



POLICY ON HIV AND AIDS

Introduction

1. The aim of this policy is to clearly set out the key principles on which the City of London Corporation's response to HIV and AIDS is based as a major employer, purchaser and provider of services and as a model of good practice for the people it serves. The policy supports and is supported by the City Corporation's policies on [Equal Opportunities](#) and [Employee Complaints Procedure](#).

Policy Statement

2. The City Corporation is committed to equality of opportunity in both its employment practices and service provision. It is also committed to protecting and promoting the health of its employees. The City Corporation intends to ensure that people who are HIV positive or have AIDS and those associated with them do not experience discrimination either as employees or job applicants or users of City Corporation services. This policy focuses on the City Corporation's commitment to good employment practice and therefore aims to:
 - ensure that people who are HIV positive or have AIDS are treated no differently from anyone else with a chronic illness;
 - protect employees from any risk of infection in the course of their duties;
 - inform employees about the facts on HIV and AIDS to help dispel misconceptions and myths;
 - ensure that managers and employees are aware of their responsibilities in relation to confidentiality and equal treatment.

Definition

3. HIV (Human Immune-deficiency Virus) is a blood-borne virus which prevents the body's immune system from functioning properly. The ultimate effect of this, over a period of up to fifteen years, is AIDS (Acquired Immune Deficiency Syndrome). Once it has occurred, this deficiency can expose the individual to a range of illnesses. Many of these illnesses can be treated and it should be noted that people can live with HIV infection and AIDS for many years.

Some Key Facts

- HIV infection is not restricted to particular groups of people. In developed countries HIV first affected practising homosexuals,



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haemophiliacs and injecting drug-users, but world-wide most people who are infected are heterosexual.

- HIV cannot be passed from one person to another through everyday work or social contact.
 - Current medical opinion confirms that HIV is transmitted through:-
 - unprotected penetrative sex with an infected partner;
 - shared use of needles and syringes contaminated by HIV-infected blood;
 - infected blood and blood products (through transfusion)
 - from an infected mother to her baby before or during birth and possibly through breast feeding.
4. As all evidence points to the virus being unable to survive outside the human body, very few areas of work can present employees with more than the remotest risk of HIV infection, unless they involve specific medical treatments, surgery or the use or transport of blood and blood products. The Occupational Health Physician confirms that the risk to City Corporation employees of contracting HIV through work related activity is extremely low. Individual departments have a responsibility to ensure that risk assessments are carried out on their own work activities and that appropriate [health and safety procedures](#), guidance notes and training are in place.
5. AIDS is not a single disease. Infections and other conditions occur because the body's immune system has been damaged by HIV. No two HIV positive people who develop AIDS will experience the same pattern of illnesses.
6. There is, as yet, no known cure for HIV, though treatments which delay the onset of AIDS are being developed and treatments for AIDS related illnesses are constantly improving.

Legal Position

7. The City Corporation has a common law obligation to take reasonable care of the health and safety of its employees. It also has a statutory obligation under the Health and Safety at Work Act 1974, to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees. It is therefore important for employers to:



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- provide information to employees on HIV infection and AIDS and how it is transmitted so that any misconceptions are dispelled. Employees will then be better informed and this will help to create a working environment that is supportive, understanding and free from discrimination and harassment.
 - ensure that appropriate risk assessments are carried out and that there are adequate health and safety procedures in place so that a safe working environment is provided for all employees.
8. Employees also have a duty under the Act to take reasonable care of themselves and others who may be affected by their acts or omissions at work.
 9. Under the Disability Discrimination Act 1995 it is unlawful for an employer to discriminate against a disabled person in the field of employment. An employee who is HIV positive or has AIDS is covered by the provisions of the Act, which defines discrimination in two ways: through less favourable treatment of an employee with a disability when the employer cannot show that this treatment is justified; and through failure to make 'reasonable adjustments' to working arrangements when the employer cannot show that his failure to comply with that duty is justified. 'Reasonable adjustments' are defined as the steps that it is reasonable for an employer to take in the circumstances to prevent any disadvantage caused to a disabled person compared with non-disabled people. In the case of an employee who is HIV positive or has AIDS this may involve, for example, allowing more time off during working hours for assessment/treatment, or allowing flexible working hours to enable additional breaks to overcome fatigue arising from the illness.
 10. The issue of confidentiality and disclosure of information by an employee with HIV/AIDS is also covered by the Disability Discrimination Act.

Managers' Responsibilities

11. Managers are responsible for ensuring that this policy is implemented within their department. They have a duty to ensure that confidentiality is maintained, should it become known to them that an employee is HIV positive or has AIDS. They also have a duty to ensure that the employee is treated in accordance with this policy and to take appropriate action against any employee who acts in breach of it.



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12. Managers are responsible for ensuring that risk assessments are carried out and that appropriate health and safety procedures, guidance notes and training are in place.
13. Managers must also ensure that appropriate steps are taken under the requirements of the Disability Discrimination Act so that an employee who is HIV positive or has AIDS is not discriminated against in the workplace.

Employees' Responsibilities

14. All employees are required to work with people with HIV or AIDS without prejudice or discrimination. Refusal to do so will be regarded as a serious matter. It is recognised that fear of contracting HIV or lack of opportunity to explore other issues arising from HIV/AIDS can increase feelings of anxiety or prejudice. The City Corporation is committed to enabling employees to work comfortably, sensitively and appropriately with people who may be HIV positive or have AIDS and will endeavour to meet both general and specific training and counselling needs. If an employee persists in behaving in a discriminatory and prejudiced manner and reasonable attempts have been made to meet personal training needs, disciplinary action will be taken against the employee concerned. Such action could result in dismissal.
15. All employees must observe the principles of this policy and should be aware that breaches of this policy may lead to disciplinary action.

Confidentiality

16. Any employee who is aware that s/he is HIV positive or has AIDS will be under no general obligation to disclose this to the City Corporation. However, under the Disability Discrimination Act 1995, unless an employer could reasonably be expected to know about an employee's condition, the employer will not be under a duty to make a reasonable adjustment to the employee's working arrangements. Therefore, if an employee who is HIV positive or has AIDS expects the City Corporation to make a reasonable adjustment to his/her working arrangements, s/he will need to provide sufficient information so that the adjustment can be carried out. An employee who prefers not to disclose information on their HIV status either to the Occupational Health Physician or to his/her line manager cannot require reasonable adjustments to his/her working arrangements to be made.



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17. There may be very specific circumstances in which non-disclosure by an employee who is HIV positive or has AIDS may lead to risk of infection to others. Employees have their own duties under the Health and Safety at Work Act to take care of their own safety and that of other employees.
18. The City Corporation will take all reasonable steps to ensure that strict confidentiality is maintained at all times in relation to an employee who is HIV positive or has AIDS. Such information shall not be disclosed without the specific written consent of the employee concerned. Any breach of confidentiality will constitute misconduct and will therefore be dealt with under the City Corporation's [disciplinary procedure](#).

Recruitment and Selection of New Employees

19. The City Corporation's usual procedure for assessing medical fitness for the job will apply. The purpose of the pre-employment health questionnaire is to establish whether a prospective employee is either fit, fit with reasonable adjustments or not fit to carry out the duties of the job for which they are applying. An assessment is based on the simple relationship between work and health at work ie. anything in the working environment that may affect an employee's health. All prospective employees have the right not to declare medical conditions. However, non or false declaration could lead to disciplinary action/dismissal if future problems arise. Health information contained within the pre-employment questionnaire is confidential and would not be disclosed without the specific written consent of the individual. Prospective employees will not be required to take an HIV antibody test.

Current Employees

20. Current employees will not be required to take an HIV antibody test. If it becomes known that an employee is HIV positive, the City Corporation will take reasonable steps in line with its procedures and practices for the treatment and support of an employee with any chronic illness. The City Corporation recognises the value of continued employment for an employee with a chronic illness and will ensure, as far as reasonably practicable, that resources are made available to provide adequate support and will make reasonable arrangements to enable work to be continued in the light of the operational requirements of the department.



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21. Employees will not be redeployed on the grounds that they are HIV positive or have AIDS unless they either ask for alternative employment, or are not medically fit to carry out the duties of the job in which they are employed. Should redeployment be necessary, this will be by mutual agreement between the employee and the City Corporation and will be subject to the availability of a suitable alternative job or duties. It may not always be possible for departments to redeploy an employee. However, employees will not be prevented from continuing work as long as a suitable job does exist unless they are not medically fit to do so.
22. If the employee wishes, the Occupational Health Service can put them in contact with appropriate specialist HIV/AIDS counselling and support services provided by an external agency. When arranging appointments employees should try to take account of their work commitments, for example, arranging appointments at the beginning or end of the working day or at lunch time, which may avoid extended periods of absence. A contact list is provided at the end of this policy.
23. The City Corporation's usual procedures and practices concerning managing, monitoring and reporting sickness absence will apply. Employees who are diagnosed as being HIV positive or having AIDS will be eligible to be considered for benefits under the City Corporation's ill health retirement arrangements, in the same way as any employee with a chronic illness.

Health and Safety Issues

24. In accordance with the [Health and Safety Policy](#), the City Corporation will ensure that appropriate workplace risk assessments have been carried out and that suitable precautions and procedures are in place to protect employees from risk of HIV infection in the workplace.
25. The standard precautions included in all first aid training programmes will be as effective against HIV as against other infections, such as hepatitis. Employees should adhere strictly to control of infection procedures designed for their own protection.
26. All appropriate employees, including first aiders, will receive guidance on dealing with spillages of body fluids. First Aiders will be informed of precautions to be taken when administering first aid.



Training

27. Suitable training can be arranged for managers and employees to help promote better understanding about HIV infection and AIDS. The Occupational Health Service and the Learning and Development Section of Corporate HR will be able to advise and assist in the implementation of appropriate training programmes.
28. Departments may wish to arrange specific training programmes to suit their particular needs and their own service delivery requirements.

Sources of Help

Occupational Health Service	Tel. 020 7332 1617
Harassment & Bullying Support Service	Tel. 020 7332 3685
Health and Safety Section	Tel. 020 7332 1347

Outside Agencies

The Terrence Higgins Trust

52-54 Grays Inn Road
London WC1X 8JU

Telephone: 020 7831 0330 (9.30am-6.00pm Mondays to Fridays)

Helpline: 020 7242 1010 (noon - 10.00pm daily)

Legal Line: 020 7405 2381 (7.00pm - 9.00pm Mondays & Wednesdays)

The National Aids Trust

Sixth Floor
Eileen House
80 Newington Causeway
London SE1 6EF

Telephone: 020 7972 2845

The National Aids Helpline

Telephone: 0800 555 777 for information on local agencies

Same Day HIV Testing

Virology Department
3rd Floor
51-53 Bartholomews Close



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St. Bartholomew's Hospital
London EC1A 7BE

Contacts: Bill Nelson 020 7601 7357
Audrey Bangura 020 7601 7358

Each weekday from 10.00am by appointment, results available from 4pm same day.

The Globe Centre
159 Mile End Road
London
E1 4AQ

Telephone: 020 791 2855

This is a local centre serving the City and East London area providing confidential advice, information and services for people with HIV/AIDS.

Positively Women
347-349 City Road
London
EC1V 1LR

Telephone: 020 7713 0222

This organisation provides a range of support and advice services specifically for women with HIV/AIDS and their children.

Body Positive
51B Philbeach Gardens
London
SW5 9EB

Telephone: 020 7835 1045

Provides a range of services including therapies and advice.