

SEXUAL MISCONDUCT

What are the limits of the physician-patient relationship?

The relationship between a physician and their patients must remain exclusively professional. The physician's duty is to abide by their *Code of ethics* in all circumstances and to adopt irreproachable behaviour by staying professional, respectful and decent, while neither abusing your trust nor the power granted by their position.



What is sexual misconduct?

According to section 59.1 of the *Professional Code*, sexual misconduct is: "The fact of a professional taking advantage of his professional relationship with a person to whom he is providing services, during that relationship, to have sexual relations with that person or to make improper gestures or remarks of a sexual nature, constitutes an act derogatory to the dignity of his profession."


In addition, section 22 of the *Code of ethics of physicians* stipulates that: "A physician must refrain from taking advantage of the professional relationship established with the person to whom he is providing services." This section also specifies that: "The duration of the professional relationship is established by taking into account, in particular, the nature of the pathology, the nature of the professional services rendered and their duration, the vulnerability of the person and the likelihood of having to provide professional services to that person again."

What resources can you use to seek help?

While the Collège des médecins du Québec can open an investigation on a physician's conduct, other organizations have the tools to support, guide and help you.

For more details on the resources available in your area:

 **514-933-9007**
or **1-888-633-9007**

 rqcalacs.qc.ca/en
www.quebec.ca/en (help and resources for sexual assault victims and sexual assailants)

What are your rights?

As a patient, you have the following rights:

- The right to receive respectful treatment, regardless of age, gender, ethnicity, sexual orientation or lifestyle;
- The right to ask your physician questions in order to understand their actions;
- The right to refuse, at any moment, to receive a treatment or to undergo an examination or a test;
- The right to share what your physician has said to you with any person of your choice;
- The right to end, at any moment, a consultation, a treatment, or a therapy;
- The right to change physician.



What are the steps if you experience misconduct by a physician?

Report it to the Collège des médecins du Québec (CMQ). We will listen with empathy and ask you respectful questions to assess your situation and conduct the investigation.

For more information on the investigation procedure, read the Web brochure *How do I make a report to the CMQ* available at cmq.org, or call us at 514-933-4441 (1-888-633-3246), from Monday to Thursday between 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., and on Friday from 8 a.m. to 12 p.m.

What are the penalties for offending physicians?

In June 2017, Bill 11, which contains new clauses and stricter penalties for sexual misconduct, was passed by the government of Québec. As is now stipulated in section 156 of the *Professional Code*, a professional who was found guilty risks being struck off the roll for a long period.

From 1998 to 2020, Disciplinary Councils of the professional orders of Québec examined 296 cases of sexual misconduct, 82 of which implicated physicians. A verdict of guilty was returned in 92% of these cases.

Why is it important to seek help?

Sexual misconduct can have a series of negative effects on the victims, their loved ones, and the people that may have witnessed it, such as shame, disgust, sadness, anxiety, anger, guilt, fear of not being taken seriously, fear of retaliation, distrust in the health care system, etc. It can be very beneficial to consult a health care provider or to share your experiences with a support group.

