



Writing a Workplace HIV Policy

Review the guidance to help you draft a policy that's right for your company or organization, and utilize the sample policy template we've provided – adapting it for your own needs.

Learn more about how your company can join the effort to end HIV in the U.S. by 2030 at healthaction.org/endhiv



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Comprehensive Policy Essentials: A Checklist for Employers

- ☐ Complies with [federal, state, and local laws](#), including the [Americans with Disabilities Act](#) (ADA), the [Rehabilitation Act of 1973](#), the Occupational Safety and Health Administration's (OSHA) [guidelines](#), and the [Affordable Care Act](#).
- ☐ Integrates hiring, promotion, transfer, reasonable accommodation, and dismissal policies with regard to employees with HIV. Under the ADA, [employers cannot](#) discriminate based on a person's HIV status or perceived HIV status at any point, including in hiring, firing, promoting, and assigning work.
- ☐ Provides information about benefit programs available to employees and family members with HIV, consistent with the standards of the Affordable Care Act.
- ☐ Promotes HIV prevention and understanding through employee education.
- ☐ Instructs managers and supervisors on how to address HIV and related workplace discrimination.
- ☐ Reiterates your company's expectation of respectful treatment of all employees, regardless of real or perceived HIV status.
- ☐ Details the process for requesting reasonable accommodations related to HIV. Employers must provide reasonable accommodation to employees and job applicants with HIV. The [Job Accommodation Network](#) offers suggestions for reasonable accommodations for people with HIV and [free consultation](#) for employers.
- ☐ Underscores that HIV testing or disclosure of HIV status are not required as a condition of employment. Unless HIV affects a person's ability to perform regular job duties, most employees are not required to disclose their HIV status to their employer.
- ☐ Reiterates that certain disability-related medical information, including HIV status, is confidential under the Americans with Disabilities Act (ADA) and must be stored separately from an employee's personnel file. Such information may be disclosed only in limited situations and to individuals specifically outlined in the regulations, such as supervisors and managers who need to know about necessary work restrictions or accommodations; first aid and safety personnel, if a disability might require emergency treatment; and government officials investigating compliance with the ADA.
- ☐ Informs staff on where to go for assistance and additional information.

For more information on employment regulations, visit [The Center for HIV Law & Policy](#) or CDC's guidelines on understanding [HIV workplace policy](#).

Sample Workplace HIV Policy

Statement of Purpose

[Company Name] recognizes the severity of the HIV/AIDS epidemic, here and at home, and the impact it has on those affected. There are more than 1.2 million people in the United States with HIV, and roughly 35,000 people in the U.S. get HIV each year. While medical advancements have made it possible to dramatically reduce new cases, prevention and treatment services are not reaching all who need them equally, due in part to stigma, homophobia, racism, and other structural factors.

That is not good enough. To create a healthy work environment free from discrimination and to contribute to a healthier community in which employees can thrive, [Company Name] has implemented a Workplace HIV Policy that will help prevent HIV among employees, support those employees with HIV, and prevent harassment and discrimination of people affected by HIV.

Specifications

[Company Name] is dedicated to promoting a safe and healthy work environment for all, including people affected by HIV. In keeping with this commitment, [Company Name] has set forth guidelines to promote HIV education, prevention, and treatment among employees in three categories.

- **Employee Rights**
- **Care and Support for Employees with HIV**
- **HIV Prevention and Education**



Employee Rights

- [Company Name] does not discriminate, nor will it tolerate discrimination, against any person who has HIV, is perceived to have HIV, or who is perceived to be vulnerable to acquiring HIV, in keeping with our company's values and applicable law, including the Americans with Disabilities Act (ADA).
- HIV testing or disclosure of HIV status is not required or expected of individuals working for [Company Name], nor will testing be used as a prerequisite for employment. No benefits will be withheld on the basis of an employee's actual or perceived HIV status.
- In keeping with [Company Name]'s expectations of workplace conduct, no employee shall harass or discriminate against any other employee on the basis of HIV status or perceived status. This includes refusing to hire candidates, shunning coworkers, or refusing to share spaces or equipment with a coworker based on their perceived HIV status.
- Any employee who harasses another employee will be subject to disciplinary action, which may include termination.

[Company Name] wants to ensure people with HIV feel able to speak up about issues, and so operates an open door policy. If an employee believes they have been discriminated against based on perceived or actual HIV status, [Company Name] encourages the employee to contact [describe additional reporting structures within your company here].

Care and Support for Employees with HIV

- [Company Name] recognizes the important role that an employer plays in helping employees access HIV testing, prevention, treatment and care.
- [Company name] recognizes the value of supporting employee health and offers comprehensive health insurance and benefits, with minimal to no cost sharing by the employee.
- [Company Name] affirms that employees with HIV can be productive members of our workforce. HIV infection and AIDS are chronic illnesses and are considered a disability, even if an employee is not currently experiencing symptoms of HIV infection.
- [Company Name] treats HIV as it treats any other chronic illness. Therefore, leave policies related to HIV will follow [Company Name]'s Medical Leave Policy.
- Additionally, [Company Name] will provide employees with HIV with reasonable workplace accommodations, absent undue hardship.

How to Request an Accommodation

If you believe you need a work accommodation related to HIV, you may request a reasonable accommodation from the Human Resources Department. [Company Name] will engage in an interactive dialogue with you to explore potential reasonable accommodations.

[Company Name] encourages employees to suggest specific reasonable accommodations, however, [Company Name] is not required to make the specific accommodation requested and may provide an alternative effective accommodation. Employees may be required to disclose their HIV status to receive ADA accommodations. [Company Name] will keep this information confidential.

HIV Prevention and Education

[Company Name] is committed to promoting employee health. As such, [Company Name] will provide HIV prevention and treatment education for the betterment of employee health and to prevent the misinformation that may result in stigma associated with HIV.

Implementation

[Company Name] expects all employees to comply with the Workplace HIV Policy described herein. [Company Name] also expects supervisors and managers to implement all policies described herein, including dissemination of HIV training materials and enforcement of company anti-discrimination policy. All employees and managers are expected to foster a safe workplace free from stigma and discrimination.

Local laws and regulations may differ. Local management is responsible for maintaining compliance with all local laws and regulations.



Policy Administration and Questions

The [Employer Designated Department or Person] is responsible for administering and enforcing this policy. If you have any questions about this policy, please contact the [Designated Department or Person].

Enforcement and Non-Retaliation

Failure to comply with or enforce this policy may result in discipline, up to and including termination of employment.

[Company Name] prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy.



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