

# Sexual harassment leads to criminal charges and suspension



## Key messages from the case

Workplace sexual harassment and creating an unsafe workplace for colleagues is unacceptable. It may result in dismissal and / or criminal charges as well as having professional consequences on a doctor's registration.

## Details of the decision

### Sexual harassment

Dr F was employed in a medical centre adjoining a community pharmacy. Ms B, the pharmacy store manager complained about Dr F's behaviour after he blew kisses at her on one occasion then grabbed her and kissed her on the lips later on the same day.

Dr F was charged with unlawful indecent assault.

### Medical registration

Dr F failed to provide the Medical Board with written notice of the criminal charge as required under the Health Practitioner Regulation National Law. When the Board received notification of the charge it took immediate action to suspend Dr F's registration.

### Outcome

The tribunal confirmed that Dr F's behaviour constituted professional misconduct.

Dr F received a reprimand, a 6-month suspension, and was ordered to pay legal costs.

Conditions were placed on his registration, including requiring him to undertake education on professional ethics, professional relationships, sexual

harassment and the impact of an unsafe work environment on patient safety.

## Key lessons

All doctors are expected to demonstrate respect for colleagues and patients in the workplace.

Workplace sexual harassment and creating an unsafe workplace for colleagues is unacceptable.

Workplace sexual harassment is unwelcome conduct of a sexual nature that makes a person feel offended, humiliated or intimidated where that reaction is reasonable in the circumstances. Inappropriate jokes, unwanted touching, unwanted comments, sexually explicit messages, and unwanted invitations may all constitute sexual harassment.

Doctors should also be aware that they have an obligation under the Health Practitioner Regulation National Law to report "relevant events" to the National Board. "Relevant events" for the purpose of the Act include being charged with an offence which is punishable by imprisonment of 12 months or more.

## References and further reading

Avant article – [Preventing sexual harassment in the workplace](#)

Safe Work Australia – [What is workplace sexual harassment?](#)

Australian Human Rights Commission – [Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces](#)

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