warrant. They left the rooms a mess. I tried to challenge them and they issued 3 tickets. Not only that, but since then, they’ve come back again and again to issue 5 more tickets within half a year as revenge. I have never been insulted like this in my life. I can’t stop crying every time I recall these incidents.”

“They are very unreasonable and disrespectful. A female officer asked my co-worker to take off her clothes and show her underwear. The bylaw enforcement officers then took photos of her and gave her a ticket for clothing (having unprofessional clothing).”

“I was ordered to stand, and told not to move. They wouldn’t even allow me to go to the washroom.”

“Licensing discriminates against us. They come very often, sometimes with 7-8 officers. There is no other type of business being treated like this. They show up too often. Not only do they interrupt our day and harass customers, they make me lose business. They also disrupt our neighbours and cause the community to perceive us as troublemakers.”

“Law enforcement should be accountable and their power should be limited. They should not be able to do whatever they want with impunity”.

“99% will not call police since they do not want to have any trouble”

Perception of Law Enforcement

Overall, respondents had very negative impressions of municipal law enforcement officers and police in spas and wellness centres. 60% of the respondents had negative perceptions of bylaw enforcement and police officers. Some felt that the law enforcement and police officers did not respect them as workers (40%), treated them as criminals (37.8%), or unjustifiably punished them (13.3%). 24.4% viewed them as neutral, while only 15.6 % viewed them in a positive light.

Just over half (53.6%) of the respondents described police officers as abusive, oppressive, or humiliating, while a significant number perceived them as discriminatory (42.9%) or unreliable (25%). Only a few respondents perceived police as neutral, professional or friendly.

Similarly, over half (51.4%) described bylaw enforcement officers as abusive, oppressive, or humiliating, and a significant number perceived them as discriminatory (34.3%) and unreliable (25.7%).

A significant number of respondents felt that law enforcement has had a negative impact on them. Many felt that bylaw and police officers enforcement officers stigmatized and discriminated against them (40%), and had negatively affected their businesses (37.8%). As a result, the majority of respondents were less likely to seek help from law enforcement in future situations (62.2%).

Conclusion

Most people who work in Toronto's spas and wellness centres are Asian immigrants. Despite widely touted claims of trafficking in these venues, our research did not uncover any instances of forced labour or trafficking. Rather, respondents provided a variety of reasons for working as holistic practitioners, including the fact that such employment enabled them to overcome language barriers, racism, and discrimination in the job market.

The above findings also suggest the bylaws themselves are problematic, and enable bylaw enforcement and police officers to use their broad discretion to abuse and harass practitioners who work in these locations. The majority of respondents reported that in the past few years, the approach of inspectors had changed from collaborative and respectful to abusive and provocative, and that the practitioners were being targeted. In particular, there is a perception among practitioners, the vast majority of whom are from Chinese and other Asian backgrounds, that the excessive practices of law enforcement officers are the result of racial profiling and discrimination, rather than to promote workplace health and safety. For example, some practitioners had been charged with bylaw infractions when they carried out measures necessary to protect their own safety, such as locking the door when they are alone, and protecting their (and their clients') personal information. Moreover, officers had also harassed and intimidated customers and infringed on their privacy, singling out holistic centers' clients with excessive and intrusive scrutiny.

Recommendations

We request that MLS and the Toronto Police Service:

1. End excessive and discriminatory inspections and prosecutions of holistic centers and practitioners;
2. Thoroughly investigate complaints against bylaw enforcement from holistic practitioners, and a guarantee that practitioners will not be punished for making these complaints;
3. Undertake a comprehensive review of current bylaws and enforcement policies pertaining to holistic centres, with meaningful participation of owners, practitioners, and other stakeholders, such as community organizations that have knowledge of the situation.

“We need a fair and pleasant work environment, and that is a reasonable demand.”

“Times are changing, and society is moving forward. The regulations and laws that are out-of-date should be abolished or reregulated. (For example, requiring customers to register their personal information, and issuing receipts mandatorily.

These are not reasonable, meaning it is unlawful to force the customers to provide personal information that infringes on their privacy, and forcing them to accept receipts, which are unnecessary.)

Requesting personal information is against the law, and forcing customers to accept receipts is unnecessary, because no insurance companies will accept these receipts anyway.

The Division should focus more on reforming those unfair, unreasonable, and out-of-date regulations for safety and equality reasons. There should be consumers' committees and representatives from holistic centres to oversee the creation of truly fair and just regulations; not just empty words from the politicians. Principles and the public interest should be the primary concern. Again, we call upon the above parties to listen to the voices of these massage practitioners. Do not use oppressive rules that are inhumane and unreasonable.”

Appendix I : Summary of Findings

Demographic

- All of the respondents (100%) were born outside of Canada; the majority came from China (91.8%) and others from Korea, Vietnam, and Thailand.
- Majority have lived in Canada for more than 1 years (47.5% between 1-5 yrs) and 37.7% from 6 to 10 years.
- 42.6% were between 45-54 years old and 39.3% were 35-44. None were under 18.
- Reason to work in holistic centre: The majority cited economic or financial reasons (66.7%) and/or limited employment options (63.3%). Many could use their professional skills as holistic practitioners (43.3%). None reported being forced to work or being trafficked, nor under pressure from others.

Working Condition

- Positive aspects: Most respondents enjoyed helping others (78.7%) and good income (65.6%), with many (45.9%) indicating that it provided better income than other jobs.
- Negative aspects: The majority worried about inspections and/or raids (65.5%) and about being fined and charged (44.8%). One-third (31%) experienced discrimination and did not feel respected.
- More than half of the respondents had experienced violence in their workplace, such as robbery or theft by clients and other perpetrator. More than one-third (34.4%) reported that they had been abused or harassed by bylaw enforcement officers.
- Only 4 (6.9%) reported these incidents to law enforcement due to language barrier (48.2%), fear of more inspections (46.4%) or losing clients or business (46.4%). One-fourth had previous negative or unpleasant experiences with police (25%) or feared revenge from police (25%). Only 12.1% sought help from community organizations.

Knowledge of Bylaws and Regulations

- Respondents reported that they had very little (38.6%) or average (33.8%) knowledge of applicable bylaws.

Experiences of Inspection and Charge

- The majority of respondents indicated that inspections occurred in their workplace every three months (25.9%). Overall responses about frequency of inspections ranged from once per year to three times per week or even twice per day.
- Half of the respondents (50%) had been charged and issued tickets for breaching municipal bylaws. The charges related to not dressing professionally, not keeping records of clients, massage bed not in good repair, locking the door, and operating outside of office hours.

Misconduct and Abuse by Bylaw Enforcement and Police Officers

- More than one-third (34.4%) reported that they had been abused or harassed by bylaw enforcement officers or police. 22% were insulted or verbally abused and some (12%) were physically or sexually assaulted.

Perception of law enforcement

- 60% had negative perceptions of bylaw enforcement and police officers because they felt that law enforcement did not respect them as workers (40%), treated them as criminals (37.8%), or unjustifiably punished them (13.3%).
- More than half described bylaw (51.4%) and police officers (53.6%) as abusive, oppressive, or humiliating, while a significant number perceived them as discriminatory (34.3%) or unreliable (25.7%).
- Many felt that officers stigmatized and discriminated against them (40%), and had negatively affected their businesses (37.8%). The majority of respondents were less likely to seek help from law enforcement in future situations (62.2%).

Appendix II: The survey

Note: when percentages are too small to be meaningful they are omitted

A) Background Information

1. How old are you? Please check the appropriate box.

Younger than 18	0	
18-24	0	
25-34	5	8.2%
35-44	24	39.3%
45-54	26	42.6%
55-64	6	9.8%
65 or older	0	

Total Respondents: 61

2. Were you born in Canada?

Yes	0	
No	61	100%

Total Respondents: 61

2a. If no, what is your country of birth?

China	56	91.8%
Korea	2	3.3%
Vietnam	2	3.3%
Thailand	1	1.6%

Total Respondents: 61

2b. How long have you lived in Canada?

Less than 1 year	3	4.9%
1-5 years	29	47.5%
6-10 years	23	37.7%
More than 10 years	6	9.8%

Total Respondents: 61

3. How would you describe your role in the massage parlour?

Please check all that apply.

Masseuse/ Practitioner	57	93.4%
Manager or Operator	5	8.1%
Owner	8	13.1%
Other:		

Total Respondents: 61

- 48 (78.7) are only practitioners
- 3 (4.9%) are both practitioners and managers / operators
- 6 (9.8%) are both practitioners and owners
- 2 (3.3%) are managers / operators
- 2 (3.3%) are owners

4. How long have you worked in massage parlours in Toronto?

Less than 1 year	10	16.4%
1-3 years	29	47.5%
4-6 years	15	24.6%
7-9 years	5	8.2%
More than 10 years	2	3.3%

Total Respondents: 61

5. What are the major reasons why you work in massage parlours? Please check all that apply.

Economic or financial reasons	40	66.7%
Trouble finding another job	38	63.3%
Flexible working hours	24	40%
Enjoyment of the work	4	6.7%
Career development	2	3.3%
Use of professional skills	26	43.3%
Expanding social networks	2	3.3%
Debt bondage or being forced/trafficked	0	
Pressure from family or friends	0	
Other:		
Contribute to Canadian Society	1	1.7%
Serve others	5	8.3%
Bad health condition / prior work injury	3	5%

Total respondents: 60

6. What was your previous occupation/profession? Please check all that apply.

Food processing / Agriculture sector	15	25%
Sales / Services sector	21	35%
Student	1	1.7%
Housekeeper/ Caretaker / Childcare	21	35%
Entertainment	2	3.3%
Engineer	1	1.7%
Stylist	1	1.7%
Restaurant Work	6	10%
Nurse / Doctor	3	5%
Tourism	1	1.7%
Government official	2	3.3%

Total Respondents: 60

B) Working Conditions

7. Have you ever experienced any of the following situations in your workplace? Please check all that apply.

Robbery or theft	22	36%
Physical or sexual assault	12	19.7%
Threats from gangs	7	11.5%
Blackmail	7	11.5%
Refusal of payment from clients or managers	14	23.0%
Sexual exploitation	0	
Labour exploitation	4	6.5%
Forced to work or trafficked	0	
Other	0	
Harassment/ abuse by law enforcement (bylaw enforcement officers or police)	21	34.4%

Total Respondents: 61

8. If you experienced the above situations, how did you respond? Please check all that apply.

Called police to report the incident	4	6.9%
Called a different enforcement authority to report the incident	0	
Pressed charges against the perpetrator	0	
Informed the massage parlour manager or owner	17	29.3%
Kept silent / didn't tell anyone	16	27.6%
Sought help from community organization	7	12.1%
Sought help from co-worker, friend, or family member	12	20.7%
Other:		
Handled by myself	8	13.8%

Total Respondents: 58

8a. If you called the police or another enforcement authority, what was their response to your complaint? Please check all that apply.

They carried out an investigation	1	
They did nothing or refused to follow up on the complaint	3	
They referred you to a community organization	0	
They referred you to a another police/government department	0	
Other:		

Total Respondents: 4

9. If you have experienced a difficult situation at your massage parlour, but did not call the police or another enforcement authority, what were your reasons for not calling? Please check all that apply.

Fear of more inspections in the parlour	26	46.4%
Fear of losing clients or business	26	46.4%
Fear of being arrested, charged, or fined	17	30.3%
A previous bad or unpleasant experiences with police	14	25%
You think they cannot or will not help	12	21.4%
Being discriminated against by police or other enforcement authorities	18	32.1%
Language barriers	27	48.2%
Fear of revenge from police	14	25%
Other:		
Boss doesn't approve	3	5.1%

Total Respondents: 56

10. What are some of the positive or beneficial aspects of working in a massage parlour? Please check all that apply.

Feeling happy and satisfied	16	26.2%
Feeling integrated into Canadian society	14	22.9%
Expanding social network	12	19.7%
Increasing self-confidence	13	21.3%
Enjoying helping others	48	78.7%
Enjoying the source of income	40	65.6%
Better income than other jobs	28	45.9%
Greater security than working independently/alone	16	26.2%
Working with colleagues who speak your language	36	59%
Other:		
Feeling of freedom	1	2%

Total Respondents: 61

11. What are some of the negative or bad aspects of working in a massage parlour? Please check all that apply.

Worrying about sexual transmitted diseases	2	3.4%
Getting injured at work	12	20.7%
Feeling isolated	12	20.7%
Needing to hide from friends and family	13	22.4%
Being discriminated against or not feeling respected	18	31.0%
Worrying about inspections and/or raids from police and other authorities	38	65.5%
Worrying about being fine or charged	26	44.8%
Poor working conditions (for example long hours, etc.)	8	13.8%
Feeling like you don't have any labour protections	8	13.8%

Total Respondents: 58

C) Experience with Law Enforcement

12. How much knowledge do you have about the regulations or laws related to massage parlours?

None	7	12.3%
Very little	22	38.6%
Little	5	8.7%
Average or moderate	19	33.3%
Above average	2	3.5%
A lot		
Not sure / don't know	2	3.5%

Total Respondents: 57

13. How do you get your knowledge about the law and regulation of massage parlours?

Learnt from Holistic License Training Program	6	10.5%
Told by co-workers, or by the parlour manager/owner	34	59.6%
Reading the regulation and laws	5	8.8%
Told by the police or other law enforcement (e.g., bylaw officers)	12	21.1%

Total Respondents: 57

14. How often do law enforcement authorities (e.g., police or bylaw officers) do inspections at your massage parlour?

Less than once a year	7	
Every 6 months or so	11	20.4%
Every three months or so	14	25.9%
Once a month	8	14.8%
Once a week	9	16.7%
Other:		
Twice a day	1	
3 times a week	1	
Various/ uncertain	6	11.1%

Total Respondents: 54

15. Have you ever been fined or issued a ticket from a police or bylaw officer?

Yes	26	50%
No	26	50%

Total Respondents: 52

15a. If yes, how many times have you been fined or ticketed?

1-2	11	42.3%
3-4	9	34.6%
5-10	4	15.4%
More than 10 times	2	7.7%

Total Respondents: 26

15b. How much were the fines?

0		
0-100	12	
100-200	11	
200-500	5	
500-1000	2	
More than 1000	2	

Total Respondents: 32

15c. What were the reasons for being fined or ticketed? Please check all that apply.

Not keeping records of clients	3	11.5%
Operating outside of office hours	4	15,4%
Dressing improperly	6	23%
Offering unlisted services	2	7,7%
Not covering the client properly	1	3.8%
Other:	0	
Massage bed is not in good repair	3	11.5%
Locking door	4	15.4%
Not having lock for the safe	1	3.8%
Not providing receipt for clients	2	7.7%
Not displaying license	2	7.7%
Hiring practitioners without license	1	3.8%
Obstruction of investigation	2	7.7%
No license number on advertisement	1	3.8%

Total Respondents: 26

16. Have you ever experienced any of the following situations with law enforcement officials (e.g., police officers, bylaw officers from Toronto Municipal Licensing and Standards, Border Security Agents, etc.)? Please check all that apply.

Arrested, issued a ticket, or received a fine	25	50%
Physically or sexually assaulted	6	12%
Insulted or verbally abused	11	22%
Visited in room by officers without warrant	11	14%
Entrapment by officers	2	4%
False allegations (e.g. law enforcement make up evidence to charge you)	6	12%
Searched for or took your condoms	4	8%
Used condoms as evidence against you	1	2%
Inappropriate or illegal actions taken by law enforcement (e.g., theft , blackmail)	4	8%
Have not had problems with law enforcement officials	7	14%
Other:	0	

Search for personal items, such as bags	3	6%
Being ordered to dance and sing	1	2%
Ask the client to leave	1	2%
Ask to meet after work and go to a hotel	1	2%

Total Respondents: 50

17. If you experienced any of the above situations, how did you respond? Please check all that apply.

Called police to report the incident		
Called a different enforcement authority to report the incident	1	6.7%
Pressed charges against the perpetrator		
Informed the massage parlour manager or owner	5	33.3%
Kept silent / didn't tell anyone	4	26.7%
Sought help from community organization	5	33.3%
Other:		

Total Respondents: 15

17a. If you called the police or another enforcement authority, what was their response to your complaint? Please check all that apply.

They carried out an investigation		
They did nothing or refused to follow up on the complaint	1	100%
They referred you to a community organization		
They referred you to a another police/government department		
Other:		

Total Respondents: 1

18. How would you describe your experiences with police officers specifically? Please check all that apply.

They have been friendly, helpful, kind, etc.	1	3.6%
They have been neutral towards you	2	7.1%
They have acted professionally	1	3.5%
They have been abusive, oppressive, or humiliating	15	53.6%
They have acted in a discriminatory way towards you	12	42.9%
They have been unreliable	9	25%
Other:		

Total Respondents : 28

19. How would you describe your experiences with bylaw enforcements officers specifically? Please check all that apply.

They have been friendly, helpful, kind, etc.	3	8.5%
They have been neutral towards you	1	2.9%
They have acted professionally	2	5.7%
They have been abusive, oppressive, or humiliating	18	51.4%
They have acted in a discriminatory way towards you	12	34.3%
They have been unreliable	9	25.7%
Other:		
They are disgusting	1	2.9%

Total Respondents: 35

20. How do police and/or bylaw inspections and raids affect you or your co-workers? Please check all that apply.

They can be helpful	0	
They can increase your sense of protection and safety	1	2.2%
They make it harder for you to negotiate services and condoms with clients	1	2.2%
They push your work underground	1	2.2%
They make it harder for you to keep condoms at your work	0	
They make you feel more stigmatized and discriminated against	18	40%
They make you less likely to seek help from law enforcement	14	31.1%
They have a negative impact on your finances	17	37.8%
Other:		
They are disgusting	1	2.2%

Total Respondents: 45

21. Overall, what is your comment on the municipal law enforcement in spas/ wellness centres?

Good	7	15.6%
Bad	27	60%
Neutral	11	24.4%
Others		

Total Respondents: 45

21a. Reasons: Please check all that apply.

They protect our safety	3	6.7%
They help us to do our work	1	2.2%
They understand our situation	1	2.2%
They do not respect us as workers	18	40%
They treat us as criminals	17	37.8%
They punish us	6	13.3%

Total Respondents: 45

22. Do you have comments? Is there anything else that you would like us to know?

Some of the quotes from the respondents:

License (licensing enforcement officers) come too often. They harass our business and clients. We welcome them if they come with respect and with reasonable frequency.

The government should spend money in the right places. Do you know how much money they spend on the license (bylaw enforcement officers) to come here? They come a few times a month.

The license (bylaw enforcement officers) should respect us. We pay license fees. They should serve us. They behave like the "city security" in China who always abuse their power.

An officer asked me to go out with him. He even wants me to pay for the hotel room. I found an excuse to leave. He came again and again. I told him that I have a camera.

I have worked for almost 10 years. They never told me I had problems before. But now they give me tickets for different reasons.

The police locked me up in handcuffs even though I did not do anything wrong. I forgot to bring my PR card. It was so embarrassing and insulting. I was screaming because I wanted other people to know what was happening. I was released after my family brought me my PR card and showed it to them.

It is a name card. I have used it for 8 years and was never charged. No one will put the license number on the name card. They just find whatever reason to give us a ticket.

The license (bylaw enforcement officers) searched my place.

You see, they give me a ticket even if I have a little scratch on the message bed. I have to spend \$250 to buy a new bed and pay \$150 fine.

My iPad was stolen a few times. I locked the door for my safety as I am the only person who works here. But the license (bylaw enforcement officers) did not listen to my explanation. They gave me a \$200 fine.

A few spas have shut down because they received too many tickets.

It is important for us to work here. We are members of society. We use our own efforts to serve clients. We contribute greatly to society. We pay licensing fees and taxes. We should be treated like other businesses.

The enforcement of bylaw has no standard. Different law enforcement officers have different standards.

The way of enforcement has changed in the last few years. They are aiming at giving out the tickets .

I have asked the bylaw enforcement officers but they could not tell me what I should do.

I have been issued more than 20 tickets last year. It has become a great burden for us.

The bylaw enforcement officers were much more reasonable before. For example, they asked us to lock the door in the evenings to protect our safety. But now, we will be issued a ticket if we do so.

I have worked for more than 10 years. It has never been as bad as it is now. They treat us as if we are offenders and as criminals. They do not treat us like a regular business.

No one needs to show their name and address on their license, neither doctor or taxi driver. We can show our license but our name and address should not be shown to the public.

A bylaw enforcement officer came by himself. He asked me to pull up my dress to show my underwear to him. I felt so insulted and embarrassing. I had no choice but to follow his instructions. He searched my place and I asked him if he had a warrant. He gave me a very bad attitude and he came back again and issued me 3 tickets.

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