

# NEWFOUNDLAND AND LABRADOR DENTAL BOARD

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## Policy Statement on Sexual Harassment

### INTRODUCTION

The Newfoundland Dental Board views sexual harassment or impropriety with patients, employees or staff as an extremely serious matter. Such offenses, when proven, will result in sanctions having serious consequence to practitioners of the profession. We encourage all practitioners to read and understand the following policy and to contact the Newfoundland Dental Board if there are any questions or concerns in respect of same. The purpose of this bulletin is to outline the policy in a comprehensive readable form.

Responsibility for creating and providing harassment free environments in the dental office is a collective one, with the Newfoundland Dental Board being responsible for the setting of policy, discipline regulations and the enforcement of same. Similarly, all practitioners and any employees or staff of such practitioners who are aware of any harassments in the dental offices have a responsibility to take appropriate steps to ensure that such behavior is stopped.

### POLICY STATEMENT

Sexual harassment constitutes conduct unbecoming to practitioners who are members of the Newfoundland Dental Association. It is unacceptable in the dental environment and is prohibited under both provincial and federal human rights legislation. Depending on the degree of sexual harassment, the behavior may also constitute a criminal offense.

The purpose of this policy is to alert practitioners to situations where their actions may be perceived to be sexual harassment even though such may not have been their original intent.

### DEFINITION

Sexual harassment includes any unwelcome advance of a sexual nature, by any person, using real or perceived power to abuse, insult, humiliate, undermine the performance of the victim's job or threaten the person's employment or treatment.

Types of behavior which may constitute sexual harassment include, but are not limited to,

- flirtations, advances or requests to engage in behavior of a sexual nature;

- unnecessary physical contact such as touching, patting, pinching or physical assault;
- taunting about a person's personal life or sexual activity;
- jokes that cause awkwardness or embarrassment to the patient or employees or staff member;
- gestures of physical contact or offensive sexual comments.

#### ROLE OF THE DENTIST

- It is the responsibility of every practitioner to ensure that all employees, staff and patients are provided with a safe and harassment free secure environment.
- The practitioner shall ensure that all co-workers are made aware of this policy and that the policy is displayed in a prominent place within the offices of the practitioner.

#### ROLE OF STAFF IN DENTAL OFFICES

- The role of practitioners, employees and staff is to report all incidents of sexual harassment as soon as possible.
- To make known to the alleged harasser that the sexual harassment is objectionable and must stop immediately.
- To treat all employees, staff, patients and the public with respect and dignity.

#### ROLE OF THE PATIENT

- The role of the patient is to make known to the alleged harasser that the harassment is objectionable and must stop.
- To report incidents of harassment as soon as possible.

#### PROCEDURES

Practitioners, employees, staff and patients are encouraged to resolve complaints of alleged harassment within the dental office, i.e. a progressive discipline approach; however, every person retains the absolute right to refer a complaint to the Newfoundland Dental Board or the Provincial Human Rights Commission or, depending upon the severity of the harassment, to the Royal Newfoundland Constabulary or R.C.M.P. A person subject to perceived harassment should pursue one or more of the following options which they deem most appropriate to their situation.

1. The person should raise the issue with the offender whose behavior is objectionable and inform them that it must stop, either verbally or in writing.
2. If the foregoing is unsuccessful, the individual should report the incident as soon as possible to either the practitioner or another staff member, where the alleged offender is the practitioner, and ask him or her to informally discuss the situation with the alleged harasser.
3. If the informal options outlined previously are inappropriate or unsuccessful, the individual should file a formal complaint with the Newfoundland Dental Board, the Newfoundland Human Rights Commission, the Royal Newfoundland Constabulary or R.C.M.P.

#### COMPLAINT PROCESS WITHIN THE NEWFOUNDLAND DENTAL BOARD

1. The Newfoundland Dental Board shall deal with all reported incidents of sexual harassment in a timely and appropriate fashion.
2. The complainant must provide a written statement which includes:
  - a) the offensive suggestion, remark or behavior by the alleged offender;
  - b) the time, date and place of the incident;
  - c) the names and telephone numbers of any witnesses.
3. The alleged perpetrator will be given an opportunity to respond to the allegation.
4. The Board shall provide an investigator who may canvass any or all of the following as part of the investigation:
  - a) review the complaint, interview the complainant as well as all witnesses, and provide the alleged perpetrator with an opportunity to express his view;

- b) interview coworkers to determine whether or not similar problems have been experienced in the past;
- c) record notes during every interview;
- d) determine whether or not a formal or informal basis for proceeding should be followed;
- e) prepare a written report, including a summary of the allegations, witnesses statements and recommendations regarding appropriate procedure for resolution or corrective action to be taken including whether a formal hearing or an informal resolution should be pursued. The report should be distributed to the Board, the perpetrator and the complainant.

#### RESOLUTION AND CORRECTIVE ACTION

Where a complaint is well founded, the corrective measures to be taken shall be in accordance with the severity of the behavior. If the formal procedure is to be pursued, then the matter shall be dealt with in accordance with s.26 of the *Dental Act*, R.S.N. 1990, c. D-6, as amended, and the provisions of s. 14 and 16 of the Dental Regulations, NF/Reg. 1103/96, as amended.

#### CONFIDENTIALITY

All parties involved should be assured that confidence will be kept with respect to all complaints except to the extent necessary to complete the investigation and resolve the situation.