



The Damage Done by Debra Curties '84

The Ontario government has mandated regulatory colleges, educational institutions, and others to take conscious, proactive steps to eradicate sexual abuse/violence and to create policies and procedures in support of this important goal. The nature of what they put in place has been left to the individual bodies to determine. In other words, the College of Massage Therapists of Ontario (CMTO) has chosen the path it recently enacted.

The CMTO surveyed the profession before announcing their final standards changes, but it would be fair to say that they showed signs of having made up their minds in advance. It is also true that the profession anticipated more modifications than were enacted, based on the amount of dismay and disagreement registered in the survey and other types of communication.

To say that Ontario massage therapists are discouraged and disenchanted is not exaggerating. Some older, seasoned therapists are thinking about retiring sooner than they planned because of how the new standards feel to them. Others are wondering if they want to make a career change. That said, it is safe to assume that most practitioners will bite the bullet and comply – are already doing so – and the College will have accomplished what it believes it needed to do.

But has there been damage done?

One of the basic rules of teaching is not to chastise or penalize a classroom of students for the misbehaviour of a few. There's a fundamental sense of injustice experienced by the group and it damages the trust and respect between the innocent majority and the instructor. In enacting the new written consent requirements, the CMTO has done something analogous. The practitioners involved in misconduct allegations represent a very small few among the ranks of our profession. While the responsibility to "deal with" the violators is great, and most everyone realizes it can be challenging and expensive, creating unwelcome, punitive-feeling universal standards does not ensure success and leaves the rest of us feeling unjustly burdened.

Where is the actual harm? To start with, the practice of massage therapy is premised on the quality of the therapeutic relationship. We spend long spans of time alone with people who have taken their clothes off and entrusted us to keep their bodies, their personal boundaries, and often their vulnerabilities and life stories private and safe. Here is a sample of the types of reactions massage therapists are getting from clients who are now being asked to sign off on sensitive area consent every treatment:

- "This is crazy – why are you doing this?"
- "Is someone in this clinic being sued?"
- "How do we make this less ridiculous – can I write you a letter?" "Can we initial a few pages of them now so you can have it in your file and write in the dates later?" "Can't we just ignore it – I'll never make a complaint against you." [lots of these]
- "I'll sign anything – just give me the form."

- "I'm suddenly feeling concerned – should I not have been allowing you to do this type of treatment all along?" or "Were you allowed to be treating these areas before?"
- "This has a tainted feel to it that I don't like."
- "I understand, you folks have to cover your asses."
- "You know, in the years I've been coming to see you, this is the first time that sex has entered the picture."

I am not suppressing positive comments – I honestly have not heard of any.

A certain number of clients are refusing to sign the specific consent while still stating their wish to receive the treatment. There are also practitioners contemplating removing these body parts from their treatments, even if indicated, to avoid the problem.

At our school, instructors have had the opportunity to introduce the new standards to two new classes. Despite making a genuine effort to present the facts neutrally, they report much the same types of reactions from our aspiring therapists – it just doesn't ring true or make sense to them.

Is this just short-term? Will everyone get used to the new normal? Therapists will do their best to make it so, but there is worry about the effects on the therapeutic relationships at the centre of our work. When I think about the start of the next session of the Term 4 Breast Clinic at our school, I know we will explain and make it work, but there is a tainted feel – it's not a positive addition to our therapeutic relationships and treatment plans because we build a sense of safety and trust through dialogue and good practice. Throwing in the weekly re-signing appears to introduce doubt about someone in the relationship's trustworthiness no matter how you parse it, with the most neutral outcome being some sort of initialing numbness.

Is it nonetheless worth it?

Are we biting the bullet for the common good? Despite being asked, the CMTO has not produced convincing evidence that such measures have been found to deter practitioner sexual misconduct. We do not feel persuaded that this is evidence-based implementation.

Members of the profession who have been around for a while have experienced firsthand the struggle to separate massage practice from any hint of sexual behaviour. It is painful to feel that we are forced – and by our regulatory body – to return to this terrain.

From my viewpoint as someone with expert witness experience, I can see a few different sides. Opposite sex therapists may feel there are cases where having written consent for certain treatment plans feels more protective. Therapists in settings where they see a number of new or one-time patients, such as hotels or spas, may consider written consent for sensitive area work a good idea. I can also see where therapists who struggle with nuanced communications, or are interacting with someone who does, might want to opt for written consent. The College could certainly have strengthened recommendations in this voluntary arena, as well as guidance for educational programs since that is probably part of the concern.

Do you know someone who should be at Sutherland-Chan?

You see them in your clinic – meet them in your neighborhood – they may be acquaintances; they may ask you about your profession and more importantly they may inquire about your education. We know that our greatest source of referrals is from those who say, "A Sutherland-Chan grad told me about the school!"

Please encourage those who express interest in the massage field to consider Sutherland-Chan. Direct them to our website or suggest they contact the school for a tour.

Our grads are our best resource – we thank you for your ongoing support of the school!

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Moving to mandatory written consent, though, does that increase deterrence? I have found that "misconductors" seem to fall into two basic categories: the awkward or overzealous but well-intended therapist, and the predator.

I don't believe that predators are deterred by these types of procedural fixes. They may actually feel more protected by them. I can hear their lawyers, "Mrs. Brown, you have signed 12 written consents for this same treatment. Do you expect us to believe that in treatment 13, this therapist suddenly started touching you inappropriately? Or has been doing so all along???"

Will written consent help awkward or overzealous therapists to self-regulate? Will their massage recipients be better protected? Possibly on occasion, but arguably not nearly so consistently as if the therapist had to learn to better handle situations that arise and not rely too heavily on a written form. Many of these more muddled complaints don't boil down to consent versus no consent, but rather to what was said in describing the intended treatment or whether the client was actually understanding the rationale or intent before giving consent, in other words, whether they were ever on the same page. When things start to derail, the "who do you believe?" aspect of these cases remains because effective two-way communication was never properly in place.

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Confident, entitled clients will establish and defend their boundaries, form or no form. The more vulnerable, traumatized or unconfident person may be additionally daunted about making a complaint because of having signed off on written consent.

The College has a difficult job, for sure. There are more corner-cutting players at both the educator and practitioner level than there used to be. It's not easy to determine what effective enforcement looks like – should there be more emphasis on the education side, the quality assurance side, the deterrence side? What is the right balance? Are there best practices in other professions to learn from?

In sorting through this, it seems fair to say that the College needs also to be thinking about the potential for harm to massage therapy as health care. We don't argue with the CMTO's mandate to protect the public – we are fundamentally a caring, upstanding profession. The thing is, the College has a great deal of power over us, and a type of fiduciary responsibility to us. This recent process has felt detached and tone deaf, with whiffs of mistrust and reprimand, and has included elements such as retroactive implementation that a lawyer friend of mine gaped at. It feels like the College is giving up (on us?) and just going for the generic rules list. The new system seems to work much better for their interests (narrowly defined) than for the rest of us.

There has been damage done, and it remains to be seen the ways in which the profession will be altered long-term.

Facing a challenge where the only true path forward is to work together, the relationship between practitioner and the College has never felt so poor. We're not seeing a silver lining here. There is some anger, but also tangible sadness and dismay. This is a relationship in strong need of forging a new path.

