

Spa Legal Liability: *How to hire well and protect your business* By Ben E. Benjamin, Ph.D. & Diane Trieste

The risk of litigation relating to massage therapists is an issue that no spa can afford to ignore. In recent years, this has become increasingly clear to us. Lately, Ben has been called upon as an expert witness in several cases involving sexual abuse related to massage therapists within a spa environment. During his research for these cases, he noticed a wide variation among spas in the standards for three critical areas surrounding the employment of massage therapists: screening and hiring, orientation and training, and ongoing supervision. He was surprised to learn that even the larger spa organizations had deficiencies in these areas that left their clientele at risk and their organizations vulnerable to major lawsuits.

The field of massage therapy and bodywork has grown to include hundreds of schools and several hundred thousand therapists. Massage has become an increasingly important part of the spa industry. On average, massage treatments generate a full 47 percent of a spa's revenue, with an additional 15% of revenue coming from wet treatments. Treatment rooms take up an average of 39% of a spa's indoor space. Whether you are a small spa or a large one, hiring and retaining quality massage therapists is vital to your success and survival. If the spa industry is to maintain or increase its stature as a destination for stress relief and wellness enhancement, it must screen, train, and supervise its massage therapy staff with consistency and care.

Why should a spa take on the work of scrutinizing its massage therapists so closely? After all, the vast majority of therapists are decent, ethical, talented, and hard-working professionals, and the efforts involved in screening and supervision may seem unnecessary and excessive. Unfortunately, we live in a litigious society where any business may be one lawsuit away from bankruptcy or a destroyed reputation. On the other hand, an organization that employs highly skilled, responsible therapists in a positive work environment can expect to enjoy solid success for many years to come. A spa that devotes time and energy to hiring and retaining quality massage therapists is making a very worthwhile investment.

For all of these reasons, it is critical for the spa industry to identify and adhere to certain minimum standards of practice; only in this way can it weed out the small percentage of practitioners who are emotionally troubled, deviant, or criminal. A spa that hires poorly or does not provide adequate training, development, and supervision becomes a revolving door through which therapists come and go, leaving the business vulnerable and increasing the likelihood of lawsuits for inappropriate behavior. If a claim is filed against a spa for sexual abuse on its premises, the business must expend an enormous amount of energy to defend itself. If the spa is found negligent, it may face not only a damaged reputation and lost revenue, but also increased insurance costs.

In this article, we will outline in some detail the processes by which a spa can hire, orient, train, and supervise massage therapists to be ethical and successful representatives of the spa and to ensure a long-lasting and thriving business. These recommendations are based on Dr Benjamin's more than 30 years of experience running a massage therapy school, training and hiring massage therapists, and teaching courses on ethics and professional conduct to students and therapists across the country — as well as Diane's 13 years of experience working in spa operations, which includes implementing courses on best practices and interviewing, training, hiring, and managing hundreds of massage therapists.

THE HIRING PROCESS

To ensure the hiring of quality therapists, spas must take four major steps: establishing entry criteria, designing an application form, conducting in-person assessments, and checking references.

Establishing Entry Criteria

A spa's first responsibility in the process of hiring massage therapists is to define its expectations of this subset of employees. Listed below are seven basic areas that should be covered on an application form. Managers at each spa must prioritize these areas to determine which will most readily identify the type of therapist they want to hire and retain.

1. ***Licensure.*** Spa managers must familiarize themselves with the laws governing massage therapist licensure in their geographic area. At the present time, 36 states plus the District of Columbia regulate massage therapy at the state level; in the remaining states, individual localities determine their own requirements for licensure. Even in states where massage therapists are state certified, therapists generally must also apply locally for a business license. Applicants for massage therapist positions should submit copies of these documents and should be questioned about whether they have ever been licensed elsewhere.
2. ***National certification.*** The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) was established in 1992. Its function is to certify that individual therapists have achieved a minimum standard of massage training and education. To accomplish this goal it administers a national examination, which is revised and updated yearly. Many states require massage therapists to pass this exam in order to obtain a license, but some do not. Whether or not your state has this requirement, you may choose to include NCBTMB certification as part of your spa's screening process. A therapist who takes and passes the NCBTMB exam demonstrates a high level of commitment to obtaining the credentials needed for professional recognition in the field. To maintain national certification status, practitioners must complete NCBTMB continuing education requirements every four years, including six hours of ethics training. Massage therapist applicants who are nationally certified should provide you with a copy of their certificate.
3. ***Membership in a reputable professional organization.*** Most massage therapists are members of a national professional organization. The American Massage Therapy Association (AMTA), the Associated Bodywork and Massage Professionals (ABMP), and the American Organization for Bodywork Therapies of Asia (AOBTA) are the largest and best known of these groups. Each group offers various levels of membership, and any therapist applying to be a working professional member must meet certain requirements of training and/or certification. Thus, membership in one of these organizations can corroborate the applicant's qualifications. Such a membership also demonstrates that the therapist has agreed in principle to abide by a specific code of professional ethics.
4. ***Proof of liability insurance.*** Working professional members of AMTA or ABMP automatically qualify for \$2–3 million of professional liability insurance. Therapists also have other options for obtaining professional liability coverage and should provide the spa with a

copy of their certificate of coverage. In most cases, therapists can obtain an “additional insured endorsement” naming the spa from their insurance carrier.

5. ***School(s) attended.*** At the time of this writing, approximately 1,500 schools in the United States teach massage and bodywork. Some of these schools are excellent, while others are mediocre or poor. Of course, attendance at an excellent school does not guarantee excellence in the student, and some excellent therapists have attended poor schools. Still, a school’s reputation and standards are important to consider.

In some cases spa managers may have first-hand knowledge of the quality of an applicant’s school, but in many cases, they do not. Two key benchmarks can help to distinguish a good school from a poor one. First, is the school licensed by the state government? Depending on the state, this usually means that the school has filed a lengthy application and has received official approval for its program. Second, is the school accredited? If so, that school has taken a further step toward excellence, as the accreditation process is fairly arduous and intellectually rigorous. An accredited school generally has a higher standard of professionalism.

6. ***Hours of education and experience.*** Another important criterion is the number of hours of training a therapist has completed. You may choose to require a copy of the applicant’s certificate of graduation, which will state the number of hours included in the training program. The national minimum standard is 500 hours of in-class training. However, developing skill as a therapist requires more hours, which may be obtained through continuing education (see “Additional training,” below) or through maintaining a private practice for a number of years. A new graduate massage therapist who completed a training program in only a few months is not likely to be highly competent. It takes training over a span of time in order for therapists to gain the experience they need to deal with clients in a skillful and professional manner.

When evaluating practical experience, consider not only the length of time the therapist has been practicing, but also the average number of treatments performed per week. For example, a therapist with 5 years of experience who performs only 2 treatments per week may not have developed the same skill as a therapist with 3 years of experience performing 20 treatments per week.

7. ***Additional training.*** Serious applicants whose school programs include fewer than 500 hours of training usually seek continuing education to enhance their skills. In addition, ongoing continuing education credits are often required to renew membership in professional and certifying organizations. Your application form should inquire about the types of additional training the therapist has undertaken and the approximate number of hours of each course of study.

Designing an Application Form

After a spa has identified its basic entry criteria for massage therapists, the next step is designing an application form that assesses the applicant’s qualifications in each of these areas. A sample form is inserted here as a model; you may wish to alter it based on your spa’s specific needs and priorities.

Conducting In-Person Assessments

Once a spa has used its written application to find candidates who meet its entry criteria, the interview and hands-on assessment are the next important screening tools. The goal is to identify applicants who not only are licensed and certified therapists, but also are personable, fit the culture of the organization, and demonstrate excellent technique. The personal interview should be done by someone with training in interviewing skills or a proven natural ability to be a good screener. The hands-on assessment should be done by someone who has experience with a variety of massage techniques and who can provide a meaningful evaluation of the therapist's skill. In some cases both assessments might be done by the same person, but in many spas, more than one assessor should be involved in the screening process. All assessors should have a clear understanding of professional boundaries, and in particular of dual relationships (see sidebar).

1. ***The personal interview.*** The first thing an interviewer will notice is how the applicant is dressed and how clean and well groomed he or she looks. Observe whether the person makes eye contact or avoids it. Notice the quality of the applicant's handshake — is it firm, too hard, or too weak? Does the person grip your entire hand or just take a part of your hand? Is the applicant's hand wet or dry, warm or cold? Someone who is skilled at touch will grip your entire hand firmly but not too hard and have a warm, dry hand.

A good interviewer also assesses the applicant cognitively and intuitively, with several questions in mind. Is this a person I like being around? How would I feel about having this person touch my body? Does the person establish an atmosphere of trust and safety with his or her conversational style and presence? Does the person answer my questions directly and honestly? Does the person appear confident and at ease with himself or herself? Does the person appear to understand how to establish professional boundaries?

Dual Relationships in the Spa Context

Dual relationships are relationships between two people in which different roles overlap. For example, a dual relationship is formed when a spa manager begins dating an employee of the spa, or when a massage therapist and a guest become social friends. Dual relationships are risky because they almost always involve power differentials. One of the individuals in the relationship wields more authority than the other, and therefore if any aspect of the relationship fails, the emotional, financial, or even physical well-being of those involved — including the facility or business — may suffer.

Many laws and most professional codes of ethics establish strict guidelines regarding dual relationships in the helping professions. No matter who initiates a dual relationship, the participant who has higher authority is legally and ethically responsible for any adverse outcome that may ensue. Spas must develop clear policies regarding dual relationships and make them explicit to all of their employees. As part of the screening process for massage therapists, the interviewer should assess each applicant's understanding of dual relationships.

Spa Interview Questions

- What did you like about your training?
- Was there anything you felt was lacking in your training or something you would like to have been different?
- Why did you choose massage therapy as your profession?
- What do you like about it?
- Do you get massage regularly yourself?
- What do you do to maintain your own health?
- How many clients do you typically see in a day?
- Is that a good number of people for you to see in a day?
- How long do you work on each person?
- Have you had or do you have a private practice?
- How many private clients do you see each week?
- Have you been trained in any spa treatment protocols?
- Why did you leave your various jobs?
- Did you have any difficulty with the management at any of your other jobs? If so, can you describe that for me?
- Can you give me an example of an area in yourself that you think could use some improvement or further development?
- Were you ever fired? If so, why?
- Have you ever been in an uncomfortable situation with a client asking for something inappropriate? If yes, what did you do?
- Do you tend to make friends with your clients?
- What are the pros and cons of making friends with clients.?
- If you got upset with me or any of the staff — for example, if you felt you had been spoken to disrespectfully — how might you handle that?
- Have you ever felt attracted to any of your clients? If so, what did you do with those feelings?
- Can you tell me about a time when you had difficulty with a client or an employer and how you handled it?
- How would you handle a client who arrived 20 minutes late for a 50-minute massage?
- Why do you want to work in a spa?
- Did your school offer any classes pertaining to working in a spa environment?

Note: Interviewers may also want to insert additional questions related to circumstances specific to their particular spa.

A number of cues will help the interviewer to answer to these questions. For example, in describing their qualifications, some applicants may mostly offer opinions (“I’m really good at that”), while others back up their assertions with evidence (“I am skilled at that by virtue of the 500-hour training program I attended and my two years of experience in the field”). Applicants may demonstrate insight by noting deficiencies in the training program they attended or by offering ideas about what that program could have done better. The interviewer may also gain important information from questions about the applicants’ self-care regimens (such as regular massage, exercise, or leisure pursuits).

The interviewer should ask the applicant about each former place of employment listed on his or her application. What did the applicant like and not like about working there? Why did he or she leave? Were there any unusual circumstances regarding the ending of employment? To be even more thorough, the interviewer might ask for the names and phone numbers of several coworkers at the applicant’s previous job.

As the conversation proceeds, the interviewer should notice whether a rapport develops with the applicant. A therapist who has difficulty establishing a connection with the interviewer will likely have difficulty establishing a connection with guests. This less tangible part of the interview process is difficult to describe, but a good interviewer knows how to evaluate such cues.

The interviewer can judge the applicants’ professionalism by asking questions about what they do in uncomfortable situations where the limits of boundaries are pushed and what they do if they are having a conflict with a guest, co-worker, or employer. The interviewer may pose several scenarios and

ask how the applicant would handle each one, or may role-play the scenarios with the applicant. (For example, if the applicant responds to Scenario #1 below by asking why the guest is extending the invitation, the interviewer can role-play by saying, “Just to get to know you better,” and see how the applicant responds.)

Scenario #1

A very nice guest that you have been working with for a few months asks you, “Would you like to go out to lunch sometime?” How would you normally respond?

Scenario #2

A guest invites you to a party. What would you say?

Scenario #3

A guest says that he would prefer not to be draped with the sheet because he is claustrophobic. What would you say?

Scenario #4

A guest tells you that another therapist at the facility hurt her physically during the treatment and was then rude to her for saying something. How would you respond?

2. ***The hands-on assessment.*** An enormous amount of information not available in an interview can be gleaned from a hands-on assessment. If possible, it's best for the applicant to be evaluated by two different hands-on assessors. The most effective assessor is an experienced massage therapist who has taught massage therapy technique and has many years of experience in receiving and critiquing massage.

The hands-on assessment evaluates far more than whether the massage feels good. The assessor must be capable of identifying appropriate pressure (pressure that is at the guest's tolerance but not past it), the possibility of aggression (felt in the intent of the applicant's hands), the difference between pleasurable hand contact and seductive hand use, clarity in draping, personal boundaries in conversation during a massage, physical boundaries (the position of the therapist's body in relation to the guest's body during the massage; for example, inadvertently touching or leaning into a guest), and so forth.

The spa should create a form listing each type of information being assessed (see "What to look for in a hands-on assessment"). Use a rating system that makes sense for the assessor and for the organization. Some assessors use the ratings Poor, Good, and Excellent; others use words measuring performance towards an expected standard, such as Falls Short, Meets, and Exceeds. Design the form in such a way that assessors can document why they felt the applicant met, did not meet, or exceeded the standard the spa is seeking in an employee.

When an applicant comes in for a hands-on assessment, first introduce yourself, shake hands, and thank the person for coming. Ask him or her to treat this session as if it were the initial contact with a guest for a first massage at your facility. Suggest that the applicant greet the guest, obtain relevant guest information, give the treatment, and end the treatment as he or she would in normal practice. If you want the applicant to

What to Look for in a Hands-On Assessment

Professional Appearance

- Dressed professionally
- Clean and neat
- Nails trimmed so they will not scratch the guest
- Hair clean and groomed appropriately
- No strong odors, scents, or perfumes
- Hand jewelry removed

Communication Skills and Boundaries

- Inquired about contraindications
- Asked what the guest wanted from the session
- Explained draping, changing, and comfortable positioning
- Left the room for the guest to undress and knocked prior to coming in
- Spoke clearly and directly
- Directed the guest to speak up if anything is uncomfortable
- Checked in with the guest regarding pressure
- Maintained personal boundaries (for example, did not ask inappropriate questions)

Technique

- Proper initial draping
- Appropriate draping in transitions
- Maintained secure drape throughout
- Lubricant application
- Transitions between techniques and body parts
- Depth of pressure was correct for each area
- Checked with guest to see if pressure matched expectation
- Worked on all body areas requested
- Full hand contact and maintained contact as appropriate
- Flow and tempo of massage
- Responded and adjusted to non-verbal cues during massage
- Adjusted techniques based on non-verbal and verbal information learned during the massage
- Appropriate use of pillows, bolsters, and towels for positioning
- Demonstrated a respect for personal boundaries during the massage

perform a particular type of treatment, give those instructions at this time.

At the end of the assessment, thank the applicant for coming in and for taking part in the process. Let the person know when he or she will be notified regarding the position.

Checking References

1. **Former client references.** Typically, the only clients that applicants will list as references are those whom they know will give them a glowing report. However, it is often useful to talk to three or four of these people to see what specific qualities they liked in the therapist. If you ask directly whether there are any areas that the therapist could improve upon, you may also gain some information about the applicant's shortcomings.
2. **Former employer references.** When you call previous employers for references, you may or may not get much useful information. In many states, a former employer is required to provide only the date of hire and the date of termination. Large organizations are often fearful that if they give a poor, unsubstantiated recommendation, they will be sued. A small spa or medical office may be more likely to offer an accurate picture of the applicant's previous employment.
3. **Former coworker references.** If a reference from a former employer leaves you with unanswered questions or raises any suspicions (e.g., if you hear hesitation in the voice of the person you speak with), you may want to seek additional references from former coworkers. A coworker will not be as hesitant to tell you something for fear of being sued. However, there's still a risk that you'll receive an unreliable report, particularly if the individual you talk to is a personal friend of the applicant.
4. **CORI: Criminal Offender Record Information.** At times, even an applicant who appears to be perfectly nice in an interview may have emotional disturbances that make him or her vulnerable to abusive behavior. By performing a CORI (Criminal Offender Record Information) background check, you can determine whether an applicant has a criminal record in any given state. Many government agencies that hire professionals for unsupervised client contact have a CORI check done on all potential employees to safeguard their clients.

To order a CORI background check, you must know the states where the applicant has previously worked or lived. Let the applicant know that you will be doing a CORI check, and that this is a standard procedure you follow for any hire who has unsupervised client contact. By mentioning this up front, you provide an opportunity for an individual who has a criminal record to explain to you what happened. Everyone makes mistakes in life, but when someone applies for a job involving the care of a guest's body, you want to differentiate between an incidence of petty theft as a teenager and charges of rape or domestic abuse.

ORIENTATION AND TRAINING

Once a spa has invested time and energy in locating the best massage therapists for its facility, it only makes sense to spend as much time as possible orienting and training these new employees. During Ben's

experience as an expert witness, it became clear to him that even a little preparation at this juncture could potentially save a spa hundreds of thousands of dollars in a lawsuit. Don't expect therapists to learn your spa's guidelines on the job. Develop a specific orientation procedure addressing the expectations, norms, and rules of the spa. Follow the orientation with precise training in the treatment protocols you expect from the therapists. Furthermore, we strongly recommend that every spa develop a specific orientation and training program addressing issues of ethics and boundaries in the therapeutic relationship. Each of these three areas is discussed in more detail below.

1. *Spa policies and procedures.* An experienced manager may be the best person to present the spa's policies to newly hired massage therapists. Be sure to cover the following topics:

Greeting guests. Initial training should begin with how the spa wants therapists to greet guests when they first meet. Make sure this procedure is not just described verbally, but is practiced in role-plays and critiqued.

Dress. Present new therapists with guidelines for appropriate dress. Clarify whether there is a uniform and if so, who is responsible for cleaning, replacement, and so on.

Equipment and supplies. Communicate the spa's policies regarding using and cleaning the equipment and treatment rooms and restocking linens, products, and supplies.

Tips and products: Be sure therapists are clear about the spa's policies regarding accepting tips and selling products.

Off-site treatment: Also clarify policies pertaining to treating guests outside the facility.

Confidentiality. Spell out in no uncertain terms how the spa defines confidentiality. All personal information regarding guests should be kept confidential. A therapist who names a guest and talks to others about the guest's personal issues violates that guest's privacy. Fully describe to new therapists the established supervisory pathways (see below) through which practitioners are encouraged to voice any concerns about a guest's well-being, behavior, or treatment.

Questionable behavior. Inform therapists of the spa's recommended procedures in cases of questionable behavior on the part of guests, such as a guest asking the therapist inappropriate questions or becoming aroused on the table. To counteract the perceived goal of always "making the guest happy," spell out how a therapist should handle guest requests that are illegal, sexual, perverse, or abusive in nature. Every massage therapist should role-play and become skilled at the Intervention Model, which teaches practitioners how to respond to sexual arousal in a step-by-step fashion. This is described in detail in Ben's book *The Ethics of Touch*, pages 125–127 (Benjamin and Sohnen-Moe, 2003).

Orientation should also include information about the following massage procedures, presented if possible by a skilled, experienced massage therapy instructor:

Draping. Draping procedures should be described, demonstrated, and practiced in detail according to what is customary for the spa. Methods of draping should not vary from therapist to therapist within the organization. How a therapist drapes a guest says a great deal about the therapist's level of skill and professionalism of the spa; ensure that the therapist is adept at performing these procedures with good attention to boundaries.

Body positioning. Be sure to go over the positioning of the therapist's body in relation to the guest. Sometimes even good therapists are simply not aware of where their body is in relation to the guest's body. Ben has observed good male therapists who were unaware that their pelvis was leaning against a guest's head while performing a particular technique, as well as good female therapists who were unaware that they inadvertently brushed their breasts against a guest. Awareness, training, and follow-up can correct problems such as these.

To confirm that the spa's policies and procedures have been absorbed, a good practice can be to send a secret shopper (see below) to the therapist after about a month on the job.

2. ***Technical expertise.*** A skilled, experienced massage therapy instructor should be conducting all of your training procedures relating to technical expertise. This individual should have at least five years of experience as a practitioner and at least three years of experience as a teacher. He or she may also take the role of supervisor in the spa (see below).

Make sure therapists understand how they should perform any specific treatment protocols your spa requires, even if the therapists say they have comparable training elsewhere.

3. ***Ethics and boundaries in the therapeutic relationship.*** Every spa organization should develop a complete module on ethical guidelines for therapists, to be presented both during orientation and as ongoing teaching. Standards regarding the teaching of ethics in massage therapy schools vary widely; while the school Ben founded spends 100–150 hours on training in ethics, boundaries, and communication, other schools may spend 10 to 20 hours on these topics, or even may not even cover them at all. In order to protect itself and its guests, a spa must take on some of the responsibility in this area, even if the state or country where it is located does not have specific laws governing such issues. A supervisor specializing in communications or relationships, who may also be a massage therapy instructor or a psychotherapist, is the most appropriate person to prepare and present this information.

Make sure therapists clearly understand the spa's policies regarding ethics, sexual contact, and professional boundaries. These policies must be explicit so that there are no misunderstandings. Such foresight protects not only the spa, but also the therapists and the guests. Be sure to cover the following topics:

Inappropriate behavior. Emphasize that there can never be any sexual contact between guests and therapists, inside or outside the facility, even if such requests originate with the guest. As emphasized earlier, while spas generally aim to make the guest happy, this is not a workable goal if the guest's request is illegal, sexual, perverse, or abusive. Make it clear to therapists that maintaining these boundaries is their responsibility, not the guest's. Teach therapists about power differentials, transference, and countertransference to make this responsibility clearer (see box). Tell therapists that any inappropriate requests or behavior from guests should be reported at once to their manager or supervisor in charge. The spa should take responsibility for documenting this information and should have the appropriate person in management speak with the guest immediately.

Transference and countertransference

Transference is the process by which emotions and desires originally associated with one authority figure (such as a parent) are unconsciously shifted to another (such as a therapist). When transference occurs in the opposite direction, originating from the authority figure — e.g., when a therapist's emotions and desires about another person are transferred to a guest — it is called *countertransference*.

Dual relationships. Make sure therapists understand that dual relationships (relationships involving overlapping roles; see page xx) pose risks in a spa environment. For example, a social or intimate relationship between a guest and a therapist carries an elevated risk. The slippery slope of a dual relationship may start with a social event, move to friendship, and develop toward an intimate relationship. At that point, the therapist is treating a guest with whom he or she shares a personal relationship. If the personal relationship goes awry, negative consequences may spill into the professional relationship.

In a court case, a code of ethics is the single most important document a spa can provide.

To provide good models for ethical behavior, the spa organization should have clear policies about dual relationships among members of its staff. Make it clear that supervisory staff will not befriend or have intimate relationships with anyone who reports to them or whose work they supervise. Such dual relationships in a business setting muddy the waters of supervision and employment. We have seen legal cases in which a spa

was liable for damages because a supervisor failed to report vital information about a therapist with whom they had a dual relationship (both supervisor and friend). Loose or unclear boundaries around this issue can lead to devastating personal, business, and financial consequences. Untrained or inexperienced supervisors may have difficulty with this concept. They may not understand why they should not be friends with a therapist whom they like. Being friendly with an employee you supervise is fine, but becoming a friend changes the relationship in a significant way that can cause difficulties if conflicts arise. If a person being interviewed for a supervisory position does not understand this concept, she or he is not ready to be a supervisor.

Sexual harassment. Clearly state that sexual harassment among employees in the workplace will not be tolerated in any form, under any circumstances. Designate a manager or supervisor in the organization whom therapists may talk to if any sexual harassment occurs. The spa is responsible for investigating any such complaints and for taking immediate action.

For ultimate clarity, each spa should adopt a code of ethics for the organization stating clear behavioral guidelines, leaving no room for doubt as to where the organization stands and what its values are. All therapists should read and sign this document. This procedure alone will prove enormously helpful if anyone ever tries to sue the organization for dereliction of duty. In a court case, this is the single most important document a spa can provide to demonstrate its commitment to ethical behavior.

To establish a code of ethics, you may use or adapt one of the various codes listed in the appendix of *The Ethics of Touch* (Benjamin and Sohnen-Moe, 2003) or adopt the behavioral guidelines Ben created with other leaders in the field and published in his column in the *Massage Therapy Journal* (“Sexuality and Boundary Issues,” *Massage Therapy Journal*, Fall 1990, page 15). This column can be found on his web site at www.benbenjamin.net/articles.html.

Once the company’s policies are made clear, books and articles about these issues can be used in ongoing training and supervisory programs to stimulate further discussion and application of ethical principles in the therapeutic relationship.

THE SUPERVISORY PROCESS

The retention of quality massage therapists should be a goal of every spa because long-term employment of ethical, well-trained staff is good business. The supervisory process is a vital component of staff longevity. Although supervision does allow an organization to weed out less qualified therapists after they are hired, its most important function is to provide therapists with the professional support and infrastructure they need to succeed. A good supervisor works with therapists to impart knowledge, hone technique, and improve interpersonal skills. A massage therapist who is well supervised within a spa will grow as a professional and, in turn, bring growth and success to the spa.

Every therapist should receive both technical supervision and relationship supervision. In some cases one supervisor may be skilled in both areas, but this is often not the case. All supervisors should have training, skill, and experience in providing useful, constructive feedback. A good supervisor is adept at connecting with the people they supervise and guiding them to improve their performance.

Technical supervision provides support in the specific skills necessary to give massages and to perform various spa treatment protocols. After a therapist has completed orientation and initial training, spa management should occasionally send a “secret shopper” to evaluate that individual’s skills. Therapists should be told of this policy and encouraged to view it as a means of identifying and solving problems, with the goal of improving their performance.

Relationship supervision provides guidance in dealing with guests who present certain difficulties for the therapist, such as asking the therapist to work overtime, frequently arriving late, asking the therapist inappropriate personal questions, being flirtatious, or making requests of a sexual nature. A relationship supervisor can be a massage therapy instructor with experience teaching about therapeutic relationships, or — even better — a person with psychological training like a clinical social worker or psychologist. In

many spas, this role is best filled by a skilled Human Resources professional. This supervisor must have excellent communication skills.

Be sure therapists know whom to consult if they have trouble, and tell them how to use the supervisory relationship. Emphasize that they should seek immediate supervision if they feel at risk for any reason. These risks may be related not only to the therapist's professional life, such as ongoing seductive comments from a guest or feeling harassed by a manager, but also to the therapist's personal life, such as loneliness because of a recent relationship breakup or a death in the family.

Supervisors should be available to the therapists on an individual basis whenever they are needed. In addition, holding small group supervision meetings once or twice a month is an excellent way to monitor relationship challenges and to help therapists develop better communication skills when dealing with these issues. In group meetings, be sure to encourage discussion of difficult situations that therapists face. All therapists who attended reputable schools have explored these issues in the classroom and are prepared to discuss them fairly openly.

Institute a method for therapists and guests to register complaints and to make suggestions for improvement, both in person and in writing, anonymous or not. Be sure the person designated to receive these comments thanks participants for their input, assesses the new information, and takes appropriate action for correction. Such a response delivers the message that the spa is interested in feedback and wants to improve its operations so as to better serve every guest and each employee.

CONCLUSION

From the above descriptions, the processes of hiring, orienting, training, and supervising massage therapists may seem daunting to many spa managers. Certainly, taking such measures demands a high level of preparation for — and commitment to — these staff members. Nevertheless, spas that make this investment of time and energy can expect to enjoy a significant return. Not only will they retain quality massage therapists who will help the business grow, but they will significantly reduce their risk of lawsuits. The massage therapy field is poised and ready to help the spa industry move in this direction, working to defining a new era of safe, ethical, and successful service.

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