



## **MESSAGE NEW ZEALAND COMPLAINTS PROCEDURE**

Massage New Zealand has a complaints procedure framework in order to consider and manage complaints made by clients of MNZ members. Below are the relevant clauses in our Rules and Constitution relating to the complaints procedure:

### **MESSAGE NEW ZEALAND RULES**

#### **14. COMPLAINTS AGAINST MEMBERS**

- 14.1 All complaints made against members of MNZ shall be in writing, stating the nature of the complaint, including the time and place of the alleged infringement, and details of witnesses or other evidence, and shall be forwarded without delay to the Executive Secretary, who will forward it to the Vice President.
- 14.2 The complaints will be investigated by the Vice President and reviewed by the Complaints Officer.
- 14.3 If the complaint is in regard to any action or behaviour involving the Vice President, another officer of the executive shall, with the approval of the Complaints Officer, investigate the complaint.
- 14.4 On the receipt of a written complaint, the Vice President shall take what ever action is required by the Complaints Officer, and shall:
- 14.4.1 within 14 days, advise the complainant that the complaint has been received and outline what action (as shown below) will be taken to investigate, and;
  - 14.4.2 notify all the other parties involved of the existence of the complaint, and advise them of the time and place for the matter to be discussed.
- (Note: all parties should be permitted to have a companion / representative with them at this meeting.)
- 14.5 At the meeting, the Vice President shall:
- 14.5.1 stress the confidentiality of the matter and ask that the privacy of all concerned be respected, and
  - 14.5.2 ensure that all parties to the complaint are aware of clause 27 of the

- Constitution and of the rules, providing copies as necessary, and
- 14.5.3 take notes of what is said, including any statement any person being interviewed wants to make, and
  - 14.5.4 ensure that the at the completion of the taking of the notes, the person being interviewed signs the notes as having read them, and
  - 14.5.5 sign the notes immediately after the person being interviewed signs them.
- 14.6 Any person referred to in the complaint, and any person whom the Vice President believes may be able to assist in the investigation, shall be given the opportunity to make a written comment on the matter, regardless of whether they wish to be interviewed or not. The Vice President shall advise the date by which any such comments and representations must be received, and shall ensure that the complaint is investigated as promptly as possible.
- 14.7 When the Vice President has completed the interviews and received the written submissions, all information pertaining to the complaint is to be passed to the Complaints Officer, who is to forthwith advise the Executive on any findings and recommendations made in relation to the complaint.
- 14.8 Where the Vice President has reason to believe that the complaint may also include behaviour of a criminal nature, the Vice President shall advise the Complaints Officer, who may advise the complainant to report the matter to the police.
- 14.9 The Complaints Officer may review the way in which the investigation was conducted, seeking further information from the Vice President, before the final recommendation on the complaint is made.
- 14.10 The Complaints Officer shall report their findings to the Executive Committee, including whether or not their recommendation differs from that of the Vice President. The Complaints Officer shall make recommendations on:
- 14.10.1 settlement of the complaint in terms of Clause 27 of the Constitution, and
  - 14.10.2 steps, if any, to be taken in order to avoid a similar incident arising in the future.
- 14.11 The Decision of the Executive, and any action that the Executive resolves to take, shall be made known in writing to the parties involved, and will be binding, notwithstanding that any member may appeal to the executive within one calendar month of notification of the decision.

# **MESSAGE NEW ZEALAND CONSTITUTION**

## **27. DISCIPLINARY ACTION AGAINST MEMBERS**

(To be read in conjunction with Rule 14 of the Rules of the Association).

- 27.1 A member found by competent authority to have been misrepresenting him/herself as an Officer of the Association shall be reprimanded in such a manner as the Executive decides. A further similar offence shall result in dismissal from the Association and recall of all Association documents.
- 27.2 A member found by competent authority to have been practising erotic massage in the confines of a massage practice and as a member of the Association will forthwith be dismissed from the Association with forfeiture of all certificates issued by the Association.
- 27.3 A member who has been found to have sexually abused a client will forthwith be dismissed from the Association with forfeiture of all certificates issued by the Association.
- 27.4 A student member may not advertise in any paper, journal or publication purporting membership of the Association as a qualified massage practitioner. A student breaching this clause will have the issue of any membership or certificate delayed by six months from the time of normal issue.
- 27.5 A member found to have committed a minor indiscretion will be subject to a fine fixed by the Executive; and for a second offence of a similar nature, committed within two years of committing the first offence, shall be subject to a further fine fixed by the Executive. A third offence of similar nature within two years of committing the second offence shall be deemed by the Association to be an offence justifying dismissal of the member and recall of all certificates issued by the Association.
- 27.6 Notwithstanding the above, any contravention of the Code of Ethics may be constituted as misconduct, as stated in Clause 9 of the Constitution, and may result in suspension or cancellation of membership of the Association, as may be decided by the Executive.

As stated in the clauses above, any person with a complaint against a Massage New Zealand member, should address the complaint in writing to the Executive Secretary, MNZ, PO Box 4131, Hamilton East 3247.