

POLICY DOCUMENT

Code of Ethics, Standards & National Code of Conduct

Opening Comment

This Code of Ethics (CoE) is a cornerstone document for the Massage & Myotherapy Association Australia (M&MA), serving as an essential guide for practitioners, patients, and the broader professional community. In a self-regulated industry such as massage therapy, remedial massage therapy and myotherapy, the CoE holds paramount importance, ensuring that all members adhere to the highest standards of professionalism and ethical conduct.

For Association practitioners, the CoE provides a clear and comprehensive framework within which they are expected to deliver services. It outlines the responsibilities and expectations for behaviour, decision-making, and practice management, helping practitioners to navigate the complexities of their professional duties with integrity and excellence. By adhering to these guidelines, practitioners not only uphold their professional reputation but also contribute to the overall trust and credibility of the industry.

The CoE also serves as a critical resource for the public, informing patients of the standards they can expect when receiving massage and myotherapy services. It assures them of the commitment of Association practitioners to provide safe, effective, and ethical care. This transparency is fundamental in fostering a trusting relationship between practitioners and patients, ensuring that the public feels confident and secure in the services they receive.

Moreover, the CoE plays a vital role in protecting both practitioners and patients. For practitioners, it provides a clear set of guidelines to follow, reducing the risk of professional misconduct and legal complications. For patients, it guarantees a standard of care that prioritises their health, safety, and well-being, offering them a reliable avenue for addressing concerns or grievances.

The CoE is also a primary tool for the National Ethics Committee (NEC) when dealing with any complaints. It provides the NEC with a well-defined set of standards against which to measure the conduct of practitioners, ensuring that all complaints are handled fairly, consistently, and transparently.

The broader professional community, including doctors, legal services, and other healthcare providers, also benefits from the CoE. It delineates the regulatory framework within which massage therapy, remedial massage therapy and myotherapy practitioners operate, facilitating better interdisciplinary collaboration and understanding. By clearly defining ethical and professional standards, the CoE helps to integrate Association practices into the wider healthcare system, ensuring cohesive and comprehensive care for all patients.

The development of the CoE has been a collaborative process over many years, involving consultation with various stakeholders to ensure it reflects the needs and values of the industry. This process of development and consultation is ongoing, with the CoE being reviewed at regular intervals to ensure it remains relevant and up to date in a constantly evolving professional landscape.

In conclusion, the Code of Ethics is an indispensable document that underpins the integrity and professionalism of the industry. It is a guide, a protector, and a communicator of the Association's values and standards. As members of Massage & Myotherapy Australia, it is members duty to uphold the principles set forth in the CoE, ensuring that we provide the highest quality of care to and maintain the trust and respect of the broader community.

James Flaxman

Chair of the National Ethics Committee.

For and on behalf of the National Ethics Committee.

Further information

Massage & Myotherapy Australia

www.massagemyotherapy.com.au

1300 138 872

Revocation of Previous Code, Procedures and Guidelines

The Code supersedes any previous Code, Procedures and Guidelines that deal with any of the matters set out in the Code and the same are here expressed to be revoked. This will apply in substitution for any Code, even if a complaint or resolution process commenced prior to the adoption of this Code and the revocation of any application of the previous Code.

Australian Association of Massage Therapists Pty Ltd (ACN 104153 460)

From 1 September 2016, AAMT rebranded as 'Massage & Myotherapy Australia' a brand of the Australian Association of Massage Therapists Ltd. The company name is still the Australian Association of Massage Therapists Ltd.

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1. Professional Standards

1.1 Compliance

Members will conduct their practice in an accepted professional manner under this Code of Ethics (Code) and in accordance with all applicable laws, having regard to any legally binding requirements that apply to:

- » the therapist
- » the client/patient; or
- » in the case of a minor, their parent or legal guardian at the time of contact with the minor.

In the event of a conflict arising between the standards of practice, legal requirements and professional obligations of a therapist (including any conflict between this Code and the National Code), the member should decline to treat the relevant patient/client until such time as the conflict is reasonably resolved and the rights and obligations of each party are clear.

Members are required to uphold the rules, regulations and values of the Association at all times and comply with this Code. Compliance with this Code is a legally binding contractual obligation on each member pursuant to the Association's Constitution.

If a member breaches this Code (or any allegation of breach is made against a member), then the relevant matter may be brought before the Association's National Ethics Committee and/or the member may face disciplinary action (which may result in revocation of their membership) as set out in the disciplinary guidelines of the Association available at massagemyotherapy.com.au.

The Code works in tandem with the National Code of Conduct for Unregistered Health Practitioners (National Code).

1.2 Professional Conduct

Members must at all times comply with the Constitution, this Code and Standards of Practice of Massage & Myotherapy Australia and all Position Statements, Policies and Guidelines as adopted by the Board from time to time. In order to do so, each member must (among other things):

- a. Fully cooperate with any enquiry, audit or request instituted by the Association in respect to this Code or any membership issue raised by the Association from time to time.
- b. Undertake the minimum level of continued professional education as set by the Board (in its absolute discretion) in order to maintain their relevant level of membership and each member will be subject to audit of any activity.
- c. Maintain both Public Liability and Indemnity and Malpractice Insurance to such levels relevant to their scope of practise as a prudent practitioner would be expected to maintain, having regard to any specific levels of insurance prescribed under the terms and conditions of each individual Private Health Insurance Fund, from time to time.
- d. Ensure that they, together with any person in their employ or subcontracted to them, maintains currency at an appropriate level of First Aid certification and CPR as determined by the Board of the Association from time to time.
- e. Collect and maintain legible, accurate, contemporaneous and current client/patient records for each client/patient consultation and take all reasonable steps for secure maintenance and storage of records including data protection and protection against cyber threat.
- f. Comply with all Commonwealth, State and Territory laws relating to their client/patients health information and the conduct of their practice.
- g. Keep records for a minimum of seven years since the last client contact, unless legal requirements specify otherwise at the relevant time.



Further information and links

- » Health Records Act 2002
- » Massage & Myotherapy Australia Guidelines Myofascial Dry Needling
- » Massage & Myotherapy Australia CPE Planner
- » Massage & Myotherapy Australia CPE Position Statement
- » National Code of Conduct in your State or Territory
- » Private Health Insurance Funds, Terms and Conditions
- » Commonwealth Privacy Act 1988
- » Privacy Amendment (Notifiable Data Breaches) Act 2017

2. Confidentiality and Privacy

2.1 Confidentiality

Members must conduct themselves in an accepted professional manner under this Code and under all applicable laws. Members must have regard to any legally binding confidentiality obligations on the therapist, the client/patient or in the case of a minor, their parent or legal guardian at the time of contact with the minor.

Members must at all times comply with the Constitution, this Code of Ethics and Standards of Practice of Massage & Myotherapy Australia and all Position Statements. In order to do so, each member must (among other things):

- a. Members must maintain confidentiality between the client and the therapist and, where the client is a minor or otherwise under the care of legal guardian, also between the parent/guardian and the therapist.
- b. Members must obtain written consent provided by the client or where the client is a minor or a person under the care of legal guardian, from that person, before any confidential information that is required to be kept or maintained (at law), is disclosed to any person.
- c. A member can disclose confidential information to a third party if they are required to do so by law or are otherwise directed to do so, by a statutory or government authority.
- d. Clinical information must be stored, either physically or electronically, in a confidential manner, and communication, unless otherwise specified, between client and therapist shall remain confidential.

2.2 Co-treatment and Referral

Members must observe confidentiality and privacy when sharing confidential information with colleagues. In respect to co-treatment, where one or more other health professionals are treating a client (including in instances where a therapist refers a patient/client to another health professional) the therapist:

- a. Must maintain confidentiality between the client and the therapist unless disclosure is authorised by the client or, where the client is a minor or a person under the care of a legal guardian, that person consents to any disclosure.
- b. Must ensure that colleagues, employees and contractors of the therapist are made aware of their duty of confidence, regardless of whether they have professional or contractual obligations to protect privacy of the clients at law (or in accordance with any ethical body).
- c. May, when referring to a statutory regulated healthcare provider, assume that the provider will be responsible for any information provided to them.
- d. Must, upon referral from a colleague or a statutory regulated healthcare provider, report back to the provider as to the treatment or assessment only after the client or, where the client is a minor or a person under the care of a legal guardian, that person has provided their consent to do so.
- e. Must manage written reports to third parties confidentially, and in the same manner as clinical information and notes.

2.3 Privacy

Members must maintain professional ethical standards and comply with generally accepted standards of professional behaviour. Members must honour the right to personal privacy, dignity and modesty of the client at all times. Members must comply with all Privacy laws.



Further information and links

- » Australian Health Practitioner Regulation Agency: www.ahpra.gov.au
- » Health Records Act 2002
- » Private Health Insurance Funds, Terms and Conditions
- » Commonwealth Privacy Act 1988
- » Privacy Amendment (Notifiable Data Breaches) Act 2017

3. Employment Arrangements

3.1 Client Transition

- a. Members of the Association and/or clinic owners must ensure that any employee does not attempt to solicit the custom of any client of the employer by putting policy and procedures in place to reduce that risk.
- b. Each member undertakes not to solicit clients from another practice or exploit their relationship as an employee, contractor or lessee of clinic space.
- c. If a client voluntarily provides notice to any Association member that they intend, or wish to, transfer from that members clinic to the private practice of an employee (or former employee) of a member, then both the employee (or former employee) and employer must observe all applicable laws (including privacy, confidentiality and transition of business principles) for both client and therapist during the transition process.

3.2 Contracting

All Association members must ensure that any person providing contractual or sub-contracting services to them in their business:

- a. Is clearly defined as a contractor and not an employee by the Australian Taxation Office.
- b. Is lawfully contracted to the member under all relevant laws and has a signed contract (in writing) outlining their terms of engagement.
- c. Is adequately and appropriately trained and qualified to perform the work required of them and undertakes their work in accordance with all applicable laws.
- d. Is a member of a like Professional Association with an appropriate code of conduct or ethics for such practitioners/subcontractors.
- e. Abides by this Code, together with the National Code at all times including, but not limited to, all professional development requirements of their own Professional Association.
- f. Is adequately covered by Professional Indemnity and Malpractice Insurance as prescribed by law, or similar to those which a reasonably prudent person performing similar services would be expected to have.
- g. Is not subject to any claim of harassment or misconduct from any Professional Association or any statutory or government body.
- h. Is aware of, and complies with, all Workplace, Health and Safety requirements, Superannuation requirements and policies prescribed by law.

3.3 Employment

All Association members must ensure that:

- a. All statutory payments including PAYG and superannuation are administered in a timely manner and in accordance with all applicable laws.
- b. Any person in their employ:
 - i. Is lawfully employed under all relevant laws and has a signed contract (in writing) outlining their terms of employment.
 - ii. Is adequately and appropriately trained and qualified to perform the work required of them and undertakes their work in accordance with all applicable laws.
 - iii. Is a member of a like Professional Association with an appropriate code of conduct or ethics for such employees.
 - iv. Abides by this Code, together with the National Code at all times including, but not limited to, all professional development requirements of their Professional Association.
 - v. Is adequately covered by Professional Indemnity and Malpractice Insurance (either their own or in the provisions of the employer's insurance policy) as prescribed by law, or a reasonably prudent person in the employ of a member would be expected to have.
 - vi. Is not subject to any claim of harassment or misconduct from any Professional Association or any statutory or government body.
 - vii. Is aware of, and complies with, all Workplace, Health and Safety requirements and policies prescribed by law.

3.4 Lease

When leasing a room or designated clinic space, an Association member must:

- a. Ensure that a written and signed lease agreement is in place, even if their use or occupation of the relevant space is on a casual basis.
- b. Ensure that they have the contractual right to sub-lease their space if not privately owned by the therapist.
- c. Ensure access, emergency exits, and the clinic environment and security is in place to protect both lessee and lessor.
- d. Comply with, and ensure any clinical space is maintained and operated in accordance with all Workplace, Health and Safety requirements and applicable policies at law.



Further information and links

- » Australian Taxation Office: www.ato.gov.au
- » FairWork: www.fairwork.gov.au
- » Health Professionals and Support Services Award 2010
- » Home Based Business
- » Fair Work Commission: Modern Awards List
- » SafeWork Australia: www.safeworkaustralia.gov.au
- » Small Business Australia: www.australia.gov.au
- » Superannuation Complaints Tribunal: www.sct.gov.au

4. Premises

4.1 Clinical Settings

A clinical setting includes, but is not limited to, a clinic or home-based practice, corporate, mobile, hospice and/or event environments. Regardless of the physical setting used to provide treatment, each member must ensure that all clients have ready access and safe exit from the setting.

The setting must comply with applicable legislation (as prescribed by the relevant State-based Health Acts) and each member must:

- a. Adhere to Federal, State and Local Council Laws and Regulations, including but not limited to, the relevant legislation/regulations relating to:
 - i. Privacy and confidentiality
 - ii. Provisions for disabled persons
 - iii. Provisions for multicultural or religious beliefs
 - iv. Hygiene and infection control
 - v. Workplace Health and Safety
- b. Ensure that any clinical setting supports the primary focus of the delivery of quality massage or myotherapy services and gives full consideration to the client/patients modesty, privacy and safety at all times before, during and after their consultation.
- c. Ensure that adequate insurance is in place for any clinical space or event.
- d. Display the member's qualifications, the members Massage & Myotherapy Australia Certificate and the National Code relevant to the State or Territory in which they are practising at the time.
- e. Clearly display their fee structure, cancellation policies or penalties and other relevant conditions of their treatment, in accordance with applicable laws and in line with prudent and accepted practices in the industry at the relevant time.
- f. Where mobile practice at events is performed the member must take all practicable measures to comply with an optimal clinical setting what would be translated to best practice.

4.2 Hygiene and Infection Control

A member must ensure that they, their employees/contractors, their clients/patients and their clinical setting used for treatment meets all hygiene and infection control requirements relevant to the clinical setting.

Members must comply with the Health Act relevant to the geographical site of the clinic and the National Code in respect of hygiene and infection control matters.

Members must assess and manage infection risk and ensure services and/or facilities are:

- a. Provided in a hygienic and professionally presented environment taking standard precautions for the control of any infection.
- b. Provided in accordance with the relevant State(s) or Territories regulations in relation to skin penetration procedures.
- c. Ensure each client has accessibility to a hygienically maintained toilet and bathroom facility.
- d. Delivered to each client/patient in an appropriate manner for that person, having regard to any physical or mental health condition of the client/patient that may put them at risk of poor hygiene or infection.

4.3 Workplace Health & Safety

Workplace Health & Safety is the responsibility of the member and each member must ensure their own personal compliance, together with compliance by (or in respect of) clients/patients, contractors, employees and any other individual on site at the clinical premises where any treatment is provided from time to time.

Members must comply with all Workplace Health & Safety laws and regulations relevant to the geographical site of the clinic. Further, members must ensure they:

- a. Assess risks and hazards on a regular basis
- b. Control any substances hazardous to health
- c. Not practise under the influence of alcohol or unlawful drugs (and must comply with the National Code at all times in this regard).
- d. Take advice from the prescribing practitioner or dispensing pharmacist as to the impact of their medications and whether their capacity to practice would be impaired.
- e. Guard against the social risk of bullying, harassment and verbal abuse and take all necessary steps to ensure their workplace and treatment are provided free from such conduct.
- f. Guard against physical risk to themselves, employees, contractors and clients/patients of violence, abuse (verbal or physical) and theft by maintaining a safe clinical environment at all times (in accordance with proper and prudent practice).



Further information and links

- » Department of Health, Infection Control Guidelines: www.health.gov.au
- » Department of Industry, Innovation and Science: www.business.gov.au
- » Massage & Myotherapy Australia Guidelines Myofascial Dry Needling
- » Massage & Myotherapy Australia Position Statement Clinical Settings
- » NHMRC, Australian Guidelines for the Prevention and Control in Healthcare 2010: www.nhmrc.gov.au
- » Private Health Facilities Act 2007
- » Private Health Insurance Funds, Terms and Conditions
- » SafeWork Australia: www.safeworkaustralia.gov.au
- » National Code of Conduct in your State or Territory

4.4 Business and Therapist Promotion

Promotion includes, but is not limited to, all forms of digital and social media, printed forms, marketing, promotional materials and advertising that promotes you as the practitioner, your business (including any employees or contractors and/or your clinical facilities or practices) or any products you may use in your business including content on third party platforms.

Members must be aware that their professional obligations apply in all forms of promotion, whether online or face to face.

To maintain the integrity of our membership and the profession:

- a. When advertising or making public statements about their business or practice, members must:
 - i. Not make statements on behalf of the Association (or in reference to the Association) without the prior written permission of the Association (which permission can be given or withheld in the Association's absolute discretion); and
 - ii. Must register to use, and comply with any Association rules and guidelines regarding, use of the Association's logo or other intellectual property.
- b. Members must ensure that any promotion, public statements or advertisement in any form:
 - i. Does not contain false, misleading or fraudulent claims and only uses factual and verifiable information;
 - ii. Does not contain claims which may bring the Association or the profession into disrepute;
 - iii. Does not contain claims creating unrealistic expectations of treatment results that cannot be substantiated;
 - iv. Does not breach client/patient confidentiality through the use of photographic images "before and after" shots or any other means, without the prior written consent of the client or, where the client is a minor or a person under the care of a legal guardian, the consent of that person.
 - v. Does not contain "titles" such as Dr if unrelated to the practice.
 - vi. Does not falsely imply sponsorship or validation by the Association.
 - vii. When seeking research participants clearly states the purpose and nature of the study, details of ethical approval and any costs associated with the conduct of, or participation in, the study.
 - viii. Does not use another related title where no qualifications are evidenced;
 - ix. Complies with all applicable legislation governing the advertising of health services and products.
 - x. Complies with all advertising requirements for the use of the logo and branding of any applicable Private Health Insurance Fund to the therapist.
 - xi. Complies with all advertising requirements under the Australian Competition and Consumer Commission (ACCC), the Therapeutic Goods Administration (TGA), any other relevant legislation and the terms and conditions of any promotional vehicle (eg Facebook, Instagram, Snapchat, etc).



Further information and links

- » ACCC: www.accc.gov.au
- » AHPRA Guidelines for Advertising Regulated Services
- » Massage & Myotherapy Australia Social Media Policy
- » Massage & Myotherapy Australia Logo Requirements
- » NHMRC, Responsible Conduct of Research: www.nhmrc.gov.au
- » TGA: www.tga.gov.au
- » Private Health Insurance Funds, Terms and Conditions

5. Professional Care

5.1 Competence

Members must recognise and conduct their practice within the limits of their scope and knowledge at all times.

- a. Members must demonstrate competent therapeutic decision making and treatments and must not misrepresent their training, qualifications or experience to any person or the Association.
- b. Members must work at all times within the scope of their professional role and avoid misrepresentation of their range of competence and skill.
- c. No member will perform any action or treatment that contravenes any Australian Federal, State or Territory legislation pertinent to their scope of practice.
- d. Development of knowledge, skills and professional behaviour must continue through the therapists working lifetime through any prescribed (whether by policy or otherwise) continuing professional education.

5.2 Fitness to Practice

All members of the Association must at all times be “fit to practice” when dealing with clients/patients. To be fit to practice, you must have the skills, knowledge, health and character to practise professionally, effectively and safely at all times.

Members must perform all treatments with the wellbeing of the client/patient as a priority.

A member must ensure that they do not continue to practice or provide treatment to any person (and must procure that any employee or contractor engaged in the provision of services to clients/patients on behalf of the member does not continue to practice or provide treatment to any person) if:

- a. Their judgement or performance is (or may be) affected or impaired by their mental or physical health at any time.
- b. Their judgement or performance is affected or impaired by substance abuse or misuse.
- c. They have been violent or displayed threatening behaviour (or any bona fide allegation that they have committed violence or engaged in threatening behaviour occurs).
- d. They have exploited the client/therapist relationship and/or trust in any way.
- e. They have failed to allow the client/patient the right to make choices about their own care.
- f. They are dishonest, have committed fraud or failed to co-operate with any investigation undertaken by the Association into their conduct.
- g. They receive notice from the Association stating that they have engaged in any serious and undesirable professional conduct (as determined by the Board (in its absolute discretion)) that the Board believes may (or has the propensity to), affect public confidence in the profession.



Further information and links

- » Alcohol and Drug Foundation: www.adf.org.au
- » Australian Health Practitioner Regulation Agency: www.ahpra.gov.au
- » Australian Psychological Society, Managing your Anger: www.psychology.org.au
- » Beyond Blue: www.beyondblue.org.au

5.3 Responsibility

Members must ensure that at all times they conduct their practice responsibly, are personally responsible for their professional decisions and give due consideration to the foreseeable consequences of their actions (and the action of any employees or contractors engaged in the provision of services to clients/patients on behalf of the member).

Members must ensure they have a working knowledge of, and practice within, the relevant principles of law and policies that relate to their work practice, the conduct of their treatments, their business operations and premises.

Each member must ensure that they (and any employees or contractors engaged in the provision of services to clients/patients on their behalf) must observe the following:

a) Member and the Client

Members must:

- i. Establish and manage client relationships with appropriate professional boundaries and integrity.
- ii. Exercise discretion and confidentiality at all times.
- iii. Treat clients with equality and without discrimination.
- iv. Keep personal values and opinions to themselves.
- v. Respect the client's rights to be involved with decisions about their care and refusal of treatment should they so choose.
- vi. Respect the client's right to change therapist without question, personal opinion or harassment.
- vii. Determine the need for referral to other health services based on client needs, scope of practice, appropriate skills and expertise and assessment indications.
- viii. Advise clients of fee structures, payment terms, refund policies, non-attendance policies and complaints procedures before any initial consultation is undertaken as a matter of transparency and/or as required by law.
- ix. Allow a support person for the client to attend any treatment if required in relation to ability, language or cultural needs.

b) Member and Colleagues and other Health Providers

Members must:

- i. Support the development and implementation of laws and policies that promote best practice.
- ii. Cooperate with colleagues and other health professionals.
- iii. Treat colleagues with professional integrity, politeness and respect.
- iv. If a client is referred from another practitioner, report back to the referee once consent from the client is obtained.
- v. Must not engage in the solicitation of clients under any circumstance.

c) Consent of the Client/Patient

Members must:

- i. Document client/patient consent appropriately both in writing and verbally (and in accordance with best practice).
- ii. Ensure the client understands the purpose of any assessment and is informed of the outcomes of any assessment undertaken by the therapist.
- iii. Ensure the client understands treatment rationale, techniques chosen, and risks involved by discussing the outline of the treatment, what will be provided based on assessment and a voluntarily agreed treatment approach (prior to any treatment being undertaken).
- iv. Request feedback from the client throughout the treatment regarding comfort and pain levels and adjust the treatment to the client's requirements or requests.

d) Decision Making

Members should:

- i. Use best practice based on knowledge, evidence and skills available for assessment and treatment.
- ii. Identify and respond to clients' contra-indications and modify treatment accordingly.
- iii. Respect client values and opinions around their treatment options and choices.

e) Mandatory Reporting

Members should:

- i. Disclose information of a client in potential harmful situations to another health professional or relevant agency, if it is in the client's best interest in line with the requirements in each State and Territory and all applicable laws.
- ii. Be responsible and aware of your reporting requirements to the appropriate authority (and the Association) when witnessing unlawful conduct by colleagues (including any unlawful or undesirable conduct by employees or contractors engaged in the provision of services to clients/patients on your behalf) in conducting their practice.

f) Public

Members should:

- i. Provide a high standard of care as best practice.
- ii. Not at any time, discuss client's information in a public place or with others.
- iii. Not make unsubstantiated claims as to the merits or outcome of any treatment they conduct (such as misleading or inaccurate statements as to the healing, fixing and/or curing capability of such treatment).
- iv. Not advise a client to either stop taking or commence taking prescribed medication.
- v. Not exploit the public's lack of knowledge on health matters and health care in the way you conduct your practice.

g) Record Keeping

Members should:

- i. Maintain detailed and relevant records and consents to protect both the client and therapist.
- ii. Store all client information according to Privacy laws and legislation.

h) Self-Care

Members should:

- i. Maintain a personal health strategy that support ones physical and mental health at all times.
- ii. Consider seeking the assistance of a professional support person when needed and/or if recommended or requested by another health professional or colleague.
- iii. Maintain a healthy balance of boundaries from work.

i) Social Media

Members should:

- i. Ensure all content of social media networking accounts both work related and personal are appropriate.
- ii. Do not misrepresent the therapist's skill and knowledge, malign other therapists, or bring (or have the ability to bring) the Association into disrepute.



Further information and links

- » Alcohol and Drug Foundation: www.adf.org.au
- » Australian Health Practitioner Regulation Agency: www.ahpra.gov.au
- » Australian Health Practitioner Regulation Agency Guidelines for mandatory notifications
- » Beyond Blue: www.beyondblue.org.au
- » Health Care Commission in your State or Territory
- » Massage & Myotherapy Australia Social Media Policy
- » National Code of Conduct in your State or Territory

6. Vulnerable Persons

Members must conduct their practice responsibly. Members are personally responsible for their professional decisions and must give due consideration to the foreseeable consequences of their actions.

Vulnerable persons are people who may be more sensitive or susceptible to exposure (or particular behaviours) because of a variety of factors.

Vulnerable persons may include (but are not limited to), children, pregnant women, aged persons, persons suffering from a known mental health illness, persons with a known disability and those at end of life care. Individuals can belong to more than one category of vulnerable person at any time and may become vulnerable within or throughout the course of treatment. A member must ensure that regular assessments are undertaken to determine prior to each treatment if a client/patient is, has become, or remains a vulnerable person, and adjust the manner and delivery of their treatment accordingly.

While no two clients/patients will ever have identical needs, awareness of vulnerable individuals creates a new set of challenges for the therapist and therapists must find ways of meeting those challenges through a distinct framework of increased self-reflection and care.

Best practice (in addition to the other requirements which apply more generally to clients/patients under this Code) includes, but is not limited to undertaking the following:

a) Member and the Clients

Members should:

- i. Ensure that when communicating with a vulnerable person you treat them with respect, listen attentively, encourage questions and communicate in a way the client can understand.
- ii. Anticipate and take account of client sensitivities to ensure client dignity is maintained.
- iii. Ensure you use clear verbal and non-verbal communication to build rapport, safety and trust when establishing and maintaining the professional relationship.
- iv. Recognise that there is a greater power imbalance in the therapist/client relationship with vulnerable clients who may be more open to abuse either physically, emotionally, sexually or financially and adjust the manner in which you perform your treatment accordingly.
- v. When treating a minor, a therapist must ensure that the client is accompanied by a parent or legal guardian in the treatment room or hold written permission by the minors parent or legal guardian to treat the minor in their absence (noting that even if such permission has been obtained, it is prudent to have the relevant parent or guardian present).
- vi. Respect client's rights and do not undervalue their decisions about their treatment and refusal of treatment should they so choose.
- vii. Respect client's right to change therapist without question or opinion.
- viii. Show professional responsibilities when the presenting condition falls outside of therapist's current scope.
- ix. Determine the need for referral to other health services based on the client needs, scope of practice and assessment indications.

b) Members and Colleagues and other Health Providers

Members should:

- i. Support the development and implementation of laws and policies that promote best practice.
- ii. Acknowledge and practice in a manner that shows you understand some vulnerable clients, including those with impaired decision-making capacity and have additional needs. When managing your duty of care to these clients:
 - » pay particular attention to communication both verbal and non-verbal.
 - » recognise there may be a range of people involved in their health care.
- iii. Acknowledge and respect the contribution of all practitioners involved in the care of the client and communicate with respect and clarity.

c) Consent of the Client/Patient

Members should:

- i. Provide information to clients in a way they can understand before asking for their consent.
- ii. Encourage clients to tell you about their condition, how they are managing it and what their goal for treatment is.
- iii. Inform clients of the need for assessment and give them adequate opportunity to question or refuse assessment and treatment if necessary.
- iv. Ensure the client understands the purpose of assessment and is informed of outcomes of assessment findings.
- v. Ensure the client understands the treatment rationale, techniques chosen, and risks involved by discussing the outline of the treatment, what will be provided and managed based on assessment and agreed treatment approach.
- vi. When working with a client whose capacity to give consent is impaired or limited, obtain the consent of people with legal authority to act on behalf of the client.
- vii. Consider the balance of benefit and harm in all assessment and treatment decisions with greater self-reflection.
- viii. Request feedback from the client throughout the treatment regarding comfort and pain levels with increased frequency and monitor non-verbal cues and adjust the manner in which your treatment is provided accordingly.

d) Self-care pertaining to treating Vulnerable Persons

Members should:

- i. Use professional work practices and networks that make environments safe for all.
- ii. Use reflection strategies to support your ability to work inclusively and with an understanding of others.
- iii. Identify and act on ways to improve self and social awareness.
- iv. Review adverse events or situations and implement changes to reduce the risk of a recurrence.
- v. Accept that at times, working with the client is not in your best interest or theirs and act in accordance with the requirements of the client (and yourself) in an expeditious and professional manner.

e) Mandatory Reporting

- i. Comply with the mandatory reporting requirements set out in the “Responsibility” section of this Code.



Further information and links

- » Advanced Care Planning Australia:
www.advancecareplanning.org.au/resources
- » Alcohol and Drug Foundation: www.adf.org.au
- » Australian Health Practitioner Regulation Agency: www.ahpra.gov.au
- » Australian Health Practitioner Regulation Agency Guidelines for Mandatory Notifications
- » Australian Human Rights Commission:
www.humanrights.gov.au/our-work/disability-rights
- » Beyond Blue: www.beyondblue.org.au
- » Child protection authorities in your State or Territory
- » Health Care Commission in your State or Territory
- » National Code of Conduct in your State or Territory
- » Seniors Rights Networks

7. Professional Behaviour

7.1 Misconduct

In the event of a conflict arising between the standards of practice, legal requirements and professional obligations of a therapist (including any conflict between this Code and the National Code), the member should decline to treat the relevant patient/client until such time as the conflict is reasonably resolved and the rights and obligations of each party are clear.

Members are required to uphold the principles, practices and policies set out in this Code at all times.

If a member breaches this Code (or any allegation of breach is made against a member), then the relevant matter may be brought before the Association's National Ethics Committee and/or the member may face disciplinary action (which may result in revocation of their membership) as set out in the disciplinary guidelines of the Association available at massagemyotherapy.com.au.

The Code works in tandem with the National Code.

7.2 Complaints

Members must provide each client with information on how to make a complaint about the provision of their health service or treatment by the member (or any therapist acting on behalf of, or engaged to conduct services on behalf of, the member).

All members must provide health services and treatments in a safe and ethical manner and must not engage in any disreputable behaviour that reflects (or may reflect) negatively on the profession.

Members must at all times comply with the National Code complaints process, the Association's Constitution, this Code and the Standards of Practice of Massage & Myotherapy Australia together with any and all Position and Policy Statements and Guidelines relevant to the provision of treatments by the member.

Members must ensure they:

- a. Provide each client with the relevant State or Territory Health Commission details.
- b. Have a process or system in place for clients to initially raise concerns either about the member or a colleague of the member.
- c. Have a process or system in place for clients to access dispute resolution.

7.3 Fraud

Members must be aware of, and observe all laws in relation to taxation, including Goods & Services Tax (GST) and financial transactions, such as the writing of receipts.

Failing to issue appropriate receipts, or receipts containing false information, is fraudulent and constitutes a criminal offence that may be punishable by law.

A member must:

- a. Make proper financial arrangements with clients and third party payers.
- b. Advise clients of financial arrangements that are clearly understood prior to treatment.
- c. Register for GST if their gross income exceeds the threshold as determined by the Australian Taxation Office (ATO) from time to time.
- d. If registered for GST, issue a Tax invoice showing your Australian Business Number (ABN).
- e. Provide a receipt only to the individual receiving the treatment.
- f. Claim only for services provided under the conditions of each individual private health insurance provider rules.
- g. Not under any circumstance, falsify any details on the receipt or reissue a receipt unless marked “duplicate receipt”.
- h. Not issue a receipt in any other name than for the person treated.

7.4 Gifts and Exploitation

Members must maintain professional ethical standards and comply with generally accepted standards of professional behaviour.

Members must (among other things) ensure:

- a. They do not exploit their relationships with colleagues, employers or employees.
- b. They do not lodge trivial, unsubstantiated or vexatious claims against colleagues, competitors, other members or the Association.
- c. They practice honest and transparent arrangements with clients by not accepting gifts or tokens of any value in excess of \$50.00 AUD, and if taken, documenting those gifts with a file note.



Further information and links

» Australian Taxation Office: www.ato.gov.au

8. Therapist and Client Relationships

Members must ensure they conduct their practice responsibly, are personally responsible for their professional decisions and must give due consideration to the foreseeable consequences of their actions.

Professional boundaries are important in the provision of any health services. They protect both the therapist and the client. The Association seeks to ensure the maintenance of appropriate and expected standards of professional conduct among its members which, in turn, will assist to preserve and enhance the professional reputation of the massage and myotherapy profession in Australia.

Therapists are expected to preserve and enhance their own professional reputation, as well as that of the massage profession in Australia and practice in an ethical manner so as to promote and maintain the welfare of the client and protect the public at all times.

Members must have a working knowledge of, and practice within, the relevant principles of laws and policies in accordance with best practice ethical and moral standards, and with integrity.

a) Clients

Members must:

- i. Establish and manage the client relationship with appropriate professional boundaries and integrity.
- ii. Establish and maintain clear sexual boundaries with clients, carers, students and clinical supervisors.
- iii. Refrain from any behaviour that sexualises, or appears to sexualise, the client/therapist relationship.
- iv. 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 referred to any relevant third party, including government agencies, to address the matter.
- v. Note that consent by the client is not an acceptable defence in the matter of sexual behaviour or sexual service with a client.
- vi. Note that inappropriate disrobing or inadequate draping can be determined as sexual exploitation of the client.
- vii. Not touch the client's genitalia.
- viii. Not touch the breast area, regardless of gender unless required for legitimate treatment after assessment and written, informed consent has been obtained.
- ix. Immediately cease treatment in the event a client initiates sexual behaviour.
- x. 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 appropriate therapist for treatment and cease treating the client immediately.
- xi. 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.
- xii. Expand their knowledge and awareness of ethical issues in massage and myotherapy and practice in accordance with the highest ethical standards.

b) Member and Colleagues and other Health Providers

Members must:

- i. Not receive remuneration for referring client(s) to other health professionals for services.
- ii. Take appropriate action and/or report conduct of other therapists, educators or health providers known to be engaging in sexual activity with their client(s) whether the activity is consensual or not to the appropriate authorities (and the Association).
- iii. Assess the risk of boundary violations and support the development and implementation of laws and policies that promote best practice.
- iv. Cooperate with colleagues and other health professionals at all times in respect of any investigation conducted into their (or any other persons) conduct with a client/patient in contradiction to the principles set out in the Code.
- v. When treating colleagues maintain the same professional integrity, respect and financial arrangements as with any other client.



Further information and links

- » Australian Health Practitioner Regulation Agency: www.ahpra.gov.au
- » Health Care Commission in your State or Territory
- » Australian Human Rights Commission: www.humanrights.gov.au
- » Massage & Myotherapy Australia Guide to Sexual Misconduct
- » Massage & Myotherapy Australia Position Statement on Anterior Chest
- » Massage & Myotherapy Australia Ethics in Practice Online Module 2
- » National Code of Conduct in your State or Territory



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