



HEALTH & DISABILITY COMMISSIONER
TE TOIHAU HAUORA, HAUĀTANGA

Consumers' rights under the Code breached by massage therapist 22HDC01056, 22HDC01963, 22HD02711

Note: the events outlined in this report took place in 2022

Deputy Commissioner Dr Vanessa Caldwell has found a massage therapist breached the Code of Health and Disability Services Consumers' Rights (the Code) across three separate complaints received by HDC.

The three complainants each alleged inappropriate behaviour and communication by the therapist during their sessions when they visited his clinic for massage therapy. All three complainants reported feeling discomfort or a lack of safety because of the therapist's actions.

The complaints included: failing to stop the massage after repeated requests to do so, due to pain and discomfort, making racist and inappropriate comments, including commenting on a client's weight and engaging in explicit sexual conversations.

Dr Caldwell said that, although the therapist was not a member of Massage Aotearoa New Zealand (MANZ), his website claims he is qualified and that by holding himself out to be a therapist and providing services he is required to meet the standards of a professional massage therapist.

"I consider the MANZ Code of Ethics and Standards of Practice to be an appropriate benchmark for the assessment of the therapist's practice," Dr Caldwell said.

The therapist's failure to comply with these standards breached the Code, which gives consumers the right to services that comply with legal, professional, ethical, and other relevant standards.

"In my view the therapist failed to abide by relevant standards, as reflected in the MANZ Code of Ethics and Standards of Practice, in all three complaints. There is a clear pattern of inappropriate behaviour by the therapist, and I am very concerned at the prevalence of his unethical behaviour."

Dr Caldwell also found the therapist breached the Code for failing to take the complaints seriously. He failed to provide adequate responses to HDC's request for information and did not engage appropriately with the investigation process.

"HDC attempted to obtain information and responses from the therapist and has given him numerous opportunities to engage in the process via telephone calls and emails. ... In my view, the accounts from the three complainants have been detailed,

and all bear similarities to each other, and this indicates a pattern of poor conduct and a poor standard of care being provided” Dr Caldwell said.

Dr Caldwell is referring the case to the Director of Proceedings to decide whether proceedings should be taken and outlined several recommendations in her report.

2 December 2024

Editor’s notes

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC’s website - see HDC's '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name group providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC’s naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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