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Disclosure of HIV Status <i>After Cuerrier:</i>

Resources for Community Based AIDS Organizations

**Trainer's
Kit**

*Canadian AIDS
Society*



*Société canadienne
du sida*

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**Disclosure of HIV Status After *Cuerrier*:
Resources for Community Based AIDS Organizations**

TRAINER'S KIT

Module 1: Introduction

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Module 1: Introduction

Background

The Resource Guide *Disclosure of HIV Status After Cuerrier* was developed in partnership by the Canadian AIDS Society, Canadian HIV/AIDS Legal Network and the AIDS Coalition of Nova Scotia. It is intended to give Community-Based AIDS Organizations (CBAO's) useful resources and information to help them address issues related to disclosure of HIV status and facilitate development of policies and guidelines around these issues.

Objectives of the Resource Guide Training Sessions

When holding a workshop on the Guide, facilitators and workshop sponsors should clearly outline the objectives of the workshops and what they hope to achieve when presenting the guide. Each group will find it has different objectives in presenting the guide and holding the workshops, and that those objectives may change as participants become engaged in discussing disclosure issues. Some possible objectives in holding the workshops may be:

- To acquaint participants with the Resource Guide and assist them in its use.
- To identify gaps in current policy around disclosure in an organization.
- To facilitate the discussion around disclosure and the development of policy for confidentiality and disclosure among participating organizations based on information and resources provided in the Guide.
- To provide information to PLWHIV/AIDS on disclosure issues.

How to Use This Training Kit

This Training Kit has been developed to assist in the presentation of the *Disclosure of HIV Status After Cuerrier* Resource Guide to interested organizations or individuals in your region. It is divided into seven modules:

Module 1: Introduction.

Module 2: Workshop Development.

Module 3: Key Points for Presentation and Case Studies.

Module 4: Legal Resources.

Module 5: Sample Pre-Questionnaire.

Module 6: Sample Evaluation Form.

Module 7: Case Studies.

Once those individuals or groups organizing the training sessions are familiar with the Resource Guide, this training kit can be used to design sessions and workshops to present the manual and facilitate policy development and encourage discussion around disclosure of HIV status and the related issues. The information found in **Module 3: Key Points**, and in **Module 5 and 6**, the Sample Questionnaire and Evaluation Form, are suggestions only; presenters and trainers can use this kit as a guide for presenting the information while tailoring training sessions and materials to the needs of their regions and the individual participants.

For More Information

For more information on the Resource Guide or presenting the information contained therein to your CBAO, contact:

Canadian AIDS Society
309 Cooper St. 4th Floor
Ottawa, ON K2P 0G5
Tel.: (613) 230-3580
Fax.: (613) 563-4998
E-mail: casinfo@cdnaids.ca

For updated versions of the curriculum, visit the CAS web site at www.cdnaids.ca.

You may also find the following resources useful:

- Canadian HIV/AIDS Legal Network, Info Sheets on Criminal Law and HIV/AIDS, **The *Cuerrier* Case**.
On-line: The Legal Network
<<http://www.aidslaw.ca/Maincontent/issues/criminallaw/e-info-cla1.htm>>
- Canadian HIV/AIDS Legal Network, Info Sheets on Criminal Law and HIV/AIDS, **The *Cuerrier* Case: Issues for People with HIV/AIDS**.
On-line: The Legal Network <<http://www.aidslaw.ca/Maincontent/infosheets.htm#inoclah>>
- Canadian HIV/AIDS Legal Network, Info Sheets on Criminal Law and HIV/AIDS, **The *Cuerrier* Case: Issues for Those Working with People with HIV/AIDS**.
On-line: The Legal Network
<<http://www.aidslaw.ca/Maincontent/issues/criminallaw/e-info-cla8.htm>>
- Ontario Advisory Committee on HIV/AIDS (2002). **Disclosing Your HIV-Positive Status: A Client Brochure**.
- AIDS Committee of Toronto, **Disclosure/Release of Information to Others**.
- HIV/AIDS Regional Services (2002), **Policy on Confidentiality**.

Module 2: Workshop Development



Things to Think About

In presenting the Resource Guide in your region and developing training sessions around it, it is important that you decide which presentation method works for you and your participants and that your facilitators are fully familiar with the Guide and the issues contained therein.

Disclosure of HIV status is a complex legal, social and emotional issue for many people, and it is important that you are fully prepared for all manner of questions and discussions, some of which you may not have anticipated beforehand. Issues that arise particular to the individuals and organizations in the session may be a good starting point for further policy development around disclosure, and as such should be recorded (See **Module 2**: Choosing A Session Recorder.)

Participants are often experts on various issues surrounding HIV/AIDS in their own right, and so training sessions should encourage discussion and the sharing of information as much as possible, to further facilitate policy and guideline development among participating organizations. If you are presenting to a relatively large group of participants, think of dividing them in small groups and always try to make the workshop more interactive. Think about how to make your workshops and information in the guide culturally sensitive, based on populations in your area that might be attending. Make sure your workshops are practical, and the information given and any policies that might result are sustainable and implementable.

Legal Expertise

It is not necessary for facilitators and presenters to have formal legal training to present the Resource Guide. However, issues of disclosure and confidentiality do have legal and public health ramifications, and it is impossible to avoid discussions of these larger issues when presenting the Resource Guide. Although the Guide does not provide legal advice and encourages the reader to seek legal counselling in the face of disclosure issues it does give an overview of basics of criminal and public health law, as well as touches upon some issues of civil liability in relation to disclosure of HIV status. Efforts should be made to encourage participants to seek legal advice when actual situations arise. As well, presenters and facilitators should refrain from giving advice in training sessions and steer participants towards organizations that provide legal advice (See **Module 4**: Legal Resources.)

Some presenters, if the financial and information resources are available, may want to bring in legal expertise to better explain some of the more complex legal issues raised in the Guide. However, this is only a suggestion and not required for a detailed and thorough presentation of the material. In addition, it may help to have public health officials in your workshops if possible to explain public health implications of the Guide and disclosure issues.

In order to avoid legal difficulties and confidentiality issues within your workshop, it might help to keep in mind that discussion around case studies used to exemplify disclosure should be as hypothetical and general as possible.

Workshop Times and Possible Formats

The amount of time it takes to present the Guide will vary from group to group and region to region. However, because of the size of the Resource Guide and the complexity of the discussion these issues often generate, one and a half days is suggested as the minimum time period for the training sessions with the optimal time being three full days of training. Recognizing that this is not always possible, we have designed the training kit in such a way as to provide options for shorter training periods. In a CBAO, this could be done in a number of ways, either through regularly scheduled training sessions during work hours, a series of “brown bag lunch” training sessions, concurrent evening or half-day workshops, one intensive weekend workshop, full day sessions, or workshops held in conjunction with other conferences and events. When planning your sessions, it is suggested you use the Pre-Questionnaires (See **Module 5**) or another polling method to determine the overall level of knowledge on the issues around disclosure and what works best for participants interested in the sessions.

Choosing Participants

Choosing who to invite to the sessions is an important issue. Some questions to ask yourself are:

1. What individual has expressed interest in the topics of disclosure within your organization?
2. Who in the organization has the experience and authority to develop and affect policy and procedure, both within that organization and in the public health system at large?
3. Is this particular person able to make decisions on behalf of the agency?
4. Is this particular person able to take the Guide and the discussions generated in the sessions and train others in his or her community/ organization?
5. Is an individual interested in the issues of disclosure, or have a personal stake in knowing about disclosure issues?

Note: If you are an Executive director or a Human Resources person in an CBAO willing to train staff members in using the Resource Guide in their everyday work, encourage them to read Chapter I of the Resource Guide first, and determine their level of interest in specific issues as they apply to their everyday work.

Number of Participants

When you are considering how many people should be invited to the training session, consider the following:

- Determining how much physical space and the cost of that space to hold the sessions will help determine how many people can be invited to the sessions.
- Determining costs per person of holding the sessions (including refreshments, coffee, bottled water, audio visual equipment, etc.) will help determine (in keeping with your available budget) the number of individuals invited.
- Several smaller sessions can sometimes be more cost effective and generate wider policy discussions than one large session with all interested stakeholders present.
- Determining involvement based on representation and policy experience can help limit representation if budgets are inadequate to invite all who express interest (See **Module 2**: Choosing Participants.)
- Determining clear objectives for holding workshops, will help determine the number of participants that should be invited.

Announcing Sessions

There are many efficient and inexpensive ways to advertise your workshop sessions. Use posters, letters of invitation, word-of-mouth, bulletin boards. If you use listservs and or e-mail, be very specific by putting the title of the proposed workshop in the title line and attach the announcement, as well as have it pasted in the body of the message itself.

Pre-Workshop Questionnaire

Gauging knowledge of disclosure issues of participants and finding areas of interest will help you tailor your workshop to your particular audience, as well as find out participant needs and how to structure the sessions. One of the best ways to accomplish this is a pre-workshop questionnaire to be distributed to participants before the sessions commence. (See **Module 5**.) You will also, if possible, want to distribute copies of the Resource Guide to participants with the questionnaire in advance of the sessions, so that participants will have had a chance to familiarise themselves with it.

Gathering Materials

It is important to be prepared for any workshop both by having the proper information and the proper materials. The following is a short checklist of what materials you may want for your training sessions:

- workshop questionnaires results and a short analysis of findings.
- extra copies of the Resource Guide (For additional copies of the Resource Guide, please contact the Canadian HIV/AIDS Information Centre.) The Guide will be also available on-line at: <www.cdnaids.ca>.
- copies of any specific policies and procedures on disclosure, client confidentiality, record-keeping, public tracing and partner notification, minimum ethical and professional standards for counselling clients regarding disclosure of HIV positive status in your region.
- copies of policies and procedures on disclosure and confidentiality of the organizations involved.
- presentation materials such as white boards, pens, pencils, overhead projector, bottled water, refreshments, handouts, study tools, etc.

Facilitators

Facilitators for the sessions should have a number of qualifications that suit them for leading the discussions. It should not be automatically assumed that the person or persons planning the workshops are necessarily the best person to facilitate them as well. Choices for facilitators can be based on the following qualifications:

- knowledge of the Resource Guide, and general disclosure issues.
- knowledge of local, regional and national information resources.
- working knowledge of regional, provincial and national reporting policy.
- comfort in speaking and facilitating large groups.
- ability to guide group discussions and create and implement speaker's lists, if necessary.
- ability to manage time effectively, so that sessions do not run over allotted time.
- ability to be flexible, and to be committed to learn along with participants.

Choosing a Session Recorder

It is important to record the workshop session for several reasons. Firstly, together with the evaluation forms (see **Module 6**), this information will allow you to make an informed decision as to whether or not any changes to the design of your workshop sessions are needed. Also group discussions can be rather interesting, and the ideas generated during the brainstorm sessions can be very useful for the future policy development. When choosing a session recorder, it is a good idea to remember that presenters and facilitators and participants alike are often engaged fully in the discussions of the session and do not make for sound objective recorders. If resources allow, it is a good idea to have an independent, experienced recorder who is not engaged in the discussion to capture as much of the sessions in written form as possible. In addition, session summaries at the end of each session or the beginning of each new session (See **Module 3**) can be helpful to pinpoint missed topics of discussion or make changes to the way information is presented on paper.

Policy Development

One of the goals of the Resource Guide, and the training sessions, is to generate discussion of gaps and needs within existing organizational policy in the agency on disclosure and confidentiality. In most cases, the training sessions will immediately spawn ideas for new policy and/or changes to the existing policy within participating organizations. While such policy changes often requires complex legal and organizational preparation, participants can use information recorded in the sessions to generate further discussion on disclosure at staff, board and stakeholder meetings.

Module 3: Key Points For Discussion/Presentation

The following is a sample session outline and key points and questions for discussion, meant to guide the process of the Resource Guide workshop sessions. These sample sessions are not meant to be prescriptive, and are provided as discussion points only, from which to launch workshops more tailored to the needs of specific organizations and their participants. In keeping with this, time-lines are not given, as facilitators may choose to hold sessions in various formats (See **Module 2**: Workshop Times And Possible Formats.) The key points of discussion focus on the broader issues as they are presented in the Resource Guide.

Note: depending on the format the facilitator chooses to present, various activities, such as lunch or refreshment breaks, can be inserted between the various parts of each numbered Session. However, each part for each session should not exceed two hours, so that participants have a chance to digest manageable amounts of information and/or discussion.

Session One: Part I

Key Themes

- Introduction.
- Overview Expectations.

Discussion Points

- Introductions/Icebreaker.
- Overview and discussion of the results from the Pre-Questionnaires.

Sample Discussion Question

- What are the expectations of participants from the sessions?

Session One: Part II

Key Themes

- Background.
- Overview.

Discussion Points

Background of the Resource Guide

- History behind the project (*R v Cuerrier* [1998], Guide requested by Canadian AIDS service organization at the national forum; compiled by two national agencies in collaboration with the community; pilot-tested across Canada.)

Overview of the Resource Guide

- What is the Resource Guide for?
- Design of the Guide (each chapter is designed in such a way that it can be used independently; each dedicated to a different issue.)
- Where to find more information (provide handouts if possible, See **Module 4: Resources**.)
- Legal Considerations (See **Module 4: Resources**.)
- Intent of the workshop.

Sample Discussion Questions

- How do you anticipate using this guide in your work?
- How does the Supreme Court's Decision in *R v Cuerrier* affect you and your organization?
- Where do you currently find information of disclosure and confidentiality?

Session One: Part III

Key Themes

- Uses for the Guide.
- PLWHIV/AIDS Perspectives.
- Challenges Facing CBAO's.

Discussion Points

Chapter One

- Uses of the Guide.
- PLWHIV/AIDS Perspective on Disclosure.
- Disclosure Defined.
- Perspectives on Disclosure (suggested brainstorming session.)
- Questions left unanswered by *R v Cuerrier* and *R v Williams*.
- Canadian Criminal Law and the Duty to Disclose.
- Challenges Facing CBAO's (suggested brainstorming session.)

Sample Discussion questions

- How do we balance the rights of PLWHIV/AIDS with our legal and ethical obligations as an organization and individual professionals?
- In what hypothetical circumstances would ethical obligations run counter to our legal obligations as counsellors and as an organization?
- Can CBAOs be held civilly or criminally liable for failure to disclose a client's HIV status without consent?

Session One: Part IV

Key Themes

- Policy Development.

Discussion Points

Chapter Two

- HIV and human rights.
- Counselling about Disclosure (Suggested format: small group work.)
- The Roles of PLWHIV/AIDS in Policy Development (suggested brainstorming session.)
- Developing Resources for Clients.

Sample Discussion Questions

- What kind of policy on the issue does your agency have?
- What policy would be beneficial for your agency?
- How can PLWHIV/AIDS' input into disclosure issues be incorporated into new policy?

Session Two: Part I

Key Themes

- Criminal Law.
- *R v Cuerrier* and *R v Williams*.

Discussion Points

Summary of Session 1

Chapter 3 [suggested presentation by a lawyer]

- Canadian Criminal Law.
- Sources and Basic Principles.
- The Supreme Court Decisions in *R v Cuerrier* and *R v Williams*.
- Risk of HIV Transmission and How It Relates to Criminal Law.
- Criminal Law and Young Offenders.

Sample Discussion Questions

- What are the main principles of Criminal Law in Canada and how do they apply to HIV/AIDS?
- How do we keep abreast of latest developments in Canadian Criminal Law as it relates to our work?

Session Two: Part II

Key Themes

- Legal Responsibility.

Discussion Points

Chapter 4

- Individual Legal Responsibility.
- What does an HIV-positive client need to know?
- Risk of Transmission and Duty to Disclose.
- Discussion of Legal Analysis Table (Resource Guide - Page 6.)
- Criminal Law and HIV Transmission Guidelines.
- Case Study 1 (See Module 7.)

Sample Discussion Questions

- When does an HIV-positive client has a legal duty to disclose?
- What should we as counsellors/educators tell the client?

Session Two: Part III

Key Themes

- Public Health Law.

Discussion Points

Chapter 5

- Public Health Law
 - What is Public Health Law?
 - What is Contact Tracing?
- Reporting Requirements (National, provincial and regional)
Confidentiality.

Sample Discussion Questions

- What are the reporting requirements in your region?
- Where to find information about reporting requirements?
- How does public health law affect us in our day-to-day work?
- What is the difference between disclosure and contact tracing?

Session 2: Part IV

Key Themes

- Counselling.

Discussion Points

Chapter 6 -- Counselling

- Legal and Ethical Professional Standards.
- Beneficial Disclosure.
- Core Conditions of Counselling.
- Confidentiality and Consent.

Sample Discussion Question

- In what ways do we balance personal judgement against organizational policy when it comes to client confidentiality?

Session 3: Part I

Key Themes

- Session Summary.
- Client Confidentiality.

Discussion Points

Summary of Session II

Chapter 7

- Client Confidentiality and Record Keeping.
- The Right to Privacy.
- Confidentiality and Counselling.
- Limits to Confidentiality.
- Policy Discussion for Confidentiality and Third Party Disclosure.
- Legal Duty to Prevent Harm.

- Policy Discussion for Confidentiality and Third Party Disclosure.
- Search Warrants and Subpoenas.
- Policy Examples.

Discussion Questions

- What are the limits to confidentiality as we see them?
- In what circumstances would we break confidentiality?

Session 3: Part II

Key Themes

- Civil Liability.

Discussion Points

Chapter 8 -- Civil Liability

- What is Civil Liability?
- Civil Liability for PLWHIV/AIDS and CBAOs.
- Civil Liability of Professionals.
- The Defensive Role of Policy.

CASE STUDY 2 (See Module 7)

Discussion Questions

- What other hypothetical examples can we cite that would spark issues of civil liability, both for PLWHIV/AIDS and CBAO's? (Suggested group exercise.)
- How can organizational policy help address these issues?

Session 3: Part III

Key Themes

- Where to find more information

Discussion Points

Appendices 9 & 10

- Responding to the Media and Public.
- Checklists for Dealing With Disclosure.
- Further information.
- Fact Sheets.

Session 3: Part IV

Key Themes

- Session Summary.
- Evaluation.
- Next Steps.

Discussion Points

- Session Summary and Discussion and Evaluation.
- Next Step: Policy and Guidelines Discussions.

Sample Discussion Question

- How do we implement ideas for policy change within our organization?

Module 4: Legal Resources

For updated versions of the curriculum, visit the CAS website at <www.cdnaids.ca>.

HIV/AIDS Legal Resources

Canadian HIV/AIDS Legal Network

417 Saint-Pierre Street, Suite 408
Montréal, Québec H2Y 2M4
Tel.: (514) 397-6828
Fax: (514) 397-8570
Email: info@aidslaw.ca
<www.aidslaw.ca>

HIV/AIDS Legal Clinic of Ontario

Phone: (416) 340-7790
Toll-free in Ontario: 1-888-705-8889.
Mail: 65 Wellesley Street, East. Suite 400 Toronto, Ontario M4Y 1G7
E-mail talklaw@halco.org
<www.halco.ca>

Provincial and Territorial Legal Aid Offices

Yukon - Legal Services Society

203 - 2131-2 Ave
Whitehorse, YT Y1A 1C3
Tel: (867) 667-5210
Fax: (867) 667-8649

Northwest Territories

The Legal Services Board
3rd Floor, Panda II Centre PO Box 1320
Yellowknife NT X1A 2L9
Telephone: (867) 873-7450
Fax: (867) 873-5320

Nunavut

Information not yet available

B.C. - Legal Services Society of British Columbia

Chief Executive officer
1500-1140W. Pender St.,
Vancouver, BC V6E 401
Tel: (604) 408-2172
FAX: (604) 775- 1865

Alberta -The Legal Aid Society of Alberta

Executive Director
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Edmonton, AB T5J 4A1
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FAX: (403) 427-5909

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Administrative & Winnipeg Area Office
402-294 Portage Ave.,
Winnipeg, MB R3C 0B9
Tel: (204) 985-8500
FAX: (204) 944-8582

Ontario - Legal Aid Ontario

Angela Longo, - President/Chief Executive Officer
304-375 University Ave.,
Toronto, ON M5G 2G1
Tel: (416) 979-1446
FAX: (416) 979-8669

Quebec - Commission des services juridiques

1404-2, Complexe Desjardins, Tour Est,
Montreal, OC HSB 1B3
Tel: (514) 873-3562
FAX: (514) 873-8762E-mail: info@csj.qc.ca

New Brunswick - Legal Aid New Brunswick

David Potter, - Acting Provincial Director
2-403 Regent St,
Fredericton, NB E3B 3X6
Tel: (506) 451-1424
FAX: (506) 451-1429

Newfoundland/Labrador - The Legal Aid Commission

Department of Justice
4th Flr., East Block, Confederation Building
Box 8700
St. John's, NL
A1B 4J6
Telephone: (709) 729-5942
Facsimile: (709) 729-2129

Nova Scotia - Legal Aid Commission

R. Gordon Murray, Q.C.
174 Archimedes St.,
New Glasgow, NS B2H 2T6
Tel: (902) 755-7020
FAX: (902) 752-8733

Prince Edward Island - Legal Aid

W. Kent Brown, Q.C.
Law Courts Bldg., 42 Water St., Box 2000,
Charlottetown, PE CIA 7N8
Tel: (902) 368-6015
FAX: (902) 368-6122

Module 5: Sample Pre-Session Questionnaire

Name:
Organization:
Phone:
Fax:
Email:

Please describe your role in your organization:

- Board Member?
- PLWHIV/AIDS?
- Other Client:
- Other Kind Of Volunteer:
- Other: Please Explain:

Is disclosure a personal issue for you?

- YES NO

If YES, please define how so and how you would like to see these issues addressed in the workshop.

Are there any cultural issues that should be taken into account when planning the workshop. If YES, please explain.

- YES NO

Are you familiar with the Resource Guide *Disclosure of HIV Status after Cuerrier: Resources for Community Based AIDS Organizations*?

- YES NO

In brief, what do you think are the challenges around disclosure of HIV status that a CBAO may face in their day-to-day work? Please list three.

- 1.:
2.:
3.:

Does your organization have written policies regarding client confidentiality and record-keeping that you are aware of?

- YES NO

If no, would you like to see these policies and guidelines developed?

- YES NO

If yes, please describe three areas in which they could be improved.

- 1.
- 2.
- 3.

How would you like to see these sessions around disclosure structured [Check as many as apply]

- Concurrent days of training sessions
- Training Sessions held over a number of lunch breaks
- Evening sessions
- Weekend sessions
- Session Piggybacked with other events
- Other: Please Describe:

How many days (total) would you like to see these workshops run?

- 1 day
- 2 days
- 3 days
- More than 3 days

What information would you hope to obtain in of these sessions?

How would use the information presented in these sessions on disclosure in your community?

Is there anything you would specifically like to see in terms of information built into the sessions on disclosure and the Resource Guide?

Please return this survey to [contact name, by what means and in what time frame]

Module 6: Workshop Sessions Evaluation Form

Workshop Evaluation Form Dealing With The Disclosure Of HIV Status

[Place]

[Date]

DEMOGRAPHICS

1. Which of the following describe you: (check any that apply)

- | | |
|--|--|
| <input type="checkbox"/> community worker | <input type="checkbox"/> health professional |
| <input type="checkbox"/> person living with HIV/AIDS | <input type="checkbox"/> social worker |
| <input type="checkbox"/> lawyer | <input type="checkbox"/> government representative |
| <input type="checkbox"/> other: _____ | |

2. Do you counsel people living with HIV/AIDS?

- YES NO

WORKSHOP ORGANIZATION

3. For the following items, circle a number to indicate the extent to which you are satisfied or dissatisfied.

	Completely Dissatisfied			Completely Satisfied	
Advance workshop publicity	1	2	3	4	5
Registration procedures	1	2	3	4	5
Agenda length	1	2	3	4	5
Workshop facilities	1	2	3	4	5
Audio-visual aids	1	2	3	4	5

4. How would you rate the overall quality of the workshop (check one that applies)

- excellent very good satisfactory unsatisfactory poor

5. How well did the workshop meet its objectives?

excellent very good satisfactory unsatisfactory poor

6. How would you rate the materials provided during the workshop?

excellent very good satisfactory unsatisfactory poor

7. How would you rate the design of the workshop?

excellent very good satisfactory unsatisfactory poor

8. How would you rate the facilitation of the workshop?

excellent very good satisfactory unsatisfactory poor

9. How would you rate the use of time in the workshop?

excellent very good satisfactory unsatisfactory poor

BUILDING SKILLS

10. Amount of previous knowledge about the impact of the *Cuerrier* decision and disclosure of HIV status (check what applies)

None Some

11. Did the workshop help you build any of the following skills? (Check any that apply)

- knowledge about the issue
- ability to learn more about the issue
- ability to analyze the issue
- ability to communicate my views on the issue
- ability to plan some action on the issue
- ability to network with others on the issue

12. What is one thing that you would like to see changed about the workshop?

13. What was the single best thing about the workshop?

Additional comments and suggestions:

Thank you for responding to this questionnaire. Your answers will help us plan future activities. Please be assured that the data will be processed in a confidential manner.

Module 7: Case Studies

Think about...

- What are the relevant facts?
- What practical issues do these facts raise?
- What are the legal & ethical duties involved?
- What does law (legislation & court cases) say about resolving the issue?
- Are there other concerns that should be taken into account?

Always keep in mind ...

- The client's information needs.

CASE STUDY 1 - Criminal Law

You are a Registered Social worker, with a MSW is counselling, and a member of the Canadian Counselling Association. You work in a small community-based ASO in a small town. On your day for drop-in / intake, a 30-something man (Alex) comes to see you. He tells you that he has received a letter from public health. The letter states that he has come into contact with someone who has tested positive for HIV.

Alex thinks he has a pretty good idea who the source person may be. The guy is someone who has recently returned home after spending time in the city. Alex tells you that he has shared injection drug equipment on a weekly basis with a few guys, including the assumed source person, who shoot cocaine on weekends for kicks. They have also injected heroin a few times.

Alex also tells you that he has had sex with men “a few times”. He and his girlfriend have been living together for 3 years. He has had had “risky” sex with guys sometimes. He and his girlfriend don't use condoms.

Alex is freaked out, anxious, all over the place. He is angry. He is scared. But not under the influence of any substance. Alex wants to “do something” about the source person. Alex wants to know if he has to get

tested. Alex definitely does not want his girlfriend to find out about his injection drug use or sex with men.

CASE STUDY 2 - Confidentiality & Civil Liability

Suggestion: revisit your responses to CASE STUDY 1. Given the new information you have received, would you have told Alex anything else/different now?

Alex comes back to see you every week or two for 4 months. Alex has not told his girlfriend about any of this - the HIV, the gay sex, the drugs. When you first started counselling Alex, he said that he was not going to tell her because he's not "gay", an "addict", or one of those "fags with AIDS" and you "better not treat him like one". Through counselling Alex has softened his views, and is more empathetic and knowledgeable about HIV and the fact "straights get it too". He finally agrees to take an HIV-antibody test.

Alex tests HIV-antibody positive. He is angry and defensive. He tells you that he "is definitely not going to tell his girlfriend".

What do you do?

One of the guys Alex shoots drugs with tells Alex's girlfriend that he "just wanted to tell you that Alex may have AIDS because he shares needles and I think that he also fucks guys". She confronts him and kicks him out of their apartment. His girlfriend's sister is telling her to go to the police. She is angry and upset, and Alex tells you that he thinks she will go to the police. Two days later, the police show up at your door with a search warrant for Alex's counselling records.

What do you do? What factors might you consider in reaching this decision?