



**College of Massage Therapists of Ontario**  
**By-Law No. 11**

**Code of Ethics**

**Interpretation**

**1. Consistency with the *Regulated Health Professions Act, 1991 (RHPA, 1991)* and the *Massage Therapy Act, 1991***

All provisions of these and all by-laws of the College shall be interpreted in a manner consistent with the *RHPA, 1991* and the *Massage Therapy Act, 1991* and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from the by-law.

**Definitions**

1. In this by-law, unless otherwise defined or required by the context,

- (A) "**By-laws**" means all by-laws of the College;
- (B) "**College**" means the College of Massage Therapists of Ontario (CMTO);
- (C) "**Registrant**" means a person or health profession corporation registered with the College, as the case may be;
- (D) "**RHPA**" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*.

Any term not defined in this By-Law shall have the meaning provided to it in the *RHPA, 1991* or the *Massage Therapy Act, 1991*.

## **Code of Ethics**

2. (A) There shall be a Code of Ethics for the registrants which defines their professional ethical duties, and which shall be deemed part of this By-Law (Schedule 1).

(B) Registrants have a duty to abide by the Code of Ethics.

## **Administration**

3. This By-Law shall be administered by the Council.

## **Effective Date**

4. This By-Law comes into force on the day enacted.

Enacted November 19, 1999

Amended May 2014

Amended November 2019

## Schedule 1

### Code of Ethics

#### Introduction

Massage Therapy is a regulated health profession in Ontario. It is governed by the *Regulated Health Professions Act, 1991* (the RHPA) and the *Massage Therapy Act, 1991*. The RHPA requires that regulatory Colleges such as the College of Massage Therapists of Ontario (the College) develop, establish and maintain standards of professional ethics for Massage Therapists. College documents such as the Standards of Practice and the Professional Misconduct Regulation set out explicit expectations with respect to ethical behaviour and attitudes. In addition, the College's Code of Ethics supports Massage Therapists in understanding and applying the ethical principles and values which are foundational to the practice of the profession.

As regulated health professionals, Massage Therapists must ensure they maintain the public's confidence in the profession and provide the highest level of safe, ethical and quality Massage Therapy care. This is accomplished by exercising professional judgement and integrity. The College's Code of Ethics is grounded in four ethical principles:

#### **Benefit Clients and Serve Their Best Interests**

To fulfill the goal of benefiting clients and serving their best interests, Massage Therapists endeavour to positively contribute to their clients' health and well-being.

#### **Treat all Clients with Respect and Dignity**

To fulfill the goal of treating clients with respect and dignity, Massage Therapists treat all clients with compassion and consideration of the client's right to be the decision maker in their healthcare.

#### **Not Harm Clients**

To fulfill the goal of not harming clients, Massage Therapists take every precaution to prevent harm to clients.

#### **Be Responsible and Accountable**

To fulfill the goal of being responsible and accountable, Massage Therapists act in the best interest of the client and not in the interest of the Massage Therapist. Massage Therapists are accountable, not just for their own actions and behaviors, but for those of the broader profession as well.

This document explains the behaviours, actions and attitudes that support the four ethical principles listed above.

#### **Who does the College's Code of Ethics apply to?**

The College's Code of Ethics provides guidance to all Massage Therapists in Ontario, regardless of practice context. It can also be used by Massage Therapy students, educators, researchers and others associated or working with Massage Therapists in Ontario.

## **Using Professional Judgement**

As the Code of Ethics provides Massage Therapists with ethical guidance, Massage Therapists may encounter situations in which they will need to apply their professional judgement in interpreting and applying relevant principles and guidelines.

## **Accompanying Documents**

In interpreting the Code of Ethics, Massage Therapists may refer to the accompanying Glossary of Terms.

## **Principle 1: Benefit Clients and Serve Their Best Interests**

To fulfil the goal of benefiting clients and serving their best interests, Massage Therapists:

- a) commit to benefiting clients and serving clients' best interests by using their knowledge, skill and professional judgement;
- b) ensure that their professional knowledge and skill are current and evidence-informed, based on clinical research, practice context, client perspective and practitioner experience;
- c) clearly provide clients with the information they need to make informed decisions about their healthcare;
- d) encourage client engagement and focus on client goals and preferences;
- e) use oral and written communication to facilitate client understanding and conflict resolution;
- f) are aware of and attentive to transference and counter-transference in the client-Massage Therapist relationship; and
- g) are knowledgeable about other regulated health professions and work collaboratively with other professionals to improve client care, reduce risks, increase client safety and optimize health outcomes.

## **Principle 2: Treat all Clients with Respect and Dignity**

To fulfill the goal of treating all clients with respect and dignity, Massage Therapists:

- a) recognize clients' ethical and legal rights to be the decision makers in their healthcare;
- b) obtain client's informed consent to treatment prior to providing care and respect the client's right to accept or refuse treatment without prejudice;
- c) recognize the power imbalance inherent in the client-Massage Therapist relationship and maintain professional boundaries;
- d) keep client health and personal information confidential, except with the consent of the client or as required by law;
- e) provide clients with advance notice and a referral when discharging them from care; and

- f) provide fair and equitable access and consistent quality care to all clients, free of discrimination based on the protected grounds and social areas outlined in the *Ontario Human Rights Code*<sup>1</sup>.

### **Principle 3: Not Harm Clients**

To fulfill the goal of not harming clients, Massage Therapists:

- a) refrain from participating in behaviours that could potentially harm clients, and make every reasonable effort to prevent harm to clients;
- b) do not, under any circumstance, participate in any form of sexual behaviour with clients, including “consensual” behaviours<sup>2</sup>;
- c) do not, under any circumstance, participate in any form of harassment of clients, colleagues, other health professionals or employees;
- d) ensure they are not impaired in their professional ability by any physical or mental condition or disorder and have the knowledge, skill and judgement to practise Massage Therapy safely;
- e) practise only within their Scope of Practice, recognize their limitations and refer, when appropriate, to a colleague or other health professional whose expertise can best address client needs;
- f) act with honesty and transparency if harm does occur, take responsibility for disclosing this harm to the client and initiate steps to minimize the harm and prevent future occurrences;
- g) ensure they provide clients with the information they need to make informed decisions regarding treatment, and obtain clients’ informed consent prior to treatment;
- h) avoid dual relationships<sup>3</sup>;
- i) ensure that the client-Massage Therapist relationship is not exploited by the Massage Therapist for any real, perceived or potential personal, social, emotional and/or financial reason(s) or conflict of interest;
- j) provide therapeutic touch thoughtfully and tactfully in a sensitive and professional manner;
- k) maintain a clean, hygienic and safe working environment; and
- l) ensure that client and business records are securely retained.

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<sup>1</sup> The *Ontario Human Rights Code, 1962*, prohibits actions that discriminate based on a protected ground, including: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed/religion, disability, family status, marital status, gender identity, gender expression, sex and sexual orientation.

<sup>2</sup> Sexual contact with a client is defined as sexual abuse in the RHPA. It is not a defence if the client “consents” to the sexual touch. Please see the Standard for Maintaining Professional Boundaries and Preventing Sexual Abuse for additional information.

<sup>3</sup> Please see the Standard for Maintaining Professional Boundaries and Preventing Sexual Abuse for additional information.

#### **Principle 4: Be Responsible and Accountable**

To fulfill the goal of being responsible and accountable, Massage Therapists:

- a) individually and collectively have a professional responsibility to maintain public trust and confidence;
- b) conduct themselves with personal and professional integrity at all times;
- c) assume responsibility for their actions and decisions as healthcare professionals;
- d) assume responsibility for upholding their ethical and professional obligations and for advising employers when these conflict with employer expectations;
- e) maintain clear, legible and comprehensive client and business records;
- f) meet all mandatory reporting obligations<sup>4</sup>, and consider reporting any other unethical behaviour;
- g) meaningfully participate in advancing Career Span Competencies and continuing professional development through self-evaluation of practice and appropriately respond to the outcomes of evaluations and assessments;
- h) commit to self-care and personal health and wellness;
- i) recognize their right to refuse care to clients who:
  - I. sexualize or attempt to sexualize the therapeutic relationship;
  - II. physically abuse or threaten to abuse the Massage Therapist; or
  - III. are unable or unwilling to provide payment for care requested;
- j) responsibly use private and public healthcare resources to care for clients;
- k) responsibly use electronic communication, social media and other forms of digital technology;
- l) do not participate in any kind of fraud, including but not limited to fraudulent billing practices;
- m) do not participate in any form of conduct, advertising or promotion that discredits or reflects poorly on the profession or breaches public trust and confidence;
- n) demonstrate the integrity and professionalism expected of a Massage Therapist as a regulated health professional<sup>5</sup>; and
- o) do not justify unethical behaviour by rationalizing that such behavior is not explicitly articulated in this document or other legislation or regulation.

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<sup>4</sup> An overview of mandatory reporting obligations can be found on College's website.

<sup>5</sup> Participating in conduct which could bring disrepute to discredit to the profession is called "conduct unbecoming" in the College's Professional Misconduct Regulation.

## Glossary of Terms

The purpose of this glossary of terms is to assist Massage Therapists in understanding and applying the Code of Ethics.

This glossary explains some terms used in the Code of Ethics. In some instances, this glossary provides basic definitions, while in other instances, more detailed information regarding key concepts is offered to support Massage Therapists in applying the Code of Ethics in their clinical practice.

### Abuse

A Massage Therapist is in a position of power in the client-Massage Therapist relationship. Abuse is a violation of that power. When a Massage Therapist abuses the power they hold, they violate the trust and respect of the client. Abuse occurs when a Massage Therapist utilizes the therapeutic relationship to meet their own personal interests or needs. A Massage Therapist who abuses a client acts outside of professional boundaries.

Abuse may be financial, physical, sexual, verbal and/or emotional exploitation of the client.

#### **Financial Abuse**

Financial abuse exploits the power differential between the Massage Therapist and client and is often a monetary or equivalent gain for the Massage Therapist. Examples of financial abuse may include accepting gifts of significant value, borrowing money, becoming a trustee of a client's account, accessing a client's bank account or seeking financial benefits or other services.

#### **Physical Abuse**

Physical abuse is an act which may reasonably be seen to cause pain or harm to another. Slapping, hitting, pushing, shoving, pinching or any use of force during a treatment are examples of behaviours which can be viewed as physical abuse.

#### **Sexual Abuse**

The *Regulated Health Professions Act, 1991* (the RHPA) defines sexual abuse as follows: "sexual abuse" of a client by a registrant means, (a) sexual intercourse or other forms of physical sexual relations between the registrant and the client, (b) touching, of a sexual nature, of the client by the registrant, or (c) behaviour or remarks of a sexual nature by the registrant towards the client. "Sexual nature" does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided. Please see the College's

Standard for Maintaining Professional Boundaries and Preventing Sexual Abuse for more information.

Sexual abuse does not only include unwanted touching of a client by a Massage Therapist. Any romantic or sexual relationship with a client, including a spouse, is always considered sexual abuse under the RHPA. In the eyes of the law, a client is unable to “consent” to a sexual relationship with a practitioner from whom they are receiving treatment, such as Massage Therapy.

The RHPA stipulates that **at least one year** must have passed since the last professional relationship with a client before any sexual relationship between the Massage Therapist and the client could occur. Failing to wait this one year will mean that sexual contact between the Massage Therapist and client, even if “consensual”, constitutes sexual abuse of a patient within the meaning in the RHPA. A clear termination of the treating relationship, including a discharge note created at the time of discharge, will be required in order to show when the treating relationship ended<sup>6</sup>.

### **Verbal or Emotional Abuse**

Verbal or emotional abuse is language (including that used in online communication) that demeans, humiliates or insults the client. Verbal abuse can cause emotional abuse since the language may harm the client emotionally, culturally or spiritually. Given that Massage Therapists work with clients of many cultures and beliefs, it is important to recognize that personal remarks about a client’s appearance, behaviour, language, beliefs, religious practices, etc. may be distressing. Behaviours such as sarcasm, teasing, swearing or threatening are examples of behaviours that may be considered verbal or emotional abuse.

### **Accountability**

Accountability is to be answerable for the practice of Massage Therapy and to act in a manner consistent with a Massage Therapist’s professional responsibility, as outlined in the Code of Ethics, Standards of Practice, legislation and other relevant documents.

### **Conflict of Interest**

A Massage Therapist is in a conflict of interest if their personal or financial interest conflicts or appears to conflict with the exercise of their professional judgment or duty to act in the best interest of the client. A conflict of interest can be potential, real or perceived. If circumstances exist where a reasonable person would conclude that the Massage Therapist’s professional judgment may be compromised, then a conflict of interest exists.

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<sup>6</sup> As discussed in CMTO’s Standard for Maintaining Professional Boundaries and Preventing Sexual Abuse

Some examples of conflicts of interest<sup>7</sup> include:

- accepting a referral fee, or any other benefit, for the referral of a client to another person or business; or
- advising a client to purchase a particular healthcare product if the Massage Therapist or a relative has a financial interest in that product (or the vendor of that product), unless the Massage Therapist informs the client in advance about the nature of the financial interest (in which case the registrant should also provide the client with information on at least one other source for the product).

### **Consent**

A client must provide voluntary and fully informed consent to all aspects of treatment and must be capable of providing such consent.

Informed consent includes the client understanding all the following:

1. nature of the treatment;
2. expected benefits of the treatment;
3. material risks of the treatment;
4. material side effects of the treatment;
5. alternative courses of action; and
6. likely consequence(s) of not having the treatment.

Consent for treating sensitive areas, as defined in the Standard for Maintaining Professional Boundaries and Preventing Sexual Abuse, must be obtained in writing.

### **Dignity**

Dignity is the quality of being worthy of respect and esteem as human beings.

### **Dual Relationship**

A dual relationship is when a Massage Therapist has some other type of relationship with a client in addition to the professional therapeutic relationship. The multiple relationships can become blurred or merged, making it difficult to maintain clear boundaries and distorting or compromising the therapeutic relationship.

Examples of dual relationships include, but are not limited to:

- personal friendships with clients;
- bartering for goods or services with clients;
- treating family members; or
- romantic or sexual relationships with clients (which is sexual abuse under the RHPA).

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<sup>7</sup> Please see CMTO's Conflict of Interest Guidelines for additional information

### **Fair and Equitable Access to Care**

Massage Therapists must treat clients in an unbiased manner and provide every client with equal access to their care regardless of who clients are and their personal situations/ circumstances.

### **Honesty**

Honesty is being sincere and truthful, and refraining from any kind of deceit in the practice of Massage Therapy.

### **Integrity**

Integrity is the quality of being sincere, honest and trustworthy in making choices and decisions consistent with a Massage Therapist's professional values.

### **Professional Judgement**

Professional judgement is the ability to competently interpret and apply ethical and legal requirements within the unique circumstances of clinical practice, education, research, administration and regulatory requirements.

### **Professional Misconduct**

Professional misconduct is conduct that does not meet the minimum expectations of integrity, client-centered care and professionalism, as well as other legal and ethical standards.

### **Professional Responsibility**

Professional responsibility includes the duties that Massage Therapists exercise to their clients as regulated healthcare professionals in line with their professional role and commitment.

### **Regulated Health Professions Act, 1991 (RHPA)**

In Ontario, regulated health professions are governed under the *Regulated Health Professions Act, 1991* (RHPA) and individual health profession Acts (*Massage Therapy Act, 1991*).

### **Scope of Practice**

The Scope of Practice of a profession describes the activities in which the profession is trained and fully regulated.

The *Massage Therapy Act, 1991*, defines the Scope of Practice for Massage Therapy as “the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.”

### **Therapeutic Relationship**

A therapeutic relationship is a purposeful client-therapist relationship designed to promote, support and advance the health and best interest of the client. It is grounded in trust, respect and the appropriate use of knowledge and power.

### **Therapeutic Touch**

Therapeutic touch is physical contact between a Massage Therapist and client for clinical indications within the Scope of Practice of Massage Therapy, and with the intention to facilitate their health and well-being.

### **Transference and Counter-Transference**

#### **Transference**

Transference refers to redirection, to the Massage Therapist, of a client's feelings for another person who is significant to them. Transference can obstruct the goal of the therapeutic relationship.

#### **Counter-Transference**

Counter-transference refers to redirection of a Massage Therapist's feelings towards the client, or when the Massage Therapist uses a client to meet personal psychological needs. Counter-transference can change the focus or content of the therapeutic relationship, as the Massage Therapist's needs and/or unresolved issues become part of the therapeutic experience and impede the Massage Therapist's ability to be fully present for the client.

### **Transparency**

Transparency is the quality of being open and honest.