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MDs refuse to report suspected misconduct

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Fighting 'tyranny' of sex-abuse bill

TORONTO – Most Ontario doctors say they will not go along with the province's bid to require them to report the conduct of colleagues "that could be considered to have sexual overtones," according to a survey of doctors.

"We are going to be almost afraid to open our mouths," Dr. Rachel Edney, president of the College of Physicians and Surgeons of Ontario, said yesterday.

Dr. Edney said the college also opposes a section of the legislation that would compel other workers, such as nurses, to report alleged sexual abuse by doctors or other health professionals.

The survey was released yesterday as the college escalated its attempts to persuade the government to water down proposed legislation to fight sexual abuse by doctors and members of the 23 other regulated health-care professions.

However, the college attempted to put a moderate face on the doctors' opposition by saying that almost all want mandatory reporting of suspected cases of sexual inter-

course between doctors and patients.

Further, it said, four-fifths of doctors support mandatory reporting in suspected cases of touching of a sexual nature.

The fact that 41 per cent of doctors responding were in favour of mandatory reporting of sexually abusive or demeaning remarks or behaviour was cited as "a considerable degree of support" for that proposal.

But the college noted that 70 per cent of respondents strongly oppose requiring doctors to report colleagues for remarks or behaviour "that could be considered to have sexual overtones."

The statistics she cited were compiled by the college and by Insight Canada Research of Toronto. They were based on a questionnaire sent to the 28,000 doctors licenced to practise in Ontario, who make up the college's membership.

A total of 7,266 questionnaires were returned, an exceptionally high response rate of 26 per cent, according to Insight Canada

chairman Michael Marzolini. He used 4,268 questionnaires to compile his results, leaving a margin of error of plus or minus 1.5 percentage points 19 times out of 20.

Health Minister Frances Lankin said she will consider any changes to Bill 100 proposed by the college, but stressed that she is determined to proceed with tough measures to combat sexual abuse by members of health professions.

"It is incorrect to say that the college wants to soften this legislation," Dr. Edney said. "Physicians clearly don't support the kind of tyranny of subjectivity envisioned in Bill 100. Furthermore, 70 percent of them have indicated that including this highly subjective category in the legislation may discourage the reporting of sexual abuse generally."

Support for reporting of sexually abusive or demeaning remarks would increase, she suggested, "if clear, fair and understandable legislative definitions could be assigned to this form of sexual abuse."

The article EM9309 reprinted above is used in Chapter 13 of the STAT 231 Course Materials and in Figure 2.19a of the STAT 332 Course Materials.