



## **AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**

### **AIDS in the Workplace Policy**

#### **Objective:**

AIDS and HIV infection are serious public health problems with many social, cultural, legal, and economic repercussions. Unfortunately, in spite of efforts to inform the public on the modes of transmission of HIV/AIDS, unjustified fears based on ignorance and pre-conceived notions still exist and can result in discrimination against people living with HIV/AIDS (hereafter referred to as "PHAs").

In an attempt to protect the rights of PHAs, this policy has been drawn up to tackle HIV/AIDS-related situations. The policy is designed to preserve and promote the health and dignity of employees and volunteers at work, to respect and defend employee and volunteer rights and to provide quality services to clients.

A person living with HIV/AIDS may stay healthy for several years, and many PHAs can keep working and continue with their regular activities.

There is no risk of contracting HIV/AIDS during day-to-day contact or normal activities in the workplace: for example, when shaking hands, hugging, drinking out of the same cup, speaking into the mouthpiece of a telephone, or sitting on a toilet seat.

Given the modes of HIV transmission and the means to prevent them, there is no reason to fear anyone with HIV/AIDS. It is up to each and every one to ensure that people living with HIV/AIDS retain their dignity and are not subjected to any kind of discrimination.

ACCM encourages other organizations and companies to adopt similar policies.

#### **PRINCIPLES AND COMMITMENTS:**

##### **ARTICLE 1**

##### **POLICY STATEMENT**

**1.1** AIDS Community Care Montreal (ACCM) acknowledges that HIV/AIDS is a serious disease, and that employees and volunteers living with HIV/AIDS will be treated the same as any other employee or volunteer with a serious illness.

##### **ARTICLE 2**

##### **HUMAN RIGHTS**

**2.1 Non-limitative enumeration of rights.** ACCM recognizes that employees and volunteers living with HIV/AIDS, as all employees and volunteers, are entitled to:

- 2.1.1 Employment and/or volunteer opportunities, according to their situation , as long as their state of health so permits;
- 2.1.2 equal treatment, free of harassment or discrimination based on real or presumed HIV status;
- 2.1.3 health, security, and dignity;
- 2.1.4 integrity;
- 2.1.5 respect for their privacy, respect for the confidential nature of their health status, and of their medical records;
- 2.1.6 the same benefits as other employees or volunteers;
- 2.1.7 reasonable measures of accommodation, without imposing an excessive burden on the employer; and
- 2.1.8 resume their employment or volunteer tasks as soon as they are physically able to do so after a health-related interruption .

**2.2 Prohibition of harassment.** Pursuant to the provisions of subparagraph 2.1.2 , ACCM recognizes that harassment based on real or presumed HIV status is strictly prohibited, and undertakes to:

- 2.2.1 not exercise, not tolerate, and prohibit any kind of harassment against employees, volunteers or clients living with or presumed to have HIV/AIDS;
- 2.2.2 take disciplinary action extending even to dismissal of any person guilty of harassment.

**2.3 Prohibition of discrimination.** Pursuant to the provisions of subparagraph 2.1.2, ACCM recognizes that discrimination based on real or presumed HIV status is strictly prohibited, and undertakes to:

- 2.3.1 not exercise, not tolerate and prohibit any kind of harassment during the following activities, among others:
  - a) hiring;
  - b) apprenticeship;
  - c) determining the duration of the probation period;
  - d) professional development;
  - e) promotion;
  - f) transfer;
  - g) travel;
  - h) layoff;
  - i) suspension;
  - j) dismissal;
  - k) working conditions; and
  - l) establishing employment categories or classifications

with regard to candidates for employment, employees, volunteers and clients living with, or presumed to have HIV/AIDS.

- 2.3.2** take disciplinary action extending even to dismissal of any person guilty of discrimination.
- 2.3.3** Nothing in this policy shall be construed so as to prohibit positive discrimination, that is to say preferential treatment for an individual who might experience systemic discrimination elsewhere in society.

**2.4 Right to respect for private life.** Pursuant to the provisions of subparagraph 2.1.5:

**2.4.1** ACCM recognizes that:

- a) the candidate or employee is not obliged to reveal his or her HIV status to the employer, whether it be during the interview, on a job application form or during the period of employment;
- b) the employer encourages any employee living with HIV/AIDS to reveal his or her status, if and only if the employee so desires;
- c) every employee, manager and administrator is bound not to divulge information on the HIV status of an employee to anyone, including a superior, without having first obtained the free and informed consent of the person in question; and
- d) in case of absenteeism due to illness, only information relative to the ability to work will be requested by ACCM on the medical certificate.

**2.4.2** ACCM uses all available means of security to preserve the confidentiality of employee and volunteer files, including locking file cabinets, the use of passwords to access computer database files and the limitation of access to some files to designated persons (please see the ACCM Confidentiality Policy).

## **ARTICLE 3**

### **SAFETY**

**3.1 Safety.** ACCM acknowledges:

- 3.1.1** that there is no risk of HIV/AIDS transmission in the course of normal activities and daily contact in the work environment; in cases of possible exposure to body fluids, appropriate infection control measures shall be observed in all cases;
- 3.1.2** that all employees and volunteers are entitled to work in a safe and secure environment. Without limiting the generality of the foregoing, this may in no case be interpreted so as to justify the exclusion or withdrawal of a PHA; and
- 3.1.3** the importance of universal precautions as the best method of HIV prevention in case of accidents involving blood or other body fluids and undertakes to provide the necessary materials, implement, abide by, enforce and require observance of the procedures necessary for the implementation of universal precautions.

**3.2 Refusal to work with a PHA.** Without limiting the scope of the preceding information, and pursuant to subparagraph 3.1.2, ACCM will not tolerate the refusal of an

employee or a volunteer to work with an employee or volunteer living with HIV/AIDS or perceived as such, or the request that the latter be either laid off or transferred. Disciplinary measures will be taken against this type of behaviour and against any other breach of ACCM's policy.

#### **ARTICLE 4**

##### **REASONABLE ACCOMMODATION**

**4.1 Reasonable measures of accommodation.** ACCM acknowledges that it is bound to deploy all reasonable efforts in an effort to adjust the schedule, tasks or any other working condition (s) of the employee or volunteer living with HIV/AIDS when the state of the employee's or volunteer's health so requires it, providing that this does not impose an excessive burden on the employer.

**4.2 Expectations of employees and volunteers.** ACCM expects all of its employees and volunteers to maintain respectful, compassionate and cooperative working relations with employees and volunteers living with HIV/AIDS.

#### **ARTICLE 5**

##### **EDUCATION, INFORMATION, COUNSELLING, PREVENTION MATERIALS**

**5.1 Education in terms of HIV.** ACCM recognizes the need for all of its employees and volunteers to be informed on workplace-related health and safety issues.

**5.2 Education program.** ACCM undertakes to implement, a continuing education program for managers and all employees, covering, among others, the implementation of an AIDS in the Workplace Policy, on modes of HIV transmission, universal precautions and on any other topic that may address the needs of employees or volunteers.

**5.3 Counselling services.** ACCM undertakes to provide its employees and volunteers living with HIV/AIDS with information on counselling, support and referral services available to them in a completely confidential manner.

**5.4 "Open Doors."** ACCM undertakes to adopt an "open-door" policy with regard to any concerns employees or volunteers may have. ACCM encourages employees or volunteers living with HIV/AIDS, employees or volunteers who may be apprehensive about working with them or who have other fears, to contact their supervisor, director or any other person in authority to discuss their concerns. This person will then take reasonable measures to respond to the issues raised, particularly those mentioned in paragraph 5.3.

**5.5 Prevention materials.** All employees, volunteers and other members of ACCM shall have free and unfettered access to prevention materials (condoms, gloves, lubricants) made available by the organization, regardless of whether or not they are members of particular populations targeted by ACCM's prevention programming.

*Adopted 25 October 2007*