

Hep C factsheets

Workplace issues



Infection risk

Employee obligations

Employer obligations

Pre employment medicals

Anti-discrimination law relating to the workplace

Also see

Infection risk

Transmission of hep C virus occurs when blood from someone with the virus enters the bloodstream of someone else. The virus is not passed on through general contact between people. Because of this, there is negligible risk in the workplace – except for certain sectors such as tattooing, body piercing and medical fields involving “exposure prone procedures.” (These are procedures where there is potential contact between a health care worker’s fingers or thumbs and sharp surgical instruments or bone and tooth splinters in body cavities or confined body sites).

In line with Occupational Health & Safety legislation, all workplaces must provide readily accessible first aid and infection control measures. Any blood or body fluid spill in the workplace should be considered potentially infectious, whether or not the person is known to have any infectious disease or not. When responding to a blood spill, standard infection control precautions should be adhered to (see *First Aid* factsheet).

Employee obligations

Except for special circumstances, employees do not have to inform anybody whether they have hep C or not - including workmates, employers or customers.

Health care workers involved in exposure prone procedures are obliged to inform their employer. These workers should refer to guidelines from their state or territory health authority on the performance of exposure prone procedures (see [NSW Health circulars, 98/11 and 99/88](#)).

Like everybody in the workplace, a person with hep C should follow standard first aid and infection control procedures in the event of any blood spill situation. This helps ensure others do not contract their illness, and they do not contract any additional illnesses.

Employer obligations

In line with Federal Privacy legislation, and because hep C is classified as a disability and covered under anti-discrimination legislation (in NSW), employers must not disclose the hep C status of any employee, contractor, customer or client to anybody else. It would be appropriate for a management team, though, to discuss a person’s illness in regard to the issues listed below.

Working people who develop illness are able to take sick leave and possibly long-service leave, but additional time off can cause problems. Employers do have a legal responsibility, though, to make reasonable modifications to the workplace to accommodate people’s disabilities. Amongst other options, employers may be able to change someone’s position from full-time to part-time, adopt flexitime arrangements, allow working from home where appropriate and/or reduce the amount of physical activity required within a job.

Pre employment medicals

Many employers routinely use pre-employment medical tests ('medicals') as part of their selection process for advertised jobs. These tests can be a valid and useful part of the selection process but employers are obliged to protect the privacy of job applicants. Employers are also obliged not to use the medical results to discriminate against individual applicants.

Some examples of misuse of medicals include using medicals as a pre-interview culling process, asking jobseekers at the interview about past injuries such as back injuries, repetitive strain injuries or previous workers compensation claims or letting employees know the results of another employee's medical.

A pre employment medical test should relate solely to the particular responsibilities and duties of the advertised job. Any special physical attributes required for the job should be appropriate, reasonable and clearly spelt out.

Ways of accommodating people without these special attributes should have been considered and where practicable, put in place. The medical should assess only current ability to do the job and should not try to predict future deterioration of health.

In order not to misuse their tests, employers should ensure the doctor or person who is in charge of carrying out the medical is aware of the anti-discrimination laws and understands that the tests must relate to the specific job requirements, and ensure that for applicants with a disability, only the attributes relating to the essential duties of the job can form part of the medical.

Medical tests used to determine whether an employee can join a superannuation fund should not take place before a person is given the job. These tests should be carried out after the applicant has accepted the job offer. Such tests can not be used for other purposes and should not be allowed to affect an applicant's chances for getting the job.

Anti-discrimination law relating to the workplace

In general, discrimination against someone because they have HCV is against the law. Within a larger range of circumstances, this includes, for example, when someone is applying for a job, when they are in a job or when they are leaving a job. Employers should not prevent someone from getting a promotion or dismiss them because they have HCV. Employers also have a legal duty to provide employees with any special facilities or services they need to help them do the job, as long as it won't cause the employer 'unjustifiable hardship';

Also see

My Choice to Tell (booklet)

My Rights (booklet)

What You Need To Know (booklet)

Superannuation (factsheet)

Anti-Discrimination Board of NSW

02 9268 5555

1800 670 812

Privacy Commission

02 9268 5588

- This factsheet was developed by the Hepatitis C Council of NSW.