THE CITY OF WINNIPEG

BY-LAW NO. 33/2014

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law with respect to massagists and massage parlours

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Doing Business in Winnipeg By-law amended

1 The Doing Business in Winnipeg By-law No. 91/2008 is amended by this By-law.

Division Six renamed

2 Division Six is renamed "***Division Six – Body Rub Practitioners and Body Rub Parlours***".

Definitions amended

3 Section 49 is amended by

(a) repealing the definitions *"massage parlour",* and *"massagist"*;

(b) adding the following definitions in alphabetical order:

"body rub parlour" *means any premises, or part of any premises, where more than one individual carries on the business of a body rub practitioner;*

"body rub practitioner" *means an individual who provides or offers to provide massages for a fee but does not include an individual who provides or offers to provide massages in the course of his or her practice as one of the following:*

(a) a "regulated member" as defined in The Regulated Health Professions Act*, C.C.S.M., c. R117 or a health professional whose practice is governed by an Act set out in Schedule 2 of that Act;*

(b) a massage therapist;

(c) an individual who carries on a business or occupation which is limited exclusively to massaging the feet, hands, head or face;

(d) a Provincially-certified esthetician who administers massages as part of a skin care treatment, where the massage is for the purposes of product application and is a minor or incidental and secondary part of the treatment; or

(e) a member in good standing of an exempt organization;

"Director" *means the Director of the department of the City which has been given responsibility for administering and enforcing this By-law;*

"exempt organization" *means an organization that has been declared by the Director to be exempt under section 49.1 and which has not had the exemption withdrawn;*

"massage therapist" *means*

(a) a member in good standing of the Massage Therapy Association of Manitoba;

(b) a member in good standing of the College of Massage Therapists of British Columbia, the College of Massage Therapists of Ontario, the College of Massage Therapists of Newfoundland and Labrador, or any other college of massage therapists that has been recognized by a Provincial regulatory statute;

(c) a person who can provide evidence satisfactory to the Director that he or she has graduated from a school of massage therapy or educational program in massage therapy which requires a minimum of 2200 hours of study or completion of a 2 year program of study prior to graduation.

"member in good standing" *means a member of an organization whose membership is not currently suspended or restricted.*

"Massage parlour" and "massagist" replaced

4(1) The term *"massage parlour"* is replaced with *"body rub parlour*" wherever it appears in the By-law.

4(2) The term *"massagist"* is replaced with *"body rub practitioner"* wherever it appears in the By-law.

Section 49.1 added

5 The following section is added immediately after section 49:

Authority of Director to exempt organizations

49.1(1) The Director is authorized to declare an organization whose members are engaged in providing therapeutic services to the public through massage to be exempt under this By-law if the organization can demonstrate to the satisfaction of the Director that it meets all of the following criteria:

(a) the organization has been registered as a corporation within Canada for at least five years;

(b) the members of the organization are governed by a comprehensive code of ethics which includes provisions that either explicitly prohibit sexual relations between its members and their patients or clients, or which have been consistently interpreted to prohibit this behaviour;

(c) membership is restricted to individuals who have met rigorous educational standards or who have graduated from credible educational institutions which require supervised practical work as a condition of graduation;

(d) continued membership requires continuing competency in the practice of the therapeutic service;

(e) membership requires that the member be covered by professional liability insurance;

(f) the organization has in place an effective complaints investigation and resolution process that works with law enforcement agencies when appropriate and employs sanctions that include suspension of membership or expulsion of members; and

(g) other criteria established by the designated employee to ensure that the organization provides appropriate supervision over the provision of a therapeutic service to the public.

49.1(2) An exempt organization must

(a) annually provide a list of its members to the Director in a form acceptable to the Director; and

(b) immediately notify the Director when a member of the organization is suspended or expelled or has his or her practice restricted.

49.1(3) After providing notice to an exempt organization and giving the organization an opportunity to be heard, the designated employee may withdraw the exemption if the organization no longer meets the criteria set out in subsection (1) or has failed to comply with the requirements of subsection (2).

DONE AND PASSED, this 26th day of February, 2014.