

Your rights and responsibilities: Living with hepatitis B or hepatitis C

In Australia there are laws that protect you from discrimination. If you think someone has treated you unfairly because you have hepatitis, you can get advice from:

- work-related organisations such as your workplace union
- a [community legal centre](#)
- the [anti-discrimination agency in your state or territory](#)
- the [Office of the Australian Information Commissioner](#)
- [Fair Work Ombudsman](#) or [Fair Work Commission](#)
- your local hepatitis organisation via Heplink at 1800 437 222.

You have rights when getting health care

- ✓ You have a right to complain if someone does not treat you fairly. You can also complain if you are not happy with the service.
- ✓ Your doctor should only collect your health information if you agree to it
- ✓ Sometimes a health service must tell other people your health information. For example, your doctor has to tell someone if there is serious risk to your or someone else's life, health or safety.
- ✓ Sometimes a health service has to tell others because it is the law or there is a public health risk.

You have rights at work

- ✓ You do not usually have to tell your boss that you have hepatitis B or hepatitis C.
- ✓ Your employer can't tell others that you have hepatitis unless you agree.
- ✓ Sometimes you might need your boss or place of study to make changes. We call this "reasonable adjustments". This is so you can work or study better. You will most likely need to provide a medical certificate. But you do not have to tell your boss what your condition is. You can ask your doctor not to write the details on your medical certificate.

Most of the time it is your choice whether you tell someone that you have hepatitis. Below are the times you must tell people that you have, or have had hepatitis:



When you give blood

You can't give blood products if you have hepatitis B. You can't give blood products if you have ever had hepatitis C, even if you no longer have it.



When you apply for insurance

If you want to get insurance you might have to tell them about your hepatitis B or hepatitis C. If you do not tell them, they can cancel your contract if you need to make a claim.



People in the Australian Defence Force

If you are a member of the Australian Defence Force (including the Navy, Army and Air Force) and you have hepatitis B or C, you must tell them.



When applying for a visa to live in Australia

You have to answer questions about your health when you apply to live in Australia. If you are not honest about your health it can affect your visa.



Donating organs and sperm

You will need to get tested for hepatitis B and hepatitis C before donating sperm or organs. Some people with hepatitis B or hepatitis C can donate, but others can't.



Healthcare workers should follow national guidelines

Most healthcare workers do not have to tell anyone if they have hepatitis B or hepatitis C. You might have to tell people if you work with sharp instruments or exposed tissues, such as bone or teeth, and you can't always see your hands or fingers are inside the patient's body.

You can find out more on the [Department of Health website](#).



What about partners and family members?

If you have hepatitis B or C, it is your choice which friends and family you tell. It's a good idea to tell people that may have come in contact with the virus. This is so they can get tested and take medicine if needed. If you don't want to tell them yourself, you can ask your doctor let them know.



MORE INFORMATION

You can find more information at www.hepatitisaustralia.com/rights-and-responsibilities

References

- [Australian Charter of Healthcare Rights \(second edition\) - A4 Accessible](#), Australian Commission on Safety and Quality in Health Care.
- [Guide to Australian HIV Laws and Policies for Healthcare Professionals](#), ASHM
- [Appendix A: Knowing the law](#), Australian Human Rights Commission
- [I had hepatitis - can I donate?](#), Australian Red Cross
- [Disability Discrimination Act 1992](#), Federal Register of Legislation
- [CDNA National Guidelines for healthcare workers on managing bloodborne viruses](#), Department of Health and Aged Care
- [Clinical and ethical guidelines for organ transplantation](#), Donate life, Organ and Tissue Authority
- [Ethical guidelines on the use of assisted reproductive technology](#), NHMRC

This resource is provided for general information only and not intended to replace legal or medical advice. We encourage you to seek independent advice before making any decisions based on the information provided here.