

Sexual Harassment Position Paper

Introduction

All people who have reason to attend a dental office, be they patient, staff or visitor, have the right to an environment that is safe and non-threatening. Sexual harassment violates this right and is considered professional misconduct. Allegations of sexual harassment brought to the attention of the Registrar of the Provincial Dental Board will be investigated as an allegation of professional misconduct, and, if proven, will be dealt with accordingly, as defined in the Dental Act.

This document focuses on the development of and maintenance of an environment free of sexual harassment. It provides a definition of sexual harassment, realizing that all eventualities cannot be covered within a paper, discusses the complaint process available to an aggrieved person, explains the discipline process for managing a complaint, defines the responsibilities of individuals in the dental office environment and offers information on ways to avoid behaviours that may be considered harassment.

Definition

Sexual harassment is any unwelcome sexual attention. It is behaviour of a sexual nature that is deliberate and unsolicited. It is coercive and one-sided. It is comments, questions or physical contact of a sexual nature that is deemed objectionable or offensive. Both males and females can be victims.

Responsibility

Each and every individual in the dental office has a responsibility to ensure the dental office environment is free of sexual harassment. To meet this responsibility, individuals should know and understand the definition of sexual harassment, know and understand avoidance measures and be aware of the existence of the complaint process and discipline process. In addition, an employee perceiving sexual harassment has the responsibility to act assertively stating to the offender disapproval of the action where possible.

Further, if a dentist has reason to believe another dentist may be guilty of professional misconduct due to sexual harassment, there is an ethical obligation to notify the Registrar.

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Avoidance

Knowing and practicing avoidance measures is an effective way to establish and maintain a sexual harassment-free environment.

To assist in promoting a sexual harassment-free environment:

- Refrain from any unwanted physical contact.
- Respect each other's values and points of view.
- Refrain from sexualizing tasks and procedures.
- Do not use power to request sexual favours.
- Respect cultural differences, sexual orientation and individual sensitivities.
- Refrain from making comments about a person's body, clothing, appearance or attractiveness.
- Recognize that a working relationship is distinct from a personal relationship.
- Be aware that gestures, tone of voice and expressions may be seen by others as sexually oriented.
- Be aware that words, jokes, stories and comments of a sexual nature may adversely affect others.
- Modify attitudes and behaviours so they don't condone harassing behaviour in others.
- Help others modify inappropriate behaviour.
- Be supportive to those who have been sexually harassed.
- Refuse to participate in a sexually-oriented discussion initiated by a patient.
- Respect a patient's privacy by draping and bibbing in a professional manner.
- Ensure instruments are placed on trays and not on the patient.
- Where possible a staff person should be present in the treatment area particularly:
 - a) when conscious sedation, deep sedation and general anesthesia are used.
 - b) when treatment is rendered outside normal office hours and
 - c) if touching must involve areas outside of the orofacial complex.
- Recognize the distinction between compassionate behaviour, a professionally responsible action, and affectionate behaviour, an unprofessional action.
- Make a concise record of any incident where a patient's actions or comments may indicate the patient perceives he or she has been sexually harassed.

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- Dating a patient is inadvisable. Where a personal relationship develops discontinue the professional relationship.
- Accept that NO means NO.

Complaint Procedure

The Provincial Dental Board has legislated jurisdiction in any sexual harassment allegation resulting from a professional dentist/patient interaction. The complainant must, where possible lodge the complaint in writing directed in confidence to the Registrar of the Provincial Dental Board. The complaint should be presented providing as much detail as possible. It is understood allegations of sexual harassment may involve sensitive disclosures and that confidentiality is required to ensure that individuals feel free to come forward. Confidentiality, however, must be distinguished from anonymity.

Natural justice requires that an individual accused of an offense be informed of the allegations which may require disclosure of the identity of the complainant. The complainant who wishes formal investigation must therefore be prepared to be identified. The Registrar will maintain confidentiality throughout the resolution process in regard to all records of the complainant including contents of meetings, interviews, investigations and other relevant material.

Sexual harassment allegations not involving a dentist/patient interaction i.e. dentist/staff, dentist/dentist, staff/staff are beyond the direct jurisdiction of the Provincial Dental Board. Authorities with such jurisdictions may include Human Rights commissions or tribunals, civil court processes and criminal court processes. Complaints should be directed accordingly.

An allegation of sexual harassment proven in one of above jurisdictions may cause the attention of the Provincial Dental Board. A charge of professional misconduct may result.

Discipline Process

In response to a patient complaint of sexual harassment, the Registrar will immediately seek legal counsel. The Registrar will conduct a full investigation and where there is sufficient evidence to support the allegation the Registrar will:

- a) prepare a formal charge of professional misconduct.
- b) effect a Discipline Committee Hearing.

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c) advise authorities of other jurisdictions, where appropriate.

In addition, the Registrar may, upon receipt of the complaint, suspend a license until completion of the discipline process.

Where the charge of professional misconduct is found the Discipline Committee will impose sanctions which may include revocation of license subject to the individual circumstances of the case.

Assistance

Patients who perceive they have been the victim of sexual harassment in the course of the dentist/patient relationship are encouraged to contact the Registrar of the Provincial Dental Board:

All others who perceive they have been victims of sexual harassment in the dental office environment are encouraged to contact the Human Rights Commission:

7th Floor, Lord Nelson Arcade
5675 Spring Garden Road, P.O. Box 221 Halifax, NS B3J 3C4

Dentists and staff seeking advice and counsel are encouraged to contact their Association or the Provincial Dental Board.