



Approved October 1, 1997

GUIDELINES FOR MANDATORY REPORTING OF SEXUAL ABUSE

INTRODUCTION

In January 1994, when the *Regulated Health Professions Act (RHPA)* was proclaimed, mandatory reporting of sexual abuse by any member of the regulated health professions came into effect. The legislation defines sexual abuse as any inappropriate remarks of a sexual nature, any inappropriate acts of a sexual nature, or any unwanted sexual touching of clients.

PHILOSOPHY

The College of Midwives of Ontario upholds zero tolerance of all forms of abuse. The College stresses, however, that zero tolerance does not preclude professional supportive behaviour which may involve physical contact that is nurturing or helpful and acceptable to the client. The midwife/client relationship is based on mutual trust and respect; any act of abuse is a betrayal of that trust. The College will investigate and act upon all complaints or reports of inappropriate behaviour.

DEFINITION

Mandatory reporting means that any regulated health care professional who has reasonable grounds to believe another regulated health provider has committed an act of sexual abuse or misconduct must report it to the College of the offending practitioner, providing the name of the offender is known. If the client omits the name of the offender, the health professional has no reporting duty. However, the College of Midwives of Ontario recommends that the midwife encourage the client to report the incident or situation.

PROCESS

Although reporting is mandatory, there are approaches and choices that provide safety for everyone involved. Midwives should discuss with the client and document any decision to report. It is not mandatory to reveal the client's identity and the *RHPA* provides protection to a person who files a report in good faith from actions or other proceedings being taken against him or her. Key points to remember when reporting sexual abuse:

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- A report must be submitted only if the name of the practitioner who was involved in the alleged abuse is known.
- The client's name must not be included without her written consent.
- Submit the report immediately if there is reason to believe the abuse will continue or the abuse of other clients/patients could occur.
- Submit a written report within 30 days to the Registrar of the college representing the profession of the person who is the subject of the report.

A member who has been found guilty of professional misconduct by sexually abusing a client/patient will be penalized by the Discipline Committee of the regulatory college. A panel of the Discipline Committee may:

- Impose specified terms, conditions and limitations on the member's certificate of registration.
- Require a member to pay a fine of not more than \$35,000 to the Minister of Finance.
- Require the member to pay all or part of the College's legal costs and expenses, the College's costs and expenses incurred from investigating the matter, and the College's costs and expenses incurred from conducting the hearing.
- Require the member to reimburse the College for funding provided for the patients under the Funding program for therapy and counselling for patients.

Failure to report sexual abuse of clients when there are reasonable grounds to believe abuse has occurred is a matter of professional misconduct and an offense under the *Act*. If found guilty, the offending health practitioner is subject to penalty, including reprimand, imposition of terms and conditions on registration, suspension, revocation and/or a fine of up to \$35,000.

CONCLUSION

The above report highlights the definition and protocol for reporting sexual abuse. Further information can be found in the College of Midwives' Sexual

Abuse Prevention Plan and the *RHPA*. Please feel free to contact the College of Midwives directly.