

December 11<sup>st</sup> 2017

## Flawed public participation process has led to adult entertainers & allies being *locked out* of dialogue on the 'no-touch' provision

### Our Position

Speaking as sex workers, as adult entertainers and as allies, we state that an ineffective public participation and consultation process has led to adult entertainers and allies essentially being **locked out** of dialogue that affects the safety and livelihood of workers.

Despite the fact that councillors highlighted significant concerns with the public participation and consultation process, and acknowledged potential harm of the no touch provision- even empathizing with workers- they unanimously moved the motion forward to approve the by-law as is. **This feels disingenuous- to note the failure and the concerns, but to not vote accordingly.**

Just because some on council feel *"the horse has left the barn ... to do anything different would create a lot of work for our staff ... if that was something that was desirable, we should have talked about that earlier on ... not now"* (Councillor Bill Armstrong), as members of the community, **we do not understand how a motion can be moved forward based on a flawed process of consultation and councillors' own analysis into the serious shortcomings of this process.**

As such, even in light of how far the City is in the decision-making process, we ask Councillors again to remove the no-touch provision from the Schedules within the Business Licensing By-Law that relate to Adult Entertainment Establishments until further dialogue with the adult entertainment community can take place.

### The Public Participation Process was not Accessible: Concerns raised by city councillors during Community and Protective Services Committee meeting, December 5, 2017

*"I have people in the public that this affects. We do this for health & safety, for community interest, it is important to me to hear from the public, no just the business owners. I have people that have said to me, "this impact me and I didn't feel safe to talk about it in public, at city hall or at a public meeting"... That's a concern for me, to say "have we done enough?"... We need to continue to find ways to make sure that all voices are heard in a way that are respectful and safe."*

– Councillor Virginia Ridley

The public participation process undertaken by the City was not accessible for adult entertainers. From the public nature of participation for an issue so highly stigmatized, to the short notice of meeting dates, to the process of how to get delegation status, letters introduced onto the public record, figuring out who to contact and when, it was virtually impossible to leverage the voices of adult entertainers in the dialogue surrounding the no-touch provision. We would have eagerly entered the conversation at the outset, or much earlier in the process in a more fulsome and participatory manner, if the system itself did not create so many barriers.

Members of SafeSpace (the only organization in the city exclusively nurturing a community *for, by and with sex workers*), first learned of the by-law consultation process for the no-touch provision September 12, 2017 when an ally attended a council meeting for an unrelated matter. That is not how communication with stakeholders should be undertaken.

Several councillors (Salih, Helmer, Ridley, Van Holst) directly expressed concerns that the consultation process was not safe or accessible for workers, and wanted to consider what could be done to remedy this reality:

*I do think though ... its been expressed very clearly by a number of advocacy organizations, like SafeSpace, that in particular the workers are having trouble interacting with our whole process. And very few people came to the mic to talk what they wanted to see in the regulations. Like many processes like this ... owners and people who have licence plates [Taxi industry] they show up and they talk about what they want... It's harder for the workers and people in precarious employment situation to come and express their full opinions.... What happens, they try to find other ways in to tell their stories. The issue that's still not resolved ... is the issue around the decision around the no-touch provision, and I have heard from a lot working in the industry they don't want it, they don't want that no-touch provision... We need to keep talking ... They aren't going to agree amongst themselves, they have diverse opinions. We have to continue that piece (Councillor Jesse Helmer)*

*[We] need unique engagement for this industry (Councillor Mohamed Salih)*

Operators and managers of clubs can not speak for the adult entertainers working in their establishments, and serious questions arise about the integrity of a consultation process when workers were asked about their needs at their place of work by by-law officers.

*We are asking the people that work for that owner in their place of employment, their opinion may be voiced different or verbalized different in another place than it would be in a safer place for them.... Is it only a male enforcement officer that they can speak to to give their opinion or a female officer to s? Do they know they have a choice in that? Are they clear if they go to Anova or SafeSpace a person could meet them there?... If the public I represent says "I don't feel safe to give my opinion" ... I don't know that the engagement we we've done is an accurate reflection of what the public, the patrons, the attendants are looking for (Councillor Virginia Ridley)*

While we have no doubt by-law officers took their actions seriously in going to premises and going in plain clothes, precarious employment, power imbalances and lack of anonymity introduces doubts about what information they were likely to retrieve under those conditions. Officers themselves have expressed a willingness to consider a different process in the future. It is noteworthy that the regulation for body rub parlors regarding panic buttons does not address the concerns raised regarding no-touch regulations adult entertainers.

### Evidence Should Inform Policy

Adult sex workers are a group of people more often spoken about than spoken with; sex workers have not been consulted in forming the rules. Policy decisions regarding sex work have been imposed on sex workers rather than in collaboration with sex workers. As such, speaking as sex workers and close allies, SafeSpace states firmly that we recognize a person's right to choose or refuse sex work and we promote the decriminalization of sex work. We do this because when sex work is criminalized, women become even more marginalized, stigmatized and are at a heightened risk of experiencing violence.

Along with first-hand experience, a huge body of Canadian research supports that stigmatizing sex work, including criminalization, leads to it being hidden and an increase in dangerous working conditions, poor health across multiple indicators, and significant barriers to social supports (Benoit et al., Weitzer 2017, Lazarus et al. 2011, Krusi et al. 2014, Bruckert & Hannem 2013). As long as people do sex work, then sex workers have the right to work with enhanced safety. When you target individuals through enforcement of regulations that criminalize their income, you take away their ability to earn a living, and to work with safety and dignity. Telling anyone who is an adult entertainer that somehow the City knows better than them about what will help keep them safe, or how a regulation does or does not impact their lives, is an example of systemic, stigmatizing violence.

### Reasons why you should remove the 'no touch' provision

1. Adult Entertainment workers have clearly stated to allies and in testimony provided to the city that they have the inherent right and ability to consent. You should not, and indeed do not have the authority, to legislate that right.
2. As City Councillors, you are required to represent all Londoners, including adult entertainment workers.
3. As City Councillors, you must ensure that your policies and procedures do not cause harm. The enforcement of the no-touch provision as it now stands, and the threat of ticketing (be it an empty threat or fully leveraged), is harming workers' safety.

4. As City Councillors, you have the authority to remove the no-touch provision, and there is indeed precedent for doing so.

5. As City Councillors, you are placing workers in a precarious position where they are working under conflicting laws and policies. This is not an opinion. This is backed by *evidence* and it is evidence, not timelines or staff workload, that should drive policy.

Sincerely,

*SafeSpace London*

*Anova*

*Dr. Jodi Hall*