



Mastery Massage Inc.  
Service Provider & Consultant

August 20, 2020

Dear Council Members,

My name is Christy Kasur. I have been a practicing massage therapist for 23 years in Alberta. I'm a member and volunteer for the Natural Health Practitioners of Canada Association. I have been qualified as an expert witness in the Alberta Provincial Courts as a subject matter expert on the massage health profession in Alberta.

I am recognized as a stakeholder on the Alberta Provincial Human Trafficking Task Force.

I am also the President of the Transitional Council for the College of Massage Therapists of Alberta, who represents 6,000 health care professionals trained and licensed as Massage Therapists, working with the Alberta Government towards regulating the massage profession.

I am speaking to you today as a subject matter expert about two points. First, my concern about the City of Regina developing licensing and zoning practices that are not consistent with Federal law with respect to Body Rub Establishments. And secondly, by approving licensing Body Rub Establishments and the association with massage increases the harm of sexual violence to legitimate massage therapists, harms the integrity of the massage profession and increases the public risk.

It is important to understand the current laws and how they came to be. The *Bedford* case is often referred to in such debates however, it does not state the law. Bill C-36, the *Protection of Communities and Exploited Persons Act* states

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the law. The Supreme Court of Canada gave Parliament one year to respond to its findings in *Bedford*. Bill C-36 came into force on December 6, 2014.

Bill C-36 is the Canadian version of the Nordic Model based on Canadian law; *Canadian Charter of Rights and Freedoms* and the *Criminal Code*. Federal law supersedes Provincial law and by extension municipal law.

Bill C-36 seeks to decrease and prohibit the demand for prostitution, the exploitation by third parties, and the institutionalization of prostitution through commercial enterprises such as strip clubs, massage parlours and escort agencies in which prostitution takes place. Prostitution is defined as the exchange of sexual services for consideration or payment.

A “sexual service” is a service that is sexual in nature and whose purpose is to sexually gratify the person who receives it. “Obtaining a sexual service for consideration” involves an agreement for a specific sexual service in return for payment or another kind of consideration, including drugs or alcohol. (please see the Justice Canada publications)

Activities that have been found to constitute a sexual service or act of prostitution if provided in return for some form of consideration includes: sexual intercourse; masturbation of a client in the context of a massage parlour, whether or not the client climaxes; oral sex; lap-dancing, which involves sitting in a person’s lap and simulating sexual intercourse; and sado-masochistic activities, provided that the acts can be considered to be sexually stimulating or gratifying. (please see the Justice Canada publications)

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A transaction in exchange of sexual services for consideration or payment is illegal. Purchasing sexual services is an offence which makes the whole transaction illegal. If the transaction is illegal, then any businesses based on illegal transactions is considered an illegal business. And providing licenses to illegal businesses is a violation of the Federal statute.

Bill C-36 research does show that countries who have decriminalized or legalized prostitution tend to have larger sex industries. Two empirical studies have shown that decriminalization and legalization are **linked to higher rates of human trafficking** for sexual exploitation. The Canadian Parliament seeks to keep demand for sexual services low and as small as possible.

Speaking as massage health professional and from personal experience, I am concerned about municipalities compromising the integrity of the massage profession by licensing illegal businesses and purporting that anyone who can be a masseuse is a masseuse. Licensing Body Rub Establishments associates the sex trade with the massage profession and increases the risk of harm to legitimate massage therapists. Municipalities are coating a veneer of legitimacy on people involved in illegal activity and as a result contributes to public confusion which increases harm of sexual violence to legitimate massage professionals.

The illicit massage businesses and Body Rub Establishments create confusion in the public's eyes between massage health professionals and illicit massage service providers. As a result, this can increase the risk of sexual violence to practicing massage therapists.

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Everyone is entitled to their own opinion how to protect people in the sex trade, however everyone in Canada has to abide by criminal law (Bill C-36) when it came into force in 2014.

My question to the City of Regina is do you intend to develop zoning and licensing practices with respect to businesses that are effectively illegal to be consistent with the Federal criminal law that clearly all of the Department of Justice publications shows is not legal?

Thank you,

Christy Kasur  
Subject Matter Expert Perspective