



All about Self-Regulating Legislation!

What is Self-Regulation?

The jurisdiction in Canada to recognize and regulate the professions rests with the provincial legislatures. Legislatures typically would pass an act to deal with each profession. Self-regulation occurs when a government passes such an act, which recognizes and creates a professional legal entity with powers to hold property and to regulate the profession.

Presently there is a **consultation document** that has been circulated to stakeholders in Saskatchewan to discuss if the Profession of Massage Therapy will be considered for Legislation.

This document has been proposed by the Government of Saskatchewan, based upon Saskatchewan's template legislation.

This document and any follow-up documentation are in full control of the **Government of Saskatchewan**.

It is not the intent of the Government of Saskatchewan to put people out of business; nor is it the Government's intent the Legislation would be created for the MTAS Association only.

The legislation will provide title protection for the Registered Massage Therapist and protection for the public.

MTAS has no part in writing of Legislation. The legislation is **written by the Ministry of Justice** in consultation with the Ministry of Health.

The Act will:

- Contain provisions with respect to the governing structure, membership in the professional body and membership on governing committees.
- Provide title protection of Registered Massage Therapist, Massage Therapy, and Massage Therapist
- Determine the criteria and education required for entry to practice.
- Develop and provide an Entry to practice examination.
- Include a complaints and discipline process that will include a prosecution mechanism for those who that are engaged in unauthorized practice.
- Provide a registration list that the public can access for members in good standing.

What is a Profession?

To adequately describe a profession it is best to look at the common characteristics of Professions in general:

- A profession is given official recognition through legislation, which protects the public from unauthorized practice, incompetent practice and professional misconduct.
- A profession is a group that has a particular body of knowledge and practical skills that they preserve and develop.
- Members are required to be educated in the knowledge of the discipline and trained in the skill before receiving full admission to the profession
- A profession protects members of the public by controlling standards of admission, continuing education and codes of ethical conduct.

- Members form confidential personal relationships with their clients for the purpose of protecting significant information and the interests of the client.
- Clients of massage therapists may be in a crisis and are thus vulnerable and subject to substantial injury or harm if the service is incompetent.

Why Choose Self-Regulation?

From the Governments perspective:

- The legislation is used to give official recognition to a profession and to protect the public from unauthorized practice, incompetent practice and professional misconduct.
- The decision to regulate a profession is grounded in the seriousness of the consequences for clients and third parties that may result from inadequate services provided by members of that profession.
- Incompetent treatment or exaggerated claims of effectiveness of a particular treatment may result in serious harm to a client and others who rely on that client.
- Self-regulation is the least costly, most effective form of legislation as professions have a culture of group standards, existing structures, and technical expertise that can be utilized to govern the profession.

From the Professionals perspective:

- Legislation legitimizes the profession in the eyes of the Public, the government, clients, insurers, and other professions. In negotiations, with insurers over professional fee structures, MTAS has been consistently reminded by their negotiators of the fact that they typically don't negotiate with non-regulated organizations.
- The choice to regulate is grounded in the ethics of professionalism. The essence of professionalism is the establishment of a trusting relationship with the client. This relationship is based on the application of a body of knowledge and skill to provide services in the best interest of the client. The integrity of this body of knowledge and skill is established and maintained by the standards of admission and competence of members. These standards are determined by the profession as a whole and applied to all its members.
- The successful application of these standards is central to the image, reputation and professional recognition of the profession. In other words, the status of a profession in the view of the public, clients, insurers, government, and other professions is directly related to the ability of the profession to get all its members to adhere to professional ethics, standards and scopes of practice. This is a difficult task without the support of regulating legislation. Not insomuch as members require discipline but rather that the groups outside the profession see it as vital. This is particularly true in Healthcare where all other professions are regulated.
- Regulating legislation enhances the professions ability to maintain high professional standards, which in turn engenders public confidence in the utility of professional services and makes the establishment of trusting relationships with all parties more efficient.

From the clients' perspective:

- Clients deserve professional services, and they want a relationship where the massage therapist is committed to a healthcare outcome.
- The client expects a professional who is competent in their skills and education and who has integrity in all their dealings with them.
- Clients will seek effective treatment and have an expectation of professional standards, client confidentiality, and a code of ethics.

- The public image and reputation of a profession has a direct relationship to the professions ability to ensure these standards.

What are the consequences of Self -Regulation?

For the Government:

- Passing legislation granting self-regulation to a profession is probably the most efficient way for a government to carry out its responsibility to ensure public and third party safety.
- Self-regulation creates title protection for trained professionals who meet the College entry to practice.

For the client:

Self-regulation ensures that professional services required by clients are regulated by a code of ethics and professional standards.

For the Stakeholders Transitional Committee:

The Legislation will be an official recognition from the Saskatchewan Government, and Massage Therapy would subsequently be regarded as a legitimate health care provider.

Massage Therapy would be recognized by other Healthcare providers

The Transitional Steering Committee would be tasked to undertake and carry out the duties and responsibilities required Legislation. These responsibilities may be grouped as follows:

- To establish a governing structure in accordance with the legislation.
- To adhere to a code of ethics and professional standards that would include criteria for admission, continuing education, establish and maintain a registry, developing a complaints and discipline procedure.
- To ensure that members of the profession follow the code of ethics and professional standards developed by the profession.
- To ensure a fair and just application of the powers granted by self-regulation.
- Failure to carry out just and equitable application of this power may result in two direct consequences for the Profession.
 1. First, a failure to perform duties may result in an appeal or a judicial review of decisions at the request of those affected by the decisions.
 2. Second, the misapplication of power might result in a lawsuit for damage or loss caused to a member or others.
- An association must effectively enforce its Code of Ethics and Standards, or it will risk losing its public mandate (legislation granting self-regulation).