Document generated on 10/13/2026 5:34 p.m.

Journal of Critical Race Inquiry

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Volume 11, Number 2, 2024

Fall/Winter 2024: From the Ground Up

URI: https://id.erudit.org/iderudit/1115777ar
DOI: https://doi.org/10.24908/jcri.v11i2.17782

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Publisher(s)

Queen's University

ISSN

1925-3850 (digital)

Explore this journal

Cite this article

Lam, E., Wong, V., Chu, S., Chan, T. & De Lisio, A. (2024). Weaponized Licensure: Asian Migrant Sex Workers' Struggle Against Discriminatory Licensing in Newmarket, Ontario. *Journal of Critical Race Inquiry*, *11*(2), 24–39. https://doi.org/10.24908/jcri.v11i2.17782

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Journal of Critical Race Inquiry
Volume 11, Number 2 (2024) pp. 24-39

Weaponized Licensure: Asian Migrant Sex Workers' Struggle Against Discriminatory Licensing in Newmarket, Ontario

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Abstract: This article delves into the recent efforts of Asian migrant massage and sex workers in the Town of Newmarket, Ontario, and their struggle against a recently amended Personal Wellness Establishments (PWE) By-law. It starts with a historical overview of municipal licensing schemes and legislated migration controls in Canada, used to justify increased surveillance, control movement, and deny Asian women entry into Canada, before illustrating the enduring impacts on Asian migrant workers today. It concludes by emphasizing that migrant sex workers, often depicted as voiceless and nonconsenting victims, take leadership and have agency in defining their own struggles and authoring possibilities to resist.

Keywords: *Asian migrant workers; massage and sex workers; municipal licensing; mutual aid; legal history*

> Listen to us when we say that law enforcement are our primary aggressors and abusers, that those who claim to protect us only endanger us more. We are not dishonourable trash to be cleansed from the city. We are not expendable labourers who can be coerced into the back-breaking, low-paying jobs they think we deserve. We are not helpless trafficking victims in need of rescue. We are human beings who can choose our own path, make our own decisions, and support ourselves with dignity if they'll only let us.
>
> —Butterfly, "Open Letter on the Newmarket Crisis"

The above excerpt, taken from a 2022 open letter written by Butterfly: Asian and Migrant Sex Workers Support Network, expresses the frustrations of Asian workers subject to a new discriminatory licensing by-law in Newmarket, Ontario. The Personal Wellness Establishments (PWE) By-law 2020-31, was instituted as part of a 'cleanup' of the town's body rub businesses, which were defined as any businesses that offered massages by those who were not Registered Massage Therapists (Gallant and Lam, 2022). This municipal 'cleanup' project was advanced by powerful conservative anti-trafficking and anti-sex work non-governmental organizations (NGOs), such as Parents Against Child Trafficking (PACT) and the Council of Women Against Sex Trafficking in York Region (Gallant and Lam, 2022). It follows a trend of municipal ordinances that have "popped up throughout North America and have been used to police Asian massage work, collapsing all Asian body work as potentially criminalized sex work" (Shih, 2021, p. 58).

As the PWE by-law came into effect in 2022, Newmarket Asian massage workers reported that business license applications were being rejected in a manner that was blatantly racially discriminatory. Small businesses were threatened with daily fines in the thousands, and undercover officers had set up stings to solicit sex work and surveil and punish Asian workers and businesses (Butterfly, 2022).

This article contextualizes and sheds light on the campaign to challenge the racially discriminatory impacts of the Newmarket PWE by-law by local Asian massage workers and their allies. In doing so, it contributes to the growing critical anti-trafficking literature, particularly scholarship that "centers the legacies of white supremacy, colonialism, and racism in contemporary anti-trafficking work" (Kempadoo and Shih, 2023, p. 1). As this scholarship highlights, the anti-trafficking frame has heightened and justified discrimination and racial profiling of people of colour while simultaneously restricting or deterring mobility through entrenchment of carceral border infrastructures. Importantly, the Newmarket case serves as a reminder that anti-trafficking campaigns are not merely sanctioned legally through well-known sites of immigration and criminal law, but also through lesser-studied areas such as municipal and licensing law. This overlapping and intersecting system of repressive and restrictive laws constructed to target sex trafficking has been characterized as a "carceral web" (Fudge, et al., 2021), which serves as a useful framework for considering specific on-the-ground cases.

Methodologically, the article adopts an intersectional critical race lens to examine the nexus between anti-Asian racism, xenophobia, and whorephobia. The co-authors come from a mix of academic, advocacy, and migrant sex worker organizing backgrounds. In

addition to researching secondary literature and primary legal and policy documents, both contemporary and historical, the co-authors also attempt to centre the voices and resistance of migrant sex worker-led groups who are both directly impacted by, and speaking back against, the negative effects of anti-trafficking campaigns and laws.

This article proceeds in three parts. First, it historically situates contemporary municipal licensing campaigns in Canada within ongoing legacies of anti-Asian licensure and policing against Asian populations and businesses deemed undesirable by Canadian settler society. Second, it traces the inception and development of the Newmarket PWE by-law, the struggles in consultation between anti-trafficking NGOs and Asian massage and sex workers and their allies, as well as the actual harms of the by-law. Finally, the article surveys how, despite this atmosphere of harsh and discriminatory law enforcement, the Newmarket crisis has also served as a rallying point for Asian migrant massage and sex workers to gather allies and fight back against stigmatization and legalized subordination.

A Brief History of Anti-Asian Licensing Regimes in Canada

Systemic racial discrimination against Asian communities in Canada can be traced back to the mid-19th century, motivated in part by white nationalist backlash against the influx of Chinese migrant workers for the "Gold Rush" in the Fraser Valley and the dangerous and deadly construction of the Canadian Pacific Railway (Roy, 1989). Many of the original railway workers moved away from British Columbia to other parts of Canada, including Southern Ontario and what is now the York Region, but faced similar discrimination (York Region District School Board, 2024). Upon the completion of the transcontinental railroad in 1885, the federal government began to restrict Chinese immigration through legislation.

The enactment of the 1885 *Chinese Immigration Act* imposed a head tax of $50 on every immigrant of Chinese origin, with limited exceptions (e.g., wives and minor children of Canadians, clergymen, and certain business and study exemptions) to financially deter Chinese migration. In 1903, Parliament increased the head tax to $500, a sum greater than most Chinese Canadian workers' annual wages (Chan, 2016). Nevertheless, the Chinese kept paying and kept coming. In total, from 1885 to 1923, the Chinese Head Tax expropriated $23 million from 81,000 Chinese immigrants for the benefit of Canadian federal and provincial governments (Dere, 2019, p. 246)—an amount valued at $1.2 billion after inflation by the mid-2000s, when the Canadian government finally apologized (CBC, 2006). The Head Tax era made way for the Exclusion era with the passing of the 1923 *Chinese Exclusion Act.* Between 1924 and 1946, Chinese migration ground to a halt and only two dozen new Chinese immigration landings were registered (Cho, 2021, p.5).

Additionally, the 1885 *Chinese Immigration Act* introduced the racial-sexual exclusion and policing of Chinese migrant sex workers. Section 9 of the Act barred from landing any Chinese woman deemed to be a "prostitute"—a very broad provision given that it was informed by the prevailing idea within Parliament that "[Chinese] women as a rule are prostitutes." This provision was partly inspired by the 1875 Page Act in the United States, which banned "Oriental" women from immigrating "for the purposes of prostitution." The racial-sexual policing of Chinese migrant women in Canada was justified

through common tropes that depicted Chinese women as a source of contagion and "specially corrupting of boys" (Royal Commission on Chinese Immigration, 1885).

White Christian feminist organizations have historically played an important role in the exclusion of Chinese women deemed to be immoral under the guise of protection and morality. For instance, in the 1901 BC Supreme Court case of *In Re Fong Yuk*, a Chinese woman named Fong Yuk faced deportation by Canadian immigration officers who alleged that she was a prostitute rather than a merchant's wife. Over a four-day hearing, affiants and witnesses presented evidence regarding Fong Yuk's character. A key witness in the case was Frances Kate Morgan, a white Christian missionary and teacher at Victoria's Chinese Rescue Home, which was founded as a project to "rescue" Chinese women thought to be prostitutes and "slave girls" or at risk of falling into such roles (Ikebuchi, 2012). In the face of conflicting evidence, the Court accepted Morgan's testimony that Fong lived as a prostitute in Victoria, British Columbia, while simultaneously lauding her humanitarian dedication to the rehabilitation of "fallen girls and women of the Chinese race." In the end, the Court sided with the immigration agents and ordered Fong Yuk's deportation.

Fong's case is one example of the power of white missionary women engaged in "carceral humanitarianism," which sees itself as saving Asian women through the inculcation of Anglo-Christian norms—a dynamic that Beutin (2023) argues maintains white inculpability amidst accusations of contemporary racial injustice. The impact of these early gendered restrictions on Chinese immigration was the creation of an almost all-male bachelor society, resulting in "homosocial, nonreproductive spaces" that "reinforced fears of contagion and perversion associated with Chinese men" (Day, 2016, p. 43). These fears and anxieties solidified white Christian entanglements and entitlements to the nation and created a national citizen-subject defined against migrant sex workers and gendered and racialized migration.

In 1923, the *Chinese Exclusion Act* and Order-in-Council 1923-182 were passed, which outright excluded Chinese immigrants and any immigrants from the "Asiatic race" from entering Canada, with limited exceptions. At the time, Chinese men in Canada outnumbered women by a ratio of almost 28:1 (McRae, 2017). As such, family separation was the rule. Chinese men were in turn policed as racial-sexual threats via various laws including prohibiting Chinese laundries from hiring white women. The focus here was on Chinese men, rather than Chinese women, who were effectively excluded at the border (Backhouse, 1996). While the migration of Chinese women was subject to much greater restriction than even Chinese men pre-WWII, the experiences of the limited number of women who did come to Canada are "rendered invisible" within existing scholarship (Chu, 2006).

In addition, provincial and municipal powers compounded federal immigration laws to restrict opportunities for Asian groups. Legislation barred access to land ownership (e.g., *An Act to prevent Chinese from acquiring Crown Land*, 1884), the right to vote and hold political office (e.g., *Qualification and Registration of Voters Act*, 1872), and employment in certain industries (e.g., rail and bridge construction, mining, water works, through the *Alien Labour Act*, 1897). While several provincial Acts (e.g., *BC Chinese Regulation Act*, 1884) were previously repealed for encroaching on federal powers, municipal licensing powers continued in both race-explicit and "race-neutral" forms—replicating anti-Asian histories

of hefty licensing fees (*An Act to amend the Municipality Act*, 1881), court-sanctioned discriminatory prohibitions (e.g., the 1909 case of *Pang Sing v. Chatham*), and licensing bans (e.g., *BC Licences Act Amendment Act*, 1894). After the repeal of Chinese and other Asian exclusionary legislation, as well as the (re)opening of Canadian immigration to non-white populations in the 1950s and 60s (Triadafilopoulos, 2013), the number of Asian women who could immigrate to Canada increased, and Canadian racial-sexual policing focused on Asian women changed and evolved to meet the new race-neutral moment.

Today, white Christian benevolence operates through anti-trafficking initiatives and campaigns that prove detrimental to sex workers, and racialized women presumed to be sex workers, via "mechanisms of mundane and auxiliary policing" (Shih, 2021, p. 60). In Shih's terms, auxiliary policing refers to the "new ways in which law enforcement agents, social service providers, and nongovernmental advocates have joined forces" under the anti-trafficking umbrella (2021, p. 60). Since 2010, municipal license ordinances have popped up throughout the United States and Canada and have been used to police Asian massage businesses through the conflation of massage work, sex work, and human trafficking (Shih, 2021, p. 58).

In Canada, anti-trafficking efforts combine with auxiliary policing to inflict violence on Asian migrant workers through the discourse of rescue and benevolence (Roots et al., 2024, pp. 15-19). Take, for example, Project Orphan (1997) and Project Trade (1998), where Canadian law enforcement raided Asian massage parlours and cumulatively arrested 91 people on charges related to prostitution. Officers publicly announced raids as intended to "rescue" Asian women from "traffickers," yet women were routinely treated as criminals, illegal migrants and, without assistance from authorities, faced deportation, violence, even death (Toronto Network Against Trafficking in Women, 2000). In the end, the evidence indicated that the women came to Canada willingly and were very cognisant of the working conditions they would be facing, yet many were deported shortly after their arrest, making these raids effectively immigration raids masquerading as anti-trafficking efforts (Durisin & Heynen, 2015, p. 13).

In 2006, law enforcement authorities again targeted 18 Asian massage businesses in British Columbia, ostensibly for acting as fronts for prostitution. These raids resulted in the violent arrests of 78 Asian women (Sorfleet et al., 2017). Project Orchid (2019) in Hamilton, Ontario, Project Crediton (2020) in the York Region (a suburb of Toronto), and the much larger cross-country Operation of Northern Spotlight (2015-2018), were all framed as anti-trafficking campaigns, yet resulted in the direct criminalization, intimidation, and harassment of Asian migrant sex workers (Lam, 2022).

Through such instances, the voices of Asian migrant women, capable of defining their own struggles, are obscured by discourses of criminalization and victimization. This commentary focuses on the legacies of discriminatory licensing powers and the resilience of working-class Asian immigrant communities in Canada.

Development of Anti-Asian Licensure in Newmarket, Ontario

For over a decade, a diverse coalition of academics, NGOs, and community organizations (which include several of the co-authors) has emerged in solidarity and support of Asian

and migrant women in sex work and alternative massage—defined as any massage not recognized as registered massage therapy—to closely monitor working conditions in Canada. This collaboration includes working with Butterfly: the Asian and Migrant Sex Worker Support Network (hereafter Butterfly) and often involves consulting on municipal, provincial and federal policy and legal reforms. In Newmarket, a small town north of Toronto, this coalition engaged with the Town Council and its Licensing Division, particularly in drafting the Personal Wellness Establishments (PWE) By-Law in 2021. We sought engagement based on our own individual and collective expertise, cultivated through decades of meaningful engagement with migrant labourers and sex workers in research, advocacy, and legislative actions. Important to this work is our continued engagement with groups and community members that are collaterally impacted by anti-trafficking initiatives and prostitution-related legislation, further harming individuals in situations of extreme vulnerability.

In the case of Newmarket, conversations related to municipal licensing ensued following the announced review and annulment of the Body-Rub Parlour (BRP) business classification in 2021. Initially established by the Town Council in 2002, this classification governed businesses offering massages by non-registered massage therapists through regulations concerning their location, zoning, and licensing (Town of Newmarket, 2002). According to media reports, seven body rub parlours faced charges between 2019-2021 (Queen, 2021a). On the Town's decision to repeal the by-law, the Manager for Regulatory Services said, "We are aware that human trafficking is a significant component of some of these more unlawful parlours in Town" and added that amending the by-law was his "No. 1 priority" (Hale, 2021). Of particular concern is the unsubstantiated link between human trafficking and massage parlours. With human trafficking classified as a criminal offence, the York Regional Police confirmed investigations in the region, yet specifically stated that there were no ongoing investigations or charges related to human trafficking in the Town of Newmarket, nor charges associated with body rub parlours (Quigley, 2022).

Following the review of the licensing framework between January and June 2021, Council initiated public consultations and formulated draft regulations. Proposed regulations included various stipulations, such as the requirement for licensees to submit a list of all workers with proof of age, eligibility to work in Canada, a government-issued photo ID, and list of services (Town of Newmarket, 2020, p. 13). This information could, in turn, be shared with the York Regional Police, York Regional Public Health, or any Town department "with the purpose of providing non-binding input" (Town of Newmarket, 2020, p. 14). Other proposed regulations, shared in a public webinar on May 31, 2021, included:

> Section 8.6(1): Submit a floor plan showing the location of every room;
>
> Section 8.6(2): Submit a copy of the lease agreement with property owner being informed of the nature of the business conducted;
>
> Section 8.6(3)(b): Submit a certificate, diploma, or other documentation from an accredited educational institution in Canada, as it relates to the services being offered (by each attendant);
>
> Section 8.6(4): Prior to issuing a business license, the Manager may require, (i) an interview with the owner or attendant(s) to ensure they are qualified; (ii) an onsite

> inspection to verify the details of the application; and (iii) the application referred to York Regional Public Health, York Regional Police, or any Town department for the purpose of providing non-binding input (Hey Newmarket, 2021).

Initially only available in English, while the Town claimed that it intended to tackle human trafficking, the proposed changes were swiftly anchored to anti-sex work sentiments that positioned Asian women as victims in need of rescue.

For instance, on May 3, 2021, in his address to the committee of the whole, Mayor of Newmarket John Taylor plainly stated: "I don't want to send a message to our community that prostitution or sex work is acceptable. I don't want to send that message to my daughter. I don't want to send that message to the youth of our community. I think we should take a strong position" (Owen, 2021). Deputy Mayor Tom Vegh added: "I think we really just want to drive [sex work] out of our town, quite frankly," continuing "I don't think it's consistent with the values of our town" (Owen, 2021). Comments such as these lay bare the anti-sex work motive underlying such reform. In council workshops and public webinars, licensing officials and councillors also framed proposed regulations as needing to distinguish "reputable" from "unreputable" businesses, and "keeping individuals, particularly women, safe" (Town of Newmarket, 2021a). Newmarket's community engagement portal, HeyNewmarket.ca, also expressed, "[a]s a Town, our aim with the Personal Wellness Establishments By-law is to provide a licensing framework to give us tools to shut down illegal activity in our community" (HeyNewmarket, 2022).

In local media coverage, Newmarket's Alive Church, which previously prayed for the closure of Lookers, a local strip club, and then purchased the defunct building, echoed similar prayers regarding massage parlours: "We always pray God's best into the community. We want to see Newmarket growing as a safe, family-driven community. And so, we would see these parlours as being harmful, harmful to young girls, an open door to human trafficking" (Queen, 2021b). Grace Simon, daughter of Alive Church former pastor, Andrew Wyns, and Newmarket Town Councillor added, "I don't want a brothel in Newmarket. As a councillor, I will not support a brothel. They are known for being hosts for human trafficking. I will not put my name to anything that I know that has a history of producing human trafficking" (Queen, 2021b).

During in Council deputations, Parents Against Child Trafficking (PACT Inc.) and the Council of Women Against Sex Trafficking-York Region advocated for a new licensing regime, alleging sexual exploitation was rampant within massage parlours. The deputation from Women Against Sex Trafficking-York Region referenced a video produced by the faith-based anti-prostitution group, Defend Dignity, using it as the basis for their subsequent claims, stating:

> I have met women in Newmarket who clearly do not speak English and are exploited or trafficked in these establishments out of necessity. They perform sexual acts without even being fluent enough in English to be capable to give proper consent. They find themselves in situations they could have never anticipated due to their language barrier and to their precarious financial situation. These women have no recourse to protect themselves for fear of deportation. (Town of Newmarket, 2021b)

Founder and Executive Director of BridgeNorth, an anti-sex work organization in Canada, followed this deputation, and added: "Legislation is not going to stop somebody from entering a woman's body who doesn't even speak enough English to consent to sex" (Town of Newmarket, 2021b). Their statement continued in the question period:

> I assure you, the diploma mill is actually in mainland China so, why you have so many reiki, and so many holistic, and so many of these other folks coming through, is because persons are coming from China with the certificate so that they can enter as soon as they land here into these holistic and wellness centres. I know people who get off the plane as soon as they land in either Toronto or Vancouver and are taken directly after a flight, not having eaten, to a massage parlour where they will now start servicing men because I've in ten years never serviced a woman by the way, I've never had a women buy me in ten years, only men. And by the way, no man asked me either when they were buying me if I wanted anything to eat, if I was having a good day or if I was OK, and no man ever asked me if I wanted to massage them. The women that are coming, not even understanding the language, face these conditions, ma'am. So, licensure, keep it as high as possible while at the same time we need to make sure that we allow persons who are integral in offering health solutions into the marketplace. We don't want to lose them. We want them in. We don't want to sell to sex. (Town of Newmarket, 2021b)

In a written submission to Council, former Chair of the Board to BridgeNorth and member of Community Partner Alliance to Stop Trafficking-York Region, emphasized:

> One of the key warning signs of a person being trafficked is their inability to speak for themselves. Using the argument of the English language being a barrier to working as justification of why someone is engaged in selling services for sex is not only illogical but serves as a continued rationale for enslavement. It is unconscionable for anyone to suggest that people should be accepting of indentured slavery as an outcome simply because they are an immigrant with poor English speaking skills. The sheer idea is highly un-constitutional. (Stassen, 2021)

Despite such testimonies, Asian women in Newmarket were indeed fluent enough to define their own struggle, and rallied community organizers, scholars, lawyers, and healthcare practitioners in their defence (Mortfield, 2021). Their anxieties about the new licensing requirements reflected the experiences of Asian migrant women in other North American cities facing similar licensing challenges. The women understood their own unique and collective realities: licensure does not eliminate threats of sexual assault, arrest, deportation, or even death (Chang & Kim, 2007). Their anxieties are echoed in empirical studies and scholarship, which describe the implementation of increased surveillance in working-class immigrant communities as creating a "trafficking-deportation pipeline" (Shih, 2021). The "trafficking-deportation pipeline," as described by Elena Shih (2021), refers to the interconnected systems and practices that link human trafficking to immigration enforcement and deportation processes. The concept highlights how increased surveillance and policing in marginalized communities, particularly among immigrant populations, creates a cycle of vulnerability and removal rather than protection and support.

York Regional Police (YRP) confirmed workers' deputations and maintained that no recent arrests/charges of human (sex) trafficking were made in body rub parlours. Their internal assessment, conducted in partnership with the Town, argued that:

> [T]argeting body rub parlours and other adult entertainment establishments would be concentrating enforcement efforts in an area of lesser concern in relation to sex trafficking … the majority of human trafficking victims in York Region are trafficked within hotels, condominiums and short-term rental properties, not body rub parlours or other adult entertainment establishments (The Regional Municipality of York, 2022).

Multiple groups responded to migrant workers' concerns and expressed support through deputations and letters, including: human rights and legal organizations (i.e., Butterfly, HIV Legal Network, Canadian Civil Liberties Association [CCLA], Women's Legal Education and Action Fund [LEAF], and Pivot Legal Society); racial justice organizations (i.e., Chinese Canadian National Council—Toronto, Showing Up for Racial Justice [SURJ], FCJ Refugee Centre, Hamilton Asian Alliance, Asian Canadian Women's Alliance, Friends of Chinatown); and anti-trafficking, gender-based violence, and other social justice organizations (i.e., Freedom United, Barbra Schlifer Commemorative Clinic, Health Providers Against Poverty, Canadian Women's Foundation, CAYR: Community Connections). A letter jointly written by LEAF and the CCLA argued:

> Despite the neutral language of the By-Law, we are concerned that it is disproportionately impacting Asian massage parlour workers' ability to work and/or operate a business. Our understanding is that while four Personal Wellness Establishments have been granted licenses, none of the existing Asian-owned or operated businesses in Newmarket have been granted a license. We are deeply concerned by accounts we have heard of Asian owned/operated businesses receiving notices threatening fines, followed by tickets with escalating fees. (Hrick & Zwibel, 2022)

Nevertheless, against concerns raised by workers, organizers, experts in the study of human trafficking, and allied legal and healthcare professionals (Town of Newmarket, 2021a; 2021b; 2021c), the Town implemented the new licensing scheme, opening the application process in January 2022, and initiating enforcement in May 2022.

With the lifting of COVID-19 restrictions, workers were forced to apply for new licensing—a costly endeavor that delayed returns to work, while some faced fines for continuing to operate without a license, worsening already fraught economic realities. Asian workers reported an increase in enforcement, including surveillance, harassment, fear, and intimidation. During the appeal hearings, women unable to pay the exorbitant fines imposed by the Licensing Division challenged these penalties, a process that revealed the installation of additional video surveillance, the posting of signs at business entrances indicating service disruptions, and the repeated scrutiny of businesses for continuing to operate. As of June 2023, personal correspondence with Asian businesses confirmed six businesses were collectively fined more than $50,000, and all feared imminent closure. Implemented in the wake of the COVID-19 pandemic, a time of added and unique social and economic marginalization for Asian communities, the licensing regime posed significant

barriers for migrant Asian women in Newmarket to continue to earn needed income within their chosen workplaces—barriers that were articulated in, and predicted by, the consultation process. In effect, women were forced to seek new avenues to maintain their livelihoods, amidst already limited options for migrant, low-wage workers. In the next section, we describe the solidarity and resistance necessitated and strengthened in response.

Asian and Migrant Organizing and Activism in Newmarket, Ontario

In the face of heightened hardships, Asian migrant workers and businesses in Newmarket that were impacted by the new licensing regime and its enforcement organized to resist its discriminatory effects. As a form of collective resistance with historical precedence in Canada, their actions demonstrate the ongoing need for migrant and sex worker groups to fight for opportunities against the backdrop of racist and sexist tropes that fail to recognize their realities or the structures and conditions of violence. We reflect on their efforts and find it deeply ironic and concerning that while certain anti-sex work organizations were welcomed in deputations opposing Body Rub Parlours, the voices of migrant women were systematically excluded—unless their experiences could be interpreted to align with the agendas of anti-prostitution groups.

The self-mobilizing and organizing of Asian women in massage parlours has been instrumental to building a movement against harmful policies. In Newmarket, workers reached out to Butterfly, mobilized other workers, and held a number of meetings to strategize ways to keep their job and continue to work and contribute to their communities in Canada. Workers vocally resisted claims that positioned them as either trafficked victims or reprehensible criminals, stating “We are not dishonourable trash to be cleansed from the city” (Wong, 2022). They urged Newmarket to stop targeting Asian workers and businesses, repeal the new licensing regime, drop existing charges, and stop law enforcement from profiling and targeting their workplaces.

These resistance efforts effectively mobilized a plethora of different allies, each with their own unique expertise and networks. These allies, including volunteers and students, provided multiple forms of support, including translation and documentation. Most notably, workers successfully secured support from legal professionals who could help explain the nebulous, fragmented, municipal licensing and fine resolution process and arbitrate financial penalties and forced closures. There was also a coordinated petition and a phone/email/social media zap campaign, which targeted Town Council and echoed the call of workers to end systemic racism, repeal the racist licensing regime and enforcement, and allow women to safely return to work. More than 150 calls and emails were made by supporters during the zap campaign. A seminar convened through the Centre for Feminist Research at York University put workers in conversation with scholars who study the harmful impacts of anti-trafficking campaigns and histories of anti-Asian licensure in Canada (De Lisio, 2022). Though invited, the Mayor and members of Town Council did not attend. Additionally, almost 40 workers and supporters participated in a rally at Newmarket Town Hall, during which demonstrators covered the building’s entrance with

red flyers denouncing the by-law and replicating the notices posted to Asian massage businesses in the Town.

Often diminished as non-English speaking by elected and appointed officials, Asian workers continually sought opportunities to speak out against licensure in different platforms (online, in-person) and venues (media, universities, Town and City Halls) and bravely shared their lived and living experiences of intersecting oppressions (racism, sexism, migrant status, and discrimination against Asian massage and sex work). The actions openly addressed the ramifications of the licensing regime and its enforcement and made known the harmful impacts of related immigration laws and policies, writ large, demonstrating the agency of these workers, which is so often denied. Despite the best attempt of Town Council to ignore their perspectives, experiences, and expertise, workers mobilized allies, both locally and internationally. Their events were co-sponsored by organizations in Canada and the United States (Coast to Coast Chinatowns Against Displacement (C2C), Red Canary Song, Centre for the Study of Slavery and Justice at Brown University) and universities in Asia offered to partner to support with the by-law accreditation requirement, remotely, in chosen languages. Ultimately, their organizing resulted in an open letter signed by more than 100 organizations (Butterfly, 2022).

With added pressure, workers successfully advocated for the recognition of foreign credentials. Representatives from the Town's Licensing Division also agreed to accept a seminar series led by workers—with support from university-based academics in the field of health sciences—as a form of accreditation required by the new licensing regulations. The seminar series continues to be offered and is widely attended by migrant groups in a diverse array of professions. Graduates continue their involvement as mentors, receiving honorariums with support from the Canadian Women's Foundation, and volunteering their time to support workshops, graduation ceremonies, etc. The seminar series centres the skills and expertise of Asian massage workers, in dialogue with allied healthcare and legal professionals (e.g., Western and non-Western healthcare providers, including chiropractors, physiotherapists, massage therapists, acupuncturists, and lawyers). Seminar contents and materials are translated to meet a variety of language needs—again, through the support of volunteers. In important ways, the imposition of a new licensing framework strengthened networks, and inspired opportunities for continued education and training for more than one hundred migrant and precarious status workers in Canada. Their involvement in the seminar series is also used to demonstrate engagement in Canadian societies, a needed component of the immigration process in Canada.

Conclusions

In this commentary, we have focused on contextualizing contemporary municipal licensing initiatives in Newmarket, Ontario, within histories of anti-Asian licensing practices and policing directed at Asian populations and businesses in Canada. Throughout such histories of systemic racism, the role of white Christian feminist organizations is significant, particularly in their efforts to exclude Asian women from popular narratives and economies. Such efforts are constructed on the pretext of protection and morality, which in turn requires racialized, migrant women to assume the role of either immoral sex worker

or helpless trafficked victim. This strategy has served to absolve white society of its culpability in racial capitalism—further entrenching white Christian benevolence in nation-building projects and fostering a national identity against migrant workers and racialized and gendered migration narratives. We argue that anti-Asian, anti-sex work histories are repeated in contemporary anti-trafficking efforts and municipal licensing schemes, which ironically further harm sex workers and racialized women in alternative massage by intensifying mundane and ancillary policing mechanisms—all in the name of "growing as a safe, family-driven community" (Queen, 2021b). The proliferation of municipal licensing ordinances since 2010 across North America has proven particularly detrimental to Asian, migrant families and communities. In these instances, the voices of Asian migrant women articulating their own experiences are overshadowed by narratives of victimization, criminalization, and prescribed punitive measures. This commentary underscores the enduring impact of discriminatory licensing practices and highlights the resilience of working-class Asian immigrant communities against moral panics and white benevolent nationalism in Canada.

The story of worker-led actions in Newmarket is a significant example of the various types of migrant and sex worker activism required today, as well as the need to reconfigure anti-trafficking globally, with the privileged involvement of workers directly implicated and harmed by such initiatives. Certainly, the impetus to provide "protection" cannot be done without the meaningful input and continual engagement of those alleged to be protected. The efforts of elected officials and members of the Licensing Division in Newmarket to speak on behalf of migrant women, sex workers, or vulnerable populations writ large is certainly not unique to the Town. Similar to so many towns, cities, and governments, their critical error was dismissing those most impacted by their actions. Eventually, the resistance efforts in Newmarket proved too loud to be ignored. In his deputation, the Founder, Board Chair, and CEO of PACT Inc., proved to be right: "if you think [sex workers] will walk away from their territory of Newmarket, where they are entrenched…. You've got to be kidding me. They're going to challenge you through the justice system, the media, and this council on a regular basis" (Town of Newmarket, 2021). Far from vulnerable victims requiring protection, Asian migrant workers in Newmarket targeted by racist, anti-sex work by-laws challenged racial tropes of agentless, voiceless victims, to resist repressive licensure forcefully and creatively. As best articulated by the workers themselves: "We are not helpless trafficking victims in need of rescue. We are human beings who can choose our own path, make our own decisions, and support ourselves with dignity…. We are not voiceless. This is our voice, and we are asking you to stand with us" (Butterfly, 2022).

References

Backhouse, C. (1996). The white women's labor laws: Anti-Chinese racism in early twentieth-century Canada. *Law and History Review*, *14*(2), 315-368. https://doi.org/10.2307/743786

Beutin, L. (2023). *Trafficking in antiblackness: Modern-day slavery, white indemnity, and racial justice*. Duke University Press.

Butterfly: Asian and Migrant Sex Workers Support Network. (2022, August 11). *Open letter on the Newmarket crisis*. Retrieved from https://medium.com/@butterflycsw/open-letter-on-the-newmarket-crisis-32e159d5a52b

Butterfly: Asian and Migrant Sex Workers Support Network. (n.d.). *Town of Newmarket: End racism against Asian massage businesses and workers*. Retrieved from https://www.butterflysw.org/newmarket-end-racism

CBC News. (2006). *Chinese Head Tax FAQs*. https://www.cbc.ca/news2/background/immigration/headtax.html

Chan, A. (2016). Chinese Head Tax in Canada. *The Canadian Encyclopedia*. https://www.thecanadianencyclopedia.ca/en/article/chinese-head-tax-in-canada

Chang, G. & Kim, K. (2007). Reconceptualizing approaches to human trafficking: New directions and perspectives from the field(s). *Stanford Journal of Civil Rights & Civil Liberties*, *3*(2), 317-344.

Cho, L. (2021). *Mass capture: Chinese Head Tax and the making of non-citizens*. McGill-Queen's Press-MQUP.

Chu, S. K. H. (2006). Reparation as narrative resistance: Displacing Orientalism and recoding harm for Chinese women of the exclusion era. *Canadian Journal of Women and the Law*, *18*(2), 387-438. https://doi.org/10.3138/cjwl.18.2.387

Day, I. (2016). *Alien capital: Asian racialization and the logic of settler colonial capitalism*. Duke University Press.

De Lisio, A. (2022, June 2). Feminist dispatch: Municipal bylaws and anti-Asian racism from past to present. *Centre for Feminist Research*. https://www.yorku.ca/cfr/municipal-bylaws-and-anti-asian-racism-from-past-to-present/

Dere, W. G. W. (2019). *Being Chinese in Canada: The struggle for identity, redress and belonging*. Douglas and McIntyre Ltd.

Durisin, E. M. & Heynen, R. (2015). Producing the "trafficked woman": Canadian newspaper reporting on Eastern European exotic dancers during the 1990s. *Atlantis*, *37.2*(1), 8-24.

Fudge, J., Lam, E., Chu, S.K.H., Wong, V. (2021). *Caught in the carceral web: Anti-trafficking laws and their impact on migrant sex workers*. McMaster University School of Labour Studies.

Gallant, C. & Lam, E. (2022, May 9). Anatomy of an anti-trafficking policy campaign. *Briarpatch*. https://briarpatchmagazine.com/articles/view/anatomy-of-an-anti-trafficking-policy-campaign

Hale, A. S. (2021, January 14). Newmarket crackdown on body rub parlours could force human trafficking underground: advocate. *Newmarket Today*. https://www.newmarkettoday.ca/local-news/newmarket-crackdown-on-body-rub-parlours-could-force-human-trafficking-underground-advocate-3254123

Hey Newmarket. (2021, May 31). Personal Wellness Establishments webinar. https://www.heynewmarket.ca/pwe/widgets/81536/videos/7357

Hey Newmarket. (2022, May 9). Personal Wellness Establishments By-Law. https://www.heynewmarket.ca/pwe

Hrick, P. & Zwibel, C.F. (2022, August 3). LEAF and CCLA urge Newmarket to repeal discriminatory by-law targeting Asian massage parlour workers. https://www.leaf.ca/news/leaf-and-ccla-urge-newmarket-to-repeal-discriminatory-by-law-targeting-asian-massage-parlour-workers/

Ikebuchi, S. (2012). *At the hearth of the nation: The Woman's Missionary Society and Victoria's Chinese Rescue Home 1886-1923*. UBC Thesis.

In Re Fong Yuk, (1901) 8 BCR 118 (SC).

Kempadaoo, K. & Shih, E. (2023). Introduction. In Kempadoo, K. & Shih, E. (Eds.), *White supremacy, racism and the coloniality of anti-trafficking*. Routledge.

Lam, E. (2022). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy*, *82*, 22-57.

Letter: Bylaw 'taking unbearable toll' on Asian massage workers. (2022, August 13). *Newmarket Today*. https://www.newmarkettoday.ca/letters-to-the-editor/letter-bylaw-taking-unbearable-toll-on-asian-massage-workers-5692790

McRae, M. (2017). The Chinese head tax and the Chinese Exclusion Act. *Canadian Museum for Human Rights*. https://humanrights.ca/story/chinese-head-tax-and-chinese-exclusion-act

Mortfield, G. (2021, June 15). Who is being targeted? Advocates condemn proposed massage parlour bylaw. *TVO News*. https://www.tvo.org/article/who-is-being-targeted-advocates-condemn-proposed-massage-parlour-bylaw

Owen, J. (2021, May 3). Sex work in massage parlours rubs Newmarket councillors wrong way. *Newmarket Today*. https://www.newmarkettoday.ca/local-news/sex-work-in-massage-parlours-rubs-newmarket-councillors-wrong-way-3746571

Pang Sing v Chatham, [1909] OJ No 495, 1909 CarswellOnt 685

Queen, L. (2021a, January 11). 'Significant human trafficking prevalent in Newmarket.' *York Region*. https://www.yorkregion.com/news/significant-human-trafficking-prevalent-in-newmarket/article_91b195a1-b706-507f-943a-d9dc71baa572.html

Queen, L. (2021b, April 27). Do we want brothels in Newmarket?: Council to tackle issue of body rub parlours. *York Region*. https://www.yorkregion.com/news/do-we-want-brothels-in-newmarket-council-to-tackle-issue-of-body-rub-parlours/article_34067541-f7cb-5f1d-860a-bb1dc73b8547.html

Quigley, J. (2022, March 4). York Region report, police refute targeting massage parlours for sex trafficking. *Newmarket Today*. https://www.newmarkettoday.ca/local-news/york-region-report-police-refute-targetting-massage-parlours-for-sex-trafficking-5123015

Roots, K., De Shalit, A. & van der Meulen. (2024). Understanding human trafficking: An examination of discourses, laws, policing, and migrant labour. In Roots, K., De Shalit, A. & van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives and experiences*. Fernwood.

Roy, P. E. (1989). *A white man's province: British Columbia politicians and Chinese and Japanese immigrants, 1858-1914*. UBC Press.

Royal Commission on Chinese Immigration. (1885). Report of the Royal Commission on Chinese Immigration: Report and evidence. https://publications.gc.ca/site/eng/9.823869/publication.html

Shih, E. (2021). The trafficking deportation pipeline: Asian body work and the auxiliary policing of racialized poverty. *Feminist Formations*, *33*(1), 56-73.

Sorfleet et al. (2017). Open letter decries police posing as sex-worker clients in 'repressive' Operation Northern Spotlight [Open Letter]. *The Georgia Straight*. https://www.straight.com/news/933756/open-letter-decries-police-posing-sex-worker-clients-repressive-operation-northern

Stassen, A. (2021). Letter to Newmarket Town Councilors. https://pub-newmarket.escribemeetings.com/filestream.ashx?DocumentId=28984

The Regional Municipality of York, Committee of the Whole, Finance and Administration. (2022, March 3). *Report of the Regional Solicitor: Sex trafficking: Legislation, jurisdiction, enforcement and victim support*. https://pub-markham.escribemeetings.com/filestream.ashx?DocumentId=50729

Toronto Network Against Trafficking in Women, The Multicultural History Society of Ontario, & The Metro Toronto Chinese and Southeast Asian Legal Clinic. (2000). *Trafficking in women, including Thai migrant sex workers, in Canada*. Prepared for the Status of Women Canada. http://www.mhso.ca/mhso/trafficking_women.html

Town of Newmarket. (2002). *By-law 2002-151*. https://www.newmarket.ca/LivingHere/Documents/2002-151%20-%20Licensing%20Bylaw%20-%20Consolidation.pdf

Town of Newmarket. (2020). *By-law 2020-31*. https://www.newmarket.ca/LivingHere/Documents/2020-31%20-%20Business%20Bylaw%20-%20Consolidation.pdf

Town of Newmarket. (2021a, March 8). Virtual committee & council meetings. https://pub-newmarket.escribemeetings.com/Players/ISIStandAlonePlayer.aspx?ClientId=newmarket&FileName=Replacement%20Encoder_CWE_2021-03-08-12-44.mp4

Town of Newmarket. (2021b, May 3). Committee of the Whole—Electronic. https://pub-newmarket.escribemeetings.com/Meeting.aspx?Id=23cf3dba-bcda-493a-9a11-7ace225a3a4b&Agenda=PostMinutes&lang=English&Item=17&Tab=attachments

Town of Newmarket. (2021c, June 16). Special Committee of the Whole. https://pub-newmarket.escribemeetings.com/Meeting.aspx?Id=23cf3dba-bcda-493a-9a11-7ace225a3a4b&Agenda=Merged&lang=English

Triadafilopoulos, T. (2013). Dismantling white Canada: Race, rights, and the origins of the Points System. In T. Triadafilopoulos (Ed.), *Wanted and welcome?: Policies for highly skilled immigrants in comparative perspective*. Springer.

Wong, V. (2022, September 14). An Ontario crackdown on massage parlours continues Canada's legacy of anti-Asian racism. *The Conversation.* https://theconversation.com/an-ontario-crackdown-on-massage-parlours-continues-canadas-legacy-of-anti-asian-racism-189208

York Region District School Board. (2024). Standing in the Doorway: Part 3 - Home and Building Community. https://www2.yrdsb.ca/community/museum-board-archives/exhibits/standing-doorway-part3