



HIV in the workplace

A UCU guide for challenging discrimination and supporting equality



This resource presents current (2009) information about HIV and AIDS. The resource gives advice to UCU branches about how to ensure supportive conditions in the workplace for people living and working with HIV.

WHAT IS HIV?

Human immunodeficiency virus

HIV stands for human immunodeficiency virus. Having entered the blood, the virus attacks the immune system. HIV is identified through tests which check for antibodies in the blood – usually this is detectable three months after exposure. Recently, fourth generation tests have been released which look for antigens that can be found on the virus. Potentially these tests could radically reduce the waiting time for a conclusive HIV result. When antibodies are found, the test is called positive to HIV, hence the term HIV positive (often referred to as ‘pos’).

Treatable

Over the past 15 years massive advances have been made in treating HIV. Prior to 1996, being diagnosed HIV positive anywhere in the world was widely regarded as a death sentence.

When treatments were first released in the UK, in the late 1990s, there was a very tough regime involving many different drugs taken at specific times of the day and/or night. There were also substantial side effects. For many people work remained impossible despite HIV no longer necessarily being life-threatening.

Now drug regimes are much simpler and side effects are easier to deal with, while not always being easy and sometimes being far from comfortable. As with many medical treatments the initial stages can be very tough. For each person the experience is different, so listening to individual needs is important.

Within 72 hours of possible exposure to HIV, post-exposure prophylaxis (PEP) is available through sexual health clinics. This is a month-long course of anti-HIV drugs prescribed with the aim of preventing HIV from entering the cells in the body. This should be offered to health workers within one hour of exposure at work to

maximise effectiveness. Disability legislation covers those who have been diagnosed as HIV positive but it does not apply to people taking PEP.

A chronic illness covered by disability legislation

HIV is now considered a chronic illness, alongside conditions such as cancer and diabetes. From the point of diagnosis, a person with HIV is protected against discrimination by law. Like other chronic illnesses HIV should be included in negotiations for disability equality. This guide looks at legislation (see *HIV in the Workplace*), and negotiations (see *Negotiating for disability equality*) – both on page 3, overleaf.

WHAT HIV IS NOT

HIV is not AIDS

AIDS stands for ‘acquired immune deficiency syndrome’. AIDS happens when HIV has attacked the body’s immune system to such an extent that it easily breaks down when attacked by infections including bacterial (eg syphilis), malignancies (eg lymphoma), viral (eg hepatitis) and neurological (eg dementia).

Prior to the arrival of treatments in the late-1990s, AIDS was much more commonly experienced by HIV-positive people living in the UK.

HIV is not easily transmitted

Transmission is by intake of blood products directly from an infected person. Even then the virus has to infect host cells in order to establish itself. It is not guaranteed that someone who has received infected blood on one or more occasions will get HIV.

HIV cannot live outside the body

It is NOT possible to get HIV from toilet seats, sharing crockery, or shaking hands. Training on HIV should be delivered with the aim of busting these myths.



HIV is not visible

With the availability and advance of treatments, symptoms of AIDS and side effects of treatments are no longer as visible. It is simply not possible to tell whether someone is HIV positive simply by looking at them. Issues of disclosure are similar to any invisible disability, and it is important to maintain confidentiality. A high degree of stigma about HIV still exists in general society. In fact stigma may well now be one of the biggest problems encountered by people living with HIV.

HIV IN THE WORKPLACE: THE LEGAL POSITION

In the UK HIV-related discrimination at work is unlawful.

The Disability Discrimination Act 2005 (DDA)

Under the DDA, discrimination against HIV-positive people is illegal from the point of diagnosis. This covers employment, trade union membership and the provision of goods and services (including the letting and selling of property).

The DDA brought in proactive duties for the public sector employer in relation to disability equality. This means that the employer has to work to eliminate discrimination on all aspects of disability throughout the life and function of the organisation prior to any issue being taken up by individual employees. Policies and procedures that enable adjustments to be made should be in place so that the employee who declares a positive diagnosis can easily and confidentially discuss any changes to their job, working hours and/or time off for treatment. **Union reps can check to make sure such policies and procedures are in place before the need arises.**

A good policy should include:

- the principle of non discrimination on the grounds of actual or perceived HIV status
- commitment to confidentiality and privacy
- prohibition of mandatory HIV testing of employees
- procedures for managing a current or prospective HIV-positive employee
- information about instruction and training for employees and managers.

Health and safety

Employers should have health and safety procedures aimed at minimising the risk of accidental exposure to HIV among other infections where the nature of work means there is a genuine risk. Procedures should include:

- an assessment of risk of exposure in individual tasks
- methods for controlling the risk
- reporting and recording incidents of exposure
- contingency plans for medical treatment and advice for employees who may have been exposed to HIV infection at work.

NEGOTIATING FOR DISABILITY EQUALITY

Checklist for branches/local associations

- Build disability equality into the way you organise.
- Encourage disabled members to join self-organised groups and networks, at local, regional and national level.
- Encourage your employer to actively involve a wide range of disabled people in its work in this area.
- Press your employer to understand and adopt the social model of disability – the social model changes the focus away from people's impairments and towards removing the barriers that disabled people face in everyday life: it is not the impairment that is the problem, or the disabled person, rather it is society's failure to take into account our diverse needs.
- Press your employer to run disability equality training for all staff.
- Monitor the disability equality scheme and associated action plan.
- Tell members about disability equality.



Questions to ask

- 1 Does your institution have an equality committee/forum with trade union representation?
- 2 Does your institution have a disabled staff group?
- 3 Is there a disability equality scheme?
- 4 Was it negotiated with the union?
- 5 Were disabled members of staff actively involved in writing it?
- 6 Do all members of staff have copies of the policy?
- 7 Has your institution begun to collect and analyse evidence on disability and the promotion of disability equality?
- 8 Has the institution set targets for recruitment where the staff population is under-representative of key groups?
- 9 Have members of staff been invited to contribute to a public discussion on what the general duty to promote equality between disabled and non-disabled people means for all areas of the institution's work, including budgeting, work with contractors, maintenance of buildings, curriculum?
- 10 Have groups of disabled staff been actively involved in assessing the institution's general progress towards achieving equality between disabled and non-disabled people?
- 11 Have groups of disabled staff been specifically consulted on key institutional policies and practices, which are likely to have a significant impact on disabled staff?
- 12 Have all staff received training in work time on the implementation of the act? ■

Further information

Guidance

Enabling not disabling

www.ucu.org.uk/media/pdf/4/8/ucu_enablingnotdisabling_1.pdf

The Disability Equality Duty

www.ucu.org.uk/media/pdf/4/n/ded.pdf

TUC/NAT – Tackling discrimination at work

www.tuc.org.uk/equality/tuc-12059-f0.pdf

AoC – Unions disability equality agreement

www.ucu.org.uk/2306

Contacts

Terrence Higgins Trust

Website: www.tht.org.uk
Helpline: 0845 1221200

Healthy Gay Life (Birmingham)

www.hgl.nhs.uk/menu.htm

Naz Project (London)

www.naz.org.uk

Lesbian and Gay Foundation (Manchester)

www.lgf.org.uk

HIV and Sexual Health Services (Brighton)

www.swish.org.uk/files/SEX%20DIRECTORY.pdf

Sexual Health Helpline

0800 567 123

ACAS Helpline

0845 747 4747

More information and resources can also be found through the UCU equality web page:

www.ucu.org.uk/1868