

■ **What if my partner, someone I live with or someone in my family has AIDS or HIV? Can I be fired, denied a job, or have my job changed?**

Probably not. Again, first find out if your job is covered by the law (see the answers to the first question). If it is, you can't be fired, denied a job, or have your job changed because you have a partner, friend or family member with AIDS or HIV.

■ **Can I take time off to help take care of my partner or family member with AIDS or HIV?**

Many employers will let you do this, at least for a while. Many won't pay you while you are off, although some will let you use your sick leave. If an employer lets other people use sick leave or take unpaid leave to take care of partners and family members who are sick, they can't refuse because the family member has AIDS or HIV. But the rules on same-sex and unmarried opposite-sex partners can be a little tricky. In most places, even though a company lets you take time off to take care of a husband or wife, the company doesn't have to let you take time off to care for your partner.

## HOW TO GET HELP

**If you need to get a definite answer about whether your job is covered, or whether your AIDS or HIV is covered, or if you need to get help because your rights are being violated:**

- Ask the organization that gave you this pamphlet. They may know if you are covered and they may know where to get help.
- Look in the phone book under "AIDS," or search the Internet for "AIDS legal" and see if you can find a local agency that can tell you if you are covered, or who might be able to help.
- Call the ACLU AIDS Project in New York at 212-549-2627. The folks there will try to find out the answers, and they may be able to get you help.

**If you really aren't sure if you have rights, MAKE SURE. CALL. And don't put it off. All of these laws have deadlines. Waiting too long can take away your rights.**

## CONTACT US:



**American Civil Liberties Union**

AIDS Project

125 Broad Street, 18th Floor


New York, NY 10004

212.549.2627

hiv@aclu.org

[www.aclu.org/hiv](http://www.aclu.org/hiv)

## HIV & Your Civil Rights

 Know Your Rights  
in the **Workplace**

## HIV & Your Civil Rights Know Your Rights in the Workplace

THIS GUIDE SHOULD HELP YOU FIGURE OUT IF HAVING AIDS OR HIV CAN AFFECT HAVING A JOB. IT IS SET UP TO ANSWER THESE QUESTIONS:

- **Can I be fired or denied a job because I have AIDS or HIV?**
- **Can my boss or company change my job or put me in a new job because I have AIDS or HIV?**
- **Can a boss or company force me to tell them if I have AIDS or HIV?**
- **Does my boss or company have to give me different hours or special treatment if I have AIDS or HIV?**
- **What if my partner, someone I live with or someone in my family has AIDS or HIV? Can I be fired, denied a job, or have my job changed?**

SOME OF THE ANSWERS TO THESE QUESTIONS ARE “PROBABLY NOT” OR “MAYBE.” AT THE VERY END, THIS GUIDE EXPLAINS HOW YOU CAN FIND THE ANSWERS TO YOUR QUESTIONS AND GET HELP.

### ■ **Can I be fired or denied a job because I have AIDS or HIV?**

Probably not. The national law protects anyone with AIDS or HIV, but only applies to businesses with more than 14 workers. Many state or local laws cover smaller businesses, but some only cover people who are sick.

### ■ **How can I find out for sure if I can be fired or denied a job?**

First, ask the organization that gave you this pamphlet. They may know. More likely, they might be able to find someone who can tell you. If not, look in the phone book under “AIDS” or search the Internet for “AIDS legal” to see if you can find an agency that can tell you. Or you can call the ACLU AIDS Project in New York at 212-549-2627. The folks there will try to find out for you.

### ■ **Can a boss or company change my job or put me in a new job because I have AIDS or HIV?**

Probably not. First, find out if your job is covered (see the question just before this one). If it is, your company or boss can’t change your job just because they’re afraid of people with HIV. They can’t change your job just because they think customers or co-workers are afraid of HIV. But, they *can* change your job if it’s dangerous for you to do it. That means if you could infect other people, or if you could get hurt because of your HIV. But there aren’t many jobs like that.

### ■ **Can a boss or company force me to tell them if I have AIDS or HIV?**

Probably not before you have been offered a job. Until you’ve been offered a job, a boss or company can only ask questions about whether you can do the job. So they can’t ask unless your HIV or AIDS makes you unable to do parts of the job. But this is true only if the law where you live covers you and the job (see the first question).

### ■ **What about after I’ve been offered a job?**

Your company or boss can make *everyone* take a general medical exam. As part of the exam, they can ask you what illnesses you have and what medications you take. You then have to tell them about your HIV. But they can’t take the job back because of your answer as long as you can do the job safely, so don’t lie. If you lie and they find out, they can take your job away for lying.

### ■ **If I tell my boss or company that I have AIDS or HIV, do they have to keep it a secret?**

Sometimes. If your company is covered by the national law, and your boss asks you about your medical condition, they have to keep anything you tell them confidential. But if you tell them for some other reason, they may or may not have to keep it a secret. And if your company is smaller than 15 people, whether they have to keep your HIV status private depends on the law in your state. It is always a good idea, if you tell your boss or company that you have AIDS or HIV, to say that you don’t want them to tell anyone else. You’ll have better legal protection. And many people will respect your privacy.

### ■ **Does my boss or company have to give me different hours or special treatment if I have AIDS or HIV?**

Probably, but the more special treatment you need, the tougher it is to get. Your boss or company has to make small changes to your job as long as you can still do the important parts of the job. So, for example, if you need to see your doctor at what is usually work time, your boss has to let you unless the job has to be done at that particular time. The bigger your company, the more likely it is that the company will have to adjust. The bigger the changes you need, the more likely it is that the company won’t have to adjust.

### ■ **To get time off, do I have to tell my boss or company I have AIDS or HIV?**

Maybe not. You can say you have a medical condition, and that your doctor will back you up in a note. Lots of companies don’t want more information. Some laws say that they can’t ask for more.

### ■ **What if I am so sick, I can’t do the job?**

Your company or boss doesn’t have to give you a job or keep you in a job if you can’t do that job. The Family Medical Leave Act, a national law covering many employers, might require the company to keep the job open for you until you can return to work, at least for a few months. In some places, the company may have to keep paying you for a while. If you can’t work, you should consider applying for disability. Some jobs have private disability insurance. Many states do, and you should apply for Social Security. Your nearest HIV/AIDS agency should be able to help you figure this out.