

# HIV & AIDS Non Discrimination Policy

Version – 1.0

**Revision History**

<b>Date</b>	<b>Version</b>	<b>Description</b>	<b>Prepared By</b>	<b>Reviewed By</b>	<b>Approved By</b>
<b>January 2023</b>	V 1.0	Policy launch	Abhishek Chandran	Parul Murthy	Kiran Yadav

## 1. Objective-

At Canara HSBC Life Insurance Private Limited (referred as Company), we recognize the magnitude and severity of the development of HIV/AIDS epidemic worldwide. As a part of the Life Insurance sector, we are committed to the development of policies and the implementation of programs around HIV/AIDS non-discrimination, awareness, prevention and health support.

Consistent with our pre-existing company-wide policy on non-discrimination, it is our consistent endeavour to provide a work environment for its employees that is free from harassment and/or discrimination. Colleagues who engage in acts of harassment and/or discrimination are subject to corrective action that may include termination of employment.

## 2. Aim – The policy aims to:

- (1) Generate awareness on HIV and AIDS in the Company.
- (2) Prevent transmission of HIV infection amongst workers.
- (3) Protect rights of those infected with and affected by HIV and AIDS.
- (4) Ensure safe, non-stigmatised and non-discriminatory environment assuring equity and dignity at workplace.
- (5) Provide a conducive working environment and maintain the confidentiality of HIV-related data for protected employees.

## 3. Scope-

The policy applies to all employees of the Company across locations and workplace (physical and virtual).

### 3.1 The Policy is based on following facts about HIV and AIDS, which form the basis to avoid discrimination-

3.1 The known routes of transmission of the Human Immunodeficiency Virus are through,-

- (a) *Unprotected sexual contact with a HIV infected person;*
- (b) *Sharing of HIV infected needles or syringes;*
- (c) *From HIV infected mother-to-child during pregnancy, childbirth or breast feeding; and*
- (d) *Transfusion of HIV infected blood or blood products.*

3.2 With the advent of Anti- Retroviral Therapy, HIV is now a chronic manageable disease like many other non- communicable diseases, including diabetes, hypertension and asthma. There is no scientific or epidemiological evidence to suggest that HIV can be transmitted through ordinary workplace contact (talking to or touching the person, using the same office equipment, tools, utensils or bathrooms a person infected with HIV). In special situations where there may be a potential risk of exposure, for example healthcare workers who may be exposed to blood or blood products, there are specific and appropriate

infection-control measures known as Universal Precautions that ought to be followed. Transmission is therefore not likely in the regular workplace setting.

3.3 People with HIV who are regular on Anti- Retroviral Therapy remain healthy and fit to work for several years despite their infection.

3.4 With the availability of Anti- Retroviral Therapy, the life of people living with HIV has prolonged substantially and they lead a normal productive life.

#### 4. Guiding Principles for the Company-

The policy adopts three key principles mentioned in the HIV and AIDS (Prevention and Control) Act, 2017. These principles have been adopted by the Company in the spirit in which they are mentioned.

These principles include-

*4.1 Non-discrimination against people infected with and affected by HIV and AIDS*

*4.2 Confidentiality related to individual's HIV status and HIV-related data*

*4.3 Grievance redressal mechanism in the form of Complaints Officer*

##### 4.1 Non Discrimination-

This policy strongly outlines that there should be no discrimination on the basis of perceived or real HIV status of any employee at any location, workplace or aspect of work (be it physical or virtual). This protection is provided not only to an HIV positive person, but also extends to immediate family members and progeny who reside or have resided in the same house of HIV infected person too.

Here discrimination is prohibited not only against employee(s) infected with HIV and AIDS but also against people affected by HIV and AIDS. This may include other people living, cohabiting and residing with an HIV positive employee. It also encompasses other people who have lived, resided or cohabited with an HIV positive employee in the past.

An employee cannot be discriminated on the basis of HIV status at any setting and the following tenets require compliance—

**(1) Absence of discrimination at workplace** – An employee should not be discriminated at the workplace on the basis of HIV status. Discrimination here includes the denial of, or termination from employment and also unfair treatment at the workplace. The Company may also provide a reasonable accommodation to people living with HIV if need be. Reasonable accommodation means minor adjustments to a job or work that enables an HIV positive employee, who is otherwise qualified to enjoy equal benefits or to perform the essential functions of the job or work, as the case may be.  
**(2) Medclaim, training and Learning**

**& Development settings**– An employee should not be discriminated on the basis of HIV status with respect to their Mediclaim, training and any learning & development opportunities.

**(3) Public utilities and resources** – An employee should not be discriminated against using public utilities and sharing resources on the basis of HIV status at premises.

**(4) Segregation** – An employee should not be segregated on the basis of HIV status. Thus, she or he or others cannot be isolated and ostracized on the basis of HIV status.

**(5) HIV testing as pre-requisite for obtaining employment is prohibited** – HIV testing as a pre-requisite for obtaining employment, or accessing healthcare services, or for the continuation of the same or for accessing or using any other service and facility at workplace is completely prohibited.

Discrimination against people infected with and affected by HIV and AIDS is prohibited across the Company and in addition, HIV test cannot be pre-requisite for obtaining employment or accessing healthcare services under the Group Mediclaim Policy.

In case of contravention of the aforesaid rights, the aggrieved employee has a choice to file a complaint with the Complaints Officer (details of which are shared under the “Grievance Redressal Mechanism” section) mentioned in point 4.3 below.

#### **4.2 Confidentiality related to HIV status and HIV-related data-**

**1. Confidentiality related to HIV status** – An HIV positive employee cannot be forced to disclose her or his or their status or any other HIV-related information. HIV-related information means any information relating to the HIV status of a person and includes: (a) information relating to the undertaking given for performing the HIV test or result of an HIV test; (b) information relating to the care, support or treatment of that person; (c) information which may identify that person; and (d) any other information concerning that person, which is collected, received, accessed or recorded in connection with an HIV test, HIV treatment or HIV-related research or the HIV status of that person.

The Company does not ask for or mandate any employee or candidate for a position, to disclose their HIV/AIDS status, neither as a pre-condition nor at a later stage for any reason. In an event the Company is exposed to this information related to an employees’ HIV status, the Company is bound not to disclose this information without the proper consent of the employee. An important pre-condition related to the disclosure is that it has to be made in person by the employee and after proper counselling.

The Company will not save, preserve or document any information pertaining to the HIV and related details of any employee or candidate for a position. Any information to which the Company is exposed to

unknowingly or in an unwanted manner, must be destroyed with immediate effect by the consent of the employee/candidate and the Complaints Officer. No trace or trail of such a detail or information must be

preserved in any form or manner. The only exception to this can be in case of complaints which are files formally with the Grievance Redressal Officer, only with the intent to document the complaint and the steps taken to address such a complaint leading to a proper closure.

Here HIV-related information includes–

- (a) information relating to the undertaking performing the HIV test or result of an HIV test;
- (b) information relating to the care, support or treatment of that person;
- (c) information which may identify that person; and
- (d) any other information concerning that person, which is collected, received, accessed, or recorded in connection with an HIV test, HIV treatment or HIV-related research and the HIV status of the employee.

#### 4.3 Grievance Redressal Mechanism

There will be a **Grievance Redressal Officer (refer section 6 on page 8 for contact details)** who can be reached out to, irrespective of hierarchy or any other restrictions, to raise any issue, complaint or grievance related to non-adherence or discrimination faced with respect to HIV or related aspects by any employee, former employee or a candidate who has applied for a position.

##### 1. Grievance Redressal Officer: Duty, Power and Responsibility. –

**(1) Acceptance of complaints** - Grievance Redressal Officer has to register the complaint. The complaint has to be made within three months from the date that the person making the complaint became aware of the alleged violation of the policy in the Company. If the Grievance Redressal Officer is satisfied of circumstances that prevented the complainant from making the complaint within the stipulated period, extension of another three months should be granted.

**(2) Assistance in filing complaint** – Every complaint would be made to the **Grievance Redressal Officer** in writing in the Form annexed at Appendix A. Where a complaint cannot be made in writing the Complaints Officer shall render all reasonable assistance to the complainant to file the complaint in writing.

**(3) Acknowledgement and registration of complaints** – The Grievance Redressal Officer on receipt of a complaint should provide an acknowledgment to the complainant and record the complaint in electronic form. The time of the complaint and the action taken on the complaint should also be recorded. Every complaint should be numbered sequentially. The Grievance Redressal Officer should act in an objective and independent manner while deciding complaints made under the Act.

**(4) Timeline for decision making** – The Grievance Redressal Officer should arrive at a decision of the complaint promptly and in any case within seven working days. In case of emergency or in the case of

Mediclaim related services where the complaint relates to discrimination in the provision of, or access to health care services or provision of universal precautions under the GMC policy, the Grievance Redressal Officer should decide the complaint on the same day on which they receive the complaint.

**(5) Decision making powers** – The Grievance Redressal Officer, if satisfied that a violation of the Act has taken place as alleged in the complaint, should firstly, direct the concerned team to take measures to rectify the violation; secondly, counsel the person who has committed the violation and require such person to undergo training in relation to HIV and AIDS, provisions of the Act, rules, guidelines and aspects of stigma and discrimination.

Additionally, social service should be done for a fixed period, which should include working with a non-governmental organization working on HIV and AIDS. For this, assistance from respective District AIDS Prevention and Control Unit or State AIDS Control Society should be undertaken.

Upon subsequent violation of the Act by the same person, the Grievance Redressal Officer may recommend the Company leadership to take disciplinary action in accordance with the law.

**(6) Informing the complainant** – The Grievance Redressal Officer should inform the complainant of the action taken in relation to the complaint and of the complainant's right to approach the Ombudsman or to any other appropriate legal recourse in case the complainant is dissatisfied with the action taken.

**(7) Reporting Mechanism** – The Grievance Redressal Officer shall ensure that the complaint, its nature and number and the action taken are reported to the appropriate authority under the Central Government (Deputy Director General, Information Education and Communication or Director Administration, National AIDS Control Organisation) every six months. In case there are no complaints in last six months, submission of a 'nil report' is not a compulsion.

**(8) Confidentiality** – The Grievance Redressal Officer if requested by the complainant should ensure the protection of the identity of the protected person in the following manner, namely: -

- a. the complaints officer should file one copy of the document bearing the full name, identity and identifying details of such protected person which shall be kept in a sealed cover and in safe custody with the Grievance Redressal Officer.
- b. the complaints officer shall provide pseudonyms to protected person involved in complaints before them.
- c. the identity and identifying details of the complainant should not be revealed by any person or their representatives including assistants and staff.

**(9) Data Management** – The Grievance Redressal Officer shall comply with the data protection measures in accordance with the section 11 of the HIV and AIDS (Prevention and Control) Act, 2017 and Guidelines on Confidentiality of Data of protected persons there under. Section 5.3 of the HIV and AIDS Policy for Establishments may also be referred to.

## **5. Spread Awareness and Training to inbuilt a culture of non-discrimination at workplace-**

### **5.1 Regular trainings and awareness sessions should be conducted to spread awareness about the Act and the Company policy with an intent to –**

- 1) Prevent HIV transmission and to provide care and support to HIV infected workforce.
- (2) Awareness generation on basics of HIV, routes of transmission, undoing myths and misconceptions, behaviour change, Universal Precaution, Post Exposure Prophylaxis.
- (3) Integration of HIV component for any welfare measures, corporate social responsibility etc. along with a brief on the policy for new joiners at the time of on boarding.
- (4) Zero-discrimination policy on the basis of HIV status at all locations, both physical and virtual.
- (5) Adapt flexibility and provide reasonable accommodation for People Living with HIV.
- (6) Grievance redressal mechanism process to be shared and made accessible to all employees.
- (6) Our Group Medclaim Policy covers HIV/AIDS treatment for all active employees and their dependents.

## **6. Details of the Grievance Redressal Officer**

**Name – Namrata Makan**

**Employee ID – 99020215**

**Email ID - [namrata.makan@canarahsbclife.in](mailto:namrata.makan@canarahsbclife.in)**



## APPENDIX A

Form for making Complaint to **Grievance Redressal Officer**

1. Date of Incident
2. Place of Incident
3. Description of incident
4. Person responsible for the incident

Signature of Complainant

Name:

Date:

Mobile No./email/Fax/Address:

For Official Use only:

Complaint Number:

\*Where the complaint is received orally or telephonically and reduced to writing by the **Grievance Redressal Officer**, the **Grievance Redressal Officer** shall sign and date the Form.