

DHIVERSE HIV and Employment Policy

This is the statement of general policy and arrangements for:	Dhiverse Dales Brewery, Gwydir Street, Cambridge, CB1 2LJ
Overall & final responsibility for health & safety is that of:	Robert Turner (Chair)
Day to day responsibility for ensuring this policy is put into practice is delegated to:	Sharron Spindler, Chief Executive Officer (CEO) and Grant Chambers, Training Lead
A responsibility to co-operate to achieve and maintain a healthy and safe workplace and to take reasonable care of themselves and others.	All employees and volunteers

Introduction

People of working age become infected with HIV in the UK every day and with the advances in treatment options most people with HIV are able to remain healthy and continue working, and now many people who have received an AIDS diagnosis are also well enough and may wish to return to work.

DHIVERSE is committed to providing equal employment opportunities for people living with or affected by HIV or AIDS and to the protection and promotion of the health, safety and welfare of all its employees.

However, **DHIVERSE** recognises that HIV infection and AIDS can present difficult and sensitive challenges at work, and has developed this policy to:

- improve understanding of the nature of HIV and AIDS;
- ensure that good practice in employing and retaining people living with or affected by HIV or AIDS is adopted throughout **DHIVERSE**
- ensure that **DHIVERSE** as an employer complies with the obligations placed on it by the provisions of the Equality Act (2010)

The Nature of HIV and AIDS

Many people are still confused about HIV and AIDS. Much has been said and written about this illness, but it hasn't always been clear or accurate. For example, it is a common misunderstanding that HIV and AIDS is the same thing - they are not. AIDS stands for Acquired Immune-Deficiency Syndrome, which comes from infection by the Human Immunodeficiency Virus (HIV). Once infected with HIV people remain infected for life. However treatments for HIV are now extremely effective, and people diagnosed with HIV in the UK can usually expect to live as long as their HIV negative peers.

If someone with HIV does not receive appropriate treatment, or the treatment doesn't work, or they cannot manage to stick to the treatment regime, HIV may weaken their immune system to the extent that they develop a range of potentially life-threatening infections and malignancies. AIDS consists of a list of these 'opportunistic infections' and other conditions which may develop if HIV treatment is postponed or ineffective. AIDS cannot be transmitted or caught, it is a condition which can develop if you are infected with HIV and are not receiving treatment, or the treatment is ineffective.

The HIV virus is transmitted only in the following ways:

- Sexually, through unprotected intercourse with an infected partner, male or female, gay or straight, where semen, vaginal secretions or blood enter the body. Using a condom reduces the risk of this happening. Oral sex carries a lower but real risk.
- From exposure to infected blood, e.g. through sharing drug injecting equipment. All blood for transfusions in the UK has been screened for HIV since 1986, and blood products are treated to destroy the virus. There is no risk in giving blood.
- From an infected mother to her newborn baby.

Therefore, working with someone (either a co-employee or recipient of **DHIVERSE's** services) who has HIV or AIDS does not put other workers at risk of HIV infection. HIV is not transmitted through ordinary social and work contact. It is not transmitted by touch, or through water or air, or by coughing or sneezing. People cannot be infected by working alongside someone with HIV or AIDS, or by sharing all kinds of everyday utensils and appliances, e.g. cutlery, glasses, plates, telephones, tools, toilets or washing facilities. There has been no case where a family member, sharing a house with someone infected with HIV or someone with AIDS, has been infected by sharing food utensils and household appliances.

The Equality Act (2010)

The Equality Act protects all those who are living with HIV, not just those people who are living with HIV and have symptoms. That is to say, HIV infection counts as a 'protected characteristic' under the Act. It should be noted that the Equality Act also protects individuals from 'discrimination by association'; that is, discriminating against someone because they are assumed to be HIV positive, even if, in fact, they are not.

The act stipulates that an employer must not treat an employee or job candidate less favourably for any reason related to their disability – this applies to the recruitment and interview process, management, training and promotion practices, and the storage of information. Employers also have a duty to make 'reasonable adjustments' to work practices, and to protect an employee from discrimination or unfavourable treatment from other employees, concern about adverse customer or colleague reaction does not amount to justification for discriminatory behaviour, and may not be taken into account.

Good Practice

DHIVERSE is committed to ensuring that it promotes a positive attitude towards dealing with job applicants/employees living with or affected by HIV or AIDS, in accordance with the fundamental values and vision of the charity and to provide protection for **DHIVERSE** against alleged breaches of the Equality Act. Good Practice applies through the recruitment and interviewing process, the management and support of employees, and the secure storage and appropriate access to confidential information.

Recruitment and Interviewing

DHIVERSE will ensure that recruitment and interviewing processes do not discriminate against people living with HIV

- **DHIVERSE** will not require employees, volunteers or job applicants who are HIV positive or are living with AIDS to inform **DHIVERSE** of this fact
- Any application form will include a statement outlining **DHIVERSE** commitment to a positive and non-discriminatory approach to disability, noting that HIV positive status is a 'protected characteristic' under the Equality Act.
- **DHIVERSE** will not require any employee or job applicant to undertake a test for HIV unless such a requirement is imposed by another agency (as a visa requirement, for example), in such cases the test will be voluntary and the result remains confidential to the individual.

Privacy and Confidentiality

- where the HIV status of an employee is known, strict confidentiality will be maintained (such information is classed as sensitive personal data, which will not be recorded in any way that may be vulnerable and will not be shared without the employee's prior written consent). In most cases the manager responsible for providing reasonable arrangements or arranging benefits would have access to this information.
- **DHIVERSE** will support those employees living with HIV who are open about their status by protecting them from any bullying, harassment or unfair treatment, and by offering opportunities, whether as part of their employment or as a volunteering role.
- Staff and Volunteers with **DHIVERSE** will be made aware that (in the case of staff) unauthorised disclosure of HIV-related information (which might include someone's HIV status, whether they have been asked to take an HIV test or have been counselled about taking an HIV test, whether they have had experiences which put them at risk of contracting HIV, or whether they have a close association with someone with HIV) is a Disciplinary Offence that could result in legal action. All staff and volunteers will receive training in this policy – staff training will take place within paid work hours.

Management and Support

- Management of employees living with HIV and AIDS will be consistent with management of those affected by other serious and potentially progressive medical conditions, i.e. employees will be supported and will be treated sensitively and shown compassion
- information and training about HIV and AIDS will be made available and positively promoted to all employees, to help reduce misunderstanding, fears and prejudices about the risk of infection (this will include information on HIV transmission in the workplace and universal precautions against HIV transmission, and information on where to access free condoms, needles and syringes). **DHIVERSE** will also provide information on where information and support can be found outside the work environment.
- Where an employee has been exposed to the risk of HIV transmission appropriate information including counselling and information on PEP (post exposure prophylaxis) will be offered, with paid time off work for testing and/or PEP.
- **DHIVERSE** will make every reasonable adjustment to enable employees with HIV or AIDS to remain in employment as long as they remain able to work safely and to acceptable standards (this might include flexible working arrangements to enable attendance at clinics, extended sick leave or transfer to lighter duties or part time work, for example **DHIVERSE** will also consider the appropriateness of making reasonable adjustments to support an employee who is supporting or caring for someone living with HIV.
- **DHIVERSE** will not tolerate acts of harassment or discrimination against an employee or job applicant living with HIV or AIDS – reported incidents will be dealt with through **DHIVERSE** Disciplinary Procedure.

Review

Responsible for policy review and update:	Sharron Spindler, CEO	Every 3 years	or sooner if work activity, a specific situation or changes to the law dictate that a review is necessary/required		
How will the policy be reviewed:	At a staff meeting with the involvement of staff and volunteers. The reviewed and updated policy will be approved by the Board of Trustees.				
Date of next review:			June 2021		
Date reviewed:	September 2016	June 2018			
Signed by Chair of Trustees	<i>RS ←</i>	<i>RS ←</i>			