

The workplace and hepatitis



FACTSHEET 15

Hepatitis Council of Qld

Infection risks and control

Transmission of hepatitis occurs when blood from someone with the virus enters the bloodstream of someone else. The virus is **not** passed on through general day to day contact between people. Because of this, there is negligible risk in the workplace – except for certain sectors such as skin penetration services (tattooing, body piercing) and certain medical fields (those specifically involving ‘exposure prone procedures’).

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 the person is known to have any infectious diseases or not.

The First Aid Advisory Standard (1999) is a subordinate legislation under the *Workplace Health and Safety Act 1995*, and includes guidance on managing blood borne disease risks in the first aid setting. No one should be denied first aid. For mouth-to-mouth resuscitation, face masks should be provided.

Employee obligations

Except for special circumstances, **employees do not have to inform anybody whether they have hepatitis**. Like everybody in the workplace, a person with hepatitis should follow first aid and infection control procedures and measures in the event of any blood spill situation. This helps ensure others do not contract their

illness, and also ensures they do not contract any additional illnesses.

Healthcare workers with chronic hepatitis B or C should refer to guidelines from Queensland Health on the performance of exposure prone procedures.

Employer obligations

In line with Federal Privacy legislation, and because hepatitis is classified as a disability and covered under anti-discrimination legislation, employers must not disclose the hepatitis status of any employee, contractor, customer or client to anybody else. It *might* be appropriate for a management team, though, to discuss a person’s illness in regard to approving additional sick leave, for example.

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 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 to part-time, adopt flexi time 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



The ABC of Hepatitis Training Package is an initiative of Queensland Health through funding provided by the Commonwealth Department of Health and Ageing under the National Hepatitis C Prevention and Education Initiative

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For more information www.hepqld.asn.au
or Hepatitis Council of Qld info line 1800 648 491

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tests can be a valid and useful part of the selection process but employers are obliged to protect the privacy of applicants. Employers are also obliged not to use medical results to discriminate against individual applicants.

Some examples of misuse of medicals include:

- Using medicals as a pre-interview culling process;
- Asking jobseekers 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 *inherent responsibilities and duties* of the advertised job. Any special physical attributes required for the job should be appropriate, reasonable and clearly spelt out. The medical should only assess current ability to do the job and should not try to predict future deterioration of health.

In order not to misuse the tests, employers should ensure the doctor or person who is in charge of carrying out the medical is aware of the anti-discrimination laws. They also must ensure that for applicants with a disability; only attributes relating to the essential duties of the job 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 cannot 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 who has hepatitis 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 hepatitis. 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'.

Interested in finding out more?

Factsheets

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Organisations

- **Anti-Discrimination Commission of Queensland (ADCQ)**
Ph 1300 130 670
Web www.adcq.qld.gov.au
- **Office of the Privacy Commission**
Ph 1300 363 992
Web www.privacy.gov.au
- **Department of Workplace Health and Safety**
Ph 1300 369 915
Web www.whs.qld.gov.au

Booklets

- Disclosure – My Choice to Tell (*Hepatitis Australia*)
- Respect – Employer Training Package (*QLD Health*)

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