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## HIV / AIDS Policy

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Access: If you require this information in an alternative format such as large type, audio cassette or Braille, please contact the Policy and Support Team, Personnel Services on 01609 532817 or [personnelpolicy@northyorks.gov.uk](mailto:personnelpolicy@northyorks.gov.uk).

## HIV /AIDS Policy

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### Introduction

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- 1.0 North Yorkshire County Council recognises that HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome) affect the Council both as a service provider and as an employer.
- 1.1 The County Council recognises that HIV is a social as well as a medical issue, and is taking steps to ensure that people affected with this condition, do not experience discrimination as receivers of Council services, or as employees.

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### Service provision

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- 2.0 Individuals will not be denied a service to which they are entitled because they live with HIV.
- 2.1 Disclosure of an HIV diagnosis will not be a barrier to receiving a service if the individual is eligible for that service.
- 2.3 Employees do not have the right to know that a service user is living with HIV. However, if an employee becomes aware that a service user is living with HIV and wishes to seek confidential advice about the situation, contact should be made with an officer designated by the Council for this purpose. (See paragraph 9.0 for contact details). NB. Confidentiality paragraph 5.0 applies.
- 2.4 If a situation arises in which an employee is not willing to provide a service to an individual affected by HIV, managers should explore the reasoning behind the objection and, where appropriate, consider arranging counselling or training for the employee. If this does not overcome the objection, normal disciplinary procedures may be adopted.
- 2.5 Infection control procedures support the health and safety of employees.

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### Employment Legislation

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- 3.0 The Disability Discrimination Act 2005 extends disability discrimination protection to people living with HIV, effectively from the point of diagnosis. People living with HIV are protected from discrimination at work and can safely ask for 'reasonable adjustments' if they need them.
- 3.1 People living with HIV don't have to call themselves disabled or tell their employer that they have HIV.

- 3.2 It is illegal to
- discriminate directly;
  - to fail to make 'reasonable adjustments';
  - to treat a person living with HIV less favourably;
  - subject a person living with HIV to harassment or victimisation.

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## Employment and Appointment of staff

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### **Prospective Employees**

- 4.0 There will be no discrimination on the grounds that job applicants live with HIV providing they are otherwise fit for the duties envisaged.

### **Existing Employees**

- 4.1 There will be no discrimination on the grounds that an employee lives with HIV. Neither officers nor elected Members of the County Council should ask if an employee lives with HIV.
- 4.2 As with many other conditions and illnesses, an employee with HIV will be expected to work normally while medically fit to do so.
- 4.3 Existing employees are under no obligation to disclose that they have or suspect that they might be living with HIV.
- 4.4 Members and employees do not have the right to know that a colleague is living with HIV. However, if a Member or an employee is aware that a colleague is living with HIV and wishes to seek confidential advice about the situation, contact should be made with an officer designated by the County Council for this purpose. (See paragraph 9.0 for contact details).  
NB. Confidentiality paragraph 5.0 applies
- 4.5 If a situation arises in which an employee is not willing to work with an individual affected by HIV, managers should explore the reasoning behind the objection and, where appropriate, consider arranging counselling or training for the employee. If this does not overcome the objection, normal disciplinary procedures may be adopted.
- 4.6 For information on taking additional leave for caring for sick friends or relatives, in excess of annual leave entitlement, see the general leave procedure.

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## Confidentiality

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- 5.0 The County Council acknowledges the importance of confidentiality for individuals who are living with HIV. Any recorded information will be stored safely to maintain confidentiality.

- 5.1 If an individual chooses to disclose they are living with HIV, the recipient of the information is under a duty not to reveal it to a third party without the individual's express consent. Where appropriate the individual should be encouraged to pass on the information to the line manager on a 'need to know' basis. The 'need to know' basis will be restricted to those situations when knowledge that a service user or employee is living with HIV is essential to justify the provision of particular services or support. This may include counselling or care.
- 5.2 Any deliberate breach of confidentiality by an employee, except where there is a specific legal requirement, may be a disciplinary offence.

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#### Information

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- 6.0 Basic information on HIV and this policy and hygiene issues will be included in the induction process for new employees.

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#### Counselling

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- 7.0 The County Council recognises the importance of counselling especially within the context of occupational health.

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#### Implementation of the policy

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- 8.0 Directors are responsible for the implementation of this policy within their respective directorates. This will include identifying those rare and exceptional circumstances, normally in a care situation, where specific officers need to know that an individual is affected by HIV. (See para 5)

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#### Contacts and further information

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- 9.0 People who have immediate concerns and need help regarding HIV can contact the Staff Care Network Tel: (01609) 780780, Extn 2807 for details of trained North Yorkshire County Council employees who can offer advice and support. Alternatively, North Yorkshire Aids Action operates a confidential helpline on 01904 640024.