

WHEREAS the members, at a general meeting held on November 5, 2013, adopted the present *Code of Ethics*, which repeals the former *Code of Ethics* of the Association des Massothérapeutes du Québec;

IT WAS RESOLVED THAT THE PRESENT *CODE OF ETHICS* BE ADOPTED:

### **Chapter I – General provisions**

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1.01.01 In the present Regulation, unless the context indicates otherwise, the terms below shall have the following meaning

**a) Association**

The Association des Massothérapeutes du Québec (AMQ®).  
The name AMQ® is a registered trademark and any use of this trademark by a member must comply with the Board of Directors' criteria and requirements.

**b) Massage therapist**

Any person who has received adequate training approved by the Association and who provides massage therapy services. He\* is subject to all the obligations of members of the Association des Massothérapeutes du Québec. The massage therapist must have completed comprehensive training that enables him to maintain or improve the client's overall well-being within the limits of the approaches and techniques used (as approved by the Board of Directors).

**c) Levels**

Massage therapist level 1  
Massage therapist level 2  
Massage therapist level 3

**d) Massage**

Any process that involves kneading, rubbing, friction, touching, stroking or otherwise manipulating the human body using manual techniques or authorized tools.

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\* The masculine gender is used without prejudice and solely to facilitate reading.

e) **Therapeutic practice**

Any bodywork, postural work, nutritional work or mind-body work of a holistic nature provided to an individual for the prevention of injury or illness, the maintenance and/or promotion of health.

f) **Client**

Person who receives professional services from a massage therapist.

**Chapter II – Duties and obligations towards the public**

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- 2.01.01 The massage therapist shall support any measures that could improve the quality and availability of professional services in his field of practice.
- 2.01.02 The massage therapist shall promote education and information measures in his field of practice. In the practice of his profession, he shall also take the necessary actions to ensure that such education and information are provided.
- 2.01.03 The massage therapist shall express his opinions honestly and accurately, in particular when he addresses the public via the press, radio, television or any other media.
- 2.01.04 In the practice of his profession, the massage therapist shall take into account all the foreseeable consequences of his research and work for society.

**Chapter III – Duties and obligations towards the client**

**Division 1: General provisions**

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- 3.01.01 In the practice of his profession, the massage therapist shall demonstrate respect for the client's life, dignity and freedom.

- 3.01.02 In the practice of his profession, the massage therapist shall take into account the limits of his abilities, his knowledge and the means at his disposal. In particular, he shall not undertake to provide services for which he is not sufficiently prepared without seeking the necessary assistance.
- 3.01.03 The massage therapist shall, at all times, recognize the client's right to consult a colleague, a member of a professional body or any other competent person.
- 3.01.04 The massage therapist shall refrain from practicing in conditions, states or places that could compromise the quality of his services and the dignity of his profession.
- 3.01.05 The massage therapist shall establish a relationship of trust with his clients.
- 3.01.06 The massage therapist shall not engage in any form of sexual harassment of his clients. Sexual harassment is characterized by insistence on the part of the massage therapist and refusal on the part of the client.
- 3.01.07 The massage therapist shall refrain from interfering in his clients' personal affairs in matters that are beyond the scope of practice generally recognized for the profession.
- 3.01.08 Subject to section 3.01.07 of the present chapter, the massage therapist shall collaborate with his clients, or their family, or with any other person if the client's interest so requires, with the agreement of all parties.
- 3.01.09 In the practice of his profession, the massage therapist shall identify himself as a massage therapist to his clients. He shall, at all times, display his name and credentials in his workplace, within view of his clients, and make the *Code of Ethics* available to them.

**Division 2: Integrity**

- 3.02.01 The massage therapist shall fulfil his duties with integrity.
- 3.02.02 The massage therapist shall avoid making misrepresentations regarding his level of expertise or the effectiveness of his own services and those generally provided by the members of his profession. If the client's welfare so requires, he shall consult a colleague, a member of a professional body

or another competent person or refer him to one of these persons.

- 3.02.03 The massage therapist shall inform his clients, fully and objectively, of the nature and terms and conditions of the services that will be provided.
- 3.02.04 The massage therapist shall refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he shall endeavour to have full knowledge of the facts before giving an opinion or advice.
- 3.02.05 The massage therapist shall not conceal from his client any errors made when providing a professional service to the client.

**Division 3: Availability and diligence**

- 3.03.01 In the practice of his profession, the massage therapist shall demonstrate reasonable availability, care and diligence.
- 3.03.02 In addition to opinions and advice, the massage therapist shall provide his client with the explanations he needs to understand and evaluate the services provided to him.
- 3.03.03 The massage therapist shall demonstrate objectivity and discernment when people other than his clients ask him for information.
- 3.03.04 The massage therapist shall not, unless he has fair and reasonable grounds to do so, stop providing or refuse to provide a client with the services he requires. Fair and reasonable grounds are:
- a) a client's loss of confidence in the massage therapist;
  - b) a client's failure to heed the massage therapist's opinions, advice or instructions;
  - c) a client's incitement to perform illegal, unjust or fraudulent acts;
  - d) a client's provision of false or incomplete health information;
  - e) the massage therapist's loss of confidence or interest in his client;

- f) a health risk for the massage therapist;
- g) a situation of conflict of interest for the massage therapist or a context where the massage therapist's professional independence could be called into question;
- h) sexual harassment by a client.

3.03.05 If the massage therapist stops providing or refuses to provide a client with the services he requires, he shall, to the extent possible, ensure the client will receive the required care;

3.03.06 Massage therapy services provided to the massage therapist's partner and children may not be the subject of a claim for reimbursement by an insurer.

**Division 4: Liability**

3.04.01 The massage therapist shall not use disclaimers.

**Division 5: Independence and impartiality**

3.05.01 The massage therapist shall act in his clients' interest.

3.05.02 The massage therapist shall disregard any interventions by a third party that could influence the performance of his professional duties to the detriment of his client.

3.05.03 The massage therapist shall safeguard his professional independence at all times and avoid any situations of conflict of interest.

3.05.04 As soon as he becomes aware that he is in a situation of a conflict of interest, the massage therapist shall inform his client thereof and ask him if he authorizes him to continue his mandate.

3.05.05 The massage therapist may only share his fees with another person insofar as this sharing corresponds to a division of services and/or responsibilities.

3.05.06 With the exception of the remuneration to which he is entitled, the massage therapist shall refrain from accepting, paying or undertaking to pay any inappropriate benefits,

discounts, gifts or commissions in connection with the practice of his profession.

**Division 6: Confidentiality**

- 3.06.01 The massage therapist shall protect any confidential information obtained in the practice of his profession.
- 3.06.02 The massage therapist may only be relieved of the obligation of confidentiality with the client's authorization or when required by law.
- 3.06.03 If the massage therapist asks the client to disclose confidential information or if he allows such information to be provided to him, he shall ensure that the client knows the reasons for doing so and how the information might be used.
- 3.06.04 The massage therapist shall not disclose the fact that a person has used his services if it could cause harm to that person.
- 3.06.05 The massage therapist shall not engage in indiscreet conversations about a client or the services provided to him.
- 3.06.06 The massage therapist shall not use coercion to obtain confidential information or use such information to the detriment of a client in order to obtain, directly or indirectly, a benefit for himself or another person.

**Division 7: Access to records**

- 3.07.01 The massage therapist shall respect his clients' right to read documents concerning them in any records created about them and to obtain a copy of these documents.

**Division 8: Determination and payment of fees**

- 3.08.01 The massage therapist shall charge and accept fees that are fair and reasonable.
- 3.08.02 Fees are fair and reasonable if they are warranted by the circumstances and proportionate to the services provided. In particular, the massage therapist shall take the following factors into account when determining fees:

- a) the time required to provide the professional service;
  - b) the difficulty and scope of the service;
  - c) the provision of unusual services or services that require exceptional expertise or speed.
- 3.08.03 The massage therapist shall provide his client with all the explanations he needs to understand his statements of fees and terms of payment.
- 3.08.04 The massage therapist may not demand advance payment for his services.
- 3.08.05 The massage therapist shall inform his clients of the approximate cost of his services.
- 3.08.06 The massage therapist may only collect interest on outstanding accounts after having duly informed his client to that effect. The rate of interest charged shall be reasonable.
- 3.08.07 Before resorting to legal proceedings, the massage therapist shall exhaust the other means at his disposal to obtain payment of his fees.
- 3.08.08 If a massage therapist appoints another person to collect his fees, he shall ensure the latter proceeds with tact and moderation.

#### **Chapter IV – Duties and obligations towards the profession**

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##### **Division 1: Incompatible duties and functions**

- 4.01.01 The massage therapist shall not have any financial interests, direct or indirect, in a company that manufactures or sells devices or products that could be used in his practice if such interests put the massage therapist in a situation of conflict of interest with respect to his client.

##### **Section 2: Derogatory acts**

- 4.02.01 It is derogatory to the dignity of the profession for a massage therapist to:

- a) commit fraud to acquire his credentials and qualifications;
- b) refuse to provide services to a person for reasons of race, colour, sex, sexual orientation, marital status, age, religion, political beliefs, language, national or ethnic origin, social status or disability;
- c) urge someone repeatedly or insistently to use his professional services;
- d) guarantee, directly or indirectly, recovery from a disease;
- e) exploit, in the practice of his profession, his client's inexperience, ignorance, naivety or poor health;
- f) obtain or help to obtain an unjustified material benefit for a client, in particular by falsifying a declaration, a report or any document regarding a client's health or a service provided to the latter;
- g) claim fees for professional services he did not provide;
- h) consult, collaborate or enter into an agreement, in order to provide services to a client, with a person who does not have the appropriate knowledge;
- i) practice his profession while under the influence of alcohol, narcotics, hallucinogens, narcotic or anesthetic preparations or any other substance that could cause intoxication, weakening or impairment of faculties or loss of consciousness;
- j) perform an act or behave in a manner that is contrary to what is generally permitted in the practice of the profession;
- k) communicate with a complainant when he is informed of an investigation into his professional conduct or competence or when he is notified of a complaint against him;
- l) fail to report to the Association that he has reason to believe that a member of the Association is incompetent or in violation of the *Code of Ethics*;

m) fail to report to the Association that he has reason to believe that a person who has applied for membership in the Association does not meet the requirements.

**Section 3: Relationship with the Association and colleagues**

- 4.03.01 A massage therapist who has been asked to serve on a panel for the arbitration of a case, a disciplinary committee or a professional inspection committee shall accept that duty unless he has exceptional grounds for refusing.
- 4.03.02 The massage therapist shall reply promptly to all correspondence from the Association, investigators or members of the Professional Inspection Committee.
- 4.03.03 The massage therapist shall not betray a colleague's good faith or be guilty of breach of trust, competition or other unfair practices in his regard. In particular, he shall not take credit for work done by a colleague.
- 4.03.04 The massage therapist shall not damage the Association's or a colleague's reputation in any way.
- 4.03.05 If consulted by a colleague, the massage therapist shall give his opinion and recommendations at the earliest opportunity.
- 4.03.06 A massage therapist who is asked to collaborate with a colleague shall maintain his professional independence. If he is asked to perform a task that is contrary to his conscience or principles, he may ask to be relieved of that task.

**Section 4: Contribution to the advancement of the profession**

- 4.04.01 The massage therapist shall, to the extent possible, contribute to the development of his profession by sharing his knowledge and experience with colleagues and students and by participating in continuing education courses and activities.

**Chapter V – Disciplinary Committee procedures**

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- 5.01.01 Any person may file a complaint against a member of the Association for a violation of one or more of the provisions of the *Code of Ethics*. The complaint must be made in writing and sent to the Association's domicile.

- 5.01.02 Upon receipt of the complaint, the Association's secretary sends a copy of the complaint to the member concerned and to a Complaints Review Committee composed of three members of the Association appointed by the secretary who will review the complaint. They may meet with the member concerned and/or the complainant and request any information considered relevant from any person and:
- a) dismiss the complaint and inform the complainant and the massage therapist concerned thereof; or
  - b) refer the complaint to a Disciplinary Committee that will be composed of three members of the Association appointed by the secretary and who are different from those on the Complaints Review Committee.
- 5.01.03 The Disciplinary Committee meets in camera. It applies the rules of procedure that it considers appropriate to conduct the inquiry into the complaint that has been referred to it. It may also decide that a particular type of conduct, while not included in the *Code of Ethics*, constitutes a breach of ethics subject to sanction.
- 5.01.04 The Disciplinary Committee may: (1) dismiss the complaint; (2) issue a reprimand; (3) suspend a member temporarily or permanently; (4) order the payment of a penalty not exceeding one thousand dollars (\$1000) per offence. Once imposed, the sanction is effective immediately. It is published in the Association's annual report. If the payment of a penalty is ordered and payment is not made within the time specified by the Committee, the member is automatically suspended until payment.
- 5.01.05 Since membership of the Association is voluntary and the complaints management procedure has been established in order to ensure the protection of the public and the Association's credibility, the members agree that legal proceedings may not be brought against members of the Complaints Review Committee and the Disciplinary Committee for acts made in good faith in the exercise of their disciplinary functions.

## Chapter VI — Professional Inspection Committee

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### Division 1: Massage therapists

- 6.01.01 The mandate of the Association des Massothérapeutes du Québec is to protect the integrity of the practice of the profession. To that effect, a Professional Inspection Committee is composed of two members appointed by the AMQ<sup>®</sup>'s Board of Directors. The Committee conducts inspections with prior notice in order to verify massage therapists' compliance with the protection of the public, the *Code of Ethics*, the *General Regulations* and any resolutions made by the Board of Directors.
- 6.01.02 Massage therapists shall comply with any inspections planned by the Professional Inspection Committee. Refusal to do so could result in temporary or permanent suspension.
- 6.01.03 If an inspection of a massage therapist's workplace reveals a violation, an inspection report will be sent to the Disciplinary Committee which will take the necessary steps to resolve the situation.

### Division 2: Massage therapy schools

- 6.02.01 The mandate of the Association des Massothérapeutes du Québec is to protect the integrity of the practice of the profession. To that effect, a Professional Inspection Committee is composed of two members appointed by the AMQ<sup>®</sup>'s Board of Directors. The Committee conducts inspections with prior notice in order to verify schools' compliance with the protection of the public, the *Code of Ethics*, the *General Regulations* and any resolutions made by the Board of Directors.
- 6.02.02 Massage therapy schools whose course content has been accepted by the AMQ<sup>®</sup> shall comply with any inspections planned by the Professional Inspection Committee. Refusal to do so could result in temporary or permanent withdrawal of the course content of the school in question.
- 6.02.03 If an inspection of a massage therapy school reveals a violation, an inspection report will be sent to the AMQ<sup>®</sup>'s Board of Directors which will take the necessary steps to resolve the situation.