



Mayor John Taylor, Deputy Mayor Tom Vegh and City Councillors
395 Mulock Drive
P.O. Box 328 Station Main,
Newmarket, Ontario
L3Y 4X7

Via Email

18 June 2021

Dear Messrs. Taylor and Vegh and Councillors

RE: Personal Wellness Establishments - Proposed Amendments to By-Law 2020-31

I am writing on behalf of the Canadian Civil Liberties Association (CCLA), an independent, national, non-governmental human rights organization committed to defending the rights, dignity, and freedoms of all people in Canada.

We are writing this letter to express our concerns with proposed amendments to By-Law 2020-31 regarding the licensing of “Personal Wellness Establishments” (PWE) in Newmarket, that will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The proposed amendments include excessive requirements that are unnecessarily burdensome, discriminatory, and may cause people to lose their jobs and businesses. It is unclear why this level of surveillance, scrutiny and stringency is necessary or justified for these businesses.

To name just one example, the proposed amendments include the requirement that the applicant for a PWE business license must submit a list of all PW attendants affiliated with the businesses and include for each: proof of age, proof of eligibility to work in Canada, and government-issued photo ID.

Furthermore, the provision under section 8.6 (4) that would allow the licensing body to vet all business applications through the York Regional Police’s FOI process—and to

consider subsequent police comment in the licensing process—is additionally intimidating and discriminatory. When read in conjunction with section 8.6(3)(a), the provision would potentially permit the personal information of individuals associated with each business to be provided to police. This may make staff and ownership—particularly those who are newcomers to Canada—understandably wary of the licensing process, and justifiably concerned about what protection of their privacy, equality and other rights they may expect from police and city authorities.

And of urgent practical concern, the proposed amendments include the superfluous and discriminatory requirement that workers in PWEs be trained by accredited institutions in Canada, many of which require certain English language skills. This training requirement will likely create particular barriers for many Asian workers in massage parlours in Newmarket. Some newcomer Asian workers may not have the requisite English-language skills for Canadian institutions. And some may be low-income workers, lacking the financial means to attend college. It is difficult to understand the purpose of such a requirement, and it will likely negatively impact individuals' ability to work and may lead to the closing of businesses.

And while the bylaw does allow for an extremely narrow exception to this requirement, the exception is only available for alternative modalities where no accreditation is available from a Canadian institution, and includes excessive requirements (*e.g.* collecting extensive documentation) that are intimidating, onerous, and discriminatory.

The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled; nonetheless those who trained abroad or by informal or on-the-job training will not meet the criteria for the exception.

The Asian community has already been heavily hit by the COVID-19 pandemic and is facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent individuals from Asian and other communities from earning an income.

In addition, to the extent that these amendments have been discussed in the context of addressing sex work and trafficking, CCLA is also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Sex work is not unlawful in Canada. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

The proposed amendments will disproportionately impact Asian residents, workers and businesses. CCLA calls on you to adopt an anti-racist lens to this by-law, and to remove unnecessary requirements, in particular, the requirement concerning accredited credentials as a condition of work. People must be able to earn a living, and businesses to operate and serve the community.

Considering the discriminatory nature of the proposed amendments, and the impact of this discourse on Asian residents of the Town, CCLA also urges you to take serious measures to eliminate discrimination and promote equality in Newmarket.

Sincerely,

A handwritten signature in black ink, appearing to read 'NMA', written in a cursive style.

Noa Mendelsohn Aviv
Equality Director

Cc:
Butterfly