

## POLICY DOCUMENT

# Code of Ethics and Standards of Practice

### Preamble

This Code of Ethics (Code) is a statement about appropriate and expected conduct of members of Massage & Myotherapy Australia, a brand name of the Australian Association of Massage Therapists Ltd (AAMT or Association) and as such, reflects the values of the Association. This Code describes the professional conduct expected of members to preserve and enhance their professional reputation as well as the general reputation of the massage industry in Australia. Further, the Code seeks to protect the general public. The Code has been developed to inform and guide the decisions and behaviour of all therapists and others involved in the provision of massage and related services under the provisions of the Association. All members must comply with this Code pursuant to the terms of the AAMT Constitution.

### Aim

The Code is not intended to provide easy answers, formulae, or prescriptive solutions for the complex professional dilemmas massage therapists face in their work. It does, however, provide a basis for critical reflection and it sets out the principles and standards by which members are expected to conduct themselves in the course of their professional duties. The Code is intended to provide some guidance for members in respect of the resolution of moral and ethical dilemmas that arise in the course of their professional duties, but does not provide an exhaustive summary or analysis of requirements as a massage therapist in Australia.

The Board of Directors reserves the right to amend the Code, as and when it is deemed necessary, in its absolute discretion, in order to fulfil the aims and objectives of the Association. For the avoidance of doubt, the Code is not intended in any way to limit the disciplinary guidelines of the Association available at [www.massagemyotherapy.com.au](http://www.massagemyotherapy.com.au).

### 1. Process: The Five Principles

Adherence to this Code involves a commitment by each member (among other things) to abide by five key principles, which are:

1. The primary consideration in all treatment decisions by a member must be in the interest of the client's wellbeing.
2. The therapist must at all times maintain client confidentiality and adhere to all Privacy Laws and requirements. If the client is a minor, this confidentiality refers also to a parent or guardian.
3. The treatment of each client must be carried out in accordance with competent application of accepted techniques and principles, and all applicable laws.
4. Maintaining a commitment to the development of the profession and ensure compliance with all codes of conduct, guidelines, policies and procedures maintained from time to time.
5. Maintaining a supportive professional attitude to our colleagues and the industry.

Further details of each principle are set out below.

#### Statements for the Five Principles

1. Client wellbeing is the priority in any treatment decisions. Treatment decisions must be consensual between the therapist and client and the therapist should provide explanations to the client/patient in any changes of methods of treatment used.
2. Confidentiality is to be maintained between client and therapist. Clinical information shall be stored in a confidential manner, and communication, unless otherwise specified, between therapist and client shall remain confidential. Where the client is a minor, this confidentiality also refers to the parent or legal guardian.

3. Members will conduct their practice in an accepted professional manner as set out in the Standards of Practice and all applicable laws, having regard to any legally binding obligations on the therapist, the client or in the case of a minor, his/her parent or legal guardian at the time of treatment. In the event of a conflict arising between the standards of practice, legal requirements and professional obligations of a therapist, the member should decline to treat the relevant client until such time as the conflict is reasonably resolved.
4. Members will not wilfully misrepresent their qualifications, training or experience and must at all times comply with any other guidelines, standards or requirements of the Association.
5. Members are required to uphold the rules, regulations and values of the Association. If a member has breached these rules and regulations, he or she may be brought before an Ethics Committee and/or may have their membership revoked as set out in the disciplinary guidelines available at [www.massagemyotherapy.com.au](http://www.massagemyotherapy.com.au).

## 2. Confidentiality and Privacy

- a. Confidentiality of patient/client information must be observed. Consent must be provided by the client (or in the case of a minor, his/her parent or legal guardian) before information that is required to be kept confidential (at law) is disclosed to any person (including the Association).
- b. Members must honour the client's right to personal privacy and modesty.
- c. Members will maintain professional ethical standards and comply with generally accepted standards of professional behaviour.
- d. Members must comply with all Privacy Laws.

## 3. Competence

- a. Members must demonstrate competent therapeutic decision making and treatments and must not misrepresent their qualifications, training or experience to any person (including the Association).
- b. Members must at all times work within the scope of their professional role and avoid misrepresentation of their range of competence and skill.
- c. No member will perform any work or action that contravenes any Australian Federal or state legislation pertinent to their scope of practice.

## 4. Responsibility

- a. Members are personally responsible for their professional decisions.
- b. Members must give due consideration to the foreseeable consequences of their actions.
- c. Members must have a working knowledge of and practice within the relevant principles of laws and policies that relate to their work.
- d. Members must support the development and implementation of laws and policies that promote the practice of massage.
- e. When working with or for other persons or organisations, members must maintain the highest integrity and standards of the profession.

## 5. Therapist – Relationship

- a. Members are required to keep a history of their clients (including all clinical notes in English) for not less than seven years.
- b. Clinical, consulting and evaluative information must be kept confidential and communicated only for professional purposes to persons legitimately involved in the client case.
- c. Records must be stored and, where necessary, disposed of in a confidential manner and kept and archived in accordance with all applicable federal and state or territory laws.
- d. Where clients are unable to give informed consent, due to age, psychological state, medical condition or any other similar ailment, the consent of the client must be obtained from the parent or legal guardian of the client prior to any treatment being provided by the member.
- e. When treating minors (under 16 years of age) a member must ensure that the client is accompanied by a parent or legal guardian in the treatment room, or have written permission of the parent or legal guardian to treat the minor in the absence of his/her parent or legal guardian.
- f. A member must not engage in, nor propose sexual contact with any client for any reason whatsoever (any inappropriate conduct will be dealt with in accordance with the disciplinary guidelines of the Association and/or referred to any relevant third party to take appropriate action against the member).
- g. If a member and consenting client/patient of legal age wish to conduct an intimate relationship, then, prior to any such relationship commencing, the member must refer the client to another member for treatment and cease treating the client immediately.

- h. Members must ensure that clients are fully informed of the costs of any treatment and cancellation policies prior to the treatment occurring to safeguard their interests.
- i. Unless a client chooses to consult a member privately, a member shall not receive private remuneration for professional services to persons who are entitled to the member's services through an institution or agency.
- j. Members must not receive remuneration for referring client(s) to other professionals for services.

## 6. Professional Conduct

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- a. Members must at all times comply with the Constitution, Code of Ethics and Standards of Practice of the Association.
- b. Members must not publicly criticise other members in a manner that casts doubt on their professionalism and competence.
- c. Members must fully co-operate in any inquiry instituted by the Association in respect of a breach of this Code or any other membership issue raised by the Association from time to time.

## 7. Professional Development

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- a. Members must undertake the minimum level of continuing professional education set by the Association Board each year (in its absolute discretion) in order to maintain their membership.
- b. Members must maintain Public Liability and Professional Indemnity and Malpractice insurance to such levels as a reasonably prudent practitioner would require.
- c. Members must, and must ensure that any therapists employed by them, maintain currency at an appropriate level of First Aid Certificate and CPR as determined by the Board of Directors.

## 8. Employer/Employee Relationships

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- a. All members must ensure that any person in their employ:
  - i. is adequately and appropriately trained/qualified to perform the work required of them;
  - ii. is adequately covered by Professional Indemnity insurance (either their own or in the provisions of the employer's insurance policy);
  - iii. is not subjected to harassment by the employer, other employees or clients;
  - iv. is lawfully employed or contracted and supplied with an employment agreement or contract; and

- v. abides by this Code at all times (including, but not limited to, all professional development requirements noted in clauses 7(a) and (c) above).
- b. Each member must ensure that any employee or contractor will not attempt to solicit the custom of any client of the employer.
- c. If a client voluntarily provides notice to any member that he or she intends to, or wishes to, transfer from a member's clinic to the private practice of an employee (or former employee) of a member, the relevant employee must observe all applicable laws (including privacy, confidentiality and transition of business principles) during the transition process.

## 9. Consulting Premises

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- a. Members must ensure their professional premises (being any premises from which they conduct or provide therapy):
  - i. are maintained in a hygienic condition and professionally presented;
  - ii. display the member's qualification certificates, and the member's certification as a member of the Association;
  - iii. have their fee structure, cancellation policies or penalties and other relevant conditions clearly displayed in accordance with all applicable laws;
  - iv. provide access to hygienically maintained toilet and bathroom facilities;
  - v. provide consideration for the client's/patient's modesty, privacy and safety at all times before, during and after their consultation; and
  - vi. provide confidential, secure storage of client and other private or sensitive information.

## 10. Advertising

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- a. When advertising or making public statements members must:
  - i. not make statements on behalf of the Association without the prior written permission of the Board or Chief Executive Officer; and
  - ii. register to use, and comply with any Association rules regarding use of the Association's logo or other intellectual property.
  - iii. members must ensure that public statements or advertisements:
    - » do not contain false, misleading or fraudulent claims;
    - » do not contain claims which may bring the Association or the massage profession into disrepute;

- » do not contain claims creating unrealistic expectation of results; and
  - » comply with all applicable laws.
- b. Members must:
- i. not falsely imply sponsorship or verification by any organisation;
  - ii. ensure that advertisements or statements seeking research participants, clearly state the purpose and nature of the study and any costs and obligations accepted by the participants; and
  - iii. ensure that advertising complies with all applicable laws (including all laws relating to misleading or deceptive conduct and other unfair practices such as discrimination).

## 11. Sexual Misconduct

Sexual Misconduct may include many different behaviours with a client. This includes, but is not limited to, sexually demeaning behaviour including any verbal or physical contact which may be reasonably interpreted as demeaning, humiliating, embarrassing, threatening or harming.

Association members must:

- i. Refrain from any behaviour that sexualises, or appears to sexualise, the client/therapist relationship.
- ii. In the event that the client initiates sexual behaviour, clarify the purpose of the treatment and if such conduct does not cease, terminate or refuse to provide treatment.
- iii. Recognise that sexual activity with a client, student, employee, supervisor or trainee is prohibited even if consensual.
- iv. Not touch the client's genitalia.
- v. Not touch the breast area unless required for legitimate treatment purposes and only after receiving informed and written consent from the client.
- vi. Respond definitively to inappropriate behaviour.

## 12. Standards of Practice

These Standards of Practice were developed from core values of the Association around ethical practice and achieving excellence. They are aimed at assisting the professional massage therapist to evaluate and adapt performance in their practice.

### Your commitment

In reference to clients I commit to:

- » Maintain strict confidentiality, privacy and accurate records.
- » Honour the client's right to personal privacy and modesty.
- » Create and maintain a safe, healthy environment for the practice.
- » Engage in practices that are respectful of clients and not degrade, endanger, exploit or harm them.
- » Never engage in or offer a sexual practice or service.

In reference to colleagues I commit to:

- » Work with my colleagues to improve the standard of massage.
- » Support and assist colleagues in their professional development.

In reference to the general public I commit to:

- » Provide services that are responsive to community needs and refer if necessary.
- » Promote and market services in a truthful, ethical and accurate manner.
- » Support the development and implementation of laws and policies that promote the practice of massage by working with government, regulatory bodies and authorities.
- » Be compliant with national, state and local government laws and policies that relate to massage.

In reference to myself as a professional I commit to:

- » Update and improve my expertise and practice continually through formal and informal professional development.
- » Work within the limits of my professional role, and avoid misrepresentation of my professional competence and qualifications.
- » Be an advocate for my profession.
- » Comply with applicable Federal, state and territory legislation.
- » Act in the community in ways that enhance the standing of the profession.
- » Abide by the rules of the Association.