

Do I have to tell other people that I have hepatitis C?

Telling other people that you have hepatitis C is called disclosure. This leaflet will provide advice on whether you need to legally disclose in most work, sporting and social situations.

When do I have to disclose my hepatitis C status?

1. If you want to join the Australian Defence Force/secret services or if you are a current member.
2. If you are a health care worker who performs exposure prone procedures (EPP).¹
3. If you would like to be a blood donor: people with hepatitis C, or who have had hepatitis C, are excluded from donating blood.
4. If you are applying for health and /or life insurance.
5. For some martial arts federations/competitions where the 'blood rule' is not applied.²

Completing a form which asks about hepatitis C:

Dental /medical:

There may be health/medical reasons for why it might be a good idea to disclose your hepatitis C status, (e.g. poor oral health due to low saliva production, or a damaged liver unable to process medications), however, from a legal standpoint, you are under no obligation to disclose this information. Bodily fluids and blood are always treated as infectious by health workers who are legally required to follow standard infection control guidelines that protect both you and them from possible infection.

Employment:

An employer seeking information about your health must explain why your personal health information is being collected and the intended use of the information.

- Pre-employment medicals should be carried out by a medical provider. These results are confidential between you and the medical provider. Pre-employment medical test results are covered by the Equal Opportunity, Privacy and Health Records Acts. A medical assessment requested by your employer or prospective employer, may only measure your ability (your fitness) to perform the inherent requirements (the essential tasks) of a job.
- You are entitled to ask for information about what those requirements are. You are also entitled to a copy of the information provided to your employer by the medical provider. If you do not consent to the provision of information to the employer, the medical provider cannot provide any information to the employer.
- If an employer asks you about your hepatitis C status, unless you are in one of the five categories described above, you are under no legal obligation to disclose your hepatitis C status.
- If you do not fall within one of these five categories who are obliged to disclose their hepatitis C status, it is then up to your employer to demonstrate that in the circumstances of your particular case, it was reasonable to require you to disclose your hepatitis C status.
- In particular circumstances, there may be ramifications for you and/or your employer in relation to WorkCover and insurance issues, if you have not disclosed your hepatitis C status.
- If you have any queries around your personal circumstances, you can contact the HepC Infoline on 1800 703 003 for further advice.

continued over page

Background to the advice on disclosing

- Hepatitis C is a blood borne virus. Transmission of the virus can only occur when infected blood enters the bloodstream of another person.
- Under the Australian Government 's Occupational Health and Safety guidelines, all bodily fluids and blood are regarded as infectious at all times.
- 'Standard Infection Control Procedures' have been developed to protect the health of both worker and client from infection from blood and bodily fluids. Health care workers treat everyone as if their blood and/or bodily fluids are infectious (including their own).
- All work practices, including any protective practices, should be non discriminatory.
- All workplaces should protect the privacy and confidentiality of all people.
- Employers have a legal responsibility to take reasonable steps to maintain a safe working environment in the workplace for employees and the general public .
- Employees have a corresponding duty to take reasonable care for their own safety, the safety of others and to cooperate with their employer in relation to workplace health and safety.

Note: Not all workplaces or service providers may have a good understanding of the law and their responsibilities with regard to blood borne viruses, or of policies and procedures that take these into account. **Even so, it is not the responsibility of the person with hepatitis C to disclose their status, regardless of the employer's understanding about their responsibility.**

Hepatitis Victoria would like to thank the following people for their advice:

- The legal firm *Maddocks*
- *Hepatitis Victoria members*

This infosheet is intended as a general guide only. It is not intended to replace legal or medical advice.

Produced by Hepatitis Victoria.

Revised October 2010

Annotation

- 1 Exposure Prone Procedures involve surgery performed in body cavities, with sharp instruments where there is not always a clear line of sight between the eyes of the health worker and their hands. This applies to surgeons/dentists and any health care workers intimately involved in the surgical procedure
- 2 The blood rule in sports means that a player who is bleeding is excluded from playing until the bleeding has stopped and the wound is covered up. The exclusion is required because of the bleeding, not because the player may have hepatitis C. All players are treated the same way, therefore no disclosure is needed because of a player's hepatitis C status.

Useful contacts

Hepatitis Victoria

Hepatitis Infoline 1800 703 003

Email: info@hepvic.org.au

Web: www.hepvic.org.au