

## Supporting Employees with HIV and AIDS Policy

The Foundry at Victoria Hall, Sheffield, S1 2JB.

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### 1 Introduction

- 1.1 This policy sets out the rights of employees affected by HIV and AIDS and explains the support available to them.
- 1.2 The policy supports our commitment to ensuring that working lives are free from prejudice, discrimination, unfounded fears and misconceptions. We recognise that people living with HIV can lead normal working lives and are entitled to privacy and dignity at work.
- 1.3 We do not tolerate any discrimination against job applicants or employees based on their actual or perceived HIV status and will deal with any such conduct in accordance with our disciplinary procedure.
- 1.4 Acts of discrimination include harassment, spreading rumours about a person's supposed HIV status, and refusal to associate with or work with a person living with or affected by HIV.
- 1.5 The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

### 2 HIV and AIDS

- 2.1 HIV (Human Immunodeficiency Virus) is a virus that damages the immune system.
- 2.2 AIDS (Acquired Immune Deficiency Syndrome) is the name used to describe a number of illnesses (that can include severe infections and cancers) that happen when an individual's immune system has been severely damaged by the HIV virus. AIDS cannot be transmitted from one person to another.
- 2.3 There is currently no cure for HIV, but there are very effective drug treatments that enable most people with the virus to live a long and healthy life.
- 2.4 With an early diagnosis and effective treatments, most people with HIV will not develop any AIDS-related illnesses and will live a near-normal lifespan (source - NHS).
- 2.5 Blood tests can detect the antibodies that are produced against the HIV virus. If these are present, the person concerned is said to be HIV positive.
- 2.6 The only positively identified routes of HIV infection have resulted from:
  - unprotected sexual contact with an infected partner;
  - shared use of syringes or needles with an infected person; and
  - transmission from an infected mother to her baby.
- 2.7 HIV infection cannot be passed on through normal workplace activities. It cannot be transmitted by sharing crockery, sneezing, sharing toilet facilities, hugging or through food preparation.
- 2.8 Although a few specialised jobs involve an extremely low risk of transmission there is generally no risk in working with someone who is living with HIV.

### **3 Recruitment and selection**

- 3.1 We recruit on the basis of the ability to do the job, and we do not discriminate on the basis of a candidate's real or perceived HIV status.
- 3.2 We do not require job applicants to disclose their HIV status at any stage of the recruitment, assessment and selection procedure. We ask candidates about any disability only in relation to the need to provide reasonable adjustments in the recruitment process or once they are in the post; and to carry out diversity monitoring.

### **4 HIV testing**

- 4.1 We do not require any member of staff or job applicant to take an HIV test or disclose details of their HIV status.

### **5 Disclosure and confidentiality**

- 5.1 There is no legal obligation for someone living with HIV to inform us of their HIV status.
- 5.2 However, if HIV is having an impact on your working life, we encourage you to approach your Line manager to discuss any symptoms or side effects so that we can identify any reasonable adjustments with you.
- 5.3 If you do disclose your HIV status, we will treat this in confidence. Only people in the organisation with a genuine need to know, for example your Line Manager, HR or occupational health professionals, will be informed, and only if you consent.
- 5.4 We will ensure that your personal data, including data relating to your health, is handled in accordance with our Data Protection Policy and how we process special categories of personal data. We treat any breach of confidentiality very seriously and deal with it under our Disciplinary Procedure.

### **6 Supporting employees affected by HIV or AIDS**

- 6.1 We recognise that HIV is a disability under the Equality Act 2010 and that if you live with HIV, you are protected from discrimination at work from the point that you are diagnosed.
- 6.2 You can ask for reasonable adjustments to the workplace, working practices and/or your job role to take into account your condition and allow you to continue to do your job. In addition to making reasonable adjustments, we also support people living with HIV at work in the following ways:
  - 6.2.1 Providing a supportive working environment that is considerate of their needs, for example by allowing employees to store and take medication in private or advising them in advance of any change to their normal work routine, such as a training day or the closure of a canteen, so that they can plan around this.
  - 6.2.2 Offering skilled counselling and advice to all employees affected by HIV and AIDS who may require it and liaising with external specialist HIV and AIDS support agencies to provide this.
  - 6.2.3 Encouraging people living with HIV to approach their manager for help if they require it but recognising that there is no obligation on them to do so.
  - 6.2.4 Working with managers to encourage an awareness of HIV and an understanding of this policy throughout the workforce.

### **7 Pensions and other staff benefits**

- 7.1 We do not discriminate in the provision of pensions or any other benefit, facility or service that we provide or administer, on the basis of HIV status.

**8 Further information and advice**

8.1 External sources of information for employees are available from [National AIDS Trust](#) and [Terrence Higgins Trust](#).

**9 Review**

9.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

**10 Definitions**

10.1 The Foundry ("we", "us", "our")

10.2 The Employee ("you", "your")

**Document control box**

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