

Dyfed Powys Police

HIV Policy

Human Resources Department

Version 1.1
Date – April 2007
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HIV Policy

1. Policy Statement

- 1.1 The Police Service is committed to supporting those staff affected by HIV and/or Acquired Immunodeficiency Syndrome (AIDS).
- 1.2 This policy has been developed to ensure that those staff affected by the virus are not discriminated against and that they are treated with both dignity and respect, throughout their employment within the Police Service. HIV a disability under the Disability Discrimination Act and will be regarded as such in the application of related policies since as Efficiency for Police Officers capability for Police Staff and in terms of any redeployment necessary as a result.

2. Guidance

Application

- 2.1 This policy applies to all staff (Police Officers, Police Staff and members of the Special Constabulary). Managers will need to be particularly aware, as they have a leading role in providing appropriate advice and support to their staff.
- 2.2 Police employees **are not** required to disclose their HIV status; an individual who is HIV positive who wishes to seek confidential medical advice, can do so by contacting the Occupational Health Advisor or Manager. Staff may, if they wish, do so directly or through a friend or a third party.
- 2.3 Discussions can then take place as to what workplace adjustments are available to support an individual in staying in work.

3. Factual Information

- 3.1 Human Immunodeficiency Virus (HIV) is a virus, which attacks and damages the body's defence system, stopping it from effectively fighting certain infections and tumours. For a certain period of time, which may be over several years, the body's defence mechanism can keep the HIV infection under control. During this time a person with HIV may feel completely well and have no symptoms. However, in the majority of cases, the immune system eventually needs help, in the form of anti-HIV drugs, to keep the HIV infection under control.
- 3.2 HIV can be transmitted through contact with:
 - Blood
 - Body fluids contaminated with blood
 - Semen and vaginal fluid through unprotected sexual intercourse
 - From mother to baby across the placenta and by breast-feeding
- 3.3 Saliva is not considered to be a risk in the transmission of HIV.

4. **Risk Assessment and Safe Working Practices.**

- 4.1 Nationally medical professions accept that the risk of an HIV positive member of staff transmitting the virus to others within the course of operational duties is **very low**. Preventing transfer of body fluids from person to person can largely eliminate transmission of HIV in the workplace.
- 4.2 In an operational police environment there is a small risk of transmission of the virus, due to the potential for exposure to blood or blood products associated with accidents or traumas. Even here, the risk is low and can be virtually eliminated by taking 'universal precautions'.
- 4.3 The 'universal precautions' approach means that all blood or body fluids should be considered infectious. Precautions should be taken to avoid exposure to blood or body fluids.
- 4.4 In an operational setting precautions taken to protect staff from members of the public who may be infected will also serve to prevent transmission of the virus from staff to others.
- 4.5 In the event of exposure to body fluids, with a potential risk of infection from HIV, you or your line manager should contact the Occupational Health Unit.

5. **Employees Guidelines**

- 5.1 Employees are under no obligation to declare their HIV status. The Health, Safety and Work Act 1974, S7, places a legal duty on employees; 'to take reasonable care for the health and safety of themselves and of the persons who may be affected by acts or omissions at work'. Accordingly it will be recognised that where individuals, aware of their positive HIV status, become unwell and continue to work they have a legal responsibility to ensure their own and others safety.
- 5.2 Individuals in such a situation may need to inform the relevant Occupational Health professionals of their illness in order that they can agree an appropriate working environment, commensurate with their illness.

6. **Managers Guidelines**

- 6.1 Although employees are not required to disclose their HIV status, if a member of staff notifies you that the virus affects them, your responsibility as a manager is to:-
 - First and foremost assure the individual that their disclosure of their illness will be treated in the strictest confidence and that any information given will not be disclosed to anyone, including members of Senior Management or Occupational Health, unless the individual consents.
 - Inform the individual of what the organisation can provide them in terms of advice and support, for example counselling and work adjustments.
 - If the individual agrees, refer them to Occupational Health.

- Be aware of the legal requirements and impact of the Disability Discrimination Act 1995.

6.2 Referral to the Occupational Health Unit

Individuals may wish to contact the Occupational Health Unit. Once contact has been made they should arrange to see the individual at a time and location mutually convenient.

7. **Occupational Health Guidelines**

7.1 Adjustments to working environment

Occupational Health professionals will discuss any working modifications, which are available to support an individual to stay in work as long as they are medically able to. **At no time will the individual's medical condition be disclosed.** The role for Occupational Health is to give professional advice, the final decision to any working adjustments rests at management level.

8. **Confidentiality**

8.1 All individuals have the right to expect those details of their personal health and medical history will be kept confidential. They also have legal rights under Common and Statute Law (Human Rights Act 1998, Article 8) to protect their right to confidentiality. This is particularly important in circumstances where disclosure of their health status may lead to harassment or victimisation.

8.2 That confidentiality is essential to protect those affected by HIV. All information about a person's known HIV status will be kept strictly confidential with all necessary precautions taken to safeguard this information and to avoid unauthorised disclosure.

8.3 Occupational Health professionals will maintain confidentiality when making recommendations to line managers regarding the necessary working adjustments or modifications, unless they have the explicit written consent of the individual.

8.4 Only in exceptional circumstances, for example, where there is intention to self-harm, deliberate intent to harm others or a threat to national security is it acceptable under the practitioners Code of Professional Conduct, to breach patient confidentiality.

9. **HIV and the Disability Discrimination Act**

9.1 The Disability Discrimination Act 1995 (DDA 1995) and the Disability Discrimination Act 2005 (DDA 2005) represent an important extension of individuals' rights, especially for people living with HIV. It is unlawful for an employer unjustifiably to treat a disabled member of staff less favourably, or fail to make reasonable adjustments for the disabled person.

9.2 The DDA 1995 defines a disabled person as someone who has, or had, 'a physical or mental impairment, which has a substantial and long-term adverse effect' on their ability to carry out normal day-to-day activities. The definition does not specifically cover any activities associated with employment activities. The DDA 1995 does, however, cover recurring and progressive conditions,

which would have an effect on day-to-day activity if medication or treatment were not prescribed.

- 9.3 Under the 1995 Act where a person has a progressive condition, they are to be considered as having an impairment that affects day-to-day activity from the point at which any impairment resulting from their condition has any effect, however minor, on their ability to carry out normal day-to-day activities. The DDA 2005 clarified the legislation for people with HIV. Individuals are now defined as disabled as soon as they have HIV (in effect, from the point of diagnosis).
- 9.4 Under the DDA 1995, an employer has a duty to make reasonable adjustments to prevent the disabled person being placed at a disadvantage. This applies to the physical environment and to working practices.
- 9.5 It is important to note that this applies to all aspects of employment including selection, training, transfer, career development and retention.

10. **Advice and Information**

- 10.1 Further advice, support and information can also be obtained confidentially from:
- Terrence Higgins Trust (THT): National Helpline 0845 1221200 or e-mail info@tht.org.uk contact.
 - Occupational Health Services: 6681/6686 at HQ.
 - Gay Police Association: 07902-700 000/local GPA Co-ordinator Jamie Lang Tel 07891786940.
 - Sexual Health Information Line: 0800 567 123.
 - Other local contact groups?

11. **Redress and Review**

Any person who has cause to feel aggrieved by any matter outlined in this policy is able to and may seek redress in the following ways:

- Discipline/Misconduct Procedures.
- Bullying and Harassment Procedures.
- Organisational Complaints Procedures.
- Grievance Procedure.

Appendix 1

- (a) Legislative Basis and Legitimate Aims** (list all legislation relied upon and legitimate aims identified under the Human Rights Act)

Disability Discrimination Act 1995 and 2005

Health and Safety at Work Act 1974

- (b) Equality Impact Assessment**

- (1) What is the purpose of the policy or practice and what is it designed to achieve? Is this clear? Does this policy (or the function you are covering in the document concerned) or could this policy impact upon the groups outlined below i.e. produce different outcomes across groups on account of age/disability/gender/race/religion/belief/sexual orientation? Is there a possibility of promoting the Welsh language via this policy in line with our Welsh Language Scheme

The policy proposal is designed to achieve Equality of opportunity for those with HIV/Aids. This policy does not need a full impact assessment.

Reason

It is designed to achieve equality for a group of people with a recognised illness /disability.

Signed: M A Waller

Dated: 19/4/07

Human Resources Policy Manager