

## **Your rights in the AIDS era. 3, Discrimination at work / Immunity.**

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**immunity**

Updated  
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Society for HIV Research and Education

# YOUR RIGHTS IN THE AIDS ERA

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**3.** Discrimination  
at work

## What is discrimination?

Certain types of discrimination in employment are forbidden by law. These are discrimination on the grounds of **sex, marital status and race**. Both **direct and indirect discrimination** are **forbidden**.

**Direct discrimination** is when a woman is treated less favourably than a man (or vice versa) — or a married person is treated less favourably than a single person. It also applies when one person is treated less favourably than another on the grounds of race.

**Indirect discrimination** applies when even though a particular requirement or condition is applied to everyone the proportion of men, women, married people or any particular racial group that can comply with the requirement is considerably smaller than the proportion of other people who can comply.

A few examples will make that clearer:

Someone who refuses to employ a **woman** with children is **directly discriminating** against women.

Someone who employs or promotes a less qualified white person in preference to a better qualified black person is guilty of **direct racial discrimination**.

Someone who decides to make all the part-time staff redundant in preference to full-timers may be guilty of **indirect sex discrimination** because more women work part time than men.

Someone who forbids the wearing of turbans in the office is guilty of **indirect racial discrimination** because fewer Sikhs can comply with those requirements than other people.

Someone who refuses to employ a **man or woman** with children is **indirectly**



**discriminating** against him or her on the grounds of marital status.

## **Remedies**

Protection against sex and race discrimination does not depend on how long you have been working and it operates even when you are applying for a job.

If you feel there has been any form of discrimination, as described above, you will need to get advice. The following are possible places for advice.

In the first place there are two commissions, the Commission for Racial Equality and the Equal Opportunities Commission.

Both can both formally investigate large organisations, like public companies, local councils and so on.

They can also help individuals, either by taking on their cases, if they are particularly important, or by giving help and advice.

Apart from a formal investigation, a complaint of discrimination will be dealt with by an industrial tribunal.

In this case it is as well to be legally represented. In addition to the two commissions there are law centres in various parts of the country, which specialise in this type of work.

Also, particularly in London, your local Citizens' Advice Bureau may be able to give you initial advice and then point you in the right direction.

## **HIV and discrimination**

There is no law to protect someone who has HIV infection or someone who has AIDS – or

any of its associated complexes – against discrimination.

To take any action people with HIV infection or people with AIDS or one of the complexes would have to bring themselves within the protection of the sex or race discrimination laws.

An employer who insists on medically testing **men** who apply for jobs for HIV antibodies is guilty of **direct discrimination**.

An employer who insists on medically testing all men and women who applied for jobs may be guilty of **indirect discrimination**. – on the grounds that more men than women have HIV infection and so would be adversely affected, even though of itself being infected or not is irrelevant in doing a job.

It's much the same if people are singled out for HIV testing because of their race.

Testing workers from some African countries – on the unjustifiable grounds that some researchers used to claim that people from Africa may be more likely have HIV infection than people from other countries – is direct racial discrimination.

And it's important to stress that having HIV infection or having AIDS or one of the complexes associated with it is not a good reason for being sacked under general employment law.

Workers have the right to be judged solely on their ability to do their jobs.

That involves an assessment of their performance, including their attendance record and of their future health prospects, not a judgement based on whether or not they have antibodies to HIV in their blood.



## LONDON AND NATIONAL GROUPS AND SERVICES

**Afro Caribbean Helpline Service:** Black advisers offering specialised advice and support, Fridays 6pm-10pm, on the National AIDS Helpline (0800-567 123). Calls free

**AIDS and Housing Project:** Write: 16-18 Strutton Ground, London SW1P 2HP

**AIDS Healthline:** Information from the College of Health. Daily, 2pm-10pm

**Asian AIDS Helpline:** Advice given in Bengali, Gujarati, Hindi and English, Wednesdays 6pm-10pm, on 0800-282 445. Calls free

**Cantonese AIDS Helpline:** Advice given in Cantonese, Tuesdays 6pm-10pm, on 0800-282 445. Calls free

**Body Positive:** Mutual help and support group. Drop-in centre at 51b Philbech Gardens, London SW5. Write: PO Box 493, London W14 0TS. Helpline: (7pm-10pm) 01-373 9124

**Body Positive Support Group:** For newly diagnosed people with HIV infection and others with the infection who are anxious, plus the lovers, close friends and relatives of both groups. Meets Sundays at 12.15pm (for 12.30pm) on the second floor at the London Lesbian and Gay Centre, 69 Cowcross Street, London EC1

**Care and Resources for People Affected by AIDS/HIV (CARA):** Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS. Write: 178 Lancaster Road, London W11 1QU. Phone: 01-792 8299

**Dentists who treat people with HIV infection:** NHS Special Needs Dental Clinic, Alderney Street, London SW1. (Mondays, 3pm-5pm, Tuesdays, Wednesdays 9am-12pm) Phone: 01-630 8436 Or: advice on who to see from Mrs Satchell at City and Hackney Health Authority. Phone: 01-253 3020

**Drug Users and Ex-Users with HIV infection/AIDS/ARC:** run by Terrence Higgins Trust. Meets Fridays 7pm-9pm at Trust's offices (52-54 Grays Inn Road, WC1) Info: David Bickerton on 01-831 0330

**Ealing AIDS Response:** Local group. Write: PO Box 16, Isleworth, Middlesex, TW7 6AG. Phone: 01-993 8872

**Frontliners:** Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, BM AIDS, London WC1N 3XX. Phone 01-831 0330

**Haringey Health Authority Helpline:** Counselling and advice on the phone on 01-801 1490/01808-1061, extension 212 (10am-6pm)

**Haemophilia Society:** Information, advice and support for everyone who has haemophilia - and special representation of and support for people with haemophilia infected with HIV by using Factor 8. Write: 123 Westminster Bridge Road, London SE1. Phone: 01-928 2020

**Immunity:** HIV research and health education charity. With full-time specialist legal centre for anyone with a legal problem connected with HIV infection, AIDS or an AIDS-related complex. Advice and court representation on offer. Also welfare rights advice. Open 10am-5.30pm. Phone to fix an appointment. Charity and legal centre at 280A Kilburn Lane, London W10 4BA. Phone: 01-968 8909

**Italian Drug Users and Ex-Users Group:** run

by Terrence Higgins Trust. Meets Wednesdays 6pm-7.30pm at Basement, SCODA, 1-4 Hatton Place, London EC1 8TD. Info: David Bickerton on 01-831 0330 or Dr Massimo Riccio on 01-362 8161

**The Landmark:** Day centre for people who have HIV infection and people who have AIDS. Will offer advice, recreational facilities, meals. Plus info for other people. 47 Tulse Hill, London SW2. Phone 01-671 7811/2

**Lesbian Employment Rights:** Non-AIDS specialist. Good on rights at work. Address: as LAGER Phone: 01-587 1636 (Mon-Thurs 7pm-10pm)

**Lesbian & Gay Employment Rights**

**(LAGER):** Specialist in rights at work. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SD. Phone: 01-587 1643. (Mon-Fri, noon-6pm)

**London Lesbian and Gay Switchboard:** The original helpline. Not an AIDS specialist - but helpful. Write BM Switchboard, London WC1N 3XX. Phone: 01-837 7324 (24hrs)

**London Lesbian Line:** Information, support and advice for women. Phone 01-251 6911, Mondays and Fridays 2pm-10pm, Tuesdays-Thursdays 7pm-10pm

**London Lighthouse:** Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers and terminal care. 111 Lancaster Road, London W11 1QU. Phone 01-792 1200

**National AIDS Helpline:** Phone - free of charge for free leaflets (0800-567 777) or confidential advice (0800-567 123). 24 hours a day

**North London Social and Support Group:** Info: Joe on 01-482 4107

**Nurses Support Group:** Runs helpline for healthcare workers who need advice and help on HIV problems, Mondays and Wednesdays 7pm-10pm, on 01-708 5605

**Positively Women:** Group of women who have HIV infection or have AIDS. Meets in central London. Info: 01-837 9706 (Mondays-Fridays, 10am-5pm)

**Project for Advice, Counselling and Education (PACE):** One-to-one counselling and training in counselling. Meetings and write c/o London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 01-251-2689

**South London Support and Social Group:** Info: Rick, 01-675 3919

**Standing Conference on Drug Abuse (SCODA):** Information officer keeps up-to-date list of needle exchange schemes. 1-4 Hatton Place, London EC1. Phone: 01-430 2341/3

**Terrence Higgins Trust:** Information and counselling about HIV infection and AIDS. Plus support groups and trained volunteers to help people with HIV infection and people with AIDS. Write: BM AIDS, London WC1N 3XX. Phone: 01-831 0330 (admin only)

01-242 1010 (helpline, daily, 3pm-10pm)

**Women's Health and Reproductive Rights Information Centre:** Not an AIDS-specialist - helpful. Advice on all health issues affecting women, including HIV infection and AIDS. 52-54 Featherstone Street, London EC1. Phone: 01-361 6332

**Women's Support Group:** Run by Terrence Higgins Trust. Info: 01-831 0330

## What's AIDS?

AIDS is short for the Acquired Immune Deficiency Syndrome. If you have AIDS your body's defence system against all sort of infections is weakened so much you catch diseases which people whose immune systems aren't affected can just shrug off. And, when you catch them, the diseases turn out to be much more serious than they are in people with healthy immune systems. Nobody knows for certain, but it look as if everyone who has AIDS dies of one of the diseases they catch, such as a fairly rare form of pneumonia. You can't catch AIDS. It develops in you for some reason. HIV probably causes that to happen.

## What's HIV?

HIV is short for the Human Immunodeficiency Virus. It was first discovered in 1983. Since then it has been called LAV and HTLVIII. But since 1986 the proper name for it has been HIV. It may cause AIDS to develop in you. You can catch HIV infection by allowing your body fluids — blood, semen or vaginal fluids — to become mixed with the body fluids of some who's already infected. HIV isn't like most viruses because, when you're infected it lives inside blood cells which are part of your body's defence system.

## What's Immunity

Immunity is a charity started in 1985 to research into HIV. Its aim is to find some way of helping people who have HIV infection stay well longer. It also runs fitness classes and produces education leaflets and relaxation tapes. With funds from the London Boroughs Grants Scheme, Immunity runs a legal centre in London to give advice and assistance to people who have HIV infection and people who have AIDS. Phone first before visiting to fix a time to call. The address and phone number are at the bottom of this page.

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