

PREVENTING SEXUAL HARASSMENT

Opticians are prohibited from engaging in any form of sexual conduct with or toward a patient. Such conduct constitutes sexual abuse within the meaning of the *Regulated Health Professions Act*. In addition, engaging in sexual harassment in the workplace violates the Standards of Practice and Code of Ethics and is a form of professional misconduct.

The purpose of this document is to act as a guideline with respect to the prevention of sexual harassment by optician toward colleagues, employees, students, interns and other members of the public. For guidelines on the prevention of sexual abuse of patients and the maintenance of professional boundaries between opticians and patients, please see the [Sexual Abuse Prevention Guidelines](#).

The College's Position on Sexual Harassment

The College is dedicated to upholding the best interest of patients in Ontario and endorses a zero tolerance policy toward any form of patient sexual abuse. In addition, it is the position of the College that sexual harassment in any form is inherently unprofessional. Sexual harassment often involves an abuse of power, and it inappropriately sexualizes the health care setting. This type of conduct has the potential to compromise patient care by undermining the trust placed in opticians to conduct themselves with honour and integrity.

The College takes sexual harassment by opticians seriously and investigates any allegations of sexual harassment as professional misconduct.

Definition of Sexual Harassment

Sexual harassment means engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome. In the workplace context, it is considered sexual harassment to engage in a course of vexatious comment or conduct against a worker because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. It also includes making a sexual solicitation or advance when that person is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

A single incident can sometimes be enough to meet the definition of sexual harassment. Examples of sexual harassment include:

- Sexual advances or repeatedly requesting a date
- A poisoned work environment created by discussing one's sexual activities or teasing others with sexual language.
- Comments and actions that demean a person because of their gender (e.g., expressing views about "women's work").
- Any form of unwanted sexual touching such as hugs or patting or rubbing the body of a colleague.

Professional Obligations

Opticians have a professional responsibility to prevent and address the sexual harassment of all persons with whom they interact in the course of their practice. This includes colleagues, employees, students, interns and any other member of the public.

It is an act of professional misconduct for an optician to engage in workplace sexual harassment. The [Standards of Practice](#) and [Code of Ethics](#) require opticians to:

- Engage in ethical behaviour and demonstrate professional integrity
- Uphold the honour and dignity of the profession.
- Act at all times with respect for other health care professionals and unregulated personnel.
- Report unethical practice by any regulated health professional to the appropriate college.

Opticians also have a professional responsibility to comply with Ontario law in the course of their practice, including the *Human Rights Code* and the *Occupational Health and Safety Act*. Employers and others with positions of authority in a workplace must take active steps to protect workers from harassment, including sexual harassment including, at a minimum:

- Preparing a policy on workplace harassment and reviewing that policy at least annually.
- Developing and maintaining a written program to implement the workplace harassment policy. The program must include measures and procedures for workers to report incidents of workplace harassment and set out how incidents or complaints will be investigated and dealt with.
- Properly investigating complaints of workplace harassment. Employers should also and take steps to impose discipline or consequences when a complaint is substantiated.

Employers also have an obligation to make sure that there is no retaliation against the person that made the complaint.

Maintaining Professional Boundaries with Non-Patients

In order to meet their professional responsibilities with respect to preventing and addressing sexual harassment in the workplace, opticians should adhere to the following guidelines:

1. Treat all persons in the practice environment with respect.
2. Do not engage in unwelcome physical contact, sexual flirtations, advances or propositions.
3. Avoid jokes or remarks that could be perceived as sexual or that relate to a person's body or attire.

4. Do not display sexually explicit material in the workplace, even where it is out of view to patients.
5. If you employ or supervise others, ensure that:
 - a. All staff and persons under your supervision are provided with training on appropriate workplace conduct.
 - b. All staff and persons under your supervision are informed about all workplace policies and the process for reporting and investigating workplace sexual harassment.
 - c. You comply with your legal obligations as an employer to implement policies and investigate complaints of workplace sexual harassment
6. Make a report to the appropriate college if you have reason to believe that another optician or other regulated health professional is engaging in sexual harassment.