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RETHINKING POLICY ON GENDER, SEXUALITY, AND WOMEN'S ISSUES

PROTECTING THE RIGHTS OF MASSAGE PARLOR WORKERS

BY NINA M. FLORES AND KARNA WONG

Masseuses report experiencing physical, emotional, and verbal abuse while working as well as sexual harassment and assault from parlor owners and customers.

PROTECTING THE RIGHTS OF MASSAGE PARLOR WORKERS

Across the United States, local laws and federal immigration policy combine to produce a situation where massage parlor workers, who are predominately female, are left unprotected, which can result in exploitation through a trifecta of wage theft, deportation threat, and sexual harassment. Failing to recognize the differences in the types of massage parlors and masseuses, the current broad-brush legislative approach to regulation is inadequate and does not properly address worker conditions. New legislation is needed to provide legal protection to masseuses.

As of 2011, there were close to three thousand massage parlors and spas in California and more than four hundred in Los Angeles County.¹ Yet, specific data about this sector remains elusive because some masseuses are undocumented employees and anecdotal evidence suggests that many masseuses receive “under-the-table” low pay and work long hours under bad conditions.

Across the United States, local laws and federal immigration policy combine to produce a situation where massage parlor workers, who are predominately female, are left unprotected, which can result in exploitation through a trifecta of wage theft, deportation threat, and sexual harassment. Failing to recognize the differences in the types of massage parlors and masseuses, the current broad-brush legislative approach to regulation is inadequate and does not properly address worker conditions. New legislation is needed to provide legal protection to masseuses.

Because some masseuses engage in sex work by choice or a desire to increase their income,

recent policy has been driven by presumptions of inappropriate sexual behavior or trafficking. Such assumptions stigmatize all masseuses and threaten their financial stability—and for some, could lead to deportation. Recent media attention and legislation have focused on human trafficking and prostitution investigations.² Fueled by a “Not In My Back Yard” attitude, new state and local policies were implemented and resulted in raids and shutdowns of several massage parlors, which often results in stigmatizing or criminalizing the women.

In September of 2014, Governor Jerry Brown approved Assembly Bill 1147 (AB 1147) “Massage Therapy Act,” which amends the previous law and re-establishes city control with regard to zoning.^{3,4} Additionally, the bill draws distinctions between parlors. Legitimate massage parlors have complied with legal regulations and hire certified masseuses. Illegitimate massage parlors are those engaging in human trafficking or prostitution.

AB 1147 also reauthorizes the California Mas-

sage Therapy Council to evaluate professional massage standards and to oversee certification of massage therapists, which involves fingerprinting, 500 hours of training, and an exam.⁵ This certification process presents significant barriers for masseuses with limited English skills, financial and time constraints, undocumented status, or different cultural norms (for example, distrust of government agencies), which can lead to further exploitation.

CRITIQUE

Research shows that masseuse work is often the only available employment for Asian immigrant women who face barriers to the formal economy, including low English fluency, undocumented status, limited housing options, and remittance commitments.⁶ These work impediments are applicable to many immigrants working in the informal economy who typically have few avenues to rectify their employment situation. Unfortunately, AB 1147 is a one-size-fits-all legislation that fails to address working conditions and rights of massage parlor workers.

RECOMMENDATION

In a recent study of Asian massage parlor workers in San Francisco, masseuses reported experiencing physical, emotional, and verbal abuse while working.⁶ Masseuses can also experience sexual harassment and assault from parlor owners and customers. Massage parlor workers need fair wages, safekeeping from violence and harassment, and health care access. Current legislation includes no such protection or legal assistance.

Instead of shifting local regulatory control, state legislators should develop legislation that provides legal aid for massage parlor workers. Rather than feeding into negative perceptions of masseuses, policy needs to focus on improving working condi-

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tions. To support personal and economic choices of masseuses, legislation should follow similar guidelines set up in the Domestic Workers Bill of Rights and mandate safe work environments, fair wages, and protection from harassment.⁷

Nina M. Flores is an educator, researcher, and activist. Within community development she studies gender, public space, and how social media is used to analyze and organize around urban issues. Her writing has been featured in outlets including the Washington Post, The Huffington Post, Ms. Magazine blog, and YES! Magazine. She is a Ph.D. Candidate in Urban Planning at the UCLA Luskin School of Public Affairs, and is a faculty member in the Social & Cultural Analysis of Education program at California State University Long Beach.

With an urban planning career that includes working in San Francisco, Washington, DC, and New York, Karna Wong recently earned her Ph.D. in Urban Planning from the UCLA Luskin School of Public Affairs and specializes in affordable housing and community development with an emphasis on social justice, community activism, and engaged scholarship.

NOTES

1. Dun and Bradstreet 2011 data, compiled by Rosalie Ray and Karna Wong.
2. Fletcher, J.L. (2013). H.B. police arrest 10 for prostitution at massage parlor sweep. *Orange County Register*. <http://www.ocregister.com/articles/massage-499377-businesses-police.html>
3. AB-1147: Massage Therapy. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1147
4. Feather, K. (2014). A Governor Signs Massage Therapy Reform Act Board Structure and Educational Requirements Change. *Massage Today*. <http://www.massagetoday.com/mpacms/mt/article.php?id=14990>
5. California Massage Therapy Council (CAMTC) <https://www.camtc.org/>
6. Nemoto, T., Iwamoto, M., Wong, S., Le, M. N., & Operario, D. (2004). Social factors related to risk for violence and sexually transmitted infections/HIV among Asian massage parlor workers in San Francisco. *AIDS and Behavior* 8(4), 475–483.
7. AB-241: Domestic work employees: labor standards. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB241