

Inappropriate massage and lack of informed consent
(04HDC17805, 8 November 2005)

Massage therapist ~ Inappropriate massage ~ Informed consent ~ Rights 4(2), 6(1) 7(1)

A woman complained about the appropriateness of the massage she received from a massage therapist. During the massage she asked the massage therapist to stop, and left before the massage was completed because she found his actions inappropriate. She had had several massages in the past and believed the therapist's technique left her unnecessarily exposed because he was able to see her pubic region, and he cupped her breast and brushed her nipple.

It was held that the massage therapist did not ensure that the woman was properly draped at all times, and made her feel uncomfortable by massaging too close to her pubic region and right breast, breaching Right 4(2). The fact that the therapist knew the woman had had massages before did not absolve him of the responsibility to clarify the nature and extent of the massage he proposed to give. He breached Rights 6(1) and 7(1) by not fully explaining the intended therapy and by not gaining her consent before commencing the massage.