



## Policy Manual – Schools

### S.12 HIV/AIDS Infection

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#### POLICY STATEMENT:

The Hamilton-Wentworth Catholic District School Board, in recognizing its responsibility to students and employees, shall respond to individuals who have been diagnosed as having HIV/AIDS infections with the utmost respect for their dignity, rights and privileges.

#### Purpose:

1. No student or Board employee who has an HIV/AIDS infection shall be prevented from participating in the continuation of her/his education or employment solely on the basis of such a diagnosis.
2. Students or Board employees shall be entitled to:
  - a) respect for their personal autonomy;
  - b) privacy and confidentiality of personal information pertaining to her/his health status; and
  - c) freedom from wrongful discrimination.
3. The Board shall not **require** a student or employee to submit to an HIV antibody test as a condition of maintaining their normal status within the school system.
4. The identity of a student or employee with HIV/AIDS infection or suffering from any HIV related diseases shall be kept strictly confidential and shall not be disclosed by the Board or any Board employee, unless permission to do so is obtained by a signed authorization for release by a parent/guardian or student of legal age or court order, or by a signed authorization by an employee with an HIV/AIDS infection.
5. HIV/AIDS education shall be provided for students and Board employees as appropriate.
6. Because of the broad range of infections that can be present in blood or body fluids, Board employees shall practice routine safety procedures (standard precautions) in the administration of first aid **to all students and employees**.



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7. Should a student pose a risk of transmission of HIV/AIDS infection to other students and/or employees and no measures less intrusive to the student than exclusion, are available to control this risk, a principal, in consultation with the appropriate Superintendent of Education, may exclude a student from school. Should such an eventuality occur, alternative instruction shall be provided through the Board.
  
8. An employee who has been diagnosed as having HIV/Aids infection shall not be subject to grounds for dismissal but may continue to work as long as her/his **physician determines** that she/he poses no risk to others. As long as the employee is able to perform the essential duties of his or her job, the approach **to supervision** shall be the same as with any other employee.

Should an employee with HIV/AIDS infection pose a risk to others, consideration shall be given to changing the work situation where there is **medical** evidence that such an employee is unable to safely fulfil the essential duties of the position.

9. As new developments in the legal/medical communities arise, additional policies and procedures may be required.

#### **Responsibility:**

#### **Regulations:**

Education Act R.S.O. 1990,  
Personal Health Information Protection Act (PHIPA, 2004)  
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA, 2007)  
Occupational Health & Safety Act, Section 25 – 2(h)

#### **Related Policies:**

**Related Board Committee:** Committee of the Whole

#### **Policy Review Date:**

BM Original Policy Approved 10 January 95  
Revisions: 4 March 97, 24 June 03, 24 June 08, 05 March 13, 19 June 18  
To be reviewed every three (3) years