

# Harm, Harrassment and Assault

# Scope of Practise

- The practice of massage therapy is the assessment of the soft tissue and joints
- of the body and the treatment and prevention of physical dysfunction and pain of
- the soft tissue and joints by manipulation to develop, maintain, rehabilitate or
- augment physical function, to relieve pain or to promote health.
- (Massage Therapy Act 2005)

## 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 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 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.

## 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- Regulated Health Professions Act).

# What is Sexual Harrassment?

- <http://www.ohrc.on.ca/en/policy-preventing-sexual-and-gender-based-harassment/2-identifying-sexual-harassment>
- The following list is not exhaustive, but it should help to identify what may be sexual and gender-based harassment:
- demanding hugs<sup>[18]</sup>
- invading personal space<sup>[19]</sup>
- unnecessary physical contact,<sup>[20]</sup> including unwanted touching,<sup>[21]</sup> *etc.*
- derogatory language and/or comments toward women<sup>[22]</sup> (or men, depending on the circumstances), sex-specific derogatory names<sup>[23]</sup>
- leering<sup>[24]</sup> or inappropriate staring
- gender-related comment about a person's physical characteristics or mannerisms<sup>[25]</sup>
- comments or conduct relating to a person's perceived non-conformity with a sex-role stereotype<sup>[26]</sup>
- displaying or circulating pornography,<sup>[27]</sup> sexual pictures or cartoons,<sup>[28]</sup> sexually explicit graffiti,<sup>[29]</sup> or other sexual images (including online)
- sexual jokes, including circulating written sexual jokes (e.g. by e-mail)<sup>[30]</sup>
- rough and vulgar humour or language related to gender

# What is Harrassment,Continued...

- sexual or gender-related comment or conduct used to bully a person
- spreading sexual rumours (including online)<sup>[31]</sup>
- suggestive or offensive remarks or innuendo about members of a specific gender
- propositions of physical intimacy
- gender-related verbal abuse, threats, or taunting
- bragging about sexual prowess
- demanding dates or sexual favours
- questions or discussions about sexual activities
- requiring an employee to dress in a sexualized or gender-specific way<sup>[32]</sup>
- paternalistic behaviour based on gender which a person feels undermines their status or position of responsibility
- threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).

# Ways to Respond:

- “I’d rather not talk about myself/my relationships/my sex life. It’s not appropriate treatment conversation”
- “I’m a Healthcare Professional. It’s not appropriate for you to comment on my body (any part!) like that”
- “I don’t find that joke/comic/meme/comment funny. It’s gross and inappropriate”
- “I would prefer if you used my name, not sweetie/hunny/sugar/babe/maid/cutie etc, thanks”
- “Let’s keep it professional, shall we?”
- “I don’t hug my patients, sorry. Would you hug your dentist?”

# Respond Cont'd...

- “You don’t have to bring me coffee/flowers etc. It’s not ethical for me to accept them”
- “I have no intention of touching your genitals”
- “If you don’t stop, I will be asking you to leave”
- “Gross. Would you say/do that to another Healthcare Professional?”
- “I’m feeling unsafe, so I’m going to discontinue treatment now. I am going to step out. Please get up, get dressed, and leave immediately”
- “Ok, get out! You’re done”



# Code of Ethics

- Communication / Public Health Standard 16
- Discharge of a Client
- Conditions:
  - If the goals of the treatment plan have been met or cannot be met and/or if
  - the needs of the client are beyond the skill, abilities or scope of practice of the
  - massage therapist and/ or if the client is abusive
- Abusive behaviors include but are not limited too:
  - Physical or verbal abuse of any nature, sexual abuse or harassment
- Sexual abuse definition:
  - “sexual abuse” means,
    - (a) sexual intercourse or other forms of physical sexual relations,
    - (b) touching, of a sexual nature, or
    - (c) behaviour or remarks of a sexual nature
    - (d) sexualizing the treatment area

# Ethics, Continued

- Task:
  - Discharge the client
- Standard:
  - Quality / Interpersonal
    - So that you explain to the client the reason for the discharge
    - So that the discharge discussion is initiated before or after the final treatment
    - but not during the treatment
    - So that the client is given an opportunity to ask questions
  - In the situation of an abusive client:
    - So that you end the treatment immediately and client is asked to leave the clinic in the case of immediate danger
    - So that you state to the client that their actions are cause for discharge
    - So that you involve the proper authorities at your own discretion
    - So that the client understands that the therapeutic relationship is being terminated
  - Quality / Technical
    - So that a referral is arranged prior to discharge if necessary or appropriate
    - So that the client files are transferred or stored according to the client's wishes

# Ethics, Continued 2...

- In the situation of an abusive client:
  - • So that a referral is deemed not necessary or appropriate in the case of a criminal investigation
  - • So that you give notice to the client and/or the College of Massage Therapists regarding the custodian of the files in writing
  - • So that the client is referred to another health care provider or professional body for aid when deemed appropriate
- Timing
  - • So that sufficient notice is given to the client
- In the situation of an abusive client
  - • May be immediately
  - • May be in writing
  - • With sufficient notice

# The Big Takeaway:

- You have EVERY RIGHT to respond to words and actions that you consider harrassing or assaulting.
- You can end a treatment IMMEDIATELY
- You can verbally discharge a harrassing/assaultive patient IMMEDIATELY
- You can take measures to keep yourself safe during and after an experience: Physical obstacles such as standing behind reception desk, remaining in a lunch room/office, enlisting a colleague to escort the patient out, taking time to follow up on a complaint and self-care if needed.

# Documentation

## Clinic/RMT Name

### Address, Contact Info

Date \_\_\_\_\_

To the CMTNL,

This letter is to report sexual harassment/abuse of an RMT by a client at approximately \_\_\_\_\_ (date and time). The client \_\_\_\_\_ (client name) had been attending therapeutic massage treatments by \_\_\_\_\_ RMT.

On this occasion,

(Provide details of incident, as specific as possible, including decisions to discharge the client and/or follow-through on communication and maintenance of therapeutic boundaries.)

Let it also be known that

\_\_\_\_\_(Provide any other details leading up to this incident which might be relevant.)

Thank you sincerely for your time and attention on this matter. Should you have any further questions regarding this incident, or if another offence by this client should be reported, please feel free to contact \_\_\_\_\_ (RMT name) via the contact information provided above.

Regards,

\_\_\_\_ (RMT name)

### NLMTA discharge of client template

RMT/Clinic Name  
Address and contact info

Date

To: Recipient Name,

This letter is to inform you that you are officially discharged from \_\_\_\_\_ (Health Care Practitioner and/or clinic) circle of care as a client. Your email address will also be blocked from \_\_\_\_\_ work email. As per the CMTNL (the governing body of massage therapy in Newfoundland and Labrador) Communication / Public Health Standard 16, any breach of the therapeutic boundaries/relationship is sufficient grounds for termination of the therapeutic relationship.

Your appointment with \_\_\_\_\_ (name of RMT, and date of appointment) is also cancelled. Should you have any further questions regarding therapeutic boundaries within the scope of massage therapy in Newfoundland and Labrador, please feel free to contact the CMTNL via their website: <http://www.cmtnl.ca/>

\_\_\_\_\_ (clinic and/or RMT) respectfully wish you safe and healthy continuation of your healthcare.

Regards,

Name and Signature

# Support

- Contact the NL Sexual Assault Crisis and Prevention Centre
- Endsexualviolence.com
- 1-800-726-2743
- info@endsexualviolence.com
- Royal Newfoundland Constabulary
- We have a liason who maintains a record of complaints and follows up if deemed relevant
- Catherine Dawe
- 1-709-729-8019