

Hepatitis B and hepatitis C in the workplace factsheet



For more information phone the *Hepatitis Infoline*
on 1800 803 990 or go to www.hep.org.au

Introduction

This factsheet answers some common questions about the workplace rights and laws for people with hepatitis B and hepatitis C.

Can hepatitis B or hepatitis C be transmitted at work?

Hepatitis C is only passed through blood-to-blood contact. This is when the blood of someone with hep C gets into another person's blood stream. The only workplaces where blood-to-blood contact is legally considered a risk is if you are performing exposure prone medical surgery or if you work in the armed forces.

Hepatitis B can be passed on from mother to baby during birth, unprotected sexual contact or through blood-to-blood contact. Hepatitis B can't be passed on through saliva, skin, or air – so these are not transmission risks for hepatitis B. So, the only workplaces where blood-to-blood contact is legally considered a risk for hepatitis B is if you are performing exposure prone medical surgery, or if you work in the armed forces, or if you are in competition boxing or martial arts.

Any blood or body fluid spill in the workplace should be treated the same way, whether or not a person is known to have an infectious disease. This is called "universal precautions".

Who do I have to tell in the workplace?

Except for the jobs listed below, you don't have to tell anyone in the workplace if you have hepatitis B or hepatitis C.

Which workplaces or jobs do you have to tell if you have hepatitis B or hepatitis C?

- If you are a healthcare worker who conducts exposure-prone procedures.
- If you are a member of the Australian Defence Force.
- If you are in competition combat sports such as boxing, kickboxing or martial arts*.

* Both professional and amateur combatants need to submit a Serological Clearance Certificate showing they are negative for HIV, hepatitis B and hepatitis C. Blood tests must be less than 6 months old for adults. [You can read about the Serological Clearance Certificate here >>](#)

Can my employer tell anyone if I have hepatitis B or hepatitis C?

In line with Federal Privacy legislation, employers must not disclose the viral hepatitis status of any employee, contractor, customer or client to anybody else. This means if you need to tell your employer you have hepatitis B or hepatitis C, they are not allowed to tell anyone else.

You can call the HALC to learn more about workplace disclosure, on 02 9492 6540.

Pre-employment medicals

Many employers use pre-employment medical tests (“medicals”) as part of their selection process for advertised jobs. These tests can be a valid and useful for employers, but they are obliged to protect the privacy of job applicants. Employers are not allowed to use the medical results to discriminate against any 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 only relate 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.

Employers should make sure the doctor or person who is in charge of carrying out the medical knows about the anti-discrimination laws and understands that the tests must relate to the specific job requirements.

Medical tests used to determine if an employee can join a superannuation fund should not happen before a person is given the job. These tests should only be taken after the applicant has accepted the job offer. These types of tests cannot be used for other purposes and are not 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 hepatitis B or hepatitis C is against the law. This includes, when someone is applying for a job, when they are in a job or when they are leaving a job. Employers should not stop someone from getting a promotion or fire them because they have hepatitis B or hepatitis C. 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’.

Legal advice

The HALC legal centre is an accredited community legal centre that provides free advocacy and advice on a range of issues including viral hepatitis related discrimination, privacy, and health care complaints. For more information, visit <http://halc.org.au/> or call 9206 2060 (Sydney & NSW).

If you have any questions or need more information about anything in this factsheet, phone the Hepatitis Infoline on 1800 803 990 or go to www.hep.org.au

This factsheet was developed by Hepatitis NSW. It was reviewed by the Hepatitis NSW Medical and Research Advisory Panel.

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