

MAPPING THE REGULATION AND POLICING OF ASIAN MIGRANT SEX
WORKERS

MAPPING THE REGULATION AND POLICING OF ASIAN MIGRANT SEX
WORKERS IN CANADA

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Lay Abstract

This research examines how the laws and policies, particularly municipal bylaws, that claim to protect Asian and migrant massage and sex workers are actually harming them and putting them in danger. The experiences of Asian migrant sex workers, particularly those who worked in massage parlours, in Toronto, Ontario, Canada, provided the threads (including the texts, actions, and institutions) for further investigation of how their experiences are shaped and how investigations against them are organized. This study examines how the workers' illegality is constructed and produced to coordinate the ruling relationship between the workers and law enforcement. With a focus on antitrafficking organizations (particularly those related to carceral feminism and social work), this study maps out how whorephobic, xenophobic, and racist antitrafficking discourses have become embedded in institutional discourses and into the laws and policies that regulate investigations into sex work and massage parlours. However, Asian migrant workers are not simply victims of these laws. This study also reveals the autonomy and resiliency of Asian women and how they are organizing to challenge the dominant discourse about massage work, sex workers, and human trafficking to create progressive institutional and policy change. This dissertation makes important contributions to critical human trafficking studies, abolitionism, and activist scholarship.

Abstract

Over the last few decades, Asian migrants who work in the sex industry have become the frequent target of police, government, and social service investigations. Indeed, a range of state and nongovernmental organizations have promoted punitive investigations and carceral policies, claiming to act to protect migrants from being trafficked. However, sex workers, sex workers' rights activists, and critical antitrafficking scholars argue that rather than providing protection, this increased focus on Asian migrants actively produces myriad harms and has negatively impacted these workers' lives by endangering their health and safety, increasing stigma and vulnerability to abuse and exploitation, and violating their human rights. To date, there is limited research on how the investigations claiming to protect migrant sex workers often turn into criminal, immigration, or bylaw investigations *against* them. This doctoral study aims to contribute to this small but growing body of knowledge. Informed by critical social work, institutional ethnography, and participatory action research, this project maps how the illegality of Asian migrant sex workers, particularly those who work in massage parlours, is constructed and produced. First-person narratives of Asian women have provided the threads (including the texts, actions, and institutions) for further investigation of how their experiences are shaped and how investigations against them are organized. This study shows how racism, whorephobia, and xenophobia have been embedded in both the laws and policies that coordinate sex and massage work and the way investigations into regulated and unregulated massage parlours have been organized in Toronto, Ontario. This finding helps us understand the ruling relations between law enforcement and the workers, and how the laws, policies, and practices that are intended to protect women who are purportedly "trafficked" instead criminalize and harm Asian migrant workers. This research also shows the autonomy and resiliency of Asian migrant massage and sex workers, revealing how they organize against and resist this injustice. The knowledge developed from this project has been used by sex worker communities in their ongoing efforts to challenge the dominant ideologies and discourses about sex workers and human trafficking. Further, it has contributed to their capacity to investigate institutional processes and, in turn, foster and create progressive institutional and policy change. This dissertation also offers important contributions to critical scholarship, including critical human trafficking studies, abolitionism, and activist scholarship.

Dedication

Dedicated to all the migrant sex workers who are surviving, struggling, resisting, liberating, transforming and fighting for their rights.

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Chapter One: Introduction

Sammy¹ moved to Canada in 2002 after her father passed away. She felt liberated because she sensed, for the first time, that she could be free and be herself. She recalled:

When I moved to Canada, no one knew me. I felt that I could be free because I did not need to live up to the expectation of others; for example, getting married, having a baby, or having a career. I could be myself. Even though I have experienced a lot in last few years, I have no regrets. My life was happy and good until I was arrested.

Sammy found work as a caregiver, factory worker, and waitress. However, the hours were long, the pay was low, and the work was routine and boring. After seeing a job posting for a massage parlour, she started working in a spa in Toronto, where she was told that her income would depend on the services she provided. Although the job offered her a good wage, her boss was rude and the spa was far from her home. Her coworkers told her that, with over a hundred spas in Toronto, she could easily find another place to work. So, she did.

Initially, Sammy mainly provided massage services, offering better-paid sexual services only occasionally. She said, “I didn’t know how to communicate with the clients at the beginning. After I had more experience, I knew how to play the game. I can decide what to provide. It’s a fair trade. I get money by offering and the clients get the services

¹ Sammy is a pseudonym. She shared her story during my interview with her for this study.

they want by paying.” Sammy found working in spas rewarding because she met different people, she could speak her own language but also practice her English, and she could make good money helping others. She proudly told me, “I get a lot of satisfaction when the clients say thank you to me and show their happiness and appreciation. I feel that I am very important to them. It really makes me feel very happy.” She added, “I am serving the people who are at the bottom of society.” In addition, Sammy explained that “most of the clients are very nice and treat me very well. They help me a lot in different aspects, for example, they would take me shopping, bring me food, take me out for dinner and even for short trips.” They also helped her to rent an apartment and deal with other issues that required English language skills. She always hoped that she could be a small businessowner and run her own spa after gaining her immigration status.

Although Sammy preferred working with the clients in the spa setting, when the city increased investigations of regulated and unregulated spas and massage parlours in 2005, Sammy started working out of an apartment. Though robbery and assault are much more frequent in apartments than in massage parlours, she chose not to report the violence because she said she would rather be killed than arrested. She eventually returned to working in spas, and it was going well until 2013, when her workplace was raided. She said, “My spa was rarely investigated before 2013, only once a year or even less. My boss never got into any trouble because she kept good relations with neighbours, clients, and workers.” However, after 2013, her workplaces were investigated often. Toronto police and bylaw enforcement officers would come once a month or even a few times a week. They required workers to show licences and identification, and started

issuing fines for locking their doors during business hours. According to Sammy, bylaw enforcement officers told them, “You know what you are doing and why we are coming.” She added, “They not only issue tickets against us but even call immigration (the Canadian Boarder Services Agency). I was very lucky that I was able to escape, but I was afraid to go back to work again.”

“My life turned into darkness since then.” Hiding from investigations caused Sammy significant stress and she was forced to stop working in the spa because her boss had received too many tickets for hiring unlicensed workers. She returned to working in an apartment again, but a year later, her apartment was raided, and she was arrested. “They asked me if I worked for someone. Did anyone take money from me? Am I being controlled? But I told them, ‘I am 50 years old and I know what I am doing very well.’” Sammy was very angry after the arrest, saying:

Why are we being targeted? Why do they call me a trafficked victim when they came to arrest me? I have lived in Canada for almost 20 years. I did not rely on anyone. I rely on myself. Everything I built was destroyed in one night. I wasn’t even allowed to pick up my belongings. I was not allowed to say goodbye to my home, my friends, my flowers, not even my puppy.

Sammy was detained for three months and then deported. One of her coworkers was also deported after her husband cancelled her immigration sponsorship when the police informed him that she had been working in the sex industry. Another coworker, who had

documentation, was issued a body rub licence ticket and fined. The police said they did it to protect victims and to make sure they were not being trafficked and controlled.

A close client of Sammy's met her at the airport before her deportation. They had been taking care of each other for over five years, and it is likely they will never see each other again as Sammy might not be able to come back to Canada. She was extremely saddened and traumatized by her detention and deportation. However, it has not stopped her from migrating. Since leaving Canada, this brave, strong, caring, and inspiring woman has travelled to the UK, Ireland, Australia, New Zealand, and Dubai in search of her freedom and her dream of a better life.

Sammy was among the first Asian migrant sex workers I met in Canada, and it was she who encouraged me to start an organization for Asian and migrant sex workers. I open my thesis with this detailed account of her experiences rather than with literature, concepts, theories, or dominant discourses because academic approaches too often objectify, devalue, alienate, or neglect the lived experiences and autonomy of individuals like Sammy. Starting with her story instead privileges the narratives and knowledge of Asian migrant sex workers and offers a powerful challenge to the dominant understanding of these workers, who are often described as passive and ignorant victims of trafficking in need of rescue. On the contrary, what this profile of Sammy demonstrates is that these women have agency and autonomy and that they are empowered to make decisions about their own lives. Many Asian workers report that massage work and sex work are alternatives to other precarious work and offer economic and social

empowerment, better income, better connection with society, and a sense of actualization and contribution to society (Lam, 2018b; Malla et al., 2019; Shih, 2021b).

Sammy's story also speaks to the very real danger these women face from law enforcement, where harassment, fines, arrest, and deportation are commonplace. While the dominant discourse tells us that violence comes from traffickers and clients, Sammy's account shows us that it is the institutions of the state that are the major source of violence for migrant sex workers. Her's is one of many stories I heard when doing my work and research with Asian migrant sex workers. Like many of the women I spoke with, Sammy was told by law enforcement officers that the goal of municipal, criminal, and immigration investigations of spas, conducted in the name of antitrafficking, is to protect the workers. However, as many workers have argued, instead of being protected by law enforcement, she was targeted and harmed by them. In other words, Sammy's narrative has revealed a "disjuncture," as sociologist Dorothy Smith (2005) would call it, between how Asian migrant sex workers know the actualities of their activities—as legitimate work—and how the institutions they encounter "know" the same activities—as likely illegal and as the result of human trafficking. Campbell and Gregor (2004) note "the issue of disjunction is that it is a 'different version of the reality—knowing something from a ruling versus an experiential perspective'" (p. 48).

The workers' stories, which provide the standpoint of the workers, represent the start of the inquiry of this research project. As suggested by feminist scholars who critique the hierarchical, positivist, universal, generalized, and male-dominated models that objectify women and others, the marginalized and oppressed are in a unique social

position to produce knowledge about race, gender, class, and socioeconomic status (Harding, 2007; Hesse-Biber et al., 2004). Informed by the lens of intersectionality (Crenshaw, 1991), the Asian and migrant sex workers in my dissertation have provided a specific standpoint to produce knowledge about themselves, particularly their experiences of the intersection of oppressions, including gender, race, class, and immigration status.

However, while this standpoint is an important source of knowledge, it is only the beginning of the inquiry. Like D. Smith (1987) has argued, the realities of people's experiences and practices are not just unique to them but are tied into extended social relations and chains of action. These actions, though they may appear individual or random, are actually purposeful, organized, and coordinated, arising from multiple sites through sequences of "texts." Interpreting the social world means transcending one's own experiential knowledge and instead understanding that knowledge is socially organized and structured by dominant relations external to the individual (Campbell & Gregor, 2004; Darville, 1995; D. Smith, 1987, 1999).

While migrant sex workers have long been subject to state censure, in recent years, efforts to police their work have been dominated by discourses of human trafficking. These discourses have been incredibly successful in raising awareness of and inciting a moral panic about human trafficking as well as sex work and migration (Jeffrey, 2005; Sharma, 2005; Weitzer, 2007). Agustín (2007) suggests that the moral panic around sex, gender, and migration is being used to support an antitrafficking "rescue industry," which can be difficult to critique because of its purported moral core of concern for human life. However, critiques have been made both of the antitrafficking

discourse and of its resulting rescue industry due to the conflation of trafficking with sex work and massage parlours (Lam et al., 2021; Red Canary Song et al., 2022), as well as for the great reliance on gendered and racialized ideas of victimization through which “trafficked victims” are perceived to be helpless and passive. These critiques point to how framing the women as naive ignores the complexity of their lived realities and obstructs more nuanced conceptualizations of migrants’ agency in sex work (Agustin, 2006).

The antitrafficking movement uses the moral panic around human trafficking to suggest there is an urgent need for governments, law enforcement, nongovernmental organizations (NGOs), and different stakeholders (such as health professionals, financial institutions, and the public) to unite to combat human trafficking and take actions to protect and rescue the victims and prosecute the perpetrators. As a result, significant funding has been channelled into existing programs, policing, and carceral intervention and systems (Public Safety Canada, 2019).

Migrant sex workers themselves have argued that law enforcement investigations, conducted under the guise of antitrafficking and so-called rescue industry, often result in harmful criminal, immigration, and bylaw interventions against them. This has led to increased policing, surveillance, and criminalization. Indeed, migrant sex workers assert that investigations have negatively impacted their lives, endangered their health and safety, increased stigma, increased vulnerability to abuse and exploitation, and violated their human rights (CSWLR, 2018; Lam, 2018a, 2018b). They further report that instead of improving their safety, antitrafficking investigations make them more precarious and vulnerable (Canadian HIV/AIDS Legal Network, 2019; Lepp, 2013, 2018).

While some might argue that the harm these women experience is just an unfortunate and unintended outcome of antitrafficking initiatives that are essentially a force for good, abolitionist and anticarceral scholars/activists argue that the border, prison, criminal, and police systems—and even social services—are designed to target Black, Indigenous, racialized, migrant, and otherwise marginalized communities and uphold white supremacy; they are designed to create and maintain racism and social inequality (Bernstein, 2007, 2010; Davis, 2024; Jacobs et al., 2021; Maynard, 2017; O’Brien et al., 2022; Walia, 2013). Yet, despite these important critiques, there is little research on *how* racism, whorephobia, and xenophobia have been embedded in institutional discourses and policies that regulate Asian and migrant sex workers, and *how* investigations claiming to protect migrant sex workers often turn into criminal, immigration, or bylaw investigations that harm them.

Currently, there is limited existing literature, for example, on how investigations of sex workers are actually conducted and how law enforcement agencies have quietly shifted their focus from protecting “trafficked” victims to arresting and charging sex and massage workers. Despite the significant discourse surrounding human trafficking, few have explored how human trafficking discourses have become accepted “truth” and how everyday practices for addressing trafficking have become normalized within institutions. This dissertation research begins to address this significant gap in our understanding.

Beginning my exploration from the disjuncture between the official claim to protection and women’s experiences of harm, I conducted a critical examination of the regulation and policing of Asian migrant sex workers in Toronto. My aim was to make

visible the harms caused by carceral approaches to regulating migrant sex work, with a focus on the role of antitrafficking policies promoted by social workers, women's groups, and religious organizations. This study explores the experiences and standpoint of Asian and migrant sex workers, particularly those who work in massage parlours. It also examines the historical and current laws that regulate migrant sex workers, uncovering how dominant ideology is embedded in the laws and the enforcement of them.

Throughout this dissertation, I use the term “sex work” to acknowledge the legitimacy of the work and the women as workers deserving of both labour protections and their humanity. My scholarship, particularly my critical analysis of power, law, and policy related to race, gender, class, and migration, is also strongly informed by intersectionality (Crenshaw, 1989, 1991; Collins, 1998), and thus I pay particular attention to the women's intersectional identities as Asian, migrants, low-income, and sex or massage workers.

In the following pages of this introductory chapter, I provide further context for my research and introduce key themes and bodies of literature, including a critique of the antitrafficking movement and carceral approaches that construct migrant sex workers as trafficked victims. I then share how my position as an activist-scholar informed my undertaking. Next, I provide a description of the study itself, including the research questions, objectives, and method of inquiry. And finally, I briefly explain the sandwich thesis format, provide an overview of the dissertation, and discuss the contribution my findings make to scholarship and activism.

Antitrafficking Discourses and Their Consequences for Asian Migrant Sex Workers

The antitrafficking movement has a long history as a nation-building project (Durisin & van der Meulen, 2021; Kaye, 2017; Sharma, 2005), upholding white supremacy, racism, and colonialism with the aim of controlling, regulating, and policing the migration, movement, agency, freedom, and sexuality of migrant, Black, Indigenous, and racialized women. This is particularly true for those involved in sex work, which the antitrafficking movement has variously positioned as dirty, dangerous, immoral, and harmful. Maynard (2015) argues that the victim discourse of antitrafficking “is infantilizing, in that it equates racialized, Indigenous, and sex working women with children, negating their resourcefulness and resilience and their ability to negotiate complex situations” (p. 42). As my research demonstrates, it also invisibilizes their autonomy, agency, and dignity.

Antitrafficking efforts are often based on rescue-driven responses, the white saviour industrial complex, and ideas of white benevolence; but rather than protecting women, these efforts have been shown to reinforce racial hierarchies, exacerbate the violence sex workers face (especially racial and gendered violence), and increase vulnerability (e.g., discrimination, marginalization, exploitation, insecure housing and food, and barriers to accessing supports, services, and their rights) (Fudge et al., 2021; Kempadoo & Shih, 2023; Lepp, 2018; Maynard, 2017;). Sex workers’ social locations and their apparent need to be “saved” and “protected” are used to justify the increased power of the state (particularly law enforcement) and the expansion of carceral systems, including surveillance, racial profiling, interventions by child welfare and family

services, policing, confinement, border control, criminalization, and other forms of violent carceral intervention (Beutin, 2023; Canadian Alliance for Sex Work Law Reform, 2018; Kaye, 2017; Kempadoo, 2012; Roots, 2022).

Antitrafficking programs and interventions have marginalized Indigenous sex workers, normalized the violence they experience, and reproduced structural oppression, inequality, and ongoing settler-colonial gendered violence (Hunt, 2015; Kaye, 2017). They also “reinforce power relations that represent Indigenous women as dependent on the colonial government and the law to be saved and protect from physical and sexual violence” (Kaye & Dubé, 2024, p. 195). This relationship of dependency, according to Kaye and Dubé (2024), is constructed to perpetuate colonial power and racial relations and to eliminate the sovereignty of Indigenous peoples, who continue to be overrepresented in carceral systems.

Over the past few decades, as human trafficking has become a subject of increased national and international attention, the language of “modern-day slavery” has been used to describe migrant sex workers. This rhetorical turn invokes the history and memory of chattel slavery and appropriates the nineteenth century antislavery and abolitionist movement of the Black community in order to support antitrafficking rhetoric, to uphold racial injustice, white supremacy, incarceration, and marginalization, and to reproduce antiblackness (Beuten, 2023). In her review of the long history of policing and criminalization, Maynard (2017) argues that “the mere presence of a black female body in public space is sexualized, and prostitution is frequently assumed” (p. 138). Williamson and Marcus (2017) similarly contend that antitrafficking laws and

policing are a form of “Black criminalization,” while others point to how the figure of the “Black pimp” is often conjured in the antitrafficking movement’s efforts to surveil, racially profile, charge, and incarcerate the Black body (see Ade Kur & Duffy, 2021; Chu & Maynard, 2024; Hannem & Bruckert, 2024).

Migrant sex workers, particularly those who are racialized and from Asia, also have a long history of being controlled and even banned from entering Canada. To control their migration, they were (and in many ways still are) constructed not only as dangerous foreign migrants (Luibhéid, 2002, 2008) but also as vulnerable trafficked women who are coerced into sex work and in need of rescue via state intervention (Andrijasevic, 2007; Brock et al., 2000; Jeffrey, 2005; Kempadoo, 1998, 2001, 2005, 2012; Sharma, 2005). Social conditions, such as exploitation, violence against, and vulnerability of Asian sex workers and massage workers, are often used by antitrafficking organizations, particularly carceral feminist and religious organizations that have anti-sex-work agendas, to justify “antitrafficking” campaigns; to cover up their agenda to expand and uphold the white saviour complex, global white supremacy, imperialism, and colonialism; and to eliminate sex work and increase the policing and control of migrant and racialized people (Bernstein, 2010; Butterfly, 2021; Kaye, 2017; Kempadoo, 2005; Lam et al., 2021; Luibhéid, 2002, 2008; Shih, 2021b). Organizations such as Polaris in the United States and the Canadian Centre to End Human Trafficking have used their considerable power and resources to lobby and influence government, describing Asian migrant sex workers (including those who work in massage parlours) as trafficked victims. They are being constructed as trafficked victims who need to be rescued or

protected and their workplaces as bastions of organized crime that need to be raided and shut down (Peel Region Police, 2023; Public Safety Canada, 2012).

Carceral Approaches to Human Trafficking

In response to the extensive international antitrafficking campaigning, in 2002, Canada was one of the first countries to ratify the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), which was a supplement to the United Nations Convention against Transnational Organized Crime. Instead of adopting migrant's rights, labour rights, or women's rights frameworks in the convention, the Canadian government adopted a criminal framework, using a carceral approach that frames human trafficking as organized crime and of concern not only because of its criminality but also its threat to national security (Luibhéid, 2002; Sharma, 2005).

Following this, the Canadian government introduced new antitrafficking legislation, including sections 279.01-279.04 of the *Criminal Code* and section 118 of the *Immigration and Refugee Protection Act* (IRPA), to not only strengthen border control and criminalize human trafficking but also to prohibit migrants from working in the sex trade, even those with a permit to work in Canada (Butterfly, 2016; Lepp, 2018). In 2014, the federal government passed the *Protection of Communities and Exploited Persons Act* (PCEPA), which linked sex work with human trafficking and added a new law to the Criminal Code that criminalized the purchase of sexual services in Canada for the first time. While government and anti-sex-work organizations have argued that this so-called "end-demand model" only makes buying sex and involving third parties illegal, in reality

PCEPA aims to eradicate sex work in its entirety by criminalizing almost all activities within the sex industry, including communicating about, advertising, and receiving material benefits from sexual services. While sex workers themselves are immune from charges related to selling and advertising their own sexual services, they can still be charged when they communicate sexual services in or near certain public spaces, such as parks, churches, or schools (Canadian Alliance for Sex Work Law Reform, 2017). In addition, sex workers, particularly migrants, can also face charges when they work with or assist other sex workers, which is common industry practice. Research has demonstrated that federal anti-sex work laws function in conjunction with provincial laws and municipal bylaws to target and shut down sex-work-related establishments such as strip clubs and massage parlours, raising concerns about migrant sex workers being caught in a “carceral web” of policies, policing, and enforcement (Fudge et al., 2021).

These carceral approaches to the issue of trafficking—criminalization, law enforcement investigations, border control, and punitive policies—are recognized by government, law enforcement, social work, and women’s rights organizations as an effective means of prosecuting traffickers and protecting victims of human trafficking. However, I follow Bernstein (2007, 2012) in arguing that underlying these carceral feminist efforts to combat trafficking is in fact a desire to increase the surveillance and policing of sex work with the goal of eliminating it. In an extensive review of the human trafficking cases in the Canadian court, Millar and O’Doherty (2020) found that criminalization is highly racialized and gendered and showed how sex work is criminalized via human trafficking laws.

With the growing criticism of police work, seen most clearly in the defund the police movement, law enforcement has increased its collaboration with social workers and other services providers to carry out antitrafficking investigations, provide victim supports, and even form coalitions to combat human trafficking. However, social work is a profession built on colonial, sexist, antimigrant, racist, and classist interventions that exist to uphold middle-class, moralist, conservative evangelical values and white supremacy (Chapman & Withers, 2019). Regardless of its claims—or any given social worker’s intentions—social work has long been complicit in the control of migrant, poor, Indigenous, racialized, LGBTQ2+, and otherwise marginalized populations (Dettlaff et al., 2020; Fortier & Wong, 2019; Riley, 2020). Like carceral feminists, some social workers support the carceral approach to sex work through their participation in the nonprofit industrial and saviour complex of the antitrafficking industry. O’Brien and colleagues (2020) suggested that “carcerality remains deeply infused within social work,” supporting the policing and criminalization of sex workers under the guise of protecting victims (p.5).

Conflation of Sex Work and Human Trafficking

Many non-carceral feminists and critical scholars (e.g., Chapkis, 1997, 2003; Kempadoo, 2005; Sanghera, 2012; Shih, 2023; Weitzer, 2006) have challenged the problematic conflation of sex work and trafficking. They assert that the experiences of sexual labour and the agency of people in the sex industry are often silenced and distorted because of the dominance of the trafficked victim discourse. Repressive state practices of immigration control that claim to protect workers from abuse and exploitation (Brock,

2000; Fudge et al., 2022) but are actually used to prevent “undesirable” and “danger” migrants as the “Other” (Said, 2003) from crossing borders are legitimized by the moral panic around trafficking (Daley, 2017; Jeffrey, 2005; Luibhéid, 2002; Sharma, 2005). This profiling is often racialized and gendered (Pickering & Ham, 2017), with its victims categorized as illegal and perceived to be threats to national security (Sharma, 2005). Indeed, the deployment of policies centring on the control of sexuality as a technique of government and enforcement is often classist, sexist, racist, and gendered (Agustín, 2007; Zhou et al., 2021)

The criminalization of sex work and focus on border control are linked to and manifest in the regulation and policing of certain establishments. Since massage parlours, strip clubs, escort services, and other licensed businesses are often associated with sex work, they are highly regulated by municipal bylaws to control and eliminate sexual services (Auger, 2014; Craig, 2011; Lam, 2016; van der Meulen & Durisin, 2008; van der Meulen & Valverde, 2013). Shih (2021b) further argues that “municipal license regimes for Asian massage workers configure hierarchies of labor predicated on markers of race, gender, poverty, and citizenship” (p. 58).

Sex workers, especially those who are Asian and migrant, similarly assert that the enforcement of these punitive laws does not make them safe but actually violates their rights and puts them in danger (Lam, 2018a). Rather than protected, these workers feel targeted by law enforcement and antitrafficking organizations, experiencing excessive investigation and prosecution, abuse at the hands of law enforcement officers, and the loss of their livelihoods (Butterfly, 2021). There is growing evidence to support these

workers' claims that antitrafficking measures have resulted in human rights violations and have been harmful to migrant sex workers (Lepp, 2018; Roots et al., 2024).

Some scholars and activists also contend that when racialized and migrant sex workers are framed as trafficked victims, the complexity of their experiences is neglected and excluded (Butterfly, 2016; Jaggar, 1997; Kaye, 2017; Kempadoo, 2005; Kim & Jeffreys, 2013; Lepp, 2018; Shih, 2023). In centring the voices and experiences of migrant sex and massage workers, this dissertation aims to address this exclusion and neglect by bringing women's stories to the fore.

My Position as an Activist-Scholar

I moved to Canada in 2012, as a migrant and a settler. Settler colonialism operates by telling me and other migrants a false story that we should—that we must—integrate into whiteness in Canada. But whiteness is not indigenous to this land. For this reason, it is important for us, as migrants, to learn about the truth of this land, to understand our responsibilities when we come to this country, and to have solidarity with Indigenous communities. We must acknowledge settler colonialism and ensure we do not perpetuate it. Dismantling the racism, white supremacy, and settler colonialism in anti-human trafficking work, the focus of my scholarship and activism, is one important aspect of this.

I began advocating with and for Asian migrant sex workers and massage workers in Toronto while completing my master's degree in social work at York University. After that, I founded a migrant sex worker organization called Butterfly (Asian and Migrant Sex Workers Support Network), a grassroots organization that reaches out to and

organizes Asian and migrant sex workers to advance their rights. Studying in a PhD program in social work at McMaster University allowed me access to funding to continue my organizing and advocacy with the community. My continued work with the community has fostered relationships of trust, which afforded me the opportunity to collaborate with the migrant sex and massage workers in this doctoral dissertation. This collaboration has led to the cocreation of knowledge about and creative solutions to the issues migrant workers face in their efforts to bring about positive social change (Barge & Shockley-Zalabak, 2008). Most of the knowledge I have gained comes from working closely with the community, particularly Asian migrant workers, to provide supports and to build power, leadership, community, mutual aid, and solidarity. Listening to their stories, experiences, and knowledge has been an honour, and it is important that this is both reflected in and informs my research.

People outside the academy often critique academics and researchers as disconnected from the real world, particularly from the struggles of marginalized peoples, despite their intention to impact the daily lives of these same people. Indeed, even with substantial studies across a diverse range of academic disciplines, research has too often resulted in limited relevance to groups and the general public. Cox (2015) has identified the struggle of activists in academia, where social movement activists are regarded as knowledge producers in their own ways, but grassroots and organic intellectuals are “rarely recognized within everyday social relations of academic knowledge production” (p. 35). Traditional academic research requirements of objectivity, impartiality, and positivism risk impeding the participation of activists or community members as

researchers who are able to produce knowledge about themselves, instead framing them as biased.

However, many critical scholars, particularly those from anti-carceral feminist, postcolonial, Indigenous, queer, disability, migration, racial justice, and abolitionist movements, have long worked to push the boundaries between academics and activism. These activist-scholars emphasize the important role of academia in advancing social justice and equity and argue that activist-scholarship allows researchers to make important observations about social justice while also participating in social actions and potentially intervening to make real change in people's lives (see, for example Nabudere, 2008; Joseph-Salisbury & Connelly, 2021). My academic work and community work inform each other—and the learning and transference of knowledge with the community has often been reciprocal.

As an Asian migrant woman, educator, community organizer, community artist, and activist with interdisciplinary academic training that crosses the boundaries of law, human rights, social work, health, migration, and gender who has worked with migrant sex workers for over 25 years, I bring a unique combination of intersecting and critical perspectives to my study of migrant sex and massage workers. My involvement in migrant, sex work, gender, racial, and disability justice, as well as in antipolicing and abolitionist movements, inform my critical understanding of racism, sexism, ableism, xenophobia, and classism, which are foundational to my research, theorizing, and practice. In addition to intersectionality, my scholarship is strongly informed by critical theories of race, feminism, law, and migration. These critical perspectives have enabled

me to explore how the dominant discourse subordinates other discourses, and the inquiry into the process of knowledge production also helped me to uncover how power operates.

I have also been involved in significant policy work before and during this research. This has provided me with a unique perspective on policy and the policymaking process, which is often disconnected from migrant and sex workers' reality, and has informed my policy work. For example, being called "oriental" by a Toronto city councillor and my experiences of being discredited along with other workers during council meetings in 2018 informed my investigation of how white supremacy and racism operate in policymaking.

Accordingly, my research is informed by institutional ethnography (IE), particularly political activist ethnography, which is an extension of IE, and participatory action research (PAR), both of which have political commitments to social justice. This allows me to frame my dissertation through my standpoint as a community organizer to learn about how the experiences of migrant sex workers are shaped (Frampton et al., 2006; Kinsman, 2006; G. Smith, 2014). I am not only the researcher, I also work alongside the workers in their struggle to build a better world for themselves and their fellow massage and sex workers.

My role as an organizer and activist at Butterfly provides me the opportunity to work with the community and carry out this action research as an "insider" researcher. However, this also required that I pay extra attention to and continually reflect on ethical principles, such as anonymity, reciprocity, reflexivity, accountability, and accessibility (Withers, 2020).

The Research Project

As noted earlier, my PhD research begins from the standpoint of Asian migrant sex workers, particularly those who work in massage parlours in Toronto and Newmarket, Ontario, Canada. My qualitative study, which received ethics approval from the McMaster University Research Ethics Board, examines the laws and policies that regulate Asian and migrant sex workers and makes visible the carceral approach enacted by social workers and women's groups, particularly those with an anti-sex-work perspective. Through interviews and participatory action, my findings amplify the voices of Asian migrant sex and massage workers as they share their lived experiences of encounters with law enforcement.

Aiming to explore the “disjuncture” between the experiences of Asian and migrant sex workers and the institutional discourses that surround them, as well as to uncover how investigations of these workers and their resistance activities are organized institutionally, this inquiry was guided by the following research questions:

- 1) What are the experiences of Asian and migrant sex workers, particularly those who work in massage parlours, and how are they shaped by laws and law enforcement? (Chapter 2)
- 2) What laws and policies regulate migrant sex workers in Canada? (Chapter 3)
- 3) How is the illegality of Asian and migrant sex workers being constructed and produced? (Chapters 4 and 5)
- 4) How are law enforcement investigations of Asian and migrant sex workers organized institutionally? (Chapter 5)

To answer these questions, I explore the lived experiences of Asian and migrant sex workers, with a focus on how those experiences are shaped by regulation. The disjuncture between their experiences and the institutional discourse about them provided the threads for further investigation. I also offer a detailed examination of the laws and policies, the major texts, that regulate migrant sex workers and their lives. And finally, I investigate how carceral approaches, laws and policies, and surveillance and investigations are harmful to migrant sex workers.

Methodological Considerations: Institutional Ethnography and Participatory Action Research

The methodological framework for this study is informed by both IE and community-based PAR, both of which reject neutrality and objectivity in favour of starting from the standpoint of those who are oppressed and marginalized, with the goal of bringing about social justice. This is knowledge production for the oppressed, not for the privileged. In the case of IE, it can reveal political and social power that is masked and embedded in everyday practice and experience, and IE investigations can uncover how macro-level political discourses and institutional knowledge translate into harmful micro-level practices (Campbell & Gregor, 2004; Smith, 1987, 1999). IE is useful in a political sense because it can be utilized to uncover how institutional and ruling relations work and how people can challenge these relations (Kinsman, 2011, 2024). G. Smith (1990) extended IE to create political activist ethnography, which is a sociology not only *for* the people but *for* social movements and activists. Further, a community-based PAR approach has also allowed me, as the researcher, to make sex workers active participants

in this project and to ensure the research is done *with* and *for* rather than *on* them. Having migrant sex workers actively involved in the research project as insiders (Kim & Jeffreys, 2013) is essential to ensuring the outcomes of the research facilitate social change (Kirby & McKenna, 1989). Below, I devolve more deeply into each of these two methodological approaches.

Institutional Ethnography

IE is not only a research methodology, per se, but, more importantly, it is an alternative means of knowledge, inquiry, and discovery (D. Smith, 2005). IE is a study of the people's material actualities that focuses particularly on how social institutions structure peoples' everyday lives. An inquiry using IE encompasses the following: (1) the discovery of actual, everyday experiences of people and the problems they encounter; (2) transitioning beyond local individuals' experiences to identify institutional processes and understand how their lived experiences are regulated, coordinated, and shaped by outside powers (extra-local relations); (3) understanding how the everyday work and activities of people are organized into social relations through activating texts (text-mediated action); and (4) understanding how authoritative (institutional) knowledge subordinates other means of knowing (Campbell & Gregor, 2004; D. Smith, 1987, 1990, 2001; Pence, 1999; Turner, 2006).

The IE scholar believes that daily life is problematic and a puzzle to be solved, and that the realities of people's practices and experiences are tied to extended social relations and chains of action. An investigation of social relations is highly useful in the context of advocating for policy change as well as to uncover how investigations by law

enforcement are carried out and coordinated institutionally. Doll and Walby (2019) suggest that IE should be used in criminal justice and socio-legal studies because it is a method of social and legal inquiry that can examine the role of textual practices in institutional processes and uncover “how problematics are produced and authorised in everyday work of legal and criminal justice agencies” (p. 148). In this way, the aim of IE is to uncover how actions, practices, and activities in local settings are coordinated by other people at multiple sites, extra-locally (DeVault, 2006; D. Smith, 1987, 2005), and how to make change institutionally (D. Smith & Griffith, 2022).

D. Smith (1987) states that knowledge is located in the materiality of the everyday world of people, particularly in their activities, practices, and interactions. However, this also extends beyond subjective experiences: “Institutional ethnography is distinctive among sociologies in its commitment *to discovering* ‘how things are actually put together,’ ‘how it works’” (D. Smith, 2006, p. 1, italics in original). Starting from their experiences and perspectives in the local actualities of the everyday, IE endeavours to discover how it unfolds as it does (D. Smith, 1987, 1990, 2005, 2012). “Work,” “text,” “discourse,” and “ruling relations” are the major concepts in an IE inquiry. The social relations of which can be mapped, explained, and traced by identifying sequences.

Work. Rather than beginning from literature, concepts, and theories, since these often import a dominant perspective, objectify individuals, and alienate people from their experiences, IE is grounded in actual lives (D. Smith, 1990). IE holds that people are the experts regarding their everyday world and it values everyday experiences, beginning the inquiry from their lived realities (D. Smith, 1987). As methodologists Campbell and

Gregor (2004) suggest: “People’s lives happen in real time and in real locations to real people. Institutional ethnographers explore the actual work in which things happen, in which people live, work, love, laugh, and cry” (p. 17). In IE “work” does not refer to “paid work” or employment; rather, it means the activities and practices of everyday life, which includes what people take time, effort, or intent to do (D. Smith & Griffith, 2022, p. 43), even those things that people pay little attention to or ignore, for example waiting in the line at the bank or paying bus fare.

Texts. Looking at people’s work experiences, D. Smith (2005) argued that everyday activities are coordinated and organized by institutional texts that take both written and verbal form, such as forms, memos, handbooks, procedural manuals, statistical analyses, and verbal instructions. These texts convey standardized messages that can be replicated, transferred, disseminated, and reproduced in multiple locations. The texts are activated by reading, hearing, and viewing, which produces the “truth,” draws people into relations, and organizes their work and activities in particular ways (D. Smith, 2005; D. Smith & Turner, 2014). In an IE project, these texts cannot be investigated independently; rather, the project must examine how the texts are activated and coordinated when they are entered into sequences of action (D. Smith & Griffith, 2022). Because texts are integral to people’s lives and are a bridge between our everyday lives and ruling relations, textual mediation is crucial for social organization (D. Smith, 1999).

Discourse. Building on Foucault’s (1972) notion of “discourse,” IE “uses the concept of discourse as a tool to recognize those social relations in which the work of

many is coordinated by the texts” (D. Smith & Griffith, 2022, p. 33). IE suggests that “discourses are embedded” (ibid, p. 36); people produce, reproduce, and change discourse through their participation with it, whether that be reading, writing, talking, or learning from each other through texts, both locally and translocally. Discourse coordinates the work of people, including their doing and feelings, with IE effectively uncovering “how discourses enter into institutional practices” (ibid, p. 34). For example, Griffith (2006) identified that the institutional discourse of single parents as defective parents was produced and reproduced by academic journals, government policies, and media and that this discourse, of the inadequate mother, for instance, shaped and coordinated single mothers’ everyday lives (including what they say, what they write, what they do, and how they feel) and forced them into relations that exert power over them (ruling relations).

Ruling Relations. Exploring and mapping of ruling relations is the focus of IE projects. By identify the sequences of work and text and investigating textually mediated relations, IE can uncover how concepts, discourses, and ideologies are produced and entered directly into ruling relations and are then replicated in organizational controls across multiple sites (D. Smith, 1987, 2002; D. Smith & Turner, 2014; see also, Grahame & Grahame, 2000). Mapping ruling relations is useful in advocacy for social change (Nichols, 2018; Nichols et al., 2017; G. Smith, 1990) because it can help us understand how ruling relations, including class, racial, gender, citizenship relationships, are produced, reproduced, and coordinated by texts within institutional processes.

For my dissertation, migrant sex workers were asked to identify people, sites, and institutions—such as law enforcement officers, social workers, sex worker activists, and migrant and community-based organizations—that shape their experiences. An IE inquiry not only delves into the experiences of the workers but also identifies the “threads” of the investigation to uncover how their everyday lives are externally regulated. This revealed how the institutional organization of investigations of migrant sex workers impacts and harms them in the process as well as how the workers resist and advocate for justice.

Community-based Participatory Action Research

My doctoral study also adopted PAR, which is often recommended by sex worker organizations and scholars to address the ethical concerns of research on sex workers (Dewey & Zheng, 2013; van der Meulen, 2011). Bowen and O’Doherty (2014) show that “Historically, academics, practitioners and policymakers have treated sex workers, like many other marginalized groups, as the subjects of research by limiting—or denying—their opportunity to participate in designing and guiding research” (p. 53). Sex workers are highly stigmatized and marginalized, and their voices are frequently excluded (Shaver, 2005; van der Meulen, 2011). PAR is recognized as a way to address some of the ethical concerns of conducting research on sex workers, which has often been exploitative and harmful because of exclusion and misrepresentation (Bowen & O’Doherty, 2014; Dewey & Zheng, 2013). PAR can empower sex workers because they are included in knowledge production and enabled to use the research to take action to bring about social change (Benoit et al., 2021; O’Neill, 2010).

The shift from “research on sex workers to research with sex workers” (van der Meulen, 2011, p. 370) is essential if social justice is to be realized. This more egalitarian methodological framework locates research participants as “subjects” in the study, alongside the researcher, as opposed to their traditional positioning as “objects.” O’Neill (2010) argues that the subject-subject approach enables “mutual recognition, trust and responsibility” and allows for the “critical recovery of history” for the oppressed (p. 225). PAR challenges dominant knowledge and institutional inequality in academia by framing marginalized people as experts capable of producing knowledge about themselves. It is important to involve migrant sex workers in the research project as insiders (Kim & Jeffreys, 2013) and to use the research to achieve social change (Kirby & McKenna, 1989).

PAR provides a powerful avenue for me to integrate my own community-based experiences with my academic work and consequently my activism. The PAR model allows me to partner with migrant sex worker communities and activists and take action together to advocate for change in the practices of bylaw enforcement officers and the enforcement of bylaws. It also allows me to document Asian workers’ resistance to these practices and their efforts to build the collective power to speak out and fight for their rights. The knowledge produced through this study has been shared with migrant sex workers, community members, and activists, making an important contribution to the social movement. In addition, by mapping out the social relations of struggle in the movement, it not only uncovered the ruling relations that the Asian migrant sex workers confronted, but it also mapped out their agency, capacity, and power as well as the

institutional relations and the obstacles in the movement. Indeed, by using a PAR approach, I centre the sex workers most affected as key participants in knowledge production.

Data

In the following two sections, I provide a broad overview of the methods for data collection and analysis. Further details are provided in the respective chapters in which specific research results are presented. Data were collected via multiple methods, including individual interviews with local and extra-local informants and the collection of texts related to the investigation of massage workers in Toronto, including legislation, policy documents, government meeting records, enforcement guidelines, training manuals, and investigation reports.

Data collection

To recruit participants, information about the research was sent to sex worker organizations and through word-of-mouth communication with sex workers and service providers. Snowball sampling was employed as a recruitment strategy to reach an even wider network of eligible participants. Semi-structured, open-ended, in-depth, face-to-face interviews were conducted between 2019 and 2023 with twenty-five migrant sex workers (local informants), all of whom were cisgender Asian women aged 30 to 68 years old, as well as 15 key stakeholders, including service providers and activists (extra-local informants). By “talking with the people,” I was not only able to learn about participants’ experiences, but I was also able to show how their everyday activities are organized.

In addition to the interviews, some of the participants shared documents and records related to the licensing and enforcement of holistic centres; for example, licence records, tickets, investigation reports, and disclosures of their cases. All identifiable information was removed to protect anonymity, and the documents have been stored as primary data. I also collected public records, including federal, provincial, and municipal laws, legislations, regulations, and policies (e.g., sections of the Criminal Code and immigration policies related to sex work and human trafficking, Toronto Municipal Code, etc.), city documents (council agendas and minutes, decisions of council, staff reports, recordings of committee meetings, presentations of community consultation, etc.), communications and submissions from NGOs and stakeholders, and newspaper articles on related issues. I conducted a textual analysis of these texts and mapped out how everyday work activities are controlled and organized by and through them. This study reviewed the laws and policies up until December 1, 2022. As a central aspect of my research, I also report how the participants and workers come together with allies to fight for their rights and advocate for both changes to policy and social change more broadly.

In PAR, the meaningful involvement of those who are affected and the utilization of research findings to make change in the world is key. For my dissertation, sex workers and activists not only participated in the knowledge production process, but were also involved in the knowledge transfer and dissemination of findings. They were further encouraged to develop action plans to use these research findings to advocate for their rights. The development of transferable skills and knowledge is a powerful contribution to sex worker movements (Bowen & O'Doherty, 2014) and can help sex workers shift

their power position from being the objects of study to being the subjects and knowers, as mentioned above. This shift empowers sex workers and activists, not only by enhancing their knowledge of the research process and antitrafficking investigations but also by giving them the capacity to carry out institutional investigations to map out institutional processes and power relations.

As part of this study, and to ensure community integration through all aspects of the research, I developed an advisory committee made up of migrant sex workers and sex work activists. The role of the 5 member committee was to help with research design, inform the data analysis and provide feedback on chapters and knowledge transfer. I met with them 4 times between 2009 to 2023, while I was engaged in data collection, analysis, and dissemination. Together, we discussed how the research results can benefit them and their work, particularly by addressing their concerns and generating social action and social change (Ramazanoglu & Holland, 2002). During the research process, I worked with some of the study participants to develop actions to advocate for their rights at community meetings, meeting with city councillors, and community events. The advisory committee also offered advice on the form that the research findings should take—for example, community tools and social action—to ensure the results are useful.

Data Analysis

The IE project is “*to be discovered not theorized*,” with the aim to “*learn from people about what they do and how they go about it*” (D. Smith & Griffith, 2022, p.13, italics in original). IE is able to transcend subjective experience to explore how sex workers’ practices and actions are produced, coordinated, and organized. D. Smith and

Griffith (2022) emphasize the importance of learning from the dialogue; however, they suggest avoiding the standardization of questions and “coding” of data because this leads to generalization and the imposition of categories. Rather, they encourage researchers to use indexing to coordinate the transcripts and texts when large amounts of data have been collected.

As Rankin (2017) notes, analytical thinking is embedded in the IE research design and throughout the whole process of inquiry, including in the interviews, and involves talking to people to develop an understanding of both informants and the big picture, a picture that is structured outside of what the informants recognize (see also Campbell & Gregor, 2004; DeVault & McCoy, 2006). In my dissertation, data analysis through an IE lens was done by identifying the everyday experiences of migrant sex workers, exploring how investigations of migrant sex workers are carried out and coordinated institutionally, and making invisible work visible.

Mapping out ruling relations is the major objective of this inquiry, and as such, data analysis in my study included identifying the disjuncture between the everyday experiences of migrant sex workers (particularly the everyday “work” of migrant sex workers and law enforcement officers) and the institutional knowledge through reading transcripts and texts. The discovery of ruling relations enables us to see how discourse regulates in and through local practice and how they are organized by the texts. The ideological circle of IE offers tools to identify how ideology is introduced into institutional processes and how social relations and institutional processes are organized in everyday life. For example, institutional ethnographers have uncovered how the

ideology of heterosexism is embedded in the categorization of gender roles as constructed in the foster care and adoption process (Hicks, 2009) and in the education system (G. Smith & D. Smith, 1998). Other IE studies have shown the ways in which homophobia is embedded in the Criminal Code, and how this regulates the sexual activities of gay men (G. Smith, 2014). Through these texts, gender inequality is produced and maintained. The notion of social relations is the central analytic for my research project because it pays attention to “how people’s activities are reflexively/recursively knitted together into particular forms of social relations” (G. Smith, 2006, p. 177).

The products of this social justice research, beyond my dissertation, have included a research report (shared with service providers, law enforcement, and policymakers), a community report and presentation, accessible IE tools for community members, social action (such as lobbying), and academic articles and presentations. The knowledge developed from this research has already proven to be useful for sex worker communities as they challenge the dominant ideologies about sex work and human trafficking. By also helping them understand what they are doing and how they want to move forward (Kinsman, 2011), this research has increased their capacity to investigate institutional processes and challenge ruling relations and enabled them to develop actions to create institutional, policy, and social change.

The Structure of the Thesis

This dissertation is a “sandwich thesis,” the central pieces of which are four published or accepted journal articles and book chapters. While each has been submitted independently in different scholarly formats, they are all connected and, together, form

the whole of this PhD study. Because each piece appears in a different venue, some offer a similar overview of the context and research methodologies; however, the theme and focus of each chapter is different. They have a unique style and tone according to the publisher's or editor's requirements and the needs of the larger project. The references for each published paper appear immediately after the chapter, while the references for the Introduction and Conclusion appear at the end of the thesis as a whole.

In total, the dissertation is comprised of six chapters. This opening chapter, Chapter 1, provides an introduction to the context of the dissertation study and how it was informed by my role as an activist-scholar and political activist ethnographer. It outlines how the inquiry starts from the experiences of migrant sex workers who have been the target of anti-sex-work regulation and the antitrafficking movement. It also provides a brief summary of the method of inquiry of the project and an overview of the structure of whole thesis.

Next, in Chapter 2, I explore the women's "work" (as per IE) in holistic and massage centres in Toronto. I offer a brief primer on the history of regulation on, and raids of, massage parlours. I then present the findings from my interviews with Asian massage workers, exploring their everyday labour practices and their encounters with law enforcement (corresponding with Research Question (RQ)1). I also provide the important threads for further investigation of the major texts (i.e., laws and policies) and institutions (e.g., antitrafficking organizations, Municipal Licensing and Standards of the City of Toronto) that shape and organize their lives and experiences institutionally. This chapter was written in an accessible format both to upend the binary between academic and

nonacademic writing and to make the findings available to the migrant sex worker community and activists. It was recently published as a book chapter, entitled “Targeting Asian Massage Parlours in the Name of Anti-Trafficking: Experiences of Asian Women in Toronto,” in *Trafficking Harms: Critical Politics, Perspectives, and Experiences*, co-edited by Katrin Roots, Ann De Shalit, and Emily van der Meulen (Fernwood Publishing, 2024).

Following the threads of Chapter 2, Chapter 3 identifies the major “texts” that coordinate the lives of sex workers and organize investigations against them. Migrant sex workers, including in Asian massage parlours in Canada, are regulated and impacted by a web of laws and policies at the federal, provincial, and municipal levels. Here, I provide an overview of this carceral web (Fudge et al., 2021) and how it harms migrant sex workers (corresponding with RQ2). The chapter lays out how the laws and policies that claim to protect migrant workers actually detrimentally govern their lives. Focusing on the experiences of migrants of Asian descent, I explore how ill-conceived antitrafficking laws and enforcement, including sex-work-related criminal law, immigration laws that target and prohibit sex work, provincial human trafficking laws, and municipal laws regulating body rub services, conflate sex work with trafficking and further endanger migrant sex workers. The texts identified are essential for further investigations of how those texts are being produced and duplicated at different sites and how the everyday life of the workers, their labour activities, and the actions of law enforcement are coordinated by the texts. The chapter was published in 2022 as a journal article, “How Laws Regulate

Migrant Sex Workers in Canada: To Protect or to Harm?” in *Canadian Review of Social Policy*.

Antitrafficking organizations, particularly those led by carceral feminist and social workers, are the major actors that call for a carceral approach to address the violence faced by people who work in sex industry. They have advocated for the criminalization and policing of migrant sex workers and repressive law and policy against Asian massage parlours, as described in Chapter 3. Thus, in Chapter 4, I identify the problem with carceral approaches and how they harm migrant sex workers (responding to RQ3) by examining the history of carceral social work and feminism, and by using antitrafficking policies to illustrate how the antitrafficking movement further oppresses sex workers and Asian massage workers. Chapter 4 also critically examines the abolitionist activism by arguing that true abolitionists fight not only for the eradication of prisons and the carceral system writ large, but also for the transformation of society. Some anti-sex-work social workers and feminists who call themselves abolitionists are not authentic because their aims violate the principles and values of abolitionism; they fight for, not against, the carceral system by demanding increased policing, criminalization, and state power. Attending to this tension, I demonstrate how the antitrafficking movement, governed by racist policies, further oppresses sex workers, especially migrant massage workers. This chapter identifies the “discourses” that are the threads for further investigation on how the racist and anti-sex-work discourse has become the institutional discourse that shapes government policies. The piece was recently published as a book chapter, “The Anti-Trafficking Movement Is Not Abolitionist: How Carceral Feminists and Social Workers

Harm Migrant Sex Workers,” in *Abolish Social Work (As we know it)* edited by Craig Fortier, Edward Hon-Sing Wong, and MJ Rwigema (Between the Lines, 2024).

In the last of my “sandwich” publications, Chapter 5, I examine how illegality is constructed and produced (as per RQ3), uncovering how racism, whorephobia, and xenophobia are embedded in municipal laws and policies and how laws and law enforcement investigations of Asian sex workers are organized institutionally such that the rights of the workers are violated and they are put in danger (which also addresses RQ 4). I explore the “ruling relations” that shape the interactions between law enforcement and workers by critically examining the municipal bylaw governing holistic centres in Toronto. This bylaw can be understood, following D. Smith’s IE approach, as the “boss text,” the institutional text that most profoundly shapes the everyday lives of Asian massage workers. I also show the experiences of Asian women as they encounter those enforcing the text (i.e., the bylaw officers). After describing the theoretical framework and method of inquiry, I report on the results of the research, outlining how the “threads” from the interviews led to this examination of the bylaw and then sharing the history of the development of the bylaw and enforcement policy. Through the chapter, I show how anti-sex-work discourses became institutional discourses embedded in the bylaw, in part through the efforts and ideologies of antitrafficking organizations, producing the “truth” about workers in massage parlours. The chapter’s abstract, titled “Texts in action: Mapping of the resistance of Asian migrant massage and sex workers,” has been accepted for publication in the forthcoming book, *The Oxford Handbook of Grounded and Engaged Normative Theory*, edited by Brooke Ackerly, Luis Cabrera, Genevieve Fuji

Johnson, Monique Deveaux, Antje Wiener, Fonna Froman, and Gina Starblanket (Oxford University Press). The book is currently in progress, with an expected publication date of 2025. My chapter has been submitted to review by the book's editors and I expect to receive final comments in fall 2024.

And finally, by way of conclusion, in Chapter 6 I report on, summarize, and discuss the major findings of my dissertation as a whole. In it, I describe the contribution this research makes, including to academic scholarship, and I outline the implications of the research to social work and policing change, particularly in critical antitrafficking studies and abolitionist, migrant justice, and sex workers movement. I also describes the limitation of the study and the implication for future research in this area. In sum, my dissertation aims to fill existing knowledge gaps by identifying what actually happens when migrant sex workers encounter law enforcement and how the investigation of migrant sex workers is organized and coordinated institutionally. The exploration of the disjuncture, as well as connections, between them sheds light on the “ruling relations” and their underpinning ideologies. This research can be a tool for challenging the authoritative knowledge structures that silence and exclude the voices of the oppressed and for creating social change. As an activist-scholar, it is my hope that this research will facilitate meaningful and transformational social change that can achieve social justice in keeping with the goals of Asian migrant sex workers. In this sense, this research project is not only an academic research project but also a social justice project.

Chapter Two: Targeting Asian Massage Parlours in the Name of Antitrafficking: Experiences of Asian Women in Toronto

Lam, E. (2024). Targeting Asian massage parlours in the name of anti-trafficking: Experiences of Asian women in Toronto. In K. Roots, A. De Shalit, & E. van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives, and experiences* (pp. 119-138). Fernwood Publishing.²

Abstract: In this chapter, I offer an overview of the history of regulation and raids of massage parlours. I then present the findings from my research with Asian massage workers in holistic centres in Toronto, particular their “work” in holistic centre, exploring their everyday practices and their encounters with law enforcement. The disjuncture between their experiences and institutional discourses provide the important threads (e.g., texts, institutions) for further investigation of how their experiences are shaped and organized institutionally. I end with a look at how Asian massage workers have organized to advocate for their rights.

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Moon had worked in massage parlours¹ across Canada for more than 20 years. In 2015 and 2016, after the police conducted anti-trafficking raids in Ottawa and Montreal, her workplace was shut down and her friends and coworkers were arrested and deported. She moved to Toronto and found work in a spa. She enjoyed the income and the working conditions but often worried about investigations by law enforcement. She was right to worry. In a one-year period, she was investigated over twelve times by police and bylaw enforcement officers, who told her she was not allowed to work because she did not have a holistic licence and identification. Moon received six tickets and paid over \$1,500 in fines. She was also told by police that she would be reported to immigration officials if they saw her again. The spa where she worked was shut down and she was forced to stop working even though she loved her job. Moon started taking clients in an apartment and a hotel room in a small town in Ontario but felt isolated and less supported. She was robbed, assaulted three times in one week, and arrested after a hotel worker reported her to the police for providing sexual services. The police expressed concern about her and asked if she was trafficked. They told her not to leave the hotel for her own safety. Two hours later, immigration officers from Canada Border Services Agency (CBSA) arrested her. The officers took \$2,000 cash and a ring, which were never returned to her. During the detention review, she found out that the police had reported her to CBSA.

On March 16, 2021, eight people were killed in three spas in Atlanta, Georgia. Among the dead were six Asian women who worked in the spas. The murderer claimed he wanted to punish and kill people in the sex industry (Fausset, 2021). This was not an isolated incident; in 2020, a massage worker was stabbed and killed in Toronto by a teenager who said the workers “weren’t very clean people” (Freeze, 2022). Misogyny, racism, xenophobia, and whorephobia were all at play in these murders (Lam et al., 2021; Red Canary Song, 2021; Shih, 2021a). As Elena Shih (2021a) notes, anti-sex-work sentiments are often directed at massage workers, whether or not they offer sexual

¹ Massage parlours run by nonregistered massage therapists are often called and licensed as body rub parlours, holistic centres, or personal wellness centres, depending on the municipality. The terms “massage parlour” and “massage worker” are used in this chapter to reflect how workers identify their workplaces and themselves.

services. Indeed, many spa workers have been violently attacked because of the racism, stigma, moral panic, and overpolicing directed at sex work generally and Asian massage businesses specifically.

In the last few decades, massage parlours, particularly those with nonaccredited or nonregistered massage therapists, have become seen as unprofessional and illicit businesses. Often deemed a public nuisance and associated with deviance, immorality, and criminality, massage parlours—which include holistic, body rub, and other personal wellness centres—are a target of new bylaws and law enforcement officers. While Asian massage workers have been overpoliced for years, the rise of the anti-trafficking movement has increased the moral panic surrounding Asian massage parlours. Exploitation of and violence involving sex workers is often cited by anti-trafficking organizations, especially those that advance white saviour and carceral approaches (Bernstein, 2010), and religious organizations with anti-sex-work agendas, to justify anti-trafficking laws and campaigns that target Asian massage parlours (Butterfly, 2022; Red Canary Song et al., 2022; Shih, 2021b).

Anti-trafficking narratives frequently frame Asian women as ignorant, naive victims available for saving, or as “illegals” and criminals whose businesses should be controlled or closed, thus justifying the punitive regulation and policing of Asian parlours. Some pro-carceral anti-trafficking organizations urge city governments to investigate, fine, raid, and close massage parlours by applying existing bylaws or instituting new ones that make these businesses difficult to operate (Butterfly, 2021). They argue that in doing so, they are protecting innocent non-English-speaking trafficked victims. For example, in 2019,

the Canadian Centre to End Human Trafficking, which received over \$14.5 million in government funding to operate an anti-trafficking hotline and collect data for police and others, lobbied the government to impose stronger regulations and shut down massage parlours in Toronto (CityNews, 2019). Without any supportive evidence, founder and former CEO Barbara Gosse claimed that “the victims of human trafficking are sold within body rub parlours and holistic centres” (Canadian Centre to End Human Trafficking, 2018, p. 1). Gosse’s fight to increase the investigation and prosecution of massage parlours and strip clubs began in 2012 when she was working with the Canadian Women’s Foundation.

In recent years, law enforcement officers have raided massage parlours in Ontario, and the workers, particularly Asian women, have been charged, arrested, detained, and deported. They have also faced racial attacks and unfair treatment by city staff (Paradkar, 2020). Criminal, immigration, and municipal laws have been used by law enforcement to raid and shutter businesses (Butterfly, 2021; Lam, 2018a, 2023; Lam et al., 2021; Red Canary Song et al., 2022). The City of Toronto has drawn on other policies as well, including those related to public health and financial assistance, to target massage parlours. While these efforts reputedly tackle human trafficking and help its victims, the workers—like many racialized and migrant women who experience high rates of gender-based violence—are left feeling revictimized by the criminal legal system (Lam, 2018a; McBride et al., 2019).

As this chapter shows, municipal bylaws in Toronto are frequently used to target massage parlours under the guise of anti-trafficking efforts. I begin by offering a brief

history of the regulation of massage parlours with a particular focus on how narratives about police raids have shifted from immorality to protection of women. I then present the findings from my primary research with Asian massage parlour workers, exploring their everyday practices and experiences with municipal bylaw and police officers. Instead of offering protection, repressive bylaw practices and anti-trafficking raids have increased the vulnerability of these women and put them at greater risk of violence.

Background

The social and moral values of the 1960s in Canada were such that the adult sex industry (e.g., massage parlours, strip clubs, pornographic bookstores, escort agencies) operated openly along Toronto's Yonge Street (Brock, 1998). This situation started to change in the 1970s when massage parlours, particularly those near the significant city thoroughfare, became municipally regulated (Ross, 2022). Politicians, middle-class citizens, and evangelicals advocated for a government crackdown to "clean" Yonge Street of its "sinful" sex-related businesses. Along with being subjected to federal sex work and immigration laws, massage parlours became regulated by the *Toronto Municipal Code's* Chapter 545, the licensing bylaw, in 1975. The bylaw targeted owners, operators, and workers, and allowed only 25 licences to be granted to massage parlours (Cook, 2018).

Shortly after, in 1977, massage parlours, strip clubs, and other adult entertainment venues began to experience heightened police raids following the sexual assault and murder of a 12-year-old boy named Emanuel Jaques in a building that also housed a massage parlour. Over 200 inspections were carried out in a single month, resulting in owners and workers facing criminal charges and municipal fines, as well as many

massage parlours being shut down. At least five parlours within one block were closed (Fraser, 2017).

While the crusade against massage parlours was animated by ideas of “sinfulness” in the 1970s, beginning in the mid- to late 1990s, raids became justified by the growing moral panic over human trafficking. Rather than “immoral” and “sinful,” massage parlours were framed as sites of the exploitation of vulnerable women. And though the stated goal of anti-trafficking campaigns at the time was the rescue of Asian women from traffickers, in practice they resulted in migrant women being treated like criminals and illegal migrants. Consequently, Asian massage workers became entangled in a carceral web (Fudge et al., 2021) of increased surveillance, fines, charges, arrests, workplace closures, and deportation. For example, in 1997, 23 Malaysian migrant women working in massage parlours in Toronto were arrested in anti-trafficking raids as part of Project Orphan. A year later, as part of Project Trade, police again conducted raids and arrested 68 people, the majority of whom were Asian women (Brock et al., 2000; Toronto Network Against Trafficking in Women et al., 2000). Similar raids have been carried out across Canada, including in Vancouver, Markham, Ottawa, Montreal, and Hamilton.

In addition to the earlier massage parlour bylaw, Toronto implemented a holistic centre bylaw in 1998 that allowed some holistic practitioners to provide therapeutic treatment, but it significantly controlled sexual and body rub services. The fervour of the late 1990s eventually quieted, only to be revived again in 2012 following the lobbying of women’s, religious, and anti-trafficking organizations. The City of Toronto passed a motion to develop a strategy to increase investigations and prosecutions of strip clubs,

body rub parlours, and holistic centres. From 2013 to 2018, the number of investigations and prosecutions grew by a factor of more than 3.5 (Lam, 2018b; Lam & Wong, 2020). In a survey conducted in 2017–2018 with sixty-one massage workers in Toronto, almost half reported they had been charged and fined and over 65 percent conveyed fear of law enforcement. They also reported a significant increase in excessive investigations and abuse of power (Lam, 2018b).

By 2019, over 2,000 holistic practitioners who were not registered massage therapists were working in holistic centres in Toronto (Holistic Practitioners' Alliance et al., 2019). The majority were, and still are, Asian migrant women. In practice, the licensing bylaw, along with other laws and procedures, is enforced as an anti-trafficking tactic, generating harmful impacts for Asian migrant massage workers, including excessive and punitive legal ramifications and violence, harassment, and misconduct from law enforcement officers themselves (Lam, et al., 2020).

Method of Inquiry

This chapter is based on research collected for a larger study that aims to uncover how investigations of massage parlour workers are organized and how they impact the workers.² The study participants are key knowledge producers who have used the results

² This chapter reports part of the findings of my doctoral research titled *The Regulation and Policing of Asian Migrant Sex Workers in Canada: A Critical Inquiry*. The study is informed by the methodological approaches of institutional ethnography and participatory action research. The aim is to better understand how the everyday lives of Asian and migrant sex workers (including massage workers) are organized institutionally and uncover the day-to-day implications of legal and policy frameworks adopted and enabled at multiple levels. The research was approved by the McMaster Research Ethics Board and financially supported by the Social Sciences and Humanities Research Council.

to advocate for social justice and an end to the harmful policies being applied in their lives (Bowen & O’Doherty, 2014; Dewey & Zheng, 2013; van der Meulen, 2011). In the following, I report on the results of semi-structured interviews conducted from 2019 to 2023 with twenty-five Asian migrant women in Toronto who identified as massage or sex workers and fifteen stakeholders. Participants were recruited through sex worker organizations and snowball sampling methods. Interview questions focused on workers’ everyday lives and experiences with colleagues, clients, and law enforcement. The workers generously shared their experiences as well as documents related to investigations, such as licences, tickets, and court case details, and the actions they have taken to advocate for their rights. The participants were all cisgender women, ranging in age from 30 to 68 years old, who had worked in massage parlours for one to fifteen years. All were migrants; twenty came from China, two from Hong Kong, one from Korea, one from India, and one from Taiwan. They had a range of immigration statuses as permanent residents, refugee claimants, sponsored spouses, international students, and undocumented persons. *Pseudonyms* are used for confidentiality.

Working in Massage Parlours

The Asian migrant women with whom I spoke generally called themselves “massage workers” and referred to their workplaces as “spas” or “massage parlours,” though they were mostly licensed as holistic practitioners, or body rubbers (outside of Toronto massage workers may also be licensed as “personal wellness practitioners”). Despite

popular perceptions that their work is illicit, illegal, or human trafficking, they identified themselves as workers and their massage parlours as simply places where they worked and earned a living. The women came from variety of countries, held different immigration status, and varied widely in terms of English-language skill and support networks. For example, workers from China had the strongest social networks and supports. Workers with precarious immigration status, regardless of country of origin, had fewer options for employment as well as more difficulty improving their working conditions or seeking help when they experienced violence.

None of the workers reported being trafficked; on the contrary, many found working in massage parlours rewarding and empowering. The reasons women decided to engage in massage work included the decent income, flexible hours, less demanding work than other jobs offered, and the opportunity to take a break while waiting for the next client. Although most said they needed to share their income with their boss, they could still earn three to ten times more than they would working at a restaurant, factory, or grocery store. Some workers said they would not be able to afford the expensive immigration legal fees, pay rent, or purchase a home if they did not work in the sex industry. Some also found they were less isolated and had better social supports by working with others who spoke the same language. And some expressed pride in their ability to support themselves and help others. Lin, for example, said, “I am a massage worker. I use my hands to earn a living and support myself.” Many talked about the contributions they made by helping others and the satisfaction they received from making clients feel good or alleviating their pain.

Most participants noted that massage work helped them overcome the challenges they faced as non-English-speaking, racialized, migrant, and working-class women (e.g., racism in employment, language barriers, difficulties accessing supports). Davy, an international student, found that working in massage parlours allowed her to earn a living while managing her demanding schoolwork and paying high international student fees. The flexible work hours also allowed her to participate in volunteering and an internship program, increasing her chances of getting a job and permanent residency upon graduation. Although the women mostly spoke favourably about their massage work, they also acknowledged the challenges. For example, some described sacrificing their own health to serve others. Yuen, who had worked in massage parlours for eight years, talked about work-related injuries, saying, “My thumb, wrist, and my back all got injured and often feel pain.” Others spoke about long working hours, bad employers, stigma, and the double discrimination resulting from anti-Asian racism and the stigmatization of massage parlours, which are often associated with sex work. Many talked about the challenges they faced with the licensing process and safety concerns arising from forced adherence to the licensing bylaw.

Navigating the Licensing Bylaw

All the participants I interviewed said they could not become registered massage therapists because they did not meet the English-language requirements or could not afford the time and expense of training. Therefore, they were required to obtain a city licence (i.e., body rubber licence or holistic practitioner licence) to offer massage services in Toronto, which also posed a number of challenges. Body rub parlours are regulated as

adult services and the licensing bylaw is highly restrictive (Butterfly et al., 2019). For instance, body rubbers are prohibited from receiving or holding clients' money or belongings. Though the bylaw does not mention a sexual aspect of services, body rubbers are required to undergo a medical exam and provide certification that they are free of communicable diseases. Further, zoning restrictions on body rub parlours, along with a high licensing fee of \$14,526.85 for these establishments (City of Toronto, n.d.a) and a limit on the number allowed, create barriers to accessing a body rub licence. The majority of massage parlour workers therefore work in holistic centres rather than body rub parlours.

Of the twenty-five women I interviewed, fourteen had a holistic licence and two had a body rub licence. The rest were unlicensed. Four workers were not able to obtain or renew their licences because they could not provide a valid work permit or proof of residency. Requirements for proof of immigration status violate Toronto's claim to be a sanctuary city (City of Toronto, n.d.a). The licensing process in Toronto also requires proof of membership in a professional holistic association in the case of holistic practitioners, and intrusive medical examinations for "communicable diseases" in the case of body rub workers, as noted earlier. In both cases, workers must have a criminal record check and pay a registration fee.

Because the women I spoke with had limited English-language skills, none had read the licensing bylaw, nor did they know how or where to locate it online. Instead, many reported that their massage parlour boss, their coworkers, or others helped them apply for a licence and develop practices to avoid being ticketed and fined. For example, the

women understood they needed to obtain a licence, post the licence in a public space, keep client records, include their licence number in advertisements, keep their massage table in good repair, cover specific parts of clients' bodies, regulate their own clothing, close their business at 9 p.m., and keep the door unlocked, all of which are mandated by the bylaw. Chui said that learning about the bylaw's many requirements had been stressful:

It was very hard at the beginning. I not only need to learn how to do massage and handle the clients, I also need to know how to handle the licence [bylaw enforcement] officers. My boss kept reminding me to wear the “working clothes” [robe], fill in the record, and other rules. I tried to learn because I don't want to be charged or have any trouble.

Although the bylaw does not require workers to wear a robe, it has nevertheless become common practice because workers think it will prevent them from being charged for not being “properly dressed” or “neat and clean” (*Toronto Municipal Code*, 2022, s. 545–357).

Many workers argued that the regulations are problematic and undermine their safety. Conflicts can arise, for instance, when women request personal and identifying information from their clients. Many clients are reluctant to give their names and take receipts because they do not want to be charged for purchasing a sexual service, as per the *Criminal Code*, or be surveilled by police and others. However, when workers do not record their clients' names and details about the services rendered, or issue and keep receipts, they can be charged under the bylaw. The protection of privacy is a significant

consideration for both clients and workers. Indeed, the women I spoke with found that posting their licence in a public place exposed their personal information, including their home address. Mui and Lok Shan talked about clients seeing their home addresses and harassing them and their families.

Most of the workers further expressed great concern about the requirement that their door remain unlocked, noting that locking the door was an important safety measure. Yo Yo, for example, explained that she had been robbed and assaulted—violence that could have been avoided if she had been allowed to lock the door. In order to protect their own and each other's safety, workers often share information about robbers and abusers. Yo Yo saw a picture of a robber shared by her friends and recognized him as the same person who had robbed her workplace. As she described it:

I tried to turn him away, but he was able to come in because the door was unlocked. He grabbed my head and pushed it down, then pointed a knife at me and forced me to give him my money. Afterwards, he sexually assaulted me and also took my phone.

Angel shared a similarly terrifying and violent situation:

Three young men rushed into my spa. I tried to flee but they stopped me. One man pointed a gun at my head. Then they searched the spa and took my money and the money from the spa. I was very frightened and did not want them to hurt me, so I complied with their demands. . . . One of the men forced me to sit on the floor and sexually assaulted me, while the other men looked at me and laughed. I was humiliated and insulted, but I continued to collaborate because I was afraid that they would hurt me more. At this point, I was about to collapse from fear and the trauma of the situation. I kneeled down and begged them to let me go. I saw a chance to run out the door, which I took. I ran in bare feet to the store next door and sat down on the floor, shaking. Someone called the police for me. They [the robbers] were able to enter in this way because the bylaw enforcement officers ordered me to keep my door unlocked. I had previously been charged, and already

had a \$240 fine in court. I would have been able to avoid being assaulted if I had been allowed to lock the door.

Only a few workers had reported violence against them to police because they felt intimidated and feared they or others would be penalized for violating the bylaw or other laws. Many had previous traumatizing and frustrating experiences with police, which generated feelings of helplessness because they could not protect their safety. Lui shared her experience:

Around ten in the morning, not long after the spa opened, a man came in and chose the forty-dollar massage. I started the massage, and when I had almost finished, he suddenly got up and pressed me onto the massage table. He tore off my clothes until I was almost naked, and then he tried to rape me. It took all my effort to get away and run outside, . . . I ran to the convenience store next to the spa. Since I had nothing with me, I asked the store owner to help me call 911, but he was afraid of getting in trouble. He didn't want his business to be affected, so he refused. After I begged him, he finally let me use his phone to call my friend. I asked my friend to call 911 for me right away. . . . When the police arrived, they confronted the man. Now I had to face the other nightmare that I never expected. The female police officer who was on duty hinted to me in Chinese that I should give up and withdraw my case, as the odds were against me in the sense that the judge would not believe or sympathize with my words because I was a holistic practitioner. Later on, I heard that the man was released the next day. Additionally, I received a ticket for unprofessional clothing despite [the fact that] my clothes were torn because of the sexual assault.

For Nikki, the violence she encountered was unforgettable:

I wished for nothing but death in those terrifying, awful moments. With my eyes closed, I suddenly thought about my children. I couldn't die. Who would take care of them if I died? I could only endure his disgusting actions. When he was finally done, I desperately begged him not to hurt or kill me. I was only a single mom, an ordinary worker who didn't even own a car. I swore to him I would not call the police. I begged him for almost three hours until he let me go. He dragged me to the basement and locked me in there before he left. . . . The heavy discrimination against my profession by law enforcement officers makes me reluctant and afraid to call the police even when I am in danger.

Importantly, testimonies such as Nikki's demonstrate how current licensing bylaw expectations exacerbate the vulnerability of massage parlour workers to violence and prevent them from being able to protect themselves. As the next section shows, law enforcement efforts further compound this vulnerability.

Impacts of Law Enforcement

Both police and bylaw enforcement officers are authorized to investigate and charge massage parlour workers, clients, managers, and owners. As my interviewees relayed, some of the law enforcement officers that attended their places of work did not wear a uniform, show identification, or otherwise identify themselves, and workers often did not know who was inspecting them or what they were being charged for. They explained that they encountered excessive and punitive legal ramifications, including fines, tickets, arrests, and deportation, as well as violence, harassment, and misconduct from law enforcement officers. These mechanisms notably contradict the protections the bylaw supposedly offers, especially when rolled out under the guise of anti-trafficking.

Excessive and Punitive Legal Ramifications

As noted earlier, workers reported a rising number of workplace inspections beginning in 2013, after the city passed a motion to increase investigations and prosecutions, and the number continued to climb as anti-trafficking sentiments grew. Several interviewees reported being investigated more than ten times per year. Most described being excessively interrogated, humiliated, discriminated against, and insulted by police and bylaw officers. Among other things, officers ordered them to face the wall

and did not allow them to move, sit, talk, answer the phone, or even use the bathroom. Mui, who was investigated by law enforcement over twenty times in three months, explained, “I was not allowed to sit down. I was ordered to face the wall. They searched every corner, and even my personal belongings.” Sui Mei shared that when bylaw enforcement officers learned she was a dancer in China, they ordered her to sing and dance and laughed while she performed. Ming described how a bylaw enforcement officer requested the owner of the spa she worked at to identify anyone who was receiving Ontario Works; the officer then reported them to social assistance for fraud. During the COVID-19 pandemic, bylaw officers issued five tickets in two days to Fung for violating mandatory closure orders, despite the fact that she did not open or operate her business.

Many of the workers feared being ticketed or fined. As Lui explained, “I often cannot sleep after being charged. I am afraid they [bylaw enforcement officers] will come back again and find whatever reason to charge me.” They also worried that family members, landlords, and neighbours would find out they were working in a massage parlour if the ticket was sent to their home address. The workers described being ticketed for minor reasons and the lengths to which officers went to find bylaw infractions. Donna, for example, explained how law enforcement spent an hour searching every corner of the spa where she worked, including her personal belongings, until they found something they could use to lay a charge. According to Donna, “If massage practitioners like us cannot quickly open the door within three seconds, or another delay of five seconds, we will get a ticket for not opening the door.” Similarly, Sui recounted how she put three layers of

towels on top of the massage bed to ensure it was clean and comfortable, but law enforcement officers flipped the towels off the bed. She was charged for not keeping her massage table in good repair due to a small crack they found. She was subsequently convicted and received a \$1,500 fine.

For some, the fear of having to go to court led them to just pay the bylaw fine rather than try to fight it. As Ming said:

I have never been to court in my life. I was so scared. I just want to resolve it as soon as possible. I don't want to get into more trouble. They want to have money, and I would pay whatever they ask. I just want to end this case.

Other workers reported receiving a court notice a few months or even a year after an investigation. Very few of them had fought tickets in court because of the expensive legal fees, which can run into the thousands of dollars. Some also said they were threatened by the Crown prosecutor, who told them they would have to pay \$50,000 if they lost their case. As a result, most workers pleaded guilty to the bylaw infraction and paid the \$100 to \$1,500 ticket instead. Workers explained that, on some days, ten to fifteen workers would be queued in the courtroom to deal with their tickets. For them, being charged under the bylaw and paying a fine was preferable to being investigated and arrested by police. As Chui noted:

They came to us because they want to get something. They want to charge you [with a bylaw infraction] and give you fine. You must let them charge you and give them money. Otherwise, they would be angry and try harder to punish you. If they do not send bylaw, they may send police and it would be more problematic.

While many tickets are for various minor offences, the accumulation of tickets can become a significant financial burden, impacting workers' ability to renew their licence and possibly forcing them to shut down their business. At the same time, the large number of convictions for bylaw infractions is used to create the impression that some—namely Asian-run—licensed massage parlours are problematic, unprofessional, and illegal, justifying the excessive investigations of Asian women's workspaces.

Those with precarious immigration status are also worried that investigations by law enforcement may affect their application for permanent residency and lead to arrest and deportation. As Donna noted:

Bylaw enforcement came very often. They not only ask us to show them the licence, they also ask us to show our ID. . . . I do not have a work permit to renew the licence. The bylaw enforcement officers told me that they would call immigration if they see me again. I really believe they would do so.

Another worker, Shu Yi, explained that after her refugee claim was rejected, she could not renew her licence because she did not have a work permit. This made her feel “like a mouse who must hide at all times.” As an unlicensed worker, it was difficult for her to find another parlour to work at, and when she did, she was often paid much less than her coworkers because her boss could be charged if Shu Yi was found to be working. Shu Yi's fears were validated when she saw bylaw enforcement officers call the CBSA and arrest her undocumented coworker. She also witnessed a colleague get arrested while trying to renew a licence at the city's licensing office. Similarly, Micky and her coworkers were arrested after a neighbour reported a robbery at her spa. Upon learning that the workers did not have immigration status, the police called the CBSA. Other

workers shared that they were de facto forced to stop working in massage parlours in Toronto to avoid being investigated, charged, and reported to the CBSA. Instead, they started to work in hotels or moved to small towns, where they did not have the same support networks as they did in the large city.

Violence, Harassment, and Misconduct

In addition to the problematic experiences recounted above, some workers reported that law enforcement officers themselves (both bylaw and police) were a major source of violence in their lives, and they expressed concerns about abuse, misconduct, harassment, and human rights violations. The workers described law enforcement officers as often rude and disrespectful, acting like gangsters, dehumanizing workers, and treating them like criminals or animals. They characterized investigations into their workspaces as intimidating and disturbing, not only for the business but also for workers, neighbours, and customers. Some noted that investigations of spas suspected of offering sexual services were more aggressive and excessive. They described feeling discriminated against because of their race and ethnicity, pointing out that spas run by Chinese and other Asian people were especially targeted. According to Shan, “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.” A law enforcement officer told her that she should not stay in Canada if she could not speak English. Other workers who had been employed in parlours run by English-speaking white people had not been inspected in their time there. Ching Yin explained, “White people are the mainstream, and their English is good. Plus, they know

how to protect their rights by knowing the laws and use them as weapons. If the massage parlours were run by the whites, then things would be different.”

Ron described the behaviour of police and bylaw enforcement officers as similar to that of robbers: “Some officers opened the door and entered the treatment room. They were very rude, and many clients felt embarrassed and angry.” She detailed an incident during which three male officers entered a room where a female client was undressed and lying on a massage bed. Another worker, Linda, described a similar experience during an inspection:

I was offering the massage service to a couple with my colleague. It was almost finished. However, the licence [bylaw enforcement] officers ordered me to come out from the [treatment] room, and they didn’t allow us to continue with the service. The clients were so angry and left without paying.

Many workers were also sexually harassed and abused as law enforcement officers examined their clothing. Some were even charged in relation to their clothes, including for wearing a V-neck T-shirt, shorts, or a dress. As noted earlier, wearing a robe has become common practice among workers; however, some explained that officers would order them to remove their robe to show them what they were wearing underneath. Depending on what the workers were wearing, law enforcement would lay charges and take pictures. Ling described such a situation: “They are very rude. Some of them asked us to take off the robe or pull up our dress to show what we wear underneath. I was issued a ticket when they saw I wear a black lace dress inside the robe. I was so scared.”

According to the workers, these kinds of practices are not a matter of individual officers’ behaviour. They are systemic and commonplace. Ling, for example, detailed

how one police officer repeatedly asked her to have sex with him outside her place of work and even requested she pay for the hotel room. He promised her she would not receive any more tickets for violating the bylaw if she did what he told her. Yee had a similar experience in which an undercover bylaw enforcement officer took off his clothes and lay down on the massage bed, requesting a hand job. After giving him the hand job he requested, Yee was charged. Lok Shan described how one particular law enforcement officer frequently came by to inspect her place, sometimes staying for hours, lying on her massage bed or watching TV. She was forced to work in another city to avoid being stalked and harassed by him.

Mui shared that four officers, some bylaw and some police as she later found out, came to her parlour when she and some coworkers were working. They did not identify themselves and only one flashed his identification. She described the events that followed:

After they came, they shout at us, “Face the wall!” They wouldn’t allow us to say anything. They said to a coworker, “Shut up! Don’t say anything.” . . . After that, the police found two pornography video [discs] left behind by a client. The officers used my notebook to play it and forced us to watch the movie with them. . . . After they searched, they asked me to go outside the store on the street. Outside the store is a garbage bin, and I was standing next to the garbage bin with four officers around me, so everyone on the street could see us. In front of everybody, the licensing officer . . . broke the [disc] . . . and forced me to put it in the garbage bin.

The officers also searched every room, including inside drawers. They went to the private staff area and searched Mui’s purse, flipped open her notebook, and looked through her underwear. After the inspection, she received three tickets for not keeping patient records, not having a massage table in good repair, and not providing safekeeping for customers.

Mui said the police called her garbage. She felt insulted and humiliated and continued to cry even after the inspection. She was so angry that she went to the police station and the bylaw enforcement office to make a complaint. Later, she found out no formal complaint had been recorded. Instead, the officers came back to her workplace twice in two weeks, ordered a client to leave, and laid five more charges against her.

Most of the workers felt they were forced to accept the violence they faced from law enforcement and did not file any complaints for fear of retaliation. Only a few of the workers spoke up or raised their concerns to management. When they did, the complaints were ignored, and some workers even experienced retaliation. Chiu shared that not only did bylaw enforcement officers harass her but uniformed bylaw officers also went to her home and issued her a ticket. They told her roommates and family members about her work in the massage parlour. This tactic was common among bylaw officers seeking to intimidate the women, especially those who wanted to challenge officers or advocate for themselves.

The workers' many experiences with law enforcement—of being targeted and overpoliced, physically and sexually harassed, humiliated and insulted, and discriminated against—demonstrate clearly why Asian massage parlour workers believe the licensing bylaw is designed to harm and control them. In order to push back against the damaging discourses of trafficking and illegality, as well as punitive bylaw enforcement, the workers have been organizing since 2017 to learn more about the bylaw, write letters to policymakers, and arrange community meetings. Over three hundred workers participated in a series of city meetings reviewing the body rub parlour and holistic centre sections of

the licensing bylaw in 2019. They continue to organize community events and petitions; educate the public, policymakers, and city staff; and advocate for their rights. They have found that the fight is not easy, but the process is empowering.

Conclusion

Human trafficking has become a significant concern in Canadian society. Millions of dollars have been allocated to anti-trafficking initiatives, and federal, provincial, and municipal governments have introduced various anti-trafficking policies to protect trafficked victims. Though Toronto's municipal bylaw regulating massage parlours was established prior to the contemporary anti-trafficking movement, its enforcement has become entangled in the human trafficking rubric. The City of Toronto is applying the anti-trafficking framework via licensing requirements and enforcement that target massage parlours and practitioners, racialized women, and migrants in the name of protection. However, human trafficking is not what workers are concerned about. Instead, they worry about the licensing and safety challenges posed by the bylaw, and being targeted and discriminated against by law enforcement officers who violate their civil and human rights.

The insights shared in this chapter provide important threads for an inquiry into institutional processes, with consideration for how massage parlour workers' experiences are shaped by the licensing bylaw and law enforcement, how the bylaw itself is activated by anti-trafficking logics and used to investigate and charge massage parlour workers, and how anti-sex-work sentiments are institutionalized and embedded within these practices. The experiences and voices of the workers showcased here make an important

contribution not only to racial justice and migrant and sex worker movements, but also to critical anti-trafficking studies. Their collective voices and actions challenge institutional discourses that depict Asian massage parlour workers as passive, innocent trafficked victims who need to be rescued or as illegal, immoral criminals who need to be punished. Through their words and actions, they demonstrate that they are workers who contribute to their families, their communities, and their society, and they deserve to be treated with respect and dignity.

References

- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary anti-trafficking campaigns. *Signs: Journal of Women in Culture and Society*, 36(1), 45–71.
- Bowen, R., & O'Doherty, T. (2014). Participant-driven action research (PDAR) with sex workers in Vancouver. In C. R. Showden, & S. Majic (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. 53–74). University of Minnesota Press.
- Brock, D. R. (1998). *Making work, making trouble: Prostitution as a social problem*. University of Toronto Press.
- Brock, D., Gillies, K., Oliver, C., & Sutdhibhasilip, M. (2000). Migrant sex work: Roundtable analysis. *Canadian Woman Studies*, 20(2), 84–91.
- Butterfly (Asian and Migrant Sex Workers Support Network). (2021). *Call to action: Stop racist attacks from harmful antitrafficking organizations against Asian massage parlours and sex workers*. <https://www.butterflysw.org/stop-racist-attacks>
- Butterfly (Asian and Migrant Sex Workers Support Network). (2022). *Town of Newmarket: End racism against Asian massage businesses and workers*. <https://www.butterflysw.org/newmarket-end-racism>
- Butterfly, Maggie's, Canadian HIV/AIDS Legal Network, Migrant Sex Work Project, Sterling, A., & Gillies, K. (2019) *Submission to the City of Toronto's review of body-rub parlour and holistic centre bylaws*. https://www.butterflysw.org/_files/ugd/5bd754_88c231dd09ba49e9afc26d44f0db1813.pdf
- Canadian Centre to End Human Trafficking. (2018, April 10). *Comments for Toronto Municipal Licensing and Standards Committee*. <https://www.toronto.ca/legdocs/mmis/2018/ls/comm/communicationfile-79532.pdf>
- CityNews. (2019, May 20). *Changes to body rub parlour rules prompt trafficking concerns* [Video]. <https://www.youtube.com/watch?v=qEvl6aeKxw0>
- City of Toronto. (n.d.a). *Access to city services for undocumented Torontonians*. <https://www.toronto.ca/city-government/accountability-operations-customer-service/long-term-vision-plans-and-strategies/access-to-city-services-for-undocumented-torontonians/>

- City of Toronto. (n.d.b). *Body rub parlour — Fee*. <https://www.toronto.ca/services-payments/permits-licences-bylaws/body-rub-parlour-and-body-rubber/body-rub-parlour/>
- Cook, T. (2018). *Work plan for review of Chapter 545, licensing, body rub parlours and holistic centres*. City of Toronto. <https://www.toronto.ca/legdocs/mmis/2018/ls/bgrd/backgroundfile-113619.pdf>
- Dewey, S., & Zheng, T. (2013). *Ethical research with sex workers: Anthropological approaches*. Springer Science & Business Media.
- Fausset, R. (2021, July 27). Suspect in Atlanta-area spa shooting pleads guilty to 4 counts of Murder. *New York Times*. <https://www.nytimes.com/2021/07/27/us/spa-shooting-robert-long-charges.html>
- Fraser, L. (2017 June 22). *Murder of Emanuel Jaques changed the face of Yonge Street and Toronto*. CBC News. <https://www.cbc.ca/news/canada/toronto/emanuel-jaques-yonge-street-sex-work-1.4172511>
- Freeze, C. (2022, September 15). Toronto man pleads guilty in 2020 massage parlour attack. *Globe and Mail*. <https://www.theglobeandmail.com/canada/toronto/article-toronto-man-pleads-guilty-in-2020-massage-parlour-attack/>
- Fudge, J., Lam, E., Chu, S. K. H., & Wong, V. (2021). *Caught in the carceral web: Anti-trafficking laws and policies and their impact on migrant sex workers*. HIV Legal Network. <https://www.hivlegalnetwork.ca/site/caught-in-the-carceral-web-anti-trafficking-laws-and-policies-and-their-impact-on-migrant-sex-workers>
- Holistic Practitioners' Alliance, Coalition Against Abuse by Bylaw Enforcement, Butterfly (Asian and Migrant Sex Workers Support Network), & Wong, V. (2019). *City of Toronto body rub parlours and holistic centres bylaw review—joint submissions*. https://www.butterflysw.org/_files/ugd/5bd754_1c05641b2ec7421fa32b798e22437854.pdf
- Lam, E. (2018a). *Behind the rescue: How anti-trafficking investigations and policies harm migrant sex workers*. Butterfly (Asian and Migrant Sex Workers Support Network). <https://tinyurl.com/52fsf75s>
- Lam, E. (2018b). *Survey on Toronto holistic practitioners' experience with bylaw enforcement and police*. Butterfly (Asian and Migrant Sex Workers Support Network). <https://tinyurl.com/44jc3k5h>

- Lam, E. (2023). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy*, 82, 22–57.
- Lam, E., Gallant, C., & Wong, V. (2020, May 29). A terrorism charge isn't the solution to violence against women. *Chatelaine*. <https://www.chatelaine.com/opinion/incest-terrorism-sex-work/>
- Lam, E., Shih, E., Chin, K., & Zen, K. (2021). The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Social Sciences*, 10(5), Article 157.
- Lam, E., & Wong, V. (2020, March 11). *Punitive bylaw enforcement increases risk of violence for massage workers*. Ricochet. <https://ricochet.media/en/2976/punitive-bylaw-enforcement-increases-risk-of-violence-for-massage-workers>
- McBride, B., Shannon, K., Duff, P., Mo, M., Braschel, M., & Goldenberg, S. M. (2019). Harms of workplace inspections for im/migrant sex workers in in-call establishments: Enhanced barriers to health access in a Canadian setting. *Journal of Immigrant and Minority Health*, 6, 1290–1299.
- Paradkar, S. (2020, July 9). 'Why am I being treated this way?' Between the pandemic and city bylaws, massage parlour workers are struggling. *Toronto Star*. <https://www.thestar.com/opinion/star-columnists/2020/07/09/why-am-i-being-treated-this-way-between-the-pandemic-and-city-bylaws-massage-parlour-workers-are-struggling.html>
- Red Canary Song. (2021) *Rapid response to Atlanta shooting*. <https://www.redcanarysong.net/atlanta>
- Red Canary Song, Massage Parlor Outreach Project, Butterfly, in collaboration with Bowen Public Affairs & Brown University Center for the Study of Slavery and Justice Human Trafficking Research Cluster. (2022). *Un-licensed: Asian migrant massage licensure and the racialized policing of poverty*. <https://www.redcanarysong.net/resources>
- Ross, D. (2022). *The heart of Toronto: Corporate power, civic activism, and the remarking of downtown Yonge Street*. University of British Columbia Press.
- Shih, E. (2021a, March 26). How to protect massage workers. Policing and criminalization of sex work hurts massage workers, even when they aren't sex workers. *New York Times*. <https://www.nytimes.com/2021/03/26/opinion/politics/atlanta-shooting-massage-workers-protection.html>

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

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

van der Meulen, E. (2011). Action research with sex workers: Dismantling barriers and building bridges. *Action Research*, 9(4), 370–384.

Legislation

Toronto Municipal Code, 2022, Chapter 545, Licensing,
https://www.toronto.ca/legdocs/municode/1184_545.pdf

Chapter Three: How Laws Regulate Migrant Sex Workers in Canada: To Protect or to Harm?

Lam, E. (2022). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy / Revue Canadienne De Politique Sociale*, 82, 22-57. <https://crsp.journals.yorku.ca/index.php/crsp/article/view/40379>³

Abstract: Migrant sex workers in Canada are regulated and impacted by a web of laws and policies at the federal, provincial, and municipal levels. Following the threads identified by the everyday experiences (“work”) of the workers the last chapter, this chapter lays out how the laws and policies (“text”) that claim to protect migrant workers actually govern and harm their lives. Focusing on the experiences of migrants of Asian descent, I explore how ill-conceived anti-trafficking laws and enforcement, including sex work-related criminal law, immigration laws that target and prohibit sex work, provincial human trafficking laws, and municipal laws regulating body rub services, conflate sex work with trafficking and further endanger migrant sex workers.

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The law claims to protect our safety, but this is opposite. I supported and protected the safety of other sex workers by answered the call and screen the clients. They felt safer by having someone help them communicate with the clients. If something bad happens, I would kick away the bad clients. However, I was arrested and charged. I lost everything: I lost my home, my income and even my dog. My psychological and mental health is severely affected. Why am I being charged and punished when I helped other workers?

—Li, a Butterfly member

Introduction

Li's is not an isolated story. It is one of many I heard through my work as a community organizer and activist with Butterfly, an Asian and migrant sex workers' organization. In the past five years, more than 200 Asian migrant sex workers and massage parlour workers I have worked with in Canada have shared stories with me about being harassed, abused, racially profiled, charged, arrested, detained, imprisoned, or deported. Their stories blatantly contradict the rhetoric of protection that is used to justify a host of federal, provincial, and municipal laws and policies that regulate and police the lives of migrant sex workers.

On March 30, 2021, the Canadian Alliance for Sex Work Law Reform (CASWLR), which represents 25 sex workers' rights groups across Canada, launched a constitutional challenge to the Protection of Communities and Exploited Persons Act (PCEPA). These community advocates seek to strike down sex-work-related offences on the grounds that PCEPA laws "violate sex workers' constitutional rights to security, personal autonomy, life, liberty, free expression, free association, and equality" (CASWLR, 2021, para 1).

The Canadian government claims that PCEPA's end-demand model is designed to criminalize clients and third parties, protect sex workers, and prevent exploitation. Sex workers argue, however, that PCEPA criminalizes and harms them by increasing their isolation and the discrimination and stigma against them and also by preventing them from accessing health, social, and legal supports. Furthermore, it increases their vulnerability to being targeted by violence and exploitation since they are profiled and targeted by law enforcement and therefore forced to work in precarious situations (CASWLR, 2021, 2022).

In 2022, sex workers, human rights organizations, academics, and researchers attended the hearing of the House of Commons Standing Committee on Justice and Human Rights for its review of the PCEPA. They presented evidence that included lived experience testimony, community reports, and empirical research that demonstrated how the PCEPA, rather than reducing exploitation, has increased violence, discrimination, and harassment. These organizations and advocates recommended fully decriminalizing sex work through the repeal of criminal laws, like PCEPA, related to sex work. The decriminalization of sex work is recognized as an important step to ending the violence and stigma faced by sex workers so they can develop occupational health and safety mechanisms, access labour and human rights protection, improve their safety and, by doing so, improve their lives. Arguments for decriminalization are supported by a strong body of research that points to the importance of protecting and respecting the bodily autonomy and agency of sex workers.

Currently, migrant—particularly Asian—sex workers are caught in a web of carceral laws and facing endless criminality (Fudge et al., 2021). They are targeted not only by the Criminal Code, through acts like PCEPA, but by immigration laws, anti-trafficking laws, and municipal bylaws (Butterfly, 2022a; Fudge et al., 2021; Liew, 2020, 2022). In this article, I examine the ways federal (criminal, human trafficking, and immigration), provincial, and municipal laws, in concert with anti-trafficking policies, harm migrant sex workers in Canada. As part of this investigation, I also interrogate dominant narratives that conflate sex work with human trafficking and construct migrant (particularly Asian) sex workers as “victims” who need to be “rescued.” Despite increasingly well-documented accounts of the negative impacts of the laws, policies, and policing that regulate migrant sex workers (Butterfly, 2022; Canadian HIV/AIDS Legal Network, 2019; Fudge et al., 2021; Lam, 2018a, 2018b, 2019a, 2019b; Lam et al., 2021; McBride et al., 2019, 2020, 2022; Migrant Workers Alliance for Change, 2022), there is limited scholarly work that comprehensively reviews and analyzes these laws and policies.

I begin by providing a definition of terms and situating myself as an activist-scholar. I then offer a review of a selection of critical migration, race, and feminist theory scholarship that interrogates how the problem of human trafficking is constructed to shape laws and policies that target migrant sex workers. In addition to this theoretical scholarship, throughout this article I also foreground research by community and migrant sex worker organizations. Following this conceptual framework, I provide a brief history of the criminalization of migration as it intersects with sex work, with a focus on women

migrants of Asian descent in the Canadian context. I then examine the ongoing legacies of this history which are evident in contemporary laws and policies that operate at different levels of government (federal, provincial, and municipal) and that continue to criminalize migrant sex workers in Canada. In the sections that follow, I deconstruct how these laws and policies operate in concert with one another to produce harmful effects and entrap migrant sex workers in a “carceral web” (Fudge et al., 2021; Santini & Lam, 2017). I conclude with a critique of anti-trafficking discourse and emphasize the leadership and agency of migrant sex workers themselves in their efforts to decriminalize sex work, repeal immigration prohibitions on sex work and repressive municipal bylaws, access full immigration status, and immediately cease law enforcement raids and the violent invasions of their workplaces.

Defining Terms and Situating Myself Within an Academic Context

I use the term *migrant* to reflect a range of experiences of migration and statuses. Many migrant sex workers are temporary residents, including international students, refugee claimants, people under visa sponsorship, visitors, or people who have precarious or no immigration status, though many are permanent residents or even citizens. Their immigration status is often fluid and may change over time. Their experiences of living and working in Canada, and the rights they are afforded, are significantly affected by their immigration status. I use the terms *sex work* and *sex workers* to reflect my recognition and acknowledgement of sex work as legitimate work. These terms also encapsulate the demands for health, human, and labour rights in the sex industry. It is

important to note, however, that not all people who sell or exchange sexual or erotic services identify themselves as sex workers.

Migrant sex workers face intersecting oppressions such as classism, sexism, racism, xenophobia, transphobia, and whorephobia. Due to language barriers, discrimination, criminalization, and precarious immigration status, they face significant challenges in their work and lives, such as barriers to accessing social support and health services (Goldenberg et al., 2017; Malla et al., 2019). Because of social stigma, exclusion, and criminalization, migrant sex workers are being pushed into isolation and dangerous working and living conditions, forced to conceal themselves and their work and further exposing themselves to greater risks of violence (including violence from law enforcement) (Butterfly, 2022; Fudge et al., 2021; Malla et al., 2019; McBride et al., 2022; NSWP, 2018). Despite its many challenges, migration is a deliberate decision that many sex workers make (Agustín, 2006, 2007; Vanwesenbeeck, 2019). Migrant sex workers are resilient people who strongly resist systems of oppression and chase their dreams of a better life in spite of monumental challenges (Butterfly, 2016; Malla et al., 2019).

I come to this work as a grassroots activist who has worked with migrant and sex worker communities for over two decades. This article is part of my doctoral project, which seeks to explore how anti-trafficking investigations are organized to harm migrant sex workers, particularly those who are Asian. In the study, I identify how laws and policies regulate the everyday lives of migrant sex workers, and in the process, cause them harm. I also critique the carceral approach that has been adopted and promoted by

many anti-sex-work organizations and is often supported by social workers and other helping professionals, and by feminist, gender-based anti-violence and human rights organizations. My work illustrates how an anti-sex-work ideology is embedded in the laws and policies related to sex work and asserts that a carceral approach does not protect victims or end violence but actually causes harm.

My gratitude and my accountability are to those I have learned from in the migrant and sex worker communities over the years. Their contributions are deeply interwoven into my academic work and are as integral to this research as the critical migration, race, and feminist theories in which it is also grounded.

Sex Work and Migration in Critical Migration, Critical Race, and Critical Feminist Theory

My analysis of the law and policy related to sex work and migration are strongly influenced by intersectionality (Crenshaw, 1989, 1991; Collins, 1998) and critical theories (particular critical race theory, critical feminist theory, and critical migration studies) that not only examine the process of knowledge production but also uncover how power operates. There are increasing numbers of activists and scholars, particular from Black, Indigenous, migrant, and abolitionist justice movements who call for the abolition of prison, police, and borders. They argue that the carceral approach is being used to uphold and maintain state violence, nationalism, white supremacy, colonialism, imperialism, capitalism, xenophobia, racism, sexism, and classism, as well as to control migrants and racialized peoples, including their bodies and labour (Cole, 2020; Davis, 2011; 2024; Jones, 2022; Maynard, 2017; Walia, 2013, 2021; Wong, 2022).

The intersecting identities of migrant sex workers as women (or trans), racialized, migrants, poor, and sex workers are criminalized in almost all aspects of life. As migrant scholar-activist Harsha Walia said in a conference in 2022, migrant sex workers are teaching us about the “overlapping systems of criminalization, including the criminalization and regulation of sex work, the criminalization and parity of gender labour, and the criminalization and illegalization of migration” (Walia, 2022).

Critical scholars in Canada are conducting research on conceptualizations of sex work and the impact of regulation on sex work. Contemporary Canadian laws and policies related to sex work and migration have been shaped by discourses related to sex work, most notably, illegality and victim discourses. Sex work has been constructed as immoral and as a social evil, and sex workers as public nuisances, diseased, and trafficked victims. Van der Meulen and Durisin (2018) traced the history of the development of sex work policy in Canada and found that it has been shaped by moral and social purity movements, the white slavery panic, and concerns about public health, colonialism, and nationalism.

Studies concerning migration, labour, gender, trafficking, and sex work done by critical scholars such as Agustín (2007), Doezema (2001), Kempadoo (2005, 2012), Sanghera (2012), and Shih (2021) investigate how the moral panic that manifests against migrant sex workers is related to their intersecting racial, sexual, gender, migration, and class identities. Similarly, Uy (2011, p. 204) suggests that “race, class, and gender often play a large part in the construction of the ‘sympathetic’ or ‘perfect’ victim.” Weitzer

(2007, p. 447) shows how the moral crusade is institutionalized and “incorporated in government policy, legislation, and law enforcement practice.”

De Shalit, Roots, and van der Meulen (2021, p. 14) uncover how policy is driven by the “victim discourse” and how “politicians are entangled in trafficking knowledge that has potentially harmful effects for sex workers.” In her critique of the anti-trafficking campaign, Bernstein (2010, 2012) examines how “neoliberalism and the politics of sex and gender have intertwined” (p. 233) to produce carceral feminist advocacy movements, in particular anti-trafficking movements. Similarly, Kempadoo (2005, 2012, 2015) has been critical of the problematic discourse of human trafficking that has held sway for more than two decades, particularly as it relates to class, gender, racism, white supremacy, and colonialism (see also, Kempadoo & Shih, 2023).

In addition to interrogating conceptualizations of sex work and its criminalization, critical scholars also examine how certain migrant, racialized, and sexualized “bodies” are criminalized. Millar and O’Doherty (2020, p. 36) assert that anti-trafficking and anti-sex work laws “are being enforced and publicized along racialized, gendered, and sensationalistic lines in a context of over-surveilling some populations.” Maynard (2017) examines the history of the policing of Black people, including surveillance, criminalization, and punishment. She also looks at how the anti-trafficking crusades have targeted and failed sex workers, migrants, and Indigenous Peoples. Kaye (2017) suggests that anti-trafficking discourses of protection are settler-colonial discourses that rely on the colonality of racialized interventions and perpetuate marginalization, criminalization,

and gendered colonial violence against Indigenous women and two-spirited people in the sex industry.

In Luibhéid's (2002, 2008) work, sexuality is described as a means for the production (and reproduction) and maintenance of border regimes. The bordering process in particular rejects certain kinds of bodies, sexualities, and genders from entering the territory of a state. Kaye (2017, p. 157) critically examines how anti-trafficking work is a nation-building project that creates "national entitlements and the citizen-subject against migrant sex workers and gendered and racialized migratory movements, while simultaneously and discursively rendering Indigenous nations and communities as domestic dependents." Walia (2021, p. 2) argues that the border is "a key method of imperial state formation, hierarchical social ordering, labour control, and xenophobic nationalism." Thobani (2007) critiques the process of racialization as essential to the politics of nation formation with a particular focus on how specific migrants are seen as the "other" within the nation. Thobani's analysis provides a valuable framework for understanding how the Chinese, particularly sex workers, have been constructed as the other who endangers the whiteness and nationalism of Canada as far back as the 1900s. Sharma (2001) uncovers how certain people are constructed as foreigners and a "problem" for "Canadians," which results not only in physical exclusion but also ideological and material differentiation from Canadians. Her work also demonstrates how the moral panic of anti-trafficking campaigns constructs foreigners as both dangerous and as victims [of trafficking], serving to make migration illegal and "legitimize increasingly regressive state practices of immigration control" (Sharma, 2005, p. 89)—for example,

the immigration regulation prohibits migrants from working in any sex-work-related industry.

The scholars discussed in this section apply a critical race, labour, abolitionist, criminal justice, and transnational feminist analysis to challenge the conflation of sex work with trafficking and the production of a victim narrative for migrant sex workers. Taken together, their work demonstrates some of the ways the construction of the human trafficking problem functions as a mechanism of control over migrant sex workers' sexualities, migration, and economic advancement. To further contextualize the laws and policy explored in this article, it is important to talk about the intersecting criminalization of migration and sex work and to understand how whorephobia, racism, and xenophobia are embedded in these laws and policies, especially from a historical perspective.

The Historical Criminalization of Sex Work and Migration in Canada

In their tracing of the history of sex work, van der Meulen and Durisin (2018, p. 28) describe how “Canadian criminal laws and social values were greatly influenced by the moral and social purity movements” from 1860 to 1915. Sex work (then and now) is regulated by laws that concern the control of disease, moral issues, and nuisance. The 1865 Contagious Diseases Act imposed mandatory medical treatment on “prostitutes” who were accused of having a sexually transmitted infection and allowed for their detainment solely on the suspicion of having a “venereal disease” (Backhouse, 1984, 1985). Before 1867, women “could be submitted to vagrancy charges and detention merely for *being* prostitutes” (van der Meulen and Durisin, 2018, p. 28) according to An Act Respecting Vagrants, or the Vagrancy Act, which was used to “remove indigents and

undesirables from the streets” (Backhouse, 1984, p. 7). Introduced in 1892, the Criminal Code sought to eradicate sex workers and criminalize procurers, managers, and owners of brothels, but it was the women who sold sexual services who were perceived as “immoral” and disproportionally charged. The criminalization of sex work is a part of the colonial project, and this legacy continues today as anti-sex-work laws are still used to target Indigenous women (Hunt, 2015). In 2021, almost 50 percent of all federally incarcerated women were Indigenous, despite Indigenous people making up only about 3 percent of the population (Office of the Correctional Investigator, 2021).

During these earlier eras of legislated migration control, moral panic related to human trafficking and the sexual slavery of “Orientals” was used to justify both increased surveillance and a ban on the migration of Asian women into Canada. As suggested by critical migration scholars, the regulation of sex work is also used to control migration. Canadian immigration legislation has a long history of demonstrating bias against perceived moral, class, gender, and racial statuses. “Prostitutes” and “homosexuals” have historically been targeted because they were perceived as immoral and both groups have been explicitly barred from entering Canada. Similarly, the perceived immorality and sexual promiscuity of Chinese women and their involvement in the sex industry was used to justify the ban on Chinese women’s entry into Canada. Like the Page Act in the United States, the very first immigration ban enacted in Canadian legislation prohibited Chinese women associated with sex work from entering Canada. Section 9 of the Chinese Immigration Act of 1885 ordered that “no landing shall be granted to any Chinese woman who is known to be a prostitute” (para 9).

The Immigration Act of 1910 prohibited “women and girls coming to Canada for any immoral purpose” and prohibited sex workers from entering Canada. Concerns over human trafficking further increased the moral panic against migrants and sex workers. In the 1950s, the Immigration Act expanded the category of “immoral purpose” to include “prostitutes, homosexuals or persons living on the avails of prostitution or homosexuality, pimps or persons coming to Canada for these or any other immoral purposes” (Kelley & Trebilcock, 2010, p. 329).

While the Immigration Act of 1976 removed all explicit restrictions based on “morality” and racial prejudice, Canada still controls the mobility of migrant sex workers by imposing economic and social qualifications on them. Racist ideas from the 1885 Immigration Act, which tied racialized notions about Chinese women to involvement in “prostitution and slavery,” still strongly influences current laws and policies. Immigration policy continues to engender precarity and vulnerability among low-income Asian migrant workers. Despite their numbers, as a group, Asian and migrant sex workers in Canada are disempowered from socially and economically overcoming their systematized vulnerability and the challenges created by their immigration status and are harmed by the carceral web that claims to protect them.

The Criminalization of Migrant Sex Workers in Existing Laws and Policies

The historical criminalization of sex work, its perception and regulation as a crime, as immoral, a public nuisance, and a social problem (van der Meulen & Durisin, 2008) persists today in existing laws and policies. Scholars and advocates have argued that “the criminalization of sex workers, their clients and third parties is a key contributor

to violence experienced by sex workers, among other repercussions, including stigma and discrimination” (CASWLR, 2017, p. 7). Significant bodies of research provide supporting evidence that criminalizing sex work contributes to ongoing state and nonstate harm against sex workers. Trans and women of colour are particularly targeted, especially those who are Black and/or Indigenous (Bruckert, 2015; Bungay & Guta, 2018; Canadian HIV/AIDS Legal Network, 2019; CASWLR, 2018; PIVOT & CASWLR, 2016; Shaver et al., 2011, 2018), and this discrimination acts as a barrier for sex workers access to housing, health, and social services (Krüsi et al., 2014; Krüsi et al., 2016; Canadian HIV/AIDS Legal Network, 2019; Goldenberg et al., 2017; McBride et al., 2020). For example, during the COVID-19 pandemic, because the criminalization of sex work makes sex workers justifiably afraid of disclosing their immigration status, means of employment, and tax history, sex workers were effectively excluded from accessing government financial relief programs such as Employment Insurance and the Canada Emergency Response Benefit (Benoit, 2020). Flagging oneself to the Canadian government as a sex worker carries the risk of life-altering repercussions that extend to loss of child custody, employment, housing, health care, and benefits.

This carceral web includes laws at the federal, provincial, and municipal levels, as well as antitrafficking policies, which are used to produce the illegality of migrant sex workers in Canada. Anti-sex-work, anti-migrant, and racist sentiments are embedded in these laws and policies. The powerful, tangled carceral web these laws produce (including tougher border controls) can have a major impact on the everyday lives of all migrant sex workers, regardless of their immigration status. Sex workers, particularly

migrant sex workers, across Canada have reported that they are not able to effectively access state protection when they experience violence from nonstate actors and they are simultaneously subjected to social and racial profiling, harassment, surveillance, arrest, detention, imprisonment, and deportation by police and other law enforcement as a result of the criminalization of sex work.

In the next section, I look at *how* different levels of federal, provincial, and municipal laws and bylaws are specifically responsible for these harms against migrant sex workers and how that harm is embedded into the text of the laws and antitrafficking policies.

How Laws and Policies Harm Migrant Sex Workers

Government and law enforcement agencies at the federal, provincial, and municipal levels claim that greater investigation and policing powers aimed at identifying those who are vulnerable or at risk are necessary to protect victims of human trafficking who work in sex industries. Migrant sex workers tell a different story: “protective” investigations often turn into punitive, criminal, immigration, and bylaw investigations against those who, ostensibly, were meant to be protected. These investigations and the corresponding charges, convictions, and deportations negatively affect their lives, endanger their health and safety, increase stigma and isolation, exacerbate vulnerability to abuse and exploitation, and frequently violate their Charter rights (Butler Burke, 2018; CASWLR, 2019; Fudge et al., 2021; Lam, 2018a, 2019a, 2020a, 2020b; Lam & Lepp, 2019; Migrant Workers Alliance for Change, 2022).

As an activist supporting and advocating in sex worker movements, I have witnessed the harm caused by these laws and policies first-hand. I have seen the discordance between what these laws and policies *claim* to do and what they *actually* do, which is to provide the very tools necessary to oppress and marginalize migrant sex workers. As Graham (2017, p. 201) argues:

By framing sex work as an issue of crime, with sex workers being both the perpetrators of crime and the potential victims of exploitative crime, the state is able to legitimise its actions against sex workers, while ignoring the harm done to sex workers by the state.

The cumulative effect of this carceral web of laws and policies is to make sex workers, especially migrant sex workers, more vulnerable to violence and human rights violations (Butler Burke, 2021; Butterfly, 2021; Canadian HIV/AIDS Legal Network, 2019; Fudge et al., 2021; Lam, 2019a; Lam & Wong, 2020; Lepp, 2018). Sex workers in Canada report negative experiences and rights violations by law enforcement, including assault, intimidation, unwarranted searches, surveillance, theft, retaliation, and extortion. Many do not find law enforcement, particularly police, to be protective or helpful—rather, they perceive law enforcement agencies as threatening or as sources of harassment and violence (Benoit et al., 2017; Canadian HIV/AIDS Legal Network, 2019). In a research report by the Canadian HIV/AIDS Legal Network (2019, p. 57), sex workers were interviewed about their experiences with law enforcement and they describe:

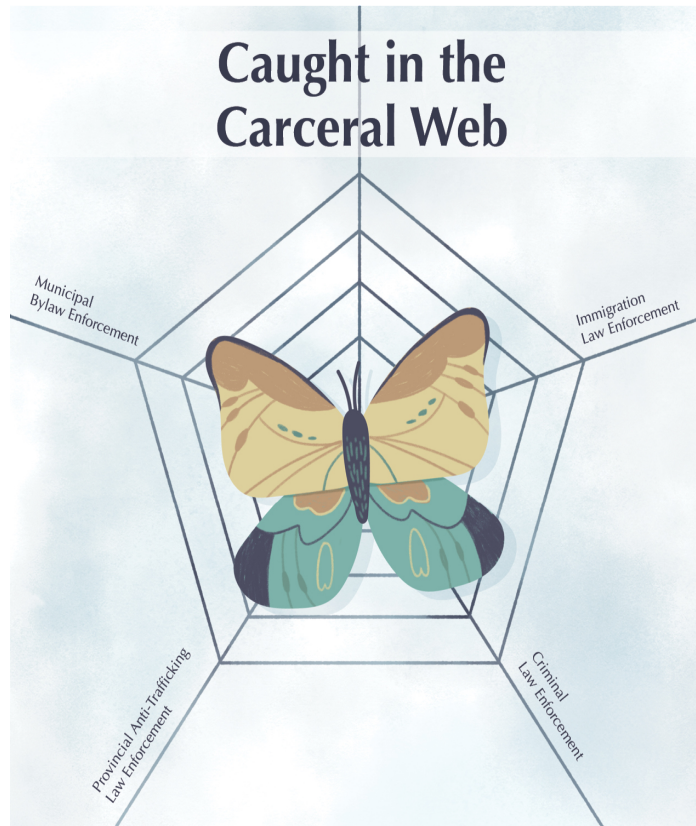
The harms of living and working in a pervasive context of criminality and the powers that criminal, immigration, human trafficking, municipal, child protection

and drug-related laws and policies confer on law enforcement to antagonize, monitor, detain, interrogate, investigate, arrest, charge and deport sex workers.

In the past few decades, Asian and migrant sex workers have been specifically targeted by laws and law enforcement at all (federal, provincial, and municipal) levels. The tangle of laws used against them at different times and in different cities is powerful in its result: skyrocketing numbers of workers are surveilled, arrested, detained, and deported. For example, Asian massage parlours in Toronto, Vancouver, Hamilton, and elsewhere were raided in the name of protecting trafficked victims. These raids often resulted in the harassment and abuse of sex workers; women reported being treated like criminals and some were detained and deported. Such raids continue across Canada.

In the following three sections, I will take a closer look at how specific federal, provincial, and municipal laws and bylaws harm migrant sex workers and how these laws work in concert with antitrafficking discourses and policies.

Figure 1



Note. This image, drawn from the report *Caught in the carceral web: Anti-Trafficking laws and policies and their impact on migrant sex workers*, illustrates the “endless web of criminality” and “the interrelated law enforcement regimes” of the carceral web (Fudge, et. al., 2021, p. 13).

Federal (Criminal, Human Trafficking, and Immigration) Laws

As noted earlier, efforts to decriminalize sex work in Canada currently focuses on resistance to PCEPA, which was introduced after the Supreme Court of Canada struck down *three* Criminal Code provisions related to sex work, including “communicating,”

“living on the avails,” and “bawdy house” offences (*Canada [AG] v. Bedford*, 2013). The 2013 court decision states that:

The prohibitions at issue do not merely impose conditions on how prostitutes operate. They go a critical step further, by imposing *dangerous* conditions on prostitution; they prevent people engaged in a risky—but legal—activity from taking steps to protect themselves from the risks. (para. 60)

The court struck down the provisions on the grounds that these prohibitions violated Section 7 of the Charter, which covers constitutional rights to life, liberty, and security of the person. However, as a result of lobbying efforts by antitrafficking, anti-sex-work, and Christian evangelical organizations, members of Prime Minister Stephen Harper’s Conservative government subsequently introduced Bill C-36, which eventually became PCEPA. PCEPA received royal assent in 2014 and used an “end-demand legal model” in which “the ending exploitation” and “the anti-human trafficking argument is a strong one to justify criminalization of sex work” (Durisin & van der Meulen, 2021).

Although the federal government claimed that the aim of PCEPA was to protect those who sell their own sexual services, sex workers’ rights organizations assert that it was enacted to eradicate the sex industry and “protect” the public from the sex industry through coercive state power. The preamble of PCEPA specifically states that the Government of Canada wants to “encourage those who engage in prostitution to report incidents of violence and to leave prostitution.”

Under PCEPA, sex work is defined as inherently harmful and is conflated with sexual exploitation. Sex workers (who are defined as victims) are criminalized, as are clients and third parties (e.g., bosses, managers, or operators). Supporters of the “end-demand” model promote the myth that those who sell sexual services are not the ones being criminalized. This is not true. Despite the act’s premise, that sex workers who sell and advertise their own services have immunity from prosecution, PCEPA effectively made prostitution illegal in Canada. Sex workers are harmed by PCEPA’s criminalization in many ways (Amnesty International, 2022; Bruckert, 2015)—for example, they can be evicted for being involved in criminal activities, and they can be charged when they work with other sex workers. Despite claims by the Canadian government and anti-sex-work lobby groups that the criminalization of sex work is meant to protect women (and related claims that the end-demand model does not criminalize sex workers), since 2014, the majority of people charged under PCEPA with procuring and receiving material benefits were women (Allen & Rotenberg, 2021). Many of PCEPA’s criminal offences criminalize sex workers, including purchasing or communicating for the purpose of purchasing sexual services (s. 286.1), communicating to provide sexual services (s. 213.1), receiving a material benefit (s. 286.2), procuring (s. 268.3), and advertising sexual services (s. 286.4). In effect, PCEPA further marginalizes sex workers and renders them more susceptible to harm:

As long as criminal law regulates sex workers’ lives and working conditions, sex workers will continue to try to avoid detection by law enforcement, live and work in precarious conditions, not seek help or report crimes against us, and will remain

surveilled, policed, and more vulnerable to targeted violence and exploitation.

(CASWLR, 2021, p. 1)

This federal level of criminalization affects sex workers in ways that can be clearly seen and heard in the experiences of sex workers themselves, specifically around their decreased access to cooperation and assistance from clients and third parties, which is particularly essential for migrant sex workers. PCEPA is a barrier to establishing vital working relationships and accessing protective support from clients, managers, receptionists, drivers, partners, and other sex workers. Third parties and clients are often essential supports for migrant sex workers because they can help them overcome language barriers, organize their work, implement safety measures, access resources and community support, and have greater control of their working environment. McBride et al. (2019) demonstrate that migrant sex workers more often rely on third parties than do Canadian-born sex workers. For example, migrant sex workers found that as a result of the prohibition on advertisement, websites that hosted their advertising were shut down, which increased their advertising costs and decreased their control over content. Furthermore, asking friends, family, and clients for help is punishable by law, which makes it difficult for migrant sex workers to find people to assist them in setting up and maintaining advertising. The prohibition on advertising also makes it increasingly difficult for migrant sex workers to find new employers and/or change their working conditions. Criminalization, in general, also reduces the ability of sex workers to prevent violence (e.g., by making it difficult to screen clients).

The law frames clients as abusers, but, in reality, clients are often crucial resources and part of the support system for migrant sex workers because they may help a migrant sex worker achieve a better working environment or increase their autonomy. In their February 2022 submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the PCEPA, the advocacy group Butterfly cited some of the ways that clients aid migrant sex workers:

Clients have also provided direct social, emotional, and financial support to sex workers. For example, Butterfly participants have reported that clients have assisted them with: advertising; renting spaces; managing documents; driving them to health appointments; referring them to other resources; navigating Canadian systems and policies; assisting them with travel arrangements to visit their home countries; and escaping violent situations and bad working conditions. (Butterfly, 2022a, p. 4)

Criminalization means that this type of help can incur the risk of criminal liability for the client and the worker and falls under conduct that may lead to significant criminal penalties. Some clients may also hesitate to provide support because they do not want to be visible and identified (Argento et al., 2019; Butterfly, 2022a; Sterling & van der Meulen, 2018).

Third parties such as landlords, receptionists, drivers, agents, managers, or employers are also important sources of support for migrant sex workers, particularly those with limited resources. Third parties might rent a workplace or accommodations,

purchase supplies or advertising, coordinate appointments with clients, offer transportation, and so on. Some migrant sex workers may not, or do not want to, run their own businesses and prefer to work with other people or access support from others. For example, “working at a managed establishment can benefit migrant workers with limited access to funds, since they can start working without paying overhead costs like rent and advertising fees” (Butterfly, 2022a, p. 5). Under the existing PCEPA laws, however, the support and collaboration of third parties, including among friends, family, and other community members (particularly Asians), is described as “human trafficking” and “organized crime.” The result is that the agency of migrant workers to access and build helping relationships is itself criminalized (Butterfly, 2022a; Lam, 2019; Migrant Workers Alliance for Change, 2022).

This is especially dangerous because the very real risk of also being criminalized on the basis of immigration status and racism blocks more formal channels for accessing state-run support. This increases the vulnerability of sex workers to perpetrators, who target sex workers because they know they fear surveillance, detection, and apprehension by law enforcement and that police are less likely to investigate crimes committed against sex workers (Argento et al., 2019; CASWLR, 2022; Santini & Lam, 2017). In this way, the criminalization of sex work not only increases racial profiling, policing, and unwanted police presence (in other words, violence by state actors), it also “forces sex workers to work in a criminalized context where [they] are isolated from supports, made vulnerable to exploitation, eviction and subpar working conditions, and targeted for violence” (CASWLR, 2021, para 9). CASWLR advocates for the full decriminalization

of sex work because the legal prohibitions of the Criminal Code in fact “violate sex workers’ constitutional rights to security, autonomy, life, liberty, free expression, free association and equality” (2021, para 1).

In June 2022, the parliamentary Standing Committee on Justice and Human Rights released a report on the review that urged

the Government of Canada [to] recognize that protecting the health and safety of those involved in sex work is made more difficult by the framework set by the *Protection of Communities and Exploited Persons Act* and acknowledge that, in fact, the Act causes serious harm to those engaged in sex work by making the work more dangerous. (p. 37)

It also recommends the repeal of the immigration prohibition of sex work found in 183(1)(b.1), 196.1(a), 200(3)(g.1), and 203(2)(a) of the Immigration and Refugee Protection Regulations, which increases the risk of violence and endangers the safety of the migrant sex workers. While CASWLR (2022) is pleased to see the recommendation to repeal some of the criminal sections, they are disappointed that the government fails to acknowledge the need to remove law enforcement from the lives of sex workers, that it did not recommend the repeal of the other PCEPA provisions, and that it did not take action to repeal the laws immediately. CASWLR also argues that rather than addressing the violence, increasing resources to police and creating more criminal laws will maintain the presence of law enforcement in the lives of sex workers.

Constitutional Challenges to PCEPA.

In 2020, the Ontario Court of Justice found that federal laws against procuring, materially benefiting from, and advertising sex work were in violation of a persons' Charter rights to "security of the person" (*R v. Anwar*, 2020). In that case, Hamad Anwar and Tiffany Harvey, owners of an escort agency in London, Ontario, were charged under s. 286.2(1) (receiving a material benefit), s. 286.3 (1) (procuring), and s. 286.4 (advertising sexual services). In March 2021, the Ontario Superior Court of Justice in another case (*R v. N.S.*, 2021) also determined that s. 286.2, s. 286.3(1), and s. 286.4 of the Criminal Code were unconstitutional. These provisions of the Criminal Code prevent sex workers from assisting other sex workers, which prohibits them from "taking steps for their safety and health as envisaged by the Supreme Court of Canada in *R. v. Bedford*" (*R. v N.S.*, 2021). Following these decisions, several other courts in Ontario have upheld these same provisions. In 2022, the Court of Appeal for Ontario reversed the findings of the application judge by ruling the related sections are constitutional. The sex worker community is very disappointed with the decision.

In 2021, the CASWLR, formed by 25 sex-worker-led groups across the country, along with six individual coapplicants (including five sex workers and one ex-owner of an escort agency), launched a new constitutional challenge to strike down the criminal prohibitions on sex work, including: communication in public to sell sexual services (s. 213); to obtain, or communicate to try to obtain, sexual services (s. 281.1(1)); materially benefiting (s. 286.2(1)); procuring (s. 286.3(1)); and advertising of sexual services (s. 286.4). This is the first constitutional challenge led by sex workers to challenge all the

major sex work offences. CASWLR's report (2022) states that sex workers are forced to go back to court because, despite the Liberal government's promise to repeal PCEPA in 2014, they have failed to do so. They argue that the PCEPA "violates the human rights to dignity, health, equity, security, autonomy, and safety of people who work in the sex industry, which includes the right to safe working conditions" and that the Charter rights of sex workers are violated, including the right to life, liberty, and security (Canadian Charter, 1982, s7), equality and nondiscrimination (Canadian Charter, 1982, s15), freedom of expression (Canadian Charter, 1982, s(2)(b)), and to freedom of association (Canadian Charter, 1982, s(2)(d)). Sex workers, academics, researchers, and human rights organizations provided a robust evidentiary record to the court in the constitutional challenge to demonstrate the harms of PCEPA.

The intervenors include organizations from a variety of different movements, including Amnesty International Canada, British Columbia Civil Liberties Association, Black Legal Action Centre, Canadian Association of Refugee Lawyers, Canadian Civil Liberties Association, Egale Canada, The Enchanté Network, Women's Legal Education and Action Fund (LEAF), Migrant Workers Alliance for Change, Ontario Coalition of Rape Crisis Centres, and the Sexual Health Coalition (HIV & AIDS Legal Clinic Ontario, Coalition des organismes communautaires québécois de lutte contre le sida [COCQ-SIDA], and Action Canada for Sexual Health and Rights). These organizations had provided factum and submitted their position on how the PCEPA is harmful to and violates the rights of sex workers, including migrant, Black, Indigenous, racialized, and trans sex workers. The Canadian Association of Refugee Lawyers and Migrant Workers

Alliance for Change also participated to show how noncitizen sex workers are harmed by the intersection of immigration laws, criminal laws, and municipal bylaws.

During the hearing, over 150 sex workers and supporters across these social movements rallied outside the Ontario Superior Court to show their support and call for the decriminalization of sex workers. However, police, faith-based groups, and anti-sex-work organizations used the discourse of human trafficking to call for a carceral approach and the further criminalization of sex workers. This constitutional challenge is ongoing but may take several years as it must go through the Court of Appeal for Ontario and the Supreme Court of Canada.

Human Trafficking Laws.

In addition to the criminal offences related to sex work, sections of the Criminal Code related to human trafficking are also used to criminalize people who work in the sex industry. Migrant sex workers are often identified by the federal government as one of the groups most at risk of human trafficking (Public Safety Canada, 2012). As Jeffrey (2005, p. 37) asserts:

The Canadian government has chosen to adopt the victimist view of migrant sex-work as trafficking; a view which underwrites a policy of stricter criminal and border controls that only makes migrant sex-workers' lives more, not less, difficult and most certainly precludes addressing the rights of sex-workers and migrants.

According to Kaye (2017, p. 11), “Existing anti-trafficking responses and the use of anti-trafficking discourses to shape policies . . . are of little interest to trafficked persons and harmful to sex workers, migrants and others.” Rather than protecting women, human trafficking laws exacerbate the vulnerability and marginalization of migrant sex workers and prevent them from accessing protection (Butterfly, 2021).

In 2000, Canada was one of the first countries to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and to adopt the antitrafficking framework of that convention. In 2005, new antitrafficking sections were also introduced into the Criminal Code. These additions criminalize anyone who “recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation” (s. 279.01(1)). These sections also criminalize anyone who receives a “financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence” (s. 279.02(1)) for the purpose of trafficking, as well as the “concealing, removing, withholding, and destroying any travel document that belongs to another person or any document that establishes or purports to establish another person’s identity or immigration status” (s. 279.03(1)). It is critical to note that despite these sections being directly related to sex work, only a very small number of people charged with these offences have been convicted (Millar & O’Doherty, 2020). Between 2018 and 2019, over 89 percent of human trafficking charges were stayed, withdrawn, dismissed, or discharged (Ibrahim, 2021).

Immigration Laws and Policies.

Immigration laws and policies are also used against migrant sex workers. Sharma (2005) examines how the moral panic surrounding trafficking legitimizes the state's repressive immigration control practices. Her work demonstrates how governments legitimize the practice of categorizing certain bodies, which leads to perceptions of them as threats to national security. Further, Sharma (2005, p. 96) argues that antitrafficking discourses are mobilized to label migrants, particularly migrant women involved in sex work, as trafficked victims, thus "portraying migration as the cause of exploitation," in effect making immigration illegal by imposing immigration restrictions. This policy, as Burke (2018) shows, has a particular impact on migrant trans women sex workers as they face an even greater risk of having to confront immigration and criminal law enforcement.

To illustrate how the Immigration and Refugee Protection Act (IRPA) in Canada harms migrant sex workers, I will examine several sections that affect migrant sex workers. Despite the criticism of the double punishment of criminal inadmissibility, Section 36 of IRPA states that anyone who does not have full citizenship may become inadmissible if charged and convicted under PCEPA (or other criminal) provisions, which means they will lose their immigration status and face an immigration order to leave Canada if they are convicted of an offence that is punishable by a maximum term of imprisonment of at least 10 years, regardless of the sentence imposed, or if they are sentenced to over six months imprisonment.

Furthermore, immigration officers have the power to refuse a foreign national legal authorization to work or study in Canada if the officers believe that that person is at risk of being a victim of exploitation or abuse. The stated aim of IRPA is to “protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, including sexual exploitation” (Section 30 [10]). This obscures the fact that control of migration facilitates the continued precarity, exploitation, and abuse of migrant workers by denying them full status upon arrival.

Lastly, in 2002, new antitrafficking laws were introduced under Section 118 that make it an offence to use abduction, fraud, deception, or the threat of force or coercion to bring (including recruiting, transporting, receiving, or harbouring) people into Canada (Daley, 2017). A violation of Section 118 is punishable by life imprisonment and/or a fine not exceeding \$1 million. Fudge et al. (2021) argue that this provision is used to racially profile migrant women.

Other sections of IRPA are aimed at prohibiting migrants from working in the sex industry. In 2012, the federal government introduced new measures into the *National Action Plan to Combat Human Trafficking* to prohibit anyone working in the sex trade from accessing the Temporary Foreign Workers Program (Public Safety Canada, 2012). Current immigration laws also prohibit any migrant from working in sex work or any related industry, even if they otherwise have an open work permit and legal authorization to work in Canada. Sections 183(1)(b.1) and 196.1(a) prohibit all temporary residents from “entering into an employment agreement, or extending the term of an employment agreement, with an employer who, on a regular basis, offers striptease, erotic dance,

escort services or erotic massages.” In 2022, the Standing Committee on Justice and Human Rights recommended the repeal of this regulation.

Despite IRPA’s stated aim of protecting trafficking victims, those who are self-employed in sex-work-related industries are also prohibited from working under Sections 200(3) (g1) and s200 (2)(a). In this way, migrant sex workers risk having their work permits and temporary immigration status revoked and risk deportation if they are caught working in any sex-work-related industry, including otherwise legally regulated businesses such as strip clubs and massage or body rub parlours.

An added layer of risk to migrant sex workers is that they often become inadmissible as immigrants or refugees merely by providing false or inconsistent information to Immigration, Refugee and Citizenship Canada (IRCC) or to the Canada Border Services Agency (CBSA). Recognizing the prohibition of, criminalization of, and discrimination against sex work, migrant sex workers often choose not to disclose their engagement in sexual services, which can be considered immigration fraud or misrepresentation and carries its own very real risk of immigration detention and deportation.

Provincial Laws

Each province has strategies and legislation that claim their purpose is to protect trafficked victims and address the issue of human trafficking. Extensive lobbying by anti-sex-work organizations has increased the conflation of human trafficking with sex work, which in turn has led to an increase in the policing of migrant sex workers, with the

overarching goal of forcing workers to exit sex work. Ontario is being described as a hub of human trafficking (Leslie, 2015), which justifies the call for increases in funding and enforcement and the introduction of antitrafficking policy to end human trafficking. The Ontario government has also recently introduced various antitrafficking acts that have extensively increased the power of law enforcement, which I will explore here.

In 2016, the Ontario government released its first provincial *Strategy to End Human Trafficking*, allocating \$72 million to social services organizations across the province to develop programs targeting human trafficking. De Shalit et al. (2021) interviewed 22 service providers who received funding from the Ontario government for antitrafficking programming. They conclude:

These organizations largely pathologize sex work and sex workers, rendering purported victims both agency-less and responsible. Those who access services must demonstrate a desire to remedy their exploitation and abuse by distancing themselves from sex work and/or drug use, as well as heal from the conditions that purportedly make them vulnerable to becoming involved in sex work in the first place, such as a history of drug use/dependence, trauma and low self-esteem. Simultaneously, they must accept the victim label and surrender to state-guided rescue. (2021, p. 12)

Although the focus of provincial anti-human trafficking policies is often on youth sex workers, adult sex workers (particularly Asian and migrant workers) are also negatively affected (Durisin & van der Meulen, 2021).

After the introduction of the Anti-Human Trafficking Act in 2017, which allowed victims to apply for restraining orders against their traffickers, the Ontario government announced the allocation of \$307 million towards combating human trafficking in 2020. They also passed the Combating Human Trafficking Act, or Bill 251, in June 2021. Raids on Asian sex workers are used to justify this repressive act. Although the Ontario government claims that the purpose of this act is to detect traffickers and protect trafficked victims, in actuality it expands the powers of police and law enforcement. For example, the act gives power to provincial inspectors to enter (without a warrant or notice) any workplace. Inspectors are also given the power to examine, demand, remove, or copy anything that “is or may be relevant to the inspection” and to “question a person on any matter that is or may be relevant to the inspection.” Fines of \$50,000 to \$100,000 can be imposed on individuals or corporations for noncompliance (Combating Human Trafficking Act, 2021). Justice for Children and Youth (2021, p. 1) also has “serious concerns regarding the expanded apprehension and detention power, its impact on children’s rights to liberty and equality, and its efficacy as a measure to assist victims of exploitation and trafficking.”

Advocates across movements for sex worker and migrant rights and racial justice, including Durham Community Legal Clinic, Justice for Children and Youth, the Black Legal Action Centre, and No Pride in Policing Coalition, among others, express their concerns about the dangers of Bill 251. Many human rights organizations have also expressed their concern. The Black Legal Action Centre and No Pride in Policing Coalition have described how the law will consequently increase surveillance,

discrimination, and violence against marginalized people and perpetuate anti-Black and anti-Asian racism. Dangers include heightened racism; the expansion of unchecked police and law enforcement power; and pushing precarious, vulnerable, and marginalized sex workers further underground and away from supports and services (Butterfly & HIV Legal Network, 2021). Advocates argue that “this legislation will further compound the conflation of human trafficking with sex work, and sex workers—particularly Black, Indigenous, Asian and otherwise racialized and migrant sex workers” (HIV Legal Network & Butterfly, 2021). Unfortunately, despite the strong opposition from experts, including health and legal advocates, the bill passed unanimously. The passing of Bill 251 will increase the harm inherent in antitrafficking enforcement, exemplified by “raid-and-rescue” operations such as Operation Northern Spotlight, Project Orphan, Project Orchid, and Project Crediton, which were carried out by the RCMP, Ontario Provincial Police (OPP), bylaw enforcement officers, CBSA, and other police forces.

Municipal Laws and Bylaws

Migrant sex workers often work at venues in which clients come to their workplace. These are called “in-call” venues and include strip clubs, massage parlours, body rub parlours, apartments, and condominiums. Municipalities use bylaws and licensing regulations to target sex-work-related businesses by imposing special limits on them (Auger, 2014; Chuen, 2021; Goldenberg et al., 2017; Lam et al., 2021; Malla et al., 2019; Montgomery, 2021; Shih, 2021; van der Meulen & Durisin, 2008; van der Meulen & Valverde, 2013). At the municipal level, bylaws and municipal policies that regulate “holistic centres,” body rub parlours, and other workspaces are often draconian and

punitive in practice and are deployed for the purpose of making sex work difficult for all involved (Lam & Wong, 2020).

Under the guise of antitrafficking initiatives, a repressive and punitive approach that uses restrictive bylaws (e.g., zoning and licensing requirements), excessive inspections, and prosecutions leads to increases in raids carried out by police, bylaw officers, and CBSA (Canadian HIV/AIDS Legal Network, 2019; Lam, 2016, 2018a, 2019b; Lam et al., 2021; Montgomery, 2021). Migrant sex workers, particularly Asian workers in massage parlours, are increasingly the targets of these raids and inspections, which heightens their vulnerability to violence and leads to loss of income (Anderson et al., 2015; Bungay et al., 2012; Chuen, 2021; Ivy et al., 2021; Lam et al., 2021; Lam & Wong, 2020; Shih, 2021).

Municipal bylaws have become the battleground for anti-sex-work organizations to embed moral panic into law and to criminalize and discriminate against sex workers through the control, regulation, and shutting down of sex workers' workplaces, which may or may not offer massage, sexual, or erotic services. The uncritical responsiveness of municipalities to the influence of anti-sex-work lobbying has gone largely unchecked, with challenges to the implementation and enforcement of these bylaws coming mostly from sex worker organizations themselves.

For example, three months after the 2021 Atlanta shooting of eight sex workers, six of whom were Asian women, the town council in Newmarket, Ontario, passed a Personal Wellness Establishments bylaw to drive sex workers out of town. This repressive new bylaw dismissed the experiences and skills of the Asian workers, and

excluded (by design) poor, non-English speaking and Asian workers in a concerted attempt to stifle their ability to work and to shut down their businesses (Chuen, 2021; Mortfield, 2021). Three months after the launch of the new bylaw's business application process, not a single Asian-run business applicant had succeeded in meeting the bylaw's requirements. Unable to obtain licenses, some of these businesses were shut down and received heavy fines (Butterfly, 2022c).

Bylaws, such as the one in Newmarket, also provide a foundation for increased police presence and, correspondingly, increase the number of charges brought against migrant sex workers. Bylaws and bylaw enforcement are often oppressive, heighten workers' vulnerability, and put them in danger (Lam & Wong, 2020). For example, bylaws in Toronto forbid workers at massage and body rub parlours from locking their doors while waiting for a client, even though these workplaces are often located in low-traffic, isolated industrial areas due to anti-sex-work zoning requirements. Bylaws also often prohibit sexual services and sexual contact, dictate restrictive hours of operation, and mandate what clothing (including undergarments) workers are allowed to wear. These draconian and invasive measures are some of the most egregious examples of harm against sex workers and it is difficult to imagine how they can, in any way, be viewed as "protective." Although municipal bylaw officers have the power to enter and investigate licensed venues, raids are often carried out as joint operations with the police and CBSA. Joint enforcement strategies integrate different levels of laws (federal, provincial, municipal) and policing to act against everyone involved in the sex work or massage industries. In one fell swoop, joint enforcement actions can lay criminal charges, impose

infraction charges of bylaws, shut down the business, and deport migrants. Similar repressive bylaws, policing strategies, and attempts to shut down Asian migrant massage parlours are taking place in cities such as Hamilton, Markham, and Newmarket (Butterfly, 2021).

In 2019, the City of Toronto proposed eliminating the holistic license itself, which is held by more than 2,000 workers, most of whom are Asian immigrants. In response, more than 300 workers and allies advocated for the rights of these workers at City Hall in Toronto. The review of bylaws regulating holistic centres and body rub parlours has been delayed because of the pandemic (Butterfly, 2020), but at the time of this writing, these 2,000 workers are still at risk of losing their licenses and their jobs.

The influence over, and targeted use of, the secular municipal process and bylaw services, which are intended to serve a diverse public in one of the most multicultural regions in the world, would likely concern the public if it were more widely known. The deliberate creation of a bylaw enforcement regime so repressive that it has forced punitive measures and closures on an entire class of racialized businesses and workers, on the basis of racialized moral panic, should invite robust questioning from those who the process is intended to serve.

Antitrafficking Policies.

Westerners often categorize sex workers from the Global South as trafficked victims or sex slaves. This construction of trafficked victims is mainly focused on racialized and migrant (cis) women sex workers (Doezema, 2001; Kempadoo 2012). In 2010, the RCMP report entitled *Human Trafficking in Canada: A Threat Assessment*

described Asian and Eastern European women involved in the sex industry as “linked to organized criminal activities,” “organized crime,” or “prostitution rings” (p. 1). The *National Plan to Combat Human Trafficking* states that “non-Canadian victims are often brought to Canada from countries in Asia” (Public Safety Canada, 2012, p. 6). Since the law and law enforcement conflates sex work with human trafficking, and migrant sex workers with trafficking victims, these laws are then used broadly against migrant sex workers.

Antitrafficking policies are thinly veiled examples of anti-Asian racism, sexism, and classism (Butterfly, 2021). These policies frequently target Asian massage parlours, which are conflated with human trafficking rings. Often deemed inoperable, illicit, or unprofessional, these establishments are forced to shut down. The specific targeting of Asian massage parlour workers is shamelessly obvious in the naming of operations like Hamilton’s 2019 Project Orchid (Hamilton Police Services, 2019).

All levels of government in Canada have formulated and implemented national antitrafficking plans and policies. At the national level, Public Safety Canada (2010, 2012) states that the aim of the government is to prevent trafficking from occurring, protect victims of trafficking, bring its perpetrators to justice, and build partnerships domestically and internationally. However, according to Santini and Lam (2017, p. 11):

Aggressive anti-trafficking initiatives have resulted in increased operations and raids of sex workers’ workplaces . . . workers may be charged with a trafficking offence, even in the absence of exploitation, if they work with, receive material benefits from, or assist other sex workers to enter or work in Canada.

Aggressive antitrafficking initiatives have resulted in increased surveillance and raids of migrant sex workers' workplaces. Government officials, law enforcement, and antitrafficking organization claim that antitrafficking investigations are intended to rescue the victims and target the traffickers. However, antitrafficking laws often turn into criminal and immigration investigations against migrant sex workers (Hempstead, 2015), which frequently results in raids, racial profiling, shutting down of businesses, abuse of workers, detention, and seizure of property, as well as the arrest, imprisonment, and deportation of migrant sex workers. For example:

Project Crediton, which was carried out by the OPP anti-human trafficking team in 2020, did not result in a single human trafficking charge, but did lead to multiple sex work charges being laid, illustrating how human trafficking initiatives have been conflated with sex work and justifying the escalation of law enforcement intrusions in sex workers' workplaces. (Chu, 2021, p. 753)

For migrant sex workers, federal laws serve to criminalize their support networks, which are framed as organized crime rings. In the Project Crediton investigation, Asian people were charged and imprisoned for organizing or participating in organized crime, despite none of the workers having complained about being exploited or trafficked.

Women who were identified as “trafficked victims” as part of a Canada-wide prostitution ring raid were deported (Lam, 2018a) or were identified as criminal and imprisoned. Migrant sex workers, particular non-English speaking Asian workers, are

often perceived as trafficked victims to justify criminalization, repressive laws, and enforcement under the guises of protection and rescue. As Kaye (2017, p. 9) suggests, antitrafficking representation reproduces cycles of dehumanization and objectification by “representing people as ‘unable to speak for themselves and waiting to be saved.’ Such dehumanization reinforces stigma and criminalization.” In one study, in which 18 Asian and migrant sex workers were interviewed, they reported harms caused by antitrafficking enforcement (Lam, 2018a) and described how the scale of surveillance, investigation, arrests, and incarceration have increased alongside their increased concerns with and funding of anti-human trafficking.

Conclusion

Over 100 years have passed since the moral panic over human trafficking and the sexual slavery of “Orientals” was used to justify the surveillance of Asian women, particularly sex workers, and block their migration. Today, racist assumptions about Asian women’s involvement in “prostitution and slavery” are actively promoted by antitrafficking organizations to justify the targeting and oppression of Asian women, especially sex workers. This anti-sex-work discourse is rooted in white saviourism and victim discourse that claims Asian migrant sex workers are vulnerable, passive, ignorant, and trafficked victims. This victim discourse is used to justify increased racial profiling, surveillance, policing, and harmful raids framed as helpful “rescues,” the majority of which uncover no evidence of coercion, exploitation, or human trafficking. The carceral web of sex-work-related federal, provincial, and municipal laws and bylaws are instead used to charge sex workers and the people who work with them during those

investigations (CASWLR, 2018; Toronto Network Against Trafficking in Women, 2000) and ends with Asian and migrant sex workers being subjected to harassment, surveillance, charges, fines, arrests, detainment, deportation, and imprisonment. The carceral web is so powerful because different laws are often implemented together to punish migrant sex workers for their immigration status or for the work they do.

Sex workers themselves are clear: evicting them from their working and living spaces, depriving them of income and livelihood, and enacting laws and policies that punish them pushes them underground and exposes them to police brutality and to other aggressors as well as to physical and sexual violence, exploitation, and murder. Like all workers, they do not want to be devalued as community members and skilled workers. Sex workers' voices must be heard above all others, beyond the discourses of illegality and victimization, which work hand in hand to render migrant sex workers more susceptible to harm, vulnerability, and marginalization. The conflation of sex work with human trafficking and the aggressive enforcement of anti-sex-work/antitrafficking laws must end. It causes significant harm to sex workers, including obstructing their ability to access both informal and formal social services and supports.

As proposed by migrant sex workers and advocates, they must lead the way when it comes to decision-making related to taking action or finding solutions. This is the path to justice and to improving the health, safety, and dignity of migrant sex workers. It is important to recognize migrant sex work as work, eliminate the discrimination that separates migrant sex workers from other workers, remove the label of “trafficked victim,” and respect their agency.

Migrant sex workers are fighting for the decriminalization of sex work (including all aspects of sex work) and the repeal of immigration laws prohibiting sex work, access to full immigration status, the repeal of repressive municipal bylaws, the immediate cessation of law enforcement raids and intrusions into workplaces, as well as full labour and human rights. Listening to these calls, and amplifying them, will reduce migrant sex workers' vulnerability, prevent exploitation, and support them in resisting violence and oppression (Butterfly, 2021).

References

- An Act respecting Vagrants, 1869, c. 28.
- Agustín, L. (2006). The disappearing of a migration category: Migrants who sell sex. *Journal of Ethnic and Migration Studies*, 32(1), 29–47.
<https://doi.org/10.1080/13691830500335325>
- Agustín, L. (2007). Working to travel, travelling to work. In *Sex at the margins: Migration, labour markets, and the rescue industry* (pp.10–52). Zed Books.
<https://doi.org/10.5040/9781350222496>
- Allen, M., & Rotenberg, C. (2021, June 21). Crimes related to the sex trade: Before and after legislative changes in Canada. *Statistics Canada*.
<https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00010-eng.htm>
- Amnesty International. (2022, February 25). Submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act.
<https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11643817/br-external/AmnestyInternational-e.pdf>
- Anderson, S., Jia, J. X., Liu, V., Chatter, J., Krüsi, A., Allan, S., & Shannon, K. (2015). Violence prevention and municipal licensing of indoor sex work venues in the Greater Vancouver Area: Narratives of migrant sex workers, managers, and business owners. *Culture, Health & Sexuality*, 17(7), 825–841.
<https://dx.doi.org/10.14288/1.0315336>
- Argento, E., Goldenberg, S., Braschel, M., Machat, S., Strathdee, S. A., & Shannon, K. (2020). The impact of end-demand legislation on sex workers' access to health and sex worker-led services: A community-based prospective cohort study in Canada. *PloS ONE*, 15(4). 5(4):e0225783.
<https://doi.org/10.1371/journal.pone.0225783>
- Auger, C. (2014). Criminalized and licensed: Local politics, the regulation of sex work, and the construction of “ugly bodies.” In Carisa R. Showden & Samantha Majic (Eds.), *Negotiating sex work* (pp. 99–120). University of Minnesota Press.
<https://doi.org/10.5749/minnesota/9780816689583.003.0005>
- Backhouse, C. (1984). Canadian Prostitution Law 1839–1972. In Canadian Advisory Council on the Status of Women (Ed.), *Prostitution in Canada* (pp. 7–18). The Council. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280480
- Backhouse, C. (1985). Nineteenth-century Canadian prostitution law: Reflection of a discriminatory society. *Social History/Histoire Sociale*, 18(36), 387–423.
<https://hssh.journals.yorku.ca/index.php/hssh/article/view/37618>
- Benoit, C., Jansson, M., Smith, M., & Flagg, J. (2017). “Well, it should be changed for one, because it’s our bodies”: Sex workers’ views on Canada’s punitive approach

- towards sex work. *Social Sciences*, 6(2), 52.
<https://doi.org/10.3390/socsci6020052>
- Benoit, C. (2020, October 16). COVID-19 benefits exclude sex workers in Canada. *Policy Options*. <https://policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/>
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs*, 35(1), 45–71. <https://doi.org/10.1086/652918>
- Bernstein, E. (2012). Carceral politics as gender justice? The “traffic in women” and neoliberal circuits of crime, sex, and rights. *Theory and Society*, 41(3), 233–259. <https://doi.org/10.1007/s11186-012-9165-9>
- Bill C-36, *An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v Bedford and to make consequential amendments to other Acts*. (2015). 41st Parliament, 2nd session. <https://www.parl.ca/LegisInfo/en/bill/41-2/C-36?view=details>
- Bill 251, *Combating Human Trafficking Act*. (2021). 1st Reading Feb. 22, 2021, 42nd Parliament, 1st session. <https://www.ola.org/en/legislative-business/bills/parliament42/session-1/bill-251/debates>
- Bruckert, C. (2015). Protection of Communities and Exploited Persons Act: Misogynistic law making in action. *Canadian Journal of Law & Society*, 30(1), 1–3. <https://doi.org/10.1017/cls.2015.2>
- Bungay, V., Halpin, M., Halpin, P. F., Johnston, C., & Patrick, D. M. (2012). Violence in the massage parlour industry: Experiences of Canadian-born and immigrant women. *Health Care for Women International*, 33(3), 262–284. <https://doi.org/10.1080/07399332.2011.603868>
- Bungay, V. & Guta, A. (2018). Strategies and challenges in preventing violence against Canadian indoor sex workers. *American Journal of Public Health*, 108(3), 393–398. <https://doi.org/10.2105/AJPH.2017.304241>
- Bulter Burke, N. B. (2018). Double punishment: Immigration penalty and migrant trans women who sell sex. In E. M. Durisin, Emily van der Meulen, & C. Bruckert (Eds.), *Red light labour: Sex work. Regulation, agency, and resistance* (pp. 203–212). University of British Columbia Press.
- Butterfly. (2016). *Journey of Butterflies*. <https://www.butterflysw.org/legal-information-for-services-prov>
- Butterfly. (2020). *Safety for all/respect for all: Protecting the safety of workers in holistic centres and body rub parlours by allowing them to lock their doors*. https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_50b08bb810734d928a0ead40faf0dca1.pdf

- Butterfly. (2021a, March 28). *Stop racism against Asian migrant massage workers and sex workers*. Toronto Solidarity Rally Against Anti-Asian Racism. <https://ccncsj.ca/wp-content/uploads/2021/03/Statement-of-Unity-Solidarity-Rally-Against-Anti-Asian-Racism-March-28-2021.pdf>
- Butterfly. (2021b). *Call to action: Stop racist attacks from harmful anti-trafficking organizations against Asian massage parlours and sex workers*. <https://www.butterflysw.org/stop-racist-attacks>
- Butterfly. (2021c). *Declaration of Support: Justice for migrant sex workers*. <https://www.butterflysw.org/8callsforjustice>
- Butterfly. (2022a, February 21). *A Submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act*. <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11707078/br-external/ButterflyAsianAndMigrantSexWorkersSupportNetwork-e.pdf>
- Butterfly. (2022b). *Open letter to town of Newmarket: End racism against massage business and workers*. <https://www.butterflysw.org/newmarket-end-racism>
- Butterfly & HIV Legal Network. (2021, April 8). *Joint submission on Bill 25, Combating Human Trafficking Act*. <https://www.hivlegalnetwork.ca/site/joint-submission-on-bill-251-combating-human-trafficking-act-2021/?lang=en>
- Canada (Attorney General) v. Bedford, 2013 SCC 72, [2013] 3 S.C.R. 110.
- Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), c 11.
- Canadian Alliance for Sex Work Law Reform (CASWLR). (2017). *Safety, dignity, equality: Recommendations for sex work law reform in Canada*. <http://sexworklawreform.com/wp-content/uploads/2017/05/CASWLR-Final-Report-1.6MB.pdf>
- CASWLR. (2018). *Brief to Standing Committee on Justice and Human Rights on Trafficking*. <https://sexworklawreform.com/brief-to-the-standing-committee-on-justice-and-human-rights-on-human-trafficking-submitted-june-15-2018-by-the-canadian-alliance-for-sex-work-law-reform/>
- CASWLR. (2019). *Moving backward in the fight against human trafficking in Canada*. <http://sexworklawreform.com/wp-content/uploads/2019/02/CASWLR-Human-Trafficking-Response.pdf>
- CASWLR. (2021, March 30). *Sex worker human rights groups launch constitutional challenge*. <http://sexworklawreform.com/sex-worker-human-rights-groups-launch-constitutional-challenge/>
- CASWLR. (2022, February 21). *A submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act*.

- <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11599985/br-external/CanadianAllianceForSexWorkLawReform-e.pdf>
- Canadian HIV/AIDS Legal Network. (2019, March 27). *The perils of “protection”: Sex workers’ experiences of law enforcement in Ontario*.
<http://www.aidslaw.ca/site/the-perils-of-protection/?lang=en>
- Canadian Press. (2015, April 2). RCMP bust Canada-wide human-smuggling, prostitution ring. *CTV*. <https://atlantic.ctvnews.ca/rcmp-bust-canada-wide-human-smuggling-prostitution-ring-1.2308923>
- Carby, H. (1982). White woman listen! Black feminism and the boundaries of sisterhood. In Centre for Contemporary Culture Studies (Ed.), *The empire strikes back: Race and racism in the 70s Britain* (pp. 212–235). Hutchinson & Co.
<https://doi.org/10.4324/9780203639948>
- Chu, S. K. H. (2021, May 12). *Official Report of Debates on Combating Human Trafficking Act*. 42nd Parliament, 1st Session. https://www.ola.org/en/legislative-business/committees/justice--policy/parliament-42/transcripts/committee-transcript-2021-may-12#P549_12762
- Chuen, L. (2021, June 14). Newmarket wants to legislate body rub parlours out of existence: Proposed amendment will strip Asian massage workers of their livelihoods. *ricochet*. <https://ricochet.media/en/3692/newmarket-wants-to-legislate-body-rub-parlours-out-of-existence>
- Cole, D. (2020). *The skin we're in: A year of black resistance and power*. Doubleday Canada.
- Collins, P. H. (1998). Intersections of race, class, gender, and nation: Some implications for Black family studies. *Journal of Comparative Family Studies*, 29(1), 27–36.
<https://doi.org/10.3138/jcfs.29.1.27>
- Crenshaw, K. W. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 140, 139–167.
<https://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>
- Crenshaw, K. W. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299.
<https://doi.org/10.2307/1229039>
- Criminal Code, R.S.C., 1985, c. C–46.
- Daley, R. (2017). *Canada’s relationship with women migrant sex workers: Producing “vulnerable migrant workers” through “protecting workers from abuse and exploitation.”* [Master’s thesis, Wilfrid Laurier University]. Comprehensive
<https://scholars.wlu.ca/cgi/viewcontent.cgi?article=3045&context=etd>

- Davis, A. Y., Dent, G., Meiners, E. R., & Richie, B. E. (2022). *Abolition. Feminism. Now.* Haymarket Books.
- De Shalit, A., Roots, K., & van der Meulen, E. (2021). Knowledge mobilization by provincial politicians: The united front against trafficking in Ontario, Canada. *Journal of Human Trafficking*, 9(4), 568–586. <https://doi.org/10.1080/23322705.2021.1934370>
- De Shalit, A., van der Meulen, E., & Guta, A. (2021). Social service responses to human trafficking: The making of a public health problem. *Culture, Health & Sexuality*, 23(12), 1717–1732. <https://doi.org/10.1080/13691058.2020.1802670>
- Doezema, J. (2001). Ouch! Western feminists “wounded attachment” to the “third world prostitute.” *Feminist Review*, 67(1), 16–38. <https://doi.org/10.1080/01417780150514484>
- Durisin, E. M., van der Meulen, E., & Bruckert, C. (2018). Contextualizing sex work: Challenging discourses and confronting narratives. In *Red light labour: Sex work regulation, agency, and resistance* (pp. 3–24). University of British Columbia Press. https://www.ubcpres.ca/asset/27559/1/9780774838252_excerpt.pdf
- Durisin, E. M., & van der Meulen, E. (2021). Sexualized nationalism and federal human trafficking consultations: Shifting discourses on sex trafficking in Canada. *Journal of Human Trafficking*, 7(4) 454–475. <https://doi.org/10.1080/23322705.2020.1743604>
- Fudge, J., Lam, E., Chu, S. K. H., & Wong, V. (2021). *Caught in carceral web: Anti-trafficking laws and policies and their impacts on migrant sex workers.* Butterfly. <https://www.butterflysw.org/publication>
- Global Network of Sex Workers Project (NSWP). (2018). *Briefing paper: Migrant Sex Workers.* https://www.nswp.org/sites/nswp.org/files/briefing_paper_migrant_sex_workers_nswp_-_2017.pdf
- Goldenberg, S. M., Krusi, A., Zhang, E., Chettiar, J., & Shannon, K. (2017). Structural determinants of health among im/migrants in the indoor sex industry: Experiences of workers and managers/owners in Metropolitan Vancouver. *Plos ONE* 12(1), e0170642. <https://doi.org/10.1371/journal.pone.0170642>
- Graham, L. (2017). Governing sex work through crime: Creating the context for violence and exploitation. *The Journal of Criminal Law*, 81(3), 201–216. <https://doi.org/10.1177/0022018317702802>
- Hamilton Police Services. (2019). *Project Orchid takes aim at illegal massage parlours.* [Press release]. <https://hamiltonpolice.on.ca/news/project-orchid-takes-aim-at-illegal-massage-parlours/>

- Hempstead, D. (2015, May 11). 11 Massage workers face deportation. *Ottawa Sun*.
<https://ottawasun.com/2015/05/11/11-massage-workers-deported/wcm/ceca5400-2c0f-431c-97a5-1326efc8e0a7>
- HIV Legal Network & Butterfly. (2021, June 2). *Passing of Bill 251 in Ontario will not end human trafficking, will trample on human rights*.
<https://www.hivlegalnetwork.ca/site/statement-passing-of-bill-251-in-ontario-will-not-end-human-trafficking-will-trample-on-human-rights/?lang=en>
- Ibrahim, D. (2018). Trafficking in persons in Canada, 2016. *Canadian Centre for Justice Statistics*. <https://www.kristenfrenchcacn.org/wp-content/uploads/2019/08/Trafficking-in-Persons-in-Canada-Report-June-27-2018.pdf>
- Ibrahim, D. 2021. Trafficking in persons in Canada, 2019. *Juristat bulletin—Quick fact*. Statistics Canada catalogue no. 85–005-X.
<https://www150.statcan.gc.ca/n1/pub/85-005-x/2021001/article/00001-eng.htm>
- Immigration Act of 1910, c. 27.
- Immigration Act of 1976, c. 52.
- Immigration & Refugee Protection Act. Statutes of Canada, SC 2001, c. 27.
- Immigration & Refugee Protection Regulations. SOR/2002–227, s. 196.1(a).
- Ivy, Mei, Lisa, Jessica, & Starus. (2021, June 20). Asian massage parlour workers speak out against discriminatory bylaw. *Spring*. <https://springmag.ca/asian-massage-parlour-workers-speak-out-against-discriminatory-bylaw>
- Jeffrey, L. A. (2005). Canada and migrant sex-work: Challenging the “foreign” in foreign policy. *Canadian Foreign Policy Journal*, 12(1), 33–48.
<https://doi.org/10.1080/11926422.2005.9673387>
- Jones, E. (2022). *Abolitionist Intimacies*. Fernwood Publishing.
- Justice for Children and Youth (2021, May 11). *Submissions on Bill 251 - Combating Human Trafficking Act, 2021*. <https://jfcy.org/wp-content/uploads/2021/05/JFCY-submissions-Bill-251.pdf>
- Kaye, J. (2017). *Responding to human trafficking: Dispossession, colonial violence, and resistance among Indigenous and racialized women*. University of Toronto Press.
<https://doi.org/10.3138/9781487513863>
- Kelley, N. & Trebilcock, M. J. (1998). *The making of the mosaic: A history of Canadian immigration policy*. University of Toronto Press.

- Kempadoo, K. (1998). Introduction: Globalizing sex workers' rights. In Kamala Kempadoo & Jo Doezema (Eds.), *Global sex workers: Rights, resistance, and redefinition* (pp. 1–28). Routledge. <https://doi.org/10.4324/9781315865768>
- Kempadoo, K. (2001). Women of color and the global sex trade: Transnational feminist perspectives. *Meridians: Feminism, Race, Transnationalism*, 1(2), 28–51. <https://doi.org/10.1215/15366936-1.2.28>
- Kempadoo, K. (2005). Prostitution and sex work studies. In Philomena Essed, David Theo Goldberg, & Audrey Kobayashi (Eds.), *A companion to gender studies* (pp. 255–265). Wiley-Blackwell.
- Kempadoo, K. (2012). Abolitionism, criminal justice, and transnational feminism: Twenty-first-century perspectives on human trafficking. In Kamala Kempadoo, Jyoti Sanghera, & Bandana Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. vii–xiii). Routledge.
- Kempadoo, K. (2015). The modern-day white (wo)man's burden: Trends in anti-trafficking and anti-slavery campaigns. *Journal of Human Trafficking*, 1(1), 8–20.
- Kempadoo, K., & Shih, E. (2023). Introduction. Rethinking the field from anti-racist and decolonial perspective. In K. Kempadoo & E. Shih (Eds.), *White supremacy, racism and the coloniality of anti-trafficking* (pp. 1–14). Taylor & Francis.
- Krüsi, A., Pacey, K., Bird, L., Taylor, C., Chettiar, J., Allan, S., & Shannon, K. (2014). Criminalisation of clients: Reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study. *BMJ Open*, 4(6): e005191. <http://dx.doi.org/10.1136/bmjopen-2014-005191>.
- Krüsi, A., Kerr, T., Taylor, C., Rhodes, T., & Shannon, K. (2016). “They won’t change it back in their heads that we’re trash”: The intersection of sex work-related stigma and evolving policing strategies. *Sociology of Health & Illness*, 38(7), 1137–1150. <https://doi.org/10.1111/1467-9566.12436>
- Lam, E. (2016). Inspection, policing, and racism: How municipal by-laws endanger the lives of Chinese sex workers in Toronto. *Canadian Review of Social Policy*, 75, 87–112.
- Lam, E. (2018a). How anti-trafficking investigation and policies harm migrant sex workers. *Butterfly*. https://576a91ec-4a76459b-8d05-4ebbf42a0a7e-lt1v.filesusr.com/ugd/5bd754_bbd71c0235c740e3a7d444956d95236b.pdf
- Lam, E. (2018b). Survey on Toronto holistic practitioners' experiences with bylaw enforcement and police. *Butterfly*. https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf

- Lam, E. (2019a). How to develop a social justice framework to support migrant sex workers and prevent the harm caused by anti-trafficking initiatives. *International Association of Schools of Social Work: Social Dialogue*, 20, 30–34.
- Lam, E. (2019b). Micromanaging the massage parlour: How municipal bylaws organize and shape the lives of Asian sex workers. In Serena Petrella. (Ed.), *Erotic subjects and outlaws: Sketching the borders of sexual citizenship* (pp. 102–130). Brill Rodopi.
- Lam, E. (2020a). How are Asian and migrant workers in spas, holistic centres, massage parlours, and the sex industry affected by the COVID-19 pandemic? *Butterfly*. https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_bacd2f6ecc7b49ebb3614a8aef3c0f5f.pdf
- Lam, E. (2020b). Migrant sex workers left behind during COVID-19 pandemic. *Canadian Journal of Public Health*, 111(4), 482–483. 10.17269/s41997-020-00377-4
- Lam, E., Gallant, C., & Wong, V. (2020, May 29). A terrorism charge isn't the solution to violence against women. *Chatelaine*. <https://www.chatelaine.com/opinion/incel-terrorism-sex-work/>
- Lam, E., & Lepp, A. (2019). Butterfly: Resisting the harms of anti-trafficking policies and fostering peer-based organising in Canada. *Anti-Trafficking Review*, 12, 91–107. <https://doi.org/10.14197/atr.201219126>
- Lam, E., Shih, E., Chin, K., & Zen, K. (2021). The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Social Sciences*, 10(5), 157. <https://doi.org/10.3390/socsci10050157>
- Lam, E. & Wong, V. (2020, March 11). Punitive by-law enforcement increase risk of violence for massage workers. *ricochet*. <https://ricochet.media/en/2976/punitive-by-law-enforcement-increases-risk-of-violence-for-massage-workers>
- Lepp, A. (2018). Canada. In Global Alliance Against Traffic in Women (Ed.), *Sex workers organizing for change: Self-representation, community mobilization, and working condition* (pp. 151–195). <https://www.gaatw.org/publications/SWorganising/SWorganising-complete-web.pdf>
- Leslie, K. (2015, December 15). Ontario named 'major hub' for human trafficking. *Globe and Mail*. <https://www.theglobeandmail.com/news/national/ontario-named-major-hub-for-human-trafficking-report/article27740094/>
- Liew, J. (2020). The invisible women: Migrant and immigrant sex workers and law reform in Canada. *Studies in Social Justice*, 14(1), 90–116. <https://doi.org/10.26522/ssj.v2020i14.2144>

- Liew, J. (2022, February 25). *Brief submitted to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act*.
<https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11603695/br-external/LiewJamie-e.pdf>
- Luibhéid, E. (2002). *Entry denied: Controlling sexuality at the border*. University of Minnesota Press.
- Luibhéid, E. (2008). Sexuality, migration, and the shifting line between legal and illegal status. *GLQ: A Journal of Lesbian and Gay Studies*, 14(2–3), 289–315.
- Malla, A., Lam, E., van der Meulen, E., & Peng, J. (2019). Beyond tales of trafficking: A needs assessment of Asian migrant sex workers in Toronto. *Butterfly*.
https://576a91ec-4a76459b-8d054ebbf42a0a7e-n74uja.filesusr.com/ugd/5bd754_a35d8e085c21475fa97e1ff759d26648.pdf
- Maynard, R. (2015). Fighting wrongs with wrongs? How Canadian anti-trafficking crusades have failed sex workers, migrants, and Indigenous communities. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 37(2), 40–56.
- Maynard, R. (2017). *Policing Black lives: State violence in Canada from slavery to the present*. Fernwood Publishing.
- McBride, B., Shannon, K., Duff, P., Mo, M., Braschel, M., & Goldenberg, S. M. (2019). Harms of workplace inspections for im/migrant sex workers in in-call establishments: Enhanced barriers to health access in a Canadian setting. *Journal of Immigrant and Minority Health*, 21(6), 1290–1299.
<https://doi.org/10.1007/s10903-019-00859-9>
- McBride, B., Shannon, K., Murphy, A., Wu, S., Erickson, M., Goldenberg, S. M., & Krüsi, A. (2020). Harms of third party criminalisation under end-demand legislation: Undermining sex workers' safety and rights. *Culture, Health & Sexuality*, 23(9), 1–17. <https://doi.org/10.1080/13691058.2020.1767305>
- McBride, B., Goldenberg, S. M., Murphy, A., Wu, S., Mo, M., Shannon, K., & Krüsi, A. (2022). Protection or police harassment? Impacts of punitive policing, discrimination, and racial profiling under end-demand laws among im/migrant sex workers in Metro Vancouver. *SSM-Qualitative Research in Health*, 2 [In progress]. <https://doi.org/10.1016/j.ssmqr.2022.100045>
- Millar, H., & O'Doherty, T. (2020). Racialized, gendered, and sensationalized: An examination of Canadian anti-trafficking laws, their enforcement, and their (re)presentation. *Canadian Journal of Law & Society/La Revue Canadienne Droit et Société*, 35(1), 23–44. <https://doi.org/10.1017/cls.2020.2>
- Montgomery, L. (2021). *Carceral harm reduction: A critical analysis of the municipal licensing of body rub centres in Edmonton, Alberta*. [Doctoral dissertation, Carleton University]. CURVE. <https://doi.org/10.22215/etd/2021-14527>

- Mortfield, G. (2021, June 14). “Who is being targeted?”: Advocates condemn proposed massage-parlour bylaw. *TVO*. <https://www.tvo.org/article/who-is-being-targeted-advocates-condemn-proposed-massage-parlour-bylaw>
- O’Doherty, T. (2011). Criminalization and off-street sex work in Canada. *Canadian Journal of Criminology and Criminal Justice*, 53(2), 217–245. <https://doi.org/10.3138/cjccj.53.2.217>
- Office of Correctional Investigator. (2021, December 17). *Proportion of Indigenous women in Federal custody nears 50%: Correctional investigator issues statement*. <https://www.oci-bec.gc.ca/cnt/comm/press/press20211217-eng.aspx>
- PIVOT & CASWLR. (2016). *CEDAW, sex work, & addressing human rights for women in the sex industry*. https://d3n8a8pro7vhmx.cloudfront.net/pivotlegal/pages/1947/attachments/original/1477326470/CASWLR_Pivot_CEDAW_fact_sheet.pdf?1477326470
- Protection of Communities and Exploited Persons Act, S.C. 2014, c. 25.
- Public Safety Canada. (2010). *National strategy to combat trafficking*. Government of Canada. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtg-hmnn-trffc/2019-ntnl-strtg-hmnn-trffc-en.pdf>
- Public Safety Canada. (2012). *National action plan to combat trafficking 2012–2013: Annual report on progress*. Government of Canada. <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf>
- R v. Anwar, 2020 ONCJ 103.
- R v. N.S., 2021 ONSC 1628.
- Royal Canadian Mounted Police. (2010). *Human trafficking in Canada: A threat assessment*. http://publications.gc.ca/collections/collection_2011/grc-rcmp/PS64-78-2010-eng.pdf
- Royal Canadian Mounted Police. (2018, October 24). *Operation Northern Spotlight VII: Canadian police services continue to work together to stop human trafficking*. [Press release]. <https://www.rcmp-grc.gc.ca/en/news/2018/operation-northern-spotlight-vii-canadian-police-services-continue-work-together-stop>
- Sanghera, J. (2012). Unpacking the trafficking discourse. In Kamala Kempadoo, Jyoti Sanghera, & Bandana Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. 3–24). Routledge.
- Santini, T., & Lam, E. (2017). Upholding and promoting human rights, justice, and access for migrant sex workers. *Butterfly*. <https://www.butterflysw.org/legal-information-for-services-prov>

- Sarai, R. (2022, June 22). Preventing harm in the Canadian sex industry: A review of the *Protection Of Communities And Exploited Persons Act* report of the Standing Committee on Justice and Human Rights. <https://www.ourcommons.ca/Content/Committee/441/JUST/Reports/RP11891316/justrp04/justrp04-e.pdf>
- Sharma, N. (2001). On being *not* Canadian: The social organization of “migrant workers” in Canada. *Canadian Review of Sociology*, 38(4), 415–439. <https://doi.org/10.1111/j.1755-618X.2001.tb00980.x>
- Sharma, N. (2005). Anti-trafficking rhetoric and the making of a global apartheid. *NWSA Journal*, 17(3), 88–111. <https://doi.org/10.1353/nwsa.2005.0069>
- Shaver, F. M., Lewis, J., & Maticka-Tyndale, E. (2011). Rising to the challenge: Addressing the concerns of people working in the sex industry. *Canadian Review of Sociology*, 48(1), 47–65. <https://doi.org/10.1111/j.1755-618x.2011.01249.x>
- Shaver, F., Bryans, J., & Bhola, I. (2018). Perceptions of sex work: Exploring the narratives of police and regulatory officials. In Elya M. Durisin, Emily van der Meulen, & Chris Bruckert (Eds.), *Red light labour: Sex work, regulation, agency, and resistance* (pp. 121–133). University of British Columbia Press.
- Shih, E. (2021). The trafficking deportation pipeline: Asian body work and the auxiliary policing of racialized poverty. *Feminist Formations*, 33(1), 56–73. <https://doi.org/10.1353/ff.2021.0000>
- Standing Committee on Justice and Human Rights. (2018). *Moving forward in the fight against human trafficking in Canada*. 42nd Parliament, 1st Session. <http://www.ourcommons.ca/Content/Committee/421/JUST/Reports/RP10243099/justrp24/justrp24-e.pdf>
- Sterling, A., & van der Meulen, E. (2018). “We are not criminals”: Sex work clients in Canada and the constitution of risk knowledge. *Canadian Journal of Law and Society*, 33(3), 291–308. <https://doi.org/10.1017/cls.2018.13>
- The Chinese Immigration Act of 1885, c. 71.
- Thobani, S. (2007). *Exalted subjects: Studies in the making of race and nation in Canada*. University of Toronto Press.
- Toronto Network Against Trafficking in Women. (2000). *Trafficking in women including Thai migrant sex workers in Canada*. http://www.mhso.ca/mhso/Trafficking_women.pdf
- Uy, R. (2011). Blinded by red lights: Why trafficking discourse should shift away from sex and the “perfect victim” paradigm. *Berkeley Journal of Gender, Law, & Justice*, 26(1), 204–219.
- Vagrancy Act 1824.

- van der Meulen, E., & Durisin, E. M. (2008). Why decriminalize? How Canada's municipal and federal regulations increase sex workers' vulnerability. *Canadian Journal of Women and the Law*, 20(2), 289–311.
- van der Meulen E., & Durisin, E. M. (2018). Sex work policy: Tracing historical and contemporary developments. In Elya M. Durisin, Emily van der Meulen, & Chris Bruckert (Eds.), *Red light labour: Sex work, regulation, agency, and resistance* (pp. 203–212). University of British Columbia Press.
- van der Meulen, E., & Valverde, M. (2013). Beyond the criminal code: Municipal licensing and zoning bylaws. In Emily van der Meulen, Elya M. Durisin, & Victoria Love (Eds.), *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 314–322). University of British Columbia Press.
- Vanwesenbeeck, I. (2019). The making of “the trafficking problem.” *Archives of Sexual Behavior*, 48(7), 1961–1967. <https://doi.org/10.1007/s10508-018-1367-4>
- Walia, H. (2013). *Undoing border imperialism*. AK Press.
- Walia, H. (2021). *Border and rule: Global migration, capitalism, and the rise of racist nationalism*. Haymarket Books.
- Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447–475. <https://doi.org/10.1177/0032329207304319>
- Wong, V. (2022, September 14). An Ontario crackdown on massage parlours continues Canada's legacy of anti-racism. *The Conversation*. <https://theconversation.com/an-ontario-crackdown-on-massage-parlours-continues-canadas-legacy-of-anti-asian-racism-189208>

Chapter Four: The Antitrafficking Movement Is Not Abolitionist: How Carceral Feminists and Social Workers Harm Migrant Sex Workers

Lam, E. (2024). The antitrafficking movement is not abolitionist: How carceral feminists and social workers harm migrant sex workers. In C. Fortier, E. H. S. Wong, N. Penak, & MJ Rwigema (Eds.), *Abolish social work (As we know it)* (pp. 92-102). Between The Lines.⁴

Abstract: This study shows the anti-trafficking organizations, particular led by carceral feminists and social work are influential in the policing making process, their Antitrafficking discourse has become the institutional discourse which embedded in the laws and policy , particular the carceral approach which regulate migrant sex workers and massage workers.

Some anti-sex-work social workers and feminists who call themselves abolitionists are not authentic because their aims violate the principles and values of abolitionism because the true abolitionists fight not only for the abolition of prisons and the carceral system but also for the transformation of society. They fight for, not against, the carceral system by demanding increased policing, criminalization, and state power. Attending to this tension, I demonstrate how the antitrafficking movement, governed by racist antitrafficking policies promoted by carceral social workers and feminists, further oppresses sex workers, especially migrant sex workers and massage workers. I argue that this carceral logic is steeped in conservative Christianity and the desire to increase state control. This chapter also identifies the threads for further investigation on how the racist and anti-sex-work discourse has become the institutional discourse to shape government policies.

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I have worked with the migrant sex worker community as an organizer and activist for over twenty years. After moving to Canada from Hong Kong, I founded Butterfly, an Asian and migrant sex workers organization focused on sex worker rights.⁵ Though we provide various social supports for our members, Butterfly is not a social service organization. Instead, we are oriented towards building power and solidarity among sex workers themselves—creating networks of mutual aid and mobilizing to fight anti-sex-worker legislation and policies.

This chapter focuses on the proliferation of antitrafficking activism among feminist and social work organizations, arguing that despite the good intentions of many involved in these campaigns, their actions disproportionately harm migrant sex workers. This chapter draws partly from interviews I conducted in my dissertation, *Mapping the Regulation and Policing of Asian Migrant Sex Workers in Canada*, which sought to better understand how the everyday lives of Asian and migrant sex workers (including massage workers) are shaped by institutional actions and to uncover the day-to-day implications for sex workers of legal and policy frameworks adopted and enabled at multiple levels.⁶

⁵ Depending on the municipality, massage parlours are called and licensed as body rub parlours, holistic centres, or personal wellness centres. I use the term “massage worker” because this is how the workers self-identify.

⁶ The dissertation from which this chapter emerges is informed by the methodological approaches of institutional ethnography and participatory action research as complementary modes of social inquiry. This work also inquires into how the anti-sex-work and racist ideologies of the antitrafficking movement are embedded in such laws and policies. This research is approved by the McMaster Research Ethics Board (MREB) and supported by the Social Sciences and Humanities Research Council (SSHRC).

In that research, one of my informants, Yu, recounted her traumatic experiences with police and social workers:

A few police officers broke my door in an early morning, I was naked. They handcuffed me and did not allow me to wear my clothes until I answered their question. They asked me if I was safe. I told them that “I was safe before you came.” Then they took all my money and phones. A social worker told me that she was not police and tried to help me. She gave me a very shitty phone and little money. I told her I am an adult and no one controls me. I don't need your help. I don't want your phone and money. I want my phone and money back.⁷

In my interviews with Yu and twenty-four other migrant sex and massage workers, as well as fifteen service providers and sex work activists (extra-local informants), I show how antitrafficking campaigns increase the policing and criminalization of sex work and are a major source of violence for sex workers in Canada. In this chapter, I focus more specifically on how social workers operating through a nominal “feminist” lens contribute to the carceral conditions for sex workers in Canada, making their lives more rather than less dangerous.

⁷ Personal communication, July 12, 2021.

The participation of social workers in the current wave of abolitionist movements, such as the defunding the police movements, inspired hope among migrant sex workers and their supporters that social work professionals might join the fight for the abolition of the carceral system. However, many social workers and feminists who claim to be concerned about sex worker rights have aligned themselves with the antitrafficking movement in the belief that ending human trafficking into the sex industry is an abolitionist goal. In my advocacy work, I have found that these antitrafficking feminists and social workers are often the greatest opposition to sex worker justice because they seek more rather than less criminalization and policing of the sex industry. Though these carceral social workers and feminists use the term “abolitionist” to describe their work, in actuality they are fighting against the values and principles of abolitionism.⁸

Disjuncture: To Protect vs to Harm

“Help! Police have come to arrest me!” I received this message while at an antitrafficking meeting with policymakers, law enforcement officers, and antitrafficking organizations who were arguing that antitrafficking investigations would save and protect women exploited by the sex industry. But the person who sent this text, and the other migrant sex workers I’ve spoken with, tell a very different story: instead of offering them protection, these antitrafficking investigations actually target and harm them. Despite government claims that these investigations aim “to protect trafficked victims,” Asian

⁸ Many feminists are involved in social work. Some of them provide direct services, such as programs, and advocacy work. I use the term “social work” broadly to include everyone in the social services, from community workers, organizers, counsellors, clinicians, and advocates to policymakers, regardless of training or licences.

migrant women are surveilled, abused, arrested, detained, and deported.⁹ The disjuncture between the actual experiences of migrant sex workers and the stories told by these organizations warrants closer examination.

Carceral logics focus on punishment and the expansion of the criminal justice system to deal with real and perceived harm in society, like domestic violence and human trafficking.¹⁰ The harm becomes merely a technical problem that can be fixed by improving laws and law enforcement, involving social workers, and adopting a “do no harm approach.”¹¹ However, as critical trafficking scholars have argued, the problem of human trafficking itself has been constructed as a means to control sex work and migration.¹² The negative consequences faced by migrant sex workers are neither

⁹ Elene Lam, “Behind the Rescue: How Anti-Trafficking Investigation and Policies Harm Migrant Sex Workers,” *Butterfly Asian and Migrant Sex Workers Support Network*, June 2018, https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_bbd71c0235c740e3a7d444956d95236b.pdf; Elene Lam, “Survey on Toronto Holistic Practitioners’ Experiences with Bylaw Enforcement and Police,” *Butterfly Asian and Migrant Sex Workers Support Network*, May 2018, https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf.

¹⁰ Theresa Anasti, “Officers Are Doing the Best They Can: Concerns around Law Enforcement and Social Service Collaboration in Service Provision to Sex Workers,” *Affilia* 35, no. 1 (December 2019): 49–72, <https://doi.org/10.1177/0886109919889034>.

¹¹ “Do No Harm When Working with Trafficked Victims,” Government of British Columbia, accessed September 1, 2020, <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/human-trafficking/human-trafficking-training/module-4/do-no-harm>.

¹² Kamala Kempadoo, “Prostitution and Sex Work Studies,” in *A Companion to Gender Studies*, ed. Philomena Essed, David Theo Goldberg, and Audrey Kobayashi (Hoboken, NJ: Wiley-Blackwell, 2005), 255–56; Kamala Kempadoo, “Abolitionism, Criminal Justice, and Transnational Feminism: Twenty-First-Century Perspectives on Human Trafficking,” in *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*, ed. Kamala Kempadoo, Jyoit Sanghera, and Bandana Pattanaik (London: Routledge, 2012) vii–xiii; Kamala Kempadoo, “The Modern-Day White (Wo)Man’s Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns,” *Journal of Human Trafficking* 1, no. 1 (2015): 8–20; Jennifer K. Lobasz, “Contemporary Approaches to Human Trafficking,” in *Constructing Human Trafficking* (London: Palgrave Macmillan, 2019), 29–68; Nandita Sharma, “Anti-

technical problems nor unintentional effects of otherwise good policies; they are foundational to the antitrafficking industry.

Elizabeth Bernstein uses the term “carceral feminist” to describe how some currents of feminism have become vehicles for punitive state policies.¹³ She suggests that “neoliberalism and the politics of sex and gender have intertwined to produce a carceral turn in feminist advocacy movements previously organized around struggles for economic justice and liberation.”¹⁴ Others have noted how carceral logics among social workers result in punishment for those who are perceived as disobedient, marking certain bodies, behaviours, and actions as unrespectable, undesirable, dangerous, threatening, and criminal (e.g., BIPOC; migrants; the unhoused; drug users; sex workers; people with disabilities; gender nonbinary, transgender, and queer people; youth; undocumented people, and so on).¹⁵

trafficking Rhetoric and the Making of a Global Apartheid,” *NWSA Journal* 17, no. 3 (2005): 88–111; Julie Kaye, *Responding to Human Trafficking: Dispossession, Colonial Violence, and Resistance among Indigenous and Racialized Women* (Toronto: University of Toronto Press, 2017); Ronald Weitzer, “The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade,” *Politics & Society* 35, no. 3 (2007): 447–45.

¹³ Elizabeth Bernstein, “Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns,” *Signs: Journal of Women in Culture and Society* 36, no. 1 (2010): 45–71.

¹⁴ Elizabeth Bernstein, “Carceral Politics as Gender Justice? The ‘Traffic in Women’ and Neoliberal Circuits of Crime, Sex, and Rights,” *Theory and Society* 41, no. 3 (2012): 233.

¹⁵ Leah A. Jacobs, Mimi E. Kim, Darren L. Whitfield, Rachel E. Gartner, Meg Panichelli, Shana K. Kattari, Margaret Mary Downey, Shanté Stuart McQueen, and Sarah E. Mountz, “Defund the Police: Moving Towards an Anti-Carceral Social Work,” *Journal of Progressive Human Services* 32, no. 1 (2021): 37–62.

For many sex workers, social workers are as dangerous as the police because, through the welfare and legal systems, they impose institutional violence on and exercise power over them, including surveillance, policing, and the removal of their children. A growing number of social work organizations operate through carceral feminist logics, seeing sex work as a form of sexual violence and commodification and refusing to believe that any women can actively consent to sell sex. They provoke concerns about sex trafficking and conflate all forms of sex work with human trafficking, regardless of how sex workers see themselves.¹⁶ These anti-sex-work organizations often promote themselves as feminist and abolitionist and use antiracist and antiprison language. In this respect, they are not abolitionists but prohibitionists.¹⁷ Feminist scholar, Mechthild Nagel also questions whether they are feminist, arguing that “these pro-women neo-abolitionists share their passion with the conservative anti-sex, pro-abstinence right-wing Christian ‘soldiers’ for prohibitionism.”¹⁸ Nagel notes that there are fundamental differences between the anti-sex-industry movement and the abolitionist movement. For example, the anti-sex-industry movement relies on “inciting moral panic through media, juridical, and political mechanisms, which enforce a carceral surveillance system,” and they often

¹⁶ See Elizabeth Bernstein, “ Militarized Humanitarianism”; Kamala Kempadoo, “Women of Color and the Global Sex Trade: Transnational Feminist Perspectives,” *Meridians: Feminism, Race, Transnationalism* 1, no. 2 (2001): 28–51; Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking*, (London: Bloomsbury Publishing, 2010); Jo Doezema, “Ouch! Western Feminists ‘Wounded Attachment’ to the ‘Third World Prostitute,’” *Feminist Review* 67, no. 1 (2001): 16–38.

¹⁷ Robyn Maynard, “Carceral Feminism: The Failure of Sex Work Prohibition,” *FUSE Magazine* 35, no. 3 (2012): 28–32; Mechthild Nagel, “Trafficking with Abolitionism: An Examination of Anti-Slavery Discourses,” *Champ pénal/Penal field*, 12 (2015).

¹⁸ Nagel, “Trafficking with Abolitionism,” par 3.

“ignore the racist effects of their ideology,”¹⁹ whereas contemporary abolitionists who engage in anticarceral and defunding police movements “neither rely on a moral panic rhetoric nor on bolstering the criminal injustice complex.”²⁰

Social Work and Nongovernment Organizations in Antitrafficking Initiatives

Many social workers, nongovernmental organizations (NGOs), and social service and violence organizations involved with antitrafficking initiatives have received significant funding to carry out the political agenda of governments in pursuit of so-called abolition through awareness campaigns, intervention initiatives, social policies, and exiting programs. The Canadian Association of Social Workers, for example, has emphasized the funding and expansion of the exiting program, despite hearing from sex workers’ rights groups that the program is harmful and violates their agency and self-determination.²¹

Stephanie Wahab argues that social work has historically identified sex workers as “fallen women,” “victims of sexual slavery,” or “pathological deviants” who need to be helped and protected for “their own good.”²² Ann De Shalit, Emily van der Meulen, and Adrian Guta similarly show that social service organizations that receive government

¹⁹ Nagel, “Trafficking with Abolitionism,” par 3.

²⁰ Nagel, “Trafficking with Abolitionism,” par 3.

²¹ Canadian Association of Social Workers, “Decriminalization, Exit Strategies, and the Social Determinants of Health: A Three-pronged Approach to Health, Safety and Dignity for Sex Workers”, August 2019, https://www.casw-acts.ca/files/attachements/Sex_Work_Paper_Formatted_2019.pdf.

²² Stephanie Wahab, “For Their Own Good: Sex Work, Social Control and Social Workers, a Historical Perspective,” *J. Soc. & Soc. Welfare*, 29 (2002): 53–54.

funding for anti-human trafficking programming often “pathologize sex work and sex workers, rendering purported victims both agency-less and responsible. Those who access services must demonstrate a desire to remedy their exploitation and abuse by distancing themselves from sex work and/or drug use.”²³ They also found that social workers often interpreted sex work activities as flags, self-evident indicators, or symptoms of human trafficking and believed that sex workers must surrender to state-guided rescue.

Law enforcement often collaborates with NGOs, children’s services, or victim’s services units to carry out an antitrafficking investigation. For example, the Children’s Aid Societies of Toronto and Durham have formed a special unit with police to investigate trafficking and identify victims. This collaboration, often couched in a carceral feminist politics, fosters what Jennifer Musto calls “carceral protectionism,” which consolidates state power and control.²⁴ Human trafficking “rescues” often end in the criminalization, arrest, and deportation of sex workers as they get caught in the protection-to-prison pipeline.

Abolitionist scholars and activists have expressed concern about the power and authority of law enforcement and social workers to criminalize rather than protect sex

²³ Ann De Shalit, Emily van der Meulen, and Adrian Guta, “Social Service Responses to Human Trafficking: The Making of a Public Health Problem,” *Culture, Health & Sexuality* 23, no. 2 (2020): 12.

²⁴ Jennifer Musto, “Transing Critical Criminology: A Critical Unsettling and Transformative Anti-Carceral Feminist Reframing,” *Critical Criminology* 27, no. 1 (2019): 37–54.

workers.²⁵ They argue that using social workers as “soft cops” does nothing to change the fact that sex workers’ lives are being made more dangerous and precarious through these types of antitrafficking collaborations.²⁶

As Patricia O’Brien and colleagues explain, “Carceral feminisms have further fueled the dual subjectivities of women and girls engaged in sex work as both victims and criminals.”²⁷ This logic of risk management is being applied to surveillance through the language of “helping.”²⁸ The state, through social workers, can then use the language of “protection” to surveil, control, arrest, and impose other kinds of punishment on sex workers. The use of protection as a framework is a powerful tool to justify violence, oppression, and other harms against marginalized communities. It is also difficult to push back against because “rescuing” people from human trafficking is a good news story. The antitrafficking movement has successfully dictated the terms of the conversation.

²⁵ Imagining Abolition, ep. 1, “It Started with Organizing,” directed by Patrisse Cullors, aired July 16, 2021, YouTube, <https://blacklivesmatter.com/imagining-abolition/>; “Stop Racism against Asian Migrant Massage Workers and Sex Workers,” Toronto Solidarity Rally Against Anti-Asian Racism, *Butterfly Asian and Migrant Sex Workers Support Network*, last modified March 28, 2021, <https://bit.ly/3ORP7OH>; Carol Tosone and Kirk James, “Black Lives, Mass Incarceration, and the Perpetuity of Trauma in the Era of COVID-19: The Road to Abolition Social Work,” in *Shared Trauma, Shared Resilience During a Pandemic: Social Work in the Time of COVID-19*, ed. Carol Tosone (Cham, Switzerland: Springer, 2020), 281–90.

²⁶ Donna Baines, “Soft Cops or Social Justice Activists: Social Work’s Relationship to the State in the Context of BLM and Neoliberalism,” *The British Journal of Social Work* 52, no. 5 (July 2021): 1–19.

²⁷ Patricia O’Brien, Mimi Kim, Elizabeth Beck, and Rupaleem Bhuyan, “Introduction to Special Topic on Anticarceral Feminisms: Imagining a World Without Prisons,” *Affilia* 35, no. 1 (2020): 8.

²⁸ Sandra M. Leotti, “Social Work with Criminalized Women: Governance or Resistance in the Carceral State?” *Affilia* 36, no. 3 (2021).

Moral Panic About Human Trafficking

In Canada, a broad coalition has formed to create moral panic about human trafficking and sex work. Some of these antitrafficking NGOs are led by the Christian right. For example, the Evangelical Fellowship of Canada and Defend Dignity not only lobby Parliament, but they also develop action kits, sample letters, and campaigns to mobilize others to push for punitive laws, limit access to pornography, criminalize the sex trade, and impose municipal bylaws to shut down body rub parlours. However, feminist organizations such as the Canadian Women's Foundation, the Canadian Association of Elizabeth Fry Societies, and the Canadian Centre to End Human Trafficking have also actively lobbied and advocated for this punitive approach to human trafficking, including the criminalization and policing of the sex industry. This coalition of right-wing Christian groups and supposedly progressive feminist social service organizations have had a material impact on federal policy regarding sex workers.

Different levels of government in Canada have employed various measures to investigate, identify, and rescue victims and target and prosecute traffickers. Robyn Maynard argues, however, that “while Canada’s Conservative government appeared to be combating trafficking, it was, in fact, largely responsible for creating so-called trafficking victims by advancing a political agenda that was hostile to migrants, sex workers, and Indigenous peoples.”²⁹ Many of these initiatives claim to rescue innocent victims by

²⁹ Robyn Maynard, “Fighting Wrongs with Wrongs? How Canadian Anti-Trafficking Crusades Have Failed Sex Workers, Migrants, and Indigenous Communities,” *Atlantis: Critical Studies in Gender, Culture & Social Justice* 37, no. 2 (2016): 40.

helping them exit the sex industry, end demand, and abolish sex work altogether. But rather than offering protection, antitrafficking initiatives force sex workers further underground or into involuntary contact with police.³⁰ These operations often intensify racial profiling, surveillance, and the targeting of Asian migrant sex workers who work in hotels, massage parlours, and other indoor venues, including those who are permanent residents or Canadian citizens. That antitrafficking raids often violate the human rights of the victims and sex workers has been extensively documented, with sex workers reporting that they are physically and sexually assaulted by law enforcement and experience inhuman and degrading treatment.³¹ When I interviewed Yu, she shared her troubling experiences of an antitrafficking investigation: “I was handcuffed and arrested. Why do they arrest me when they said they came to protect me? If they care about my safety, why don’t they arrest the robber, instead of arresting me?” Another migrant sex worker, Mi, who I spoke with in June 2020, reported that she was locked up for almost two months, and her wrists, waist, and legs were chained. Mi felt humiliated and traumatized. Her phones and other communication devices, as well as over \$10,000 of

³⁰ See Operation Northern Spotlight, Project Orphan, and Project Crediton Canada.

³¹ Lam, “Behind the Rescue”; Lam, “Survey on Toronto”; Canadian Alliance for Sex Work Law Reform (press release), “Sex Workers Groups Oppose Police Operation Northern Spotlight,” October 9, 2018, <http://sexworklawreform.com/press-release-operation-northern-spotlight-october-2018/>; Annalee Lepp, “Canada,” in *Sex Workers Organising for Change: Self Representation, Community Mobilisation, and Working Conditions* (Global Alliance Against Traffic in Women, 2018), 151–95; Toronto Network Against Trafficking in Women, “Multicultural History Society of Ontario, and Metro Toronto Chinese and Southeast Asian Legal Clinic,” in *Trafficking in Women including Thai Migrant Sex Workers in Canada* (Toronto: TNATW, June 2000), http://www.mhso.ca/mhso/Trafficking_women.pdf.

her money, were seized by the police. Yet, the police and the court said she was detained for her own safety.

Sex workers, particularly women of colour and migrants from countries of the global South, are constructed as trafficked victims to justify repressive policies against migrants and the sex industry.³² Researchers such as Lyndsey Beutin describe how the covert goal of antitrafficking initiatives is to end sex work, not exploitation.

Antitrafficking laws and policies are also used to illegalize migrants and tighten border control measures.³³ These investigations are fraught with anti-Asian racism and quickly become new avenues for criminalizing marginalized migrants who do, in fact, possess agency and who are making decisions based on their circumstances and experiences.

Migrant sex worker organizations emphasize that sex workers are not unilaterally victims of trafficking and have expressed concerns about their victimization through these new initiatives. They strongly oppose the raid and rescue approach taken by law enforcement, arguing that instead of protecting trafficked victims, the antitrafficking policies and initiatives create harm.

Resisting the Savior Complex of Antitrafficking

The “white saviour complex,” which relies on colonial concepts of rescue, is foundational to social work as a profession. All too often, social workers are complicit

³² Nandita Sharma, “On Being Not Canadian: The Social Organization of ‘Migrant Workers’ in Canada,” *Canadian Review of Sociology* 38, no. 4 (2001): 415–39.

³³ Sharma, “Anti-trafficking Rhetoric”; Eithne Luibheid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002).

with state violence against marginalized people. Social workers have a long and troubling history of being the agents that conspire with the state to produce and reproduce its power structures such as racism, white supremacy, sexism, and colonialism.³⁴ Historically, Christian faith-based organizations have been influential in the education of social workers and the provision of social work services. Seeing themselves as the guardians of moral order, Christian organizations often use social services to shape public opinion, promote and maintain colonialism, and advance particular religious-based moralist values.³⁵ Between 1888 and 1942, for example, the Christian-run Chinese Rescue Home was used to implement the imperialist agenda to “rescue, convert and ‘civilize’ Victoria's Chinese prostitutes.”³⁶ Today, these organizations continue to use their moral authority and significant institutional power to influence state policies and moral regulations, control abortion, and increase policing and the criminalization of sexual minorities and sex workers.

Carceral logics such as these remain deeply infused within social work today. As a result of the lobbying of social service, carceral feminist, Christian, and anti-sex-work

³⁴ Chris Chapman and A. J. Withers, *A Violent History of Benevolence* (Toronto: University of Toronto Press, 2019); Craig Fortier and Edward Hon-Sing Wong, “The Settler Colonialism of Social Work and the Social Work of Settler Colonialism,” *Settler Colonial Studies* 9, no. 4 (2019): 437–56.

³⁵ Philip Hughes, “Religion and Volunteering through Groups and Organisations,” *Journal of Contemporary Ministry* #, no. 4 (2018): 120–29.

³⁶ Marilyn F. Whiteley, “‘Allee Samee Melican Lady’: Imperialism and Negotiation at the Chinese Rescue Home (Women Missionary Societies Set Up the Chinese Rescue Home to Save Chinese Women from Prostitution),” *Resources for Feminist Research* 22, no. 3/4 (1992): 45.

organizations, the Immigration and Refugee Protection Act (2001, s. 118) and sections of the Criminal Code (1985, ss. 279.01 to 279.011) were amended to criminalize human trafficking. The government also passed immigration regulation that banned suspected trafficked victims from entering Canada and prohibited all temporary residents (including those with open work permits) from working in sex or sex-related industries.

The targeting of Asian massage parlours is the direct result of this moralistic discourse becoming public policy and social work practice. Many antitrafficking organizations (including women's and social service organizations) are highly involved in policymaking processes to eradicate sexual services, calling for the criminalization of sex work (including clients and third parties) and expanding punitive laws and law enforcement against sex workers and related industries like massage parlours and strip clubs. The government acknowledges that "marginalized groups are at a higher risk of being trafficked; yet, it does not address current and historical colonialism or the criminal and immigration laws that place people in a rights-vacuum, leaving them vulnerable to labour abuses."³⁷ The antitrafficking industry has often claimed that women engaged in sex work are too victimized to be able to speak out, necessitating speaking for them—further silencing and dismissing self-organized workers.

When sex workers in Canada argued that the criminal laws regarding sex work are unconstitutional because they violate the rights and security of sex workers, a group of women and social services organizations formed a coalition to advocate for the

³⁷ Maynard, "Fighting Wrongs with Wrongs?," 41.

criminalization of the clients and pimps of the sex industry. While the Canadian Association of Elizabeth Fry Societies has positioned itself against the criminalization of women and subscribes to the abolition of prisons, until very recently they contradictorily advocated in favour of criminalizing sex work, and they were central to the Women's Coalition of intervener groups fighting decriminalization in the *Bedford v Canada* Supreme Court case in 2013.³⁸ According to them:

Criminalizing johns, brothel owners, pimps and profiteers is consistent with principles of fundamental justice. The criminalization of men who buy, sell, and profit off women in prostitution is neither overbroad nor grossly disproportionate. It is consistent with Canada's domestic and international commitments to protect prostituted women and to interfere with their exploitation.³⁹

With the support of these organizations and in response to their lobbying efforts, in 2014 the Canadian government passed the Protection of Communities and Exploited Persons Act to recriminalize sex work. They also developed other antitrafficking initiatives. The conflation of sex work with human trafficking has led to sex workers being arrested and

³⁸ Nagel, "Trafficking with Abolitionism".

³⁹ Factum of the Interveners, Canadian Association of Sexual Assault Centres, Native Women's Association of Canada, Canadian Association of Elizabeth Fry Societies, Action Ontarienne Contre La Violence Faite Aux Femmes, La Concertation des Luttres Contre L'exploitation Sexuelle, Le Regroupement Québécois des Centres D'aide et de lutte Contre les Agressions À Caractère Sexuel, and Vancouver Rape Relief Society, Intervening as the Women's Coalition for the Abolition of Prostitution, May 30, 2013, 9.

charged—and this extends even to those who merely play a supporting role, such as answering the phone, screening clients, advertising, or providing a place to work. Criminal and immigration laws empower police and law enforcement to enter the lives of sex workers, but they also provide powerful tools for social workers to surveil, racially profile, and report sex workers to police, particularly those who are migrants and racialized.

In the past few years, Butterfly has lobbied many social services and women's organizations to end these campaigns. Despite the recognition by some of the harms caused by the criminalization of sex work through their advocacy work, few have changed their position to publicly support the full decriminalization of sex work. At the municipal level, anti-sex-work organizations have promoted their agenda and called for an increase in policing, expansion of punitive policies, and an end to sex-work-related industries, such as body rub parlours, massage parlours, and strip clubs. In 2020, the Ontario government allocated over \$300 million to combat human trafficking and, in 2021, introduced the Combating Human Trafficking Act (Bill 251). Sex worker organizations, with support from racial justice and migrant rights groups, health professionals, academics, and other groups, spoke in one strong, united voice against the proposed antitrafficking legislation in the consultation meetings of the provincial Standing Committee on Justice Policy, raising their concerns about the increases in police power, racial profiling, and harm to sex workers, especially those who are BIPOC. Nevertheless, when the bill came to vote in the provincial legislature, not a single MPP voted against it.

Sex-Worker-Led Abolitionism

Sex work is not inconsistent with feminism; many women's rights advocates and feminists have expressed support for the self-determination of sex workers. These feminists recognize sex workers as the experts of their own lives, and they support sex-worker-led movements and fight alongside them for full decriminalization. Echoing O'Brien and colleagues, I call for social workers who claim to be committed to social justice principles to "remain vigilant in [their] opposition to the 'punishment industry' in all of its forms."⁴⁰ Instead of taking the punitive approach, adopt grassroots and redistributive approaches as solutions to social issues.

Maynard suggests that sex workers should be given "support for the choice either to enter, remain, or leave the sex industry. Ethical support requires letting sex workers themselves determine their own needs and recognizing that each individual has different experiences and is the most capable of determining the course of her life."⁴¹ Rather than being mere victims, sex workers are increasingly empowered to organize themselves. Sex-worker-led organizations such as Stella's, Butterfly, and Maggie's have long spoken out, supported their own communities, and advocated for their rights. These sex worker groups have also collaborated with organizations in other cities to form the Canadian Alliance for Sex Work Law Reform and to advocate for the full decriminalization of sex work.

⁴⁰ O'Brien et al., "Special Topic on Anticarceral Feminisms," 6.

⁴¹ Maynard, "Carceral Feminism," par 24.

Sex-worker-led organizations such as Butterfly have built solidarity with various social justice entities, including racial and migrant groups, violence against women organizations, progressive social worker groups, abolitionist movements, and Indigenous women's organizations to push back against the antitrafficking movement and to advocate for the full decriminalization of sex work. Instead of relying on policing, social workers, and state power, sex workers, particularly BIPOC and migrant sex workers, are building their own community to develop new abolitionist tools and approaches based on transformative justice.⁴² At an anti-Asian racism rally in Toronto, Asian migrant and massage workers spoke out, saying:

Calling the police doesn't work for us. The police and law enforcement officers treat us with disrespect, conflate our profession with human trafficking, and disrupt our work. We can only rely on ourselves to keep ourselves and our sisters safe.⁴³

Migrant sex workers have also called for social workers and social services organizations to participate in abolitionist movements led by directly affected people and to come together to understand the role social workers play in creating a context of social control, victimization, policing, and institutional violence in the name of protection.

⁴² Mimi E. Kim, "Anti-Carceral Feminism: The Contradictions of Progress and the Possibilities of Counter-Hegemonic Struggle," *Affilia* 35, no. 3 (2020): 309–26; M. E. Kim, "Transformative Justice and Restorative Justice: Gender-Based Violence and Alternative Visions of Justice in the United States," *International Review of Victimology* 27, no. 2 (2021): 162–72.

⁴³ Butterfly Asian and Migrant Sex Workers Support Network, "Rally Against Anti-Asian Racism."

Growing recognition of intersectionality and problems with the carceral approach has led some feminist organizations to acknowledge the harm caused by their advocacy work and position. For example, the WAVAW, a rape crisis centre in British Columbia, has formally apologized to the sex worker community for framing sex work as inherently exploitative. The Canadian Women's Foundation also acknowledged their problematic position on sex work and have built stronger relationships with the sex worker community and shown their solidarity for the decriminalization of sex work as well as developing program supports for sex workers. The Canadian Association of Elizabeth Fry Societies recently publicly announced that they intend to “grapple with the harm” caused by their stance on sex work and review their position on sex work. These significant and long-overdue changes will hopefully push other organizations to similarly recognize the historical and ongoing harms caused to sex workers across the country. Sex workers are key contributors to our collective imagining of a world without police, prisons, immigration detention, child apprehension systems, and state control—a world where all people are free to choose how they live and work and to do so with dignity, safety, and respect. Abolitionist social workers should see self-organized sex workers as leaders in movements to end carceral violence in our society and join their movements for decriminalization.

Chapter Five: Social and Institutional Organization of Municipal Investigation of Massage Parlours in Toronto

Lam, E. (Abstract accepted August 2023). Social and institutional organization of municipal investigation of massage parlours in Toronto. In B. Ackerly, L. Cabrera, G.F. Johnson, M. Deveau, A. Wiener, F. Froman and G. Starblanket (Eds.), *The Oxford handbook of grounded and engaged normative theory*. Oxford University Press.

Abstract: In this chapter I explore the “ruling relations” (D. Smith, 2010) that coordinate the interactions between law enforcement and workers. I examine how the illegality of massage parlours has been constructed and produced, particularly how racism, whorephobia, and xenophobia have been embedded in municipal laws and policies. I argue that an anti-sex-work ideology became institutional ideology and was embedded in municipal bylaw in part through the efforts of antitrafficking organizations, who produced the “truth” about workers in massage parlours and activated the “texts” to control them. Informed by Dorothy Smith’s institutional ethnographic approach, I understand the bylaw as the “boss text,” the institutional text that most profoundly shapes the everyday lives of Asian massage workers and puts them in danger, and I explore the “ruling relations” that shape the interactions between law enforcement and workers. Beginning from the experiences of Asian massage workers as they encounter those enforcing the text (i.e., the bylaw officers), I outline how the “threads” from the interviews led to this examination of the bylaw, and then I share the history of the bylaw and enforcement policy (particularly antitrafficking policies). Finally, I share stories of the workers’ resistance, including their use of worker’s rights discourses to challenge the institutional discourse, and how they organized to resist and bring about policy and social change.

Preface: Lin's story

In 2019, Lin⁴⁴ joined over 300 migrant sex and massage workers in Toronto, Canada, to participate in city consultations and meetings to advocate for their rights. The city was undergoing a review of a bylaw that determined her working conditions and even her ability to work. She was there to express her anger and frustration with the increasing investigations undertaken by law enforcement and police as they enforced the bylaw—and the impact of that on massage workers safety and security.

Lin came to Canada from China in 2001 in search of a better life. She was an engineer back home; however, with her credential not recognized in Canada, she was unable to work in her field. Language created another barrier to work, leaving her with few options. In time, she applied for a holistic practitioner license and began working in massage parlours. Despite commonly held conceptions about women being forced into work that is degrading and dehumanizing, Lin says she enjoys the work because she has flexible working hours and it offers her a good income. But more than that, she enjoys that her job brings her into contact with many people and allows her to heal people from the pressures of life and the pain of the body.

⁴⁴ All names are pseudonyms. This paper is drawn from the author's PhD study titled *Mapping the Regulation and Policing of Asian Migrant Sex Workers in Canada*. This study is supported by the Social Sciences and Humanities Research Council and Butterfly (Asian and Migrant Sex Workers Support Network). Lin was one of the research participants in the PhD study that shared her story with me.

In 2013, says Lin, after 10 years of working in the massage parlour, she began to notice changes. Her spa was suddenly being investigated frequently, two or three times a month. Law enforcement and police were reliably rude and left her feeling insulted and humiliated, particularly when she was forced to remove her robe to show them what she was wearing. Sometimes, law enforcement would spend hours inspecting her spa, finding any little infraction to charge her with: an uncovered customer, locking the door without posting notice, remaining open after hours, massage bed in poor repair, an/or not keeping receipts or client records. She was charged 10 times with various infractions and was often unaware of what offence she was charged with. Lin told me that she is not the only one being targeted. When she went to court, there were always 10–15 other Asian massage workers there.

Like Lin, most workers or spa owners who appear in court to deal with their tickets plead guilty and pay the fine, believing that bylaw enforcement would target them if they “do not accept the punishment.” They may also receive other penalties as a result: for example, demerit points or having their license renewal denied or their existing license suspended, revoked, or placed under new conditions. An appearance in court could even result in a business being shut down.

Lin was also frustrated and confused when some white women said that Asian women in massage parlours were being trafficked. She found herself talked about as a trafficking victim, as an enslaved woman. “I don’t know who these white women are. I don’t understand why they keep saying we are trafficked. We are adult and we are doing this job voluntarily.” Some women’s groups and city councillors argued for an increase in

the investigations and shutting down of businesses to stop illegal trafficking and protect trafficking victims. For example, Barbara Gosse, CEO of the Canadian Centre to End Human Trafficking and former senior director of research, policy and innovation at the Canadian Women's Foundation, urged the city to more vigorously prosecute bylaw charges and to renew the bylaw to shut down body rub and massage parlours because she "knows" human trafficking is happening there (CityNews, 2019), despite lacking any evidence to support this claim. But Lin knows otherwise, saying that the new bylaw would stop them from working and make their work more dangerous.

Lin's story, and other migrant massage workers' stories, show the disjuncture between their experiences working in massage parlours and the institutional discourse about them: while they see themselves as workers who earn their living by offering massage services, the institutional discourse of the City of Toronto and some community organizations frame them as trafficked victims or illegal immigrants. This "disjuncture" (D. Smith, 1990) provides an entry point for inquiring into how the municipal bylaw for holistic centres generates particular "truths" about workers and governs the workers' lives.

Introduction

In the last few decades, research into the experiences of migrant sex workers (e.g., Anderson et al., 2015; Armstrong, 2017; Goldenberg et al., 2017; Ham, 2016; NSWP, 2018; Renshaw et al., 2015), particularly Asian sex workers (e.g., Chin, 2013; Cheng & Kim, 2014; Lam, 2018b; Lam et al., 2021; Malla et al., 2019; Red Canary Song et al., 2022; Selvey et al., 2018), has increased. Sex workers, activists, and scholars argue that

the criminalization of sex work, antitrafficking policy, “raid and rescue” investigations, and repressive bylaws—actions that demonstrate the whorephobia of our institutions—have not increased the protection of workers but rather have increased their vulnerability, put them in danger, violated their human rights, prevented them from accessing health and social service supports and labour protections as well as safety and justice, and increased their stigma, creating vulnerability to abuse and exploitation (e.g., Butterfly, 2016; Canadian Alliance for Sex Work Law Reform, 2022; Fudge et al., 2021; Goldenberg et al., 2017; Lam, 2018a; Lam, 2019; Lam et al., 2021; McBride et al., 2019; McBride & Janushev, 2021). McBride et al. (2022, p. 7) argue that the surveillance and criminalization of sex work is not supportive; rather, it is racial profiling and a “stigmatizing form of harassment” that further marginalizes im/migrant sex workers.

Asian massage parlours are often identified as illicit/illegal businesses or sites of human trafficking because they are associated with sex work, which is highly regulated (Auger, 2014; Craig, 2011; Montgomery, 2021; Red Canary Song et al., 2022; van der Meulen & Durisin, 2008; van der Meulen & Valverde, 2013). With the moral panic around human trafficking promoted by anti-sex-work organizations—for example, the Canadian Centre to End Human Trafficking, BridgeNorth, Defend Dignity, and the York Region Council of Women Against Sex Trafficking—Asian massage parlours have been targeted by politicians, law enforcement, and antitrafficking organizations, particularly in last decade.

Many critical scholars have criticized antitrafficking discourse, policy, and movement and pointed to the harms caused by the antitrafficking efforts (Agustín, 2007;

Doezema, 2001; Kempadoo & Shih, 2023; Oliver & De Lisio, 2023; Roots, 2022; Roots et al., 2024; Weitzer, 2007). They argue that the antitrafficking movement actually upholds white supremacy and colonialism (Hunt, 2015; Kaye, 2017). Beutin (2023) argues that the antitrafficking movement and its discourses promote criminalization and policing and that their claim to upend the root causes of trafficking “do not meet these visions of racial justice” (p. 11); rather, they justify white supremacy, border control, and policing and reproduce anti-Blackness. Antitrafficking discourses cover up racist, xenophobic, classist, antipoverty perspectives (Beutin, 2023; Butterfly, 2021; Chapkis, 2003; Gallant & Lam, 2022; Jeffrey, 2005; Millar & O'Doherty, 2020; Sanghera, 2012; Sharma, 2001) and promotes anti-sex-work and carceral agendas (Bernstein, 2020, 2012; Maynard, 2015). Shih (2021) suggests that the policing of Asian massage work in the name of antitrafficking amounts to “vigilante racism” and often ends with criminalization and deportation. She argues that this is a new form of “policing of poverty, sexuality, and migration, facilitated through the widely acceptable humanitarian movement to combat human trafficking” (p. 69).

In recent years, several studies have examined the harms caused by both the criminalization of sex work and antitrafficking policy (Canadian HIV/AIDS Legal Network, 2019; Fudge et al., 2021; McBride et al., 2020; McBride et al., 2022), providing valuable insights into how these policies harm rather than help sex workers. However, very few studies have focused on the punitive enforcement and repressive regulation of the municipal bylaws that govern massage parlours (see Lam, 2018b; Lam et al., 2021;

Malla et al., 2019; Red Canary Song et al., 2022; Shih, 2021, van der Meulen & Durisin, 2008).

My doctoral research aims to fill that gap by exploring bylaw investigations from the standpoint of Asian migrant massage workers and sex workers in Toronto. My goal is to better understand how these investigations are institutionally organized, and to show how this organization harms the workers.

In the article, “Targeting Asian Massage Parlours in the Name of Anti-trafficking Experiences of Asian Women in Toronto” (Lam, 2024), I reported on the experiences of Asian massage workers working in holistic centres in Toronto as they deal with licensing issues and interact with law enforcement. According to Dorothy Smith (1987), the reality of people’s experiences is tied into extended social relations and chains of action that are organized by texts. My study identified the municipal bylaw governing holistic centres as the text that most centrally regulates the work and experiences of those working in massage parlours in Toronto (though immigration and criminal laws are also implicated).

In this chapter, I explicate the “ruling relations” (D. Smith, 2001) that organize the interactions between law enforcement and workers through an analysis of the recent history of changes to the “boss text” and its enactment in the daily work of bylaw officers.

Method of Inquiry

As feminist scholars remind us (e.g., Harding, 2007; Hesse-Biber et al., 2004), experience and standpoint are essential to knowledge production. The massage workers’

experiences can help us better understand how to address their anxieties about bylaw investigations. However, it is also important to look beyond individual experiences. We must also examine the powerful institutions—schools, police, courts, government—that shape and control people’s day-to-day experiences; in this case, at work. It is important to pay attention to the workers’ narratives about social relations and organizations and the impact of these on their lives.

Informed by institutional ethnography (IE) and participatory action research (PAR), this study examines the “ruling relations” that have shaped the interactions between Asian massage workers and bylaw enforcement officers in Toronto.

IE values the everyday experiences of people and begins the inquiry from their lived realities on the understanding that people are the experts of their everyday world (D. Smith, 1987). An IE inquiry not only delves into the experiences of the workers but also traces the threads of their experience as they link to texts and institutional processes to uncover how their everyday lives are externally regulated. The workers’ experiences with the bylaw and its enforcement were an important thread in the interviews, leading me to analyze the bylaws as texts—as documents that create the conditions to regulate worker’s activities and shape their lives.

D. Smith (2005) suggests that human activities are neither chaotic nor random; they are purposeful, organized, and coordinated, and that coordination arises from multiple sites through sequences of texts. People’s experiences and practices are tied into extended social relations and chains of action. Looking at people’s work experiences, D. Smith (2005) argued that everyday work activities are coordinated and organized by

institutional texts that take both written and verbal form, such as forms, memos, handbooks, procedural manuals, statistical analyses, and verbal instructions. These texts convey standardized messages that can be replicated, transferred, disseminated, and reproduced. By activating texts—that is, by reading, hearing, viewing, and so on—often in multiple locations, the “truth” is produced (D. Smith, 1999) and people are drawn into relations that organize their work and activities in particular ways (D. Smith, 2005; D. Smith & Turner, 2014).

Because texts are integral to people’s lives and are a bridge between our everyday lives and ruling relations, textual mediation is crucial for social organization (D. Smith, 1999). Pence (2001) identified how the work of professionals in the legal justice system, such as police officers, judges, prosecutors, lawyers, and probation officers, are organized in ways that fail to protect the safety of Indigenous women. These social relations can be mapped, explained, and traced by identifying the sequence of work and text, what D. Smith calls “textually mediated relations” and “text-in-action” (D. Smith & Turner, 2014; Grahame & Grahame, 2000). By investigating textually mediated relations, IE can uncover how concepts, discourses, and ideologies are produced and entered directly into ruling relations and are then replicated in organizational controls across multiple sites (D. Smith, 1987, 2002). For example, Turner (2006) used IE to inquire into the urban planning process of a city government, produce a map of texts and their work, and identify how the bureaucracy and politicians controlled the outcome. Peacock et al. (2002) suggest that “institutional regimes are coordinated by texts which produce a shared reality, constructed according to institutional rules, for participants in an

institutional course of action” (p. 32). G. Smith (2014) found that the sexual activities of gay men in Toronto bathhouses were transformed into “indecent acts” through the use of Criminal Code legislation—an important governing text that allowed police to carry out raids and arrest gay men on a variety of charges. G. Smith (1990) extended IE to create political activist ethnography, which is a sociology not only *for* the people but *for* social movements and activists. Mapping ruling relations is important to social justice and advocacy for social change (Nichols et al., 2017; G. Smith, 1990) because it can uncover how ruling relations, including racial, gender, and class relationships, are produced and organized by texts within institutional processes. IE can be useful to uncover both how institutional and ruling relations work and how people can challenge these relations (Kinsman, 2011).

PAR complements IE by responding to ethical concerns about academic exclusion and exploitation. Sex worker organizations and scholars often recommend using PAR to address ethical issues that arise within the research process (Bowen & O’Doherty, 2014; Dewey & Zheng, 2013; van der Meulen, 2011). By including the workers in knowledge production, PAR can empower these workers to use the research to take action to bring about social change (Bowen & O’Doherty, 2014; Dewey & Zheng, 2013; Johnson & Porth, 2022; O’Neill, 2010; Shaver, 2005; van der Meulen, 2011).

Research Methods

Multiple data collection methods were used in this study, including individual semi-structured interviews conducted in Toronto in 2020–2022 with 25 workers in holistic centres and the sex industry and 15 stakeholders (e.g., services

providers and activists). To recruit the participants, I distributed information about the study to sex worker organizations and engaged in word-of-mouth communication and snowball sampling techniques. Workers in massage parlours and the sex industry who are most affected by this bylaw were key participants in producing knowledge for this study. Guided by my participatory action research approach, participants were also asked to share their ideas about what changes are necessary to improve their working conditions and what actions should be taken to bring about broader social change. The interviews were transcribed verbatim and translated.

In addition, I collected and reviewed texts related to investigations of massage workers and their workplaces in Toronto including legislation, policy papers, city meeting records, enforcement guidelines, and investigation reports. After the interviews, some of the participants shared documents and records related to their work, which also allowed me to review workers' licenses and bylaw tickets. Some of the participants also selected quotes to share with the government to make their voices heard and advocate for their rights. All identifying information was removed from these materials.

Mapping Ruling Relations

In the sections that follow, I lay out my analysis of these data. Though the workers are also regulated by provincial immigration and criminal laws and policies, which I have described in the article “How Laws Regulate Migrant Sex Workers in Canada: To Protect or to Harm?” (Lam, 2023). My central focus in this paper is the municipal bylaw. I begin by offering an overview of the bylaw and the actions it authorizes. I draw from interviews with massage workers to show how significantly this text shapes their work and their

experiences and how changes in the bylaw have increased the restrictions and requirements they face, further establishing the bylaw as a “boss text” (D. Smith & Turner, 2014).

I then examine how, in 2013, antitrafficking advocacy was brought to bear on the bylaw. Interviews with women and key informants, alongside analysis of events and texts, allow me to show how racism, xenophobia, and anti-sex-work ideology became more entrenched in the bylaw and in the work practices of bylaw officers.

This chapter maps ruling relations, explicating how the bylaw as a boss text constructs massage parlour workers as illegal, immoral, and unprofessional and activates institutional actions against them (DeVault & McCoy, 2006; Rankin, 2017).

Municipal Regulation of Holistic Services: The “Boss Text” and How It Shapes Workers’ Lives

Massage services have been highly regulated and policed in Canada. Municipal bylaws are often the tool used to control massage parlours. Since 1975, the law governing body rub parlours (Toronto Municipal Code, Ch. 545) has limited the number of body rub parlours to 25 and controlled adult and sexual services in Toronto (Ross, 2022; Toronto Network Against Trafficking in Women, 2000).

In 1998, Toronto created the licensing category of “holistic practitioner” to capture and regulate non-body-rub services and non-therapeutic-massage services offered by practitioners who are not registered massage therapists (RMTs, who are regulated by the College of Massage Therapists of Ontario). Low-income Asian migrant workers are excluded from the training and registration due to the language barrier and high tuition

fees. But as non-registered massage therapists or health care providers, they are often associated with sex work and described as unprofessional and illegal and therefore in need of control or elimination. The bylaw attempted to find a method of “controlling body rub without impacting on the complementary therapy disciplines” (Ruddell-Foster, 1998) with the goal of screening out “illegitimate operators.”

According to the bylaw, holistic practitioners “are individuals who work in a holistic centre providing a variety of services for therapeutic treatment,” such as aromatherapy, shiatsu, and Reiki (City of Toronto, n.d.; Municipal Licensing and Standards, 2010). Holistic services are defined as “any modality used as a tool for therapeutic and wellness purposes” but does not include body rubs, medical or therapeutic treatment performed by licensed massage therapists, or traditional Chinese medicine or acupuncture. To work in this industry in Toronto, massage workers must have a holistic practitioners license and their businesses must have a holistic centre license.

The bylaw, enforced by bylaw enforcement officers, regulates what workers do, how they talk, and what they wear in their workplace. For example, the bylaw requires holistic practitioners obtain and display their license, keep books and records, provide clients with receipts, provide information about their services and holistic practitioners, restrict activities to listed services, restrict their hours of operation, regulate their appearance and behaviour, and dress in a professional manner.

Because prohibitions against sex work are covered under criminal (which is to say federal) not municipal law, the city cannot formally prohibit the sale of sexual services. If

the city used a business licensing regime to criminalize certain actions or behaviours they would be committing *ultra vires*—moving beyond the scope of their authority.

Nonetheless, the women and service providers I interviewed described how city governments, including the City of Toronto, have and continue to develop bylaws to prohibit or control sexual services, pointing out that city documents used language like “unauthorized services,” “unlicensed services,” “body rub services,” and “services outside the parameter of their licence” to target migrant massage workers. The enforcement guidelines also empower law enforcement to use different methods of investigation (including undercover requests for sexual services) to bring charges against workers or owners, particularly in Asian massage parlours.

As a boss text, then, this bylaw regulates and coordinates massage workers’ day-to-day activities and practices working in a holistic centre.⁴⁵ The text also gives bylaw enforcement officers the authority to regulate the activities of workers in holistic centres, including investigations and laying charges, and gives Toronto Municipal Licensing and Standards (MLS) the power to reject license applications and suspend or revoke licenses.

In 2004 and 2005, the City of Toronto amended the 1998 bylaw in response to concerns about illegal body rub and sexual activities in holistic centres. The Planning and Transportation Committee report (2005) states that the amendment to the bylaw that governs holistic centres and practitioners aimed to prevent illegal services and

⁴⁵ Massage workers in Toronto who are not RMTs are called holistic practitioners. Although many of these workers prefer to call themselves massage practitioners, and their workplaces massage parlours, they are required to register as holistic practitioners.

illegitimate enterprise and disqualify people from obtaining licences. In the institutional discourse, some of the holistic centres were described as illegal, unprofessional, and a public nuisance that needs to be controlled (Planning and Transportation Committee, 2005). The bylaw was amended to restrict operating hours to 9 a.m. to 9 p.m. and prohibit the locking of doors without posting the reopening time. It also required practitioners to dress in a professional manner and specified specific areas of the body (e.g., breasts, genitals, and anus) that cannot be exposed or touched. The city also tried to control accreditation by only giving licences to members of Professional Holistic Associations (PHAs).

With these changes, the bylaw increased the regulation of holistic businesses and the power of bylaw enforcement to investigate, to control the behaviour of workers and their businesses, and to lay charges. The women I interviewed explained that, as a result of these changes, some practices they engaged in to ensure their own safety, such as locking the door to screen clients, became illegal, resulting in workers being charged when they were merely trying to protect themselves. Lok Shan expressed the sentiment of many of the workers when she said she often faces the dilemma of having to choose between being charged and fined by bylaw officers or being robbed. Since low-income Asian women are able to obtain training and membership with some of the Professional Holistic Associations, particularly those that are Asian run, they are able to obtain their license. In 2019, over 2,000 holistic practitioners were registered, over 90 percent of whom were Asian women (Butterfly, 2019). Because the majority of workers in holistic

centres are Asian women, the regulation and targeting of holistic centres is, in practice, systemic racism against Asian women.

Intersection of Anti-Trafficking Advocacy and Bylaw Enforcement

Despite decades of regulation and policing of massage services, workers I interviewed reported that they have experienced increasing targeting by the municipal bylaw since 2013. Many workers in the study reported increased investigations, prosecution, and shutting down of businesses. Cindy said that, before 2013, her spa was investigated only once or twice per year and she never faced any charges. However, between 2013 and 2018, she was investigated more than 10 times per year and received 12 tickets. She also described law enforcement officers becoming rudier and more hostile, treating her like a criminal.

The workers also spoke to the investigations themselves, noting that they became more excessive after 2013. Ching Yin described the law enforcement investigations of her workplace, saying, “We are not murderers—why do they need to send so many people? They were very loud and disturbed the clients.” Workers increasingly worried about bylaw enforcement officers coming around to do an inspection because, when they did, it left them feeling intimidated and disturbed.

The experiences of the workers provided an important thread to investigate: What happened in 2013 and what text was produced that organized this change in investigations? In this section, I show how lobbying by anti-sex-work organizations and religious groups led to a motion by city council that significantly increased bylaw enforcement. The boss text—the municipal bylaw of holistic centres—was activated by

antitrafficking policy that targeted the regulation of holistic centres and allowed it to be used in more punitive ways against them. It also changed the ruling relationship between the workers and law enforcement.

In 2012, a Toronto Counter Human Trafficking Network raised concerns about human trafficking in Toronto. Some of the organizations that expressed whorephobia and held an anti-sex-work position, for example the Canadian Women's Foundation, Elizabeth Fry Toronto, Covenant House, and some evangelical organizations, took the opportunity to raise concerns about sexual services on offer at licensed businesses such as strip clubs, body rub parlours, and holistic centres, particularly conflating these licensed businesses with human trafficking. The Canadian Women's Foundation, which held a vocal anti-sex-work position in the past, raised concerns about the regulation and human trafficking of massage parlours, they argued that *Massage (Body Rub) Parlours have been Identified as a Problem from the Regulatory Standpoint* (Social Development, Finance and Administration & Municipal Licensing and Standard, 2013). As national organizations run largely by white women with certain intersectional privileges, they had significant influence on city policy. Moved by their campaign, some city councillors called for proactive enforcement targeting these businesses.

The conflation of sex/massage work with human trafficking became the institutional discourse of the City of Toronto, producing a “truth” about massage parlours—that massage parlours are immoral, illegal, dangerous, and bastions of human trafficking—that is then used to justify the development of repressive policy against them. As a result of the taskforce's campaign, some city councillors and staff were

encouraged to proactively control sexual services and massage parlours by amending the bylaw and increasing enforcement. They started the bylaw review process, passed the bylaw, and changed the enforcement practice to target this type of business. With whorephobia embedded in the antitrafficking policy, instead of ending human trafficking, the goal of the enforcement of bylaw of holistic centre and antitrafficking policy is to control massage services and end sex work.

In 2013, the City of Toronto also passed a motion to require staff to develop a “strategy to more vigorously prosecute charges related to municipal by-law infractions by the adult entertainment, body rub, and holistic license classes” (City Council, 2013). This motion did not change the bylaw but instead changed the enforcement of the bylaw, becoming an important text to activate the bylaw of holistic centres (boss text) and increase the investigation and prosecution of the workers and owners, particularly those they suspected were offering illegal sexual services.

A stakeholder interviewed in this study shared that in one meeting with the leadership of city staff and bylaw enforcement officers, city staff stated that women’s groups and antitrafficking organizations had raised concerns about illegal activities and human trafficking in massage parlours. City staff indicated that, in response, the city needed to “do something” to address the concern. He also said that some of the antitrafficking groups told the city staff, “you guys have to do something.” When the leadership of MLS told bylaw officers to “go out and do something,” the verbal text produced by the antitrafficking organizations was reproduced and became the institutional text of the city.

Frontline law enforcement took this imperative seriously, and between 2013 and 2016, Asian massage workers experienced significant targeting by bylaw officers. The number of investigations of holistic centres and holistic practitioners increased from 1180 in 2013 to 4365 in 2016, and the number of charges laid against holistic centres and practitioners increased from 75 in 2013 to 236 in 2016 (Lam, 2018b). So Yang, who started working before 2013 and witnessed this shift, said, “They came one or twice a year in the past. But in last few years, they almost come every month and tried to find different minor issues to give you ticket.” Mui said that her workplace was investigated over 20 times in three months. After receiving over 15 tickets by both bylaw enforcement officers and police, her workplace was shut down.

An activist who had been involved in bylaw enforcement confirmed that this verbal text to “do something” was a powerful motivator for law enforcement:

It’s verbal direction to concentrate on those businesses and in an effort to close them down, move them along. I heard it more than once, “do something about these places.” Not defined, no actual goals or objectives or measures, but “do something about them.” Really what that turned into, whether it was sent to the officers or not, the message was, constantly go and enforce the bylaw . . . and charge everyone you see for anything you can find.

He further explained, “In an effort to appear to be doing something, bylaw enforcement officers would enter holistic centres frequently and search for minor or ‘silly things,’ such as small cracks in the massage bed mattress, for which they could lay charges.” Although these charges are minor, the workers reported that having a significant number of them

could interrupt and undermine their business, create a climate of intimidation, and even result in businesses being shut down. As a result of this vigorous application of the law, Moni, a self-employed holistic centre worker, received six convictions within three years with those minor charges (e.g., failing to ensure a receipt is provided to the customer, failing to keep patient records, etc.). Her application for the renewal of her licences was denied and she was forced to shut down her business, which had run for 10 years.

The Direction to “Do Something” Empowers Harmful Ideologies

In interviews, the stakeholders explained how the direction to “do something,” in the context of ideologies of immorality, illegality, racism, and whorephobia, creates conditions for Asian massage parlours to be targeted. An activist who had been involved in bylaw enforcement describes his observation of the practice of bylaw enforcement officers:

When that’s come up to holistic license or sex-related business, that is something going on. People feel that it makes sense . . . because they think something is wrong, they think prostitution is going on . . . it is immoral, illegal . . . and criminal.

When workers lock their doors, for example, law enforcement officers might conclude that the workers are hiding illegal or sexual activities rather than understanding it as a decision made for safety reasons. They turn their observation of the action—locking the door—into illegal activities through enacting the bylaws and issuing the tickets. This stakeholder also described some of the officers going too far in their investigations. For example, some officers “actually engaged in sexual services with workers, taking steps

further and doing illegal searches and identifying people, and then bringing other agencies.” From 2013 to 2016, bylaw enforcement officers also contacted the CBSA and police to charge or arrest the workers.

This stakeholder indicated that the racist and moralistic ideas that bylaw enforcement officers often hold suggest that Asian women should not work in massage parlours but rather in other industries, such as restaurants, nail salons, or factories. He added that bylaw enforcement officers might be suspicious of workers when the latter cannot speak English and do not fit their racist stereotypes of Asian women. His commentary helps explain how whorephobia and racism are embedded in bylaw enforcement investigations and cause harm to women: “If you [bylaw officer] go to a holistic center and I have a moral issue and now I have a racism issue, those two things make a very bad outcome.” As the stakeholder explained, the moral idea an officer might hold that “no one’s supposed to be doing that” shapes how they see the workers, particularly racialized workers, which in turn shapes their interactions with the worker. The bylaw enforcement officers are not able to take the action against the Asian massage workers merely because of their racism and whorephobia; however, through the enactment of the bylaw, taking action becomes possible.

The institutional discourse conflating human trafficking with holistic centres continued to influence the development of the repressive bylaw and its enforcement. As a result of these antitrafficking initiatives, in 2012 and 2013, the city began the process of renewing the bylaw governing holistic centres. In 2014, MLS staff stated that “the majority of the individuals who were issued a holistic centre and/or a holistic

practitioner's licence by the City are offering body rub services" (Howorun, 2017). While there is no evidence to support this argument, it was persuasive, and it again became the "truth" about migrant massage workers.

The Canadian Centre to End of Human Trafficking—a white-women-led, anti-sex-work organization—continues to lobby the city government (including meeting city policymakers, councillors, and the mayor) to promote the idea that holistic centres are the site of human trafficking. They claim that "victims of human trafficking are being sold within body rub parlours and holistic centres licensed by the City of Toronto" (Canadian Centre to End Human Trafficking, 2018, p. 2), despite not working with holistic centre workers or having any evidence to support their claim. By conflating human trafficking and sex work, the anti-sex-work discourse has been embedded in the antitrafficking discourse they promote. Their discourse of illegality and human trafficking has successfully become the institutional discourse and produced the truth about the holistic centre as a site of human trafficking that needs to be shut down (Canadian Centre to End Human Trafficking, 2018).

In 2017, the auditor general of Toronto published a report recommending a review of the bylaws governing holistic centres and body rub parlours. According to the auditor general, the review was necessary "because aside from potentially being a violation to the City's licensing and zoning bylaws, these centres could potentially pose an array of health, safety and community issues, including the risk of human trafficking." The report also stated that more than 100 holistic centres were "deemed to be problematic" (Romeo-Beehler, 2017, p. 3) because they provided "unauthorized services." The report also

suggested that some of the PHAs, particularly those with significant Asian and migrant memberships, were problematic because they are not able to comply with the paperwork. The evidence for this “array of issues” was conspicuously absent from the review. My analysis suggests that the rhetoric of illegality and human trafficking continues to drive the bylaw review and imposition of repressive policy.

In addition to their anti-sex-work ideology, antitrafficking organizations and some of the councillors also promote an antimigrant and racist ideology that has also become institutional discourse. Anti-sex-work organizations continue to promote the idea that workers, particularly non-English speaking workers, are illegal, incapable, and coerced into being trafficked (Kargiannis, 2018). Defend Dignity (2018), for example, states, “Many of the attendants are Chinese and do not speak English, which create language barriers. The language is a barrier to women not understanding what is being asked of them” (p. 3).

In 2018, with the support of the Canadian Centre to End Human Trafficking, the City of Toronto changed the bylaw to target holistic practitioners by prohibiting the five PHAs that have predominantly Asian membership and were therefore identified as problematic from applying for new licenses, preventing them from obtaining licenses. The Asian workers who work in holistic centres are disproportionately affected.

City council also passed a motion to increase MLS’s enforcement capacity (an adult services team was formed, which included hiring one supervisor and four bylaw enforcement officers) to target holistic centres offering unauthorized services (City

Council, 2018). The city also recommended a review of the regulation around holistic centres and body rub parlours to regulate the unauthorized services.

In 2019, the City of Toronto proposed removing the holistic license category (Grant, 2019) and carried out a series of consultation meetings on the bylaw review. The City of Toronto claimed that the goal of the review was to modernize the bylaw and that “unauthorized services” would be better captured under the body rub parlours licence category. However, the proposal to remove the holistic license category would lead to the shutdown of 400 holistic centres and over 2,000 workers (most of whom are low-income Asian women) would lose their work and livelihoods.

Advocacy to Change the Ruling Relations

More than 300 Asian holistic centre workers and advocates (Butterfly: Asian and Migrant Sex Workers Support Network, Holistic Practitioners Alliance, Chinese Canadian National Council [Toronto], Coalition Against Abuse by Bylaw Enforcement Workers Action Centre, FCJ Refugee Centre, OHIP for ALL, Chinese and Southeast Asian Legal Clinic, SURJ [Toronto], Barbra Schlifer Commemorative Clinic, and other human rights advocates) participated in the meetings to express not only their feedback on the bylaw review but also their concern about the problematic bylaw and enforcement.

To change the ruling relations that have shaped the interactions between the workers and bylaw enforcement officers, the workers have taken collective actions to push back the institutional discourses of illegality and human trafficking (Butterfly, 2020). The workers have spoken out and produced the truth about themselves by the production of the texts (e.g., a petition, media interview, art exhibition, meetings with city

councils and policymakers). The statement “I am not a trafficked victim. I need my work” was signed by over 200 Asian massage workers in Toronto.

Although the workers were not able to change the boss text, the municipal bylaw, after advocating for themselves, they have successfully changed the institutional discourse that they are not passive trafficked victims as well as the discourse about locking their doors:

We strongly urge the city to allow us to lock our doors so that we can protect ourselves. We should not be charged or punished. With locked doors, we would be able to screen clients and refuse entry to those who seem suspicious or bad intentioned. We can prevent this violence towards us from occurring again. Right now, we face danger when we are at work. We are middle-aged women who are at high risk of being targeted because the robbers know we are vulnerable and marginalized women. The city must allow us to lock our doors. The city should not punish or charge us. (Angel, Asian massage worker in Toronto)

On August 28, 2020, the director of MLS Carleton Grant announced the “moratorium on this bylaw’s enforcement” (Grant, 2020 p. 1). That same year, the director of bylaw enforcement released new enforcement guidelines that require bylaw enforcement officers to be monitored during their investigations, wear a uniform, leave their name card, and more. The director also gave clear instruction to officers that criminal activity is outside of their scope, and they should not investigate sexual services. They also agreed that complaints about bylaw enforcement officers would be anonymous. These changes to the enforcement policy not only change the practices of law

enforcement but also change the ruling relations between the workers and bylaw enforcement officers by making the latter accountable.

The bylaw review is still ongoing, delayed due to the pandemic, but when it is complete, city staff are required to report back to the General Government and Licensing Committee. However, the workers are still facing overpolicing as a result of MLS's increased enforcement capacity through the adult services team. In 2024, there are 11 bylaw enforcement officers and staff working in the adult services team, and the workers have reported an increase in police harassment. The bylaw review is ongoing, but the Asian massage workers have said they are ready to continue the fight. Holistic centres workers have started organizing and preparing to fight again.

Discussion

The disjuncture between women workers' experiences and institutional regulation and enforcement has provided the entry point for the investigation of what actually happened. While holistic centre workers see themselves as people who earn a living by providing massage services, the City of Toronto sees them as trafficked victims or illegal. The stories from the workers provided me the threads that the boss text—that is, a text, such as laws, policies, rules, and regulations, that authorizes specific practices (D. Smith, 2010)—is the bylaw governing holistic centres, Toronto Municipal Code, Chapter 545, Licencing s158 to s186, a text that coordinates the everyday lives of workers at holistic centres.

As suggested by D. Smith (1987), the aim of institutional ethnography is to discover the ruling relations and describe “how things work or happen in the way they

do.” The findings of this study have shown how the lives of Asian massage workers who work in holistic centres in Toronto are coordinated by the “boss text” (Toronto Municipal Code, Ch. 545) by uncovering how the boss texts that govern their work are shaped and regulated externally and create the ruling relations that give bylaw enforcement power over migrant massage workers.

In this study, I was also interested in tracing the history of the development of the bylaw of holistic centre to identify how it is shaped by institutional discourse. Ng (1995) explained how ideology becomes constructed as fact by texts, shaping how the Canadian public “describe and think about Canadian society in particular ways” (p. 45). The “ideology circle” described by G. Smith (1990) makes apparent the ideologies of whorephobia, racism, immorality, and illegality that are embedded in the bylaw and unwritten policies that regulate the workers. As described in the above section, the categorization of illegality is produced by the texts, which are then used to coordinate the activities of the workers and the investigation of the bylaw enforcement officers.

The research shows that bylaw enforcement officers hold an anti-migrant, racist, and anti-sex-work ideology. However, they are not able to take actions against the workers without the power given to them by the bylaws. As suggested by Frampton et al. (2006), “Texts do nothing on their own” (p. 38). The ideological work can be accomplished by the activation of the text (the municipal bylaw) on the part of the bylaw enforcement officers. The bylaw is key to the ruling relations that give bylaw enforcement officers power over the workers, enabling them to ask questions, investigate them, regulate their work (e.g., clothing, cannot lock their doors), dictate how they should

perform, ticket them, and shut down their businesses. The actions taken by bylaw enforcement also shape the actions of the workers, forcing them, for example, to leave their doors unlocked despite the danger this poses to them—because locking the door poses its own danger.

The workers are also organized into a subordinate position within the ruling relationship with the bylaw enforcement officers because the officers have the power to categorize their “observations” of the work and everyday practices of the workers as illegal. In so doing, they activate the text by laying charges against them, resulting in fines for the workers and the potential closing of businesses. As a result, the workers are worried, frustrated, stressed, and angry, and they are forced to accept the abuse at the hands of law enforcement to avoid further punishment.

As was suggested by G. Smith (2014), police or bylaw enforcement officers observe behaviours that could be interpreted in a range of ways. When they believe these behaviours to be wrong or the people to be defying “their proper place,” they activate the text (bylaw) and ruling relations, which allows them to take actual action against the workers (e.g., by investigating them, laying bylaw charges, or contacting other law enforcement such as CBSA). For example, bylaw enforcement officers interpreted the locking of doors as a way to hide illegal activities; similarly, when the workers do not respond or avoid eye contact, the officer might conclude they are lying or hiding something—that they are probably illegal. Law enforcement then carries out a more extensive investigation, finding minor infractions or illegal activities that they can then charge workers with. In short, the bylaw has given enforcement officers the power to

target and activate the texts against those who do not comply with their whorephobic and racist ideas about Asian workers or their moral ideas about sexual purity and respectability because those ideology are already embedded in the bylaw.

Nichols & Griffith (2009) argue that “the texts require someone who is able to actualize them as instructions for action, and then move these (or consecutive texts) on to the next someone, somewhere, whose reading and action will continue the text-mediated relations” (p.241). The tickets issued by bylaw enforcement are then passed on to the prosecutors and judges in the court, who read them to organize the hearings and produce the record of fine and conviction records. The workers then pay the fine, and their conviction records are sent to MLS, who has the power to revoke their license or reject a request for renewal. Unable to operate without license, the holistic practitioners find their businesses shut down and themselves out of work. The texts were activated, read, and interpreted in multiple sites and the resulting actions were coordinated institutionally by the textual-mediated relations.

Conclusion

Since 2012, the city has shifted its argument from ending sexual services to prohibiting unlicensed services; combating human trafficking; and protecting vulnerable women, children, and other persons. In this way, holistic centres and those who work in them have become conflated with illegality and human trafficking. Antitrafficking organizations that claim to stand for human rights and the protection of women support these repressive policies and push for even more punitive laws and the enforcement of these laws against holistic centres.

The bylaw of holistic centre “boss text” developed in 1998 developed ruling relations that gave bylaw enforcement officers power over the workers and control over their lives. The significant change in enforcement after 2013 shows how the “boss text” was activated by antitrafficking policies, including both verbal and written texts such as bylaws, staff reports, consultation reports, auditor general reports, city council motions, tickets, verbal directions, and deputations in city meetings. The research findings show how the discourses about holistic centres presented by antitrafficking organizations—that they are illegal and the sites of human trafficking—have become the institutional discourses of the City of Toronto and become the “reality” through the production and reproduction of the “texts.”

Many changes – including the extensive lobbying by antitrafficking organizations, ideologies of immorality and racism, the conflation of sex work, massage parlours, and trafficking created significant political pressure on the city – have led to the development of a written text that requires city staff to develop a “strategy to more vigorously prosecute charges related to municipal bylaw infractions by the adult entertainment, body rub, and holistic license classes” (City Council, 2013, para 10). This written text came together with a verbal direction by MLS leadership to “do something” about human trafficking to increase bylaw officers’ investigation and control of holistic centres, particularly those with Asian workers. This motion and verbal direction did not change the bylaw but instead changed the enforcement of the bylaw, becoming an important (boss) text to activate the bylaw of holistic centres and increase the investigation and

prosecution of holistic centre workers and owners, particularly those they suspected were offering illegal sexual services.

The bylaw and the context of its enactment gives law enforcement officers powers they would not otherwise have to exercise their racism and whorephobia against migrant massage workers. By activating texts—by reading, hearing, viewing the bylaws and antitrafficking policies, in multiple locations, including policymakers, bylaw enforcement officers, and even the public—the “truth” about the illegality of holistic centres and their workers has been produced and the workers are drawn into relations that organize their work and activities. The workers’ experiences and realities are suppressed and disappeared by this institutional discourse. The ruling relationship between the workers and law enforcement changed as officers took a more repressive approach against them, increasing the number of investigations and their hostility towards the workers (assuming they are illegal), laying more charges, and shutting down their businesses.

This repressive approach to holistic centres continues today. Public institutions have fully adopted the discourse of “illegal activity” and have oriented towards ending illegal activities on the part of the workers as a way of addressing human trafficking. Human trafficking rhetoric continues to drive the bylaw review and the imposition of repressive policy. Through this study, it became clear that investigations by law enforcement officers, coordinated by the text of the Toronto Municipal Code, have increased the risk of violence for workers at holistic centres and made them more vulnerable.

By uncovering how the bylaws and antitrafficking policies that claim to protect these workers are actual harming them, this study makes an important contribution to efforts to bring social justice to Asian migrant workers in massage parlours and the sex industry. As a critical antitrafficking study, it makes visible the whorephobia and racism inherent within the current bylaws and policies. The study also makes clear that, by inquiring about and challenging these texts, community members have brought about social and policy change. They use labour rights discourses to challenge the victims' discourses, they changed the discourse around locking their doors from one of illegality to one of safety. The voices of the workers are produced and reproduced in different cities, in city meetings, violence against women organizations, and racial justice organizations. They were able to use their own discourse to counter the institutional discourse and produce a new "truth" about themselves. This study enhances our understanding of how workers are fighting back to change their ruling relations with bylaw enforcement officers. Lin said, "I do not know whether we would [have] success but it is important to show our power and show our voices. I would still continue to fight to keep my job."

This study is important not only because it challenges institutional discourses about workers in holistic centres but also because it has led to policy changes. This is a crucial win for these workers' safety, but the fight is not over; we need to continue the fight to end racial profiling and excessive investigations and to change the repressive bylaws used against workers.

References

- Agustín, L. M. (2007). Working to travel, travelling to work. In *Sex at the margins: Migration, labour markets, and the rescue industry* (pp.10–52). Zed Books.
<https://doi.org/10.5040/9781350222496>
- Anderson, S., Jia, J. X., Liu, V., Chattier, J., Krüsi, A., Allan, S., Maher, L., & Shannon, K. (2015). Violence prevention and municipal licensing of indoor sex work venues in the Greater Vancouver Area: Narratives of migrant sex workers, managers, and business owners. *Culture, Health & Sexuality*, 17(7), 825–841.
<https://dx.doi.org/10.14288/1.0315336>
- Armstrong, L. (2017). Commentary: Decriminalisation and the rights of migrant sex workers in Aotearoa/New Zealand: Making a case for change. *Women's Studies Journal*, 31(2), 69–76.
- Auger, C. (2014). Criminalized and licensed: Local politics, the regulation of sex work, and the construction of “ugly bodies.” In C. R. Showden & S. Majic (Eds.), *Negotiating sex work* (pp. 99–120). University of Minnesota Press.
<https://doi.org/10.5749/minnesota/9780816689583.003.0005>
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs*, 35(1), 45–71. <https://doi.org/10.1086/652918>
- Bernstein, E. (2012). Carceral politics as gender justice? The “traffic in women” and neoliberal circuits of crime, sex, and rights. *Theory and Society*, 41(3), 233–259.
<https://doi.org/10.1007/s11186-012-9165-9>
- Beutin, L. P. (2023). *Trafficking in antiblackness: Modern-day slavery, white indemnity, and racial justice*. Duke University Press. <https://doi.org/10.1515/9781478024354>
- Bowen, R. & O’Doherty, T. (2014). Participant-driven action research (PDAR) with sex workers in Vancouver. In C. R. Showden & S. Majic (Eds.), *Negotiating sex work* (53–74). University of Minnesota Press.
- Butterfly. (2016). *Journey of Butterflies*.
https://www.butterflysw.org/_files/ugd/5bd754_6d9ddaec30e947efbef4e94b7e7ee828.pdf
- Butterfly. (2020). *Protecting the safety of workers in holistic centres and body rub parlours by allowing them to lock their doors*. https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_50b08bb810734d928a0ead40faf0dca1.pdf

- Butterfly. (2021). *Call to action: Stop racist attacks from harmful anti-trafficking organizations against Asian massage parlours and sex workers*.
<https://www.butterflysw.org/stop-racist-attacks>
- Canadian Alliance for Sex Work Law Reform. (2022, February 21). *A submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act*.
<https://www.ourcommons.ca/Content/>
- Canadian Centre to End Human Trafficking. (2018, April 10). *Comments for Toronto Municipal Licensing and Standards Committee*.
<https://www.toronto.ca/legdocs/mmis/2018/ls/comm/communicationfile-79532.pdf>
- Canadian HIV/AIDS Legal Network. (2019, March 27). *The perils of “protection”: Sex workers’ experiences of law enforcement in Ontario*.
<http://www.aidslaw.ca/site/the-perils-of-protection/?lang=en>
- City of Toronto. (n.d.). *Holistic centre and practitioners*. <https://www.toronto.ca/services-payments/permits-licences-bylaws/holistic-centre-and-practitioner-reikki-aromatherapy-or-massage-therapy/>
- Chapkis, W. (2003). Trafficking, migration and the law: Protecting innocents, punishing immigrants. *Gender and Society*, 17(6), 923–937. <https://doi.org/10.1177/0891243203257477>
- Cheng, S., & Kim, E. (2014). The paradoxes of neoliberalism: Migrant Korean sex workers in the U.S. and “sex trafficking.” *Social Politics*, 21(3), 355–381.
<https://doi.org/10.1093/sp/jxu019>
- Chin, C. B. (2013). *Cosmopolitan sex workers: Women and migration in a global city*. Oxford University Press.
- CityNews. (2019, May 20). *Changes to body rub parlour rules prompt trafficking concerns* [Video]. YouTube. <https://www.youtube.com/watch?v=qEvl6aeKxw0>
- Craig, E. (2011). Sex work by law: Bedford’s impact on municipal approaches to regulating the sex trade. *Review of Constitutional Studies*, 16, 97–120.
- Doezema, J. (2001). Ouch! Western feminists “wounded attachment” to the “third world prostitute.” *Feminist Review*, 67(1), 16–38.
<https://doi.org/10.1080/0141778015051448>

- Defend dignity (2018). Review of body rub parlour and holistic centre by-laws – Consultation and research findings. (2019). GL2. from <https://www.toronto.ca/legdocs/mmis/2019/gl/comm/communicationfile-94686.pdf>
- Dewey, S., & Zheng, T. (2013). *Ethical research with sex workers: Anthropological approaches*. Springer Science & Business Media.
- Fudge, J., Lam, E., Chu, S. K. H., & Wong, V. (2021). Caught in carceral web: Anti-trafficking laws and policies and their impacts on migrant sex workers. *Butterfly*. <https://www.butterflysw.org/publication>
- Frampton, C., Kinsman, G., Thompson, A. K., & Tilleczek, K. (2006). Social movements/social research: Towards political activist ethnography. *Sociology for changing the world: Social movements/social research* (pp. 1–17). Fernwood Publishing.
- 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>
- Global Network of Sex Workers Project (NSWP). (2018). *Briefing paper: Migrant sex workers*. https://www.nswp.org/sites/nswp.org/files/briefing_paper_migrant_sex_workers_nswp_-_2017.pdf
- Grace, D. (2013). Transnational institutional ethnography: Tracing text and talk beyond state boundaries. *International Journal of Qualitative Methods*, 12(1), 587-605.
- Grahame, P. R., & Grahame, K. M. (2000). Official knowledge and the relations of ruling: Explorations in institutional ethnography. *Journal for Pedagogy, Pluralism, & Practice*, 2(1), 1–16.
- Grant, C. (2019, May 6). Review of body rub parlour and holistic centre by-laws. *City of Toronto*. <https://www.toronto.ca/legdocs/mmis/2019/gl/bgrd/backgroundfile-132769.pdf>
- Grant, C. (2020, October 7). Letter to stakeholders in the Holistic and Body Rub Parlour industries. City of Toronto, Municipal Licensing and Standards.
- Goldenberg, S. M., Krüsi A., Zhang E., Chettiar J., & Shannon K. (2017). Structural determinants of health among im/migrants in the indoor sex industry: Experiences of workers and managers/owners in Metropolitan Vancouver. *PLoS ONE*, 12(1), e0170642. <https://doi.org/10.1371/journal.pone.0170642>

- Ham, J. (2016). *Sex work, immigration and social difference*. Routledge.
- Harding, S. (2007). Feminist standpoints. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and praxis* (pp. 46–64). SAGE.
- Hesse-Biber, S. N., Leavy, P., & Yaiser, M. L. (2004). Feminist approaches to research as a process: Reconceptualizing epistemology, methodology, and method. *Feminist perspectives on social research* (pp.3-26). New York: Oxford University Press.
- Holistic Practitioners' Alliance, Coalition Against Abuse by Bylaw Enforcement, Butterfly and Vincent Wong (2019). *Joint Submission: City of Toronto body rub parlours and holistic centres bylaw review*.
https://www.butterflysw.org/files/ugd/5bd754_1c05641b2ec7421fa32b798e22437854.pdf
- Howorun, C. (2017, October 24). 25 per cent of Toronto holistic centres offer sexual services: Report. *City News*. <https://toronto.citynews.ca/2017/10/26/25-per-cent-toronto-holistic-centres-offer-sexual-services-report/>
- Hunt, S. (2015). Representing colonial violence: Trafficking, sex work, and the violence of law. *Atlantis: Critical Studies in Gender, Culture, & Social Justice*, 37(1), 25-39.
- Jeffrey, L. A. (2005). Canada and migrant sex-work: Challenging the “foreign” in foreign policy. *Canadian Foreign Policy Journal*, 12(1), 33–48.
<https://doi.org/10.1080/11926422.2005.9673387>
- Johnson, G. F., & Porth, K. (2022). Sex worker rights are human rights: An approach to solidaristic normative theory. *International Feminist Journal of Politics*, 1–26.
<https://doi.org/10.1080/14616742.2022.2075424>
- Kaye, J. (2017). *Responding to human trafficking: Dispossession, colonial violence, and resistance among Indigenous and racialized women*. University of Toronto Press.
<https://doi.org/10.3138/9781487513863>
- Kargiannis, J. (2018, April 10). *Licensing and standards committee - Part 2 of 2* [Video]. YouTube. <https://www.youtube.com/watch?v=1XdhUdp46Q4&t=14252s>
- Kempadoo, K., & Shih, E. (2023). Introduction: Rethinking the field from anti-racist and decolonial perspectives. In K. Kempadoo & E. Shih (Eds.), *White supremacy racism and the coloniality of anti-trafficking* (pp. 1–13). Routledge.

- Kinsman, G. (2011). Mapping social relations of struggle: Producing knowledge for social transformation. North American Anarchist Studies Network Conference [Video]. YouTube. <https://www.youtube.com/watch?v=Cn7JPAiNkx0&t=399s>
- Lam, E. (2018a). Behind the rescue: How anti-trafficking investigations and policies harm migrant sex workers. *Butterfly*.
- Lam, E. (2018b). Survey on Toronto holistic practitioners with bylaw enforcement and police. *Butterfly*.
- Lam, E. (2019). Micromanaging the massage parlour: How municipal bylaws organize and shape the lives of Asian sex workers. In S. Petrella (Ed.), *Erotic subjects and outlaws: Sketching the borders of sexual citizenship* (pp. 102–130). Brill Rodopi.
- Lam, E., Shih, E., Chin, K., & Zen, K. (2021). The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Social Sciences*, 10(5), 157. <https://doi.org/10.3390/socsci10050157>
- Lam, E. (2023). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy/Revue Canadienne De Politique Sociale*. 82.
- Lam, E. (2024). Targeting Asian massage parlours in the name of anti-trafficking: Experiences of Asian women in Toronto. In K. Roots, A. De Shalit, E. van der Meulen (Eds). *Trafficking harms: Critical perspectives on human trafficking*. Fernwood Publishing.
- Licensing and Standards Committee (April 10, 2018). Licensing and Standards Committee meeting 24, April 10, 2018 – Part 2. [Video]. Youtube. <https://www.youtube.com/watch?v=1XdhUdp46Q4&t=14249s>
- Malla, A., Lam, E., van der Meulen, E., & Peng, J. (2019). Beyond tales of trafficking: A needs assessment of Asian migrant sex workers in Toronto. *Butterfly*.
- Maynard, R. (2015). Fighting wrongs with wrongs? How Canadian anti-trafficking crusades have failed sex workers, migrants, and Indigenous communities. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 37(2), 40–56.
- McBride, B., Shannon, K., Duff, P., Mo, M., Braschel, M., & Goldenberg, S. M. (2019). Harms of workplace inspections for im/migrant sex workers in in-call establishments: Enhanced barriers to health access in a Canadian setting. *Journal*

of Immigrant and Minority Health, 21(6), 1290–1299.

<https://doi.org/10.1007/s10903-019-00859-9>

McBride, B., Shannon, K., Murphy, A., Wu, S., Erickson, M., Goldenberg, S. M., & Krüsi, A. (2020). Harms of third party criminalisation under end-demand legislation: Undermining sex workers' safety and rights. *Culture, Health & Sexuality*, 23(9), 1–17. <https://doi.org/10.1080/13691058.2020.1767305>

McBride, B., & Janushev, T. (2021). Criminalisation, health, and labour rights among im/migrant sex workers globally. In S. M. Goldenberg, R. M. Thomas, A. Forbes, & S. Bral (Eds.), *Sex work, health, and human rights* (pp. 153–171). Springer. <https://doi.org/10.1007/978-3-030-64171-9>

McBride, B., Goldenberg, S. M., Murphy, A., Wu, S., Mo, M., Shannon, K., & Krüsi, A. (2022). Protection or police harassment? Impacts of punitive policing, discrimination, and racial profiling under end-demand laws among im/migrant sex workers in Metro Vancouver. *SSM-Qualitative Research in Health*, 2. <https://doi.org/10.1016/j.ssmqr.2022.100048>

Millar, H., & O'Doherty, T. (2020). Racialized, gendered, and sensationalized: An examination of Canadian anti-trafficking laws, their enforcement, and their (re)presentation. *Canadian Journal of Law and Society*, 35(1), 23–44. <https://doi.org/10.1017/cls.2020.2>

Montgomery, L. (2021). *Carceral harm reduction: A critical analysis of the municipal licensing of body rub centres in Edmonton, Alberta*. [Doctoral dissertation, Carleton University]. Carleton University Research Virtual Environment. <https://doi.org/10.22215/etd/2021-14527>

Municipal Licensing and Standards. (2010, April 9). Request for services providers in spas and therapy clinics to be certified. City of Toronto. <https://www.toronto.ca/legdocs/mmis/2010/lb/bgrd/backgroundfile-29508.pdf>

Ng, R. (1995). Multiculturalism as ideology: A textual analysis. In M. Campbell & A. Manicom (Eds.), *Knowledge, experience, and ruling: Studies in the social organization of knowledge* (pp. 32–48). University of Toronto Press.

Nichols, N., & Griffith, A. I. (2009). Talk, texts, and educational action: An institutional ethnography of policy in practice. *Cambridge Journal of Education*, 39(2), 241–255.

Nichols, N., Griffith, A., & McLarnon, M. (2017). Community-based and participatory approaches in institutional ethnography. In *Perspectives on and from institutional ethnography* (Vol. 15, pp. 107–124). Emerald Publishing Limited.

- NSWP. (2018). *Migrant sex workers briefing paper*.
https://www.nswp.org/sites/nswp.org/files/briefing_paper_migrant_sex_workers_nswp_-_2017.pdf.
- Oliver, B. J., & De Lisio, A. (2023). Rights, not rescue: Trafficking (in)securities at the sport mega-event. *Frontiers in Sports and Active Living*, 5, 1207595–1207595.
<https://doi.org/10.3389/fspor.2023.1207595>
- O'Neill, M. (2010). Cultural criminology and sex work: Resisting regulation through radical democracy and participatory action research. *Journal of Law and Society*, 37(1), 210–232. <https://doi.org/10.1111/j.1467-6478.2010.00502.x>
- Peacock, T., George, L., Wilson, A., Bergstrom, A., & Pence, E. (2002). Community-based analysis of the US legal system's intervention in domestic abuse cases involving Indigenous women. *Mending the Sacred Hoop*. Minnesota Program Development, Inc.
- Pence, E. (2001). Safety for battered women in a textually mediated legal system. *Studies in Cultures, Organizations and Societies*, 7(2), 199–229.
<https://doi.org/10.1080/10245280108523558>
- Romeo-Beehler, B. (2017, October 24). *Auditor general's report: A review of municipal licensing and standards division's management of business licences. Part two: Licensed holistic centres*. City of Toronto. <https://www.toronto.ca/legdocs/mmis/2017/au/bgrd/backgroundfile-108173.pdf>
- Roots, K. (2022) *The domestication of human trafficking: Law, policing, and prosecution in Canada*. University of Toronto Press.
- Roots, K. De Shalit, A., van der Meulen, E. (2024). Understanding human trafficking: An examination of discourses, laws, policing, and migrant labour. In K. Roots, A. De Shalit, E. van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives, and experiences* (pp. 1-32). Fernwood Publishing.
- Rankin, J. (2017). Conducting analysis in institutional ethnography: Guidance and cautions. *International Journal of Qualitative Methods*, 16(1) 1–11.
- Renshaw, L., Kim, J., Fawkes, J., & Jeffreys, E. (2015). Migrant sex workers in Australia. *Australia Institute of Criminology*.
<https://www.aic.gov.au/publications/rpp/rpp131>

- Red Canary Song, Butterfly, Massage Parlor Outreach Project, Bowen Public Affairs, & Brown University Center for the Study of Slavery and Justice. (2022). *Un-licensed: Asian migrant massage licensure and the racialized policing of poverty*. <https://www.redcanarysong.net/resources>
- Ross, D. (2022). *The heart of Toronto: Corporate power, civic activism, and the remarking of downtown Yonge Street*. University of British Columbia Press.
- Ruddell-Foster, C. (1998, September 21). Holistic Practitioner Licensing Category. City of Toronto. <https://www.toronto.ca/legdocs/1998/agendas/committees/ep/ep981006/it002.htm>
- Sanghera, J. (2012). Unpacking the trafficking discourse. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. 3–24). Routledge.
- Selvey, L. A., Lobo, R. C., McCausland, K. L., Donovan, B., Bates, J., & Hallett, J. (2018). Challenges facing Asian sex workers in Western Australia: Implications for health promotion and support services. *Frontiers in Public Health*, 6, 171. <https://doi.org/10.3389/fpubh.2018.00171>
- Sharma, N. (2001). On being *not* Canadian: The social organization of “migrant workers” in Canada. *Canadian Review of Sociology*, 38(4), 415–439. <https://doi.org/10.1111/j.1755-618X.2001.tb00980.x>
- Shaver, F. M. (2005). Sex work research: Methodological and ethical challenges. *Journal of Interpersonal Violence*, 20(3), 296–319. <https://doi.org/10.1177/0886260504274340>
- Shih, E. (2021, April 5). How to protect massage workers. *New York Times*. <https://www.nytimes.com/2021/04/05/opinion/letters/prostitution-decriminalization.html>
- Smith, D. E. (1987). *The everyday world as problematic: A feminist sociology*. University of Toronto Press.
- Smith, D. E. (1990). *Texts, facts and femininity: Exploring the relations on ruling*. Routledge.
- Smith, D. E (1999). Contradictions for feminist social scientists. In *Writing the social: Critique, theory, and investigations* (pp. 15–28). University of Toronto Press.
- Smith, D. E. (2001). Texts and the ontology of organizations and institutions. *Studies in Cultures, Organizations and Societies*, 7(2), 159–198. <https://doi.org/10.1080/10245280108523557>

- Smith, D. E. (2002). Institutional ethnography. In T. May (Ed.), *Qualitative research in action* (pp. 17–52). Sage.
- Smith, D. E. (2005). *Institutional ethnography: A sociology for people*. AltaMira Press.
- Smith, D. E., & Turner, S. M. (2014). Introduction. In D. E. Smith & S. M. Turner (Eds.), *Incorporating texts into institutional ethnographies* (pp. 3-17). University of Toronto Press.
- Smith, G. W. (1990). Political activist as ethnographer. *Social Problems*, 37(4), 629–648.
- Smith, G. W. (2014). Policing the gay community: An inquiry into textually-mediated social relations discourse as social relations. In D. E. Smith & S. M. Turner (Eds.), *Incorporating texts into institutional ethnographies* (pp. 225–254). University of Toronto Press.
- Social Development, Finance and Administration & Municipal Licensing and Standard. (2013, November 21). *Background information: Initiatives to address human trafficking*. <https://www.toronto.ca/legdocs/mmis/2013/ex/bgrd/backgroundfile-63985.pdf>
- The Planning and Transportation Committee. (2006, July 26). To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting holistic centres and practitioners. <https://www.toronto.ca/legdocs/bylaws/2005/law0719.pdf>
- Toronto City Council. (2013, December 16). *Council decision: Initiatives to address human trafficking*. <https://secure.toronto.ca/council/agenda-item.do?item=2013.EX36.13>
- Toronto City Council. (2018, April 24). *Council decision: Work plan for review of Chapter 545, Licensing, body rub parlours and holistic centres*. <https://secure.toronto.ca/council/agenda-item.do?item=2018.LS24.2>
- Toronto Municipal Code, Chapter 545 (Licensing), s158–186
https://www.toronto.ca/legdocs/municode/1184_545.pdf
- Toronto Network Against Trafficking in Women. (2000). *Trafficking in women including Thai migrant sex workers in Canada*.
http://www.mhso.ca/mhso/Trafficking_women.pdf
- Turner, S. M. (2006). Mapping institutions as work and texts. In D. E. Smith (Ed.), *Institutional ethnography as practise* (pp. 139–161). Altamira Press.

van der Meulen, E. (2011). Action research with sex workers: Dismantling barriers and building bridges. *Action Research*, 9(4), 370–384.
<https://doi.org/10.1177/1476750311409767>

van der Meulen, E., & Durisin, E. M. (2008). Why decriminalize? How Canada's municipal and federal regulations increase sex workers' vulnerability. *Canadian Journal of Women and the Law*, 20(2), 289–311.

van der Meulen, E., & Valverde, M. (2013). Beyond the criminal code: Municipal licensing and zoning bylaws. In E. van der Meulen, E. M. Durisin, & V. Love (Eds.), *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 314–322). University of British Columbia Press.

Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447–475.
<https://doi.org/10.1177/0032329207304319>

Chapter Six: Conclusion

Following institutional ethnography (IE) (D. Smith, 2005) and community-based participatory action research (PAR) (Bowen & O’Doherty, 2014; van der Meulen, 2011), I started my dissertation from the disjuncture between institutional discourses of human trafficking/sex work and the lived experience/subjective knowledge of migrant sex workers themselves. This disjuncture provided the entry point for an examination that aimed to *discover* “how things are actually put together” (D. Smith, 2006, p. 1). After years of fieldwork on bylaw investigations of massage workers, my findings reveal that on the one hand government, law enforcement, and antitrafficking organizations “know” migrant sex workers as victims of human trafficking who need to be rescued, and on the other hand, Asian women “know” themselves as workers who merely want to earn a living and make a contribution to society. In this way, my dissertation provides a detailed illustration of how the workers’ everyday lives and law enforcement are organized institutionally.

In this concluding chapter, I begin by summarizing the major findings of the study. I then outline how my results contribute to existing knowledge (particularly on critical human trafficking and abolitionism) and how IE and PAR are tools for social justice research and activist scholarship. I also show how my research and advocacy with Asian massage and sex workers has enabled them to challenge “victim” discourses that disregard their autonomy and supported their efforts to fight back, including success in bringing about progressive policy changes. This is followed by a discussion of the

implications of my work for policymaking, and an examination of the limitations of the study and future research directions.

Major Findings of the Research

There is a growing interest in critical examinations of sex work, especially the harm caused by criminalization and carcerality (Anderson et al., 2015; Bruckert & Law, 2018; Benoit et al. 2016; 2017, Crago et al, 2021; Machat et al., 2019). Building on this trend, an increasing number of researchers have criticized antitrafficking discourses, movement, and policies (Agustín, 2006; Bernstein, 2010; De Shalit et al., 2023, 2024; Global Alliance Against Traffic in Women, 2017; Kaye, 2017; Kempadoo, 2005, 2012, 2015). Scholars such as Weitzer (2006) suggest that the moral panic against sex work and human trafficking is constructed and results in a crackdown on sex work. Sharma (2005) argues that antitrafficking campaigns do not protect migrants but instead position them as “dangerous foreigners” in order to impose immigration control in the name of protecting the “homeland.” Shih (2023) critically examines how antitrafficking rehabilitation programs are actually exploiting the labour of low-income women, effectively obfuscating inequality in gender and racial relations as well as national power. Roots (2022) scrutinizes the criminal legal approach to human trafficking in Canada. Millar and O’Doherty (2020) offer critical analyses of antitrafficking legislation and its enforcement; two studies, taken together, importantly highlight the criminalization of sex work via human trafficking laws and, in particular, how racial and gender bias played out.

However, despite this influential and expanding body of critical scholarship, there remains limited knowledge of how the experiences of Asian migrant sex workers,

especially those who work in massage parlours in Toronto, Ontario, are organized by law and policy. Accordingly, my dissertation is of particular significance. The disjuncture between the workers' experiences and the institutional discourse about their work provided the entry point for this inquiry, which was guided by the following research questions:

- 1) What are the experiences of Asian and migrant sex workers, particularly those who work in massage parlours, and how are they shaped by laws and law enforcement? (Chapter 2)
- 2) How are migrant sex workers regulated by the related laws and policies in Canada? (Chapter 3)
- 3) How is the illegality of Asian and migrant sex workers being constructed and produced? (Chapters 4 and 5)
- 4) How are law enforcement investigations of Asian and migrant sex workers organized institutionally? (Chapter 5)

To address and respond to these questions, I gathered women's stories of their lived experiences of encounters with law enforcement, conducting interviews with twenty-five Asian sex workers and fifteen stakeholders, including law enforcement officers and sex workers rights, human rights, and racial justice advocates. I also examined key texts (i.e., Criminal Code, immigration regulations, municipal bylaws, investigation reports, and minutes of city council meetings), to uncover how the workers' lives are organized institutionally. All of this was undertaken with the guidance and support of an advisory committee of migrant sex workers and sex work activists.

By investigating how things are “put together” (D. Smith, 2006), my findings show that, rather than providing them protection, law and policy entangle women in a “carceral web” (Fudge et al., 2021). Guided by the major concepts of IE, including “work,” “text,” “discourse,” and “ruling relations” (D. Smith & Griffith, 2022), this study helps us understand how the everyday lives of Asian massage parlours workers in Toronto (for example, trying to avoid being investigated by law enforcement; being investigated by law enforcement; not locking their doors even though it would be safer for them; to avoid receiving tickets; being fearful of raids, etc.), are shaped by texts, particularly municipal bylaws and antitrafficking policies, and drawn into ruling relationships in which they are subordinate to bylaw enforcement officers.

Major Findings by Chapter

Presented as a “sandwich” thesis, the results of this study are reported in four distinct but interconnected chapters, which, in very broad terms, focus on “work” (Chapter 2), “texts” (Chapter 3), “ideology” (Chapter 4) and “ruling relations” (Chapter 5). Here, I discuss how the results are linked and build upon one another. To begin, the workers in this study shared their experiences of doing massage and sex work in different workplaces, including massage parlours, indoor apartments, and outcall hotels. My examination in Chapter 2 of the “work” of Asian women in massage parlours in Toronto drew on interviews to show the tensions and dilemmas in women’s everyday lives, particularly how their interactions with law enforcement increase their vulnerability and puts them in danger. The women’s experiences provided an entry point to the next stages of inquiry.

In Chapter 3, following the threads identified by the everyday experiences (i.e., “work”) explored in Chapter 2, I provided an overview of the carceral web that governs and targets Asian sex workers, causing them significant harm in the name of protecting so-called trafficked victims. This includes antitrafficking laws and enforcement, sex-work-related criminal law, immigration laws that target and prohibit sex work, provincial human trafficking laws, and municipal laws regulating body rub and holistic services. In examining the laws, policies, and the policymaking process, I discovered ideological influences that were not initially apparent.

Building on this, in Chapter 4 I showed how carceral social workers and feminists have played a significant role in injecting their antitrafficking discourse into institutional discourses. Some feminist, violence against women, fundamentalist Christian, and nongovernmental organizations actively lobby for repressive laws and policies against sex workers and the massage industry in the name of anti-human trafficking (Bernstein, 2007). I explored how these groups create a moral panic about human trafficking, advancing a political agenda that is hostile to migrant, racialized massage workers, and sex workers. The stereotype of Asian women is then used to produce the categories of “innocent victim” and “illegality” (Doezema, 2001; Uy, 2011) to call for carceral responses, which includes criminalization and policing, to purportedly rescue the women. This examination provided a further thread in my inquiry, and I investigated how the victim discourse covers up an anti-sex-work, racist, and antimigrant ideology. My research showed how the discourses coming from these individuals and organizations

became the institutional discourse of the City of Toronto and was embedded in the laws and policies that govern the Asian workers in Toronto.

While texts are very important in IE, as Frampton and colleagues (2006) note, “Texts do nothing on their own” (p. 38); they must be activated. Therefore, in Chapter 5, I showcased how the texts are activated by the interpretative work of bylaw enforcement officers and then reproduced in different locations. Through an examination of the textually mediated relations (Campbell & Gregor, 2004), I uncovered how municipal bylaws in Toronto empowered law enforcement officers and the city government to take action against Asian massage parlours, which have become targets in the last few decades, facing calls for increased surveillance and eradication. With whorephobia, xenophobia, and racism embedded in the bylaws and antitrafficking policies, law enforcement officers are able to turn their observations into illegal activities and charge or fine the workers. In this way, workers were pulled into the ruling relationships by the texts and enacted their subordination within those ruling relation.

Taken together, my dissertation shows that Asian massage workers and sex workers have been disproportionally affected by antitrafficking policy. Following Shih (2023), my findings suggest that the racist antitrafficking movement is “obfuscat[ing] the moral and criminal policing of low-wage women’s work” (p. 5) and profiting from the racialized labour of sex workers. The conflation of massage work/sex work/trafficking as well as the dual identity of victim and immoral/illegal have long served in the justification of the criminalization of sex work and increased border control (Fudge et al., 2021) as well as repressive policy against massage workers. My results further show how

whorephobia, xenophobia, and racism are embedded in texts (laws and policies), and how the carceral logics of the government and carceral social workers and feminists have covered up their anti-sex-work discourses and white saviour, colonial, and racist ideologies to produce and reproduce structural violence (Beutin, 2023; Hunt, 2015; Kaye, 2017; Kempadoo & Shih, 2023; Maynard, 2017). No matter the intentions of the individual law enforcement officer, policymaker, or even social worker, those laws and policies remain harmful.

The experiences and knowledge of the Asian massage workers disappears with the production of the institutional discourse that they are illegal or trafficked victims (Anderson et al., 2015; Bungay et al., 2012; Kolar et al., 2014; Lam, 2018b; Lepp, 2013; Shih, 2022). Asian massage workers in this study and in their community have shown time and time again that they are not ignorant, passive victims of human trafficking who need to be rescued, instead they have agency to organize, resist, and push back against racist ideas and to fight for their rights. My study recognizes their resistance throughout, including how they have drawn on workers' rights discourses to make themselves and their reality known, to challenge institutional discourses of trafficked victims, and to change the ruling relations.

Contribution to Knowledge

Asian women engaged in the sex industry have a long history of being stigmatized and marginalized by policies and racialized narratives. Despite increasing scholarly and activist work combatting anti-Asian racism (for example, see Guo, & Guo, 2021; Lee, 2021; Man, 2020), Asian sex workers continue to be neglected and/or ignored. My

research begins to address this gap, examining the systematic racism and structural inequality faced by Asian women engaged in massage and sex work.

The complex interplay of the social identity markers of migrant sex workers have provided a unique standpoint perspective in this study, thereby contributing to intersectionality studies (Crenshaw, 1991). By examining how discourse at the intersection of whorephobia, xenophobia, and racism, particularly anti-Asian racism, has shaped ruling relations, the study provides a deeper understanding of the multiple oppressions faced by migrant sex workers, particularly those introduced by legal and social services.

Speaking directly to Asian migrant sex workers and examining the specific policies that govern their work, this study looks at how dominant discourses on Asian massage workers and sex workers are complicatedly intersected with white supremacy, anti-Asian racism, nationalism, racial capital, gentrification, misogyny, xenophobia, and sexualization. While this oppressive discourse is damaging to Asian women, my study also uncovered their autonomy and active resistance, demonstrating their agency and power through their participation in the bylaw review process, mobilizing community members and allies to challenge the victim discourse, and advocating for change in laws and policies.

In this way, my findings make a significant contribution to studies on critical human trafficking, gender, labour, and migration by demonstrating how an antitrafficking ideology has been used to obscure the anti-sex-work, antimigrant, and racist ideologies embedded in policy. While law enforcement agencies argue that investigations of sex

workers are essential to the fight against human trafficking (Public Safety Canada, 2010, 2019), migrant sex workers have argued that these investigations, conducted in the name of protection, often turn into criminal, immigration, and bylaw investigations against them (Brock et al., 2000; Butler Burke, 2018; Canadian Alliance for Sex Work Law Reform, 2017; Fudge et al., 2021; Lam, 2018a). In the last decade, Asian massage parlours have increasingly become the target of investigations and raids (Lam et al., 2021; Red Canary Song et al., 2022), which Kempadoo and Shih (2023) argue is the result of antitrafficking efforts having “racialized effects [that] enables or supports racial and ethnic profiling, racial discrimination and racial or ethnic othering” (p. 1). Migrant massage and sex workers argue that these investigations negatively impact their lives, endanger their health and safety, increase stigma, increase vulnerability to abuse and exploitation, and violate their human rights (Lam, 2018b; Malla et al., 2019; Red Canary Song et al., 2022).

My dissertation has substantiated migrant and sex workers’ claims by showing how an anti-sex-work ideology became the institutional ideology that constructed the illegality of Asian migrant workers. The study makes a unique contribution to the literature on human trafficking by showing in detail how a specific bylaw compromises women’s safety. And it deepens critical analyses of racial disparity by showing how anti-Asian racism was enacted and reinforced in routine institutional process (that on their surface are very difficult define as racist). Migrant sex workers themselves have provided a strong alternative discourse, using labour rights and antiracist discourse to challenge the

gendered and racialized victim discourse perpetuated within the current human trafficking narrative.

The human trafficking narratives are often being used to call for the carceral response to address the issue. However, there is growing scholarly and activist interest in abolition, including abolitionist social work (Jacobs et al., 2021; Kim et al., 2024; Wong, et al., 2022). My own work has been especially inspired by abolitionist organizations and movements such as Status For All (www.migrantrights.ca), No Pride in Policing Coalition (www.noprideinpolicing.ca/), Black Lives Matter (www.blacklivesmatter.com), INCITE! (www.incite-national.org), and No More Silence (www.itstartswithus-mmiw.com). These abolitionist and anticarceral groups argue that, rather than unintended harm, the prison, criminal, and police systems are designed to target Black, Indigenous, racialized, migrant, and otherwise marginalized communities to maintain inequality and uphold white supremacy (Davis, 2011; Pasternak et al., 2022). However, contemporary abolitionism is still a burgeoning area, and despite an increased use of the term in academic, popular, and public discourse, abolition, as an idea, has not been clearly defined. Some abolitionists are calling for reform or to reform or defund police (Stahly-Butts & Akbar, 2021), while others are more focused on the abolition of prison, police, and the carceral system (Ben-Moshe, 2020; Cole, 2020; Maynard, 2017; No Pride in Policing Coalition, Toronto, n.d.; Pasternak et al., 2022). Davis (2024) is calling not only for the end of prisons but also the end of racism, sexism, capitalism, and the transformation of society.

My work contributes to the study of abolitionism by showing how carceral solutions to human trafficking serve to intensify the political, economic, social, and racial subjugation of marginalized Asian women (Bernstein, 2007, 2010, 2012). The research supports the position held by other abolitionists that increased surveillance and policing has not led to increased protection but instead has brought racial profiling, violence, and the criminal legal system into their lives (Defund the Police Coalition, Montreal, 2022; Pasternak et al., 2022).

Some individuals and organizations, such as carceral feminist organizations, identify themselves as abolitionist but have adopted a carceral approach that reinforces patriarchy, systematic racism, and criminalization, therefore perpetuating gender-based violence and state violence (Kim, 2020). I echo the calls of anticarceral and abolitionist scholars and activists (Ben-Moshe, 2020; Cole, 2020; Davis, 2024; Jones, 2022; Maynard, 2017; Pasternak et al., 2022; Walia, 2013), particularly anticarceral social workers (Fortier et al., 2024; Jacobs et al., 2021; Kim, 2021; O'Brien et al., 2022), to argue that we cannot use the criminal legal system to “protect” massage and sex workers because this broad system is actually designed to create and maintain inequality.

The harm caused by carceral social work and feminists, as demonstrated in this study, provides important evidence to support an abolitionist social work (Fortier et al., 2024; Kim et al., 2024; Rasmussen & Kim, 2024). This is an important lesson for social workers, showing them how the victim discourse advanced by social services and feminists organizations suppresses the lived realities of marginalized peoples, including those who are racialized, poor, migrant, and sex workers. Social workers must understand

that they cannot end the violence or exploitation by becoming an anti-human trafficking saviour and enacting repressive bylaws, increased policing, and criminalization; rather, it will be done through respecting the agency, autonomy, and rights of these workers.

Contributions to Methodology

IE is a powerful tool of inquiry that pays attention to actuality, particularly how people's lives, actions, practices, and activities are shaped and coordinated by texts, such as laws and policies, and how they are organized into social relations (DeVault, 2006; D. Smith, 1987, 2005). The chapters in my “sandwich” thesis make a contribution to IE by showing how IE can work alongside PAR to recognize the important role marginalized people play as knowledge producers, while also paying attention to institutional power and ruling relations. This is not only research *for* sex workers, but research conducted *with* (van der Meulen, 2011) and *by* sex workers (Kim & Jeffreys, 2013).

IE and PAR in combination allows us to develop a better collective understanding of how bylaws are used to criminalize workers. For example, through this research, the community was able to identify the bylaw that prohibited the locking of their door as the boss text that organized the investigations of bylaw enforcement officers that put them in danger. Instead of changing the racist behaviour or the bylaw, which the workers do not have the political power to do, they successfully advocated with bylaw enforcement to end the enforcement of this policy, thereby allowing them to lock their doors and keep themselves safer. Because this research was done *with* and *by* the community, workers can use the same tools and skills to affect other changes and to further advocate for their rights in the future.

Contributions to Activist Scholarship

I argue that it is imperative for scholars to challenge authoritative knowledge structures that silence and exclude the voices of the oppressed, and to use our platforms for creating social change. This is especially true for those of us who hold multiple roles and social locations within and outside academia. In my case, I am a community organizer, activist, and researcher. In holding these multiple positions, I, like other feminist, racial, and disability justice scholars, challenged the boundary between academic research and activism. Rather than imagining myself as an objective observer of migrant sex workers, my role as an activist-scholar enabled me to work closely with the community and to have reciprocal relationships that allowed us to learn from and educate each other.

In numerous ways, the research process itself was also a process of activism. Rather than transferring knowledge at the end of the project, the knowledge exchange happened throughout the study. The knowledge gained through the critical examination of the texts, the role of the antitrafficking organizations, and the mapping of social relations helped the community develop a strategy for community action to advocate for policy change. Our collective actions to affect change then became a part of the dissertation as well.

The dominant trafficking discourse renders the voices and experiences of migrant sex and massage workers invisible. My study, on the other hand, makes them visible. Indeed, it included examples of how Asian workers in massage parlours in Toronto pushed back against the victim and rescue narratives that are central to anti-human-

trafficking and anti-sex-work discourses, refusing to be silenced. The organizing of Asian massage workers in Toronto inspired the unification of Asian massage workers in other cities, for example the Town of Newmarket in Canada and New York, Seattle, and Los Angeles in the United States. Their new narratives, not of being trafficked victims but of being workers fighting for their labour rights, mobilized their allies to increase their political power and support their fight. Because this study was conducted *with* and *by* the community, it was able to affect meaningful and transformational social change that can achieve equality and social justice, as per the goals of Asian and migrant sex workers themselves.

Implications for Policymaking

Together, this research and the resulting community activism have provided significant evidence of the harms caused by the carceral approach to antitrafficking policy. Carcerality, which relies on policing and criminal legal systems, cannot make people safe, particularly those who are marginalized, because instead of offering protection, it offers only violence. Antitrafficking policy, based on rescue-driven responses, reinforces racial hierarchies and reproduces structural oppression, inequality, and ongoing settler-colonial gendered violence (Beutin, 2023; Kaye, 2017; Kempadoo & Shih, 2023; Maynard, 2017). The carceral logics are designed to control those who are different, including racialized individuals; im/migrants and undocumented people; unhoused and low income communities; people who engage in drug use and/or sex work; people with disabilities; gender nonbinary, transgender, and queer people; youth and more (Goodkind et al., 2021; Jacobs et al., 2021; Kim, 2018; O'Brien et al., 2020; Wong et al.,

2022). Rather than creating a system of protection and support, antitrafficking policy increases racial profiling and violence and brings the criminal legal system into their lives (Canadian Alliance for Sex Work Law Reform, 2018; Defund the Police Coalition, Montreal, 2022; Pasternak et al., 2022).

Through its critical analysis of antitrafficking advocacy and policy, my research points to the need to recognize the leadership and autonomy of those affected and to allow them to guide the policymaking process because they are the ones who know their “reality” the best. As Maynard (2015) suggests:

Any effective anti-trafficking effort must place at the forefront Indigenous, migrant, sex working, and racialized women’s voices. It must challenge systematic violence and disenfranchisement in all of its forms in order to achieve reproductive, sexual and bodily autonomy as well as freedom from state or state-endorsed violence and discrimination. (p. 52)

The dissertation chapters described actions taken by the workers that brought about important policy change; for example, Toronto has modified its bylaw enforcement guidelines, requiring bylaw enforcement officers to wear their uniforms and leave their name cards during an investigation. The city has also made a clear statement that investigations of sexual services are not their mandate. Municipal Licensing and Standards has further issued a letter stating that massage workers who lock their door are not to be charged.

Importantly, a variety of related actions and other publications have emerged from the research findings. This has included, for example, training materials about bylaw

reviews, policy briefs and letters submitted to the City of Toronto, training materials for service providers, an information sheet for feminist organizations, and more. All of these materials aim to change institutional discourse and policy, and they had a significant impact on other social service organizations, especially some carceral feminist organizations who recognized the harm caused by the antitrafficking movement and policies and subsequently changed their approach. Most notably, the Canadian Women's Foundation, the Canadian Association of Elizabeth Fry Societies, and LEAF have each changed their position on sex work, now supporting its decriminalization. There is increasing endorsement of this position within other social work, human rights, and women's organizations across the country as well.

These are significant changes that have a positive impact on the daily realities of migrant massage and sex workers. However, the fight is not over. The workers in this study and beyond are still calling for support to eliminate racism and discrimination against Asian massage and sex workers. They are asking for "rights not rescue." They continue to call for an end to the surveillance, racial profiling, and policing of their lives and their work. They fight for the full decriminalization of sex work, an end to repressive bylaws, and removal of the immigration prohibition against sex work. While my dissertation has reached its end, sex workers will not stop fighting until they achieve their goals.

Limitations and Future Research

The published and forthcoming chapters that make up my thesis have provided a detailed examination of the laws and regulations that govern migrant sex workers and

massage workers, and how investigations are performed; however, my data collection focused on municipal bylaws in Toronto. Different cities across the province and country have different bylaws, bylaw enforcement practices, and political situations. Since municipal bylaws give law enforcement significant power to investigate and even micromanage the workplace (e.g., regulation of clothing, not allowing the body rubber to take cash from clients, etc.), with a distinct lack of accountability, they can be powerful tools to regulate people's daily lives. With increasing calls to use municipal policies to prohibit massage parlours and sex work, extending this research into different cities is critical. In future studies, interviewing law enforcement and government officials would provide valuable knowledge about the ruling relations of these institutions.

The lived experiences of the workers provided numerous threads for further inquiry. For example, the women who were interviewed shared their experiences of being investigated by police and Canadian Border Services Agency and of being arrested, deported, or even imprisoned. Future research could examine in more detail how migrant massage and sex workers are regulated by criminal and immigration laws, as well as how antitrafficking funding and policies have played an important role in tying them together into a carceral web.

In addition, as a result of my own linguistic and ethnocultural background, the majority of the participants in my study are Chinese women from East Asia. Yet, Asian communities are very diverse, and this diversity means that every community has unique challenges and experiences, including with racism and with encounters with law enforcement and the legal system. Additional research should be conducted with other

Asian communities to expand our understanding of anti-Asian racism and whorephobia, and the impact these ideologies have on policymaking.

As suggested by Kinsman (2006), “Mapping out social relations of struggle” is crucial to social justice because it connects social organization, activism, and social transformation (p. 133). While the workers and stakeholders I consulted have provided fruitful information regarding, for example, racism and white supremacy in the decision-making and advocacy process, how Asian and migrant sex workers are organizing and advocating for their rights, particularly within the policymaking process, was only one small part of this dissertation. Taking inspiration from other IE and PAR work that enquires into community organizing (e.g., Withers, 2020), mapping the ruling relations of struggle of Asian workers in massage parlours specifically and the sex industry more broadly would be beneficial to other racialized, migrant, sex worker, and allied social movements, as it identifies what they are challenging and what they want to transform. For instance, new research could describe in much more depth their use of worker’s rights discourses to challenge the institutional discourse of trafficked victims, and how they organized to resist and build solidarity to challenge and change the ruling relations.

Academic research and institutions establish a set of rules and regulations that determine what can and cannot, and should/should not, be included in a doctoral dissertation. As a result, some of the knowledge gained from the community has been suppressed or ignored by institutional discourse about academic knowledge and writing. Indeed, a lot of knowledge emerging from this research is not included in this thesis. By way of example, my work has been significantly informed by a critical analysis of the

antitrafficking industrial complex, but much of my research on the antitrafficking industrial complex does not appear here; instead, it will appear in my forthcoming monograph, *Not Your Rescue Project: Migrant Sex Workers Fighting for Justice* (2024, Haymarket Books), which I coauthored with Chanelle Gallant, a long-time sex worker rights activist in US and Canada.

Conclusion

Yi Feng felt immense pride when she heard that the City of Toronto would not eliminate the holistic health licence in the Licensing Committee. As a migrant, racialized, precarious worker with little education, she never believed she could advocate at City Hall or fight to maintain holistic licences. The idea that politicians and city officials might listen to her, even if reluctantly, seemed far-fetched. She never imagined she could influence policy to safeguard her community or halt the harassment and abuse from bylaw enforcement officers. And yet, she discovered the power of unity: “More people, more power.” Joining forces with hundreds of fellow workers, she penned petitions, rallied support, and held countless late-night meetings to strategize for and demand change. Through community building and mass mobilization, what once seemed improbable became achievable and empowering.

Yi Feng is not the only one. In addition to the workers who participated in this research, many others have been mobilized to speak out and fight for their rights. The workers in the Town of Newmarket said:

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. (Newmarket massage workers, 2022)

Through a critique of the carceral approach and an examination of Asian migrant sex workers' lived experiences of law enforcement investigations and how these investigations are organized and coordinated institutionally—and through prioritizing the often-silenced voices of migrant workers—this research makes an important contribution to our understanding of how worker's activities are regulated, and their lives shaped, by laws and policy. This study helps to enable social and policy change, as well as social justice, for communities of Asian and migrant sex workers.

Prioritizing the voices of migrant workers in the massage and sex industry and taking an anti-carceral abolitionist perspective, this research shows how, instead of offering workers protection, regulations can actually put them in danger. Through an examination of the disconnect between the dominant discourse of the carceral state, with a particular focus on the antitrafficking movement, and Asian migrant massage and sex workers' lived experiences of law enforcement investigations, my study has demonstrated how the racist and misogynist dominant discourse institutionally organized and coordinated these investigations to target and blame Asian sex and massage workers, undermining their agency, autonomy, and safety.

The harm caused by institutional discourses is often described as “unintended,” but my findings show that the harm is not unintended at all. Scholars have argued that

antitrafficking and carceral discourses are designed to create and maintain inequality and uphold white supremacy (Davis, 2011; Pasternak et al., 2022). Instead of listening to Indigenous, racialized, migrant, sex worker, and other marginalized communities calls to end criminalization and policing, there has been an expansion of carceral approaches, including increased surveillance, policing, and racial profiling within health care, transportation, and hospitality, and within particular NGOs and social work practice (De Shalit et al., 2021; Gallant & Lam, 2024; Kempadoo & Shih, 2023; Roots et al., 2024).

To reduce the harm caused by carcerality, particularly the rescue industry, some have called for reform and for adopting the “do no harm” approach (Segrave & Tan, 2021). However, to “do no harm” is not abolitionist, it calls not only for increased training for law enforcement (e.g., trauma informed practice) and increased collaboration between law enforcement, social services, and women’s organizations, it also wants to strengthen the power law enforcement and prosecutors have to arrest and convict “suspected traffickers,” expanding the white saviour industrial complex.

Despite the challenges massage workers and sex workers face as racialized, migrant, low-income workers working in a criminalized environment, the Asian migrant sex workers who worked and fought alongside me have shown that they have agency and autonomy in their work as well as in their fight. Asian migrant massage workers and sex workers are not merely passive victims, silenced by the enormous and powerful antitrafficking lobby; rather, in the fight with the Toronto municipal government, they actively constructed their own narrative and took actions to resist, to fight for their rights, to battle against racism and criminalization, and for status for all. Through all their

enormous effort, this study has helped to enable social and policy change and social justice for communities of Asian and migrant massage and sex workers.

References (Chapters 1 and 6)

- Ade Kur, E., and Duffy, J. (2021). Sex worker justice-by us for us, Toronto sex workers resisting carceral violence. In S. Pasternak, K. Walby, & A. Stadnyk (Eds.), *Disarm, defund, dismantle: Police abolition in Canada* (pp. 98–112). Between the Lines.
- Agustín, L. (2006). The disappearing of a migration category: Migrants who sell sex. *Journal of Ethnic and Migration Studies*, 32(1), 29–47.
<https://doi.org/10.1080/13691830500335325>
- Agustín, L. M. (2007). Working to travel. Travelling to work. *Sex at the margins: Migration, labour markets and the rescue industry* (pp.10–52). Zed Books.
- Anderson, S., Jia, J. X., Liu, V., Chatter, J., Krüsi, A., Allan, S., Maher, L., & Shannon, K. (2015). Violence prevention and municipal licensing of indoor sex work venues in the Greater Vancouver Area: Narratives of migrant sex workers, managers and business owners. *Culture, Health & Sexuality*, 17(7), 825–841.
<https://doi.org/10.1080/13691058.2015.1008046>
- Andrijasevic R. (2007). Beautiful dead bodies: Gender, migration and representation in anti-trafficking campaigns. *Feminist Review*, 86, 24–44.
- Auger, C. (2014). Criminalized and licensed: Local politics, the regulation of sex work, and the construction of “ugly bodies.” In Carisa R. Showden & Samantha Majic (Eds.), *Negotiating sex work* (pp. 99–120). University of Minnesota Press.
<https://doi.org/10.5749/minnesota/9780816689583.003.0005>
- Barge, J. K., & Shockley-Zalabak, P. (2008). Engaged scholarship and the creation of useful organizational knowledge. *Journal of Applied Communication Research*, 36(3), 251–265.
- Ben-Moshe, L. (2020). *Decarcerating disability: Deinstitutionalization and prison abolition*. University of Minnesota Press.
- Benoit, C., Jansson, M., Smith, M., & Flagg, J. (2017). “Well, it should be changed for one, because it’s our bodies”: Workers’ views on Canada’s punitive approach towards sex work. *Social Sciences*, 6(2), 52.
<https://doi.org/10.3390/socsci6020052>
- Benoit, C., Smith, M., Jansson, M., Magnus, S., Ouellet, N., Atchison, C., Casey, L., Phillips, R., Reimer, B., Reist, D., & Shaver, F. M. (2016). Lack of confidence in

- police creates a “blue ceiling” for sex workers’ safety. *Canadian Public Policy*, 42(4), 456–468. <https://doi.org/10.3138/cpp.2016-006>
- Benoit, C., Unsworth, R., Healey, P., Smith, M., & Jansson, M. (2021). Centering sex workers’ voices in law and social policy. *Sexuality Research & Social Policy*, 18(4), 897–908. <https://doi.org/10.1007/s13178-021-00576-9>
- Bernstein, E. (2007) *Temporarily yours: Intimacy, authenticity, and the commerce of sex*. University of Chicago Press.
<http://dx.doi.org/10.7208/chicago/9780226044620.001.0001>
- Bernstein, E. (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns. *Signs*, 35(1), 45–71. <https://doi.org/10.1086/652918>
- Bernstein, E. (2012). Carceral politics as gender justice? The “traffic in women” and neoliberal circuits of crime, sex, and rights. *Theory and Society*, 41(3), 233–259. <https://doi.org/10.1007/s11186-012-9165-9>
- Beutin, L. P. (2023). *Trafficking in antiblackness: Modern-day slavery, white indemnity, and racial justice*. Duke University Press. <https://doi.org/10.1515/9781478024354>
- Bowen, R., & O’Doherty, T. (2014). Participant-driven action research (PDAR) with sex workers in Vancouver. In C. R. Showden & S. Majic (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. 53–74). University of Minnesota Press.
- Brock, D., Gillies, K., Oliver C., Sutdhibhasilp, M. (2000). Migrant sex work: A roundtable analysis. *Canadian Women Studies*. 20(2), 84–91.
<https://cws.journals.yorku.ca/index.php/cws/article/view/7614>
- Bruckert, C., & Law, T. (2018). *Women and gendered violence in Canada: An intersectional approach*. University of Toronto Press.
- Bungay, V., Halpin, M., Halpin, P. F., Johnston, C., & Patrick, D. M. (2012). Violence in the massage parlour industry: Experiences of Canadian-born and immigrant women. *Health Care for Women International*, 33(3), 262–284.
<https://doi.org/10.1080/07399332.2011.603868>
- Butler Burke, N. (2018). Double punishment: Immigration penalty and migrant trans women who sell sex. In E .M. Durisin, E. van der Meulen, & C. Bruckert (Eds.), *Red light labour: Sex work. Regulation, agency, and resistance* (pp. 203–212). University of British Columbia Press.

- Butterfly (2016), *Journey of Butterflies*. Butterfly.
https://www.butterflysw.org/_files/ugd/5bd754_6d9ddaec30e947efbef4e94b7e7ee828.pdf
- Butterfly. (2021). *Call to action: Stop racist attacks from harmful anti-trafficking organizations against Asian massage parlours and sex workers*.
<https://www.butterflysw.org/stopracist-attacks>
- Butterfly (Asian and Migrant Sex Workers Support Network). (2022). *Town of Newmarket: End racism against Asian massage businesses and workers*.
<https://www.butterflysw.org/newmarket-end-racism>
- Campbell, M. L., & Gregor, F. M. (2004). *Mapping social relations: A primer in doing institutional ethnography*. Rowman Altamira.
- Canadian Alliance for Sex Work Law Reform. (2017). *Safety, dignity, equality: Recommendations for sex work law reform in Canada*.
<http://sexworklawreform.com/wp-content/uploads/2017/05/CASWLR-Final-Report-1.6MB.pdf>
- Canadian Alliance for Sex Work Law Reform. (2018). Brief to Standing Committee on Justice and Human Rights on Trafficking. <https://sexworklawreform.com/brief-to-the-standing-committee-on-justice-and-humanrights-on-human-trafficking-submitted-june-15-2018-by-the-canadian-alliance-for-sexwork-law-reform/>
- Canadian HIV/AIDS Legal Network. (2019, March 27). *The perils of “protection”: Sex workers’ experiences of law enforcement in Ontario*.
[http://www.aidslaw.ca/site/the-perils ofprotection/?lang=en](http://www.aidslaw.ca/site/the-perils-ofprotection/?lang=en)
- Chapkis, W. (1997). *Live sex acts: women performing erotic labor*. Routledge.
- Chapkis, W. (2003) Trafficking, migration and the law: Protecting innocents, punishing immigrants. *Gender and Society*, 17(6), 923–937.
- Chapman, C., & Withers, A. J. (2019). *A violent history of benevolence: Interlocking oppression in the moral economies of social working*. University of Toronto Press.
- Chu, S. K. H., & Maynard, R. (2024). Human trafficking law and policy: Exacerbating racial and gendered violence in Ontario. In K. Roots, A. De Shalit, & E. van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives, and experiences* (pp. 103–118). Fernwood Publishing.
- Cole, D. (2020). *The skin we’re in: A year of Black resistance and power*. Anchor Canada.

- Collins, P. H. (1998). It's all in the family: Intersections of gender, race, and nation. *Hypatia*, 13(3), 62–82. <https://doi.org/10.1111/j.1527-2001.1998.tb01370.x>
- Cox, L. (2015). Scholarship and activism: A social movements perspective. *Studies in Social Justice*, 9(1), 34–53.
- Crago, A. L., Bruckert, C., Braschel, M., & Shannon, K. (2021). Sex workers' access to police assistance in safety emergencies and means of escape from situations of violence and confinement under an “end demand” criminalization model: A five city study in Canada. *Social Sciences*, 10(1), 13.
- Craig, E. (2011). Sex work by law: Bedford's impact on municipal approaches to regulating the sex trade. *Review of Constitutional Studies*, 16, 97–120.
- Crenshaw, K. W. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 140, 139–167. <https://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>
- Crenshaw K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43, 1241–1299.
- Kaye, J. & Dubé, C. (2024). Challenging notations of benevolence and protection: Settler-colonial anti-trafficking policing in Manitoba. In K. Roots, A. De Shalit, & E. van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives, and experiences* (pp.192–213). Fernwood Publishing.
- Daley, R. (2017). *Canada's relationship with women migrant sex workers: Producing “vulnerable migrant workers” through “protecting workers from abuse and exploitation.”* [Master's thesis, Wilfrid Laurier University]. Comprehensive <https://scholars.wlu.ca/cgi/viewcontent.cgi?article=3045&context=etd>
- Darville, R. (1995). Literacy, experience, power. In M. Campbell & A. Manicom (Eds.), *Knowledge, experience and ruling relations: Studies in the social organization of knowledge* (pp. 249–261). University of Toronto Press.
- Davis, A. Y. (2011). *Abolition democracy: Beyond empire, prisons, and torture*. Seven Stories Press.
- Davis, A. Y. (2024). *Abolition: Politics, Practices, Promise*, Vol. 1. Haymarket Books.
- Defund the Police Coalition, Montreal. (2022). Defund to abolish. A 400-year struggle against policing in Montreal. In S. Pasternak, K. Walby, & A. Stadnyk (Eds.),

Disarm, defund, dismantle: Police abolition in Canada (pp. 34–45). Between the Lines.

De Shalit, A., Roots, K., & van der Meulen, E. (2023). Knowledge mobilization by provincial politicians: The united front against trafficking in Ontario, Canada. *Journal of Human Trafficking*, 9(4), 568–586.
<https://doi.org/10.1080/23322705.2021.1934370>

De Shalit, A., van der Meulen E., & Guta A. (2021) Social service responses to human trafficking: The making of a public health problem. *Culture, Health, and Sexuality*, 23(12), 1717–1732. doi: 10.1080/13691058.2020.1802670

Detlaff, A. J., Weber, K., Pendleton, M., Boyd, R., Bettencourt, B., & Burton, L. (2020). It is not a broken system, it is a system that needs to be broken: The upEND movement to abolish the child welfare system. *Journal of Public Child Welfare*, 14(5), 500–517.

DeVault, M. L. (2006). Introduction: What is institutional ethnography? *Social Problems*, 53(3), 294–298.

DeVault, M. L., & McCoy, L. (2006). Institutional ethnography: Using interviews to investigate ruling relations. In D. E. Smith (Ed.), *Institutional ethnography as practice* (pp 13–44). Rowman & Littlefield.

Dewey, S., & Zheng, T. (2013). *Ethical research with sex workers: Anthropological approaches*. Springer.

Doezema, J. (2001). Ouch! Western feminists “wounded attachment” to the “third world prostitute.” *Feminist Review*, 67(1), 16–38.
<https://doi.org/10.1080/01417780150514484>

Doll, A., & Walby, K. (2019). Institutional ethnography as a method of inquiry for criminal justice and socio-legal studies. *International Journal for Crime, Justice and Social Democracy*, 8(1), 147–160.

Durisin, E. M., & van der Meulen, E. (2021). Sexualized nationalism and federal human trafficking consultations: Shifting discourses on sex trafficking in Canada. *Journal of Human Trafficking*, 7(4), 454–475.

Foucault, M. (1972). *The archaeology of knowledge and the discourse of language*. Tavistock.

Fortier, C., & Hon-Sing Wong, E. (2019). The settler colonialism of social work and the social work of settler colonialism. *Settler Colonial Studies*, 9(4), 437–456.

- Fortier, C., Wong, E. H. S., & Rwigema, M. J. (2024). Introduction. In C. Fortier, E. H. S. Wong, & M. J. Rwigema (Eds.), *Abolish social work (as we know it)* (pp. 1–15). Between The Lines.
- Frampton, C., Kinsman, G., Thompson, A. K., & Tilleczek, K. (2006). Social movements/social research: Towards political activist ethnography. *Sociology for changing the world: Social movements/social research* (pp. 1–17). Fernwood Publishing.
- Fudge, J., Lam, E., Chu, S. K. H., & Wong, V. (2021). *Caught in carceral web: Anti-trafficking laws and policies and their impacts on migrant sex workers*. Butterfly. <https://www.butterflysw.org/publication>
- Gallant, C., & Lam, E. (2024). *Not your rescue project: Migrant sex workers fighting for justice*. Haymarket Books.
- Global Alliance Against Traffic in Women. (2017). *Collateral damage: The impact of anti-trafficking measures on human rights around the world*. <https://gaatw.org/resources/publications/908-collateral-damage-the-impact-of-anti-trafficking-measures-on-human-rights-around-the-world>
- Goodkind, S., Kim, M. E., Zelnick, J. R., Bay-Cheng, L. Y., Beltran, R., Diaz, M., ... & Walton, Q. L. (2021). Critical feminisms: Principles and practices for feminist inquiry in social work. *Affilia*, 36(4), 481–487.
- Grahame, P. R., & Grahame, K. M. (2000). Official knowledge and the relations of ruling: Explorations in institutional ethnography. *Journal for Pedagogy, Pluralism, & Practice*, 5. <http://lesley.edu/journals/ppp/5/grahame.html>
- Griffith, A. I. (2006). Constructing single parent families for schooling: Discovering an institutional discourse. In D. E. Smith (Ed.), *Institutional ethnography as practice* (pp. 127–138). Rowman & Littlefield.
- Guo, S., & Guo, Y. (2021). Combating anti-Asian racism and xenophobia in Canada: Toward pandemic anti-racism education in post-COVID-19. *Beijing International Review of Education*, 3(2), 187-211.
- Harding, S. (2007). Feminist standpoints. In S. N. Hesse-Biber (Ed.), *Handbook of feminist research: Theory and praxis* (pp. 46–64). SAGE.
- Hesse-Biber, S. N., Leavy, P., & Yaiser, M. L. (2004). Feminist approaches to research as a process: Reconceptualizing epistemology, methodology, and method. In *Feminist perspectives on social research* (pp. 3–26). Oxford University Press.

- Hicks, S. (2009). Sexuality and the “relations of ruling”: Using institutional ethnography to research lesbian and gay foster care and adoption. *Social Work & Society*, 7(2), 234–245.
- Hunt, S. (2015). Representing colonial violence: Trafficking, sex work, and the violence of law. *Atlantis: Critical Studies in Gender, Culture, & Social Justice*, 37(1), 25–39.
- Immigration & Refugee Protection Act*. Statutes of Canada, SC 2001, c. 27
- Immigration & Refugee Protection Regulations. SOR/2002–227, s. 196.1(a).
- Jacobs, L. A., Kim, M. E., Whitfield, D. L., Gartner, R. E., Panichelli, M., Kattari, S. K., Downey, M. M., McQueen, S. S., & Mountz, S. E. (2021). Defund the police: Moving towards an anti-carceral social work. *Journal of Progressive Human Services*, 32(1), 37–62. <https://doi.org/10.1080/10428232.2020.1852865>
- Jaggar, A. M. (1997). Contemporary Western feminist perspectives on prostitution. *Asian Journal of Women's Studies*, 3(2), 8–29.
- Jeffrey, L. A. (2005). Canada and migrant sex-work: Challenging the “foreign” in foreign policy. *Canadian Foreign Policy Journal*, 12(1), 33–48. <https://doi.org/10.1080/11926422.2005.9673387>
- Joseph-Salisbury, R., & Connelly, L. (2021). *Anti-racist scholar-activism*. Manchester University Press.
- Kaye, J. (2017). *Responding to human trafficking: Dispossession, colonial violence, and resistance among Indigenous and racialized women*. University of Toronto Press. <https://doi.org/10.3138/9781487513863>
- Kempadoo, K. (1998). Introduction: Globalizing sex workers’ rights. In K. Kempadoo & J. Doezema (Eds.), *Global sex workers: Rights, resistance, and redefinition* (pp. 1–28). Routledge. <https://doi.org/10.4324/9781315865768>
- Kempadoo, K. (2001). Women of color and the global sex trade: Transnational feminist perspectives. *Meridians: Feminism, Race, Transnationalism*, 1(2), 28–51. <https://doi.org/10.1215/15366936-1.2.28>
- Kempadoo, K. (2005). Prostitution and sex work studies. In P. Essed, D. T. Goldberg, & A. Kobayashi (Eds.), *A companion to gender studies* (pp. 255–265). Wiley-Blackwell.

- Kempadoo, K. (2012). Abolitionism, criminal justice, and transnational feminism: Twenty-first century perspectives on human trafficking. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. vii–xiii). Routledge.
- Kempadoo, K. (2015). The modern-day white (wo)man's burden: Trends in anti-trafficking and anti-slavery campaigns. *Journal of Human Trafficking*, 1(1), 8–20. <https://doi.org/10.1080/23322705.2015.1006120>
- Kempadoo, K., & Shih, E. (2023). Introduction: Rethinking the field from anti-racist and decolonial perspectives. In K. Kempadoo & E. Shih (Eds.), *White supremacy racism and the coloniality of anti-trafficking* (pp. 1–13). Routledge.
- Kim, J., & Jeffreys, E. (2013). Migrant sex workers and trafficking: Insider research for and by migrant sex workers. *ALAR: Action Learning and Action Research Journal*, 19(1), 62–96.
- Kim, M. (2020). The carceral creep: Gender-based violence, race and the expansion of the punitive state, 1973–1983. *Social Problems*, 67(2): 309–326. doi:10.1093/socpro/spz013
- Kim, M. E. (2018). From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration. *Journal of Ethnic & Cultural Diversity in Social Work*, 27(3), 219–233. <https://doi.org/10.1080/15313204.2018.1474827>
- Kim, M. E. (2021). Transformative justice and restorative justice: Gender-based violence and alternative visions of justice in the United States. *International Review of Victimology*, 27(2), 162–172. <https://doi.org/10.1177/0269758020970414>
- Kim, M. E., Rasmussen, C., & Washington, D. M. (2024). Introduction. In M. E. Kim, C. Rasmussen, & D. M. Washington (Eds.), *Abolition and social work: Possibilities, paradoxes, and the practice of community care* (pp. 15–21). Haymarket Books.
- Kinsman, G. (2006). Mapping social relations of struggle: Activism, ethnography, social organization. In C. Frampton, G. Kinsman, A. K. Thompson, & K. Tilieccek (Eds.), *Sociology for changing the world: Social movements/social research* (pp. 133–155). Fernwood Publishing.
- Kinsman, G. (2011). Mapping social relations of struggle: Producing knowledge for social transformation. North American Anarchist Studies Network Conference [Video]. *YouTube*. <https://www.youtube.com/watch?v=Cn7JPAiNkx0&t=399s>
- Kinsman, G. (2024). Political activist ethnography: Direct action as activist research and the Sudbury Coalition Against Poverty. In A. Doll, L. Bisailon, & K. Walby

(Eds.), *Political activist ethnography: Studies in the social relationship of struggle*. AU Press.

Kirby, S. L., & McKenna, K. (1989). Preparing for and doing analysis. *Experience, Research, Social Change*, 128–154.

Kolar, K., Atchison, C., & Bungay, V. (2014). Sexual safety practices of massage parlor-based sex workers and their clients. *AIDS Care*, 26(9), 1100–1104.
<https://doi.org/10.1080/09540121.2014.894611>

Lam, E. (2016). Inspection, policing, and racism: How municipal by-laws endanger the lives of Chinese sex workers in Toronto. *Canadian Review of Social Policy*, 75, 87–112.

Lam, E. (2018a). *How anti-trafficking investigation and policies harm migrant sex workers*. Butterfly. https://576a91ec-4a76459b-8d05-4ebbf42a0a7e1t1v.filesusr.com/ugd/5bd754_bbd71c0235c740e3a7d444956d95236b.pdf

Lam, E. (2018b). *Survey on Toronto holistic practitioners' experiences with bylaw enforcement and police*. Butterfly. https://576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_6d780ceba3cb4f6c85de4d3e9e0b7475.pdf

Lam, E. (2022). How laws regulate migrant sex workers in Canada: To protect or to harm? *Canadian Review of Social Policy / Revue Canadienne De Politique Sociale*, 82, 22-57.
<https://crsp.journals.yorku.ca/index.php/crsp/article/view/40379>

Lam, E. (2024a). Targeting Asian massage parlours in the name of anti-trafficking: Experiences of Asian women in Toronto. In K. Roots, A. De Shalit, & E. van der Meulen (Eds.), *Trafficking harms: Critical politics, perspectives, and experiences* (pp. 119-138). Fernwood Publishing.

Lam, E. (2024b). The antitrafficking movement is not abolitionist: How carceral feminists and social workers harm migrant sex workers. In C. Fortier, E. H. S. Wong, N. Penak, & MJ Rwigema (Eds.), *Abolish social work (As we know it)* (pp. 92-102). Between The Lines.

Lam, E., Shih, E., Chin, K., & Zen, K. (2021). The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Social Sciences*, 10(5), 157.1-17
<https://doi.org/10.3390/socsci10050157>

- Lee, J. (2021). Asian Americans, affirmative action & the rise in anti-Asian hate. *Daedalus*, 150(2), 180-198.
- Lepp, A. (2018). Canada. In Global Alliance Against Traffic in Women (Ed.), *Sex workers organizing for change: Self-representation, community mobilization, and working condition* (pp. 151–195). Global Alliance Against Traffic in Women. <https://www.gaatw.org/publications/SWorganising/SWorganising-complete-web.pdf>
- Lepp, D. (2013). *Do not harm: A human rights approach to anti-human trafficking policies and interventions in Canada*. <https://gbvlearningnetwork.ca/our-work/briefs/briefpdfs/LB-05.pdf>
- Luibhéid, E. (2002). *Entry denied: Controlling sexuality at the border*. University of Minnesota Press.
- Luibhéid, E. (2008). Sexuality, migration, and the shifting line between legal and illegal status. *GLQ: A Journal of Lesbian and Gay Studies*, 14(2–3), 289–315.
- Machat, S., Shannon, K., Braschel, M., Moreheart, S., & Goldenberg, S. M. (2019). Sex workers' experiences and occupational conditions post-implementation of end-demand criminalization in Metro Vancouver, Canada. *Canadian Journal of Public Health*, 110(5), 575–583. <https://doi.org/10.17269/s41997-019-00226-z>
- Malla, A., Lam, E., van der Meulen, E., & Peng, J. (2019). *Beyond tales of trafficking: A needs assessment of Asian migrant sex workers in Toronto*. Butterfly https://www.butterflysw.org/_files/ugd/5bd754_a35d8e085c21475fa97e1ff759d26648.pdf
- Man, S. (2020). Anti-Asian violence and US imperialism. *Race & Class*, 62(2), 24-33.
- Maynard, R. (2015). Fighting wrongs with wrongs? How Canadian anti-trafficking crusades have failed sex workers, migrants, and Indigenous communities. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 37(2), 40–56.
- Maynard, R. (2017). *Policing black lives: State violence in Canada from slavery to the present*. Fernwood Publishing.
- Millar, H., & O'Doherty, T. (2020). Racialized, gendered, and sensationalized: An examination of Canadian anti-trafficking laws, their enforcement, and their

- (re)presentation. *Canadian Journal of Law and Society*, 35(1), 23–44.
<https://doi.org/10.1017/cls.2020.2>
- Nabudere, D. W. (2008). Research, activism, and knowledge production. In C. R. Hale (Ed.), *Engaging contradictions: Theory, politics, and methods of activist scholarship* (pp. 62-87). University of California Press.
- Newmarket Massage Workers. (2022). Open letter on the Newmarket crisis. Medium.
<https://medium.com/@butterflycsw/open-letter-on-the-newmarket-crisis-32e159d5a52b>
- Nichols, N. (2018). The social organization of access to justice for youth in “unsafe” urban neighbourhoods. *Social & Legal Studies*, 27(1), 79–96
- Nichols, N., Griffith, A., & McLarnon, M. (2017). Community-based and participatory approaches in institutional ethnography. In *Perspectives on and from institutional ethnography* (Vol. 15, pp. 107–124). Emerald Publishing Limited.
- No Pride in Policing Coalition (Toronto). (n.d). *Demands*.
<https://www.noprideonpolicing.ca/#:~:text=The%20No%20Pride%20in%20Policing,defunding%20and%20abolishing%20the%20police.>
- O’Brien, P., Kim, M., Beck, E., & Bhuyan, R. (2020). Introduction to special topic on anticarceral feminisms: Imagining a world without prisons. *Affilia*, 35(1), 5–11.
<https://doi.org/10.1177/0886109919897981>
- O'Neill, M. (2010). Cultural criminology and sex work: Resisting regulation through radical democracy and participatory action research (PAR). *Journal of Law and Society*, 37(1), 210–232.
- Pasternak, S., Walby, K., & Stadnyk, A. (2022). Introduction. In S. Pasternak, K. Walby, & A. Stadnyk (Eds.), *Disarm, defund, dismantle: Police abolition in Canada* (pp. 1–11). Between the Lines.
- Peel Regional Police. (2023, April 17). *Brief on human trafficking*. Submitted to Standing Committee on Status of Women.
<https://www.ourcommons.ca/Content/Committee/441/FEWO/Brief/BR12339385/br-external/PeelRegionalPolice-e.pdf>
- Pence, E. (1999). *Safety for battered women in a textually mediated legal system* [Doctoral dissertation, University of Toronto]. National Library of Canada / Bibliothèque nationale du Canada.

Pickering, S., & Ham, J. (2017). *The Routledge handbook on crime and international migration*. Routledge.

Protection of Communities and Exploited Persons Act, S.C. 2014, c. 25. 2014

Public Safety Canada. (2010). *National strategy to combat trafficking*. Government of Canada. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtggy-hmnn-trffc/2019-ntnl-strtggy-hmnn-trffc-en.pdf>

Public Safety Canada. (2012). *National action plan to combat trafficking, 2012–2013: Annual Report on Progress*. <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf>

Public Safety Canada. (2019). *National strategy to combat human trafficking 2019–2024*. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtggy-hmnn-trffc/2019-ntnl-strtggy-hmnn-trffc-en.pdf>

Ramazanoglu, C., & Holland, J. (2002). *Feminist methodology: Challenges and choices*. SAGE.

Rankin, J. (2017). Conducting analysis in institutional ethnography: Guidance and cautions. *International Journal of Qualitative Methods*, 16(1) 1–11.

Rasmussen, C., & Kim, M. E. (2024). Abolition and the welfare state: Implications for social welfare. *Affilia*, 39(1), 42–58. <https://doi.org/10.1177/08861099231215766>

Red Canary Song. (2021). *Rapid response to Atlanta shooting*. <https://www.redcanarysong.net/atlanta>

Red Canary Song, Massage Parlor Outreach Project, Butterfly, in collaboration with Bowen Public Affairs & Brown University Center for the Study of Slavery and Justice Human Trafficking Research Cluster. (2022). *Un-licensed: Asian migrant massage licensure and the racialized policing of poverty*. <https://www.redcanarysong.net/resources>

Riley, N. S. (2020, June 8). Opinion | Are social workers the answer? *Wall Street Journal*. <https://www.wsj.com/articles/are-social-workers-the-answer-11591657596>

Roots, K. (2022). *The domestication of human trafficking: Law, policing, and prosecution in Canada*. University of Toronto Press.

Roots, K., De Shalit, A., & van der Meulen, E. (Eds.) (2024). *Trafficking harms: Critical politics, perspectives, and experiences*. Fernwood Publishing.

- Said, E. W. (2003). *Orientalism* (25th Anniversary ed.). Vintage Books. Originally published in 1978.
- Sanghera, J. (2012). Unpacking the trafficking discourse. In K. Kempadoo, J. Sanghera, & B. Pattanaik (Eds.), *Trafficking and prostitution reconsidered: New perspectives on migration, sex work, and human rights* (pp. 3–24). Routledge.
- Segrave, M., & Tan, S. J. (2021). Women migrant workers and counter-trafficking responses in Association of Southeast Asian Nations: The enduring challenge of safety and security. *Journal of Criminology*, 54(4), 466–481. <https://doi.org/10.1177/26338076211037077>
- Sharma, N. (2005). Anti-trafficking rhetoric and the making of a global apartheid. *NWSA Journal*, 17(3), 88–111. <https://doi.org/10.1353/nwsa.2005.0069>
- Shaver, F. M. (2005). Sex work research: Methodological and ethical challenges. *Journal of Interpersonal Violence*, 20(3), 296–319.
- Shih, E. (2021a, March 26). How to protect massage workers. Policing and criminalization of sex work hurts massage workers, even when they aren't sex workers. *New York Times*. <https://www.nytimes.com/2021/03/26/opinion/politics/atlanta-shooting-massage-workers-protection.html>
- Shih, E. (2021b). The trafficking deportation pipeline: Asian body work and the auxiliary policing of racialized poverty. *Feminist Formations*, 33(1), 56–73. <https://doi.org/10.1353/ff.2021.0000>
- Shih, E. (2023). *Manufacturing freedom: Sex work, anti-trafficking rehab, and the racial wages of rescue*. University of California Press. <https://doi.org/10.2307/jj.725853>
- Smith, D. E. (1987). *The everyday world as problematic: A feminist sociology*. Northeastern University Press.
- Smith D. E. (1990). *Texts, facts, and femininity: Exploring the relations of ruling*. Routledge.
- Smith, D. E. (1999). *Writing the social: Critique, theory, and investigations*. University of Toronto Press.
- Smith, D. E. (2001). Texts and the ontology of organizations and institutions. *Cultures, Organizations, and Societies*, 7(2), 159–198.

- Smith, D. E. (2005). Women's standpoint: Embodied knowing versus the ruling relations. In *Institutional ethnography: A sociology for people* (pp. 7–26) AltaMira Press.
- Smith, D. E. (2006). *Institutional ethnography as practice*. Rowman & Littlefield.
- Smith, D. E., & Griffith, A. I. (2022). *Simply institutional ethnography: Creating a sociology for people*. University of Toronto Press.
- Smith, D. E., & Turner, S. M. (2014). Introduction. In D. E. Smith & S. M. Turner (Eds.), *Incorporating texts into institutional ethnographies* (pp. 3-17). University of Toronto Press.
- Smith, G. W. (1990). Political activist as ethnographer. *Social problems*, 37(4), 629-648.
- Smith, G. W. (2014). Policing the gay community: An inquiry into textually-mediated social relations discourse as social relations. In D. E. Smith & S. M. Turner (Eds.), *Incorporating texts into institutional ethnographies* (pp. 225–254). University of Toronto Press.
- Smith, G. W., & Smith, D. E. (1998). The ideology of “fag.” *The Sociological Quarterly*, 39(2), 309–335.
- Stahly-Butts, M., & Akbar, A. A. (2021). Reforms for radicals? An abolitionist framework. *UCLA Law Review*, 68, 1544–1583.
- Turner, S. M. (2006). Mapping institutions as work and texts. In D. E. Smith (Ed.), *Institutional ethnography as practice* (pp. 139–161). Rowman & Littlefield.
- Uy, R. (2011). Blinded by red lights: Why trafficking discourse should shift away from sex and the “perfect victim” paradigm. *Berkeley Journal of Gender, Law, & Justice*, 26(1), 204–219.
- van der Meulen, E. (2011). Action research with sex workers: Dismantling barriers and building bridges. *Action Research*, 9(4), 370–384.
<https://doi.org/10.1177/1476750311409767>
- van der Meulen, E., & Durisin, E. M. (2008). Why decriminalize? How Canada's municipal and federal regulations increase sex workers' vulnerability. *Canadian Journal of Women and the Law*, 20(2), 289–311.
- van der Meulen, E., & Valverde, M. (2013). Beyond the criminal code: Municipal licensing and zoning bylaws. In E. van der Meulen, E. M. Durisin, & V. Love (Eds.), *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 314–322). University of British Columbia Press.

Walia, H. (2013). *Undoing Border Imperialism*. AK Press.

Weitzer, R. (2006). Moral crusade against prostitution. *Society (New Brunswick)*, 43(3), 33–38. <https://doi.org/10.1007/BF02687593>

Weitzer, R. (2007). The social construction of sex trafficking: Ideology and institutionalization of a moral crusade. *Politics & Society*, 35(3), 447–475. <https://doi.org/10.1177/0032329207304319>

Williamson, K. G., & Marcus, A. (2017). Black pimps matter: Racially selective identification and prosecution of sex trafficking in the United States. In A. Horning & A. Marcus (Eds.), *Third party sex work and pimps in the age of anti-trafficking* (pp. 177-196) Springer. https://doi.org/10.1007/978-3-319-50305-9_9

Withers, A. J. (2020). *Mapping ruling relations through homelessness organizing* [Doctoral dissertation, York University]. York Space. https://truthout.org/app/uploads/2020/03/Withers_A_J_2020_PhD.pdf

Wong, E. H. S., Rwigema, M. J. Penak, N. Fortier, (2022). Abolishing carceral social work. In S. Pasternak, K. Walby, & A. Stadnyk (Eds.), *Disarm, defund, dismantle: Police abolition in Canada*. Between the Lines.

Zhou, Y. R., Goellnicht, D., Sinding, C. (Eds.). (2021). Introduction. In *Sexualities, transnationalism, and globalisation: New perspectives* (Vol. 1). Routledge. <https://doi.org/10.4324/9780429352102>