

Why has my massage therapist touched me there?



Guild Insurance sees allegations against massage therapists where the client claims the practitioner has behaved in a sexually inappropriate manner during treatment.

These claims may involve allegations regarding the way the practitioner has touched them, or they may relate to what's been said during the consultation. These are incredibly serious allegations that cause a great deal of stress for both the practitioner and the client.

Case example 1

The client alleged that during treatment the practitioner moved and undid items of the client's clothing without the client's consent, leaving the client feeling exposed and uncomfortable.

Case example 2

The client complained about what they perceived to be excessive and unnecessary physical contact during treatment that left them feeling uncomfortable. The client stated they'd received this type of treatment before and had never been touched in this manner.

How can these allegations be avoided?

Be mindful of client clothing

If treatment would be easier with the client's clothes removed or adjusted, this should be clearly explained to the client, while seeking their consent. Being even partially undressed can leave clients feeling exposed and vulnerable. Adhere to the following tips regarding clients and their clothing:

- > Consider making clients aware prior to their appointment that they may be asked to remove or adjust clothing, if they're comfortable doing so. This allows the client to consider what clothing might be most suitable and practical to wear.
- > Be sure you explain to clients why you would like them to remove or adjust their clothing, keeping in mind it may not be obvious to them.
- > Provide the client with clean towels and/or gowns to keep the parts of their body not being treated covered. These must be of a sufficient size to adequately cover all clients.
- > If moving or adjusting the client's clothing once treatment has begun, seek the client's consent first, and ensure you offer to re-position the clothes afterwards.
- > Be very clear about what you want clients to remove and what they should leave on. Simply asking them to undress is likely to cause confusion and apprehension.
- > Give clients privacy when undressing and dressing by either having a screen for them to go behind, or by leaving the room.
- > Remember that clients can decline to consent to adjusting or removing clothes; don't assume they're ok with it.

Gender is irrelevant

It's easy to think that allegations of inappropriate touching are predominately issues when treating clients of the opposite gender. However, this isn't the case. Regardless of the client's or your gender, there's always a possibility for the client to feel uncomfortable. The way you explain treatment to clients and seek their informed consent should not differ based on the client's gender.

Informed consent

All health professionals would be aware of their professional obligation to ensure a client has given their informed consent prior to assessment and treatment beginning. For a client to be able to give informed consent, they need to have had the assessment and treatment explained to them in a manner they understand. This means avoiding clinical language which may be confusing while providing the risks and benefits to what you're proposing and allowing time for the client to ask questions.

When treatment involves touching the client, it's important to clearly explain to clients where you're proposing to touch them, and why. It may even require you to demonstrate on yourself exactly where you're referring to. Remember that in some cases you won't directly touch the client where they feel pain or discomfort, so the treatment area may not be obvious to them. Keep in mind that even after treatment has commenced, clients can withdraw consent at any time if they don't feel comfortable.

Record keeping

Record keeping is a professional requirement which serves several purposes. Detailed and accurate clinical notes allow for continuity of client care. They also provide evidence of what took place during a consultation, and why.

If a client alleges they've been touched inappropriately, the practitioner's clinical record will be examined for evidence of what treatment was provided and the clinical justification for this. The clinical record should also contain evidence of the client consenting to the treatment. Without this information in the clinical record, it becomes very difficult for the practitioner to defend their actions.

Don't make assumptions

As with any professional, practitioners can become overly familiar with what they know and do every day. However, they must remember that clients won't have that level of familiarity when it comes to treatment. Regardless of how many times a practitioner has treated a client, they should never make assumptions about what the client will understand about treatment, be comfortable with and be willing to consent to. Treatment always needs to be explained to clients, even if they've received that treatment before.

Consider the client's demeanour

While it isn't expected that a practitioner can be sure of what a client is thinking and feeling just by their body language, we all have some ability to gauge when a person is feeling uncomfortable with a situation. If you have a client who appears to not be comfortable with the treatment being suggested or carried out, stop what you're doing and assess the situation. You may need to further

explain the treatment so it's better understood. You may need to reposition clothing or gowns so the client is more adequately covered. Or you may need to remind the client that they don't have to consent to treatment being proposed and discuss other treatment options. It's also worth informing clients that they can bring a support person, such as a friend or relative, into the treatment room with them if that would make them feel more comfortable.

Talking while treating

Being a personable and friendly health professional can be beneficial in terms of building relationships with clients, but it can also have its downside. While having non-treatment related chats with a client during treatment is acceptable, there will be occasions when the chatting should cease so further information about treatment can be discussed. It's far too easy to forget what has and hasn't been explained, and consented to, when continually chatting during treatment.



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