

Body Rub Centres Task Force

Final Report and Recommendations

April 2015



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Introduction

In 1994, the City of Edmonton began licensing body rub centres (BRCs). This regulatory structure was introduced as a way to assist the City in dealing with problems and issues including the involvement of minors and the presence of organized crime in the industry. In the 20 years since regulations were introduced, the City has made significant strides in addressing these problems, largely as a result of its licensing system.

In early 2014, City of Edmonton Administration was directed by City Council to lay the foundations for a Task Force that would examine issues related to the body rub industry. A steering committee was struck to develop the Task Force's Terms of Reference, composition and mandate. Ultimately, it was decided that the Task Force would take an integrated, collaborative approach in order to study the impact of centres on the community, affected neighbourhoods, civic services, body rub centre owners, and body rub practitioners. These Terms of Reference (attached as Appendix III) were presented to Executive Committee for information on September 3, 2014.

This report provides a brief overview of the issues surrounding the body rub industry and summarizes the Task Force's recommendations. While not all Task Force members and consultation participants agreed on the suitability of licensing body rub centres or on each and every recommendation, one thing was unanimous: Safety is paramount - both the safety of workers and of communities. Ultimately, it is the hope of the Task Force that these recommendations will assist the City of Edmonton to ensure through its bylaws, enforcement and social services that the exploitation of vulnerable people or communities is minimized and that serious social ills like human trafficking are identified and addressed.

Upon its submission to the City of Edmonton, City Administration will review its contents and investigate the feasibility of implementing each recommendation. Administration will conduct a preliminary review and report to City Council.

Body Rub Centre Regulations Today

Before delving into the issues surrounding body rub centres, and making recommendations, it is important to first understand the current regulatory system under which these businesses operate. Several bylaws contain provisions pertaining to body rub centres, including the Zoning Bylaw (Bylaw 12800), which sets out a definition of a body rub centre as:

“A personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations. This includes but is not limited to a body rub advertised by any means as “sensual”, “sexy” or by any other word or any depiction having like meaning or implication”

It also includes a list of criteria that proposed body rub centre locations must meet, including being located at least 100 metres away from sensitive use areas (schools, parks and playgrounds, daycares, etc).

The Business License Bylaw (Bylaw 13138) sets out the regulations for both body rub businesses and body rub practitioners. BRC licence holders must:

- Undergo a police background check.
- Maintain a list of all staff and contractors that includes; their full name, date of birth, any pseudonyms or aliases, telephone number, and body rub practitioner business licence number.
- Produce the list of staff when it is requested by a Peace Officer.
- Only contract body rub practitioners that have been licensed by the City of Edmonton.
- Only advertise using telephone numbers, names, email addresses, and Internet addresses that have been previously provided to the City.
- Display the BRC business licence number on any advertisements placed on the Internet, or in any newspaper, magazine or periodical.
- Ensure that there are at least two staff members working in the Centre whenever it is open to the public.

Additionally, centres may only operate between the hours of 7:00 am and 11:00 pm. The Task Force is not recommending any changes to these hours.

Before obtaining a practitioner license, applicants must undergo a police background check, and attend the Bylaw Information Course that provides them with materials and information on their rights and responsibilities as a body rub centre practitioner and on the licensing requirements. Once a license is obtained, practitioners must:

- Provide the City of Edmonton with a list of any pseudonyms or aliases used while practicing and the websites that are used to promote their services.
- Provide the address of the body rub centre at which they are employed.
- Provide a photograph (taken by the City at the time of licence application)
- Provide notification to the City if their employment at a body rub centre ends, or if they begin working at different body rub centre.
- Display their body rub practitioner business licence number on any advertisements placed on the Internet, or in any newspaper, magazine, or periodical.
- Only work in a body rub centre that has been licensed by the City of Edmonton.
- Notify the City if there are changes to any of the websites used to advertise body rub services.

The Legal Context of Body Rub Centres

The City of Edmonton licenses body rub centres within a strict definition that does not include the sale of sexual services. Further complicating this distinction is that services are offered privately, only allowing the client and the practitioner to be certain what services are being provided. Given this, the Task Force believed it to be important to understand the broader legal context of the entire industry and to be sensitive to this broader context when making its recommendations.

The changing federal laws on prostitution complicated this effort. A few months prior to the creation of the Task Force, three *Criminal Code* provisions pertaining to prostitution were declared unconstitutional. In response, the federal government introduced new legislation (Bill

C-36) to replace the old laws. The bill was proclaimed into law on December 6, 2014, and creates three new categories of criminal offences:

- **Purchasing offences:** This offence prohibits the purchase of sexual services.
- **Advertising offences:** This offence prohibits the promotion of sexual services through advertisements in print or online media.
- **Material benefit offences:** This offence prohibits receiving financial or other material benefits derived from the commission of the purchasing offence.

A more in-depth explanation of these offences can be found in the Government of Canada's *Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act*¹.

Considerable debate occurred at the Task Force regarding the implications of Bill C-36 on the City's ongoing ability to regulate the body rub industry, but no consensus was achieved. Though nearly all members of the Task Force accept that well regulated body rub centres are the best and safest option for practitioners, communities and clients, a minority of members, especially those with professional obligations to uphold the law were uncomfortable with the City of Edmonton continuing to license the body rub industry given their perceived potential legal conflict.

The majority of the Task Force supported the City's continued licensing of body rub centres, with several members noting that any perceived potential conflict with the new federal laws would have also existed under the previous legal system, and would have been evaluated when the bylaws were initially drafted. Moreover, they observed that neither the body rub bylaws nor the new criminal provisions of Bill C-36 have been tested in court and thus any opinion as to their legal standing is only speculation.

Body Rub Centres Task Force Consultations

As part of its investigation of the body rub industry, the Task Force conducted a series of targeted consultations with community leaders, members of the body rub industry, city staff and Non-Governmental Organizations (NGOs). While every effort was made to reach as broad an audience as possible, it is important to acknowledge that this document is based on the perspectives of those participants who attended, and thus some perspectives may not have been heard directly through the consultation, although were represented by diverse Task Force membership. The full list of consultation participants is below:

Community Organizations: Including the McCauley, Calder, Central McDougall, Highlands, Ritchie, Spruce Avenue, Alberta Avenue, Ottewell, Westmount, West Jasper/Sherwood community leagues; the Edmonton Federation of Community Leagues; and several Business Revitalization Zone representatives.

¹ Available at the following url: <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>

Body Rub Industry Members: Including more than 18 centre owners, and 34 current body rub practitioners.

City of Edmonton Staff: Including staff involved in the licensing, inspection and enforcement of body rub centres (both bylaw enforcement staff and Edmonton Police staff).

Non-Governmental Organizations: Including Catholic Social Services, The Sexual Assault Centre of Edmonton, The Centre to End All Sexual Exploitation (CEASE) and other organizations that regularly interact with members of the body rub industry.

It is also important to acknowledge that many of the issues and concerns heard during stakeholder consultations and during the Task Force's own conversations pertain to the broader adult entertainment industry (exotic dancing and escort services). These broad conversations are understandable as the sectors are closely linked. For example, the mobility of workers across different types of adult entertainment work means that changes to one sector will have impacts on the others.

As well, given the limited opportunities that stakeholders have to discuss their concerns about the social implications of prostitution, and the recent prominence of this issue in the media because of Bill C-36, many participants used the consultation sessions to have a broader conversation about social issues and exploitation, including their concerns about street-level prostitution.

The comments heard during the consultations highlight the complexity of the adult entertainment industry. Though many of the issues examined by the Task Force, including exploitation and human trafficking may also apply to broader areas of the adult entertainment industry, the focus of this report is solely on the current regulatory framework for body rub centres as defined by the City of Edmonton and on potential improvements to the regulatory regime.

The Task Force recognizes the importance of examining these broader issues, and shares many of the consultation participants' concerns. However, its clearly-delineated mandate was necessary to ensure a manageable scope for Task Force members and a clear line of sight on issues they could influence. Some of these conversations on social issues are already underway in other areas of the City like the Mayor's Task Force on Poverty Elimination, Women's Advocacy Voice of Edmonton, and others.

Recommendations

During the targeted stakeholder consultations, participants in these consultations were asked two questions:

1. If the City of Edmonton had the best possible system for handling these businesses in ways that are mindful of the legal, social and community perspectives, what would that system look like?
2. What specific issues and concerns do you have regarding the operation of body rub centres and their relationships with the community?

Answers to these questions were evaluated by the Task Force in conjunction with other relevant information and used as the foundation for the recommendations contained in this report. Broadly, these recommendations can be organized thematically into four categories: health and safety considerations, bylaw and licensing issues, community considerations and municipal interface issues.

Theme I: Health and Safety

The primary theme in stakeholder group discussions and at the Task Force was about ensuring the health and safety of body rub practitioners, their clients and the communities in which they operate. Generally, workers, owners and City of Edmonton staff believe that many of the current efforts to ensure health and safety work well. Indeed, workers and owners stated very strongly their beliefs that health and safety is significantly improved in a licensed system. A frequently cited example of this was, the working relationship on safety issues between BRCs and the Edmonton Police Service (EPS), which many stakeholders felt was valuable in keeping workers safe. The Task Force heard that recently, an alert was issued to BRCs from EPS about a potentially violent client who, as a condition of his release from prison had been prohibited from visiting BRCs. Based on this alert, a worker was able to identify the person as one of their clients and reported this to the police.

However, the current regulatory system is not always this successful, and the Task Force was told about a number of gaps that currently exist. Many industry best practices, like formal security measures are not mandatory, and some regulated practices need adjustment.

The Task Force believes the City should implement the following to improve the health and safety of those within the body rub industry.

Recommendations

1. Require BRCs to have a number of plans approved (i.e. security control, emergency response, etc) in place before licenses are issued. These plans would include provisions that ensure the security and safety of BRC staff (contractors, owners, and others on-site)
2. Ensure practitioners have information on, and access to, social services and other pathways out of the industry if they so choose. This would take the form of a single point of contact that connects workers to services.
3. In partnership with Alberta Health Services, the City of Edmonton should provide body rub practitioners and support staff with comprehensive health information.
4. Develop a well-understood and communicated reporting structure for practitioners who want to make complaints safely. This structure would be developed in conjunction with EPS and the City of Edmonton Community Services.
5. Require BRCs to have on-site management at all times as a condition of operation. "Management" would be considered any person who is available as a contact for any administrative or enforcement issues.
6. Work with the Province to ensure regular occupational health and safety inspections of body rub centres.
7. Work with provincial partners to find policy solutions at a provincial level that will address health and safety concerns in this industry, ensuring compatibility between future policy direction and existing legislation such as the *Protection of Sexually Exploited Children Act*.

Theme II: Bylaw and Licensing

Task Force conversations frequently focused on the current gaps, inconsistencies or problems within the City of Edmonton's existing bylaws and licensing system. Task Force members were particularly concerned that the current bylaws may create barriers or disincentives to participation in the regulated system. Fees for individual practitioner licences, the requirement for practitioners to obtain licenses for each centre they are employed with, and the frequency of the licensing course were of particular concern to Task Force members especially given the transitory nature of the body rub industry and its workers. Individuals may not be in Edmonton long enough to obtain a licence regardless of their efforts to comply with the City's regulations.

There were also concerns about potential 'loopholes' in the current bylaws that allow unscrupulous BRC licence holders to avoid the current background check requirements. The Task Force heard examples of BRC licences being revoked, only to have them quickly transferred to the previous licensee's friends or family. Stricter rules for BRC licensing would help eliminate such loopholes.

The Task Force believes the following recommendations will improve compliance with Body Rub bylaws.

Recommendations

8. Reduce the cost of body rub centre licences to bring them line with other business licences (e.g. nightclubs and bars).
9. Eliminate, or significantly reduce the cost of obtaining a body rub practitioner licence.
10. Remove the requirement for practitioners to obtain a licence for each centre at which they work. Replace this with a requirement to register worksite information with the City.
11. Have emergency contact information collected as part of the practitioner licence application process and stored confidentially with the City. This information would be accessed only in emergency situations.
12. Reduce barriers to travelling practitioners who wish to comply with licencing regulations by offering the information course in an electronic format, preferably online.
13. Increase fines to body rub centres to levels that act as a real deterrent to non-compliance.
14. Negotiate a contract for 24/7 translation services for workers who may need information or support in their own language or for City staff who are trying to offer service.
15. Do not allow for the transfer of centre licences – even those that are licenced as corporations to help prevent unqualified individuals from operating BRCs.
16. Require body rub centre business licence holders to undergo an enhanced security screening through Edmonton Police Services.
17. Remove non-erotic businesses from the body rub centre licencing category.

18. Review the bylaws and the overall approach to regulating body rub centres every three to five year to ensure that contemporary issues are addressed.
19. Establish a higher standard for the issuance of body rub centre business licenses that protects the public interest and safety. This should acknowledge that body rub centres are different from other businesses and thus require a higher standard for license issuance and continued operation.

Theme III: Community Impact

Understanding the community impact of body rub centres was one of the primary reasons for the establishment of the Task Force, and the Task Force believes the City must consider the needs and aspiration of neighbourhoods in which body rub centres operate.

Though the Task Force heard that in many instances, BRCs operate with discretion and that much of the opposition to centres is due to a general discomfort with adult entertainment businesses several specific concerns were raised, especially with respect to BRC zoning standards. Representatives of vulnerable neighborhoods were concerned that high concentration of BRCs and their tendency to co-locate with liquor stores and pawnshops contributed to urban decay in their neighbourhoods.

Another common complaint was that some BRCs display ostentatious and sometimes inappropriate advertising. This was especially concerning in cases where body rub centres were located near schools and parks.

The Task Force believes that with a more comprehensive and holistic planning process, these issues can be mitigated. It suggests the City consider the following recommendations:

Recommendations

20. In an effort to ensure that vulnerable neighbourhoods are protected and not further stigmatized, the City of Edmonton should analyze and review zoning bylaws:
 - Determine the appropriateness of locating centres in residential neighbourhoods, commercial zones, and light industrial areas.
 - Set appropriate distances between BRCs to limit clustering and concentration.
 - Set appropriate distances between sensitive use areas.
 - Provide information to sensitive uses applying for development permit near body rub centres on the location of the nearby centre (e.g. daycares wishing to locate near a BRC should be advised of the centre's existence). This constitutes a "two way" approach to planning.
 - Include contextual and practical analysis of the community impact of body rub centres.
 - Continue with the required Crime Prevention Through Environmental Design (CPTED) analysis when reviewing applications for development permits.
21. Review advertising standards for body rub centres and ensure that standards for public signs are set and met. These standards would ensure discrete signage.

22. Ensure a comprehensive and integrated planning process that brings together staff from licensing, enforcement and community services when dealing with body rub centre business license applications.

Theme IV: Municipal Interface

Generally, body rub centre owners and practitioners were pleased with the level of services they receive from the City and suggested that few changes were needed to address their issues. Their main concerns stemmed from the licensing course material and format. Some workers speak English as a second language and may have limited English language skills. As the current information course is delivered almost exclusively in English it is difficult to ensure that prospective practitioners understand the material being presented to them. Current efforts to provide multi-lingual services and written material are being offered informally by NGOs (e.g. CEASE), and are constrained by their limited resources. This fact prompted concerns about the ability of all workers to fully understand the information being presented to them and thus, their ability to make informed choices. The Task Force is of the view that the City of Edmonton should play a more high profile and formal role in the provision of services and information in languages other than English.

The prevalence of workers whose first language is not English also poses challenges to front-line licensing staff. When City staff members are unable to effectively communicate they have concerns about the possibility of workers being exploited.

The Task Force also heard a number of issues related to the enforcement of existing regulations and laws. Community Services and EPS feel that more staff is required to conduct enforcement activities. Community members asked for a clear process to file complaints about BRCs, they said too often they feel they must “fight their city” to have their concerns heard.

To address these issues, the Task Force recommends the City:

Recommendations

23. Improve the rigour of enforcement in partnership with the EPS Vice section to ensure businesses are not engaging in illegal activities. This could include providing additional enforcement resources, such as the creation of an integrated team that ensures compliance and supports body rub centres. This team would have a public safety focus.
24. Create, communicate and keep current a clear protocol and route for handling body rub centre complaints.
25. Review and update the practitioner licensing course material to be more relevant, paying particular attention to health and safety information.
 - Provide information on options available to potential practitioners, including career options, bursaries for education, housing supports, childcare, etc.
 - Offer licensing course information in multiple languages.
 - Include an assessment tool in the course to ensure practitioners have understood the material presented to them.

- Review the course material in conjunction with body rub centre owners, current and former workers and relevant public sector and non-profit organizations with expertise to ensure its suitability.

26. Train City of Edmonton licensing and compliance staff to recognize signs of exploitation and vulnerability (including human trafficking) and create guidelines on how to appropriately deal with it.

Conclusion

The overwhelming message received by the Task Force during the course of their work has been that the City's existing system for regulating body rub centres is generally sound. With some adjustments the City can address the system's current issues by creating regulations that reduce barriers to compliance, enhance the health and safety of workers, and are mindful of community concerns.

The conversations of the Task Force were broad and far reaching. As outlined in the introduction, it was impossible for this issue to be discussed in isolation of the spectrum of complex issues that play into the market for these businesses and the choices that workers make to be body rub practitioners as opposed to entering more conventional employment. The significance of economic need and the lack of similarly compensated, and flexible job opportunities for many workers (particularly single mothers) was underscored repeatedly.

Though the Task Force was not mandated to resolve all of the complex issues related to body rub centres and the interrelated sectors upon which it draws, it is the sincere hope of the Task Force that action by the City of Edmonton on these 26 recommendations will result in an enhanced community safety.

This report is respectfully submitted by:

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|-----------------|-----------------|
| Alice Ayres | Scott McKeen |
| James Clover | Heather McRae |
| Betty Devine | Priya Narayan |
| Chelsey Hammett | Ryan Pleckaitis |
| Jenny Kain | Kate Quinn |
| Scott Mackie | Toby Rabinovitz |
| Kathy Collins | |

Appendix I: Consultation Session Summary Notes

Below are the summary notes generated from the Task Force consultations. Each stakeholder group's feedback has been collated and organized by recommendation theme.

Body Rub Centre Owners

Health and Safety

- Owners said that licensed body rub centres are the safest option for everyone in the industry, and the City should not take actions that would reduce their ability to operate.

Community Considerations

- None of the owners present at the consultation had ever recorded a community complaint against their centre. They all said their business put a great deal of effort into maintaining a discrete presence.
- Owners felt that much of the opposition to their businesses is due to an imbedded bias against the industry. Although people say they do not want “those people” in their neighbourhoods, they either don't know where centres exist, or don't care.
- Owners want the City to adhere to its own zoning requirements – if body rub centres must be located away from certain businesses/amenities, those types of businesses and amenities should not be approved next to existing body rub centres (two-way zoning sensitivity).

Licensing and Bylaws

- Owners believed that higher levels of licensing are desirable, as licensed centres and staff ensure the safest possible conditions for everyone in the industry (including clients). Licensing allows the City to know where centres are located, what their hours are, and who their staff members are. This makes enforcement actions easier.
- However, owners also stressed the need to reduce barriers to compliance with the licensing system. Too many, or overly burdensome regulations will reduce levels of compliance. For example, there are already “foot massage” centres opening to skirt around the rules in place today.
- Owners had quite a lot to say about the licensing course. Generally, people felt that it could be useful, but that it requires substantial revision from its current form. Some of the issues that were identified included:
 - **Confusing, or contradictory information:** One owner noted that when they attended the course, two presenters offered opposite opinions on the employment relationship between practitioners and centres (i.e. one presenter told attendees they were considered employees of the centres, while the other presenter told attendees they were considered independent contractors). This leads to confusion among workers.
 - **A lack of practical information:** A common complaint is that the course lacks any content on the practical realities of working in the industry (i.e. health information, financial literacy, how to interact safely with clients, etc). There was

near-unanimous support for adding this information, especially given that owners are unable to provide it as employers due to the legal risk it would expose them to.

- **No industry consultation:** Owners noted that members from the industry have not had the opportunity to review the course material and provide input. They felt that current workers and centre owners should be consulted on a new curriculum to ensure the content is useful to prospective workers.
- **Offered too infrequently:** Another issue is that the course is only offered bi-weekly. This does not work well with the transient nature of the industry and leads to lower levels of compliance from workers who may only be in town for a few days. Owners suggested looking at online delivery methods to resolve this issue.

Municipal Interface

- Owners would like to see more enforcement against unlicensed workers and centres, and better policing of illegal activity. They suggested developing a clear complaint procedure that would allow for timely follow-up on complaints.
- Owners expressed concerns that enforcement is left predominately to EPS. They would like the City's licensing branch to revoke the licenses of centres that fail to operate ethically.
- While critical of some aspects, owners were pleased the licensing system allows EPS to share information with workers and centres. One owner recounted a notice sent by the EPS Vice Unit about an offender who had been released on parole after a rape conviction. The offender was prohibited from visiting centres, and his picture and description was provided to licensees. He violated the terms of his parole and visited a centre. The notice had been displayed in the staff room and a worker identified the person as their client. This allowed the worker and the centre to take actions to keep ensure their safety.
- However, there was no guarantee for enforcement if a complaint was filed with the police. Owners asked how they could encourage workers to make complaints if they're not able to ensure their safety once the details of the complaint become know to the offender

Community Organizations

Health and Safety

- Many residents were concerned about the types of people they felt body rub centres bring into their neighbourhoods. They said this puts women in the community at risk and increases crime.

Community Considerations

- Many community representatives noted their discomfort about suggesting technical improvements to a regulatory system they didn't want in the first place. They suggested instead that the City take a broader, more comprehensive stance on the sex industry as a whole rather than make tweaks to the existing body rub centre regulatory system, which in their view avoids addressing the real issue of prostitution.
- A great deal of discussion was devoted to appropriate locations of centres. Some people believed that industrial areas were the best place for body rub centres, especially if multiple businesses could be clustered together. Others raised safety concerns about the safety of workers in these areas.
 - It was suggested that the distance required between centres and schools be increased to 500 meters.
 - As well, communities suggested creating minimum distances between centres to avoid a clustering and saturation effect.
- Many participants suggested that body rub centres are a barrier to community revitalization, as they cluster themselves with pawn-shops, liquor stores, and other adult entertainment stores.
- Communities said the City needs to take a holistic approach when approving the development permits for body rub centres – make decisions in the context of each neighbourhood. Don't approve them in already marginalized areas.
 - This should include examining traffic patterns for commuting to daycares, schools, etc. One centre in McCauley meets the City's requirements for distance from schools, but is on a main commuting road and gets seen by many children in the morning/afternoon.
- Communities did not like feeling as though they have to "fight" the City on development permits for body rub centres. They suggested that if a community objects to the approval of a centre, its permit should be denied.
- Several communities suggested that if centres are to be regulated, that the City create a "red light district" that centres must operate within. They believed this would also make these businesses easier to police. Several other communities disagreed, and raised concerns about the problems a district like this would cause.
- Others suggested that centres should be spread across the City to ensure that no one area is stigmatized as a "body rub centre destination."
- Communities asked the Task Force to consider the social impacts (e.g. impacts to

families, children, etc.) that licensed body rub centres have.

Licensing and Bylaws

- Several communities raised moral concerns about the City legitimizing sex work by licensing workers and the industry and felt the industry should simply be shut down. Much of the discussion with communities focused on this moral aspect.
- Some communities suggested raising the licensing fees for body rub centres. They felt that by making them prohibitively high, fewer (or no) more centres would open.
- Concerns were raised about the zoning designation of centres, specifically that they are allowed to operate in residential areas. They suggested only allowing centres to operate in established commercial zones.
- Some complaints were raised about the signage and advertising used by certain centres. Some people suggested that the City place limits on the types of images and wording centres can use in their advertising.

Municipal Interface

- Several communities felt that the City should be taking steps to make these businesses socially unacceptable. They suggested launching education campaigns targeted at men in order to change attitudes and market demands.
- A number of concerns were raised about how the City engages with communities on this issue. They said that a different approach might reduce the perception that communities are not being heard.
- Some communities are concerned that centres are operating as fronts for illegal activities and requested the City ensure appropriate enforcement of the industry.

City Staff

Health and Safety

- City staff were particularly concerned about the ability of the City to communicate with workers in languages other than English. They were concerned about the ability of some new immigrant workers to understand the work they were getting into. It was suggested the City provide translated written information, hire multi-lingual employees, and contract with a credible translation service.
- Staff recommended that centres be required to have on-site management.
- Staff recommended that centres be required to have some form of security, for example cameras or designated security staff.

Community Considerations

- Several staff raised concerns about the location of centres, specifically that they have been concentrated in vulnerable areas. They suggested the City needs to take a broader

and more holistic approach to planning the locations of these businesses.

- Staff believed the City should communicate with residents the reasons behind licensing centres to help them understand why these businesses operate in their communities. This information should also be provided to City staff so they can answer any inquiries they receive.
- Staff suggested that the 311 call centre staff should be provided with more information on how to route inquiries and complaints about body rub centres. Staff had a perception that the current lack of complaints about centres stems from confusion on where people can complain.
- Staff suggested that signage standards should be developed for centres so that inappropriate advertisements are not being displayed.

Licensing and Bylaws

- While staff generally felt the course was useful, they believed it needed to have an updated curriculum to ensure it is more relevant to workers. The new course should include a more comprehensive health and safety component.
- They also suggested making the content more accessible to women who are travelling, and to ESL workers. One suggestion was to offer the course in video format so that workers did not have to schedule attendance at a course only offered every two weeks.
- Staff believed the licensing fee and fine structure needed complete overhaul. In particular, they suggested:
 - Significantly reducing the cost of all licenses (practitioner, escort, etc) to ensure the City is not exacerbating the financial stress experienced by some of the people in the industry
 - Adjusting fine amounts to be an actual deterrent. Existing fines are sometimes lower than the cost of compliance.
- Frontline staff asked for the authority to refuse service to people who appear impaired when applying for a license. They also requested training to recognize the signs of impairment and coercion.
- Staff suggested moving non-adult businesses out of this licensing category (i.e. non-registered therapeutic massages/spa services).
- Staff cautioned about creating overly stringent regulatory criteria, noting this would drive body rub businesses underground and hinder City efforts to monitor the industry and improve safety standards.

Municipal Interface

- Staff believed that Asian centres represent a number of unique enforcement challenges, and that the City needs to develop a separate strategy for dealing with this part of the industry.
- Staff requested the development of integrated enforcement teams, similar to those seen for nightclubs and bars, which would be responsible for inspecting body rub centres.

These teams would have police and bylaw officers, fire inspectors, public health nurses, and translators.

- Staff suggested hiring additional enforcement resources. Specifically, they requested an additional police officer assigned exclusively to deal with body rub centres, and additional bylaw staff.
 - Ideally, these resources would be long-term employees given the importance of relationship building in these roles.
- Staff emphasized the importance of communicating within the City administration, and with future political leaders. If the reasons behind the development of body rub centre regulations are not well publicized, progress can be undone.

NGOs

Health and Safety

- NGO members are concerned that there are “*many paths in, but few paths out*” of the industry. They would like the City to do more to communicate the existing programs and services that can support workers who wish to leave the industry.
- Several members expressed concern about the potential for human trafficking and exploitation. They suggested the City train its frontline staff to recognize and report signs of exploitation.
- They also cautioned the City about further stigmatizing centres, noting they are the safest place for women in the industry to work. They said the City’s focus needs to continue to emphasize worker safety.
- NGOs believe that allowing clients to remain anonymous contributes to problems with safety issues for workers. They suggested replicating the “id scanner” system seen in bars and nightclubs at body rub centres.

Community Considerations

- NGO members asked the City look at body rub centres from a broader view, which would include examining the local context of a neighbourhood when approving license applications. They were particularly concerned about the insensitivity of a body rub centre being approved to open near the Sexual Assault Centre.

Licensing and Bylaws

- NGOs said that without candid conversations about the reality of body rub centres, and the activities that are actually occurring inside of them, the City will be unable to address the industry in an appropriate manner. This point was reiterated many times.
- More than just offering information about how to leave the industry, NGOs suggested the City should be more proactive in publicizing the services available to women before they enter the industry.
- NGOs were particularly concerned about the ability of workers whose first language is not

English to understand all the information being presented in the licensing course. They suggested offering the course in multiple languages. To quote one participant “*An information course you don’t understand that gets you a license you don’t understand isn’t very useful.*”

- The City was asked if it conducts additional follow-up, or stays in contact with women once they have obtained a license. They suggested this could be a way for the City to help provide support to women who want it once they have entered the industry.
- To the NGOs in attendance, this is a discussion about power and who holds it. They believe that individual license holders have even less power than johns. The City needs to ensure the rights of these workers are recognized and upheld, which includes holding owners and clients responsible for their behavior.

Municipal Interface

- NGO members suggested the City should collect and analyze information on workers in the industry, and their reasons for working in body rub centres. This can then be used to tailor the licensing course to more closely match the needs of women in the industry.
- They also suggested collecting information on the men who visit centres and use this to create a public awareness campaign aimed at clients.
- NGO members said that centres require more policing. In addition to increased enforcement resources, they also asked for an easy contact point with the City for any person, including workers, who wish to make complaints against centres.
- NGOs suggested developing a third-party reporting system for workers who wish to bring complaints against centres anonymously. This system could be modeled on the system that Edmonton’s Sexual Assault Centre currently runs.
- NGOs suggested the City should partner with Immigration Canada to address the problem of immigration contractors who are being brought to Canada under false pretenses to work in the industry. They noted that some immigrants can be very reluctant to speak out against those people who have power or control over them.
- NGOs emphasized the need to examine and address the entire sex industry, especially the unlicensed portion.

Body Rub Practitioners

Health and Safety

- Health and safety was a primary concern for body rub practitioners, and much of their feedback centred on how to ensure the body rub industry can ensure the safety of its workers (and clients).
- Workers believe that it is incumbent upon centre owners to provide a safe and secure environment for several reasons, including the fact that body rub centres are cash based businesses.
- Practitioners were particularly concerned about the impact of C-36 on the industry’s

ability to operate. One practitioner said “*Clients are already asking me for private appointments so they do not need to visit the centre. This [new law] takes a safe place away from me*”

- Participants said the City should view body rub centres as providing a legitimate service that meets a legitimate demand.
- Participants said the City needs to ensure that occupational health and safety standards are being followed by centres.
- It was suggested that body rub practitioners could form a professional organization similar to the one Registered Massage Therapists belong to in order to coordinate advocacy efforts.

Community Considerations

- Participants felt the reason communities are reticent to accept body rub centres is because of the stigma associated with the industry. They believe the City has a role to play in ending this stigma.
 - This includes battling discriminatory perceptions about clients. Workers noted that many, if not most of their clients are white-collar professionals – i.e. doctors, lawyers, government workers, etc.
 - More than that, workers said that social changes are needed so that people can be open and honest about their sexuality.
- When asked about appropriate locations for body rub centres, workers were open to having new centres located primarily in commercial zones. They noted that such zoning rules apply in other jurisdictions and have worked well to reduce community tensions.
- Regardless of permitted locations, practitioners told the City to be more thoughtful when applying the rules. They don't want centres to operate in areas that will cause community tension.
 - They also asked for consistent application of rules. For example, if centres can't open near existing daycares, daycares should not be allowed to open near existing centres.
- Participants were generally not receptive to requiring on-site security staff.

Licensing and Bylaws

- Participants said that the current licensing system negatively impacts workers and can drive them away from participating in the regulated system. Particularly, they said the City needs to consider the impact of licensing fees on workers
- However, participants believe that Edmonton has “started down the right path” with regards to body rub centres. They said that with refinement, the City can create a better, more supervised and safer regulatory system for body rub centres.
 - They also said that the regulatory system for body rub centres has evolved to a place where workers are there by choice and feel safe, and they urged the City to continue licensing centres and workers.

- There was some debate about operating hours. Some workers felt that centres should be allowed to operate 24 hours a day. Other workers had concerns about the impact this would have on the community. They also felt that security between midnight and 7 am would need to be much higher.
- Practitioners asked for clear guidelines on what is and isn't allowed. They said the rules right now are too vague. This includes clarification on advertising, etc. They requested an information session to follow up on any changes to regulations that the City of Edmonton might make.

Municipal Interface

- Participants believe it would be beneficial if the City could ensure consistent staffing in both Bylaw and in the EPS Vice members who deal with the industry. This would help with relationship building, and ensure workers know where to go with questions, and help establish a rapport with individuals.
- Workers noted that City staff members have generally been very good to work with. They asked if these staff would be able to conduct information sessions at centres once the City has finalized its new body rub centre regulations.

Appendix II: Task Force Members

| Name | Position |
|-------------------|---|
| Heather McRae | Co-Chair |
| Scott Mackie | Co-Chair |
| Scott McKeen | City Council, Ward 6 |
| Priya Narayan | Practitioner/Centre Owner |
| Ryan Pleckaitis | City of Edmonton Community Services |
| Jenny Kain | City of Edmonton Community Services |
| Kate Quinn | Centre to End All Sexual Exploitation (CEASE) |
| Alice Ayres | Practitioner |
| Betty Devine | Practitioner/ Centre Owner |
| Chelsey Hammett | City of Edmonton Sustainable Development |
| Jerry Nash* | Edmonton Police Services |
| James Clover | Edmonton Police Services |
| Toby Rabinovitz | OPTIONS Sexual Health Association |
| Kathy Collins | Government of Alberta |
| Nathalie Levman** | Government of Canada |

*Jerry Nash represented the Edmonton Police Services for the majority of the Task Force meetings; however, he was reassigned to another division of EPS and was succeeded by James Clover.

**Nathalie Levman, legal counsel for the Department of Justice Canada, participated on the Task Force between October 2014 and January 2015; however, she resigned before the completion of the report and recommendations.

Appendix III: Task Force Terms of Reference

TERMS OF REFERENCE Body Rub Centres Task Force City of Edmonton

April 2014

1. Authority

Administration was directed by Committee to submit a report with information on the establishment of a Task Force with specific terms of reference that will:

- Conduct and collate evidence regarding the impact of body rub centres and their locations (such research to include both data and anecdotal or "story" sources)
- Ensure consultation with stakeholder groups (including practitioners and owners) and City initiatives
- Provide recommendations for solutions, including strategies for additional enforcement, and a proposed budget for the implementation of the recommendations and strategies

The Task Force will report to Administration; Administration will then bring forward any necessary reports to Committee.

2. Mandate

In order to fulfill its purpose, the Task Force will use an integrated, collaborative approach to study the impact of body rub centres on the community, affected neighbourhoods, civic services, those within the industry, and owners. Possible consequences related to the Exotic Dance Industry will be considered and parceled for later consideration. The Task Force will develop recommendations and a proposed budget to implement recommendations that are based on current data and stakeholder consultation.

3. Duties and Responsibilities

- To conduct and collate evidence on the impact of body rub centres (both data and 'stories')

- To consult with key stakeholder groups (i.e. REACH, affected community league representatives, owners, workers, Council of BRZ's, city staff) and related city initiatives (i.e. Poverty Elimination Steering Committee, Elevate, Neighbourhood Revitalizations)
- To provide recommendations for solutions, including strategies for additional enforcement.
- To develop a proposed budget for the implementation of the recommendations and strategies

4. Composition and Administration of the Task Force

The Task Force will be co-chaired by Heather McRae, Branch Manager, Neighbourhoods, Parks and Community Recreation, Community Services Department and Scott Mackie, Manager, Current Planning, Sustainable Development Department.

Task Force members will represent a cross-section of the Edmonton community, be interested in the body rub centres issue and be willing to participate in the activities of the Task Force in a constructive, collaborative manner.

Membership will include the following:

One (1) City Councillor

Two (2) members from Neighbourhoods, Parks and Community Recreation, City of Edmonton

Two (2) members from Current Planning, City of Edmonton

Two (2) members from the Edmonton Police Service

Two (2) members from Community Standards, City of Edmonton

One (1) member from Centre to End All Sexual Exploitation (CEASE)

One (1) member from Government of Canada

One (1) member from Government of Alberta

One (1) member that is an owner/operator of a body rub centre

Caveat: Owner with no Bylaw or police complaints registered against the owner/operator within the industry or neighbourhood representatives

Two (2) members that are/were working within the industry

The Community Services Department will provide administrative support to the Task Force, and City of Edmonton Law Branch will provide advice to Administration regarding the mandate and deliverables of the committee as appropriate.

The Task Force may establish sub committees as needed to consider specific issues. Sub committees are responsible for the preparation of their own agendas and minutes as required.

5. Tenure of Office

Task Force members will commence their roles following direction by Council to establish the Task Force.

The Task Force will cease to exist upon completion of Council directed deliverables. All members will participate for the duration of the term.

6. Decision Making

The purpose of the Task Force is to provide advice. In its capacity as an advisory committee, the Task Force contains no decision making authority as it relates to City decisions.

Only members of the Task Force may vote on any issue. All members will provide input into discussion relating to the issues of the Task Force. Any decisions required of the Task Force are to be discussed and voted on.

Quorum for the Task Force shall be a majority of the members of the Task Force.

7. Timelines

June 2013 – City Council directs development of Terms of Reference for formation of Task Force

Sept 2013 - April 2014 - working group develops draft Terms of Reference, undertakes preliminary research, consultation and issue identification

April / May 2014 – Draft Terms of Reference finalized

June 2014 – Draft Terms of Reference to Executive Committee

8. Deliverables

While the Task Force will determine a detailed workplan and timelines based on Council's direction, it is expected that its work will include the following:

| Deliverable/Activity | Start Date | End Date |
|--|------------------------|------------------------|
| Direction from Council on Task Force Terms of Reference | June 2014 | June 2014 |
| Task Force formed and meeting schedule established | June 2014 | June 2014 |
| Review and approval of workplan | July 2014 | July 2014 |
| Review of preliminary background and leading practice research | July 2014 | July 2014 |
| Review of information from Body Rub owner consultations | July 2014 | July 2014 |
| Review of body rub centre worker survey results | July 2014 | July 2014 |
| Review of EPS survey results | August 2014 | August 2014 |
| Review of Community Standards survey of other municipalities | August 2014 | August 2014 |
| Development of stakeholder consultation plan for other key stakeholders | August 2014 | August 2014 |
| Consultations with other stakeholder groups including REACH, Council of BRZ's, City Staff, and impacted community league representatives | September/October 2014 | September/October 2014 |
| Consultation with other related city initiatives including Poverty Elimination Committee, Elevate, Neighbourhood Revitalizations | April 2014 | September 2014 |
| Further research on leading practices | September 2014 | October 2014 |
| Development of draft Recommendations for Report back to Committee | October 2014 | October/November 2014 |
| Finalize Recommendations and develop proposed budget for implementation | November 2014 | November 2014 |
| Report back to Committee | November 2014 | November 2014 |

9. Resources

This initiative will require some dedicated resources for hosting meetings and general project costs. These costs will be shared equally between Community Services and Sustainable Development.

10. Resignation and Removal

Any member of the Task Force may resign at any time upon written notice to the Co-Chairs of the Task Force.

A Task Force member may be asked to resign if it is determined by the Co-Chairs that the Task-force member is being obstructive to the process of working collaboratively to propose the best workable solutions and strategies for City Council consideration.