



ABI Consumer Guide for gay men on HIV and Life Insurance

In October 2005, the insurance industry implemented a new *Statement of Best Practice on HIV and Insurance*. Produced by the Association of British Insurers, this affects the way in which gay men are treated when applying for some types of insurance.

Over the previous decade, many gay men applying for life insurance felt they had been treated unfairly. This was mainly due to the practice of asking about sexuality, commonly known as 'the gay question' on application forms for life insurance, Critical Illness Cover and Income Protection insurance.

The ABI guidance has ended this practice and other intrusive personal questions. It also addresses the common misconception that simply taking an HIV test will have a detrimental impact on insurance applications made by gay men. Indeed, gay men are able to obtain reasonable levels of insurance without HIV testing.

This Consumer Guide summarises current practice.

What you may be asked when applying for life and protection insurance

- Assessing HIV risk
- Negative and Positive HIV Tests
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- Occupation and House Purchase

What you will not be asked

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- What GPs should and should not disclose
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- Civil partnerships

What you may be asked when applying for life and protection insurance and what is done with the information you give.

Assessing HIV risk

All life and protection insurance applicants are now asked a general HIV risk question. The question is:

“Within the last five years have you been exposed to the risk of HIV infection?”

Many companies also ask separate questions on intravenous drug use and blood transfusions carried out outside the EU. Almost all companies ask separately about travel and residence abroad.

Companies sometimes include examples of increased risk of HIV in their question:

“This can be caught through unsafe sex, intravenous drug use, or blood transfusions or surgery undertaken outside the EU”

Some companies may explain unsafe/safe sex but the explanation must be related to individual behaviour, for example having unprotected casual sex, not to a person’s sexuality. It is no longer acceptable to ask if an applicant is gay.

Negative and Positive HIV Tests

Applicants will not be penalised by life insurance companies if they have taken an HIV test. You do not need to declare ‘negative’ HIV tests.

On all applications for life insurance, Critical Illness Cover and Income Protection insurance, you will be asked if you have tested positive for HIV. If the answer is yes, you must say so. The wording that appears on application forms is:

“Have you ever tested positive for HIV, Hepatitis B or C, or are you awaiting the results of such a test? If the result is negative, the fact of having an HIV test will not, of itself, have any effect on your acceptance terms for insurance.”

The ABI Expert Working Group on HIV and Insurance is currently researching ways that life insurance could be offered to people with HIV. More life insurers hope to be able to offer affordable cover in the future.

Sexually Transmitted Infections

You are advised to disclose any sexually transmitted infections that you have had. Insurers do not expect you to make judgements on the health implications of particular diseases. In cases of doubt they will approach your GP, with your consent, for example to establish the long-term implications for your health. One-off minor infections are likely to be ignored by insurers.

Life insurance companies have the option of asking the following question:

“Within the last five years have you tested positive or been treated for any disease which was transmitted sexually?”

Occupation and House Purchase

In the past, life insurance underwriters may have used certain information contained on an application form to make speculative underwriting decisions. Answers to questions about occupation and house co-purchasing were occasionally used in assessing HIV risk.

Since the new guidelines were introduced, an individual's occupation is no longer used to indicate HIV risk. If asked, you should still disclose your occupation because some occupations carry greater risk of accidents at work than others, but in doing so you can be sure that it will not be used to assess HIV risk.

Insurance companies are required to consider each application for insurance on a case-by-case basis, based solely on the best, most relevant evidence available. Insurers will not request information which is unnecessary or irrelevant to the risk being insured.

What you will not be asked

Insurers will not ask you any questions about your sexuality. Even if you inadvertently disclose such information, it will not be used in assessing your application.

Instead, the new HIV risk questions ask about your personal behaviour. While many people are not clear about what constitutes safe sexual behaviour, most people are aware of what is unsafe sexual behaviour.

What GPs should and should not disclose

GPs are only contacted by insurers in a minority of cases and, even then, only with your consent. Typically this is done to get more information on a medical condition you have disclosed. You should not assume your insurer will approach your GP – it remains your responsibility to answer questions on your application form to the best of your knowledge.

Sexuality

The Association of British Insurers and the British Medical Association agreed a new General Practitioners' Report form (GPR) in September 2003. This is the report used by GPs to report medical information to insurance companies.

The GPR does not include any questions on patient sexuality and this information, even if known, will not be disclosed to insurers.

HIV Risk

GPs are required to inform insurers if an applicant is HIV positive or is awaiting an HIV test result. They will not notify insurers of negative tests that have been taken.

Sexually Transmitted Diseases

GPs are required to disclose sexually transmitted infections which have long term health implications. They will not disclose, for example, a single instance of a minor sexually transmitted disease.

Civil partnerships

The ABI Expert Working Group is currently working to make certain that those men registering civil partnerships are treated fairly regarding HIV risk, compared with both single men and married couples.

There is currently no data on the sexual behaviour of couples in a civil partnership. Therefore some life insurance companies are still treating these couples as single people for assessing HIV risk. Others are treating them in the same way as heterosexual married couples. For this reason gay men are encouraged to consult several insurance companies before deciding which to purchase life and protection insurance from.

The ABI Expert Working Group is undertaking further research in this area.

Further information can be found in the ABI's *Statement of Best Practice on HIV and Insurance* – see www.abi.org.uk