

# FREE DOWNLOAD FOR HEALTHCARE PROFESSIONALS

## Excerpts from “The Legal Playbook for RMTs”

**YOUR LEGAL HEALTH PRACTICE CHECKUP**

(Full manual coming in 2025)



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## Does Your Healthcare practice have a clean bill of health?

### We can help you get better *now*, and stop legal pain later.

We get it. We've been right where you are, and the gap between the Canadian legal framework in your business can often seem at odds with your Regulated Healthcare obligations. We also sat in the same classes where teachers showed us how to skirt the law and cut corners. Did that mean it was ok? **NO WAY!**

We are two retired RMTs who understand the challenges of negotiating contracts for clinic owners, employees and Independent Contractors (ICs). We support small business healthcare practitioners to assess and plan for their practice to heal their legal compliance issues.

Understanding your rights and compliance laws will improve your professional competency, effect better communication, and protect your business.

Check out this excerpt from our upcoming manual in 2025.

TAKE THE SURVEY





**Survey: Check off *only* what your contract *currently* has**

## IS YOUR CONTRACT VALID?

- ☐ Do you have a contract for your ICs, employees? If you are an IC or Employee, do you have a contract? Does it conform to Canadian contract law and meets legal thresholds?
- ☐ Are you compliant with all OSHA requirements? If an inspector showed up, do you have a list of accessible procedures and protocols that every staff onsite knows and can answer questions when interviewed?
- ☐ Is your clinic compliant with key components of the HCCA, PHIPA and PIPEDA? Do you have these compliance policies on file and accessible to all staff?
- ☐ Do you have established patient-centered policies in place that conform with the Human Rights Code, and conform to O.Reg 260/80 of the RHPA?
- ☐ Do you have your procedures, tools and supplies accessible for all staff that conforms to IPAC, regulated and monitored by OSHA?
- ☐ Do you have a detailed Commercial lease? Are you permitted to have sub-leasees in your tenancy agreement?
- ☐ Do you have stated policies for dispute resolution and termination clauses, that follows ESA guidelines and meets Canadian Contract law compliance?
- ☐ Do you have patient-centered forms and legally compliant procedures for handling interactions with patient files, referrals, and treatment plan protections?
- ☐ Are you confident that every patient you interact with knows their legal rights, their protections, and file access? Do you communicate this through compliant messaging?
- ☐ Do you ensure privileged and confidential information is protected for: your patients, inter-professional interactions, between staff and in the community?
- ☐ Is your business compliant with the new CMTO regulations and recommendations for social media and marketing?





## Exercise: Check your results

# Checklist Assessment

(how did you do?)



0-4 Checks:

We highly recommend you seek out a **mentor** and seek **legal representation immediately**. You need to immediately update your protocols and procedures, and communicate all changes with your staff. If you work in a clinic or other facility – alert Human Resources that you require an update and access to the company policies and procedures immediately. Are you in a more casual environment that has none of these checks? Inform the owner of the facility immediately and let them know you must update your legal compliance protocols with them. **YOU ARE AT RISK. YOUR PATIENTS ARE AT RISK. YOU MAY BE OPEN TO LEGAL ACTIONS, POSSIBLE CRIMINAL OFFENCE CHARGES, AND YOUR LICENSE COULD BE REVOKED.**



5-8 Checks:

We recommend you seek out a **mentor** and seek **legal representation ASAP**. Work with your staff together to find ways to update and upgrade your legal compliance. If you are an employee or an IC, then inform the owner of the facility and let them know you must update your legal compliance protocols. **YOU ARE AT RISK. YOUR PATIENTS ARE AT RISK. YOU MAY BE OPEN TO LEGAL ACTIONS, POSSIBLE CRIMINAL OFFENCE CHARGES, AND YOUR LICENSE COULD BE REVOKED.**



9-10 Checks:

You're almost there! This would be a good time to review all of your policies, consult with a legal representative, and maybe check in with a mentor who can ensure you have all policies and protocols in a clearly communicated and easily accessible method for every staff member onsite. It is still important you work toward a 11/11, or you may be at risk.



11 Checks:

Wow, this is fantastic! Connect with us immediately. You may be a great candidate to mentor and coach your colleagues.



## Tip # 1

### Negotiate better contracts

- Understand the difference between employees, dependent contractors, and Independent Contractors. **LAWS HAVE CHANGED** the legal landscape which means your contract from four plus years ago may no longer be valid;
- Spend the money on good legal advice **BEFORE YOU SIGN** anything (tip: ask for a certificate of independent legal review from a legal representative);
- Ensure your contract doesn't compromise your legal obligations and standards of practice to maintain your license- **REWRITE** areas you need to maintain your professional integrity;
- Ignorance of the law is **NOT** a defence - know your rights and obligations before you sign a contract.
- Any contract they present to you is **NEGOTIABLE**, never feel pressured to make and or sign a contract **QUICKLY**; take your time and have a third party review it.



## Tip # 2

# Understanding key legal requirements and procedures

- Know the different types of contracts available to you as a Clinic owner and as a Clinician;
- Discuss your options and learn your status as it applies to Commercial Tenancy laws, the Employment Standards Act, the Labour Relations Act, and the Canada Revenue Act;
- Contracts **CANNOT** be amended or altered unilaterally, which means that they must be consented to by all parties before any amendments can be implemented;
- **NEVER** begin working for anyone without a valid contract in place – it could be considered professional misconduct, and they have no legal reason to pay you without a contract that defines how payment occurs;
- Clinic Owners who are also Licensed Healthcare professionals have **ADDITIONAL** compliance requirements



## Mediation in the workplace

Conflict resolution is stressful. As healthcare professionals, you are trained in facilitating the healing process- which typically brings tools for relaxation. It's easy to see how that stress reduction skillset could grow a strong muscle in aversion to disputes.

We ran two surveys between 2023 through 2024, and we discovered many healthcare clinics in Ontario **DO NOT HAVE** contracts, **INEFFECTIVE** terms if they have contracts, or **UNENFORCEABLE** clauses written by third parties with no grounding in Healthcare. We were surprised to learn how many RMTs surveyed refused to accept the **JEOPARDY** they put themselves in, or how their Clinic may be at risk. There is a serious **GAP** in understanding between what many RMTs are expected to do in their roles as clinicians and how that may impact how they negotiate contracts with owners or with staff. Those who knew these serious issues exist lay blame at the schools training future RMTs; many laid serious complaints on how the lack of legal knowledge existed at the college level.

This leaves clinicians and clinic owners at a loss on how to negotiate meaningful contracts. Alternative Dispute Resolution clauses (Mediation clauses) in contracts can be a really good way to address these deficits. Review your contract to ensure the mediator brought into mediate a contract dispute is:

- a third party, with no vested interest in the business
- ensure that pre-mediation caucus sessions are conducted to ensure confidentiality and privacy to best articulate each party's position
- enables legal representation to be in attendance
- provides a Mediation Summary Report and an Agreement that could be assessed by an independent legal representative.



“DO THE BEST YOU  
CAN UNTIL YOU  
KNOW BETTER.  
THEN, WHEN YOU  
KNOW BETTER,  
DO BETTER.”

–Maya Angelou



## AUTHOR

# CHANTELE EHLE

Chantele “CT” Ehler is the managing partner of **Ehler Ryshpan Bhatti Mediation & Legal Services LLP** (“ERB Legal”). CT provides freelance services for lawyers, specializing in Mediation and represents Ontarians in the Provincial Courts. She can represent RMTs in cases involving complaints and investigations by the College of Massage Therapists of Ontario.

CT is a Toronto native who lived in Europe, Asia and now lives in both Ontario (Canada) and New York (USA). CT stopped her career as a private school teacher to pursue Massage Therapy, and worked in three regions of Ontario as a RMT between 2010-2022. During that time, she also served on the CMTO’s ICRC Committee, and was a lead coordinator in the RMTAO. CT contributed to various interdisciplinary coalitions and initiatives that included doctors, naturopaths, nurses, yoga therapists, PTs, OTs, Osteos, Chiro and other RMTs.

CT had legal aspirations in University, but during the COVID-19 pandemic lockdown, she found herself drawn back to legal advocacy. As someone who is proud 2SLGBTQIA+, and has invisible disability, CT is no stranger to Workplace Discrimination and Human Rights Advocacy. She is a long time member of Amnesty International, Accessible Yoga, First Nations Advocacy groups, Anti-Human Trafficking Initiatives, Grassroots Law Project, and in 2024 joined the ARCH Law Centre and the Human Service and Justice Coordination Committee.



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James Dondo Paralegal Services is a legal service provider that can assist Healthcare Professionals with a variety of legal issues. He retired from Massage therapy in 2020 to pursue the legal field, graduating from TriOs College in 2021. James represents clients for Civil litigation and at tribunals for Landlord and Tenants. He is an experienced paralegal with Tribunal experience that helps Healthcare Professionals with document preparation, court filings, and legal research.

CV and References attached upon request.

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