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Asian Women Workers in Massage Parlours and the Sex Industry and Their Fight Against Anti-Asian Racism

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Elene Lam is an activist, artist, community organizer, and educator. For over two decades, she has been a dedicated advocate for sex workers, migrants, and gender, labor, and racial justice. She is the founder of Butterfly, the Asian and Migrant Sex Workers Support Network, and the co-author of *Not Your Rescue Project: Migrant Sex Workers Fighting for Justice*. Elene is a Sessional Assistant Professor in Critical Disability Studies at the School of Health Policy and Management, Faculty of Health, York University.

Abstract

This article examines how Asian migrant sex workers have continuously been targeted by the “carceral web” of Canadian laws and policies at the federal, provincial, and municipal levels. A case study of Newmarket, Ontario’s municipal council’s recent “crackdown” on personal wellness establishments illustrates how systematic racism and “whorephobia” are embedded in the regulations targeting low-income Asian migrant women, particularly those who work in massage parlours and the sex industry. The article ends with a discussion of how Asian workers in massage parlours and the sex industry are actively working to resist, fight for their rights, and build solidarity to push back against racist oppressions targeting them.

Introduction

On March 16, 2021, a white man killed eight people in Atlanta, Georgia. They were Delaina Ashley Yaun, Paul Andre Michels, Xiaojie Tan, Daoyou Feng, Soon Chung Park, Hyun Jung Grant, Suncha Kim, and Yong Ae Yue. Six of the eight victims were Asian women who worked in massage parlours in Atlanta, the United States. Many Asian people argue that the Atlanta shooting is part of the increasing anti-Asian hate crimes amid the COVID-19 pandemic. Since the tragic murders and in response to violence and racism against Asian Americans, the Stop Asian Hate movement has grown dramatically across North America. However, as explained in this article, the anti-Asian hate movement appears to generally leave Asian sex workers and massage workers behind (for a similar critique, see Huang, Lee-An, and Chen, 2024, this volume).

Organizations representing Asian and migrant sex workers, such as Butterfly (Asian and Migrant Sex Workers Support Network) in Canada and Red Canary Song in the United States, both of which advocate for the rights of Asian migrant sex workers and massage workers, argued that this attack was not just the result of anti-Asian hate. The perpetrator targeted the Asian massage workers in Atlanta not only because of a

long and widespread history of anti-Asian racism in North America but also because, as massage workers, they were considered to be connected to sex work, regardless of whether they actually provided sexual services. The murderer said that massage parlours were a sexual temptation that he wanted to eliminate. He wanted to punish the women because they work in the sex industry (Fausset et al., 2021). Anti-Asian racism, misogyny, xenophobia, and whorephobia were all at play in the violence against these women (Lam et al., 2021; Shih, 2021a). The murderer explains his motivation by blaming the massage parlour for his “sex addiction” to cover up the imperialist white supremacy that allowed him to impose his power and violence against Asian women’s bodies for his own salvation. The tragedy of the Atlanta shootings reveals the racialization and sexualization of Asian women that originated with imperial and colonial history and continues into the present (Chen, 2021; Lee-An and Chen, 2021).

Unfortunately, this shooting is not unique. The violence against Asian massage workers and sex workers is systemic. In the past decade, Asian massage and sex workers have been murdered in numerous Canadian cities, including Toronto, Mississauga, Hamilton, and Markham (Freeze, 2022; Lam, 2021). In response, Asian and migrant sex workers’ rights organizations have called out and continue to denounce the violence and oppression that Asian women who work in massage parlours and the sex industry face and argue that the violence at the Atlanta spas should be understood in terms of intersecting racism and gender-based violence against Asian women and sex workers (Bowman, 2021). These organizations remind us that the fight against anti-Asian racism must not leave Asian sex and massage workers behind (Butterfly, 2021; Red Canary Song, 2021). While calls for increased policing are a typical response to this kind of violence—seen, for example, in the passing of the COVID-19 Hate Crimes Act in the US (Kim et al., 2021) and the launching of consultations for the National Action Plan on Combating Hate in Canada—community organizations such as Butterfly and Red Canary Song oppose this tendency that uses increased policing and criminalization to combat anti-Asian violence and hate. Rather, they argue that we need to end discrimination, criminalization, and policing as the root causes of the violence against Asian massage workers and sex workers, particularly the antitrafficking policies and raids that put the workers in danger, a position supported by progressive Asian and social justice scholars, activists, and organizations (e.g., Chinese Canadian National Council Toronto Chapter, Project 1907, and Asian American Feminist Collective).

The term carceral web refers to the interconnected web of policies and laws at various levels of government that are used to entangle Asian massage and sex workers (Fudge et al., 2021). Bernstein (2010) used the term “carceral feminist” to describe a type of feminism that advocates for carceral and punitive politics in matters related to women and gender. These carceral feminists are particularly prone to the white saviour complex, believing it is their place, as people who have more power, experience, and education, to fight for the rights of people of colour and other marginalized people, who, they believe, are less capable of fighting for themselves. Carceral feminists have a long history of working with politicians and non-governmental organizations to call for an increase in policing and carceral responses to address the violence faced by women. For these

feminists, sex work is violence and oppression for women, and as such, they call for the criminalization of sex work. In this article, I argue that, instead of protecting women and ending violence, the carceral system supported by these carceral feminists, particularly the increase in policing, criminalization, and incarceration, not only upholds white supremacy and colonialism but also exacerbates racism and violence, particularly against Indigenous and racialized people and migrants.

There are an increasing number of abolition feminist scholars and activists, in particular, people of colour, criminalized people, and LGBTQ and queer people, who recognize the harms caused by the prison, police, and carceral systems and they are advocating for an end to all punitive systems and the dismantling of state violence, policing, and racial capital. They call instead for a non-policing and non-carceral approach to addressing violence against women and other marginalized communities (Bernstein, 2007; Capous-Desyllas et al., 2021; INCITE, 2006; Jacobs et al., 2021; Kim, 2020; Kim et al., 2021).

Critically engaging with the abolitionist feminist approach, this article aims to show the long history of anti-Asian racism that Asian sex workers face, particularly state violence, and how it continues today. The racial stereotype of Asian women as passive and docile is being used to support racist antitrafficking policies and programs. Instead of protection, this approach increases the vulnerability of the workers and manifests racism and state violence that are the root causes of this violence. This article also shows how, rather than passive trafficked victims, Asian massage workers and sex workers are active and autonomous agents in their own lives, organizing and building a movement to fight for their rights and against anti-Asian racism.

More specifically, I begin by examining how Canadian laws and policies have historically targeted Asian migrant sex workers and discuss how the “carceral web” works at the federal, provincial, and municipal levels to impact Asian migrant sex workers. I use the case of Newmarket’s (a town in the Greater Toronto Area) municipal council’s recent “crackdown” on “personal wellness establishments” to illustrate how racism and “whorephobia” are embedded in the regulations targeting Asian migrant sex workers. Finally, I discuss how Asian workers in massage parlours and the sex industry resist and build solidarity to push back against racist oppression and fight for their rights.

Methodology

This article is part of my PhD study,¹ which is informed by institutional ethnography and participatory action research. I use multiple data collection methods, including interviewing 25 sex and massage workers in Toronto, Newmarket and other cities in Ontario, Canada, and 15 stakeholders who were sex workers’ rights activists and service providers. Participants were recruited through sex worker organizations using a snowball

¹ This paper reports part of the findings of my doctoral research titled Mapping the Regulation and Policing of Asian Migrant Sex Workers in Canada. This research was approved by the McMaster Research Ethics Board (MREB) and financially supported by the Social Sciences and Humanities Research Council (SSHRC).

strategy to reach a wide network of eligible participants. In addition, I also collected documents from the workers and from the government and conducted participant observation of Toronto's and Newmarket's municipal council public discussions about regulating holistic centres and personal wellness establishments from 2018 to 2021.

The History of Discrimination Against and Oppression of Asian Sex Workers

The Asian community, particularly the Chinese community, has faced a long history of racism, xenophobia, and racist immigration policies in North America. The Yellow Peril panic was used to justify discriminatory regulations and policies against Asians, particularly surveillance, and restrictions on and control of migration to support white nation building (Daley, 2017; Lee, 2005, 2007), using discourses of national security centred around the trope of eradicating the “dangerous foreigner” to protect the homeland (Sharma, 2005, p. 88). For example, the Royal Commission on Chinese Immigration (1885) justified restricting Chinese immigrants via constructing the Chinese as a racial problem. The commission described the Chinese as dirty, diseased, criminal, immoral, and uncivilized. After the consultation, the 1885 Chinese Immigration Act was passed to impose a head tax and other restrictions to limit or even outright ban Chinese people's immigration into Canada (Li, 2009; Roy, 1989). In addition to these federal laws, provincial and municipal bylaws are also being used to target and isolate Asian communities. For example, provincial laws have been used to ban Chinese people from voting, buying lands, and gaining employment (BC Redress, 2021). The discriminatory licensing regimes of municipal bylaws were imposed on a variety of Asian businesses, including laundries, restaurants, mining, and logging, in an effort to shut down or displace them.

Racial justice and civil rights activists and scholars have raised concerns about the racism and discrimination faced by Asian communities (Chan, 2014; Go, 1990; Taylor, 1991). These individuals and groups have fought against both the federal and provincial governments for the racist and discriminatory head taxes; segregation; prohibition of voting; imposition of labour, educational, and employment restrictions; and immigration bans, among other policies, that have adversely affected Asians. However, very few have been concerned with Asian sex workers, particularly Chinese sex workers, despite their long history as targets of racism, sexism, whorephobia, and other types of oppression (Backhouse, 1999; Migrant Workers Alliance for Change, 2022; Stanley, 2011; Wong, 2022).

Racism, sexism, xenophobia, and whorephobia against Asian migrant women were deeply embedded in 19th century immigration policies. Anti-trafficking and anti-prostitution policies and laws targeted, discriminated against, surveilled, and criminalized Asian migrant women. The racial and sexual discourses about immorality, sexual promiscuity, sexual disease, corruption of white men's morality, and human trafficking were used to justify the immigration ban and other repressive measures. This perspective was

then used to justify and impose racist immigration policy. Luibheid (2002) argues that, at this time, “Chinese prostitution had been newly conceptualized as a racial threat that was both internal and external to the settler regime” (p. 102). Asian women, particularly Chinese women, are construed as the sexual and racial “Other,” which “reinforce[s] ethnic difference and sustain[s] ethnic segregation” (Nagel, 2003, p. 55). The Royal Commission on Chinese Immigration (1885) says this about Chinese women: “The Chinese are the only people coming to the continent the great bulk of whose women are prostitutes” (p. ixix). These women were thought to introduce disease (e.g. syphilis), corrupt men, and demoralize the community. The same report cited a Methodist minister in Victoria, British Columbia, who advocated for the prohibition of Chinese immigration and said that the majority of white people had higher morality than Chinese people. Chinese women were being portrayed as unclean, deviant, domestically delinquent, immoral, backward, and not conforming to white standards. The Royal Commission on Chinese Immigration also reported that “Chinese prostitutes are more shameless” and “more injurious to the community than white abandoned women” (p. ixviii).

Chinese women deemed prostitutes were the first racialized group of migrants to be explicitly banned from migrating to Canada. The 1885 Chinese Immigration Act ordered that no landing should be granted to “any Chinese woman who is known to be a prostitute.” Later, it banned all Chinese women from migrating to Canada under the assumption that any Chinese girl or woman who came to Canada was either already a prostitute or destined for that role (Ikebuchi, 2013). The later Immigration Act of 1910 extended the immigration ban to all sex workers.

In addition to the discourse of immorality, the trafficked victims discourse was used to justify the exclusion, surveillance, rescue, and rehabilitation of Chinese women, particularly sex workers. For the few Chinese women who managed to enter Canada, the Women’s Missionary Society founded a Chinese Rescue Home in Victoria, British Columbia. Active from 1886 until 1942, the purpose of the home was to “civilize” fallen Chinese girls and women (Ikebuchi, 2015). As the Royal Commission on Chinese Immigration (1885) described, “Chinese women have generally submitted passively and helplessly to this imposition, degradation, and slavery, to be sold and bought and transported at the will of their masters” (CCII). These women needed to be rescued and saved to support the white saviour complex’s sexual and racial imagination of the “Other”, which imposed both the control of and violence against racialized women’s bodies. It was conducted in the name of an educational, training, rehabilitation, and religious mission to rescue and reform slave girls, Chinese prostitutes, and those who were deemed at risk. The Chinese Rescue Home was later renamed the Oriental Home and School when the services were also extended to Japanese women.

The rescue home policed the boundaries of race, gender, and sexuality. Chinese and Japanese girls and women who worked in the sex industry were arrested and “rescued.” The rescue home was a form of incarceration because the agency, freedom, and autonomy of the women were denied. They were forcefully removed from their family

and community and segregated from Canadian society. They were forced to live in the custody of white female missionaries and their lives were strictly controlled. They had to learn about morality, Christianity, and white domesticity (e.g., cooking, cleaning, and sewing). They also needed to learn how to behave as proper women to marry Christian Chinese or Japanese men or become a servant to be an acceptable citizen.

Ikebuchi (2015) suggests that the focus of the Chinese Rescue Home was the “domestication of foreign subjects” (p. 89), transforming dangerous foreign bodies into domestic citizens, which supported white nation building. White women also produced the racial order that they then used to gain authority over the racialized Other (Ikebuchi, 2013). Although the Chinese Rescue Home embodied racism and sexism against Chinese and Japanese women and had deep ties to the social construction of a racial order that supported the nation-building of the settler-colonial state, very little attention has been paid to it. Some Chinese community members challenged the forcible confinement and custody of the girls and women, but they were not successful, with courts affirming the legitimacy of the custody and guardianship of the Chinese Rescue Home over Chinese girls (Ikebuchi, 2013, 2015). I argue that the history of the Chinese Rescue Home is an antecedent of the 21st century carceral approach to regulating Asian migrant sex workers. The racist and sexist ideas from the Immigration Act of 1885 still exist in contemporary Canada.

21st Century Antitrafficking Rescue and the Carceral Approach

While the Immigration Act of 1976 removed all explicit restrictions based on country of origin and morality, Canada still effectively bans the entry of migrant sex workers by requiring economic and educational qualifications and prohibiting sex work. Migrant sex workers, including Asian migrants, face structural inequality, multiple layers of discrimination, social exclusion, oppression, poverty, racial profiling, and criminalization (Global Network of Sex Work Project, 2019; Goldenberg et al., 2017; Ham, 2017). The violence Asian women who work in massage parlours and the sex industry face is an expression of the racism, sexism, classism, ableism, xenophobia, transmisogyny, whorephobia, criminalization, and policing they encounter constantly (Anderson et al., 2016; Butterfly, 2021; Fudge et al., 2021; Red Canary Song et al., 2022; Shih, 2021b).

Carceral approach-based women’s groups and evangelical Christian groups that oppose sex work are the driving force behind the criminalizing and policing of sex work and massage parlours in the name of opposing human trafficking and protecting vulnerable women. They continue to use human trafficking and the white saviour narrative to push a racist and moralist agenda by opposing sex workers and Asian migrants.

Moral panic about sex, gender, and migration undergird the antitrafficking “rescue industry” (Agustín, 2006, 2007). Some scholars argue that the antitrafficking movement not only upholds colonialism, racism, and white supremacy, but it is also being used to expand state power and the carceral system to surveil, control, police, criminalize, and exclude Indigenous, racialized, and migrant women and sex workers. The carceral

approach, which relies on control of migration, policing, prosecution, and imprisonment, can harm the marginalized and the oppressed, particularly people of colour, sex workers, people living in poverty, migrants, people with mental illnesses, and people who use drugs. Rather than protecting and empowering, these measures all too often reinforce structural inequalities and increase marginalized communities' vulnerability to violence (e.g., discrimination, marginalization, poverty, and barriers to accessing basic services and supports; Beutin, 2023; Kaye, 2017; Kempadoo & Dozema, 1998; Kempadoo & Shih, 2023; Maynard, 2018; Roots, 2022; Roots et al., 2024).

Many of the most prominent and active antitrafficking organizations in Canada often have ties to fundamentalist evangelical groups, former law enforcement officers, or carceral feminists whose self-declared mission is to end the sex industry. Many of these organizations promote the evangelical, conservative idea that sexual services are sinful, immoral, dangerous, criminal, and a form of sexual exploitation and, therefore, should be eliminated. In their work, they often conflate sex work, massage parlours, and migration with human trafficking. Butterfly (2021) and the Asian women workers argue that these antitrafficking organizations "weaponize harmful anti-trafficking rhetoric to conceal their distinctly anti-migrant, anti-Asian, and anti-sex work agendas" (p. 1).

Social justice scholars, activists, and organizations advocating for people of colour, migrants, LGBTQ+ communities, people with mental illnesses, and sex workers have criticized the carceral framework and advocating for abolition, that is, an end to efforts to police, detain, deport, institutionalize, and otherwise control these target populations (Ben-Moshe, 2020; Cole, 2022; Davis, 2011; Fortier et al., 2024; Kim et al., 2024; Maynard, 2018; Pasternak et al., 2022; Walia, 2013). Similarly, Asian and migrant sex worker organizations in North America strongly oppose the carceral approach, which includes over policing, the criminalization of sex work and massage work, punitive policies, and harsh licensing requirements that oppress and harm sex workers, particularly Asians and migrants. As this article shows, this wide-ranging carceral system is the source of violence and oppression for Asian massage and sex workers.

The Carceral Web and Its Impact on Asian Migrant Sex Workers

Echoing the moralistic and imperialistic overtones of the 19th and early 20th century, the discourse of preventing human trafficking and protecting trafficked victims from exploitation continues to justify systematic discrimination and exclusion of racialized people including Asians, criminalizing sex work, imposing an immigration ban on sex workers, passing repressive bylaws, and subjecting sex workers to racial profiling and aggressive policing.

Jeffrey (2005) observes that the Canadian government's response to the "rediscovery" of the issue of migrant sex work is "an exercise in maintaining a particular gendered and raced neo-colonial Canadian identity" (p. 34). Crime prevention and public morality continue to constitute the core concerns of antitrafficking discourse, which marginalizes the concerns that matter to these women, such as their work conditions.

The antitrafficking discourse portraying Asian women as “illegal and trafficked victims involved in organized crime” is often used to justify targeting them and shutting down their workplaces. Sex workers, particularly Asian and migrant sex workers, are caught in a carceral web, facing the intersection of criminal, immigration, provincial laws and municipal bylaws.

At the federal level, in 2013, the government introduced Bill C-36, the Protection of Communities and Exploited Persons Act (PCEPA), which criminalizes sex work, third parties, and clients. This followed the Supreme Court of Canada ruling that three sex work Criminal Code provisions were unconstitutional, resulting in them being struck down (Canada [AG] v. Bedford, 2013). Despite claims that the laws are intended to protect the exploited person, in actuality, the aim of the laws is to eliminate sex work (CASWLR, 2022). The PCEPA not only describes sex work as sexual violence but also as a public danger—a public nuisance that endangers the health and safety of the public—with the aim of preventing the public from being “harmed” by sex work.

The Migrant Workers Alliance for Change (2022) argues that “the interrelated operation of these laws speaks to the systematic nature of marginalization and exclusion that migrant sex workers experience through the law” (para 17). Asian workers in the sex industry are disproportionately affected by these laws because they “criminalize one of the few sources of economic livelihood for migrant sex workers” (Migrant Workers Alliance for Change, 2022, para 28). Due to the language barrier, lack of immigration status, and exclusion, Asian migrant sex workers often rely on third parties, including their coworkers, friends, and families, to support their work through, for example, advertising (including credit card payments), transportation, and communication with the clients. However, all of these activities are criminalized (Migrant Workers Alliance for Change, 2022). Research shows that criminalizing sex work prevents workers from accessing resources and protection and puts them in danger (CASWLR, 2022).

Lala, one of the participants in this study, shared her experiences of being arrested in an antitrafficking raid—a raid that was conducted despite the fact that there was not any evidence of human trafficking or exploitation. She was arrested and charged with sex-work-related offences. Her friends and family were identified as a criminal network and organized crime ring and were charged and convicted of helping Lala and providing support to a sex worker (e.g. paying for advertisements and bills, giving rides) despite some of them not receiving any material benefits.

Jane is another participant in the study who was convicted of a sex-work-related offence when she supported other sex workers and protected their safety. Jane is a retired sex worker, but she offered support to other sex workers at their request and connected them with clients. Jane said that the other sex workers liked her help because she had a good sense of the clients, which enabled her to help them screen out bad clients and also to negotiate services and price with the clients. Both Lala and Jane also shared their traumatic experiences of being incarcerated, including not being allowed to communicate with their loved ones and having their money and assets seized, as well

as the poverty and vulnerability they faced after the raid. June said, “I lost everything, I have even lost my dignity.” Criminal investigations also often turn into immigration investigations. Instead of being offered protection, most of the Asian workers who were identified as victims in these investigations were deported.

Kumimoto (2018) argues that criminalizing sex work also facilitates racialized patterns of gender-based violence. In the case of Asian migrant sex workers, the intersection of criminal laws and immigration laws produces additional exposure to state and other violence. At the federal level, immigration laws and policies prohibit migrants (even those with a work permit) from working in sex work or other erotic industries. These workers would also be denied entry into Canada on the grounds that they are suspected of being involved in the industry or being trafficked. As well, they may lose their immigration status if they have convictions for sex-work-related offences (Burke, 2018; Fudge et al., 2021; Liew, 2020; Santini & Lam, 2017).

At the provincial level, Ontario is often described as a major “trafficking hub” by antitrafficking organizations, who lobby and urge the government to address the issue (Ingram, 2016). In 2021, the Ontario government passed Ontario Bill 251 (Anti-Human Trafficking Strategy Act, 2021) in the name of combating human trafficking, which not only requires that hotels keep a register of all guests but also provides additional powers to law enforcement to investigate. For example, inspectors are given unfettered powers to demand, review, remove, or copy records or documents and question a person on any matter they consider relevant to the inspection. However, in reality, this law does not prevent human trafficking or protect trafficked victims. Instead, it gives excessive and unchecked power to law enforcement to conduct sweeping surveillance and investigation, which puts sex workers, migrants, and youth, especially who are Indigenous, Black, and people of color at risk (Chu & Maynard, 2024; No Pride of Policing, 2020).

Municipalities are also heavily involved in the carceral web Asian migrant sex workers are caught up in. Municipal governments are responsible for parking, licensing business, and other local issues. Municipalities not only use bylaws to regulate strip clubs and massage parlours and target workers, but they also often collaborate with the police and immigration, turning bylaw investigations into immigration and criminal investigations. In the last two decades, antitrafficking organizations, municipal governments, and bylaw enforcement have targeted Asian massage parlours. At the municipal level, Asian massage parlours are often referred to as “illicit massage parlours” (Chin et al., 2019), which are associated with sex work and heavily regulated (Auger, 2014; Craig, 2011; Lam, 2016; van der Meulen & Durisin, 2008; van der Meulen & Valverde, 2013). As Shih (2021) argued, the regulation of massage parlours has criminalized low-income Asian workers, with law enforcement and antitrafficking organizations targeting them with surveillance, raids, and forced closures (Bernstein, 2010; Butterfly, 2021; Lam et al., 2021; Lam & Lepp, 2019; Shih, 2021a, 2021b).

I argue that the carceral web built with federal and provincial laws and municipal bylaws is one of the roots of the violence experienced by Asian migrant sex workers. For example, from the mid-1990s to the mid-2000s, police carried out frequent raids against apartments and massage parlours in Toronto, Ontario, and Vancouver, British Columbia. They arrested, brought criminal charges against, and deported Chinese, Thai, and Malaysian women (Brock et al., 2000; Toronto Network Against Trafficking in Women, 2000). In addition, these establishments also experience excessive investigation, violence, and forced closures (Butterfly, 2021; Chuen, 2021; Fudge et al., 2021; Lam et al., 2021).

Most of the participants in this research who worked in Toronto and Newmarket as sex workers say that law enforcement was a major source of fear, regardless of whether they worked in massage parlours, in an apartment, or in hotels. While workers with precarious immigration status especially feared immigration officers, other workers also worried that they would be arrested, investigated, charged, and put out of business. Many workers in my research reported that they are afraid to report violence to the police for fear of being arrested and deported. Some of them also worried that their friends and family may be affected by the discrimination and investigation. Some of the workers even said that they would prefer to be robbed or even killed than be arrested or deported. Even those with immigration status worried that law enforcement would discriminate against them and that their work and identities would be disclosed. One massage worker, Mei Yi, described her interaction with law enforcement: “I would not call the police. I may be robbed [by robbers] and lose some money but I can avoid them. However, the police and bylaw enforcement can keep coming to rob you every day.” Another massage worker, Lucia, shared her experience of interactions with law enforcement at massage parlours: “They [law enforcement] have power over you and they can ask you to do whatever thing they want you to do. They do not see you as a human. They see you as an ant, that they could kill you anytime.” Several other workers also shared their experiences of law enforcement’s excessive investigation, harassment, humiliation, and sexual abuse of them. Some of the workers suggested that law enforcement officers particularly target those who are perceived as offering sexual and erotic services.

Workers also described feeling discriminated because of their ethnicity and race. Ceci, a massage worker, said that law enforcement had investigated her workplace often—over 20 times in three months—and she found that the massage parlours with white workers nearby had only been investigated once in the last year. As Ceci put it, “This is racism.... Why do they come to our place so often? They are targeting us because we do not speak English. They think that we are not Canadian. Would they treat white people like this? Of course not.” One stakeholder I interviewed who worked with law enforcement officers talked about the racism of bylaw enforcement officers, noting that law enforcement may feel suspicious when they see workers who do not speak English and do not fit their racist stereotype, for example, assuming Chinese women only work as waitresses in Chinese restaurants.

The Case of Newmarket

Despite the significant power of municipal bylaws to disrupt women's, and other marginalized people's lives, the carceral approach of municipal bylaws has received little critical attention. Municipal bylaws are indeed one of the powerful tools used to control Asian women who work in massage parlours (Lam et al., 2021; Red Canary Song et al., 2022). Licensing requirements and restrictive bylaws are designed to subject massage workers to the power of law enforcement. Shih (2021b) argues that the regulation of massage work shows "these mechanisms configure hierarchies of labor predicated on markers of race, gender, poverty, and citizenship" (p. 56). In this section, I provide a detailed discussion of the municipal regulation of Asian migrant sex workers using Newmarket's municipal council's recent introduction of "personal wellness establishments" as an example.

The Town of Newmarket passed the Personal Wellness Establishment bylaw in 2021, which, I argue, codifies systematic racism against Asian massage parlours. Since this new bylaw, all seven Asian massage parlours in Newmarket were shut down and received over \$50,000 in fines, while massage parlours operated by English-speaking practitioners were able to obtain licences and continue to operate. Wong (2022) argues that "Newmarket's abuse of bylaws and licensing repeats much of what municipalities did to Asian people in this country a century ago during the era of white nationalist exclusion." He states that Newmarket has repeated the shameful history of targeting Asian businesses similar to how "racist bylaws and licensing regimes were deployed from Vancouver to Lethbridge, Toronto, Ottawa and Québec City to control, harass and push out Asian businesses like Chinese laundries and restaurants" (para 18).

The legislation of this new bylaw process began in 2019 when the Town of Newmarket began a review of the existing body rub parlours related bylaws with the intention of targeting these businesses in the name of addressing community concerns about criminal activity and public safety. Their claim of the goal was to create a licensing category that would allow legitimate businesses to operate while giving them the power to shut down disreputable businesses. Previously, in 2002, the body rub bylaw was passed to regulate and control the massage services which are offered by non-registered massage therapists. Body rub services were defined in this bylaw as "the kneading, manipulating, rubbing, massaging, touching or stimulating any means of a person's body or part thereof, but not included medical or therapeutic treatment given by a person otherwise duly qualified, licenced or registered to do so under the laws of the province of Ontario." In 2021, the previous Body Rub bylaw was repealed and a new Personal Wellness Establishment bylaw was passed to regulate the "alternative massage services" which are offered by non-registered massage therapists. The new bylaw does not only require proof of immigration status and criminal record check, but also proof of training from Canadian accredited education institution. In effect, it results in excluding the businesses run by non-English speaking low-income Asian women from obtaining the licence.

The racial bias and stereotype that Asian women are sex workers appeared in the bylaw review process (Gallant & Lam, 2022). The Newmarket staff and councillors described the massage parlours run by Asians as “disreputable”, “illicit”, “illegal”, and “criminal” (Gallant & Lam, 2022) and the new bylaw aimed at excluding them from being licenced as legitimate businesses in Newmarket. These demonstrate how Asian massage workers are constructed as the Other of the Town of Newmark and disposable labor.

While the government claimed that the 2021 bylaw aimed to protect trafficked victims, I argue that the purpose of the bylaw was to “clean up body rub parlours” and get rid of sex work (Chuen, 2021; Gallant & Lam, 2022). For example, Deputy Mayor Tom Vegh explicitly stated, “I think we really just want to drive it out of our town, quite frankly. I don’t think it’s consistent with the values of our town” (Owen, 2021). It is also important to note the racial element of this case: most antitrafficking organizations, women’s organizations, and religious groups are led by white people who advocate for repressive policies against massage parlours run by Asian in Newmarket. With their white privilege and political lobbying power, they have privilege of succeeding in persuading politicians and policymakers to impose repressive bylaws, increase punitive enforcement and prosecutions, and “clean up” and shut down Asian massage parlours (Gallant & Lam, 2022).

Anti-trafficking discourse also promotes the idea that massage parlours are illegal, illicit, and fronts for organized crime; it also espouses the racist notion that Asian women (particularly those who cannot speak English) who engage in this work are passive and ignorant victims of human trafficking in need of being saved rather than agents of their own lives (Kempadoo, 1998). Jeffrey (2005) argues that *“such a portrayal re-creates imperialist norms where rescue justifies intervention and control”* (p. 34). For example, during council meetings in Newmarket in 2021, Cassandra Diamond from the antitrafficking organization BridgeNorth stated,

“I assure you that the diploma mill is actually in Mainland China. That’s why you have so many reiki, so many holistic, and so many these folks coming through.”

She further claimed,

“I know people who get off the plane as soon as they land in either Toronto or Vancouver and they are taken directly after the flight, not having eaten, to a massage parlour where they will start servicing men” (Chuen, 2021).

This claim is based on a racist and moralistic agenda, not on facts. In the same meeting, Marnie Hill of the Council of Women Against Sex Trafficking in York Region, which aims to end sex work, stated, “They (Asian women) 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.”

However, massage workers are speaking out and rejecting the claim that they are trafficked victims. They proclaim their expertise and their desire to continue to work, which pushes back against racist ideas about them. Lisa (a massage worker) reported in the meeting,

"I don't need fluent English to serve the customers well. With the experience, I can tell where my customer hurts just by touch. I already have a lot of experience and don't need the English exam and certificate. This is discrimination, bullying, prejudice against the massage industry, and ignorance. It is to oppress us."

Another massage worker, Ruby, said,

"They keep saying we are being trafficked. We are all adults and I use my head to earn my living. We are old enough to know the stuff in the world."

However, these Asian massage workers' voices were dismissed.

The seemingly neutral bylaw creates racialized impacts on massage parlours. While predominantly white massage workers can easily fulfil the licensing requirements and continue their business with their language skills, educational background and resources, Asian massage workers, of which many are not able to access training from Canadian institutions, are systemically disadvantaged by this new licensing requirement. The differentiated impact of licensing requirements is a form of institutional racism and prevents poor and non-English-speaking Asian and migrant workers from working in massage parlours.

Ruby, who works in Newmarket, said:

"I have been working in massage for over 10 years. It is the only skills I had. If you shut down my business, I would lose my livelihood and cannot take care of our family. Besides, massage has brought a lot of benefits to the people and society. We can help them release pain and enhance their physical and psychological well-being. The people, particularly low-income people, would also lose the care from us."

During the meeting in Newmarket, Mei, a self-employed massage worker, shared how the new requirements would affect her:

"After hearing about Newmarket's new regulations, I was very angry. I think this is a double discrimination: racial discrimination and industry discrimination. We are old and have language barriers. How can we meet the new training requirements?"

For many Asian women, working in massage parlours is one of the most effective ways of making a living, having control over their lives, and escaping previous racial and sexual abuse and oppression. Ching, a massage worker, said that her partner abused her and the factory she worked at exploited her through long work hours and low pay. She

found that working in massage parlours was more flexible and provided a better income. She also had a better support system because she built relationships with clients, owners, and coworkers and received support from them.

In 2021, four massage workers spoke out and fought for their rights before Newmarket's council (Ivy et al., 2021). They explained how massage work provides better working conditions because it is less physically demanding, offers flexible working hours, and is empowering and less exploitative than other jobs. However, their voices were buried. Despite opposition from Asian massage workers, progressive critics, and legal, human rights, and racial justice organizations, the (all white) Newmarket Council passed the new bylaw to stop workers without professional credentials from working in massage parlours. After Newmarket passed the bylaw, Councillor Simon said, "This is a proud, proud day for all of us" (Quigley, 2021). In response to the outcry from Asian advocacy groups, Mayor John Taylor rejected the accusations of racism and said that many deputations and emails "were rude and disrespectful" (Quigley, 2021).

In 2022, as enforcement of the new bylaw came into effect, none of the Asian massage parlours were able to get the Personal Wellness Establishment licence. As a result, the Town of Newmarket issued notices for most of the Asian massage parlours in Newmarket, which were investigated, charged, and fined a total of over \$50,000 in three months.

A group of 45 Asian massage workers and supporters rallied to urge the town to stop targeting them. The massage workers in Newmarket issued an open letter to call for support and to urge the Town of Newmarket to stop discriminating against them; they also asked the Town not to shut down their businesses so they can keep their jobs and earn money to support their families. Asian workers in massage parlours and the sex industry have stated explicitly and repeatedly that they are not trafficked victims and that they want to continue to work in massage parlours with safety and dignity:

"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."
(Massage parlour workers in Newmarket, 2022)

Over a hundred social services, racial justice, and women's organizations working on issues of human rights violations, violence against women, and racial injustice have signed a joint statement that raises concerns about the racism in the policy and urges Newmarket to immediately suspend the bylaw (Butterfly, 2022). National human rights organizations such as the Canadian Civil Liberties Association and Women's Legal Education and Action Fund (2022) call on the Town of Newmarket to immediately suspend, repeal, and cease enforcement of the bylaw that imposes the new licensing requirement. They assert that the certification requirement based on race, gender, and place of origin is contrary to s. 15 of the Charter and therefore discriminatory.

As a result of the organizing and advocacy by Asian women in massage parlours and allies, the Town of Newmarket has amended the bylaw to recognize credentials from other countries. In addition, as another form of resistance, the workers proposed a seminar led by a scholar at York University for the purpose of obtaining the required credentials. Through this, some Asian women were able to satisfy the requirement of training in order to receive licenses. However, some workers, particularly those who are perceived as providing sexual services, are still targeted by the bylaw and bylaw enforcement.

Conclusion

The Atlanta shooting has intensified concerns about anti-Asian racism in North America; however, I argue that antiracism movements will not be successful until they address all intersected problems of sexism, xenophobia, classism, and whorephobia. The long history of immigration bans, criminalization, over policing, antitrafficking policies, and punitive enforcement of Asian massage parlour workers and the sex industry has continued today. Fighting anti-Asian racism requires actions to stop hatred and violence against Asian and migrant sex workers. They must not be left behind. It is important to understand how systemic racism targets and harms Asian and migrant sex workers and to advocate their rights with them.

The conservative antitrafficking movement has received enormous support from the government and general public because it fosters the illusion that these policies can stop exploitation and thus make the public safer. This is far from the truth; antitrafficking discourse disguises the real agenda of racism and anti-sex-work and anti-immigrant discrimination. It is time to end the danger that the antitrafficking movement and anti-sex-work policies pose by perpetuating systemic violence.

The anti-carceral, abolitionist feminist movement is growing and it has called for critical feminist reflections on the Atlanta murders: “White supremacy, the specifics of anti-Asian and anti-immigrant racism, misogyny, and the devaluation of working-class lives—especially among those assumed to be engaged in sex work—were tightly woven into the gunman’s search for victims” (Kim et al., 2021, p. 269). Laws and policing themselves will never save Asian women or sex workers.

Working in massage parlours is an empowering way for some Asian women, particularly migrants with fewer resources, to resist systematic racism in employment and economic engagement. It also allows them to access income, gain social resources, and escape abusive relationships (Malla et al., 2019). Our goals should be to end violence against them and fight for the needs, safety, and self-determination of sex workers and massage workers. Asian workers in massage parlours and the sex industry will only be safe and able to have meaningful rights when they are free from discrimination, policing, and criminalization. What these workers call for is not the criminalization of unlicensed massage work and sex work (Butterfly member, 2021), but rather migrant and labour protections. Asian massage and sex workers are organized to protect and fight for their

rights in Canada and the United States. They work towards building their collective power, mutual support, and leadership to gain control over their working conditions and enhance their safety. Doing so requires a redefinition of the concepts of justice and safety to address systemic violence and oppression.

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