

4.8 HIV/AIDS in the Work Place

Policy Statement

The Government of Nova Scotia prohibits discrimination against employees, clients or job applicants living with or affected by HIV (Human Immunodeficiency Virus) or AIDS (Acquired Immune Deficiency Syndrome).

HIV infection and AIDS will be treated the same as other illnesses in terms of employee policies, programs and benefits such as sick leave, dental, health, disability, and life insurance. Employees living with or affected by HIV infection and AIDS will be treated with compassion and understanding, as are employees with other disabling conditions.

Government is committed to maintaining a safe and healthy work environment for all employees and clients. This commitment stands on the recognition that HIV and therefore AIDS, is not transmitted through casual contact. HIV positive persons pose virtually no risk to those with whom they interact in most circumstances in the workplace.

In work situations where there is occupational risk of exposure to HIV, appropriate occupational health and safety practices and employee training shall be implemented.

Policy Objectives

The objectives of this policy are to create a workplace environment and culture where:

- HIV/AIDS related issues are managed effectively and in a compassionate, supportive manner
- there is no tolerance for any form of discrimination or harassment
- individual privacy (confidentiality) and human rights are respected
- health and safety practices are implemented that serve to eliminate or reduce the risk of exposure to HIV infection through the performance of job duties
- employees are informed about HIV/AIDS, including how it is transmitted and how to protect themselves

Application

This policy applies to all employees of the Government of Nova Scotia.

Policy Directives

- Employees and persons seeking employment will not be required to undergo testing to determine the presence of HIV antibodies, unless it has been determined to be a bona fide occupational requirement.

In cases of occupational exposure to blood or body fluids, HIV testing will be offered as part of a post exposure protocol accompanied by appropriate counseling, including information regarding Workers' Compensation. All testing will be voluntary and carried out with informed consent.

- Employees at potential risk of exposure to HIV or with the potential to transmit HIV, because of job duties or responsibilities will be provided hazard information and a hazard control program consistent with the requirements of the *Occupational Health and Safety Act*. The program must be based on accepted occupational health and safety standards and provide the personal protective equipment recommended by currently accepted bloodborne pathogen control strategies.
- Employees with HIV/AIDS, as any illness or injury, will be encouraged and supported to continue working as long as they are able to perform the essential components of their job safely, meet acceptable performance standards, and can be reasonably accommodated.
- Employees are expected to continue working relationships with any co-worker or client who has or is perceived to have HIV infection or AIDS. A refusal to work with, withhold services from, harass or otherwise discriminate against an individual with HIV infection or AIDS will be subject to the same disciplinary procedures that apply to other policy violations.
- Employees' personal information will be protected in accordance with the *Freedom of Information and Protection of Privacy Act*. When medical information of a confidential nature is required from employees, as in the benefit and disability management process (return to work process), it shall be kept confidential and disclosed only as required by law. Managers will be provided "fitness for work information", and not information of a medically confidential nature, when employees are returning to the workplace after an injury or illness on a modified/alternate work assignment.

- Government departments must make reasonable efforts to provide managers and employees with educational programs and guidelines that support the prevention of infection with HIV and that will assist in the management of issues related to HIV infection and AIDS in the workplace. Such programs will include current information about HIV/AIDS and about rights and responsibilities regarding HIV/AIDS in the workplace.
- New employees are to be informed of this policy as part of orientation activities.

Accountability

DEPUTY HEAD

The Deputy Head of each department, agency, board and commission is responsible for ensuring the consistent application of this policy.

DIRECTORS OF HUMAN RESOURCES/DEPARTMENTAL MANAGEMENT

Directors of Human Resources and departmental management are responsible for the establishment and administration of internal programs and procedures to address particular needs related to this policy, including occupation-specific risk of exposure and for supporting the effective management of issues related to HIV infection and AIDS in the workplace.

PUBLIC SERVICE COMMISSION

The Public Service Commission is responsible for developing and maintaining this Policy and for providing advice and assistance to departments in order to manage HIV/AIDS workplace issues effectively. The Public Service Commission will provide advisory support to line departments in the development of programs to meet specific needs, including the case management of ill or injured employees and employee educational programs.

Monitoring

Departments are responsible for the consistent implementation and monitoring of the policy.

The Public Service Commission will consult periodically with government departments and with the Interdepartmental AIDS Liaison Committee to receive feedback regarding the relevancy, usefulness and effectiveness of the policy and programs established to support the policy.

References

Freedom of Information and Protection of Privacy Act (FOIPOP)

Nova Scotia Human Rights Act

Nova Scotia Occupational Health & Safety Act

Employee Personnel Record Policy (Management Manual 500, Chapter 11.2)

Government of Nova Scotia Occupational Health and Safety Policy

Nova Scotia Advisory Commission on AIDS

Interdepartmental AIDS Liaison Committee

Enquiries

Occupational Health and Safety Consultant

Public Service Commission

PO Box 943, Halifax

B3J 2V9

Phone: (902) 424-8037

Fax: (902) 424-0631

Appendices

Appendix 4-E: Glossary Of Terms HIV/AIDS

Approval date: **October 16, 2001**

Effective date: **November 16, 2001**

Approved by: **Minister**

Administrative update: **June 26, 2012**

Public Service Commission

Appendix 4-E

Glossary of Terms-HIV/AIDS

HIV - HUMAN IMMUNODEFICIENCY VIRUS

HIV is the virus which causes AIDS. HIV attacks a specific kind of cell that is part of the body's immune system. This reduces the body's ability to fight off disease. HIV can also directly attack the brain and the nervous system. HIV can only be contracted through a few, very specific ways. The virus is carried in body fluids such as blood, semen and vaginal fluids. In order for the transmission of HIV to occur, the blood, semen or vaginal fluids from a person infected with HIV must enter the blood stream of another person. This happens through unprotected vaginal, anal, or oral intercourse with a person who is infected with HIV; through use of unsterile needles and syringes and skin piercing instruments; from HIV infected mother to baby through pregnancy, during birth or through breast feeding; or in transfusions or injections of infected blood or blood products. (All blood products have been screened for HIV since 1985.) HIV affects people in different ways. Some people become ill and develop AIDS in a very short time and others take several years after becoming infected with HIV before AIDS develops.

AIDS - ACQUIRED IMMUNODEFICIENCY SYNDROME

AIDS is the last stage of a long-term infection with HIV. Over time, the immune system becomes so damaged that an HIV infected person can no longer fight off a number of life threatening infections and cancers. These illnesses take advantage of the "opportunity" presented by a weakened immune system, and are referred to as "opportunistic infections". AIDS is diagnosed when three conditions exist: the person has tested HIV positive, there are clinical indications that the immune system is breaking down, and the person has an opportunistic infection or cancer.

CASUAL CONTACT

Refers to activities that bring someone in contact with another person or a common object such as shaking hands, hugging, being close to someone who is coughing, sneezing, crying, touching common objects such as mail, money, door-knobs, telephones, toilet seats or swimming in a public pool. There is no evidence to suggest that HIV can be spread through casual person to person contact in any setting;

therefore, under normal working conditions, employees and others with HIV infection or AIDS do not pose a risk to others in the workplace.

OCCUPATIONAL RISK OF EXPOSURE

Refers to employee/client interface where job duties and responsibilities may involve contact (actual or potential) with human blood and other bodily fluids and to those who volunteer to provide first aid services while at work.

BLOODBORNE PATHOGEN CONTROL STRATEGIES

Blood and certain body fluids can be infected with tiny organisms that can cause disease in humans. These micro-organisms are known as bloodborne pathogens. The bloodborne pathogens of most concern are the human immunodeficiency virus (HIV) and the hepatitis B and C viruses. In a workplace where there is a particular risk of exposure to blood and certain body fluids, the employer must offer education and training programs, provide the materials and personal protective equipment necessary for implementing infection control measures which are the same for HIV and Hepatitis B and C. The employer must also make sure these measures are respected.

INTERDEPARTMENTAL AIDS LIAISON COMMITTEE

This Committee, originally formed in 1994, was mandated to monitor the implementation of the Nova Scotia AIDS Strategy. In 1998, a revised mandate was adopted which states the Committee will work to “achieve coordinated government action on HIV/AIDS issues in Nova Scotia”. The Committee consists of representatives from the following departments: Health, Community Services, Education, Environment and Labour, Justice, Human Resources, Human Rights Commission, and the Advisory Commission on AIDS. The Advisory Commission on AIDS acts as secretariat for this Committee.

NOVA SCOTIA ADVISORY COMMISSION ON AIDS

The Advisory Commission was formally appointed in the fall of 1989, to act as a resource for all government departments around issues relating to HIV/AIDS. The Advisory Commission works to create a policy climate through which all Nova Scotians can work together to prevent the transmission of the Human Immunodeficiency Virus, and to care for persons affected by HIV, by employing policies and programs that are reasonable, enlightened and compassionate.

The Advisory Commission on AIDS can be contacted at:

Phone: (902) 424-5730

Fax: (902) 424-4727