



Fédération québécoise
DES MASSOTHÉRAPEUTES
Agréés

Code of Ethics

May 2008

TABLE OF CONTENTS

Preamble (Mission of the Fédération)	3
Chapter 1 - Definitions and interpretations.....	3
Chapter 2 - Duties and obligations to the public	3
Chapter 3 - Duties and obligations to the client.....	4
3.1 General provisions	4
3.2 Integrity	6
3.3 Availability and diligence	7
3.4 Liability.....	8
3.5 Independence and disinterestedness.....	8
3.6 Confidentiality	9
3.7 Access to records.....	9
3.8 Determination and payment of fees.....	10
3.9 Issuance of receipts for massage therapy	11
Chapter 4 - Duties and obligations to the Fédération and to the practice of massage therapy	11
4.1 Acts that derogate from the dignity of the practice of massage therapy	11
4.2 Relations with the Fédération and with fellow members	12
4.3 Contribution to the advancement of the practice of massage therapy...	13
Chapter 5 - Sale of products.....	13
Chapter 6 - Conditions, restrictions and obligations related to advertising and representation.....	13
Chapter 7 - Terms of use of the graphic symbol of the Fédération.....	14

PREAMBLE

MISSION OF THE FÉDÉRATION

The mission of the Fédération québécoise des massothérapeutes consists of qualifying and supporting massage therapists in their professional practice as well as informing and protecting the public.

CHAPTER 1 – DEFINITIONS AND INTERPRETATIONS

Article 1

Unless the context indicates otherwise, the terms cited below shall mean the following:

- a) Fédération: the Fédération québécoise des massothérapeutes.
- b) Member: includes active members (certified massage therapists and all other titles conferred by the Fédération), inactive members, students members and supporting members, as defined in the general regulations of the Fédération.
- c) Client: person who has received or is receiving massage therapy services from a member.
- d) Massage therapy: the practice of massage therapy and treatment of the human body by means of manual techniques (excluding all machines) involving the use of the hands, feet, elbows and knees to prevent disease, improve health and promote autonomy.
- e) Conflict of interest: without limiting the generality thereof, a member
 1. is in conflict of interest when opposing interests are such that he may be inclined to give preference to interests other than those of his client, or when his judgment of and loyalty to the client is adversely affected;
 2. is not independent as a consultant for a given act if he stands to gain a personal benefit, direct or indirect, actual or potential.

CHAPTER 2 – DUTIES AND OBLIGATIONS TO THE PUBLIC

Article 2

The member must support all measures likely to improve the quality and availability of services provided in his field of practice.

Article 3

The member must promote measures to educate and inform in his field of practice, and, in the performance of his duties, he must act to ensure that this education and information function is fulfilled.

Article 4

In the performance of his duties, the member must take into account all consequences of his research and work related to the practice of massage therapy.

Article 5

In the performance of his duties to the public, the member must demonstrate availability, attentiveness and due diligence.

CHAPTER 3 – DUTIES AND OBLIGATIONS TO THE CLIENT

1. General provisions

2. Integrity

3. Availability and diligence

4. Liability

5. Independence and disinterestedness

6. Confidentiality

7. Access to records

8. Determination and payment of fees

9. Issuance of receipts for massage therapy

3.1 General provisions

Article 6

The member must perform his duties with respect for the privacy, dignity, modesty and liberty of the client.

Article 7

The member must comply with basic personal hygiene standards so as not to indispose his client.

Article 8

The member must establish a relationship of trust with his client. For this purpose, the member:

- a) must refrain from performing his duties in an impersonal manner;
- b) must respect the physical, psychological and emotional limitations of his client;
- c) must conduct his interviews in a manner that is respectful of the value systems and personal convictions of his client, where the latter expresses them;
- d) must refrain from recommending massage or performing a massage or a series of massages without sufficient reason;
- e) must take cognizance of the client's state of health and record the details in writing in the client's record so that he is able to perform his duties.

Article 9

In the performance of his duties, the member must take into account the limitations related to his aptitudes and knowledge and to the means at his disposal. In particular, he must not undertake services for which he is inadequately prepared or trained without first obtaining the necessary assistance.

Article 10

By any means, direct or indirect, the member must not adversely affect the client's freedom of choice as it relates to consulting another member of the Fédération, a professional body or any other competent person.

Article 11

The member must ensure that his theoretical and technical knowledge is updated and/or improved on a regular basis.

Article 12

The member must refrain from practicing under conditions or states or in places likely to compromise the quality of his services and the dignity of the practice of massage therapy.

Article 13

The member must neither harass nor sexually abuse his client. In particular, he must refrain from:

- a) engaging in behaviour (a gesture and/or expression) that is sexually degrading to the client or that demonstrates a lack of respect for the privacy or modesty of the client;
- b) suggesting, proposing or pretending that he is able to cure a client's sexual problems or dysfunction;
- c) making gestures intended to seduce or making insinuations or jokes with a sexual connotation, requesting a sexual encounter or sexual favours, or engaging in any other behaviour with a sexual connotation;
- d) suggesting, proposing or practicing body techniques and maneuvers whose purpose, acknowledged or not, is to seduce and/or satisfy his sexual and/or affective needs or those of the client;
- e) making inappropriate comments of a sexual or sexually degrading nature about or to his client, for example comments on the physical appearance of the client, on the latter's underwear or sexual orientation, or any other comments of a similar nature;
- f) engaging in sexual relations with a client, whether or not they are initiated by the client, including full sexual relations, masturbation or any genital, oral or anal contact.

Sexual relations and activities between a member and his client are strictly forbidden for as long as the client is using the member's services.

The member must not establish intimate or amorous ties with the client for the duration of their professional relationship.

3.2 Integrity

Article 14

The member must be loyal, honest and attentive with the client.

Article 15

The member must avoid any false representation related to his level of competence or to the effectiveness of his services. Where the well-being of the client requires it, he must consult a fellow member, a member of a professional body or a competent person, or must refer the client to one of these persons.

Article 16

The member must refrain from exercising his profession if he feels vulnerable on an affective, psychological, physical or sexual level.

Article 17

For his protection and the protection of his client, the member must inform the latter when he uses a therapeutic approach or technique for which he is not recognized by the Fédération.

Article 18

- a) The member must refrain from giving advice on medications and/or prohibiting them, and, in the interest of the client, he must comply with the advice and recommendations of other health professionals.
- b) The member must refrain from making diagnoses of a medical nature and/or criticizing the advice or recommendations of health professionals, and, in the interest of the client, he must show respect for other health professionals.

Article 19

At all times, the member must adjust to the modesty needs of the client and respect the latter's right to remain clothed during the massage if he so wishes. The member may offer another technique better suited to the client's level of personal comfort or may refer the client to another qualified massage therapist recognized by the Fédération.

Article 20

The member must demonstrate honesty and transparency in relation to the services he provides to the client. He must give the client the explanations necessary to the proper understanding and appreciation of the services he provides.

Article 21

The member must not incite a person repeatedly or insistently to hire his services.

Article 22

At all times, the member must refrain from psychologically manipulating his client by:

- a) exerting undue psychological pressure with a view to constraining the client to make life or behaviour choices that are counter to his true interests and/or that harm his dignity, affective environment, integrity or quality of life.

- b) using therapeutic arguments and/or techniques likely to modify the judgment, discernment, critical ability or free will of the client where manipulation leads to abuse of any nature and to a loss of dignity or integrity to the client.
- c) using therapeutic techniques or approaches that are psychotherapeutic in nature and that act on the psyche of the client where the member is not duly qualified to do so or recognized as a competent professional by peers from a recognized professional association or body.

3.3 AVAILABILITY AND DILIGENCE

Article 23

In the performance of his duties toward the client, the member must be available and must demonstrate due diligence.

Article 24

In an objective manner, the member must disclose in full the nature and terms and conditions of the services he provides.

Article 25

Before ceasing to perform his duties toward a client, the member must advise the latter within a reasonable time and must ensure that this cessation of service does not adversely affect the client, in particular by making sure that the latter has access to therapeutic follow-up.

Article 26

Unless he has just and reasonable grounds for doing so, the member may not cease or refuse to provide services necessary to a client. Just and reasonable grounds include:

- a) the client losing confidence in the member;
- b) failure on the part of the client to comply with the advice and directives of the member, during and throughout the course of massage therapy sessions;
- c) a loss of integrity on the part of the client or the member;
- d) incitement by the client to take part in illegal, unjust or fraudulent acts;
- e) inability on the part of the member to work based on the information provided by the client;
- f) the member losing confidence in the client;
- g) reasonable risk to the health of the member;
- h) a situation where the member is in conflict of interest or where his independence as a member may be compromised;
- i) sexual harassment or abuse committed by the client and involving, in particular, the use of force, gifts, money, threats, lies, coercion or the use of psychological, verbal or physical violence.
- j) the personal hygiene of the client;
- k) refusal on the part of the client, when undressed, to allow the use of sheets to cover his genital organs and anal cleft at all times;
- l) situations in which the client is under the effects of alcohol, drugs or any substance that could affect his judgment or health;

- m) any inappropriate behaviour on the part of the client, directed toward the member.

3.4 LIABILITY

Article 27

In the performance of his duties, the member assumes full general and professional liability. Thus, he may not insert a clause in a professional services contract directly or indirectly excluding his liability, in whole or in part.

Article 28

The member may not invoke friendship with the client, free consent or the client's attempts to seduce to justify a derogation of his liability as a member of the Fédération and of his ethical obligations to the client.

3.5 INDEPENDENCE AND DISINTERESTEDNESS

Article 29

The member must place the personal interest of the client before his own personal interest.

Article 30

The member must ignore any intervention on the part of a third party which could influence the performance of his duties and adversely affect the client.

Article 31

The member must refrain from intervening in the personal affairs of the client on matters that do not come under his professional competence.

Article 32

The member must safeguard his independence at all times and avoid all situations in which he would be in conflict of interest.

Article 33

As soon as he realizes that he is in conflict of interest, the member must advise his client and ask the latter for authorization to continue fulfilling his mandate.

Article 34

The member may share his fees with another person provided that the sharing arrangement involves a distribution of services and/or responsibilities and that the member's autonomy is respected.

Article 35

With the exception of the remuneration to which he is entitled, the member must refrain from receiving, paying or making a commitment to pay any benefit, dividend or commission related to the performance of massage therapy.

Article 36

The member may not require a tip from his client. Tipping must be left to the discretion of the client.

3.6 CONFIDENTIALITY

Article 37

The member must respect the confidentiality of information obtained in the performance of his duties.

Article 38

The member may not disclose confidential information obtained in the performance of his duties unless he has written authorization from the client or unless disclosure is required by law.

Article 39

When the member requests that a client disclose confidential information or when he allows such information to be disclosed, he must ensure that the client knows why the information is disclosed and how it will be used.

Article 40

The member refrain from engaging in any indiscreet conversation on the subject of a client or of the services provided to a client.

Article 41

The member must not use confidential information in a manner that is detrimental to the client to directly or indirectly obtain a personal benefit or a benefit for another person.

3.7 ACCESS TO RECORDS

Article 42

The member must respect the client's right to consult documents kept on him in all records and to obtain a copy of these documents.

Article 43

Access to information contained in a client record is free. However, the member may request reasonable fees from the client for the transcription, reproduction or transmission of information.

Prior to the transcription, reproduction or transmission of information, the member who intends to charge such fees must inform the client of the approximate amount he will be required to pay.

Article 44

The member who refuses to give the client access to information contained in a record kept on him must inform the latter in writing of his reasons for refusal as well as write down these reasons in the record.

3.8 DETERMINATION AND PAYMENT OF FEES

Article 45

The member must request and accept fees that are just and reasonable.

Fees are just and reasonable where they are justified under the circumstances and proportionate to the services rendered. In particular, the member must take into account the following factors when determining fees:

- a) the time devoted to the performance of the work;
- b) the delivery of unusual services requiring exceptional competency or promptness;
- c) his experience;
- d) his level of training.

Article 46

The member must provide the client with all of the explanations needed to understand his fee schedule as well as the terms and conditions of payment.

Article 47

The member may request fees in advance for massage therapy services to be provided in the course of one or several massage therapy sessions, provided that he or she has a cancellation policy compliant with the Consumer Protection Act, L.R.Q., c. P-40.1.

Article 48

The member must inform the client beforehand of the cost of his services.

Article 49

The member may not charge interest on accounts in arrears unless he duly advises the client. The interest thereby charged must be just and reasonable.

Article 50

Prior to initiating legal proceedings, the member must attempt to communicate with the client and must exhaust all other means at his disposal to secure payment of his fees.

Article 51

When the member entrusts the collection of his fees to another person, he must ensure that the latter proceeds with tact and moderation.

3.9 ISSUANCE OF RECEIPTS FOR MASSAGE THERAPY

Article 52

Where requested by a client, a member must issue a receipt from the Fédération for massage therapy services if the client has paid the fees and received the services for which a receipt was requested. Where the fees are paid with a gift certificate, the receipt must include a mention to that effect

Article 53

A member may not issue a receipt for massage therapy services where:

- a) the service offered to the client does not come under massage therapy practices recognized by the Fédération québécoise des massothérapeutes;
- b) a receipt has already been issued for the service in regard to which the client is requesting a receipt;
- c) the massage is not performed by the person signing the receipt;
- d) the person receiving the massage requests that the receipt for massage therapy be issued on behalf of a third party;
- e) the amount indicated does not correspond to the actual fee defrayed by the client;
- f) the service is offered to the member's spouse or children or to an immediate family member or a person living under the same roof, which would place the member in conflict of interest.
- g) the services are provided by a student member

Article 54

The member is wholly responsible for the use of receipts from the Fédération in his possession, and he must be the sole user of and signatory for these receipts.

CHAPTER 4 DUTIES AND OBLIGATIONS TO THE FÉDÉRATION AND TO THE PRACTICE OF MASSAGE THERAPY

4.1 ACTS THAT DEROGATE FROM THE DIGNITY OF THE PRACTICE OF MASSAGE THERAPY

Article 55

The member will be in derogation of the dignity of the practice of massage therapy where he:

- a) is found guilty of fraud in obtaining his title and competencies;
- b) refuses to provide services to a person for reasons of race, colour, sex, sexual orientation, civil status, age, religion, political convictions, language, ethnic or

national origin, social condition or disability. An exception may be made in the latter case if the member does not have the required training, competencies or experience;

- c) directly or indirectly guarantees a cure for disease, injury or any other pathology;
- d) takes advantage, in the performance of his duties, of the ignorance, naivety, vulnerability or poor health of his client;
- e) obtains or helps to obtain an unjustified material benefit for the client, notably by falsifying a declaration, a receipt, a report or any document related to the health of the client or to the service provided;
- f) is not modestly or appropriately clothed in the performance of his work, regardless of the premises where he practices;
- g) solicits, promotes or uses hallucinogenic substances or drugs at any time as a complement to the performance of his duties;
- h) performs his duties under the influence of alcohol, illegal drugs, hallucinogens, narcotics, anesthetics or any other substance likely to induce inebriation or weakness, compromise faculties or lead to unconsciousness;
- i) performs a massage on a client who is under the influence of alcohol, medication, narcotics, illegal drugs or hallucinogens likely to create confusion and ambiguity about the therapeutic nature of the massage, except where the massage is given within a framework adapted to this type of problem;
- j) acts or behaves in a manner that runs counter to what is generally admitted in the performance of massage therapy;
- k) communicates with the complainant after he is informed of an inquiry into his conduct or after he is notified of a complaint;
- l) accepts or offers money or any other benefit with the aim of contributing or helping to contribute to the adoption of any decision by the Fédération;
- m) fails to comply with agreements and contracts with the client.

4.2 RELATIONS WITH THE FÉDÉRATION AND WITH FELLOW MEMBERS

Article 56

The member must respond as soon as practicable to any correspondence from the Fédération.

Article 57

The member must in no way harm the reputation of the Fédération or of a fellow member.

Article 58

The member must not betray the good faith of another member or must not be found guilty of breach of trust or of any other unethical conduct. In particular, the member must not take credit for work performed by a fellow member.

4.3 CONTRIBUTION TO THE ADVANCEMENT OF THE PRACTICE OF MASSAGE THERAPY

Article 59

Where possible, the member must contribute to the advancement of massage therapy by sharing his knowledge and experience with other massage therapists and students and by taking part in continuing professional development courses and stages.

CHAPTER 5 – SALE OF PRODUCTS

Article 60

The member may sell products provided that they relate to the practice of massage therapy and complement the exercise of the profession.

Article 61

The member may not trade in products or methods likely to harm the health of the client.

CHAPTER 6 - CONDITIONS, RESTRICTIONS AND OBLIGATIONS RELATED TO ADVERTISING AND REPRESENTATION

Article 62

From the moment the member registers with the Fédération using his legal name, he must use the same name on his business cards, advertising materials and on any other reference documents related to the practice of massage therapy.

Article 63

The member must avoid all advertising likely to undermine the image of the practice of massage therapy or the image of the Fédération québécoise des massothérapeutes.

Article 64

The member may not advertise in a manner that directly or indirectly denigrates another person or disparages a service or a good offered by that person.

Article 65

The member may not engage in or allow the practice, through any means, of advertising that is false, deceptive, incomplete or likely to mislead. The student member who wishes to advertise and/or represent himself as a member of the Fédération must specify that he is a student member.”.

Article 66

The member who advertises his fees or rates must do so in a manner that is understandable to a public with no particular knowledge of massage therapy by:

- a) establishing fees and rates that are clear;

- b) specifying the nature and extent of the services covered by these fees or rates;
- c) indicating whether additional services or goods not covered by these fees or rates may be required;
- d) indicating whether additional costs or disbursements are included in these fees or rates.

Fees or rates must remain in force for a minimum period of 30 days after the advertising distribution date. However, there is nothing to prevent a member from agreeing to a lower rate than the rate advertised. Advertising that includes services offered for a limited time period is not subject to the minimum period of 30 days.

Article 67

The member must keep original copies of all advertising materials for a period of five years following the most recent advertising distribution date. On request, these materials must be forwarded to the executive director of the Fédération or to the syndic.

Article 68

The member who obtains the authorization of the director of the Fédération to represent the latter with the public or the media must honestly and accurately inform the public of the methods generally admitted by the Fédération.

Article 69

The member must disclose his opinions in a manner that is respectful of his fellow members and of the philosophy, mission and vision of the Fédération.

CHAPTER 7 – TERMS OF USE OF THE GRAPHIC SYMBOL OF THE FÉDÉRATION

Article 70

The member who reproduces the graphic symbol of the Fédération for advertising purposes must ensure that it is consistent with the original held by the head office of the Fédération.

Article 71

The member who uses the graphic symbol of the Fédération for advertising purposes, including business cards, may not juxtapose the name of the Fédération nor otherwise use the name of the Fédération, except to indicate that he is a member.