

# HIV

and the

## Workplace

The Canadian AIDS Society

Guide to an

# HIV-Friendly Workplace

Canadian AIDS  
Society



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# HIV

## IS STILL AT WORK

### Does your workplace have a policy on HIV/AIDS? Is it up to date?

In the 1980s and 1990s, many companies developed policies designed to:

- ensure employees with HIV received the same treatment and benefits as employees with other illnesses
- educate co-workers about the real risks of HIV transmission
- prevent discrimination in the workplace.

Today an effective, up to date workplace policy must take into account not only benefits and discrimination, but reasonable accommodation. More people with HIV are working, but HIV is still a life threatening illness. Like many people with chronic illnesses, people with HIV have their ups and downs. Sometimes, they are quite healthy and able to do a full day's work. Other times, they may have trouble with their medication. They may feel extremely tired or weak. They may have to attend a lot of doctors' appointment. They may not be able to handle their regular workload, or they only be able to work part time.

*You may not have heard much about HIV or AIDS lately. But that doesn't mean it's gone away. In 2002, about 52,000 Canadians were living with HIV. Each year, about 2,000 more Canadians are diagnosed with HIV.*

*Just because HIV isn't in the headlines doesn't mean it isn't in the workplace. Because of improvements in treatments, more people with HIV are staying well and continuing to work. If you don't already have someone with HIV in your workplace now, chances are you soon will.*

### Here are some common questions...

Here are some common questions employers ask when developing HIV policies.

#### Why do we need an HIV policy?

Because it's good for your employees and good for the company. A workplace policy ensures that people's rights are protected and that managers can deal quickly and effectively with any problems that may arise. Progressive workplace policies also help companies keep valuable skilled employees with HIV

#### Do we need an HIV specific policy or can we use a general policy on life threatening illnesses?

You can do either. Sometimes it's an advantage to have an HIV policy that highlights the unique issues faced by people with HIV, such as fear of exposure and discrimination. But including HIV in a more general chronic or life-threatening illness policy communicates an important message to employees: HIV is like any other illness and will be treated the same way. That message can help overcome fears and prevent discrimination.

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## What should the policy cover?

An effective policy should cover the following issues:

- the employee's right to work as long as health allows and right to job accommodation
- the employee's right to confidentiality
- the employee's eligibility for benefits
- reference to relative legislation
- the manager's/supervisor's responsibilities
- the employee's responsibilities
- co-worker's responsibilities, and how the company will deal any co-worker issues (e.g., refusal to work with someone with HIV)
- the company's responsibility for educating employees about HIV and the risks of transmission
- the steps the company will take to provide a supportive environment for people with HIV or other chronic/life threatening illnesses

## What legislation does the policy have to comply with?

The policy must comply with the Canadian Charter of Human Rights, and with any other provincial legislation governing human rights, disabilities, and workplace standards. Under the Canadian Charter of Human Rights, HIV is classified as a disability, so people with HIV have the same rights as anyone with a disability.

## What are "reasonable accommodations" for people with HIV?

Reasonable accommodations can include:

- flexible work schedules
- time off to attend doctors' appointments
- generous leave policies
- the opportunity to shift from full to part time work, and back again
- reassignment to a less physically demanding position.

People with HIV are often on very strict, demanding drug regimens. It's important that they take their medications at certain times every day, and the workplace should be able to accommodate that.

For more information on appropriate accommodations, contact the Canadian Council on Rehabilitation and Work Job Accommodation Services (<http://www.ccrw.org/en/jas.htm>).

## Should an employer or supervisor tell employees when a co-worker has HIV?

No. You are required by law to keep employees' medical information confidential. As a supervisor, you may need to know when an employee has HIV – because the employee may need time off to attend appointments or some accommodation to be able to continue doing his or her job. But other co-workers do not need to know. Leave the decision about telling others to the person with HIV.

## Most people know about HIV. Is employee education still necessary?

It's true that most Canadians do know the facts about HIV. But some people still have unreasonable fears about contracting HIV or negative attitudes towards people who are infected. Education helps. One of the most effective ways to educate employees about HIV is to incorporate it into a presentation on your HIV or life-threatening illnesses policy or into other training on the rights of people with disabilities or workplace health and safety.

If an employee discloses to co-workers that he or she has HIV and employees react inappropriately, you may have to offer some special education and/or take other steps (as set out in your policy) to protect the ill employee's rights and create a supportive work environment.

## What do employees need to know?

They should know:

- what HIV infection and AIDS are
- how the virus is transmitted
- the actual risks in the workplace
- how HIV affects people who are infected
- the rights of people who are infected
- the company's policy
- what they can do to help co-workers who are infected (e.g., be understanding and supportive).

Because anyone can get HIV, it may also help to give employees access to general information so they can assess their own risk and decide whether they should be tested.

HIV IS STILL AT WORK

# And So Are We.

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The Canadian AIDS Society (CAS) has been working since 1986 to help prevent the spread of HIV, to prevent discrimination, and to support people who are infected. CAS is a network of community-based HIV/AIDS organizations

across the country. If you need help to develop an HIV policy for your workplace or to revise your life threatening illnesses policy to include HIV, please call us or check out the HIV and the Workplace information on our web site.

[www.cdnaids.ca](http://www.cdnaids.ca)