

Merits of a Five year exit Strategy on Licensing Body Rub Centres

Recommendation

That the September 30, 2020, Citizen Services report CR_7638, be received for information.

Previous Council/Committee Action

On September 18, 2019, Community and Public Services Committee passed the following motion:

That Administration prepare a report on the merits of a five year exit strategy on licensing Body Rub Centres including information on and from educational campaigns and existing strategies to reduce demand such as john school, among others.

Executive Summary

In October 2019, Administration completed engagement and research on the merits and consequences of a five-year exit strategy on licensing body rub centres including strategies to reduce demand.

Practitioners that participated in focus groups and/or surveys support the continued licensing of body rub centres and identified safety as their top concern, consistent with most owner and stakeholder feedback and the majority of literature reviewed. However, several other stakeholders identified concerns with the municipality regulating body rub centres and, as a result, wanted to see an end to licensing centres.

The research included educational and enforcement approaches to reduce buyer demand including john schools. The effectiveness of these approaches could not be determined by this research given the limited evaluative data available.

Report

In 1993, City Council passed three personal services bylaws with the intent to license, regulate and prioritize safety for industry. These bylaws were brought forward to Council by the Mayor's Safer Cities Initiatives Committee and the Edmonton Police Service. Implementation and enforcement of these bylaws commenced January 1, 1994. The objectives of licensing the industry related to mitigating risk and allowing the

City to ensure that there are no underage individuals employed in the industry and conduct impromptu inspections of the business locations.

In 2014, Administration created the Body Rub Centres Task Force. The task force provided advice and made 26 recommendations to City Council based on the results of extensive consultation and research. The recommendations focused on ensuring health and safety of practitioners, addressing gaps in existing bylaws and licensing, addressing community impact, and supporting practitioners' understanding of information to make informed choices. All of the recommendations have been implemented and many resulted in improvements that enhance safety for those working in licensed body rub centres.

Research and Engagement

In October 2019, Administration engaged a consultant to complete research and stakeholder engagement on the idea of the end of licensing body rub centres. Sixty-nine participants, including body rub centre practitioners, owners/managers and community stakeholders participated in interviews and focus groups. A practitioner survey was also conducted and 169 individuals responded.

The research team completed a jurisdictional scan of licensing practices in five Canadian municipalities and three literature reviews. Of the five cities reviewed, Montreal, Vancouver, Toronto and Calgary currently license body rub centres, and Regina is in the early phase of introducing licensing.

Key Findings

Administration found no Canadian research assessing the impact of removing municipal licensing. Based on this, there was insufficient evidence to identify the merits of delicensing. The consultations found that the majority of practitioners, owners and community stakeholders support licensing body rub centres in Edmonton with 93 percent of survey respondents indicating they want licensing to continue. Proponents of licensing say safety, quality of life, health and health supports were the key drivers for their position.

While practitioners recognize that no space is completely safe, 93 percent of those who completed the survey said they felt safer in a licensed body rub centre compared to working outside of a licensed centre. They also identified quality of life and health benefits. Findings highlighted that body rub centres can provide a pathway to resource/service provision and are viewed as being better for the physical, sexual, financial and mental health of practitioners. With or without licensing, 54 percent of practitioners surveyed indicated they would continue to work in the industry.

Approximately five percent of people engaged in the consultation did not support licensing. Respondents identified several concerns with continued licensing including safety within centres, a perception of inadvertent promotion of sexual exploitation and

violence against women, and the creation of confusing messaging on the legalities of buying sexual services.

The literature reviews focused on the merits and drawbacks of licensing. The research on the benefits suggests that working from an indoor licensed location reduces violence, offers workers a sense of legitimacy, and can promote better social support and health outcomes for workers (relative to outdoor or independent venues). Other studies suggest that licensing can heighten the surveillance and enforcement of those who work in the industry due to enforcement practices and not to licensing in and of itself. None of the Canadian research reviewed recommended ending licensing.

The consultants reviewed education, awareness and enforcement interventions focused on reducing buyer demand including john schools, school-based education programs, and public awareness and prevention campaigns. The effectiveness of these approaches in impacting long-term buyer demand is unknown given the limited evaluations completed on these initiatives.

Licensing and Human Trafficking

Information on the impact of municipal body rub centre licensing on trafficking is mixed. No empirical research specific to this has been undertaken in Canada to date. European data suggests that legalization/licensing along with increased law enforcement directed against trafficking can be effective in tackling exploitation.

Human trafficking involves the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour. Human trafficking involves victims who are often difficult to track or assist because they are often reluctant to identify themselves as victims, they are working in unmonitored establishments (such as hotels or private residences) or the control exerted by their trafficker prevents them from seeking support. Most practitioners in licensed body rub centres are independent, self-employed contractors.

Many participants in the focus groups expressed frustration at some of the narratives about body rub centre practitioners. They emphasized they work in the industry out of choice, do not feel victimized and do not appreciate the ongoing stigma and stereotypes they encounter. They articulated the importance of not conflating the issue of human trafficking with work in body rub centres and identified features of licensed body rub centres that can assist in identifying human trafficking. The City's licensing program provides a number of social supports to practitioners and mitigates opportunities for practitioners to be exploited.

The provincial and federal governments are exploring legislative mechanisms to combat human trafficking and sexual exploitation. In May 2020, the *Protecting Survivors of Human Trafficking Act* came into force in Alberta. The act is meant to protect vulnerable

Albertans at-risk of being trafficked and to expand protection and support for survivors. In May 2020, the Government of Alberta also announced the creation of a human trafficking task force to provide guidance and recommendations on an action plan to combat human trafficking. The Government of Canada has previously expressed its intention to review the current *Protection of Communities and Exploited Persons Act*; however, no action has occurred to date. Given the work underway provincially and federally, and that the jurisdictional responsibility lies with other orders of government and the coordinating role of Action on Human Trafficking locally, Administration is not recommending a municipal task force at this time.

Next Steps

The research is summarized in the Body Rub Centre Licensing Research Report (Attachment 1). The report supports the City's continued licensing of body rub centres and identifies the main benefit as harm reduction, particularly through increased safety. According to the research findings, discontinuing licensing would be counterintuitive to the evolving strategies to make Edmonton the safest city in Canada by 2030.

The report outlines 22 recommendations. Administration will review each recommendation and consider implementation of those that do not require additional resources or Council approval and report back on the results of each, including options for implementation of the remaining recommendations and a proposed timeline.

Legal Implications

The City of Edmonton does not regulate or license illegal or criminal activities through their licensing of body rub centres. The provision of adult services or non-accredited massage is not illegal or criminal in itself, and as such, the City only licenses legitimate or legal business activities including the administrative work of booking non-accredited massage appointments, the provision of premises for these appointments, and the provision of non-accredited massage services. The City is not involved in licensing anything involving individuals obtaining these services or the transaction surrounding these services, and is careful to stay apprised of the currently evolving case law on this point. Deemed conditions involve enhanced education, safety, and security requirements and enforcement focuses on whether these deemed conditions are upheld.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is a safe city			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Body Rub Centres are in compliance and harm reduction strategies are applied at the centres.	Compliance rate of licensed Body Rub Practitioners.	2018/2019: 99 percent 2017/2018: 99 percent	100 percent

	Percent of licensed Body Rub Centres in compliance with the centre control plans	2018/2019: 95 percent 2017/2018: 95 percent	100 percent
	Percent of licensed Body Rub Centres visited by the implementation team on a quarterly basis.	2018/2019: 100 percent 2017/2018: 100 percent	100 percent

Attachments

1. Body Rub Centre Licensing Research Report

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement
- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- B. Andriachuck, City Solicitor