

May 22, 2020

Edmonton City Council
council@edmonton.ca

cc:

Jackie Foord
REACH Edmonton
jackie.foord@edmonton.ca

Jenny Kain
Director of Family and Community Supports, City of Edmonton
jenny.kain@edmonton.ca

To the Edmonton City Council:

Re: Submission to the City of Edmonton regarding the motion to consider the permanent closure of Body Rub Centres

I. Background

On September 18, 2019, Edmonton City Council carried a motion that the Administration prepare a report on the merits of a five-year exit strategy on licensing Body Rub Centres, ostensibly to explore the effects of sex work on women, “reduce demand” for Body Rub services, and address sexual exploitation.¹ Subsequently, in March 2020, Body Rub Centres were closed pursuant to a State of Local Emergency Order, in response to the COVID-19 pandemic. On April 27, 2020, Councillor Jon Dziadyk stated he would move that the Administration consult with external stakeholders and prepare a report outlining options for accelerating the permanent closure of Body Rub Centres in the next annual update, given that the Centres are currently closed. This Notice of Motion was laid over on May 11, 2020.

Who we are:

The Canadian HIV/AIDS 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 have a long history of working alongside sex workers to ensure any regulation of their workplaces upholds

¹ “Community and public services committee minutes” (18 September 2019), online: <<http://sirepub.edmonton.ca/sirepub/mtgviewer.aspx?meetid=2283&doctype=MINUTES>> [https://perma.cc/YG8R-7THA] and CBC News, “Councillors contemplate ‘exit strategy’ on licensing body rub parlours”, *CBC News* (18 September 2019), online: <<https://www.cbc.ca/news/canada/edmonton/body-rub-parlour-edmonton-harm-reduction-1.5289187>> [https://perma.cc/DZ4E-YY8H].



their health and human rights and have researched the impacts of municipal regulation of Body Rub Centres on workers' health and safety.

In developing law and policy that directly affects sex workers, it is vital to centre their perspectives. As you know, workers in Edmonton are strongly opposed to the closure of their workplaces. In addition, research from Canada and beyond underscore how the closure of sex workers' workplaces under the guise of 'protection' results in less safe working environments for workers. We make this submission to urge Edmonton City Council to reject any proposal to permanently shut down the city's Body Rub Centres.

II. Problems with a Permanent Closure: Increasing health and safety risks for workers

Numerous media interviews suggest that the campaign to shut down Edmonton's Body Rub Centres is based on the false premise that a permanent closure will result in a decreased demand for sexual services. As Susan Holtby, a member of Defend Dignity, stated, "if we shut down the demand then there won't be the supply of women going into this."² This is not supported by evidence, but rooted in a moral opposition to sex work and the belief that sex work is a form of sexual exploitation.

While touted as a way to promote gender equality and ultimately eliminate sex work, evidence regarding **legislative models to 'end the demand' for sexual services show that this approach has worsened the lives of sex workers, who are exposed to greater risk of violence under this regime.**³ Rather than reducing the number of people selling sex, sex workers are forced to work in isolation and in clandestine locations.⁴ At the same time, support activities are curtailed, undermining sex workers' access to information and safer sex supplies. Since Sweden criminalized the purchase of sex, for example, Swedish social service agencies have reported less contact with sex workers, making it much harder to provide important services to people working in the sex industry.⁵ In Canada, research has demonstrated that 'end demand' policing has not affected rates of violence against sex workers or enhanced sex workers' control over their sexual health and HIV prevention.⁶ Rather, such approaches have merely perpetuated labour conditions that render sex workers at increased risk for violence and poor health.⁷

² CBC News, "Edmonton council advised to lower fees for adult massage parlours", *CBC News* (27 November 2017), online: < <https://www.cbc.ca/news/canada/edmonton/body-rub-centre-edmonton-massage-1.4422229> > [https://perma.cc/5M6R-6HSF].

³ Global Commission on HIV and the Law, *Risks, Rights and Health*, UNDP, 2012. Accessible at <https://hivlawcommission.org/wp-content/uploads/2017/06/FinalReport-RisksRightsHealth-EN.pdf>.

⁴ See, for example, J. Levy and P. Jakobsson, "Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers," *Criminology & Criminal Justice* 1–15 (March 31, 2014); P. Östergren and S. Dodillet, "The Swedish Sex Purchase Act: Claimed success and documented effects," paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges, March 3-4, 2011, The Hague, Netherlands; and U. Bjørndah, *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*, Municipality of Oslo, 2012.

⁵ S. Chu and R. Glass, "Sex Work Law Reform in Canada: Considering Problems with the Nordic Model," *Alberta Law Review* (2013) 51:1.

⁶ A. Krüsi et al., "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among streetbased sex workers in Canada—a qualitative study," *BMJ Open* 4 (2014); Sex Workers United Against

Research in Canada has also shown that workers in indoor sex work venues such as Body Rub studios report that co-workers play an important role in collectively deterring violence, de-escalating conflict, and sharing safety information. While participants criticized prohibitive licensing requirements, **many reported that working in a licensed business enhanced overall workplace safety**. In contrast to working on the street or in unlicensed spaces such as client's homes or hotels, workers in licensed venues perceived that they were less vulnerable to robbery and more likely to be treated professionally and respectfully by clients and police.⁸ Notably, workers also noted that the uncertain legal and regulatory status of these businesses as premises for sex work could enable clients to coerce workers into providing free or unsafe services by threatening to report a parlour to the police⁹—a concern that is likely amplified if the licensing scheme for Body Rub Centres is eliminated and some workers invariably continue working in unlicensed settings.

Similarly, a permanent closure of Body Rub Centres in Edmonton would have **significant negative impacts on the health and safety of workers**. Despite claims that Body Rub Centres “condone and encourage men’s private access to women behind closed doors where violence can flourish unchecked,”¹⁰ consultations and interviews with Body Rub Centre practitioners show that they feel the current system keeps them safer.¹¹ Moreover, municipal oversight of Body Rub Centres, based on hundreds of yearly inspections, has consistently yielded a more than 95% compliance rate.¹² If Body Rub Centres are permanently shut down, thus limiting the options for indoor workplaces, practitioners may turn to working outdoors, which the Supreme Court of Canada in *Canada (Attorney General) v. Bedford* recognized as more dangerous; in the Court’s view, sex workers who work on the street “are largely the most vulnerable class of [sex workers] ... who face an alarming amount of violence.”¹³ As of April 2017, it was estimated that only 20% of sex work in Edmonton took place on the street.¹⁴

Violence, Pivot Legal Society and Gender and Sexual Health Initiative, *My Work Should Not Cost Me My Life: The Case Against Criminalizing the Purchase of Sexual Services in Canada*, 2014.

⁷ A. Krüsi et al., “They Won’t Change It Back In Their Heads That We’re Trash’: The Intersection of Sex Work Related Stigma and Evolving Policing Strategies,” *Sociology of Health & Illness* (April 26, 2016).

⁸ S. Anderson et al., “Violence prevention and municipal licensing of indoor sex work venues in the Greater Vancouver Area: narratives of migrant sex workers, managers and business owners,” *Cult Health Sex* 2015 August; 17(7): 825–841. doi:10.1080/13691058.2015.1008046. Available at

<https://open.library.ubc.ca/cIRcle/collections/facultyresearchandpublications/52383/items/1.0315336>.

⁹ *Ibid.*

¹⁰ CBC News, “Mayor Iveson called ‘pimp’ for city’s complacency in regulating body rub parlours”, *CBC News* (26 May 2015), online: < <https://www.cbc.ca/news/canada/edmonton/mayor-iveson-called-pimp-for-city-s-complacency-in-regulating-body-rub-parlours-1.3087343> > [https://perma.cc/VSX7-RYKS].

¹¹ See, for example, Alexandra Zabjek, “They do so much to keep us girls safe’: Body rub worker calls on city to maintain licensing”, *CBC News* (15 October 2019), online: < <https://www.cbc.ca/news/canada/edmonton/body-rub-edmonton-city-1.5319987> > [https://perma.cc/2JBV-WAQL].

¹² Jordan Omstead, “Councillor wants Edmonton to consider permanent closure of body rub centres”, *CBC News* (11 May 2020), online: < <https://www.cbc.ca/news/canada/edmonton/body-rub-centres-covid-19-permanently-close-1.5564036> > [https://perma.cc/2BQP-3ZGZ].

¹³ *Canada (Attorney General) v. Bedford*, 2013 SCC 72.

¹⁴ Janice Johnston, “Edmonton police finding new ways to battle sex trade”, *CBC News* (05 April 2017), online: < <https://www.cbc.ca/news/canada/edmonton/edmonton-police-finding-new-ways-to-battle-sex-trade-1.4054882> > [https://perma.cc/WHF2-T5RK].

In Edmonton, **licensed establishments also facilitate workers’ access to health and social services.** For example, Boyle Street Community Services runs a program where nurses accompany municipal bylaw officers on their monthly health and safety checks at Body Rub Centres. During these visits, nurses provide overdose prevention training, STI information, and safe supplies — services that would be less accessible should the Body Rub Centres be shut down. The closure of Body Rub Centres would deny various agencies, including law enforcement, an opportunity to foster relationships with practitioners; these relationships are essential to ensure workers are able to access important health and social services and are also willing to report violence or other abuse.

Moreover, in the midst of the COVID-19 pandemic, there should be a heightened level of concern for the health and safety of practitioners, who are already grappling with substantial loss of income due to the current shutdown. As researchers recently stressed in *The Lancet*, sex workers — a frequently marginalized and economically precarious population — are more vulnerable in the context of the pandemic.¹⁵ Rather than focusing on a permanent shutdown which would expose workers to greater risks as they struggle to secure other sources of income, Edmonton city council should ensure that financial benefits and social protection schemes are inclusive of all workers, including Body Rub practitioners.

III. Conclusion

In light of the above evidence, we urge you to unequivocally reject any proposal to permanently close Edmonton’s Body Rub Centres as this would have significant negative impacts on workers’ health, safety and economic security.

More effective means of addressing potential exploitation in these workplaces involve the provision of resources and support to sex workers and sex worker rights organizations to address human rights violations, including community initiatives run by and for people working in the sex industry that are non-directive and based in human rights, and not focused on “exiting” sex work.¹⁶ At the same time, research has shown the need to eliminate regulatory obstacles that displace workers from licensed venues, including disproportionately high fees for licenses, door lock restrictions and employee registration requirements.¹⁷

In decisions with grave consequences for the health, safety and human rights of workers, it is imperative to prioritize evidence over ideology and to include sex workers in the design of any policy or legal change that will impact their work. As Councillor Sarah Hamilton has

¹⁵ L. Platt et al., “Sex workers must not be forgotten in the COVID-19 response,” *The Lancet*, May 15, 2020 DOI:[https://doi.org/10.1016/S0140-6736\(20\)31033-3](https://doi.org/10.1016/S0140-6736(20)31033-3). Available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)31033-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31033-3/fulltext).

¹⁶ Canadian Alliance for Sex Work Law Reform, *An Analysis and response to the report of the Standing Committee on Justice and Human Rights*, February 2019. Available at <https://sexworklawreform.com/media-release-sex-worker-rights-groups-mark-canadas-human-trafficking-awareness-day-with-scathing-response-to-justice-committee-report-warns-of-harms-to-sex-workers/>.

¹⁷ See, for example, S. Anderson et al., *supra*, and A. Malla, E. Lam, E. van der Meulen, & H-Y Peng, *Beyond Tales of Trafficking: A Needs Assessment of Asian Migrant Sex Workers in Toronto*, 2019. Available at https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_a35d8e085c21475fa97e1ff759d26648.pdf.

underscored, speaking from a values perspective does not necessarily keep the people working in the industry safe, and the priority must be the safety of *all* Edmontonians.¹⁸

We would be pleased to meet with you by videoconference to discuss any of the above.

Thank you for the opportunity to make this submission.

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
Canadian HIV/AIDS Legal Network

¹⁸ *Supra*, note 12.