

Sexual misconduct



In this text, the terms “doctor” and “patient” refer to both men and women.

What you can do

If you believe that you have been a victim of sexual misconduct by your doctor, contact the Collège des médecins du Québec. You will be treated with empathy and respect. The Syndic’s Office will determine whether or not there are grounds for an investigation. For more information about the investigation procedure, read the leaflet “How to file a complaint against a physician”. You can obtain a copy of this leaflet on the Collège’s website (www.cmq.org) or by calling the Syndic’s Office at the Collège des médecins (514 933-4787) from Monday to Thursday between 8:00 a.m. and 4:30 p.m. and on Friday between 8:00 a.m. and noon.

The doctor-patient relationship: a relationship with boundaries

Trust is an essential element of the doctor-patient relationship. When you tell the doctor what is troubling you, you may confide in him and give him permission to carry out an intimate medical examination. The doctor must not abuse this trust and must always treat you with respect. The influence the doctor may have over you does not necessarily end once treatment is over. This is especially true in the case of psychotherapy (for example, in the treatment of depression), where the patient is often extremely vulnerable. The doctor must not make any gestures of a sexual nature, even if the patient consents. Nor may he end treatment solely in order to engage in a romantic relationship with a patient. In all these circumstances, the onus is on the doctor to comply with his code of ethics. The doctor is responsible for the therapeutic relationship and must establish the boundaries of the doctor-patient relationship.

Do you think that your doctor is behaving inappropriately towards you?

While the vast majority of doctors provide quality professional services, some may behave in a way that you find unacceptable. All doctors practicing in Quebec must comply with rules of conduct known as a “code of ethics”. If they do not comply with these rules, the Collège des médecins has a responsibility to take action. The Collège’s mission is to protect the public by ensuring, in particular, that every doctor practices in an appropriate manner. If you think that your doctor has behaved inappropriately towards you, contact the Collège des médecins. We will tell you whether or not the actions or comments are considered appropriate. If necessary, an investigation will be conducted.



A few examples of sexual misconduct

Sexual misconduct occurs when, in the context of his professional relationship with you, your doctor behaves in a sexual manner. Here are a few examples. Your doctor:

- makes remarks of a sexual nature that are out of context and not part of a medical assessment;
- kisses or caresses you;
- touches you in a sensual manner;
- touches your breasts, buttocks or genitals when it is not medically necessary;
- asks you to remove more clothing than necessary for the examination;
- suggests that you perform an intimate act during the consultation;
- undresses in front of you or exposes his genitals;
- has sexual relations with you during the consultation or while you are still under his care;
- has sexual relations with you after your treatment has ended.

All these types of behaviour are unacceptable in a doctor-patient relationship. They must be reported to the Collège des médecins.

Red flags

Perhaps your doctor's behaviour makes you feel uncomfortable but you are not sure if it is sexual misconduct. Here are a few warning signs that will help you recognize inappropriate behaviour.

- You feel that your relationship with your doctor is becoming too personal. For example, your doctor:
 - schedules appointments with you outside office hours for no reason or invites you out socially;
 - discusses his personal problems with you;
 - gives you gifts or lends you money;
 - asks you not to tell anyone what he said or did during the consultation;
 - uses alcohol or drugs in his office or offers you some.
- During the consultation, you feel that something wrong or inappropriate is happening.
- Your doctor looks at you in a forward and improper manner, makes lewd jokes or uses double entendres, tells you about his sex life or asks questions about yours when it is not appropriate.

The consequences of sexual misconduct

Sexual misconduct has negative effects on the vast majority of victims and, in some cases, on their family members and close friends. Does your doctor behave in a sexual manner towards you?

These are some of the feelings you might be experiencing:

- shame;
- disgust;
- sadness;
- anxiety or anger;
- mixed feelings about your doctor;
- guilt;
- fear of not being taken seriously;
- fear of reprisals by the doctor;
- mistrust of other doctors or professionals.

There is no reason for you to feel guilty. You are not responsible for what is happening to you. In a situation of sexual misconduct, responsibility lies solely with the doctor.

As a patient, you have rights

At all times, you have the right:

- to be treated with respect, regardless of your age, sex, race, sexual orientation or lifestyle;
- to ask questions so that you can understand what your doctor is doing;
- to refuse a particular treatment, examination or test;
- to change doctor or consult another doctor whom you trust;
- to report your doctor's remarks to anyone you choose, including other professionals;
- to confidentiality;
- to end the consultation, treatment or therapy.

Penalties

In June 2017, the Government of Quebec passed Bill 98 (*Loi 17*), which contains new provisions regarding sexual misconduct. As section 156 of the *Professional Code* now stipulates, a professional found guilty of sexual misconduct towards a patient is liable to be struck off the roll for at least five years, with some exceptions.

Additional resources that can help you

In addition to the Collège des médecins, where you can file your request for an investigation into the situation, many organizations can help you. To find out what resources are available in your area:

- Information and referral helpline for sexual assault victims, their loved ones and workers:
514 933-9007 or 1 888 933-9007
- Websites:
www.rqcalacs.qc.ca
www.agressionssexuelles.gouv.qc.ca

Information

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