



CSALC

CHINESE AND SOUTHEAST ASIAN
LEGAL CLINIC

華越柬寮法律援助中心

Trung Tâm Hướng Dẫn Luật Pháp Hoa-Việt-Khmer-Lào

ក្រុមការងារសហគមន៍ចិន វៀតណាម ខ្មែរ និងឡាវ

Mayor of Newmarket
Councillors of Newmarket
Town Staff of Newmarket

June 21, 2021

On behalf of the Chinese and Southeast Asian Legal Clinic (CSALC), we are writing this letter to express our concerns about the proposed amendments to the By-laws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to the racialization of poverty and systemic racism.

CSALC is a non-governmental organization mandated to provide free legal services to low-income members of Chinese and Southeast Asian communities in Ontario. In addition to providing legal services, CSALC also engages in systemic advocacy to advance the rights of immigrants, racialized communities, and other disadvantaged members of society.

The new By-law (amendments to Business By-law 2020-31 to adopt the proposed Personal Wellness Establishment regulations) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create insurmountable barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. If the new By-law takes effect, these workers will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw includes an exception that allows members of massage associations outside of Canada to be considered, the application for the exception (*i.e.* collecting extensive documents, evaluation by Town staff) is intimidating and exclusionary. Workers who acquired their skills through training programs that are not recognized by the Town Manager, or through informal on-the-job training will not meet the criteria for the exception, despite being skilled massage attendants with extensive work experience.

While proponents of the proposed By-law argue that, on its face, the amendments are race-neutral, the adverse impacts caused by its implementation will be disproportionately felt by Asian workers and businesses. The By-law is not only discriminatory in effect, but will also deepen the hardships already faced by these workers.

Asian communities are among those most impacted by the COVID-19 pandemic – facing both disproportionate economic hardship and [an alarming rise in anti-Asian racism](#). According to a [Statistics Canada Labour Force Survey](#) released in August 2020, there have been unprecedented increases in unemployment due to the COVID-19 economic shutdown, and the impact falls most harshly on racialized communities. While the national unemployment rate for those aged 15 to 69 was 11.3% in July 2020, several racialized communities had rates of joblessness significantly above this average. The Report also found that South Asian (+9.1 percentage points) and Chinese (+8.4 percentage points) Canadians experienced a much higher increase in unemployment from July 2019 to July 2020, compared to other groups. [By January 20, 2021](#), the unemployment rate among Southeast Asian Canadians had jumped to 20.1%.

The pandemic has only exacerbated pre-existing inequities. In 2019, 22.2% of people living in Ontario who identify as Chinese were living in poverty, while the rate for Southeast Asians was 18.2%. In contrast, the overall poverty rate in Ontario was 14.4%. Racialized women, in particular, continue to face overwhelming economic hardship; they are 43% more likely to be unemployed compared to non-racialized men. The Town of Newmarket should not impose additional social and economic barriers that will deny these Asian women workers the ability to work and live with dignity.

We urge the Town of Newmarket to adopt an anti-racist lens to this By-law: remove the requirement of having accredited credentials to work, as proposed in Section 8.6 of the By-law so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Sincerely,



The Chinese and Southeast Asian Legal Clinic

Signed by
Avvy Yao-Yao Go
Clinic Director
Barrister & Solicitor

