

GL5.2 Attachment 1

Attachment 1: Consultation Report

MLS undertook a comprehensive and inclusive consultation and engagement approach to the By-law review. Consultations included 14 external meetings, engaging with over 300 participants. To inform the public on the consultations, MLS sent mail-outs to licensees; used emails and social media to reach interested third parties and members of the public, and sent communications to City Council.

Staff had ongoing consultations internally with Social Development and Finance Administration division, Legal Services, Toronto Public Health, and the Toronto Police Service. Staff also engaged the Ministry of Labour; Ministry of Children, Community, and Social Services; and Ministry of Health and Long-Term Care.

Approach

MLS hosted public and stakeholder consultations as part of a review of the By-laws on BRPs and Holistic centres in Toronto. Five consultations were held for licensees, including Body Rubbers, Body Rub Parlour (BRP) owners, Holistic Centres, Holistic Practitioners, and PHAs. Four public consultations were held across the City in Etobicoke, Scarborough, and two in the downtown area.

MLS consulted with the following organizations in five separate meetings: survivors of human trafficking, the Canadian Centre to End Human Trafficking, Butterfly Asian and Migrant Sex Workers Network, BridgeNorth, the Holistic Practitioners' Alliance, Maggie's Foundation, Aura Freedom International, Alliance for Sexwork Law Reform, and the Canadian Women's Foundation.

In addition to in person consultations, staff reviewed 32 written submissions from the public, licence holders, and advocacy groups and organizations.

Communication

Letters to licensees:

- Letters mailed out to all licensees registered with MLS
 - Body Rubbers, BRPs, Holistic Centres, Holistic Practitioners, and PHAs.

Emails to targeted stakeholders:

- All licensees that have provided email addresses to MLS
- Stakeholders identified by City Council
- Stakeholders identified by Social Development, Finance, and Administration Division
- Business Improvement Areas (BIAs) and Residents' Associations

Online and social media communications:

- Website
- Online event listings (BlogTO and Now Magazine)
- News Release
- Social media (Facebook, Instagram and Twitter)
- MLS Monitor Newsletter to Councillors and Mayor

Meeting Approach

For each of our external consultation meetings, a member of MLS' senior management provided a short presentation that included: High-level background on the issue; information on the current By-law regulations; information on the proposed changes; and the purpose and goals of the consultation. Participants were offered an opportunity to ask questions for clarification or purpose.

All meetings included a discussion on the potential approaches. For consultations with a large number of attendees, participants were divided into smaller groups. Each group had a facilitator and a note-taker present. Translators were provided at many of the meetings, and translated presentation decks and feedback forms were provided when requested.

Attendees were encouraged to provide their comments verbally or through written comment on feedback forms provided at the meeting and were invited to provide written submissions. Staff had an optional sign-in sheet at the meeting where attendees could provide their email address. Staff followed up with attendees to notify when the report went public.

In undertaking the consultations, the City consulted on the following measures:

Holistic Licence

- Re-examining the licensing of holistic centres and practitioners.

Body Rub Parlour Licence

- Feasibility of removing the restriction on the number of licences.

Health and Safety in BRPs

- Alert system: require alert system to be accessible by workers in service rooms.
- Cameras: allow BRPs to install cameras in select areas of the establishment for security reasons.
- Medical examination: reconsider the need for a medical exam requirement.
- Posting information: requiring BRPs to post information on available resources.
- Additional licensing: consider requiring manager's to be licensed.
- Body rubber affiliation: allow Body Rubbers to work in more than one BRP location.
- In addition, the following questions were asked to the participants:
 - What issues or concerns do you have about the industry and the regulations?
 - What is your feedback on the issues identified and potential approaches?
 - What are the other ways the City can promote health and safety in licensed establishments?
 - What are the other ways the City can promote effective enforcement and compliance?

At the completion of each consultation, participants were informed on how to continue to provide feedback during the review process, when the report would go to committee, how they could participate, and how to reach MLS staff.

Feedback

Staff extensively reviewed and weighed all feedback received through consultation, submission, phone calls, and emails. The below offers a representation of feedback. It is not a detailed summary of all feedback provided, however is designed to capture themes and the nature of opinions expressed by stakeholders during consultations and in writing.

BRP Owners

A total of 18 BRP owners and one legal representative attended the consultation, and attendees represented the majority of the licensed industry. The majority of BRP owners were supportive of the proposals. Most owners supported removing the limit on the number of BRP licences, and were particularly supportive of this approach if the holistic licence requirement was removed. Additional comments included:

- Zoning restrictions still make it difficult to find locations for a new business.
- The City over-regulates BRPs, and some provisions may compromise the security and safety of employees and owners.
- Support for permitting cameras on-site and alert system in service rooms (preferably lower-cost systems) for safety.
- By-law should allow BRPs to open later to meet demand; and be treated like adult entertainment services.
- Support allowing Body Rubbers to work in multiple locations and to post information on support resources in BRPs.
- Concerned that greater By-law enforcement may push already vulnerable individuals underground making them more susceptible to human trafficking.
- Additional recommendations: ability to lock their front doors; less stringent requirements for dress codes; and lift the prohibition on advertising.

Body Rubbers

Five Body Rubbers attended the consultations, relatively low considering the over 400 Body Rubbers licensed by the City. Body rubbers in attendance informed staff that other Body Rubbers had received the letters of invitation to the consultation, but were wary of participating. Those who attended were supportive of the proposed approaches, with some concerns regarding the industry and regulations.

- Support for removing the limit on the number of BRP licences, since it would increase employment and the ability to advocate their rights. Some suggested that a limit is needed to manage competition.
- Stated that it is unfair that many holistic practitioners offer similar services at a lesser cost and are not subject to the same licensing fees or processes by the City.
- Concern about licence for BRP managers – Body Rubbers who are also managers might incur significant licensing fees.
- Support for removing the requirement for Body Rubbers to only work in one parlour, the freedom of movement would increase safety.

- Concern about zoning restrictions threatening health and safety by limiting individuals to work in lesser populated and dimly-lit areas.
- Support for alert systems in service rooms and allowing cameras in common areas, increasing safety from potential robbery or physical threats.
- Mixed opinions on the requirement for a medical examination - from increasing examinations, or that it is stigmatization linked to the examination and its efficacy. Generally no strong objections with removing medical examination.
- Support for posting information and providing adequate support when an individual reaches out for help.
- Other comments were shared that fall outside of this review. For instance, a larger concern from Body Rubbers is with labour concerns in the industry e.g. unfairly garnishing their wages, restricted breaks, and penalizing workers for taking sick days.

Holistic Practitioners

MLS hosted a stakeholder consultation with holistic practitioners, and over 130 people attended. MLS also attended a closed-group meeting with approximately 30 holistic practitioners who were invited to a session by the Butterfly Asian and Migrant Sex Workers Network. At both consultations, Chinese-language translation services were provided by the City.

Importantly, the holistic practitioner stakeholder group consisted of two subgroups, those that self-identify as practicing within the boundaries of the licence and those that admittedly offer services related to the Body Rub Licence, or outside of the confines of both.

- Many practitioners operating within the confines of the holistic licence were not opposed to removing the holistic licence requirement. Some were agnostic or supportive of it, and advised they would continue to provide their holistic services to their clients – and that removing the licensing category would ease the regulatory burden on them.
- There is a stigma associated with adult entertainment services and with the BRP licence, which is unappealing for holistic practitioners who may be required to operate as Body Rub Practitioners if the holistic licence category is deleted.
- Barriers are perceived as too high for the BRP licence category, even if the number of BRP licences increases, because they can only operate in industrial areas, higher licensing fees, and the restrictive requirements for BRPs.
- Some holistic practitioners were frustrated with the conflation of the two licensing categories. They advised they had no interest in providing adult entertainment services. These practitioners expressed mixed views about potentially deleting the licence requirement.
- Holistic practitioners who affiliated with the Butterfly Network strongly opposed removing the requirement for a holistic licence, as they believe that this would mean that they would not be able to continue to operate. This move, they felt, would push undocumented individuals and adult entertainers underground, and place them at a greater risk of being trafficked.

- Additional comments:
 - Remove the requirement to keep patient records; remove the requirement to post their personal information in public.
 - Practitioners affiliated with Butterfly reported heavy enforcement, with frequent inspections, which they describe as harassment and bullying. However, they had seen positive change in By-law Enforcement practices over the last few months, which coincides with the introduction of a new By-law Enforcement philosophy and team.
 - Cases of non-compliance, are a result of misunderstanding of complex rules and regulations by Practitioners. Language barriers when interacting with By-law Enforcement lead to misunderstandings and a lack of compliance.
 - Some suggested that they could operate without a PHA; and others supported preserving the PHA and improving oversight of them.

Professional Holistic Associations

A total of approximately 20 individuals representing diverse PHAs attended the consultation. There were mixed reactions to the proposal to remove the requirement for a Holistic Centres licence.

- PHAs who issue accreditations in jurisdictions lacking licensing regimes, suggested removing the PHA requirement and licence would have limited impact since they maintain their own regulations and standards, and if the City has no means to regulate the PHAs, they see limited value in the holistic licensing regime.
- Some suggested they preferred to preserve the holistic licence and PHAs as it provided businesses legitimacy and recognition, and set standards for quality. Suggested that licensing was beneficial for health and safety, customer protection, and communities.
- Some participants recounted incidents where they were approached by individuals who were not appropriately certified, and were offered bribes to access membership and accreditation.

Holistic Centres

A total of approximately 38 individuals attended the holistic centre consultation. These stakeholders were a combination of actors who admittedly worked within the scope of their licence, and those who admittedly worked outside of the licence.

- There was mixed opinions on whether the holistic licence should be removed.
- Those acting within the scope of the licence, often felt that their own education and training was enough and there was no need for a licence. Some suggested that their industry was being conflated with adult entertainment services as a result of the licence. If the licence was kept, some suggested greater enforcement and licensing efforts to stop businesses from providing unlicensed services, or increase requirements on businesses.

- Many of those whose practices are more aligned with BRPs were concerned with high licensing fees for the BRP licence, the BRP cap, and restrictive requirements.
- Others wished to keep the licence for legitimacy, security and credibility.

Public Consultations

MLS held public consultations in Scarborough, Etobicoke, and downtown Toronto. A total of over 100 individuals attended the consultations, most of whom were from the industries or advocacy groups that participated other consultations. Their feedback is captured in their respective sections. Feedback below reflects those from the general public who are not licence holders or advocates who were otherwise consulted. Staff estimate a small number of attendees fit this category of respondents, and therefore the comments are not necessarily representative or reflective of the broader communities.

- Few attendees raised concerns regarding community nuisance.
- Some were supportive of lifting the cap on BRPs.
- It was suggested the definition of a Body Rub should be congruent with the zoning by-law definition, that zoning provisions be relaxed, but that businesses should have more restrictive standards if they are in residential or commercial areas.
- One person advocated for the City remove the licences for BRPs and Holistic Centres entirely.

Anti-human Trafficking Advocates

The anti-human trafficking organizations that were consulted included Aura Freedom, the Canadian Centre to End Human Trafficking, Bridgenorth, and Covenant House. These organizations suggested that proposed approaches did not go far enough in tackling the issue of human trafficking, and human trafficking was occurring in licensed and unlicensed businesses in the City. They advised that the existing regulations need to be improved and made more stringent in order to appropriately address human trafficking. Some of their recommendations and comments included:

- Supported putting in place measures to increase awareness of social supports and human trafficking (at licensing stage and in businesses), and training all front-line City employees, members of the Toronto Licensing Tribunal, and all Holistic and BRP owners, operators and other licensees.
- PHA accreditation does not work, and there should be a moratorium on a greater number of PHAs.
- Support for less restrictive measures for Body Rubbers– including allowing Body Rubbers to work in multiple locations to avoid exploitation.
- Supported BRP managers licensing with stringent criteria around criminal background checks and potential role for police to assist in screening and licensing.
- Some participants opposed removing the Holistic licensing category.
- Additional comments:

- Proposed that City should create an anti-human trafficking task force of community and advocacy organizations, and individuals with real life experience.
- Suggested ownership structures of BRPs and Holistic Centres posed a risk where human traffickers could operate in the establishments.
- Proposed that Holistic Centres be required to follow the same rules as BRPs e.g. signage, hours of operation, etc.
- Proposed waiving licence fees for Body Rubbers and Holistic Practitioners, but increasing licence fees for owners.
- Proposed increasing licensing requirements such as an interview process for individuals applying for any licence, translators on site, health/safety and By-law information sessions, and training.
- Proposed a pro-active enforcement approach – increasing the number of inspections, inspections in plainclothes, offering on-site voluntary interviews, and leaving a pamphlet with information on social service supports.
- Recommended creating a team of social workers and individuals with lived experience to attend inspections alongside By-law Enforcement Officers; and including a translator.

Survivors of Human Trafficking

The City consulted with six survivors of human trafficking, and all of the survivors identified human trafficking as a serious concern in the BRP and Holistic businesses. Survivors shared stories of being trafficked in licensed establishments, and interactions with licensing staff and police where they did not feel that they could seek help. Some of their recommendations and comments included:

- Strong opposition to the removal of the BRP cap, suggesting this would increase trafficking opportunities in BRPs. It was recommended that the City should introduce greater oversight of the BRPs, and managers be required to take anti-human trafficking training.
- Concerns that measures to address safety in BRPs would have minimal impact on addressing risks to health and safety, but generally supported requiring anti-trafficking information being made available and requiring criminal background checks of managers.
- There were mixed reactions to the proposal to remove the Holistic licences—some supported the removal of the licence requirement, and suggested that trafficking would occur regardless of the existence of a licence, others noted that the risks for trafficking would be greater if the licence was removed.

Sex Worker and Affiliated Organizations

Advocacy organizations such as Butterfly: Asian and Migrant Sex Workers Support Network, Maggie's: The Toronto Sex Workers Action Project, Holistic Practitioners' Alliance, Coalition Against Abuse by By-law Enforcement, the Canadian HIV/AIDS Legal Network, Sex Professionals of Canada, and the Canadian Alliance for Sex Work Law Reform, expressed concerns with the City's proposed approach to the Holistic

Centre licensing regime; but were supportive of some of the proposed changes to the BRP regime.

A number of organizations also endorsed the Butterfly approach or concurred with a similar approach, including the Chinese and Southeast Asian Legal Clinic, Diaspora Express, a Professor of Social Work from McMaster University, and more.

Some of the stakeholder's recommendations and comments included:

- Support for the proposed changes to the BRP licence, including increasing the cap.
- Opposed removing the Holistic licensing regime. Some stated that Asian immigrant women are employed in the holistic services industry and it is critically important for their lives and their dependents.
- Additional comments:
 - Recommended that in order to minimize human trafficking, City should provide information to City-licensed employers about their responsibilities pursuant to Ontario's Employment Standards Act and Occupational Health and Safety Act and provide financial support to labour and sex workers' rights organizations so that they can reach and support workers, particularly those most marginalized who may be at risk of exploitation and abuse.
 - Some advocates expressed concerns around enforcement practices and said that there is distrust of Law Enforcement among workers, who then avoid reporting abuses.
 - Recommended that the City should provide By-law Enforcement guidelines and Enforcement complaint findings, and mechanisms, making them available and accessible to practitioners and owners.
 - Proposed removing the following provisions in the Holistic Centres licence: locked doors, dress requirements, the moratorium on PHAs, patient records requirements, and the requirement to post detailed information in public places and provide personal information to inspectors.
 - Some recommended a number of additional measures for BRPs, such as: removing the zoning restrictions, reducing the licensing fees, allowing locking of service room doors, removing the dress code, allowing Body Rubbers to handle money from clients, and not requiring BRP managers to be licensed.