

March 8, 2019

Chris Brillinger  
Executive Director  
Social Development, Finance and Administration

Fenicia Lewis Dowlin  
Policy Development Officer  
Social Development, Finance and Administration

Dear Mr. Brillinger and Ms. Dowlin:

**Re: City of Toronto's consultation on human trafficking**

The Canadian HIV/AIDS Legal Network (“Legal Network”) promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization. We are also a member of the Canadian Alliance for Sex Work Law Reform, formed in 2012 and composed of sex worker rights and allied groups and individuals in cities across Canada working together to fight for sex work law reform, sex workers’ rights and community well-being. We write this letter to urge the City of Toronto to adopt a human rights-based approach to human trafficking that considers the harms of conflating sex work with human trafficking and sexual exploitation, provides support to people at risk of exploitation rather than employs law enforcement as the method of protection, and invests in social supports and other community-based and sex worker-led services to prevent conditions that allow exploitation to occur.

A foundational problem with the City of Toronto’s current approach to human trafficking is the conflation of activities associated with holistic centres, body rub parlours and sex work with trafficking — an approach that has led to the aggressive surveillance of these workplaces and an artificially high number of human trafficking victims. As sex workers have long noted, the conflation of sex work with human trafficking and “sexual exploitation” (a term that is itself ambiguous, subjective and highly contested) captures sex work that occurs in any circumstances, sex work involving third parties in any circumstances, and sex work involving third parties who engage in unfair labour practices. Most third parties offer supportive and safety-enhancing services to sex workers and must not be presumptively defined as engaged in sexual exploitation or human trafficking. When sex work and human trafficking is conflated, municipal anti-trafficking initiatives become *de facto* anti-sex work initiatives, and sex workers and the people with whom they work as well as people in their social or familial networks are indiscriminately targeted for surveillance, intrusive questioning and investigation. Inflated statistics of human trafficking victims are then used to further surveil and police already vulnerable communities.



Since 2013, there has been a dramatic clampdown on holistic centre workers in Toronto due to the problematic conceptual and legal conflation of sex work and trafficking. This repressive approach has included increased investigations and prosecutions of holistic centres in the name of anti-trafficking. As Butterfly (Asian and Migrant Sex Workers Support Network) has reported, roughly 2,600 holistic centre practitioners were disproportionately and unfairly targeted by law enforcement in 2016 with excessive surveillance and investigations.<sup>1</sup> In particular, holistic centres staffed by Asian workers are racially profiled as sites of trafficking and even further disproportionately targeted by law enforcement. The Legal Network's own research of sex work law enforcement in Ontario has revealed how municipal bylaw enforcement officers in Toronto have subjected holistic centre practitioners — particularly those of Asian descent — to arbitrary and disproportionate surveillance, harassment, verbal abuse and retaliation for making complaints about abusive behaviour.<sup>2</sup> According to a holistic centre practitioner in Toronto (interviewed in the context of our research), there has been a significant shift in law enforcement focus over the past five years: bylaw enforcement officers claim they are concerned about human trafficking, but merely employ this as a pretext to aggressively ticket holistic centres. As she shared:

“They don't ask me if I am trafficked. When they search the spa, it's not something they're concerned about — trafficking. They just do what they want. There is racism and they treat this industry very differently: there is more discrimination, and they are very clear that the purpose of the investigation is to give tickets.”<sup>3</sup>

An anti-trafficking approach which relies on increased surveillance and raids of holistic centres, body rub parlours and sex workers' workplaces and increased harassment and abuse by municipal law enforcement and police has instilled fear and pushed workers — including those who have been or are at risk of being trafficked — into geographic and social isolation, thus aggravating their vulnerability to exploitation and abuse. Increased fines have also resulted in some holistic centres shutting down, leaving workers in a more precarious situation where they may go underground to sustain their livelihood, thus intensifying their vulnerability and exposure to exploitative working conditions. This climate of fear dissuades workers — including those who have been or are at risk of being trafficking — from reporting violence and criminal harassment to police or seeking support from other municipally-funded services. At the same time, sex workers or sex worker clients who witness practices that they suspect to be evidence of sex trafficking are less likely to bring this information to police and other municipally-funded services for fear of being wrongfully implicated in a human trafficking investigation.

In addition to the harm inflicted upon holistic centre and body rub parlour practitioners and sex workers, this approach diverts municipal resources away from actual anti-human trafficking interventions, including support to people at risk of exploitation. Rather than misguidedly targeting holistic centres, body rub parlours and sex workers' workplaces, the City of Toronto should ensure that all workers have access to social supports and are empowered to enjoy their

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<sup>1</sup> E. Lam, *Survey on Toronto Holistic Practitioners' Experiences with Bylaw Enforcement and Police*, Butterfly, May 2018, p. 13. Accessible at [https://docs.wixstatic.com/ugd/5bd754\\_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf](https://docs.wixstatic.com/ugd/5bd754_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf).

<sup>2</sup> Canadian HIV/AIDS Legal Network, *The Perils of Protection: Sex Workers' Experiences of Law Enforcement in Ontario*, 2019 (forthcoming).

<sup>3</sup> Ibid.

labour and human rights. At minimum, the City should ensure that the eligibility of workers for municipally-funded services should not be contingent on whether they identify as victims of human trafficking. Moreover, the City should provide financial support to community-based labour and workers' (including sex workers') rights organizations so that they can reach more workers across sectors, providing information and resources to these workers in their first languages, and invest in providing information and resources to employers about their responsibilities pursuant to Ontario's *Employment Standards Act* and *Occupational Health and Safety Act*. Facilitating all workers' access to municipal and community support services and labour and employment rights when they are facing problems at work is a far more effective approach to address exploitation, abuse and human trafficking.

We must not also forget that Toronto is a sanctuary city, [affirmed by City Council in 2013](#). This means that the City of Toronto committed to ensuring that all people should have access to municipal services without fear of reprisal with respect to immigration status. Therefore, neither bylaw enforcement nor the Toronto Police Service should be collaborating with the Canada Border Services Agency (CBSA), including in the context of human trafficking investigations.

### **Recommendations**

The City of Toronto has a unique opportunity to meaningfully address human trafficking by shifting from an anti-trafficking framework that relies on excessive and arbitrary law enforcement interventions that harm workers and their workplaces, to a labour and human rights approach that supports all workers in Toronto to live and work in dignity. To that end, we recommend that the City of Toronto do the following:

- Stop conflating holistic centre, body rub parlour and sex industry work with human trafficking and sexual exploitation, and stop employing a punitive law enforcement approach that includes arbitrary and disproportionate surveillance and raids of holistic centres, body rub parlours and sex workers' workplaces, which ultimately harms workers at risk of abuse and exploitation;
- Re-allocate funding from law enforcement human trafficking initiatives and redirect resources to safety and support measures developed by community organizations who work directly with workers susceptible to exploitation and ensure these services and supports are available to anyone experiencing violence or exploitation — not solely those who identify as victims of human trafficking;
- Provide information and resources to employers about their responsibilities pursuant to Ontario's *Employment Standards Act* and *Occupational Health and Safety Act*;
- Uphold the "Access Without Fear" Policy and provide supports and services to undocumented Torontonians and also ensure that municipal bylaw enforcement and the Toronto Police Service are not collaborating with the CBSA in the context of human trafficking investigations; and

- Expand the current consultation process in order to meaningfully consult with those directly affected, including holistic centre practitioners, body rubbers, workers' organizations and sex workers' rights organizations.

Sincerely,

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

Sandra Ka Hon Chu  
Director of Research and Advocacy