

# FIGHTING WORDS



## On your guard

### **Forced HIV testing for prisoners in federal correctional facilities won't solve anything** *by Terry Howard*

**The** Office of Public Safety and Emergency Preparedness Canada is considering drafting legislation that would permit forced testing of prisoners for HIV and other blood-borne pathogens, in the event of occupational exposure to blood and bodily fluids within federal correctional institutions.

The Union of Canadian Correctional Officers (UCCO) submitted a proposal to federal Minister of Public Safety Stockwell Day. The proposal makes no sense, due to the flawed rationales upon which it is based, and the failure of such legislation to offer real health and safety protection for workers exposed to blood-borne pathogens in the course of their work.

**The proposal runs counter to Canadian law, which holds that everyone has a right to keep their personal health information confidential barring exceptional circumstances.**

When a correctional officer is exposed to body fluids, immediate access to post-exposure prophylaxis (PEP) is available through the closest hospital emergency ward. It is neither helpful nor accurate to obtain the inmate's serostatus at that time, as PEP must be administered four to 72 hours after exposure. An inmate who contracted HIV within the six months prior to the incident may conceivably test negative for HIV antibodies at the time of the occupational exposure, thus giving the correctional officer a false sense of security.

The false negative results may also prevent the officer from critical follow-up testing. This would be counterproductive to the proposed legislation and would not protect anyone involved in an occupational exposure incident.

Facts obtained from a Freedom of Information request show that from 2000 to 2005, there was not a single reported incident of a prison guard being stabbed with a needle or syringe. Under

Correctional Service of Canada (CSC) policy, correctional staff are obliged to report all incidents involving serious bodily injury and assaults causing major injury. There is, therefore, no evidence to support the need for such legislation.

What's more, the proposal runs counter to Canadian law, which holds that everyone has a right to keep their personal health information confidential barring exceptional circumstances. People don't lose this right just because they're in prison. Forced medical testing of prisoners won't make the working conditions of prison guards any safer.

The CSC has detailed policy and protocols to address occupational exposures to blood and other bodily fluids (Commissioner's Directive Protocol 821-1, *Managing Exposure to Blood and/or Bodily Fluids*, 24 March 2004). This directive clearly outlines the safe procedure for staff to follow in the event of exposure.

In response to a letter of concern written by BCPWA Society chair Paul Lewand, Minister Day wrote, "CSC authorities assure me that no decision has been made to introduce mandatory testing for HIV. The issue is still under discussion and, if and when a decision is made to introduce such testing, all comments received will be taken into consideration."

The only true way to ensure the safety of CSC staff and inmates is through the implementation of practices that would reduce the likelihood of exposure in the first place. Programs such as the Safer Tattooing Practices Pilot Study and needle exchanges in prisons are the best options for reducing the spread of infectious diseases and ensuring public safety for all persons at risk of exposure to blood-borne pathogens.

The BCPWA Society Prison Outreach Program, Canadian AIDS Society, and the Canadian HIV/AIDS Legal Network all continue to monitor the situation closely to balance the consideration of the human rights of inmates equally with concerns for public safety. ⊕

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