



STAFF REPORT ACTION REQUIRED

Review of Adult Entertainment Parlour Regulations - Amendments to Toronto Municipal Code Chapter 545

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| Date: | October 12, 2012 |
| To: | Licensing and Standards Committee |
| From: | Executive Director, Municipal Licensing and Standards |
| Wards: | All |
| Reference Number: | |

SUMMARY

The purpose of this report is to recommend amendments to the Adult Entertainment Parlour (“AEP”) regulations under the Toronto Municipal Code, Chapter 545, Licensing, Article XXXII. The recommendations proposed herein aim to respond to the issues raised by the industry, and to clarify enforcement interests through the updating of the bylaw provisions, while ensuring a continued balance of the needs and rights of the entertainers, the general public, and the industry as a whole.

Staff propose to achieve this balance by amending the bylaw, where appropriate, to include, changes to the current; "no-touch" and "unobstructed -view" provisions, bylaw terminology, construction standards for private performance areas, and provisions to address working conditions of the entertainers. This report recommends new provisions, such as new definitions, licensing of security personnel, and health and safety posters. Lastly, this report includes recommendations to maintain current provisions, where appropriate, such as those regarding licensing of entertainers and other regulatory aspects.

All Adult Entertainment Parlour owners and operators, the Adult Entertainment Association of Canada, and all licensed burlesque entertainers, were invited to participate in the consultations. Staff also consulted with a number of City divisions including Toronto Public Health, the Toronto Police Service, ML&S Licensing Services, Toronto Corporate Information Management Services, and external regulatory and enforcement entities, such as: Canada Border Services, Citizenship and Immigration Canada, Human Resources and Skills Development Canada, the Alcohol and Gaming Commission of

Ontario, the Mississauga Compliance and Licensing Unit, Peel Regional Police, Niagara Regional Police, and the Ottawa Police Service.

The City of Toronto Medical Officer of Health and City Solicitor were consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. City Council adopt the proposed amendments to the Toronto Municipal Code, Chapter 545, Licensing, Article XXXII, as set out in the Appendix A.
2. The recommended amendments come into force on February 1, 2013.

Public notice has been given in a manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

Financial Impact

This report will have no financial impact beyond what has already been approved in the current year's budget.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

Equity Impact Statement

All industry stakeholders and members of the public were invited to participate in the review process. The consultation meetings were open to, and surveys were distributed to all licensed burlesque entertainers. In addition, the content of the entertainers' survey was made available in all languages spoken by the entertainers, and a letter to this effect was drafted in several key languages, which was mailed to all licensed entertainers.

DECISION HISTORY

At the March 30, 2011 meeting, the Licensing and Standards Committee requested that the Executive Director, ML&S consider the amendments proposed by the Adult Entertainment Association of Canada ("AEAC") as part of its review of the adult entertainment regulations.

Committee Decision item LS2.3:

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=4453>

At the March 29, 2012 meeting, the Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards provide a report on the

Staff report for action on Review of Adult Entertainment Parlour Regulations

review of the Adult Entertainment Parlour regulations, and that such report include a comparison of best practices in a number of Ontario cities, options for an inspection protocol, outline measures that could improve the working conditions of entertainers, and discuss the issue of licensing versus registration.

Committee Decision item LS12.6:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS12.6>

At the May 24, 2012 meeting, the Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards include as part of the industry review the term "attendant" versus the term "adult entertainer"; that consultation with the Adult Entertainment Association of Canada form part of the review; that the final report review be provided to the Licensing and Standards Committee for consideration no later than October 19, 2012 ; and that the title of this issue be changed to "Review of Adult Entertainment Parlour Regulations" when it comes back to Committee.

Committee Decision itemLS13.5

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS13.5>

ISSUE BACKGROUND

Adult Entertainment Parlours and burlesque entertainers are required to be licensed under Toronto Municipal Code Chapter 545, Licensing, Article XXXII. (herein after referred to as "the Bylaw"). The provisions set out in the Bylaw are enacted in for the protection of the health, safety and well being of the entertainers, the club owners, the patrons, and the general public, and in consideration of consumer protection as well as the economic, social and environmental well being of the City of Toronto.

The City of Toronto Act defines an Adult Entertainment Parlour within the definition of "an adult entertainment establishment", as a place where "goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises."

Similarly, the City of Toronto Municipal Code, Chapter 545 defines an AEP as "any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations". The Chapter defines that "services" include: "activities, facilities, performances, exhibitions, viewing and encounters", and it defines, "services designed to appeal to erotic or sexual appetites or inclinations" as:

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
- (b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement."

Over time a number of specific concerns have been raised, primarily by one of the stakeholders, the Adult Entertainment Association of Canada, regarding several key provisions of the bylaw, namely:

1. No-touch provisions: Concern that the strict interpretation of these provisions may lead to incorrect interpretations and an inadvertent breach of the bylaw if an entertainer were inadvertently touched by a patron or if the contact were of a “benign” nature (e.g. a hand shake).
2. Unobstructed-view provisions: Concern that it is not practical to require that performances only be conducted in the plain and unobstructed view of the main stage. The construction of some clubs includes more than one floor and private areas that are not within the site lines of the main stage.
3. Entertainer licensing provisions: Claims that the current licensing system has an adverse impact on the entertainers by creating permanent public records of their occupation, which may lead to discrimination and harassment by the authorities and other members of the public.

COMMENTS

As of September 7, 2012, there were 17 valid Adult Entertainment Parlours licensed in the City of Toronto, and 1,467 valid burlesque entertainer's licences. (See Appendix B for the statistical history of AEP and burlesque entertainer's licences)

The recommendations in this report, containing proposed amendments to Chapter 545, Licensing, Article XXXII have been developed to ensure the interests of the public and the City are protected, while creating a balance between the rights and needs of the AEP owners, the entertainers, and the general public. Further, the recommendations include key provisions which seek to address concerns with respect to the working conditions of the entertainers, as well as seeking to eliminate and/or reduce the health and safety risks, to those participants and consumers with an interest in the industry. Furthermore, staff anticipate that these amendments will assist with enforcement of the bylaw.

Municipal Purpose for Licensing Adult Entertainment Parlours

The City of Toronto's authority to pass bylaws originates from the City of Toronto Act. The City may pass bylaws for many purposes including health, safety and well-being of persons; economic, social and environmental well-being of the City; and protection of persons and property, including consumer protection; and business licensing.

The Adult Entertainment Parlour bylaw aims to protect the health and safety and well-being of persons, to protect persons and property, and to protect the economic, social and environmental well-being of the City. It is in the public interest to maintain a regulatory framework where the objective is to create conditions to protect the entertainers from harm and to prevent circumstances which can lead to crime; which holds the owners and Staff report for action on Review of Adult Entertainment Parlour Regulations

operators of the clubs accountable for the manner in which their business is operated; which sets out sanitary and operational standards for the clubs; and which includes provisions which address consumer protection.

Background/History of Adult Entertainment Parlour Regulation in Toronto

The evolution of exotic dancing led to the form of exotic dancing performed in Adult Entertainment Parlours today. The purpose of the form of entertainment at AEPs had traditionally been linked to the concept of sexual fantasy, not physical contact. In 1994, Mr. Justice Hachborn of the Ontario Court (Provincial Division) issued his pivotal decision in the case of *R. vs. Mara*, ruling that lap dancing was not an indecent act under the Criminal Code of Canada and that it fell within the contemporary acceptable community standards of tolerance. In 1996, the Ontario Court of Appeal overturned this decision, and in 1997, the Supreme Court of Canada confirmed the Court of Appeals decision that lap dancing was, in fact, indecent conduct as defined pursuant to the Criminal Code.

Following the ruling by Mr. Justice Hachborn where he found that lap dancing was not an indecent act, and despite the subsequent overturn of this ruling by the Supreme Court of Canada, this form of service became more prevalent in Ontario clubs. Many clubs created private rooms, booths, and lounges where a greater privacy could be offered to a patron and the entertainer and commenced to charge a separate fee to enter these areas. Lap dancing has increased the vulnerability of the entertainers during their performances at the AEPs by obscuring the boundaries between dancing and sexual contact.

On July 10, 1995, the City of Toronto Acting Medical Officer of Health issued a report outlining the health and safety risks related to lap dancing and working in the VIP lounges or the newly constructed private booths (built after Justice Hachborn's initial decision on lap dancing). While the risk of disease transmission was considered to be very low, it was stated that the frequently isolated private booths did have an impact on the health and safety of entertainers. The Acting Medical Officer of Health identified that entertainers were left vulnerable to sexual assault, violence, and threats in the isolated and private booths which were being constructed in these establishments. Concerned with these risks, the former Metropolitan Toronto Council passed two amendments to the bylaw regulating AEPs for the purpose of harm prevention and reduction/elimination of such risks. The provisions added to the AEP bylaw were the “no-touch provisions” (passed in 1995) that prohibited physical contact between the dancers and the patrons, and the “unobstructed view provisions” (passed in 1996) which mandated that performances take place within the plain and unobstructed view of the main stage. Currently, lap dancing is maintained as one of the services offered in many, if not all, AEPs in Toronto.

The validity of the above new bylaw provisions was challenged by the Ontario Adult Entertainment Bar Association. The bylaw was subsequently upheld by the courts in 1995 and 1997. In the 1997 decision, the Ontario Court of Appeal agreed with the Divisional Court ruling that “[...] in light of the health, safety, and crime prevention concerns posed by lap dancing, the impugned by-law was not overly broad in its Staff report for action on Review of Adult Entertainment Parlour Regulations

application” and further stated that “By legislative implication, the only touching that is restricted by the impugned by-law is touching that is provided during the performance of “services”, namely exotic dancing. The carrying on of an adult entertainment business *per se* is not restricted in a general way, nor is benign touching limited in such parlours.”

With respect to the health and safety risks, the judge ruled that “There is evidence, although somewhat impressionistic, that lap dancing gives rise to health and safety concerns. The impugned bylaw addresses such concerns” and that” [...] there is no requirement for Metropolitan Council to have clear and cogent evidence before it passes a bylaw. What is necessary is that the municipality acted reasonably within its legislative competence for valid municipal purposes.” The judge also commented on the complexities of regulating and enforcing conduct in adult entertainment parlour: “It would be impossible to create a by-law that functions with surgical precision. The impugned by-law finds balance between touching that may give rise to health, safety, and crime concerns as opposed to innocuous touching within the context of an adult entertainment parlour.”

Similar court challenges to municipal by-laws prohibiting lap dancing by industry stakeholders in other Canadian jurisdictions (e.g. Ottawa) have been equally unsuccessful.

In 1999 the Supreme Court of Canada, in the case of *R. vs. Pelletier*, determined that under the Criminal Code of Canada it was not an indecent act for a nude dancer to allow patrons to touch her breasts or buttocks, provided that such behaviour occurred in private settings. However, it is important to note that this decision and others relating to acts of indecency which are prohibited by the Criminal Code of Canada are not of assistance in reviewing the basis of the legality of municipal by-laws whose purpose relates to health, safety and well-being, and the protection of persons and property. Municipal bylaws can address the elimination of circumstances, which can lead to crime and but not morality and standards of community tolerance which are concerns that are properly addressed by the federal government through the enactment of criminal law.

This review focuses, but is not limited to, the no-touch provisions; the unobstructed view provisions; the entertainer licensing provisions; and measures to improve the working conditions of entertainers.

Summary of Consultations

In 2012, two consultation meetings were held and one survey mailed to all owners/operators of the 17 licensed AEP's and the Adult Entertainment Association of Canada. The meetings were attended primarily by several members of the AEAC. There was a zero return response rate to the survey that was mailed to all AEP licence holders.

Three consultation sessions were held with the burlesque entertainers. While the attendance was relatively low, valuable feedback was offered by the participants. In addition, all licensed entertainers were mailed a survey. Participation in the survey was higher than the participation in the consultation sessions.

The general public was also invited to participate in an on-line survey regarding current AEP regulations and working conditions of the entertainers.
(See Appendix D for all the consultation and survey respondent data).

Consultations were held with TPH staff from the Sexual Health Promotion Unit and the Communicable Diseases Control Unit. TPH advises that the risk of transmitting a Sexually Transmitted Disease (STI) or HIV through skin-to skin contact is extremely low, and there are no reported cases or tangible evidence related to the occupation of an exotic dancer/burlesque entertainer. Potential contamination of various surfaces in the club (i.e. - surface of the stage, chairs, dancing pole) with infectious agents may pose health risks to the entertainers and the patrons. Furthermore, genital fluids that may be found on clothing during a lap dance may theoretically pose a risk of disease transmittal if such fluids make contact with the skin.

Consultations with Canada Border Service, Citizenship and Immigration Canada, and the Human Resources and Skills Development Canada included a discussion on their access to licensing information and the Foreign Workers Program (see Human trafficking/sexual exploitation section below and Append E for details on the program). The City and these agencies both confirmed that they do not have direct access to the City of Toronto licensing database.

Consultations were held with members of the Toronto Police Service (TPS). The TPS is not supportive of permitting physical contact between the entertainers and patrons, if the officers were required to form their own interpretation of what type of contact is sexual or non-sexual. Although the current bylaw is not ambiguous; the police would support more specific language to define what contact is prohibited. Generally, officers already look for touching of certain body parts (i.e. genitals, breasts, etc.) when collecting evidence to substantiate the charge under the AEP bylaw. With respect to the unobstructed-view-provisions, Toronto Police point to the opaque material from which they are constructed, which can lead to difficulties in seeing the performance in certain private booths/rooms. Using the main-stage as a reference point to determine compliance with the intent of the bylaw proved to be often impractical and problematic from the evidentiary standpoint.

(See Appendix E for further details on these consultations).

Staff also consulted with an outside subject matter expert, Dr. Eleanor Maticka-Tyndale, a Canada Research Chair in Social Justice and Sexual Health from the University of Windsor. Her expertise and opinion applicable to this review is linked to her work on the subjects of health and safety of exotic dancers and local policies that govern exotic dancing.

(See Appendix C for full details of this research and source information).

Municipal Comparators

Staff conducted research in jurisdictions pertinent to the review, e.g. London, Windsor, Ottawa, Hamilton and Mississauga (please see Table 1 below for summary of key provisions in these jurisdictions)

Staff report for action on Review of Adult Entertainment Parlour Regulations

Research into the regulations governing the AEP business revealed that many Canadian jurisdictions favour no-touch provisions, unrestricted and viewable areas for provision of services, and licensing of the entertainers.

(See Appendix F for a summary of research on key AEP provisions in all jurisdictions that were reviewed).

TABLE 1

| City/Town | No-touch provisions | Unobstructed view provisions | Licensing vs. registry of entertainers | Comments |
|------------------|---|---|---|--|
| London | Yes – physical contact prohibited | Yes – within the entire area where services are provided | No licensing No registry | |
| Mississauga | Yes – certain physical contact is prohibited: touching, sitting, or resting on or making any physical contact with the breasts, buttocks, genital or pubic areas is not permitted | Yes – within the view from the main stage and from a patron seating area | Registry | See below for detailed discussion |
| Ottawa | Yes - physical contact is prohibited (Notice must be posted to advise that physical contact is prohibited) | Not specifically – services must be provided within a designated entertainment area | Registry | Feedback from Ottawa Police: Registries are not maintained properly or at all by some clubs Under-age dancers working in the clubs – a recent Human Trafficking case involved an under-age girl forced into stripping Enforcement efforts have been negligible – self-regulation is more pronounced |
| Windsor | Yes - physical contact is prohibited | Yes – within the view of patrons or <u>attendants</u> (not dancers) | Licensing (dancers) | Notice must be posted that touching of a dancer may constitute an assault |
| Hamilton | Yes - physical contact is prohibited | Yes – within the view of from the main stage | Licensing | Notice must be posted to advise that physical contact is prohibited |

City of Mississauga

The Adult Entertainment Association of Canada has frequently cited the Mississauga bylaw as a model to consider when re-drafting the Toronto AEP regulations. As such, staff has conducted a more in-depth review into the applicable bylaw provisions in this particular jurisdiction.

The City of Mississauga has a separate bylaw regulating all Adult Entertainment Establishments (“AEE”), including Adult Entertainment Business (equivalent to AEP), Adult Videotape Store, Adult Book Store, and Body-Rub Businesses. Under this bylaw, the entertainer is prohibited to “touch, sit, rest on, or make any physical contact with the breast, buttocks, genital or pubic areas of any other person”. Services must be rendered within a clear and unrestricted view from the main stage and from a patron seating area. Peel Regional Police Service (PRPS) identifies poor lighting conditions in the clubs as an impediment that often prevents the officers from clearly seeing the actual contact between the entertainer and the patron.

The Mississauga bylaw does not require an entertainer to be licensed, but rather that a registry is maintained by each club owner. Mississauga Compliance and Licensing Enforcement staff report that the registry has been, overall, effective from an administrative stand-point. The system relies on a high degree of co-operation from the club owners, and both the PRPS and Mississauga by law enforcement staff report such co-operation. However, accuracy of the data has been problematic on occasions, and screening for under-age entertainers is not always effective. To complement the registration system, the PRPS keeps their own registry based on the information gathered during inspections and the information they receive from club owners. The PRPS prefers city-supervised on-line registration system coupled with a formal licensing regime.

Note: The Mississauga bylaw also contains a definition of "Specified Sexual Activities", which includes acts such as masturbation, ejaculation, sodomy, oral sexual intercourse, actual and simulated sexual intercourse. However, this definition is used in the bylaw within the context of regulating the content of business advertising concerning Adult Videotape Stores and Adult Book Stores, and is not applied to the provisions of an Adult Entertainment Parlour.

Considerations given to the Review

Working conditions of the entertainers/health and safety risks

Both the physical layout of the clubs (i.e. secluded private rooms/booths), physical proximity of the dancers to their customers, consumption of alcohol, as well as the policies of management towards dancers and customers can contribute to the likelihood of assault or harassment of the entertainers. Dancers report that stressful work conditions related to patrons' expectations of physical contact have an adverse effect on their mental health and may contribute to depression, use of drugs and overuse of alcohol, and sleeping problems. Entertainers are frequently reluctant to contact the authorities to report an assault or any other misconduct committed by patrons or management/employees of the club. Amendments to the no-touch and unobstructed-view provisions, as well as to the construction standards of private rooms, booths and cubicles are focussed on

Staff report for action on Review of Adult Entertainment Parlour Regulations

addressing these health and safety risks (see Proposed Key Amendments section below for details).

The vast majority of the entertainers in Ontario work as independent contractors, as such, they do not have the protections that are available to many other workers through employment legislation. Entertainers report that sexual services (“extras”) are offered at some clubs, and the close physical contact between patrons and dancers may also expose both groups to infectious agents found on clothing or furnishing contaminated with body fluids. In general, poor lighting, insecure stages, poles and floors in poor repair, poor sanitary conditions of change/dressing rooms, washrooms, performance props, and the general lack of cleanliness of the premises are the main source of complaints. To address the physical and sanitary conditions of the premises and equipment, staff are proposing changes to the bylaw (see below under Proposed Key Amendments section),

Toronto Public Health staff have recommended that education efforts on the subject of the risks to health and safety and the subject of the entertainers’ rights be considered. Staff suggest implementing that the posting of a health notice be mandatory under the AEP regulation. ML&S staff also recommends that information on the rights, obligations and other matters relevant to the industry be made available to the entertainers as a part of the licensing process.

Human trafficking/sexual exploitation

According to the RCMP 2010 report on human trafficking, as of November 15th, 2009, there were 24 cases of human trafficking before the Canadian courts. The majority of the cases (20) originated in Ontario, with 15 originating in the Peel Region. Other Ontario jurisdictions included the Niagara Region, York Region, and Hamilton. In most of these cases in Ontario, it was reported that the victims were coerced into engaging in prostitution in the strip clubs, some into escort services, or both. Several victims were under age at the time of the offence. Most of the victims were recruited from the Peel Region, but some of the victims were also transported from Nova Scotia, Manitoba, Quebec, and other Ontario locations.

The intra-provincial (domestic) trafficking of Canadian women into exotic dance clubs is on the rise. In such cases, traffickers transport their victims from one province to another to work in different clubs. Research conducted by the RCMP also confirms that many traffickers supply the under-age girls with fake identification, so that they can gain employment in strip clubs. Victims of domestic trafficking have been sexually exploited in the following industries: massage parlours, escort services, and more predominantly in exotic dance clubs. (See Appendix C for detailed summary of research)

The extent of trafficking of foreign nationals in exotic dance clubs is largely unknown due to difficulties in accessing the victims. To take steps to address the concern of human trafficking of foreign girls and women, in July 2012, the federal government introduced new rules to the Foreign Workers Program relating to the hiring of foreign exotic dancers. Under these rules, Canadian employers are not allowed to hire temporary foreign workers in sex trade-related jobs, including exotic dancing. In addition, effective July 14, 2012, the federal government will no longer process work permit applications from

foreign worker seeking employment in sex-trade related business, including the exotic dancing industry. (See Citizenship and Immigration Canada section in the Appendix E for a more detailed discussion on the program and Appendix H for statistical information on City of Toronto licensed burlesque entertainers with work permits).

It has been reported that in response to these changes in the federal work permit program for exotic dancers, the Adult Entertainment Association of Canada has outlined a strategy for the recruiting of new exotic dancers from high schools, colleges, and universities (see Text 2 in the Appendix G for a copy of the draft of the AEAC recruitment flyer). The strategy targets students, offering to provide them with an employment opportunity to pay their tuition fees. This strategy may result in a higher number of teenage girls undertaking the exotic dancing occupation.

Note: The Executive Director of Social Development, Finance and Administration has been tasked with consulting with various stakeholders on issues relating to human trafficking, and will report to the Executive Committee in late winter/early spring on this issue. Stakeholders include: community based organizations; the City's agencies, boards, and commissions; and several City divisions, including Municipal Licensing and Standards.

Summary of Key Amendments

The entire bylaw governing AEPs has been reviewed, and suggested amendments are attached hereto as Appendix A. There have been additional amendments proposed, which would include the addition of necessary definitions, and modifications to industry terminology, such as removal of "burlesque" from entertainer, and change to "club" versus "parlour. Herein is a more detailed description of some of the key provisional amendments.

Changes to the "no-touch provisions"

The current provision states that "No physical contact is permitted between the entertainer and another person's body..." The historical context of this provision has been provided previously in this report.

Staff is recommending that this provision be amended such that it identifies specified body parts that constitute the non-permitted contact, similarly to the definition in other jurisdictional by-laws.

Provision proposed:

When providing services at an adult entertainment club, an entertainer is not permitted to touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of a patron or any other person.

As an additional measure to protect the entertainers from unwanted contact and to discourage patrons from initiating the prohibited contact, the bylaw would also prohibit the patron from touching an entertainer in those specified body areas.

Staff report for action on Review of Adult Entertainment Parlour Regulations

The original intent of the no-touch provisions is maintained. The bylaw specifies which areas of a body are prohibited from touching and clarifies the provision for the purpose of interpretation and enforcement. The main objective of the limitations on the type of contact that can take place is to address the safety risks, such as potential for sexual/physical assault and demands for sex acts, and to assist in preventing the conditions leading to crime, such as prostitution-related offences.

The amended provision seeks to protect entertainers from non-consensual contact imposed upon them by patrons while ensuring that innocuous contact, such as a hand shake, is not prohibited. Holding a patron accountable for breaching the regulations will help to address the issue of non-consensual touching and safety concerns during the provision of services when the entertainers feel intimidated and reluctant to file a complaint.

Changes to the "unobstructed-view" provisions

The current provision states that services are permitted only within the plain and unobstructed view of the main stage.

Staff are recommending that this provision be amended, to ensure the conditions are relevant, enforceable and reflective of the current state of the industry. It will include the addition of a definition for a designated entertainment area, and other related amendments.

Provision proposed:

Services would be permitted in a designated entertainment area and not permitted in any portion of the premises that is fully obstructed from the view of patrons, entertainers or security personnel.

The intent of the bylaw is to provide for a safe environment for the entertainers who perform services in close proximity of patrons. The reference to the main stage in the current bylaw is not practical, as the construction of many clubs does not always permit a view of performances in all club areas from the main stage. This reference also creates confusion as to the interpretation when determining compliance. The proposed amendment will address the safety concerns of the entertainers and provide clarity.

Changes to private room, booth, cubicle or other enclosure provisions

As a result of the amendment proposed above, a modification to the current provision regarding room, booth and cubicle construction is required.

The current provision states that rooms or cubicles where services are or may be, provided cannot be equipped or constructed with a locking device or with any other device or structure which could delay or hinder access.

Staff are recommending that in addition to the existing provision, that the following conditions of construction are added:

All private rooms, private booths or cubicles, must have one side that is either open, constructed of non-opaque material, or, if constructed of opaque material, at a height not to exceed 4 feet. The interior must be viewable and accessible to anyone located on the immediate exterior of such room or enclosure in all lighting conditions. All private rooms, booths, cubicles and enclosures must be equipped with an alert system or other signalling device for use of the entertainer.

Research and consultation has indicated that the private rooms, booth, and cubicles are areas where the entertainers feel most vulnerable with respect to their safety. Implementing standards concerning the construction, e.g. height specification/open side, will ensure unobstructed and unhindered access, as well as visibility of the area where the services are being performed.

Licensing of Entertainers

An applicant for a burlesque entertainer licence is required to submit his or her application in person at the licensing office. The applicant is required to provide two pieces of government-issued identification, a criminal record check, and provide their home address. The information is entered into the licensing database. This database will also frequently contain the applicant's telephone number and, at times, email address. Only ML&S staff and the system administrators have access to the licensing database. The licensing system does not inform or feed any other database or permit access to external agencies or departments. Requests for information submitted by any external agency must follow the City's Access to personal Information Policy.

Through City licensing, as opposed to a club maintained registration, the management and control of the personal information of entertainers is subject to specific legislation and procedures with respect to the retention and release. These legislative and procedural safeguards would not exist for the entertainers if the information were in the control of the club owners. The licensing regime and related policies, allow for the secure control and retention of the personal information of each licence holder.

Police sources have indicated that human traffickers will move the victims, primarily the women, who have difficulties with obtaining a licence in the jurisdictions where a licensing regime exists, to jurisdictions where there is no such regime, i.e. Peel Region or London. Accordingly, the lack of a licensing requirement for the entertainers may facilitate human trafficking and certainly the recruitment of under-age women and men. The Toronto Police Service is not supporting the elimination of licensing of entertainers primarily due to their concerns regarding under-age entertainers, and trafficked or illegal workers.

Accordingly, staff does not recommend the elimination of the current City of Toronto requirement that the entertainers be licensed. The licensing regime ensures the proper screening of documentation and provides a protection specifically related to the risk of young men and women who may be under age, or other vulnerable persons being coerced into the business and the risks associated to human trafficking.

The importance of the privacy of the entertainer's information to the entertainers is well understood by staff. During the consultations many dancers indicated that they would prefer that other individuals within the industry not even be aware of their proper first and last name, let alone their other personal information such as addresses. To address the concerns indicated in respect to the entertainers privacy, and the potential impact of the disclosure of the entertainers records, staff believe a review of the current policies related to the release of information be undertaken, and determine any action that could be taken to further protect these records. Accordingly, staff will be recommending that licensee information concerning burlesque entertainers be excluded from the City's routine disclosure plan.

(See Appendix E for details concerning consultations with the Corporate Information Management Services).

Development of an Inspection Protocol and Training Plan

The club owners, the AEAC, as well as the entertainers indicated concerns relative to the manner in which inspections have been undertaken. Staff have commenced and will be completing a review of the protocols and the current training manual pertaining to inspections of these establishments taking into consideration the concerns and suggestions of the stakeholders. The inspection protocol will be updated to balance the needs of the industry with appropriate enforcement objectives and efforts, including the appropriate approach to inspections, inspection methodology and the inspection impact on operations. A new training plan has been developed to reflect the issues that were raised during the review and consultations and will be further updated to incorporate any amendments to the current AEP regulations as adopted by City Council.

Additional Key Amendments

Provision of licensed security personnel

The current bylaw does not prescribe that security personnel be present, though all AEP owner/operators indicate that they employ persons for this purpose.

Staff will be recommending that all security personnel employed in the Adult Entertainment Club be required to comply with the *Private Security and Investigative Services Act (PSISA)* in the Province of Ontario, and be licensed accordingly.

The PSISA, defines a security guard as “a person who performs work, for remuneration, that consists primarily of guarding or patrolling for the purpose of protecting persons or property”. The individuals who perform such work must possess a license issued under the provisions of the Act. The definition includes bouncers - the type of security personnel often found in the AEP establishments. The individuals who are employed to ensure security at the AEP's, are in charge of ensuring security and safety of the entertainers, club owners, and the general public, as well as their property. Research, as well as the information received during the consultation process with the entertainers, indicates that introducing a screening process and ensuring training of the potential security personnel in the clubs, including “bouncers”, would be of significant assistance.

Furthermore, this new provision will ensure compliance with regulatory requirements which have been set by the Province.

Provision of change/dressing/locker rooms for the entertainers

There is currently no requirement for owners/operators to provide a changing room for the entertainers. Staff are recommending that a provision be adopted to require the owner to designate an enclosed area, outside of the designated entertainment area, for this purpose. Further, that this area would be required to have adequate lighting and ventilation, and that all fixtures, surfaces, and equipment therein be regularly washed and kept in a sanitary condition. It must also provide for a secure location (i.e. a locker) to store personal belongings of each entertainer.

While many, if not most, clubs already make change rooms available, these provisions will ensure that they are for the exclusive use of the entertainers and will also assist with the rooms' cleanliness and general maintenance. It is important that the entertainers have a secure place to store their personal belongings when they are working, as the nature of their work frequently does not allow for keeping valuables on their person.

Use of cameras or other photographic or recording devices

The current provision indicates that the use of cameras or other photographic or recording devices are not permitted by persons other than a peace officer, Medical Officer of Health or a public health inspector, or a By-law enforcement officer.

Note: AEPs that hold a licence under the *Liquor Licence Act of Ontario* are currently exempt from this provision. (See point 7 below for further discussion)

Staff are recommending amendment to the provision to permit the installation of cameras to be used for security purposes, but cameras will not be permitted to be installed in the designated entertainment area, washrooms, and change rooms. In the areas where cameras are installed, signs must be posted in the areas under surveillance so notifying patrons and entertainers.

The cameras will offer improved monitoring of premises for security purposes, where warranted. The installation of such cameras will be optional. This amendment provides the permission to install cameras, which does not currently exist. Some entertainers indicate concern of the camera footage potentially capturing the undressed entertainers on the footage.

Removal of the exemption from certain provisions for adult entertainment parlours licensed under the *Liquor Licence Act (LLA)*

Currently the bylaw provides an exemption from a number of by-law provisions for the AEPs that hold a liquor licence, under the assumption that the inspections of these provisions are covered under the LLA regulations. The exemption concerns a number of sanitary conditions to be maintained in the clubs, but also allows for exemption from other important provisions, such as: obstruction or locking of individual rooms or cubicles, presence of patrons who appear under the influence of drugs on the premises,

using the premises as sleeping quarters, unsanitary conditions in the club, hindered access to the premises for bylaw inspectors, and installation of cameras.

Staff are recommending that this exemption be removed, such that all licensed premises be subject to the full regulation contained within the bylaw, as upon confirmation with the AGCO and reviewing the LLA, these provisions are not addressed.

The exemption infers that these premises are released from certain aspects of Chapter 545 and that these matters are addressed in the Liquor Licence Act. The exemption allows the clubs to be essentially "unregulated", as the LLA did not have provisions relating to these issues and the City regulations did not apply because of the exemption.

Health and information notices to be posted

There are currently no provisions mandating the posting of notices of this type. Staff are recommending that a provision be adopted to require notices be posted in designated areas, as appropriate/relevant, in the format approved by the Municipal Licensing and Standards, including the following:

- notification that touching of an entertainer in the specified body areas is a violation under the Toronto Municipal Code and may constitute an assault under the Criminal Code of Canada
- health information related to sexually transmitted infections, with applicable contact phone numbers
- telephone numbers of Municipal Licensing and Standards Complaints and Information lines, non-emergency telephone number of Toronto Police Service, and the number of the Ontario Ministry of Labour Health and Safety Centre

The objective of the notices is to raise awareness of the rights of the entertainers, to enhance their safety and to provide for contact information for agencies relevant to the industry. A number of entertainers who participated in the survey and/or consultations voiced concerns that such information is not posted or readily available. As a result, the patrons are not aware or are not being reminded of the law, and the entertainers do not know what numbers to call to seek information on relative legislation, their rights and obligations or should they wish to file a complaint.

The complete list of proposed amendments to the regulation is attached to this report as Appendix A.

CONCLUSION

The changes proposed seek to strike a balance that addresses the needs and rights of the entertainers, the general public, and the Adult Entertainment Parlour industry as a whole. The main objectives of the review were to respond to the concerns raised by the industry stakeholders and to update the bylaw to ensure that the health and safety and well-being

Staff report for action on Review of Adult Entertainment Parlour Regulations

of persons, the economic, social and environmental well-being of the City and the protection of persons and property are maintained. Staff expect that the proposed amendments to the AEP bylaw will result in meeting these objectives by effectively regulating the industry operations and improving the working conditions on the premises.

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ATTACHMENTS

Appendix A – Proposal to Amend Municipal Code, Chapter 545, Article XXXII

Appendix B – Licensing statistics

Appendix C – Summary of general research

Appendix D – Summary of the consultations – industry and general public

Appendix E - Summary of consultations and specific research – other internal and external sources

Appendix F - Other jurisdictions – key provisions

Appendix G - Notices concerning the entertainers' survey and high school recruitment
flyer created by the AEAC

Appendix H – City of Toronto Burlesque Entertainer's Licences and work permits –
statistical information

Appendix I - The Sex Trade and Advocacy Research (STAR) group brochure
“*Dancing Matters*”

APPENDIX A

PROPOSAL TO AMEND MUNICIPAL CODE, CHAPTER 545, ARTICLE XXXII

| SECTION | CURRENT | PROPOSED |
|---------------------------------|--|---|
| 545-1 Definitions | <p>ADULT ENTERTAINMENT PARLOUR:</p> <p>A. Any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations.</p> | <p>ADULT ENTERTAINMENT CLUB:</p> <p>A. Any premises or part thereof in which services are provided that appeal to or designed to appeal to erotic or sexual appetites or inclinations.</p> <p>Note: all references to a “parlour” in the bylaw to be replaced with a “club”.</p> |
| 545-362. Definitions | <p>ATTENDANT — A person licensed or required to be licensed under § 545-2A(56) of this chapter</p> | <p>DELETE</p> <p>Note: All references to an “attendant” in the bylaw to be replaced with an “entertainer”.</p> |
| 545-362. Definitions | NONE | <p>ADD NEW:</p> <p>DESIGNATED ENTERTAINMENT AREA –means an area within the club, approved by the Municipal Licensing and Standards, in which services may be provided which are designed to appeal to erotic or sexual appetites or inclinations, and such area shall offer unobstructed public access to entrances, and any disc jockey area, bar area, and any other areas open to the public and shall include all private booths, rooms, cubicles, or any other area and enclosure where such services are provided</p> |
| 545-362. Definition | <p>BURLESQUE ENTERTAINER — An attendant whose services are provided at an adult entertainment parlour licensed under the <i>Liquor Licence Act</i>.</p> | <p>ENTERTAINER – Any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment club.</p> <p>Note: All references to a “burlesque entertainer” in the bylaw to be replaced with an “entertainer”.</p> |

| SECTION | CURRENT | PROPOSED |
|---|--|--|
| 545-362. Definitions | OPERATOR — A person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour. | OPERATOR — A person who operates, manages, supervises, runs or controls an adult entertainment club. |
| 545-362. Definitions | NONE | <p>As used in this article, the following terms shall have the meanings indicated:</p> <p>SECURITY PERSONNEL — Persons whose primary responsibility or duty while engaged or hired by an adult entertainment club is to guard, patrol, and/or provide security to the premises, entertainers, patrons, and other employees for the purpose of ensuring orderly conduct and protecting persons and/or property.</p> |
| 545-362. Definitions | NONE | <p>PRIVATE ROOM, BOOTH OR CUBICLE – any area, fully or partially enclosed within the Designated Entertainment Area, where adult entertainment services are provided to a patron or a group of patrons outside of the general view of other patrons.</p> |
| § 545-363. Burlesque entertainers to comply with provisions applicable to attendants | For the purposes of this chapter, a licence applied for by or issued to a burlesque entertainer shall be referred to as a “burlesque entertainer licence,” but such persons shall comply with all provisions of this chapter applicable to attendants, except where otherwise specifically provided. | DELETE |
| § 545-364. Application requirements | Application requirements | Application and Licensing requirements |
| § 545-364. Application Licensing requirements | C. Every applicant for an attendant's licence, and every individual person applying for an owner's licence or operator's licence, shall submit with his or her application two passport-size photographs of his or her face, one of which photographs shall be attached to the licence, and the other shall be filed with the Municipal Licensing and Standards Division; and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division. | C. On an application for an owner's, operator's, or entertainer's licence, or the renewal thereof, the applicant shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct to be furnished. |

| SECTION | CURRENT | PROPOSED |
|---|---|---|
| § 545-364. Application Licensing requirements | NONE | <p>ADD NEW:</p> <p>G. Every owner of and every applicant for an owner's licence shall submit for approval by the Executive Director of Municipal Licensing and Standards or his or her designate an up-to-date, detailed floor plan, drawn to scale, of the adult entertainment club and the details on such floor plan shall include but are not limited to the following:</p> <p>(i) the designated entertainment area; and</p> <p>(ii) the location of seating areas, offices, cloak rooms, enclosures, curtains, any disc jockey area, kitchen facilities, bar area, dressing rooms, washrooms, storage areas and exits</p> |
| § 545-370. Licensing requirements of owners and operators. | D. Where an owner does not personally operate his or her adult entertainment parlour, every person operating such adult entertainment parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he or she obtain a licence as owner of such adult entertainment parlour. | D. Every person who operates, manages, supervises, runs or controls an adult entertainment club shall obtain a licence to do so, but nothing herein relieves an owner of such adult entertainment club from the requirement that he or she obtain a licence as an owner of such adult entertainment club. |
| § 545-371. Regulations concerning owners and operators. | D. No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour and the operator, if any, is duly licensed as owner or operator respectively under this chapter. | DELETE |
| § 545-371. Regulations concerning owners, and operators. | | D. (or TBD) No owner or operator shall permit any entertainer to provide services in any area that has not been approved as a designated entertainment area by the Executive Director of Municipal Licensing and Standards or his or her designate |
| § 545-371. Regulations concerning owners, and operators. | | Every owner must install dispensers with alcohol hand sanitizers in conspicuous locations in the change/locker rooms and any designated entertainment area, and such dispensers must be in good working order and accessible to entertainers, staff, and patrons at all times. |

| SECTION | CURRENT | PROPOSED |
|--|--|--|
| § 545-376. | Obstruction or locking of individual rooms or cubicles prohibited. | Private rooms, booths or cubicles requirements; obstruction or locking prohibited |
| § 545-376. Private rooms, booths or cubicles requirements; obstruction or locking prohibited | <p>A. No owner or operator shall permit the door to any room or cubicle where services are or may be provided to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle.</p> <p>B. No one may in an adult entertainment parlour provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.</p> | <p>A. All private rooms, private booths or cubicles, must have one side that is either open; or constructed of non-opaque material, such as glass or plexiglass; or, if constructed of opaque material, at a height not to exceed 4 feet, shall not be obstructed by any curtain, means of access equipped or constructed with a locking device of any kind, or other view-obstructing devices or materials; and such room or enclosure must permit an unobstructed view of the interior to anyone in its immediate vicinity in all lighting conditions.</p> <p>B. All private rooms, booths, cubicles and enclosures referred to in subsection 546-376 A must be equipped with an alert system or signalling device, and such system or device must be in good working order and must be monitored by security personnel, an owner, or an operator, all times</p> <p>C. No one may in an adult entertainment club provide any service or permit any services to be provided in a private room, private cubicle or booth that does not comply with the requirements under subsections 545-376 A and B.</p> |
| § 545-377. Bookkeeping requirements; itemized bill; receipt. | <p>C. Itemized bill to be provided.</p> <p>(1) Upon the entry of the customer into an adult entertainment parlour or immediately before any services are provided in an adult entertainment parlour, the attendant or person who is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.</p> | DELETE |

| SECTION | CURRENT | PROPOSED |
|--|--|---|
| | <p>(2) Where no charge or fee is paid or required to be paid for the provision of services in an adult entertainment parlour other than an admission fee or other charge or payment in respect of entry to such adult entertainment parlour, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with Subsection C(1) of this subsection.</p> <p>D. Upon payment of the bill referred to in Subsection C, the customer shall be given a written receipt for the full amount paid.</p> <p>E. Every owner operating his or her own adult entertainment parlour and every operator of an adult entertainment parlour shall ensure that the bill and receipt required by Subsections C and D are provided to every customer of the adult entertainment parlour operated by him or her and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Municipal Licensing and Standards Division shall at all times have access to such copies.</p> | |
| § 545-378. Regulations for operation of adult entertainment parlours. | <p>Every owner who operates his or her own adult entertainment parlour and every operator of an adult entertainment parlour shall, in the operation of the adult entertainment parlour, comply with, and ensure compliance with, the following regulations:</p> <p>B. The premises and all fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.</p> | <p>Every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall, , comply with, and ensure compliance with, the following regulations:</p> <p>B. The premises and all fixtures and equipment, including but not limited to dancing poles and stages, therein shall be kept in good repair and shall be regularly washed and kept in a sanitary condition.</p> |

| SECTION | CURRENT | PROPOSED |
|--|--|---|
| § 545-380. Safekeeping of valuables belonging to customers. | <p>§ 545-380. Safekeeping of valuables belonging to customers.</p> <p>A. Every owner and every operator of an adult entertainment parlour at which is provided services which involve or may involve the undressing of or changing of clothes by the customer shall provide a service by which any customer may deposit his or her valuables or other property for safekeeping, and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.</p> <p>B. Every owner referred to in Subsection A and every operator shall post and maintain in a conspicuous place in every room and cubicle in the adult entertainment parlour operated by him or her a notice drawing attention to the safekeeping service provided in accordance with Subsection A.</p> <p>C. Every owner or operator shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand. Every attendant, immediately upon the termination of services referred to in Subsection A, shall carefully search the adult entertainment parlour for any property lost or left therein, and all property or money left in the adult entertainment parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his or her possession regarding the same.</p> | DELETE |
| § 545-390. Use of cameras or other photographic or recording devices. | <p>No owner, operator or attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction or a by-law enforcement officer.</p> | <p>A. No owner or operator or entertainer shall use or permit to be used any camera or other photographic or recording device in, or at an adult entertainment club by any person other than a peace officer, Medical Officer of Health or a public health inspector or a by-law enforcement officer.</p> |

| SECTION | CURRENT | PROPOSED |
|--|---|--|
| | | <p>ADD NEW:</p> <p>B. Subsection (B) shall not apply to cameras used for security purposes in areas other than a designated entertainment area, washrooms, and change rooms.</p> <p>C. When using camera equipment for security purposes every owner or operator shall ensure that signs are posted in the area under surveillance notifying patrons and entertainers.</p> <p>D. Nothing in Subsection (A) shall preclude an entertainer from using a camera or other photographic or recording device, outside of operating hours of an adult entertainment club, for the purpose of recording his or her own performance or practice.</p> |
| § 545-393. Exemption from certain provisions for adult entertainment parlours licensed under the <i>Liquor Licence Act</i>. | A. Sections 545-375, 545-376, 545-377, 545-378, 545-380, 545-382, 545-386, 545-387, 545-388, and 545-390 of this article do not apply to adult entertainment parlours licensed under the <i>Liquor Licence Act</i> . | DELETE |
| § 545-393. Exemption from certain provisions for adult entertainment parlours licensed under the <i>Liquor Licence Act</i>. | B. Every owner or operator applying for a licence in respect of an adult entertainment parlour included in the class of such parlours defined in the definition of "burlesque entertainer" in § 545-362 of this article shall file with or produce to the Municipal Licensing and Standards Division a copy of any licence or permit issued under the <i>Liquor Licence Act</i> in respect of such premises, and shall, after such licence has been issued to him or her, advise the Municipal Licensing and Standards Division in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms | <p>MOVE TO Application and Licensing requirements:</p> <p>Every owner or operator applying for a licence in respect of an adult entertainment club shall file with or produce to the Municipal Licensing and Standards Division a copy of any licence or permit issued under the <i>Liquor Licence Act</i> in respect of such premises, and shall, after such licence has been issued to him or her, advise the Municipal Licensing and Standards Division in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.</p> |

| SECTION | CURRENT | PROPOSED |
|--|---|---|
| § 545-395. Owners and operators not to permit attendants to have physical contact with other persons. | No owner or operator shall, in respect of any adult entertainment parlour owned or operated by him or her, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body. | <p>§ 545-395. Owners and operators not to permit entertainers to have physical contact with specified body areas of other persons.</p> <p>No owner or operator in respect of any adult entertainment club owned, operated, supervised or managed by him or her shall</p> <p>(i) permit any entertainer to touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of a patron or any other person when providing services at the adult entertainment club</p> <p>(ii) permit any employee or patron to touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of any entertainer or any other person.</p> |
| § 545-396. Attendants not to have physical contact with other persons. | No attendant shall, while providing services as an attendant, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body. | <p>§ 545-396. Entertainers not to have physical contact with specified body areas of other persons.</p> <p>No entertainer shall touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of a patron or any other person when providing services at the adult entertainment club.</p> |
| § TBD Patrons not to have physical contact with other persons. | NONE | No patron of an adult entertainment club shall touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of any entertainer or any other person |

| SECTION | CURRENT | PROPOSED |
|---|---------|--|
| ADD NEW § TBD Notices to be posted | NONE | <p>ADD NEW:</p> <p>A. An owner or operator shall post in a conspicuous location in the entertainers' dressing or locker or change room, at all public entrances or exits, in the washrooms, and in the designated entertainment area, including all private rooms cubicles, booths, and other enclosures where services are provided, notices, in the format approved by the Municipal Licensing and Standards, that includes the following statements:</p> <p>(i) physical contact with the entertainers' breasts, buttocks, genital, pubic, anal and perineal areas, as well as other unwanted physical contact is prohibited under the Municipal Code Chapter and may also constitute an assault or sexual assault under the Criminal Code of Canada; and</p> <p>(ii) Health Notice: "Certain sexually transmitted infections such as Herpes and the Human Papilloma Virus (HPV) can be passed on through genital and skin-to-skin contact. For more information on this or any other sexual health concern, please call the AIDS and Sexual Health InfoLine at 416-338-2437 For other Health or social services information , you may call 211 to be linked to an appropriate service" or the Workers Action Centre 416 531-0778.</p> <p>B. An owner or operator shall post, in a conspicuous location , in the entertainers' dressing or locker or change room and at all public entrances or exits a notice, in the format approved by the Municipal Licensing and Standards including telephone numbers of Municipal Licensing and Standards Complaints and Information line 416 392 3082 and 1-877-868-2947, non-emergency telephone number of Toronto Police Service 416-808-2222, and telephone number of the Ontario Ministry of Labour Health and Safety Centre 1-877-202-0008</p> |

| SECTION | CURRENT | PROPOSED |
|---|---|---|
| § 545-397. Attendants to perform only within plain view of main stage. | <p>A. No attendant shall provide or perform any services as an attendant in an adult entertainment parlour except while within the plain and unobstructed view of the main stage of any floor on which such services are being provided</p> <p>B. Every owner or operator shall ensure that no attendant provides or performs any services as an attendant in an adult entertainment parlour except in accordance with Subsection A of this section provided.</p> | <p>§ 545-397. Entertainers to perform only within the designated entertainment area</p> <p>A. No owner or operator shall permit services to be provided in any area of the premises other than a designated entertainment area shown on the approved floor plan filed with Municipal Licensing and Standards</p> <p>B. No owner shall change or cause a change to be made to the designated entertainment area without first submitting a revised floor plan containing the information described in 545-364 (G) and obtaining the approval of the Executive Director of Municipal Licensing and Standards or his or her designate</p> <p>C. No owner or operator shall permit any portion of the premises, where services are provided or received to be fully obstructed from the view of any patrons, entertainers or security personnel.</p> |
| § 545-398. Owner to designate main stage area. | For the purposes of § 545-397 of this article, where a floor or floors of an adult entertainment parlour is equipped with more than one stage, the owner or operator of such adult entertainment parlour shall, by filing a notice with the Municipal Licensing and Standards Division in the approved form, designate one of the stages as the main stage of such floor or floors. | DELETE |
| ADD NEW: § TBD Provision of security personnel | NONE | ADD NEW: <p>A. Every owner of an adult entertainment club shall ensure that all security personnel are licensed under the <i>Private Security and Investigative Services Act</i> in the Province of Ontario.</p> <p>B. Every owner of an adult entertainment club shall ensure that all security personnel wear identification or clothing by which they can readily be identified as security personnel.</p> |

| SECTION | CURRENT | PROPOSED |
|--|---------|--|
| ADD NEW: § TBD Provision of change/dressing/ locker room | NONE | ADD NEW: Every owner must designate an enclosed area, outside of the designated entertainment area, as a change or dressing or locker room for exclusive use of entertainers, and such area shall have adequate light and ventilation and have all fixtures, surfaces, and equipment therein regularly washed and kept in a sanitary condition; and shall provide for a secure place for each entertainer, such as a locker, to store each entertainer's personal belongings. |
| § TBD Transitional provisions | | Every owner of an adult entertainment club licensed on the date when the amendments to this bylaw come into effect must comply with the new provisions with respect to construction of private booths/rooms/cubicles, provision of security personnel, and the installation of an alert system or signalling device no later than one (1) year from the date when the amendments come into effect. |

APPENDIX B

STATISTICAL INFORMATION – ADULT ENTERTAINMENT PARLOUR AND BURLESQUE ENTERTAINERS’ LICENSES

The following Table 1 denotes the statistical history of AEP and burlesque entertainer’s licences since 1997:

Table 2

| AS OF DECEMBER 31 | # OF AEP LICENCES | # OF BURLESQUE ENTERTAINER’S LICENCES |
|-------------------|-------------------|---|
| 1997 | 38 | 2,320 |
| 1998 | 44 | 2,455 |
| 1999 | 41 | 2,346 |
| 2000 | 36 | 2,208 |
| 2001 | 29 | 2,161 |
| 2002 | 29 | 2,115 |
| 2003 | 28 | 2,172 |
| 2004 | 29 | 2,136 |
| 2005 | 29 | 2,858 |
| 2006 | 25 | 1,943 |
| 2007 | 24 | 1,565 |
| 2008 | 22 | 1,411 |
| 2009 | 18 | 1,408 |
| 2010 | 19 | 1,472 |
| 2011 | 17 | 1,402 |
| 2012* | 17 | 1,467 |

* As at September 7, 2012

APPENDIX C

SUMMARY OF GENERAL RESEARCH

Staff conducted research on the issues relevant to the exotic dancing within the Canadian context, which includes but is not limited to Toronto and Ontario. The following denotes a sample of publications that, among other sources, were accessed and reviewed in preparation of this report:

- *Exotic Dancing in Ontario: Health and Safety* (Sex Trade Advocacy and Research group in collaboration with the Toronto Public Health, the Region of Peel Health Department)
- *Towards Healthy Work Environment for Exotic Dancers in Canada* (National Network on Environments and Women's Health)
- *Erotic/Exotic Dancing: Hiv-Related Risk Factors* (Dr. Jacqueline Lewis & Dr. Eleanor Maticka-Tyndale - National Health Research and Development Program Health Canada)
- *Human Trafficking in Canada* (Royal Canadian Mounted Police)
- *Learning to strip: The socialization experiences of exotic dancers* (Dr. Jacqueline Lewis, Department of Sociology and Anthropology, University of Windsor)
- *Exploited Employees or Exploited Entrepreneurial Agents? A Look at Erotic Dancers* (Suzanne Bouclin, Women's Studies and Criminology, University of Ottawa)
- *Social and Cultural Vulnerability to Sexually Transmitted Infection: The Work of Exotic Dancers* (Dr. Eleanor Maticka-Tyndale, Dr. Jacqueline Lewis, Jocalyn P. Clark, Jennifer Zubick, and Shelley Young; University of Windsor)
- *Bumping and Grinding On the Line: Making Nudity Pay* (Becki L. Ross, published in Labour)
- Human Trafficking – webpage of Public Safety Canada
- Combating Human Trafficking – webpage of Department of Justice Canada *Dancing Across Borders: Exotic Dancers, Trafficking, and Canadian Immigration Policy* (Audrey Macklin, Centre for Migration Studies, New York)
- *Freedom of Expression and Adult Entertainment* (Martha Paden, Centre for Constitutional Studies, University of Alberta)

The evolution of exotic/lap dancing. The origins of exotic dancing stem from burlesque entertainment which developed in Europe and North America in the twentieth century. The evolution of this form of entertainment led to the form of exotic dancing performed in Adult Entertainment Parlours today. The purpose of this form of entertainment at AEPs had traditionally been linked to the concept of sexual fantasy, not physical contact. Gradually, a service of stage and table performance evolved to another form of dance – the lap dance. Following the ruling by Mr. Justice Hachborn, which found that lap dancing was not an indecent act, this form of service became more prevalent in Ontario clubs. Many clubs created private rooms, booths, and lounges where greater privacy could be offered to a patron and the entertainer and commenced to charge a separate fee to enter these areas. The patrons' expectation of services included close contact with the

entertainer, including touching of various body parts. Currently, lap dancing is one of the services offered in many, if not all, AEPs in Toronto.

With the introduction of lap dancing, the lines between fantasy and reality have been blurred. Lap dancing has increased the vulnerability of entertainers during their performances at the AEPs by obscuring the boundaries between dancing and sexual contact. Although many dancers are generally supportive of regulating lap dancing, current regulations have not improved the conditions in which physical contact/lap dancing occurs. Many studies suggest that there is a need for a change to the regulations of clubs and their patrons.

Working conditions of the entertainers/health and safety risks. Both the physical layout of the clubs (i.e. secluded private rooms/booths), physical proximity of the dancers to their customers, consumption of alcohol, as well as the policies of management towards the entertainers and customers can contribute to an increased likelihood of assault or harassment of the entertainers. Sexual harassment frequently takes the form of degrading comments, gestures, propositions, and attempts at touching. Lap dancing increases the probability that dancers may be sexually coerced or assaulted. Although in theory, patrons are prohibited from touching the entertainers by the current bylaw the demand for services that include touching leads to pressures on dancers to “consent” to physical contact. Dancers report that stressful work conditions related to patrons’ expectations of physical contact have an adverse effect on their mental health and may contribute to depression, use of drugs and overuse of alcohol, and sleeping problems.

The most commonly reported sexual contact in the clubs is masturbation and oral sex. As well, intercourse occurs in more secluded, private areas, such as VIP rooms. The dancers are frequently reluctant to contact the authorities to report an assault or any other misconduct committed by patrons or management/employees of the club. Alcohol consumption impairs judgement and may contribute to sexual harassment and assault on the part of customers and/or the willingness on the part of dancers to agree to provide services (“extras”) beyond what is permitted by law. Not surprisingly, the clubs that permit touching attract more business than those that comply with no-touch regulations. The entertainers, driven frequently by the economic necessity and pressures from management, may engage in prohibited conduct which includes touching and/or providing “extras” in order to maximize their profits.

The vast majority of the exotic entertainers in Ontario work as independent contractors. As such, they have no protections that are available to many other workers through labour legislation. Meanwhile, poor lighting, insecure stages, poles and floors in poor repair, poor sanitary conditions, and the general lack of cleanliness in many clubs are the main source of complaints. Furthermore, as independent contractors, the entertainers earn their income nearly exclusively from personal dances (in Toronto, a personal dance generally costs \$20); although some are paid on a shift basis. To work at a particular club, the entertainers pay a variety of fees to club owners, disc jockeys, and bouncers and they are subject to rules set by owners, such as entertainers’ physical appearance, weight, and dress; time “on the floor;” contact with clients; and number of stage shows they must

perform during a shift. The fee amount varies from club to club, and it also frequently fluctuates over a period of days, weeks, or months in order to off-set the cost of business.

In their work, the entertainers are exposed to a variety of bodily fluids, such as saliva, vaginal secretions, and semen which may be found on furnishings, equipment, clothing, and on body surfaces. Lap dancing created an environment for potential direct skin-to-skin, genital-to-genital, or oral-to-genital contact. Many entertainers report that sexual services (“extras”) are offered at some clubs. The close physical contact between patrons and dancers may also expose both groups to infectious agents found on clothing or furnishing contaminated with body fluids. Furthermore, since change/dressing rooms, washrooms, performance props, etc. are shared among dancers, they may contribute to the potential risk for transmission of infectious agents.

Outside of work, the entertainers may experience stigmatization and harassment from neighbours, community members, other employers, landlords, etc. if their occupation becomes known. Entertainers reported being propositioned, assaulted, and harassed, and being denied access to housing and other work opportunities. Moreover, many individuals stereotype dancers as being sexually available. This perception contributes to harassment, stigmatization and assault of dancers within and outside of a club. This contributes to the entertainers’ feeling of vulnerability and the need and wish to keep their occupation undisclosed to others. As a result, it is difficult to evaluate the problems related to the industry through the use of records and statistical information, as the entertainers very rarely disclose any information about their work and rarely come forward to file complaints against the management of the clubs or patrons.

Human trafficking/sexual exploitation. According to the RCMP 2010 report on human trafficking, past police investigations revealed that clubs in the areas of Montreal, Niagara, and Toronto offered sexual services, but public complaints pertaining to human trafficking reported in the last few years were mostly unfounded. The investigators were generally unable to corroborate claims of trafficking women for the purpose of sex work in the strip clubs. It is important to note that this often comes as a result of a reluctance of the victims to come forward. Studies indicate that many victims of international human trafficking are lured by the promise of good, legitimate employment but end up being coerced into sex work. However, according to the RCMP 2010 report on human trafficking, investigators were unable to confirm the extent of trafficking of foreign nationals in exotic dance clubs. Recent changes to the federal work permit program for exotic dancers may further assist in addressing the problem of human trafficking in sex-related industries. (see Citizenship and Immigration Canada section in the Appendix E for a more detailed discussion on the program and Appendix J for statistical information on City of Toronto licensed burlesque entertainers with work permits).

Conversely, intra-provincial (domestic) trafficking of Canadian women into exotic dance clubs is on the rise. Police investigations indicate that Canadian citizens who performed in exotic dance clubs and have been moved inter-provincially are being sexually exploited at an increasing rate. In such cases, traffickers transport their victims from one province to another to work in different clubs. Many victims are forced to provide their services through threats, intimidation and violence. Research conducted by the RCMP

Staff report for action on Review of Adult Entertainment Parlour Regulations

also confirms that many traffickers supply the under-age girls with fake identification, so that they can gain employment in the strip clubs. Victims of domestic trafficking have been sexually exploited in the following industries: massage parlours, escort services, and more predominantly in exotic dance clubs.

As of November 15th, 2009, there were 24 cases of human trafficking before the Canadian courts. The majority of the cases (20) originated in Ontario, with 15 originating in the Peel Region. Other Ontario jurisdictions included the Niagara Region, the York Region, and Hamilton. In most of the cases in Ontario, the victims were coerced to engage in prostitution in exotic dance clubs, and some into escort services, or both. Several victims were under age at the time of the offence. Most of the victims were recruited from the Peel Region, but some of the victims were also transported from Nova Scotia, Manitoba, Quebec, and other Ontario locations.

Niagara Regional Police Service (NRPS) staff noted that in their experience integration into the AEP industry is a commonly used “grooming” technique by human traffickers in order to de-sensitize victims towards taking their clothes off in front of people before steering them into the illicit sex trade. It is also a direct means of exploiting victims by taking their proceeds. Another common trend is for some exotic dancers, who are already deeply involved in human trafficking and complicit with their trafficker, to actively recruit other exotic dancers for their trafficker. To combat human trafficking, prevent under age women from being forced to work in the AEPs, and to ensure public safety, the licensing of entertainers in the Niagara Region is administered and enforced by the NRPS.

APPENDIX D

SUMMARY OF CONSULTATIONS – CITY OF TORONTO AEP INDUSTRY AND THE GENERAL PUBLIC

Staff invited all Adult Entertainment Parlour owners and operators, the Adult Entertainment Association of Canada, and all licensed burlesque entertainers to participate in the consultations.

Adult entertainment business owners/AEAC. The position of the AEP owners has been primarily represented by the stated representative and registered lobbyist of the industry, the Adult Entertainment Association of Canada, and its legal counsel (Comments under Issue Background in the report, indicates the position of the AEAC on the key bylaw provisions).

During the first consultation meeting in June 2012, a number of points, in addition to the information and suggestions already on record, were raised by the AEAC and the representatives of its working group:

- Patrons drive the demand for services that include touching
- The word “Parlour” is outdated, - it should be changed to Club”, Establishment”, or a similar term to better reflect the type of venue
- The word “burlesque” is outdated - it should be changed
- Inspections by bylaw officers should take place in a discreet manner
- Pamphlets with information concerning the rules and obligations (e.g. no sexual activity permitted, etc) of the entertainers in the clubs should be distributed to all entertainers, perhaps during the application process
- 75% of the patrons who attend the clubs do so to view a show, rather than to have a private dance
- Private booths and rooms should be in plain view/visible from the outside, but should not have to be within the view from the main stage
- There is no problem with the manner VIP (private) rooms are operating now
- Club management staff address sanitary conditions and problems with unruly customers

During the second consultation meeting held in September 2012, staff provided the AEAC, its legal counsel, and the club owners with an opportunity to offer feedback on Staff report for action on Review of Adult Entertainment Parlour Regulations

the options that staff were considering regarding the amendments to the AEP bylaw. There was limited to no opposition to many of the options; however, some concerns were raised (see section *Concerns Raised by the Industry Regarding Proposed Options to Amend the Bylaw* below for details).

Burlesque entertainers. The first consultation with the entertainers took place on June 1, 2011, and 20 participants attended the session. At this consultation, the AEAC presented staff with a petition signed by over 300 entertainers in support of its three recommendations. Subsequently, staff received several telephone calls from individuals who identified themselves as burlesque entertainers and who claimed that in many instances the petition was not signed voluntarily.

The consultation process was commenced in mid-2011, but did not culminate into any final recommendations or report. The matter was brought forward to Licensing and Standards for resolution in 2012, and additional, specific review points were directed to staff.

In 2012, three consultation sessions were held with this group of stakeholders. While the attendance was relatively low, ample valuable feedback was offered by the participants. In addition, all licensed entertainers were mailed a survey. Participation in the survey was higher than the participation in the consultation sessions. The survey was also made available in languages other than English. However, despite a notice to that effect being sent to all entertainers, no requests were made for a translated survey.

Staff have concerns with respect to the authorship and the validity of many of these surveys; therefore, the survey results are being reported both including and excluding these surveys (See below for a summary of the survey results).

These concerns result from approximately 111 surveys out of 150 having been received that appear to have been completed in the same handwriting, have nearly the same or similar answers to most questions, all arrived in envelopes bearing an address label in the same format, and nearly all of them declare support for the recommendations submitted by Myron W. Shulgan, a solicitor representing the AEAC.

These concerns are further supported as staff received unsolicited information that a notice (See Text 1 in the Appendix H) had been posted in some AEP locations requesting that the entertainers bring the surveys to the attention of the management so that “the management can help to fill it out properly”. Staff have concerns with what may be interference by the clubs’ management in the survey process which would therefore affect the reliability of the responses to these surveys.

During the consultation meetings held in June 2012, in the surveys, and in the additional correspondence received by staff, the entertainers raised the following key points:

- The safety risks most frequently identified were: unwanted touching by customers; insufficient protection from management; physical contact with

customers; and inadequate/insufficient security to protect the entertainers from unruly customers

- The number one concern most frequently identified was unwanted touching by customers
- The entertainers were generally not particularly concerned with potential health risks, such as transmittal of diseases
- A concern of poor sanitary conditions in the clubs was frequently mentioned during the consultation sessions and in a number of surveys and other communication
- A considerable majority of the entertainers support lap dancing/non-sexual contact with the patrons. Concerns were raised, however, regarding touching of entertainers' "private areas", particularly the genital area
- A considerable majority of the entertainers support private rooms/private booths providing that there are sufficient and adequate safety measures in place, i.e. security personnel (bouncers), effective patrols, support/protection from management, existence of signs informing patrons of the laws and rules, etc.
- Many entertainers reported having been touched in a sexual manner against their consent or sexually assaulted in other ways during the performance
- Patrons are not being held accountable under the bylaw for unwanted touching – entertainers are fined for patrons' behaviour
- Services should be delivered in an open, viewable area - no dark, secluded rooms
- Clubs in Mississauga have many problems because the rules are lenient
- A majority of the entertainers support registration maintained by the club owners. Those who do so feel the licensing fee is too expensive, and they also generally echo the concerns raised by the ACEC. Those who do not support it mainly cite concerns of placing excessive control over the entertainers in the hands of the club owners, concerns about the protection of their personal information, and concerns over permitting prostitutes and individuals with criminal records into the clubs, which, in turn, affects the work conditions of all entertainers.
- "Bouncers" should be licensed to ensure that they are not connected to organized crime and that they have no criminal records related to prostitution
- Some clubs are better than others with implementing adequate security and safety measures for the entertainers, but the general perception was that improvements in most clubs are necessary

- Many entertainers expressed concerns with sexual services (“extras”) offered at the clubs. Customers obtain sexual gratification (oral sex being the most common) for money.
- The entertainers pay fees, frequently very high, to be able to work in the club. These fees do not form part of any official record and should be regulated.
- Education of entertainers, owners, and the public about the risks, rights, and obligations is crucial

During the second consultation meeting held in September 2012, the entertainers reiterated many of the points brought forward in the June meetings and in the survey. They also offered, generally positive, feedback on the options that were being considered regarding the amendments to the AEP bylaw).

Summary of the survey results – entertainers

| Licence Status | Number of responses | |
|--|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| in Toronto | 56 (37.8%) | 33 (84.6%) |
| in another municipality | 0 (0%) | 0 (0%) |
| Not licensed | 1 (0.7%) | 1 (2.6%) |
| used to be a burlesque entertainer | 3 (2%) | 3 (7.7%) |
| in Toronto and in another municipality | 88 (59.5%) | 2 (5.1%) |
| TOTAL RESPONSES | 148 | 39 |

| Health and Safety Risk Priority no.1 | Number of responses | |
|--|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 10 (27.8%) | 10 (27.8%) |
| Physical contact with customer | 3 (8.3%) | 3 (8.3%) |
| Afraid of catching HIV/STD | 6 (16.7%) | 6 (16.7%) |
| Afraid of sexual assault | 2 (5.6%) | 2 (5.6%) |
| Private booths/rooms | 0 (0%) | 0 (0%) |
| Not enough protection from management | 9 (25%) | 9 (25%) |
| Not enough security to protect from unruly customers | 6 (16.7%) | 6 (16.7%) |
| TOTAL RESPONSES | 36 | 36 |

| Health and Safety Risks Priority no. 2 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 6 (21.4%) | 6 (21.4%) |
| Physical contact with customer | 7 (25%) | 7 (25%) |
| Afraid of catching HIV/STD | 2 (7.1%) | 2 (7.1%) |
| Afraid of sexual assault | 5 (17.9%) | 5 (17.9%) |
| Private booths/rooms | 0 (0%) | 0 (0%) |
| Not enough protection from management | 6 (21.4%) | 6 (21.4%) |
| Not enough security to protect from unruly customers | 2 (7.1%) | 2 (7.1%) |
| TOTAL RESPONSES | 28 | 28 |

| Health and Safety Risks Priority no. 3 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 6 (23.1%) | 6 (23.1%) |
| Physical contact with customer | 4 (15.4%) | 4 (15.4%) |
| Afraid of catching HIV/STD | 4 (15.4%) | 4 (15.4%) |
| Afraid of sexual assault | 4 (15.4%) | 4 (15.4%) |
| Private booths/rooms | 1 (3.8%) | 1 (3.8%) |
| Not enough protection from management | 2 (7.7%) | 2 (7.7%) |
| Not enough security to protect from unruly customers | 5 (19.2%) | 5 (19.2%) |
| TOTAL RESPONSES | 26 | 26 |

| Health and Safety Risks Priority no.4 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 4 (16%) | 4 (16%) |
| Physical contact with customer | 5 (20%) | 5 (20%) |
| Afraid of catching HIV/STD | 2 (8%) | 2 (8%) |
| Afraid of sexual assault | 10 (40%) | 10 (40%) |
| Private booths/rooms | 2 (8%) | 2 (8%) |
| Not enough protection from management | 1 (4%) | 1 (4%) |
| Not enough security to protect from unruly customers | 1 (4%) | 1 (4%) |
| TOTAL RESPONSES | 25 | 25 |

| Health and Safety Risks Priority no. 5 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 2 (11.1%) | 2 (11.1%) |
| Physical contact with customer | 4 (22.2%) | 4 (22.2%) |
| Afraid of catching HIV/STD | 4 (16.7%) | 4 (16.7%) |
| Afraid of sexual assault | 3 (16.7%) | 3 (16.7%) |
| Private booths/rooms | 1 (5.6%) | 1 (5.6%) |
| Not enough protection from management | 2 (11.1%) | 2 (11.1%) |
| Not enough security to protect from unruly customers | 2 (11.1%) | 2 (11.1%) |
| TOTAL RESPONSES | 18 | 18 |

| Health and Safety Risks Priority no. 6 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 3 (13%) | 3 (13%) |
| Physical contact with customer | 0 (0%) | 0 (0%) |
| Afraid of catching HIV/STD | 3 (13%) | 3 (13%) |
| Afraid of sexual assault | 3 (13%) | 3 (13%) |
| Private booths/rooms | 1 (4.3%) | 1 (4.3%) |
| Not enough protection from management | 6 (26.1%) | 6 (26.1%) |
| Not enough security to protect from unruly customers | 7 (30.4%) | 7 (30.4%) |
| TOTAL RESPONSES | 23 | 23 |

| Health and Safety Risks Priority no. 7 | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Unwanted touching by customer | 0 (0%) | 0 (0%) |
| Physical contact with customer | 4 (23.5%) | 4 (23.5%) |
| Afraid of catching HIV/STD | 3 (17.6%) | 3 (17.6%) |
| Afraid of sexual assault | 1 (5.9%) | 1 (5.9%) |
| Private booths/rooms | 1 (5.9%) | 1 (5.9%) |
| Not enough protection from management | 2 (11.8%) | 2 (11.8%) |
| Not enough security to protect from unruly customers | 6 (35.3%) | 6 (35.3%) |
| TOTAL RESPONSES | 17 | 17 |

COMMENTS/OTHER RISKS IDENTIFIED (comments/elements of comments that may identify the entertainer are not included):

- “They will charges us more if they hire more security”
- “Need anti-bacterial dispensers on the walls near booths”
- “Booths actually make me feel more comfortable (less people are staring at me)”
- “Touching of private parts
- “Clubs not doing security check when customers come into the club”
- “The clubs are not clean - the stage, change rooms, bathrooms, etc”
- “Not enough protection from management depends on the club”
- “I don't have sexual contact with customers, I am not concerned about HIV/STD”
- “I do not have sexual contact with customers, I am not concerned about HIV/STD. I am concerned about other dancers providing sex [...]”
- “I don't want to be touched at all”
- “Sexual harassment from management”
- “Unsafe flooring”
- “Untrained , inadequate or ill-suited management”
- “Complete lack of client screening”
- “Hookers”
- “Rub & tugs”
- “Clean environment, change rooms”
- “Unwanted solicitation for sexual acts, prostitution, manual or oral massage”
- “The dirtier the clubs are, the more violent types of customers it attracts. Customers assure that sex acts are a normal standard service. Dancers are required or expected to offer dances which provide sexual acts as services within strip clubs are increasingly prevalent. There are no rules to protect the public or the dancer's health”
- “If clubs require all dancers to say yes to as drink, bottle of water [...] should be an available option”
- “Protection from management refusing to pay for services rendered”
- “Not being able to earn a living wage because of how disparate what the customers want vs. what I would happily do [...]”
- “All aspects including "bully bouncers", controlling and threatening owners; Pimps allowed in clubs" are under [priority] #1.
- “Physical assault between dancers”
- “Infections skin - fungus from dirty furniture”
- “Leaving the club [...] and targeted getting into vehicle”
- “High heels and stage/floors are under priority #1”
- “No major concerns”, or “No concerns at all” , or “No major concerns of any kind!” (in many surveys completed in the same handwriting”
- “Not a problem. I have handled it myself the "rare" times that I need sanitizer or just use the Washroom facilities when I feel I need to wash my hands”
- “Customers not washing their hands”

| No-touch provisions are a good set of rules to have in the bylaw | Number of responses | |
|---|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Yes | 23 (15.6%) | 23 (60.5%) |
| No | 121 (82.6%) | 13 (34.2%) |
| I don't know. | 3 (2%) | 2 (5.3%) |
| TOTAL RESPONSES | 147 | 38 |

| No-touch provisions are effective in protecting against unwanted touching by customers | Number of responses | |
|---|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| Yes | 9 (6.1%) | 9 (23.7%) |
| No | 135 (91.8%) | 27 (71.1%) |
| I don't know. | 3 (2%) | 2 (5.3%) |
| TOTAL RESPONSES | 147 | 38 |

COMMENTS REGARDING NO-TOUCH PROVISIONS AND THEIR PURPOSE:

- “Dancers are comfortable enough to say whether they want contact or not, we are not animals or children”
- “I think sitting on a customer's lap is fine, no touching leads to no money! Obviously we don't want girls giving and jobs in the back but contact should be up to the dancer”
- “[To] Protect the dancers, less transmission of disease and germs”
- “To prevent the management from changing their entertainment location to a whore house”
- “To prevent prostitution or assault”
- “To limit unwanted contact during a performance by unruly customers”
- “[To] Protect dancers from unwanted and/or unsafe handling or assault”
- “So the dancers make less money”
- “To show how arcane our city is”
- “To protect the dancers human rights”
- “No purpose because they are out of touch with reality!”
- “I didn't know this existed....”
- “To prevent against sexual assault and sexual acts”
- “The physical safety and health of the dancer and the public”
- “To control us women as if we can't make our own decisions”
- “To stop prostitution + sex acts in clubs”
- “To protect us as entertainers and keep it professional - keep it clean”
- “Dancer safety”
- “Protection from assaults”
- “To protect the dancers and the customers”
- “To prevent physical harm to burlesque entertainers”

- “If enforced, they are probably meant to distinguish strip club activities such as ‘dances’ from any activity that involves [...] sexual acts and therefore labelled as prostitution. [...] they are put in place to protect the girls, but I’m sceptical [...] because from my experience the authorities are not that concerned with the welfare of women who work in the sex industry”
- “To ensure health and safety of entertainer but in my experience the “no touch” policy is not being enforced anywhere in Toronto”
- “There should be no touching at all! From the entertainer or the patron. Rules are always broken in there. The more strict, the safer it will be (and enforced).”
- “Customers enjoy moderate touching not touching genitals. It helps with income.”
- “There should be no touching of genitalia, however customers enjoy moderate touching and it helps income”
- “They are suited to women who want to work in a lap dancing context without sexual competition”
- “I believe it should be at the dancers discretion if there is touching or not”
- “They are out of date. Every club has touching with lap dances now. The no-touch provisions just make dancers worry about being fined.”
- “Allows us to perform better without the worry of having to deal with unruly/unwanted customers”
- “Touching is not necessary for the business to run but most clients are normal. Decent human beings who don’t intend harm and when touching is limited or prohibited it is hard to develop closed relationships with clients who otherwise may spend significant amounts of money. No touching harms the dancers ability to choose for herself what will work best to attract clients.”
- “[...] touching is expected by about 90% of customers”
- “[...] touching leads directly to prostitution [...]. Strip clubs are not appropriate or safe environments for sex acts”
- “No touching dancers on stage = OK, but touching that is not sexual during a dance should be OK, though. I wouldn’t mind stricter rules. It would mean higher standards but may negatively affect business.”
- “The bylaw allows me to enforce the no-touch rule without argument or persuasion from customers”
- “[...] strippers [...] should be making their decisions as individuals, on a moment to moment basis wisely. And we make more money by setting our own boundaries”
- “To stop sex acts from occurring in the clubs. To stop sexual assaults on dancers”
- “Partial touching is difficult to enforce”
- “No touch provisions are the dividing lines between being a “nude erotic entertainer” to providing prostitution services of touching”
- “Because of the massage parlours, they do so much over there. It is ridiculous to have no-touching policy when there is so much more going on, way where else!”
- “Most dancers don’t like to be touched. They are forced to unwanted touching by desperation to make a living”
- “Protects dancers and customers from disease and potential violence”
- “It is impossible to do a lap dance with absolutely no touching involved. You can’t incorporate it into lap dancing. To do a lap dance, you need to sit on, therefore touch

somebody's lap. This rule was only fitting for table dances.”

- “The provisions are for entertainers safety and well being, touching is akin to prostitution which is not really entertainment”
- “The bouncer at our club ensure this rule is followed to the letter”
- “They [the customers] will try regardless of laws. It is up to the dancer to stop them, stop the dance or call a bouncer”
- “I am in control of my work”
- “Because the industry has become so relaxed through the years and nobody enforces this bylaw”
- “Lots of touching goes on in each and every dance.”
- “Because prostitutes don't have a safe place to work. We end up shunning our work environment”
- “Customers always try and always will try to touch dancers. The customers should be receiving tickets, not the dancers”
- “Ultimately, when in a private booth with a customer, I decide, negotiate and maintain my boundaries myself. The customers are either unaware of or don't care about the no-touch provisions. I go get the bouncers if they cross the line”.
- “I think stricter regulations or management training and dancer training (assertiveness classes, self-esteem, conflict resolution, etc) would go a lot further to protect individuals than a flat and narrow no-touch policy”
- “Customers know they are out-dated, my best protection is my common sense and choice to work for a good club operator”
- “There is no enforcement to fine, punish, ban or otherwise discourage prostitution from selling sex acts within strip clubs”
- “Higher standards [...] are always/usually a good idea for safety”
- “Everyone is aware of the law and very few try to break it. It is understood industry wide that touching of the vagina area is prohibited”
- “A drunk person may get carried away” “Management does not care” “I find touching to be stressful and damaging to my mental health. Touching changes the job from that of “an entertainer” (i.e. someone putting on a show) to a job where you are providing sexual gratification in exchange for money. It's no longer a “show” with touching.”

Comments from the surveys in the same handwriting:

- “To allow police officers the opportunity to exploit women into court with unfair provisions”
- “To exploit the entertainers by dragging us into court with enforcing illegal laws”
- “To take advantage of us by police and drag us into court illegally. Please change laws”
- “To allow police officers to take advantage of illegal laws and charge entertainers. Please change.”
- “I don't know but it seems the only reason or purpose would be to exploit us by having police take us to court with unfair laws”
- “Don't know exactly why but think it's all about giving the police the power to take us to court about illegal and unsound laws. Please change” .
- “To take advantage of the entertainers illegally so the police can take us to court. Please change”
- “Not sure but think they might be to take advantage by having illegal laws.”

- “The by-law takes advantage of entertainers by allowing police the opportunity to take us to court with flawed laws”
- “To have illegal and unfair laws that allows police the opportunity to take advantage and exploit”
- “Not certain but think it may only be in place for the police to take us into court. Please change”
- “It would seem this type of draconian law is only in place to take advantage of me in court by the police. No other reason”
- “To allow police to enforce unfair and stupid laws against us (entertainers)”
- “Wasn't aware of the law”
- “To allow police officers to exploit entertainers by taking us to court to face unenforceable laws”
- “To take advantage of vague laws and give opportunity for police to bring entertainers to court unnecessarily”
- “To permit police the chance to take me to court and other entertainers and try to fine us as a tax grab”
- “To exploit entertainers by taking us to court over unfair provisions in laws”
- “To take entertainers to court unnecessarily”
- “To exploit entertainers unnecessarily”
- “To exploit entertainers with illegal laws”
- “To allow enforcement officers opportunity to exploit entertainers unnecessarily”
- “By taking advantage of an unfair law that discriminates against us”
- “Stupid law”
- “It's stupid. Doesn't make any sense”
- “To allow officers an opportunity to enforce unfair and discriminatory laws”
- “To take advantage of entertainers by trying to enforce unworkable laws”
- “To take advantage of entertainers with unfair laws. Please correct”
- “To take advantage of entertainers to enforce a ridiculous law”
- “To exploit entertainers by enforcing undefined laws”
- “To allow police to exploit entertainers by taking us to court over unenforceable laws. Please correct”
- “Do not realize there is such a law. Seems very unfair and discriminatory against dancers”
- “To exploit entertainers with unfair regulations that are unenforceable”

COMMENTS REGARDING NO-TOUCH PROVISIONS, THEIR EFFECTIVENESS AND MEANS TO IMPROVE:

- “They are effective if the club enforces these rules”
- “I suggest taking them away and making the law no sex, oral sex, or sex- like touching in the VIP room”
- “Not touching dancing in public and private areas with moderate touching”
- “There should be no touch dancing in public areas and moderate touching in private areas”
- “Should have inspectors that do surprise visits to encourage management to follow the rules”
- “Eliminate private booths and VIP lounges”
- “Cat houses and strip clubs need to be separated to create the distinction. Management needs

to enforce a clear definition to the clientele of what is acceptable”

- “I think they [the provisions] shouldn't exist”
- “I think they are out of date and out of touch with the workers they are ostensibly designed to protect. They should be removed from the bylaws altogether.”
- “Enforce and educate the customers so that we don't have to keep informing the patrons”
- “Try the "keep underwear on" rule for the entertainers”
- “Get rid of them. It's my body, I'll protect it.”
- “Management enforce it”
- “They are ineffective because they are out-dated. Bring them in line with societal norms and current court decisions”
- “Have more security available”
- “No touch provisions are only effective when enforced . Private VIP dancers allow for these provisions to be ignored by many”
- “Dancers who allow sex acts or excessive touching in Niagara Falls clubs are fined \$100 by the club. This is a highly effective way to prevent sex acts within strip clubs”
- “They are effective. Benign contact is subjective and therefore differs from girl to girl but the rules stay the same”
- “Must have enforcement in the clubs by licensed security guards that are not hired by club owners”
- “Dances should be monitored”
- “In both cases for/against dancer it is a he said she said [...]A lot of issues would not exist if club rules/guidelines had to be written and clearly displayed at all times”
- “I think it is up to every woman how much she wants be touched or not, or if touched in a non sexual way. A woman is in control of this kind of touch as common sense”
- “More security is needed”
- “Not effective at all! The only way to change/improve the by-law is to fine the management of the clubs. Make a substantial fine with consequence of loosing liquor license. Then ...the rules will be enforced for sure!”
- “More security checks in the private booths by licensed security and management[...]”
- “Management involvement and more security staff”
- “The only way this can be enforced is through security within the club and policies of the club owners”
- “Touching should be allowed, unless we turned back the clock and went back to table dancing, which would turn the whole industry upside down, touching simply HAS to be allowed. It goes hand in hand with lap dancing. However, you should exclude genital area of both dancer and customer. Perhaps, but not as crucially, the breast area should be off limits as well. The second step to would be, in order to make it effective to actually enforce them.”
- “Both customers and dancers need to abide by the provisions to be effective, but most are probably not aware that there are such provisions in place”
- “We can determine if a patron is too handsy or not. If we had signs in booth area stating "no inappropriate touching" this would help us explain to patrons it's not us, it's law or management making the rules”
- “[...] we can't make money. Guys don't want to pay 20 dollars a song to watch a girl dance in

front of them. There's porn for that.”

- “We will lose business”
- “It will not be taken seriously. But I would love to do my job and not be touched”
- “[...] no law can control the reactions of the patrons at any given time”

Comments from the surveys in the same handwriting:

- “Entertainers are in complete control of our dancing”
- “Draconian law in the first place”
- “I handle it myself”
- “Need to be modified to association (Myron Shulgan) recommendation”
- “Delete them only enforce criminal code violations”
- “The laws need to be modified to association (Myron Shulgan) recommendation.”
- “Change them to association's attorney (Myron Shulgan) recommendations.”
- “By correctly changing them to read as association (Myron Shulgan) has recommended.”
- “The laws need to be revised to define prohibited sexual contact only.”
- “They need to be legally revised to be accurate and define prohibited "sexual" contact only.”
- “The laws need to be properly and legally changed, instead of discriminating against us”
- “The laws need to be correctly worded to read as our association recommends to only prohibit sexual contact. The way they are now, discriminates the entertainers. Revise to Muron Shulgan's recommendations”
- “The laws need to be revised to association (Myron Shulgan) recommendation”
- “By making them prohibit sexual activity only.”
- “Change to association (Myron Shulgan) recommendation to prohibit sex.”
- “Revise laws as association (Myron Shulgan) recommends”
- “By amending them to association (Myron Shulgan) recommendations”
- “Modify laws to association (Myron Shulgan) recommendations to prohibit sexual contact only”
- “Need to change to association (Myron Shulgan) definition of prohibited contact”
- “Need revising to association (Myron Shulgan) recommendation and lower the few fine”
- “Just change to association's recommendations”
- “By implementing association (Myron Shulgan) recommendations”
- “By changing them to association (Myron Shulgan) definition”
- “Delete the provision and enforce by criminal code violations only”
- “Change to prohibit sexual services only”
- “By adopting recommendations of our association to prohibit sexual activities only”
- “By making the laws as our association (Myron Shulgan) recommends to prohibit specified sexual contact only”
- “By changing laws to association (Myron Shulgan) recommendations of defining prohibited contact more precisely”
- “Please change to association recommended wording”
- “By putting in place the recommendations from our association”
- “By making laws correspond to association (Myron Shulgan) recommendations”
- “Adopt association recommendations (Myron Shulgan)”
- “The laws need to be properly updated as our association's attorney (Myron Shulgan) recommends.”

| Unobstructed-view provisions are effective in protecting entertainers from risks to health and safety | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 15 (10.3%) | 13 (35.1%) |
| No | 123 (84.2%) | 17 (45.9%) |
| I don't know. | 8 (5.5%) | 7 (18.9%) |
| TOTAL RESPONSES | 146 | 37 |

COMMENTS REGARDING UOBLSTRUCTED-VIEW PROVISIONS AND THEIR PURPOSE:

- “None of the booths have doors, this is good as people walk by so if something wrong were to happen they would be caught”
- “To prevent sex or assault or being ripped off”
- “To curb prostitution. It is an unnecessary provision”
- “To keep the dancers safe”
- “To prevent management from operating a prostitution racket”
- “Sounds like a good idea. What club has this?”
- “It makes 'private dances' public”
- “Avoid prostitution”
- “Probably to ensure our safety because the bouncers would be able to see us better”
- “So that nothing goes by unseen/hidden”
- “I don't know, I never heard of this.”
- “No purpose because it has nothing to do with safety - safety is about the door guys watching out for me, not proximity to a stage”
- “To keep the entertainer safe”
- “To prevent an entertainer from engaging in sexual acts”
- “To prevent sex acts within strip clubs”
- “Bouncer and management presence matters most.”
- “To prevent private rooms and to keep the dancers safe”
- “To stop sex acts from occurring in dark corners”
- “To show that nothing "dirty" is going on around the club!”
- “To protect our profession and safety”
- “To prevent prostitution”
- “The purpose of these provisions for safety of the entertainers to prevent prostitution and prevent sexual assault”
- “To prevent unlawful behaviour and ensure safety of dancers”

Comments from the surveys in the same handwriting:

- “To allow police officers to enforce illegal laws against us .Please change.”
- “To allow police officers to bring us to court because the current laws are erroneous.”
- “Support advantage of entertainers by having illegal laws for police to enforce.”
- “It only serves to allow police officers the opportunity to exploit entertainers, bring them to court, and have our charges then withdrawn. A tax grab!”

- “Please change to association (Myron Shulgan) recommendations.”
- “The laws need to be corrected. Police take advantage to possible take me to court for no reason. That is unfair.”
- “To take advantage of the entertainers so the police can have a reason to call us into court.”
- “To keep things viewable and accessible”
- “Please change name burlesque, too. The laws are vague and can take advantage of the entertainers”
- “Again, not really sure but it seems they are there to allow the police to take us to court unnecessarily”
- “It would appear the only reason for such a poorly worded law is so law enforcement can take advantage of the ambiguity”
- “To give opportunity for police to exploit entertainers and take us to court as a result of unfair provision”
- “To keep the VIP rooms in an open way for us, however flawed clause, as is currently worded”
- “To take advantage of having vague provisions that permits police to exploit entertainers”
- “To allow police to exploit entertainers to take to court to face illegal laws”
- “To allow police to take entertainers to court to enforce an illegal law. Please change”
- “To allow police to take advantage of undefined and confusing laws and take entertainers to court unnecessarily”
- “To keep in an open area”
- “To take entertainers to court by enforcing an unfair and poorly worded provision”
- “To exploit entertainers unnecessarily”
- “To take advantage of entertainers by enforcing unfair provision and taking us to court over nothing”
- “To take dancers to court unfairly and illegally to collect fines”
- “By police taking advantage of an unclear law that discriminates”
- “To take advantage of us (entertainers) by having a law that is unenforceable”
- “It's stupid. Doesn't make sense”
- “To allow police to exploit entertainers with vague unclear by-laws and take us to court unnecessarily”
- “To allow officers to unfairly bring entertainers into court over unclear laws”
- “To allow officers to exploit entertainers by enforcing law that is incorrectly defined”
- “To exploit entertainers with unfair laws”
- “To take advantage of entertainers by having a law which doesn't make exact sense”
- “To take unfair advantage of entertainers”

COMMENTS REGARDING UOBLOCKED-VIEW PROVISION, THEIR EFFECTIVENESS AND MEANS TO IMPROVE:

- “The customers can't take advantage of the dancers”
- “Enough privacy that I feel comfortable dancing for a patron but open enough that if something wrong happened I can be rescued.”
- “Nothing wrong has ever happened that I could not get a bouncer for”
- “[...]it's not preventing prostitution or assault at all! I see it every day happening in plain sight.”

- “There is enough security at work”
- “There is enough security where I work “
- “Yes, if I have control. No, if management is in charge.”
- “There is a possibility people behave better when they are watched. There are however clubs where this is not effective.”
- “A lot of club's floor plans don't respect these provisions anyway, so they don't help me at all. Also, the bouncers don't come by that often anyway.”
- “I don't feel cornered and feel safer when I am always/only available in open areas working”
- “Again the wording of the law is insufficient as there are easy ways around it where dancers are still isolated with clients - though usually along side with dancers and patrons and well within shouting distance”
- “They are not enforced and entertainers who are known to offer prostitution are still allowed to work and in danger those who don't”
- “[...] there are NO REPERCUSSIONS for dancers who sell sex acts within strip clubs. Therefore, it doesn't matter whether these "private dance" booths are in view of the main stage or not”
- “As long as there is a bouncer/manager present in the area, it should be safe “
- “Dancers will not "go the extra mile" in plain view. Customers will "try" less in plain view”
- “Not entirely but it definitely helps as deterrent”
- “It can help me to relax while someone entertaining a client giving me some privacy and space from all those witnesses/other dancers eyes, which jealous or competing too much!”
- “There is always someone around”
- “Dancers and customers engage in sexual activity anyways”
- “Yes [they are effective], because if incidents occur it will be easily accessible by security staff to assist in minimizing risks”
- “They haven't been enforced in any club since I started dancing. That is because you need some privacy to do a lap dance, as opposed to a table dance. It would be uncomfortable to do a proper lap dance in view of the whole club, as it is a more close and personal experience than a table dance”
- “They do help to protect my health and safety, I feel safer in an open VIP lounge, as opposed to closed booth, but the type of behaviour permitted by management in these open areas is a risk to my health and safety”
- “Have bouncers stop taking bribes from girls to allow them to prostitute in the back. Have cameras that are working and being cleared. Kick prostitutes out of the clubs! They ruin it for everyone trying to make an honest living”
- “[...] it depends on the club - some are more strict than others but they are all dirty and managers either look the other way or are getting something out of it”
- “It is pointless provision. I work in a club that there is enough security everyday.”
- “It is a pointless provision provided there is enough security”
- “It's better than being isolated where there is more chance of aggressive behaviour by the customer”
- “View from the stage is effective, lap dances are not”
- “There should be better security and enforced club rules”
- “Since a lot of clubs are not set up in a way that you can see all the dances from the stage anymore, I think these provisions should be scrapped. I think we should have panic buttons instead.”

- “Instead of “view-from-main-stage” provisions, have mandatory and continually attended surveillance cameras. This affords the client and dancer the illusion of privacy while maintaining safety.”
- “Open areas. Just get rid of them. No doors that lock is all we need”
- “My safety is not about the stage, it’s about club staff being able to monitor my situation, be it in a VIP room, champagne room or lap dance area”
- “Dancers who offer sex acts need to be fined by the club and required to leave work. Repeated offenders should have their licenses removed or barred from clubs”
- “Viewing the stage won’t protect us. Adequate supervision and enforcement would. If they have a bouncer presence, I don’t see a problem.”
- “Some mandatory lighting would prevent very dark areas where safety is more of concern”
- “More privacy is what everyone wants! Some clients will be appreciated, to work a bit of more private time between the dancer and client”
- “Monitor clubs have dancers report abuse to someone who will listen a place to put complaints in a club complaint box that goes to management, an officer or the city”
- “Some clubs [...] have doors in the rooms. Anything can be allowed there with no protection for girls”
- “It does not apply to today’s reality at all. It should be abolished and replaced with something that affects where and therefore how dances are done today”
- ”As it is right now, nobody pays any attention to it, and in the meantime there are no specifications that relate to how VIP rooms should be designed, so clubs are free to design them as suitable to the owners and management, not the dancers.”
- “What I would like to see, and I hear from other girls that they would like, are private booths that incorporate both sufficient and reasonable amount of privacy, just enough to put the customer at ease, but still leave enough visibility from outside to prevent situation of complete freedom to do anything.”

Comments from the surveys in the same handwriting:

- “Not the way they are currently worded using the stage as a reference. Please modify and correct”
- “No concerns”
- “The law needs to be changed to association (Myron Shulgan) definition”
- “The laws need to be properly modified to association (Myron Shulgan’s) recommendations.”
- “Not properly worded. Take out “stage” reference, please”
- “The provision needs to be revised to define area that is viewable and accessible only”
- “Only if flawed clause is legally corrected to take the “stage” out of the definition”
- “They only serve to exploit us as currently worded”
- “This law needs to be revised to read as a viewable and accessible area only”
- “Need to be revised to association’s definition”
- “To exploit entertainers with unfair provisions in laws”
- “I didn’t even know those laws existed”
- “It’s stupid. Doesn’t make any sense”
- “Change them to association (Myron Shulgan) recommendations please”
- “Delete the provision. Only enforce by criminal code. It is up to two consenting adults.”

- “To change them and correct them to read as association (Myron Shulgan) recommends.”
- “The laws should only read in an area that is viewable and accessible only.”
- “Take out reference to the stage.”
- “Revise them as association's attorney (Myron Shulgan) recommends”
- “Change them to what association attorney (Myron Shulgan) recommends to be legally sound”
- “Modify them to read as association (Myron Shulgan) recommends as viewable and accessible areas”
- “Need to be deleted all together consenting adults should do what they want”
- “Amend to association's recommendations”
- “By implementing properly worded clauses as association recommendations”
- “To implement association (Myron Shulgan) recommendations of VIP rooms to be viewable and accessible”
- “Just to redefine laws to be viewable and accessible is fine”
- “By changing them specifically to read as association (Myron Shulgan) recommends [...]”
- “Adopt association (recommendations of Myron Shulgan)”

| Support for private booths/ VIP lounges | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 138 (93.9%) | 29 (75.8%) |
| No | 7 (4.8%) | 7 (18.2%) |
| I don't know. | 2 (1.4%) | 2 (6.1%) |
| TOTAL RESPONSES | 147 | 38 |

COMMENTS REGARDING PRIVATE BOOTHES/VIP LOUNGES:

- “So long as they are monitored by the club security”
- “I am shy and uncomfortable doing table dances, so I don't do them, “I am comfortable in a booth”
- “Management and staff check what's going on all the time”
- “When you have a customer alone, it is easier to get more money from them, because they lose track of time.
they also feel more comfortable that no one is watching them”
- “The more private, the more dirty business”
- “It is good for income provided there is enough security.”
- “Depends on the management and security as most turn a blind eye.”
- “They represent management's plan to enslave workers into sex for money”
- “Girls are violated”
- “I think security should check in discreetly and still allow a connection, and a feeling of not being on display.”
- “Often the best clients enjoy a mix of private dancing and conversation”
- “That's mainly where dancers make their money”
- “They are a great way to make money. Customers prefer them because they are made private and dancers prefer them because we can keep the customers in there for longer than in an

open concept dance area.”

- “Better chance to satisfy patrons. “
- “Confidentiality for wealthier clients and better environment”“
- “Most clients are decent people who are just lonely. Some just want to talk [...]”
- “Some customers feel better if they have privacy. And spend more money.”
- “As long as security is constantly walking by and looking in, and there is surveillance of the area”
- “I am free to choose which club I work at. It is the club operator who makes me safe, not a by-law”
- “Private booths and lounges facilitates prostitution and sexual acts for money.”
- “Once sexual acts are being offered burlesque dancers are grouped into prostitution as opposed to entertainment ”
- “Lap dances are here to stay, no one will pay for "table dances". The issue is simply regulating what is allowed in a way that is immune to corruptions and bribery.”
- “So long as there is bouncer presence enforcing no sexual touching regulations”
- “A somewhat secluded booth is more intimate and comfortable for both the customer and dancer. Many customers do not like lap dances in plain view (on the floor) - it makes them uncomfortable. But just a booth – no 4-sided areas, no doors!”
- “Because they're fun, lucrative, private, and great for business. I want privacy. So do our clients. “
- “Condoms and syringes are often found in couches and on the ground in the booths. Dancers are many times intoxicated and more likely to perform sex acts in these areas”
- “It complements the club atmosphere/environment”
- “Too much corruption goes on. There are a high risk, invitations to customer go to brothel. Keep entertainment separate”
- “Because look of all this massage service of which we lost so much business, they all love private rooms with showers! What do you think can possible go on there? Just massage?? “
- “VIP lures customers into private area ensuring (paying more, money and spending more time) with dancer/drinking more and spending even more money in the club”
- “More comfortable for patrons who do not want to be seen by others”
- “In general, VIP lounges and private rooms are more lucrative. However, the safety of the dancers should be monitored by security, waters and other staff regularly”
- “Privacy, no safety for dancers, more privacy for consumers. Some don't want to be seen there”
- “[...] more money can be made, however, additional security should be visual”
- “The private dance aspect is an integral part of the strip club experience, so VIP lounges and m private booths are essential, it just needs to be done in a safe and healthy manner”

Comments from the surveys in the same handwriting:

- Very good for me
- “Allows a private area for me to work”
- “Allows a customer level of privacy somewhat”
- “This is where I earn my money.”
- “It is my choice”

- “It allows privacy for my customers and me”
- “They are good for me”
- “This is where I work”
- “Of course [I support them]. I wouldn’t be an entertainer (exotic dance entertainer) if I had a \ problem with the lounges.”
- “What most customers want”
- “Allow me to work safely”
- “Allow customers to talk privately”
- “Allows some privacy “
- “Of course. It’s obvious. I wouldn’t be an entertainer if I had a problem with the dance lounge VIP area”
- “It’s where I work and choose to work, too”
- “This is good for my work”
- “Need to revise laws to read as association attorney (Myron Shulgan) recommends.”
- “Only if prohibited sexual contact is better defined in new revised laws”
- “Only if a definition of prohibited sexual contact is defines, as association recommends”
- “Better to clarify rules to prohibit sexual contact only”
- “Should only be regulated by the criminal code, as an alternative”
- “The contact provision law needs to be updated to association dDefinition of defining prohibited sexual contact only”
- “Good for my business”
- “Another ridiculous question! It’s the basic thing. “
- “My choice “
- “The law need to be corrected to association’s attorney suggestion”
- “Provided there is no violation of the criminal code only”

| Required by club rules to perform lap dances | Number of responses | |
|--|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes, I have no choice | 13 (9.2%) | 7 (19.4%) |
| No, I can refuse | 128 (90.8%) | 29 (80.6%) |
| TOTAL RESPONSES | 141 | 36 |

| Support for lap dancing/close contact with the customer | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 138 (93.2%) | 29 (74.4%) |
| No | 10 (6.8%) | 10 (25.6%) |
| TOTAL RESPONSES | 148 | 39 |

COMMENTS REGARDING LAP DANCING/CLOSE CONTACT WITH CUSTOMERS:

- “Within reason. Dance for most but can reject overly drunk patrons “
- “It’s what I’m there for”

- “Lap dancers are the equivalent of a dancer's income. A "good night" to a stripper is synonymous with the amount of lap dances a girl does, with the exception of the girls who add "extras" [...]”
- “I can refuse, but then I will not make any money. The clubs pay approx. [...], not enough to live off”
- “This is how dancers make their money”
- “Each club needs to be treated or investigated separately”
- “To maintain business and keep it more entertaining as long as they don't touch private part”
- “How do we make money?”
- “There is always touching that more often than not becomes inappropriate. I would like reforms similar to those seen in Alberta”
- “With some moderate touching and a good security help me to have more income”
- “Good for income provided there is security + only moderate touching”
- “As long as the customer is not trying to touch me”
- “I don't do lap dances anywhere”
- “Makes girls feel bad about themselves The close contact gets the men worked up. Old school dancing is missed by a lot of us.”
- “That's the only form of income”
- “It is the only way freelancers can make money and it can be quite lucrative.”
- “Clients who are intoxicated try to take advantage when we are not looking even for a quick second”
- “I am in support of the freedom to choose. And additionally, education for dancers on safe practices.
- “Because if the customer just wants to see a dancer they see you in stage for free. They are not going to buy dances if they have no contact”
- “Yes, lap dancing, no close contact”
- “In a society that embraces GLBT, swingers & prostitution, lap/close contact dancing is tame and good clean fun is companion. Customers enjoy eroticism and I enjoy seeing their enjoyment”
- “STD and other conditions”
- “Lap dancing with some contact (body on body, not sexual) is the reason for a private dance, it's closer than the stage. Unwanted touching is still unacceptable in this instance”
- “Private lap dances are the main way dancers earn money in clubs. Customers will not pay to watch the stage”
- “Most people are pretty decent people/not malicious and pose no risk to safety or comfort”
- “I enjoy the intimacy of a lap dance and making the customer happy by being able to be close”
- “Lap dancing has caused the demise of this "entertainment" industry. It's not entertainment, it's foreplay!”
- “Kept within reasonable limit it has its value to society”
- “Because otherwise nobody spends money on lap dances”
- “It's gross. "Look but don't touch." It is supposed to be an art of seduction/no?”
- “Without close contact, we will lose customers to escort services”
- “Some customers expect more and more. Possibly of assault increases drastically”
- “I am in control”
- “Different experience for the client, but it depends how close”

- “Because that's part of my job description as a burlesque entertainer”
- “Lap dances are the reason why today I put up with unwanted touching in order to keep a customer in the booth with me.”
- “Lap dances are the standard in Toronto. Clubs view dancers that do no or low contact dances as bad for business”

Comments from the surveys in the same handwriting:

- “Of course I am able to select who I dance for”
- “Yes, I have a choice to select who I dance for. “
- “I choose and select who to dance for.”
- “I choose who to dance for.”
- “Stupid question. Of course, I have the choice to do.”
- “My choice to do as I choose. I can choose”
- “I wouldn't be a dancer if couldn't do it??”
- “It is me that selects who I dance for”
- “It is always my right to choose this job”
- “It is my choice always to select who to dance for in VIP room”
- “Yes, I choose and select who I wish to dance for”
- “My choice to choose who to dance for”
- “The patron selects me and asks. I have the right to decline if I want to”
- “Sometimes I am told, but most of the time I choose who to dance for”
- “The patrons choose me to dance for them”
- “Obviously, I choose who to dance for.”

| Entertainers who have been touched in a sexual manner against your consent or sexually assaulted in other ways during performance | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 26 (17.6%) | 26 (66.7%) |
| No | 120 (81.1%) | 13 (33.3%) |
| I don't know. | 2 (1.4%) | 0 (0%) |
| TOTAL RESPONSES | 148 | 39 |

| Reported unwanted touching/sexual assault to the club management or security or to the police | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes, to management/security | 20 (74.1%) | 19 (73.1%) |
| Yes, to the police | 0 (0%) | 0 (0%) |
| No | 7 (25.9%) | 7 (26.9%) |
| TOTAL RESPONSES | 27 | 26 |

| What happened after entertainers reported unwanted touching or sexual assault to management or security | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| They asked the customer to leave the club | 17 (34%) | 17 (39.5%) |
| They called the police | 1 (2%) | 1 (2.3%) |
| They ignored it | 11 (22%) | 11 (25.6%) |
| They blamed me | 2 (4%) | 2 (4.7%) |
| They said it was part of my job | 7 (14%) | 7 (16.3%) |
| Other | 12 (24%) | 5 (11.6%) |
| TOTAL RESPONSES | 50 | 43 |

| What happened after entertainers reported unwanted touching or sexual assault to the police | Number of responses | |
|--|----------------------------|--|
| | All | Same-handwriting surveys excluded |
| They laid criminal charges on the customer | 0 (0%) | 0 (0%) |
| They were helpful and understanding | 1 (25%) | 1 (25%) |
| They blamed me | 1 (25%) | 1 (25%) |
| They said it was part of my job | 0 (0%) | 0 (0%) |
| They did nothing | 2 (50%) | 2 (50%) |
| Other | 0 (0%) | 0 (0%) |
| TOTAL RESPONSES | 4* | 4* |

* conflicting with answers to previous question about reporting

COMMENTS REGARDING EXPERIENCES WITH UNWANTED TOUCHING/SEXUAL ASSAULT:

- “They said they would deal with it, then do nothing”
- “In my experience, managers or owners sometimes feel entitled to harass/touch the girls.”
- “They asked me if I wanted to press charges. When I said no, they barred the customer from the club”
- “Never a problem for me”
- “There is not much security can do to punish unwanted touching. “The customer is always right” is the main premise and customer can't be detained by club security”
- “[it was] Nothing too severe but still unacceptable. They ignored it. Once only. Bouncer not manager.
- “I have 100% faith in our managers to take care of anything that may require insistent enforcing of manners toward the women by our guests”
- “They think you are a slut and deserve it”
- “They gave them a warning of the rules “
- “I think they would ask customer to leave”
- “I am touched in a sexual manner about 30 to 40% of the time when doing lap dances. If I

refuse to do it, another girl will, and I will lose out on my income.”

- “The club security don’t care at all. In fact, they generally encourage it, as the girls who “do more” bring more money to the club.”
- “There is no point in complaining, ‘cause no one will do anything about it.”

| Entertainers' perception of how much control they have in making decisions that affect their working conditions | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Control over all decisions | 8 (5.4%) | 4 (10.3%) |
| Control over most decisions | 100 (67.6%) | 11 (28.2%) |
| Control over some decisions | 21 (14.2%) | 5 (12.8%) |
| Control over very few decisions | 10 (6.8%) | 10 (25.6%) |
| No control | 9 (6.1%) | 9 (23.1%) |
| Don’t know | 0 (0%) | 0 (0%) |
| TOTAL RESPONSES | 148 | 39 |

| Support for registry instead of licensing of entertainers | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 129 (87.8%) | 20 (52.6%) |
| No | 18 (12.2%) | 18 (47.4%) |
| TOTAL RESPONSES | 147 | 38 |

COMMENTS REGARDING SUPPORT FOR REGISTRY:

- “It’s best if the City control this to keep prostitutes out of the club”
- “No way in hell would this [registry] be acceptable. They would probably threaten us with the information, some day when we are famous or a CEO [...] they would bribe us.”
- “The information would not be kept sensitive [...]””
- “Licensing requirement doesn’t make any sense.[...]. It’s for the city to make money, no other reason.”
- “All clubs take your information anyway and it seems reasonable to have not only for bylaw officers but in case something happened to a dancer. The licence is far too expensive and prevents a lot of people from being able to work in Toronto.”
- The business doesn’t bring as much money as people think and travelling to work is a hassle and also expensive!”
- “Club owners/managers cannot be trusted with personal information. For the girls that are licensed I am sure they would take better care of themselves and their actions than any random that just walks in from the street. I believe in more regulations, not less.”
- “The license is expensive. Officers and police still do their work.”
- “The license is too expensive. Bylaw officers can still do their job.”
- “The license is expensive”
- “Management cannot and will not effectively support the burlesque entertainer”

- “Licensing gives girls [...] to re-think their decision to dance. It allows some insight to whether or not people with records are working as well. “
- “Licensing does not seem appropriate especially in the fashion it is currently executed.”
- “Dancers are not making the same money anymore to pay to renew licenses. Also some people don't want that on their history.”
- “All licensing does is permit licensing officers to threaten and harass us. If there is inspection instead of licensing, I think they should also inspect the facilities for workers while they are at it. Some clubs don't have staff. Bathrooms or there doors missing from bathrooms stalls or the change rooms are disgusting”
- “Having a public record of my burlesque license on my work history hinders my personal life and future career endeavours”
- “As a student who works to pay tuition to further her life, we shouldn't have a mark on us as an "adult entertainer". If clients we serve stay anonymous why can't we?”
- “It strikes me as ironic that actual burlesque dancers (of which I know at least one) do not need a license along with countless other similar jobs while exotic dancers are forced to pay exorbitant fees just to be able to legally do their job, which also requires a background check. Are these background checks on the people who handle our food? Why would these be for an entertainer? Because that way a dancer with criminal record can not work with us”
- “The owner of the club I choose to work at is my best advocate”
- “This doesn't really protect the dancer's rights as thoroughly as it does now. This Association wants to have even more control of the dancers”
- “I have been harassed by government officials because of my occupation is on record. If registration is free, it accomplishes the same purpose as a licence.”
- “For security reasons and identification purposes Currently, licensing is costly with no benefit to the entertainer.
- There is no regulation of clubs or industry or workers/entertainers to maintain safety, so the licensing system is currently ineffective. Testing for STDs should be a mandatory to maintain a safe, clean environment for entertainers and customers”
- “[...] the licensing process is a bit inconvenient, there are many reasons licensing should be required. The most important reason is that it limits the number of dancers working who have criminal records. These dancers make working in a club a dangerous and unpleasant experience....Licensing also helps prevent human trafficking. Additionally, the costs associated with getting a licence could be used by the city.”
- “No licensing fees or record of holding a licence so that if we ever want to do something else, holding a licence wouldn't prevent us from getting another job. It's an interim job for many.”
- “The AEAC is not a union and does not speak for all industry stakeholders! Licensing provides me with safety and security of knowing the other women I am working with are legal to work in Canada and are not convicted”
- “Pimps/hoes/drug dealers. A registration system would allow anyone to work - absolutely anyone! Regardless of inspection. Making my working environment very unsafe.”
- “[I support registry] Because then I wouldn't have to pay \$250 bucks a year for nothing. Sorry, no offence intended - it's a cash grab and don't think it's justified”
- “You cannot rely on club owners to manage this. The province should have one license and dancers should have an orientation or test requirements in order to obtain a license!”
- “Licensing makes sense”
- “Too expensive”

- “Clubs do not act responsible in maintaining proper records on dancers”
- “Club owners have more powers that they should. I am in favour of their involvement but I don’t think that they should keep all the information of the entertainers”
- “[...] I don’t have much faith or trust in when it comes to the club being in charge of imposing regulations on me. One minor issue that’s a bit of a nuisance is that the size of the licence photo id is too big to fit most girls’ wallets and work purses. Not surprisingly, it’s catered to male majority who drive the taxis rather than the female majority that works at bars. A more serious issue is that we have to get police clearance in order to get a licence, which essentially discriminates against any girl who has committed even a minor offence, putting her out of work.”
- “As much as I don’t like paying \$250 for my licence, I respect its purpose. Having a criminal background check is important, and having for city ensure that the person applying for the licence is not underage and is legally able to work is integral in stopping the possible exploitation of underage foreign women. I personally don’t trust the Adult Entertainment Association of Canada, they only have club owners’ interests, not dancers, at heart.”
- “Clubs would run havoc on girls, they’d lie to officials and corrupt these selection process to get out of country dancers who do not care if they get arrested. Canadian girls already pushed out can barely complete when they do follow by-law rules”
- “Anyone close to the manager or owner could have access on dancers info, address, etc. How safe those info can be kept? Otherwise, idea of no license fees is great but how much freedom and safety will have on the other hand?”
- “Doesn’t really have a difference for the crap that happens by times especially when clients are under the influence of alcohol or even dancers drinking on the job they become more open to mistakes”
- “Depends on whether there would be a regular fee [for the registry]”
- “it’s good that dancers must have clean criminal record. Keeps all girls happy and safe”
- “License fees are too expensive. Also, the privacy of the dancers is more at risk due to mail-in updates.”

Comments from the surveys in the same handwriting:

- “We deserve it.[registry]”
- “Very good for me. I am concerned about my privacy and confidentiality”
- “We have been waiting for this for a long time. Please change now. This would serve to be respectful to me in my job.”
- “I should be entitled to it”
- “Definitely needed”
- “We all deserve to be treated without bias”
- “Very good and respectful idea. Also you keep referring to me as a licensed burlesque entertainer. Change that to “Adult” as well”
- “Very good idea for me personally as I travel around”
- “We need this and deserve this”
- “Very good idea”
- “It’s what we all want”
- “Protect my privacy rights that I want and deserve”
- “Give us registration. Treat us with respect if change is made. Better for my privacy rights”

- “We want this now”
- “Very important”
- “Adopt all association's recommendations please “
- “[the registry] Protects my privacy for my future life as well”
- “To protect my privacy rights”
- “Maintain my privacy for my future. And avoid police from pulling me over after work. [...] This is something that is a very important change for me”
- “This is a change that we all deserve”
- “There is no reason for an entertainer to have a license. Only as a city money grab.”

| Support for change of term of “attendant” to a term “adult entertainer” | Number of responses | |
|---|---------------------|-----------------------------------|
| | All | Same-handwriting surveys excluded |
| Yes | 127 (90.1%) | 19 (57.6%) |
| No | 14 (9.9%) | 14 (42.4%) |
| TOTAL RESPONSES | 141 | 33 |

COMMENTS REGARDING SUPPORT FOR THE TERM “ADULT ENTERTAINER”:

- “It sounds like a porn star”
- “Burlesque entertainer sounds appropriate and allows dancers to understand it can be a clean job and respectable.”
- “Sounds more professional and adequate, 'cause it is a career”
- “It sounds horrible. It makes us sounds like porn stars or prostitutes. “Attendant” is much more discrete.”
- “Don't care”
- “[Yes] Because my work is different, I am a dancer, not an (attendant) is what massage parlour women are called.
- “The term “attendant” is what massage parlours women are called. My work is different.”
- “[Yes] Because we are only dancers and not providing sexual services.”
- “Attendant means management control. I do not want people seeing that on my ID”
- “I am indifferent”
- “I don't see how this changing our job titles improves dancer occupations”
- “Adult entertainer sounds more like a prostitute in the general public's ears”
- ““Attendant” is completely unsuitable. “Burlesque Entertainer” is a total mislabelled as well since there are actual burlesque entertainers and their work is quite different than that of an exotic dancer.”
- “That is our work.
- “I am not a whore [...]”
- “I don't know. I assumed we were always referred to as Adult Entertainers.”
- “If “attendant” also means women who are prostitutes then my answer is no. I do not provide sexual services or even touch the customer, as a body rub a “spa” girl does.”
- “I don't “attend”, I “entertain””

- “Don't really matter”
- “Adult entertainer eludes to sexuality which further moves to an acceptance of sexual acts and not burlesque”
- “Dancers are not or should not be prostitutes. Calling a dancer an adult entertainer strongly suggests she is basically the same as a pornography actor having sex for money”
- “We entertain, we don't tend to service”
- “I'm not an attendant, I am an adult entertainer”
- “The word "entertainer" is too broad. It should specifically mention "dancer" i.e., 'exotic dancer'”
- “It is less ambiguous. Easier understand by common person more accurately describes the position of dancer”
- “It sounds like I am a "porno star" - when I am just dancing naked. What's wrong with exotic dancer term?”
- “We are entertaining people while dancing for them! Attendant is ok but adult entertainers can be confused with adult porn! Still better than peeler or stripper, it's supposed to be an art.”
- “Dancing/music entertainment. Maybe call it (Art of seduction - dancer).”
- “For girls privacy reasons”
- “Sounds more accurate. 'Attendant' sounds cheap”
- “To avoid social stigma”
- “It should be 'entertainer'”
- “'Attendant' is a broad term and shouldn't be changed”
- “The name doesn't make any difference”
- “I am not attending to anyone. I am an entertainer and I believe my job is to entertain, not to attend”

Comments from the surveys in the same handwriting:

- “Very good improvement that acknowledges who and what we are”
- “All deserve this change. Also change word Burlesque, too.”
- “Also change the word "Burlesque" too. We deserve to be recognized properly.”
- “Either that or exotic dance entertainer definitely do not refer to us as 'burlesque'”
- “Inappropriate. It is not burlesque. It is ok with adult entertainer though.”
- “We all should be entitled to this correction”
- “Something that we've been waiting for. “
- “That would be respectful as well. Do not refer to us as burlesque either”
- “Take our 'burlesque' too. The change will be respectful to us.”
- “Also change the word "burlesque" too.
- “Also change word "burlesque". It's the wrong term too”
- “Also, "burlesque" is something else, too. Please change that too”
- “Wrong word - burlesque. Something entirely different and outdated focus”
- “Also word "burlesque" is not accurate either”
- “It is respectful to recognize us as entertainers. Also change term "burlesque", wrong word”

- “Should be ‘adult’”
- “Also, word “burlesque” is not the right work either”

COMMENTS REGARDING MEASURE TO IMPROVE WORKING CONDITIONS OF THE ENTERTAINERS:

- “Overall, if I had my way, I would like to work in a “1998 Toronto strip club” with worker rights added to the package. Touching but no genital areas or sexual acts. VIP booths but exposed enough [...]”
- “Monitor the clubs to ensure they comply with rules and regulations”
- “Investigate the club owners and staff. Force clubs to have an anti-bacterial dispenser attached to the walls near booths. Post signs in booth areas enforcing “no sexual touching” rule. In change rooms, post an anonymous line or email where we can report illegal activity”
- “Make it by-law that clubs have to do security check on customers when they come in to make sure they have nothing dangerous”
- “Take away the ‘no touching provisions’, make them ‘no sex provisions’.”
- “Make club owners clean the clubs properly and more frequently. Make sure club owners/managers are respecting the girls, because often times they treat is like crap!”
- “Make brothels illegal. More regulations. Health checks are necessary as are cameras in booth area and enforcement from management.”
- “The club and dancers should be protected, and not be harassed by the officers and police. If there is a complaint only they should go to the club to investigate”
- “Stop the police and bylaw officers from harassing clubs and dancers. If there is a complaint they should come to the club. It is intimidating and bad for my business when police arrive unnecessarily.”
- “More periodic inspections and fines to the club and dancers and possibly patrons for violating the bylaws”
- “Don't give management any more power - they will only screw it up”
- “Enforce no touching,”
- “Get rid of lap dancing”
- “Offer a ‘training’ course, possibly taught by some experienced women about some of the dangers and some fun stuff to give more confidence. Also educate the public to ease discrimination and taboos”
- “That all clubs require a license and that they follow the rules and respect their dancers and treat them like people”
- “Inspect the workers facilities and ask dancers about their working conditions and management relationships. Also a number to call and complain about that staff and sexual harassment by managers would be helpful”
- “EDUCATE!”
- “Education for bar staff as well as dancers on proper conduct when dealing with intoxicated people, on assertiveness and a myriad of similar things.”
- “More bouncers”
- “Cleaning the premises”
- “More staff”
- “Do they need improving? I am happy where I am.”
- “To continue checking in with the dancers who have licenses by doing surveys like this in Staff report for action on Review of Adult Entertainment Parlour Regulations

order to maintain standards.”

- “I am a free market advocate. By removing as many barriers as possible to a dancer's ability to work, they (we) will choose the clubs with the best conditions. This will foster competition among the clubs for our services, raising the standards among all the clubs.”
- “More decisions from the entertainers. Clean environment, such as seating, locker rooms, eating area, also security inside club and outside.”
- “Regulate the entertainers to maintain integrity within the clubs and VIP areas. Many clubs and managers do not condone prostitution or sexual acts, however, the entertainers will offer these things to solicit a customer, making a hostile enforcement for the entertainers who simply dance.”
- “There needs to be a crackdown on prostitution within strip clubs. There needs to be some measures taken to enforce the non-contact rules. Video surveillance within the private dance areas and there should be a way to prevent bribery. Prostitutes should NOT be working in strip clubs”.
- “Stricter police on touching ,4+ years ago conditions were better. Now too many men expect more than a dance. Quality of customer has gone down, perhaps b/c of higher expectations.”
- “Stricter enforcement against sexual touching and what is considered sexual touching”
- “Enforce health and safety standards. [One of the clubs] is an unsanitary environment. Full of mould and mildew.[...] many long time staff members are sick. A city of Toronto bylaw should enforce the owner to provide and maintain a clean and healthy working environment for all involved.”
- “No more licenses - sexual touching permitted - sex acts permitted safely and consensually – no-one under 25 allowed to dance. They're too young/rude/greedy/pimped out/class.”
- “License the dancers + educate them on the rules and their rights. Have city officials (females) regularly attend the clubs and inspect them by having clear 'list' of what the expectations are for the clubs to abide by this "list" or shut them down if they don't comply”
- “The city of Toronto should be inspected more thoroughly and frequently”
- “Put out mini course/exam/handbook like taxi drivers. Require all club/dancer rules to be writing and posted at all times in high traffic area of dancers change rooms in order to be enforced. No more he said she said including updates and changes. If it's not up, they can't say crap/give you s[...].”
- “To allow dancers more touching and privacy and to issue a permit which will see like a license, but no fees! Registration should be based on that permit [...]”
- “Clean up the clubs and fire and prosecute the parasites (managers not demand sexual favours and abuse the workplace. And dirty dancers - lay charges if they get caught. Clients expect what they are received past dances from girls”
- “They should have prostitution inspections as it is happening in many clubs More security by VIP lounges. Dress code. Lower license renewal fee. Mandatory better treatment from managers/staff”.
- “Pass a new by-law where dancers are not allowed to drink (many girls become alcoholics at the end of their careers). Fine clubs for allowing touching. If club owners are scared of losing money or liquor license, they will enforce rules upon dancers and customers to stop touching. Create help line dedicated to dancers (burlesque entertainers). Mandatory health insurance in case of injury of back, ankles etc”.
- “Make the club more responsible for the welfare of the dancers and customers under the threat of heavy fines”

- “Regulate or more regulations of bylaws for the owners and also more obligations”
- “Quality control of cleanliness of the club environment; minimum security per ratio of dancers”
- “I would like to see a balance between the outdated laws and rules and the reality I face everyday.”
- “One more suggestion is the involvement of Health Canada in some way to educate the dancers of potential risks of catching STDs, etc. “
- “I deal with unwanted touching in order to compete with other girls. Because I constantly hear that for the same price of a few dances the customer can get oral sex. For the first [...] years of my career, I did lap dances, but the customers were not even allowed to touch my breasts. I didn’t go home with sore nipples from having them squeezed or rubbed, and didn’t have to worry about catching something, not to mention the psychological impact of constant, albeit minor, but still sexual assault. The vast majority of girls who choose to strip as opposed to prostitutes would side with me. If they were comfortable with performing sexual acts, they would not choose to be dancers in a strip bar but would find an alternate venue.”
- “When it comes to workers rights, the only thing that distinguishes a strip bar in Toronto from a sweatshop is the pay.”
- “Enforcement of "no touch" provisions is necessary. I have yet to see it enforced anywhere.
- “Reciprocal touching between customers and dancers is the norm, and any dancers that doesn’t allow customer to touch are unlikely to make money. Customers and dancers need to be more aware of the bylaws and there should be consequences for those who don’t comply”

Comments from the surveys in the same handwriting:

- “Modify all laws to association (Myron Shulgan) recommendations including implementing registration for entertainers instead of licensing.”
- “Stop treating us like criminals”
- “Change laws as association (Myron Shulgan) has recommended”
- “Implement registration of entertainers and implement association (Myron Shulgan) recommendations.”
- “To eliminate the licensing requirement for entertainers and implement the registration system and modify all laws to association (Myron Shulgan) recommendations.”
- “By adopting all the recommended changes to the laws that our association's attorney (Myron Shulgan) recommends”
- “By implementing the registration system instead of licensing of entertainers and to adopt all the minor changes that the association's attorney (Myron Shulgan) is recommending for us.”
- “Implement registration of entertainers and delete the contact provision to be replaced only by the criminal code”
- “Eliminate the licensing for entertainers and implement registration and to close down all the massage parlours in the city”
- “Give us registration. By adding all the recommended changes from our association's attorney (Myron Shulgan) and eliminating the licensing requirement for entertainers and implement the registration system our association is recommending.”

- “Just implement the registration for entertainers instead of licensing and change the current flawed laws as association (Myron Shulgan) recommends that would help a lot”
- “Implement all recommendations by association attorney, please”
- “Implement association's recommendations so that we can be treated fairly and with respect”
- “Implement association's recommendations as soon as possible please”
- “By amending laws to correspond to recommendations of association (Myron Shulgan) defining prohibited contact, defining viewable VIP rooms and implementing registration”
- “Just treat us with respect during inspections and change the registration of entertainers for us”
- “Implement registration of entertainers and implement changes that our association (Myron Shulgan) is recommending to other laws, too.”
- “Put in registration of entertainers instead of licensing us.”
- “Change laws as association (Myron Shulgan) recommends”
- “Implement registration of entertainers instead of licensing and implement law charges as association attorney (Myron Shulgan) recommends”
- “Implement registration of entertainers instead of licensing us”
- “Implement registration of entertainers instead of licensing and implement recommendations of association and force customers to wash their hands before dance”
- “Change to registration model and change to attorney (Myron Shulgan) recommendations for all other provisions”
- “Stop licensing entertainers”
- “Ensure privacy rights by implementing registration of entertainers for me”
- “By correcting the current unenforceable laws with association (Myron Shulgan) recommendations”
- “To implement association recommendations”
- “Adopt all association recommendations”
- “Need to implement registration of entertainers immediately”
- “Just implement all recommendations from our association including implementing registration of entertainers”
- “Tell enforcement officers to stop harassing the entertainers”
- “Give us registration! Implement registration of entertainers instead of licensing us”
- “Just implement all association (recommendations) if you want to help us”
- “Give us registration to better protect me and my family. Privacy concerns are real.”
- “By implementing all recommendations of our association, in particular, to implement registration to protect my privacy in my future”
- “To eliminate the licensing requirement for entertainers”
- “By implementing registration of entertainers and to protect us from harassing officers”
- “Stop harassing entertainers, treat us fairly and implement the registration model immediately or as soon as possible”
- “Amend laws to association recommendations”

- “By adopting all recommendations of our association (Myron Shulgan) for laws and registration”
- “By making all provisions as association (Myron Shulgan) recommends. “
- “Implement association's recommended wording changes to laws and implement registration model for all of us”
- “Listen to our association (Myron Shulgan)”
- “Please implement association recommendations to prevent us from continuing harassment by by-law officers”
- “To inform police to stop harassing entertainers and treat us respectfully. It is a legal occupation”

OTHER COMMENTS:

- “Number of customers have been reduced over the past few years but the number of dancers have been increased a lot. No touching rule will not help dancers to earn money for living.”
- “I used to be a burlesque entertainer for 5 years only while in school and hated every second of it. The money put me through my [school]”
- “I can refuse lap dances, but then you don't make money. I don't have a 'boyfriend' that takes my money like most girls but I know a lot of girls work and take drugs under duress”
- “Better security is needed. I have a problem with security/bouncers. they ogle and hit on the girls [...] uncomfortable if they are there to protect you, not have sex with you. In a place where you are already vulnerable, you need security and management to make you feel safe”
- “I think clubs across Ontario should be required to pay dancers for shift work.”
- “Strip club staff (including donors as well as DJ's, bouncers, managers etc) as well as customers have suffered from cultural stereotyping and it would be great to see some policy that took everyone into account.”
- “Educate people instead of just limiting their freedoms with no real explanation why.”
- “In Toronto dancers have far more rights and are protected [than in Niagara] “
- “I feel that management in clubs fear strict regulations because they could hinder business by deterring those customers who enter a club looking for sexual acts. Dancers or entertainers are moving more towards prostitution in a competitive industry based solely on income from VIP private dances. Customers are looking for more, and re getting it, at the expense of the safety and integrity of entertainers who wish to maintain a burlesque entertainer career. Prostitution is prostitution, dancing is dancing, the two must not cross over. That's what needs regulation”
- “Customers that come to strip clubs and think sex acts are acceptable tend to be more violent with dancers. Eventually, there will be law suits due to violence and unwanted touching”
- “Of the TO clubs, I've found some treat their girls better than others. I feel I work at a safe club where management usually protects their girls .Some clubs aren't that great. Some are downright terrible where management is part of the problem. Most have been fine, more or less. Toronto seems safer to work than Mississauga.”
- “Mississauga is a dangerous work environment. There are a lot of pimps and

Staff report for action on Review of Adult Entertainment Parlour Regulations

prostitutes. They are highly unregulated. This means there are no rules and girls routinely provide intercourse and oral sex in the vip lounge. Toronto girls are good girls and we appreciate the security of the licence and the bylaw that prevents pimps and sex in our clubs. Please don't take that away from us.”

- “Thank you for asking, I hope our industry leans toward prostitution, not away from it. We need to evolve and put women in the driver's seat of their own bodies and lives.”
- “The clubs are turning into brothers with the police in their pockets. Very tough to maintain closing disposition when the club allows sexual acts”
- “Thank you for asking”
- “Burlesque entertainers have very little rights. They have no protections from discrimination, being fired on the spot with no explanations, no health protection. (Most dancers have very bad back problems for the rest of their lives due to wearing high heels for long periods of time. Many have psychological problems). Based on the nature of the industry, sexual harassment is very common by management and DJs. There needs to be a minimum/universal price per song which will include HST. This price should be adjusted according to the inflation rate. For example, min. wage is adjusted annually”
- “Put city inspectors in each club to monitor them, with the clubs and the city sharing the cost. This will protect the dancers and customers against unscrupulous club operators”
- “Thank you for allowing me and other dancers to have a say in this. I tried to get other girls to fill out the forms [...]. It was not until the clubs started raising the issue for their own agendas, in order for the issues to be re-examined. That's the level of lack of faith and apathy prevalent amongst the workers of the strip club industry. And it's not without a reason.”

Comments from the surveys in the same handwriting:

- “I would like to see the registration is recommending be implemented as soon as possible. Thank you.”
- “Thank you for this opportunity”
- “I just want to be able to work and not be harassed by by-law officers and police after work. Very often, police follow me out the parking lot after work, pull me over, search the car. All for no reason. Please speak to police about this concern.”
- “It's obvious that this questionnaires was drafted without any input any current active entertainers. You show you have no idea about our jobs at all. Definitely, leading and manipulative to come to your pre- draw conclusions which are not accurate at all”
- “The city collects far too much in a licensing fee from us. This is only a tax grab. The fee is far too much and the city has been exploiting us with this for far too long. Please adjust to a registration model”
- “All of these questions in this survey have obviously been created by someone who doesn't understand us. Please consult with the adult entertainment association, in the future. I feel that the licensing fee in Toronto is not in line with other cities. It is too high”

Summary of the survey results – general public

The general public was invited to participate in an on-line survey regarding current AEP regulations and working conditions of the entertainers. A total of 518 responses were received (please see tables below for details). The key findings include:

- Members of the public who attend the AEPs formed nearly 48% of all respondents, and members who did not attend – just over 40%
- An overwhelming majority of all respondents do not support the no-touch provisions (319 or nearly 62%)
- A majority of all respondents do not support the unobstructed-view provisions (310 or nearly 60%)
- An overwhelming majority of all respondents support lap dancing/close contact between the entertainer and the patron (391 or 75%)
- Nearly half of the respondents feel that the entertainers should not be required to be licensed by the City (236 or nearly 46%)

| Respondents | Number of responses | Percentage | Awareness of No-Touch Provisions | Number of responses | Percentage | |
|--|----------------------------|-------------------|---|----------------------------|-------------------|---------|
| a member of public, who attends adult entertainment parlours | 248 | 47.88% | | Yes | 383 | 73.94% |
| a member of public, who does not attend adult entertainment parlours | 209 | 40.35% | | No | 120 | 23.17% |
| Other | 33 | 6.37% | | Blank - no response | 15 | 2.90% |
| blank - no response | 28 | 5.41% | | TOTAL | 518 | 100.00% |

| No-touch provisions should be in the bylaw | Number of responses | Percentage | No-touch provisions protect burlesque entertainers | Number of responses | Percentage |
|--|---------------------|----------------|--|---------------------|----------------|
| Yes | 148 | 28.57% | Yes | 119 | 22.97% |
| No | 319 | 61.58% | No | 296 | 57.14% |
| Blank - no response | 16 | 3.09% | Blank - no response | 18 | 3.47% |
| I don't know | 35 | 6.76% | I don't know | 85 | 16.41% |
| TOTAL | 518 | 100.00% | Other | 0 | 0.00% |
| | | | TOTAL | 518 | 100.00% |

| Awareness of Unobstructed-view Provisions | Number of responses | Percentage | Unobstructed-view provisions should be in the bylaw | Number of responses | Percentage |
|---|---------------------|----------------|---|---------------------|----------------|
| Yes | 209 | 40.35% | Yes | 140 | 27.03% |
| No | 288 | 55.60% | No | 310 | 59.85% |
| blank - no response | 19 | 3.67% | Blank - no response | 18 | 3.47% |
| Other | 2 | 0.39% | I don't know | 48 | 9.27% |
| TOTAL | 518 | 100.00% | Other | 2 | 0.39% |
| | | | TOTAL | 518 | 100.00% |

| Unobstructed-view provisions effectively protect entertainers from unruly customers | Number of responses | Percentage | Support for lap dancing/close contact between an entertainer and a customer | Number of responses | Percentage |
|---|---------------------|----------------|---|---------------------|----------------|
| Yes | 100 | 19.31% | Yes | 391 | 75.48% |
| No | 295 | 56.95% | No | 79 | 15.25% |
| blank - no response | 20 | 3.86% | Blank - no response | 21 | 4.05% |
| I don't know | 100 | 19.31% | I don't know | 24 | 4.63% |
| Other | 3 | 0.58% | Other | 3 | 0.58% |
| TOTAL | 518 | 100.00% | TOTAL | 518 | 100.00% |

| Burlesque entertainers should not be licensed by the City | Number of responses | Percentage |
|--|----------------------------|-------------------|
| Yes | 236 | 45.56% |
| No | 182 | 35.14% |
| Blank - no response | 19 | 3.67% |
| I don't know | 77 | 14.86% |
| Other | 4 | 0.77% |
| TOTAL | 518 | 100.00% |

APPENDIX E

SUMMARY OF CONSULTATIONS AND SPECIFIC RESEARCH – OTHER INTERNAL AND EXTERNAL SOURCES

Staff consulted with a number of City divisions including Toronto Public Health, the Toronto Police Service, ML&S Licensing Services, Toronto Corporate Information Management Services, and external regulatory and enforcement entities, such as: Canada Border Services, Citizenship and Immigration Canada, Human Resources and Skills Development Canada, the Alcohol and Gaming Commission of Ontario, the Mississauga Compliance and Licensing Unit, Peel Regional Police, Niagara Regional Police, and the Ottawa Police Service. Staff also sought an opinion of an outside expert on the subject of health and safety risks associated with the AEP industry and engaged the general public through an on-line survey.

Canada Border Services. Canada Border Service (CBS) does not have direct access to the City of Toronto licensing database. Requests for information submitted by any external agency must follow the City's Access to personal Information Policy. CBS enforcement staff do not routinely request information regarding entertainers from the municipalities. CBS staff stated that while the agency had occasionally used municipal licensing information in the past, it does not routinely rely on such information for the purpose of investigations/enforcement.

Citizenship and Immigration Canada. The comments from Citizenship and Immigration Canada (CIC) echoed those from Canada Border Services. The agency does not routinely request information regarding entertainers from the municipalities for the purpose of the investigations. While the CIC concerns itself with the matters related to the temporary and permanent immigration and the management of the Immigration Program, the enforcement related to the removal of entertainers who are illegally in Canada, is conducted by Canada Border Services.

One of the federal programs linked to the AEP industry is a Temporary Foreign Workers Program, administered by the Human Resources and Skills Development Canada (HRSDC). The HRSDC is the agency that processes employers' applications to hire temporary foreign workers and issues Labour Market Opinions (LMO). If employers want to hire a foreign worker, they must obtain a positive LMO. The LMO is a document issued by the HRSDC to the employer which allows a worker, to obtain a temporary work visa.

In 2004, the HRDSC implemented a policy and guidelines with respect to the hiring of foreign exotic dancers. One of the requirements under this policy was that all employers and foreign exotic dancers were obliged to sign an Employment Contract for a period of no longer than one year. Among other stipulations, the HRSDC required that the contracts contain the condition that *“duties of the job must be limited to stage and/or table dancing only; duties cannot include any form of dancing/acts that involve physical*

contact with club patrons (often referred to as “lap dancing”), nor private dancing, where “private” is defined as not in plain view from the main stage (i.e. behind curtained areas or in secluded booths).” These specific guidelines had been part of the policy since its implementation. They were implemented as precautionary measures to protect the welfare of workers who tend to be more vulnerable to poor working conditions.

In Ontario, between 2006 and 2011, the total number of work permits issued to foreign exotic dancers was 530. (See Appendix J for the statistical history of the Burlesque Entertainer Licences that were issued to the individuals with work permits in the City of Toronto).

In July 2012, the federal government introduced new rules to the Foreign Workers Program relating to the hiring of foreign exotic dancers. Under these rules, Canadian employers are not allowed to hire temporary foreign workers in sex trade-related jobs, including exotic dancing. Since July 4, 2012, the HRSDC has been issuing negative Labour Market Opinions to sex trade-related businesses (e.g., strip clubs, escort services, massage parlours) or other businesses where there are sufficient grounds to suspect that there is a risk of abuse, degrading work or exploitation, including sexual exploitation, of workers. A negative LMO effectively precludes the hiring of a foreign worker as an exotic dancer. In addition, effective July 14, 2012, the CIC will no longer process work permit applications from foreign worker seeking employment in sex-trade related business, including the exotic dancing industry.

Toronto Public Health (TPH). Consultations were held with TPH staff from the Sexual Health Promotion Unit and the Communicable Diseases Control Unit. TPH advises that the risk of transmitting a Sexually Transmitted Disease (STI) or HIV through skin-to skin contact is extremely low, and there are no reported cases or tangible evidence related to the occupation of an exotic dancer/burlesque entertainer. Some infections (i.e. herpes, human papilloma virus) that can be transmitted by skin-to-skin contact are not reportable. Contact with genitals or genital fluids during unprotected (skin-to-skin) lap dances may facilitate transmittal of syphilis. Potential contamination of various surfaces in the club (i.e. surface of the stage, chairs, dancing pole, etc) with infectious agents may also pose health risks to the entertainers and the patrons. Furthermore, genital fluids that may be found on clothing during a lap dance may theoretically pose a risk of disease transmittal if such fluids make contact with the skin.

However, as in 1995, before the no-touch and unobstructed-view provisions were added to the AEP bylaw, the main concerns expressed by TPH are rooted in the issue of safety and the risk of violence and injury for performers. As mentioned above, lap dancing and close physical contact during a lap dancing performance, particularly in the areas that are not within of view of other entertainers or club staff, expose the entertainers to a greater risk of sexual and physical assault by the patrons and may result in harm to the entertainer. Consumption of alcohol increases such risk. Any changes to the AEP bylaw and the rationale should, therefore, address the safety concerns related to the services being provided in close proximity to the patrons and to the construction of private booths/rooms or VIP lounges.

TPH staff recommend education efforts on the subject of the risks to health and safety and the subject of the entertainers' rights. Notices, pamphlets, posters could/should be distributed/posted in appropriate locations to educate entertainers, patrons, and club owners. Staff are recommending a requirement that posting of the health notice be mandatory under the AEP regulations.

Toronto Police Service (TPS). The Toronto Police Service has offered the following feedback:

General

- There are concerns of drunkenness/alcohol consumption in the AEPs. There is a greater risk of sexual assault on the entertainers by intoxicated patrons
- Security personnel should be licensed by the Province of Ontario under the *Private Security and Investigative Services Act*

No-touch provisions:

- Officers look for touching of certain body parts (i.e. genitals, breasts, etc.) when collecting evidence to substantiate the charge for touching under the bylaw. These types of cases were successful in the courts, resulting in convictions. Innocuous physical contact (i.e. touching on an arm, a hand shake, etc.) does not form the basis for a charge, as this is not the intent of the bylaw.
- In general, TPS is not supportive of permitting physical contact between the entertainers and patrons, if the officers were required to form their own interpretation of what type of contact is sexual or non-sexual. This approach would not be supported by the TPS, and such provision would be, to a great degree, unenforceable. The police support, however, a more specific language on what type of contact is prohibited.

Unobstructed-view provisions/private booths/rooms:

- The unobstructed view from the main stage as a reference point, has resulted in some judges ruling that the officer should be on the stage when making the determination if the performance is within the view of the main stage
- It is difficult to see the performance in certain private booth/rooms due to the obscurity of the material from which they are constructed. Employees/officers should be able to see what is taking place in the rooms.

Licensing vs registry of entertainers:

- TPS is not supporting the elimination of licensing of entertainers primarily due to the concerns regarding under-age entertainers, illegal workers, and criminal records not being reviewed by the regulator
- Human Trafficking within the AEP industry is a subject of concern; however, generally, for the investigation to commence/proceed, the victims must come forward. It is extremely difficult to persuade the victims to make a report to the police.

City of Toronto Licensing Services. Following the consultation with the AEAC and the entertainers regarding the development of an enhanced training and inspection protocol, meetings were held with Licensing Services on the subject of the existing provisions, the existing Standard Operating Procedures related to enforcement, the enhanced protocols and training plans, including complaint intake and handling, inspection protocols, and appropriate investigative techniques. As a result, an enhanced Standard Operating Procedure/Inspection protocol has been developed, in addition to a comprehensive training program for ML&S Licensing enforcement staff concerning these investigations and inspections. The delivery of the training program and implementation of the protocol will take place following the approval and/or passage of any AEP bylaw amendments resulting from this report and the deputations received.

Corporate Information Management Services (CIMS). Consultations were held regarding the City's policies concerning access to licensee information as it relates to burlesque entertainers.

Under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the status of the entertainer's licence and its validity, including issuance and expiry dates - like all other information under the custody or control of the City - may be accessed by the public, subject to the exemptions to the right of access provided under MFIPPA.

Licensee information (the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity) is generally considered to be information where disclosure to the public is appropriate. As a result, the City has adopted a routine disclosure policy which provides public access to licensee information without the requirement for a formal request to be filed with the City. However, burlesque entertainers are considered to be a vulnerable group of licence holders. As outlined above, research shows that burlesque entertainers are frequently stigmatized because of their occupation and that they run the risk of having their safety compromised by means of harassment, exploitation, expectation of sexual favours, stalking, and physical and sexual assault, if exploitative individuals learn of the details about their place of work. There is also a concern about the risk of discrimination with respect to future job prospects.

Accordingly, should the City of Toronto continue with the licensing regime for the entertainers, as it is recommended, that licensee information concerning burlesque entertainers be excluded from the City's routine disclosure plan.

Additionally, in response to a formal request being filed in accordance with MFIPPA, CIMS has been made aware of the potential concerns indicated by the above noted research, and MLS staff will provide information to CIMS for consideration in the determination of whether applicable sections of MFIPPA, (such as s.8(1)(e) – endangerment of the life or physical safety of a person, s.13 – serious threat to the health or safety of an individual, s.14 – unjustified invasion of personal privacy) would prevent public access to specific licensee information relating to burlesque entertainers. ML&S will work with CIMS to develop an internal policy concerning the exclusion of the entertainers' licensing information from routine disclosure. A public request for such information will be reviewed on a case-by-case basis under MFIPPA.

Subject matter expert on sexual health and exotic dancing. Staff consulted with Dr. Eleanor Maticka-Tyndale, a Canada Research Chair in Social Justice and Sexual Health from the University of Windsor. Her expertise and opinion applicable to this review is linked to her work on the subjects of health and safety of exotic dancers and local policies that govern exotic dancing. She is a Co-Investigator of the Sex Trade Advocacy and Research group (STAR). Among other research, Dr. Maticka-Tyndale participated in the study and drafting of the 2004 report titled *Exotic Dancing in Ontario: Health and Safety*, a collaborative work of the Toronto Public Health, the Region of Peel Health Department, and the STAR.

For additional information on the credentials and work of Dr. Maticka-Tyndale, please consult <http://www.uwindsor.ca/sociology/eleanor-maticka-tyndale>

Dr. Maticka-Tyndale offered the following expert opinion:

General/working conditions:

- Burlesque entertainers are difficult to engage in consultations – they do not trust the authorities and fear public exposure and exposure to people close to them due to stigmatization and general contempt of the way they earn their living.
- Many Labour Code provisions do not apply to this group of workers, and, as a result, the working conditions of the entertainers and lack of protection from employment laws are of concern.

No-touch provisions:

- Health risks at the AEPs, particularly as result of skin-to-skin contact is very minimal/low; however, the negative impact on mental health of the entertainers is quite substantial.

- Lack of general cleanliness of the premises and security and safety of the entertainers are more of a concern than physical contact.
- There is no general consensus among the entertainers on the issue of lap dancing/close contact with the patrons. Since the entertainers wish to maximize their earnings, they are often agreeable to touching.
- Many clubs are not diligent with enforcing the rules, because allowing physical contact generates more profit.
- Most entertainers will not complain or object to an unwanted touching or other misbehaviour of a patron for fear of being banned from working in the particular club.
- If touching/physical contact were to be permitted, defining prohibited body areas is a good option; however, in reality the entertainers will continue to lack the power to object to the patrons' demands.
- Any amendments to the bylaws should attempt to strike a balance between the needs and rights of the entertainers and the adequate safety and security measures.
- A greater onus should be placed on the owners of the clubs to enforce the rules
- A requirement of formal security personnel in the clubs is a good measure
- Any touching/close contact is a potential risk to the safety of the entertainers

Unobstructed-view provisions/private booths, rooms, and cubicles:

- The entertainers feel safest when they perform in public view
- Entertainers providing services in the private rooms/booths must have adequate protection from security personnel
- Privacy of a private room/booth/cubicle is acceptable, as long as the area is patrolled

Licensing vs Registration of Entertainers:

- A licensing record, if easily accessible by the members of the public, may close doors to future and present employment opportunities and may result in certain individuals taking advantage of this information. Conversely, licensing offers a safeguard against hiring of under-age performers. As an additional safeguard, licensing records should be deleted from a general electronic database after a certain period of time has passed since the time the licence expired to ensure that information is not inadvertently released by staff.

- Many entertainers are equally concerned with permitting club owners to collect their detailed personal information
- For many entertainers, exotic dancing is a temporary or occasional employment. Stigmatization of this occupation, however, creates road blocks to future career opportunities.

APPENDIX F

OTHER JURISDICTIONS – KEY PROVISIONS

Table 3

| City/Town | No-touch provisions | Unobstructed view provisions | Licensing vs registry of entertainers | Comments |
|------------------|---|---|--|--|
| London | Yes – physical contact prohibited | Yes – within the entire area where services are provided | No licensing No registry | |
| Mississauga | Yes – certain physical contact is prohibited: touching, sitting, or resting on or making any physical contact with the breasts, buttocks, genital or pubic areas is not permitted | Yes – within the view from the main stage and from a patron seating area | Registry | See report for details |
| Ottawa | Yes - physical contact is prohibited (Notice must be posted to advise that physical contact is prohibited) | Not specifically – services must be provided within a designated entertainment area | Registry | Feedback from Ottawa Police: Registries are not maintained properly or at all by some clubs Under-age dancers working in the clubs – a recent Human Trafficking case involved an under-age girl forced into stripping Enforcement efforts have been negligible – self-regulation is more pronounced |
| Windsor | Yes - physical contact is prohibited | Yes – within the view of patrons or <u>attendants</u> (not dancers) | Licensing (dancers) | Notice must be posted that touching of a dancer may constitute an assault |

| City/Town | No-touch provisions | Unobstructed view provisions | Licensing vs registry of entertainers | Comments |
|-----------|--------------------------------------|---|--|--|
| Hamilton | Yes - physical contact is prohibited | Yes – within the view of from the main stage | Licensing | Notice must be posted to advise that physical contact is prohibited |
| Vaughan | Yes - physical contact is prohibited | Yes – performance cannot be hidden or concealed, in whole or in part | Licensing | |
| Calgary | Yes - physical contact is prohibited | No | Licensing and list maintained by club owners | Bylaw explicitly prohibits patrons from touching entertainers |
| Vancouver | Yes - physical contact is prohibited | <p>Entertainer must remain in or on a stage area located outside of general seating area.</p> <p>Performances are not allowed in the audience area.</p> | | <p>A combination of municipal and provincial regulations</p> <p>Entertainment area is approved under the Liquor Control and Licensing Act of British Columbia. Conditions are noted on the licence issues to the club.</p> |

APPENDIX G

NOTICES CONCERNING THE ENTERTAINERS' SURVEY AND HIGH SCHOOL RECRUITMENT FLYER CREATED BY THE AEAC

Text1



Text2

DRAFT
EARN YOUR TUITION FEES WHILE WORKING AS AN EXOTIC DANCE ENTERTAINER

MUST BE 18 + YEARS OLD ON FIRST DAY OF WORK

NO EXPERIENCE NECESSARY
WILL TRAIN

IF YOU ARE VISUALLY APPEALING AND COMFORTABLE WITH YOUR NAKED BODY AND ARE COMFORTABLE ABOUT TAKING ALL YOUR CLOTHES OFF, YOU CAN BE WORKING RIGHT NOW AS AN EXOTIC DANCER AND EARN YOUR TUITION FEES FOR UNIVERSITY OR COLLEGE

NOTE: YOU MUST BE COMFORTABLE TO BE ONSTAGE AT A CLUB AND DISROBING (STRIP TEASING)

- NO ACTUAL SEX OR SEX ACTS TO OCCUR - GUARANTEED

PRIVATE DANCES IN OPEN LOUNGE AREAS
PART TIME WORK AVAILABLE (FLEXIBLE HOURS)
FULL TIME WORK AVAILABLE
SEASONAL POSITIONS AVAILABLE

FOR FURTHER INFORMATION ABOUT THIS EXCITING UNIQUE EMPLOYMENT OPPORTUNITY, PLEASE CONTACT THE ADULT ENTERTAINMENT ASSOCIATION OF CANADA AT 1-866-311-AEAC THAT WILL REFER YOU TO AN OPENING EITHER WITHIN YOUR AREA OR OUTSIDE YOUR AREA!

APPENDIX H

CITY OF TORONTO BURLESQUE ENTERTAINER'S LICENCES AND WORK PERMITS

The following Table 3 denotes the statistical history of the City of Toronto Burlesque Entertainer Licences that were issued to the individuals with work permits issued by the federal government under its Foreign Workers Program (described in a greater detail in Appendix D):

Table 3

| Year | Number of licences active in the given year | Number of licences with work permits |
|-------|---|--------------------------------------|
| 1996 | 2,166 | 0 |
| 1997 | 2,320 | 0 |
| 1998 | 2,455 | 0 |
| 1999 | 2,346 | 0 |
| 2000 | 2,208 | 0 |
| 2001 | 2,161 | 0 |
| 2002 | 2,115 | 0 |
| 2003 | 2,172 | 0 |
| 2004 | 2,136 | 86 |
| 2005 | 2,858 | 180 |
| 2006 | 1,943 | 165 |
| 2007 | 1,565 | 104 |
| 2008 | 1,411 | 77 |
| 2009 | 1,408 | 70 |
| 2010 | 1,472 | 89 |
| 2011 | 1,402 | 102 |
| 2012* | 1,467 | 106 |

* As at September 7, 2012

APPENDIX I

THE SEX TRADE AND ADVOCACY RESEARCH (STAR) GROUP BROCHURE “DANCING MATTERS”

This brochure was the result of the work in partnership with the entertainers, Toronto Public Health Peel Region, and the University of Windsor (Dr. Maticka-Tyndale), as a part of the report 2004 *Exotic Dancing in Ontario: Health and Safety* (see above).

The views expressed herein do not necessarily represent the views of SSHRC, NNEWH, the official policy of Health Canada, or any of the organizations, partners, or individuals named in this brochure.

More information is available from project partners:



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E-mail: mitaybr@peelandplay.com
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Phone: 905-799-7700
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Web: www.chezstella.org



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September 2004

DANCING MATTERS

Dancing Matters is one of a series of 5 brochures for people working in the sex industry. The others cover Security, Law, Money, and Health Matters.

Dancing Matters covers:

- ★ Some of the most common health and security concerns raised by dancers, and
- ★ Tips for how to deal with them.



Sex Trade Advocacy and Research
Défense du travail des sexes et projet de recherche

www.uwindsor.ca/star

Information in this series of brochures comes from research conducted with dancers, escorts, masseuses, street workers, and doms in Toronto and Montreal from 2001 to 2003. Although the information in this brochure largely reflects the experiences of women, it may also be useful to men or TS/TG workers. Select the tips that work best for you or modify them to meet your needs.

NOTES

HOW TO GET STARTED

If new to exotic dancing or thinking of changing the way you work, here are some tips for getting started:

- If you can, check out a club or bar before you dance there:
 - Find out the club rules. For example:
 - What customers are allowed to do.
 - How the club supports and protects dancers.
 - Who sets the rules for stage and floor dancing.
 - Whether working free lance or on schedule ask about:
 - Fees you are expected to pay (e.g., to DJs, bouncers, wait-staff).
 - Times you can work, your schedule, and how you can change it.
 - Number and type (couples or girl-on-girl shows) of stage shows you have to do.
 - If working free lance, also ask about:
 - Types and number of breaks you can take.
 - If working on schedule, also ask about:
 - Whether the club is submitting taxes for you (see *Money Matters*).
 - Check if the change rooms and bathrooms:
 - Are clean.
 - Have hot water and soap.
 - Have doors and locks on toilet stalls.
 - Have a clean shower.
 - Have a place to lock your things.
 - Check if the VIP room:
 - Has camera surveillance and if it does, find out how it works and what happens to the tapes.
 - Has a bouncer to come to your aid.
 - If you feel intimidated, uncomfortable, or threatened, this may not be a good place for you to work.
- If thinking of working for an agent, ask about:
 - The clubs you will be working at.
 - Get a list of the clubs the agent works with.
 - Ask about differences between clubs.

2

7

- Use your cell phone to call someone when you arrive and again when you leave.
- Have a driver wait for you.

STAYING HEALTHY

See *Health Matters* for tips on staying healthy.

LEGAL ISSUES

See *Law Matters* for tips on legal issues related to dancing.

OTHER HEALTH AND SAFETY CONCERN

We've only been able to cover some of the main concerns of dancers. If you want more information on the topics covered in this brochure or other health issues, a Montreal organization run by and for sex workers has excellent health and safety tips on their website in their *Striptease Guide*. You can find it at www.chezstella.org or by calling 514-285-8889. The Exotic Dancers Association of Canada (EDAC) can also help with tips and advice, go to www.livegirlproductions.com or call 1-888-295-7335.

This brochure is only meant to provide basic health information. If you have health concerns contact a health professional. Local sex workers organizations can often point you toward health care professionals who will provide quality service and understand your needs.

- Find out:
 - If you can refuse a club
 - If clubs expect extra or special shows and what these are.
 - The fees you must pay (to the agent, drivers, hotels, clubs, floor fees, DJs, bouncers and wait-staff).
 - Whether you have to do stage shows, how many, how often.
 - Make sure the agency knows what kind of dancing you are willing to do (e.g., lap dance, girl-on-girl, couples shows).

KNOW YOUR RIGHTS and the laws that affect your work

- You have a right to be respected and to set your own limits.
- If you need a city license to dance, get a copy of the licensing bylaw.
- Find out if there are any city bylaws that affect you. Call an exotic dancers' or sex worker organization for information.
- See *Law Matters* for more information.

HEALTH AND SAFETY ON THE JOB

TIPS about staying healthy and safe on the job:

- Know your limits and what you are willing to do.
- DJs control what is played and how long songs are. Dancers often find that increasing DJ tips can be helpful.
- Wash your hands or use hand sanitizers as often as possible.
- Clean your genitals with unscented non-alcohol based wipes.
- Use a scarf or towel when sitting on any surface.
- During your menstrual period:
 - If you use a tampon, cut the string shorter and tuck it inside.
 - Consider a sponge or cone. They are invisible and may be more comfortable than a tampon.
- Some dancers use sponges or tampons between periods to absorb vaginal fluid.

When dancing on stage:

- Avoid using creams or oils that do not sink into your skin just before your show. They can make the pole and stage slippery.
- Check to see if there's water on the stage that could make you slip.
- Be sure poles are solidly attached to the ceiling and floor.
- Make sure the poles are clean. Use your own alcohol wipes to clean them if you aren't sure.
- Use your own towel and floorshow blanket.
- If you use a mini-stage, watch getting on and off, and make sure the pole is secure.

Aussi disponible en français.
www.uwindsor.ca/star

6

3

If using a table dance box:

- Check the box for splinters, broken wood, loose frames, or cracked plexiglas. Alert the management if any are in bad repair.
- Watch for roaming hands. Clients have an easier time touching you when you dance on a box, especially when you're bending over.
- Get accustomed to how much space you have on the box to keep yourself from falling off.

On the main floor – Table dances

- Watch out for unruly or aggressive customers.
- Use the mirrors to keep track of your back.
- Move deliberately and be aware of your customers as well as the condition of the floor and the furniture.

Booths or VIP Rooms

- These are secluded areas; there's a greater possibility of assault.
- The best security in a VIP room is a bouncer who is making rounds or standing just outside.
- If a customer is trying to manhandle you, try holding his hands in a sexy way to control him. But be aware that touching violates some municipal bylaws.
- If you're being assaulted, scream.

DRUGS AND ALCOHOL

Like anyone else, some dancers use drugs or alcohol for relaxation, recreation, or to manage work-related stress. Depending on the quantity you use, develop strategies for staying alert and in control.

THINGS TO CONSIDER if you use drugs:

- When getting a new supply, or if you haven't used in a long time, try a small amount to make sure it's safe.
- If you use needles:
 - Use a new one each time.
 - Use rubbing alcohol to disinfect the injection spot.
- If you snort drugs, use your own tube.
- Whatever way you do drugs, it's better not to share paraphernalia.
- Your problems may increase if you are carrying drugs and questioned by police.

MORE TIPS:

- If you drink as part of your work but want to limit how much, ask the bartender or wait staff to water down your drinks or to put just a few drops of alcohol on top of a mixer.
- Many women (and men) have been raped or assaulted because someone slipped a rape drug in their drink.
 - Only accept a drink served by the wait-staff or bartender.
 - Don't put your drink down or leave it behind when you go someplace.
 - If after one drink you feel like you've had 10, alert staff, a co-worker, or someone you trust and have them take you to a hospital. If you've been slipped a rape drug, you will lose consciousness very quickly.

WORKING PRIVATELY

TIPS for dancing at private parties or doing strip-o-grams:

- When booking the appointment:
 - Get a callback number and phone it to make sure it is a legitimate call.
 - Be clear up front about your rules. For example, decide:
 - Whether videotaping is allowed
 - How many customers you will dance for.
 - Whether you will do private dances.
 - Whether you will do lap dances.
 - Try to arrange pay for your driver or look-out person.
- If possible, check out where you're going ahead of time. Plan an exit route.
- When you arrive:
 - Tell your contact person they are responsible for your safety.
 - Remind your contact person of your rules.
 - Get paid up front.
 - Have a cell phone – if you don't have a driver or a look-out person, call someone when you arrive and let them know where you are and how long you will be, or call your answering machine and leave a message. Call again when you're ready to leave.
 - If you didn't check the place out beforehand, now's the time to plan your exit route.
- Ideally have a driver, friend, or lookout come with you and wait in the room for you.
- Strip-o-grams (private out-call dances)
 - This is usually in the customer's territory and is often a one-on-one situation.
 - Find out who will be there ahead of time.
 - Be clear about the rules before you book.