

### 4.35 Sexual Abuse and Sexual Misconduct

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#### Standard

Physiotherapists do not engage in behaviour that constitutes **sexual abuse** or **sexual misconduct**.

#### Expected outcome

Clients can expect that any interaction with a physiotherapist will be free from conduct, behaviour or remarks of a **sexual nature**, sexual abuse or sexual misconduct.

Physiotherapy students, physiotherapist support workers and others whom the physiotherapist has authority over (supervisees) can expect that any interaction with the physiotherapist will be free from conduct, behaviour or remarks of a sexual nature, sexual abuse or sexual misconduct.

#### Performance expectations

In regard to interactions with clients, the physiotherapist must:

- Not commence an intimate or sexual relationship with a client for the duration of the therapeutic relationship, even if the client agrees to or seeks to initiate an intimate or sexual relationship.
  - Know that due to the inherent power imbalance between client and PT, clients cannot offer valid consent to commencing a sexual relationship.
- Know that the duration of the therapeutic relationship extends beyond the duration of active treatment and may be enduring, depending on:
  - The nature of the client-physiotherapist relationship,
  - The risk of enduring power imbalance between client and physiotherapist, and
  - Dependence of the client on the physiotherapist.
- Not enter into a sexual relationship with a former client unless sufficient time has passed that the imbalance of power inherent in the therapeutic relationship and/or client dependence on the physiotherapist no longer exists.

- The specified time frame is defined as one year (365 Days) from the date of the last documented physiotherapy service provided.
- It is the responsibility of the registrant to demonstrate that sufficient time has passed.
- Abstain from all forms of conduct, behaviour or remarks directed towards a client that constitute sexual abuse for the duration of the therapeutic relationship.
- Abstain from conduct, behaviour or remarks directed towards a client that constitute sexual misconduct for the duration of the therapeutic relationship.
- Not end a therapeutic relationship for the purpose of pursuing a personal relationship.
- Clearly and thoroughly explains any physiotherapy service which could be perceived to be sexual in nature, taking all reasonable steps to confirm the client's understanding of the service and its rationale, and obtaining informed consent prior to engaging in the service.
- Report all instances where the physiotherapist has reasonable grounds to believe that the conduct of another regulated member of any health profession regulatory organization constitutes sexual abuse or sexual misconduct to the Complaints Director/Registrar of the other regulated member's regulatory organization.

In regard to interactions with physiotherapy students, physiotherapist support workers and others whom the physiotherapist has authority over (collectively referred to as supervisees), the physiotherapist must:

- Abstain from all forms of conduct, behaviour or remarks directed towards a supervisee that constitute sexual abuse for the duration of the professional relationship.
- Abstain from conduct, behaviour or remarks directed towards a supervisee that constitute sexual misconduct for the duration of the professional relationship.

## Definitions

**Sexual abuse** includes threatened, attempted or actual conduct of a physiotherapist towards a client that is of a sexual nature and includes sexual intercourse; masturbation of or by the client or in the presence of the client; and touching of a sexual nature of client's genitals, anus, breasts or buttocks by a physiotherapist.

**Sexual misconduct** includes any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a physiotherapist towards a client that the physiotherapist knows or ought reasonably to know will or would cause offence or humiliation to the client or adversely affect the client's health and well-being

**Sexual nature** includes any physical contact with private or sensitive areas, or comments that are not indicated for the purpose of providing clinically necessary physiotherapy services. This does not include conduct, behaviour, or remarks that are appropriate to the physiotherapy service provided.