

Michael Lambert, Former RMT

Location:

Victoria, BC

Date of Action:

Nov 4, 2014

Nature of action: The Inquiry Committee directed the issuance of a citation under section 33(6)(d) of the Health Professions Act (the “Act”) against Mr. Lambert, relating to a complaint alleging that Mr. Lambert touched the complainant in a sexual, non-therapeutic manner; that Mr. Lambert made inappropriate remarks of a sexual nature; and that Mr. Lambert engaged in unprofessional discussion.

Following a discipline hearing, the Discipline Committee found that Mr. Lambert engaged in unprofessional oral communication and discussion with the complainant, contrary to section 10(a) of the College’s Standards of Practice, being Schedule D to the College’s Bylaws, and determined under section 39(1)(c) of the Act that by this action, Mr. Lambert committed professional misconduct. The Discipline Committee dismissed the allegations of Mr. Lambert touching the complainant in a sexual, non-therapeutic manner and of Mr. Lambert making inappropriate remarks of a sexual nature.

Reasons for decision: The Discipline Committee panel found that Mr. Lambert stated, to the complainant, with respect to not getting under the sheet on the massage table, that “only the big fat hairy men do it never the beautiful big breasted women lying naked, face up”. The panel also found that Mr. Lambert introduced, talked about, and continued to talk about the Fifty Shades of Grey book series after the complainant became uncomfortable with the topic, and attempted to communicate her discomfort to Mr. Lambert. The panel held that this was unprofessional discussion, finding that a massage therapist’s duty is to be attentive to a patient’s needs and comfort level and that communication, whether therapeutic or otherwise, should be for the benefit of the patient, not the therapist. The panel found that communications should be led by the patient.

The panel held that there was insufficient evidence to find that Mr. Lambert touched the complainant in a sexual, non-therapeutic manner.

Penalty: The College and Mr. Lambert jointly proposed, and the Discipline Committee ordered under section 39(2) of the Act, that Mr. Lambert be reprimanded and that Mr. Lambert complete a course on professional boundaries within 12 months of the Discipline Committee's order.