

NEW ZEALAND CODE OF PRACTICE

SEXUAL BOUNDARIES IN THE DENTIST-PATIENT RELATIONSHIP

INTRODUCTION

Neither the New Zealand Dental Association (NZDA) nor the Dental Council of New Zealand (DCNZ) tolerates any behaviour of a sexual nature between dentists and patients. Sexual behaviour in a professional context is almost always abusive.

Patients should have trust and confidence in their dentist. The dentist-patient relationship must be a professional one. Reacting with patients in a sexual way can cause devastating harm to the individuals involved and cause damage to the dental profession.

The New Zealand Dental Association is committed to preventing all forms of sexual harassment in the dentist-patient relationship for the following reasons:

- The ethical dentist-patient relationship depends on the dentist creating an environment of mutual respect and trust in which the patient can have confidence and feel safe. The patient is vulnerable. Exploitation of the patient is an abuse of power.
- The community must be confident that sexual boundaries will be maintained and that, as patients, they will not be at risk. Blaming the patient for any breach of sexual boundaries is not acceptable.
- Sexual misconduct by a dentist will cause psychological damage to the patient.
- Sexual involvement with a patient may impair correct clinical management of the patient.

NEW ZEALAND LAW

New Zealand law states that sexual harassment is unlawful (Human Rights Act 1993).

The Code of Health and Disability Services Consumers' Rights (1994) states that Health Consumers have a "Right to Freedom from Discrimination, Coercion, Harassment, and Exploitation." (Right 2).

DEFINITION

Sexual harassment includes any expressions or behaviour of the dentist to the patient that are unwanted and that are sexually demeaning to the patient.

A breach of sexual boundaries may include:

- Inappropriate touching of a patient's body.
- Inappropriate draping practices and use of the chest area as a work surface.
- Making sexually demeaning comments to a patient
- Commenting on a patient's sexual orientation.
- Inappropriate kissing.
- Propositioning a patient.
- Quid pro quo harassment. For example, offering free dental treatment for sex.
- Attempting to arrange after- hours consultations.
- Comments on a patient's clothing choice that may cause offence.
- Any sexual impropriety.

SELF PROTECTION

To avoid misunderstandings or inappropriate conduct you should employ the following safeguards:

- A chairside assistant should be present during all patient contact time. Particular consideration must be given to patients receiving sedation, or when dealing with patients more likely to misinterpret any event.
- The Code of Health and Disability Services Consumer Right Eight states that "Every consumer has the right to have one or more support persons of his or her choice present". It may be appropriate to draw this to the attention of some patients.
- History taking should be kept to relevant personal detail.
- Never use sexually demeaning words or actions.
- Do not involve patients in your own personal problems. Seek professional help.
- Consult with colleagues about a difficult situation.
- Inform all staff of the NZDA policy in this area.

COMPLAINTS

Present New Zealand law means that a dental patient can seek advice or assistance from:

- The police
- The Health and Disability Commission
- The New Zealand Dental Association
- The Dental Council of New Zealand.

DISCUSSION

Dentists have an ethical obligation to inform an appropriate authority (for example DCNZ, NZDA, HDC) if they become aware that another dentist is or may be breaching sexual boundaries. That authority will investigate the report in a confidential manner; the reporting dentist has no obligation or responsibility to establish the credibility or truth of the matter.

Some dentists may feel uneasy about how they can touch a patient. The difference between 'good' touching and 'bad' touching will differ for each patient. A hug may be welcome and appropriate. The important issue is that the patient feels comfortable with the dentist's manner.

The responsibility of the dentist extends to staff that must be protected from sexual harassment by patients, and patients that must be protected from sexual harassment by staff.

RESOURCES

Human Rights Commission www.hrc.co.nz

Health and Disability Commission www.hdc.org.nz

New Zealand Dental Association Harassment Policy 2001 available at NZDA

Human Rights Act 1993

Code of Health and Disability Services Consumers Rights 1994

Doctors-Dentists Health Advisory Service