

## **Your rights in the AIDS era. 13, Pensions / Immunity.**

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**i:mmunity**

Society for HIV Research and Education

**YOUR  
RIGHTS  
IN THE  
AIDS  
ERA**

**13. Pensions**

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## **Do I have to arrange a pension?**

Anyone who works and is earning more than the government's lower earnings limit – £43 a week before April 1990 – has to pay National Insurance contributions which go towards providing a basic weekly retirement pension.

## **Is that all the state provides?**

No. Employees – not the self-employed – also have to be in the State Earnings Related Pension Scheme, SERPS for short, or to be contracted out of it.

## **What is SERPS?**

SERPS tops up the state pension with a proportion of your salary which depends on the length of time you have contributed.

## **What is 'contracting out'?**

It means you opt out of SERPS. You can do that so long as you are in an alternative scheme which meets government requirements. These depend either on the benefits being at least as good as SERPS or on the amount of contributions you make.

## **What does all this mean if I've become infected with HIV?**

If you are antibody positive to HIV, you will probably want to spend as little of your income as possible on pensions and as much as possible on your immediate needs.

## **Can I save money by opting out altogether?**

Not if you are working. If you are not working you will be credited with contributions if you sign on as unemployed or are getting sickness or invalidity benefits.

## **Do I have to join the firm's scheme?**

Since April 1988, belonging to your employer's pension scheme can not be a condition of employment. That means you can join a cheaper pension scheme which meets the government's standards, if you can find one.

And, if joining the company's scheme would mean that you'd have to answer questions you would prefer not to, then you can stay in SERPS – or arrange another scheme where you do not have to answer those questions.

## **If I'm in the firm's scheme, can I ever get my contributions back?**

Only if you leave within two years. Then you can reclaim

the contributions you made – less 20 per cent tax. If you leave after two years, you can choose have your contributions either frozen in the old pension scheme or transferred to a scheme run by a new employer.

### **If I retire through ill-health, do I qualify for a pension?**

The state pension depends on age and contributions. Men get a pension at 65 and women at 60. To get a full pension you need to have paid or been credited with contributions for at least 90 per cent of your working life.

### **Is there no way I can arrange for a pension at an earlier age?**

Yes, but not much. It is now possible to arrange a personal pension which you can take from 50 onwards. Because of tax advantages to help with pension arrangements that is the limit of current concessions. You still have to contribute towards your state pension.

### **If I have to give up work, are there any pension prospects?**

That depends on whether you work for a firm with an 'improved' pension scheme. Many large employers now have schemes providing for a pension for people retiring on grounds of ill health.

### **How are ill-health retirement schemes run?**

There is no general law governing them. Most schemes are run by trustees and underwritten by an insurance company. Payment depends on what has been agreed between the firm and the insurance company providing the cover when the scheme was set up.

### **How do I find out?**

Your firm will probably give you a booklet outlining its scheme. Don't rely on the booklet – get a copy of the whole scheme. You are entitled to be given one on request.

### **How do I make a claim?**

Before deciding about ill health retirement, find out exactly what the scheme you belong to offers. See your local Citizens' Advice Bureau or another experienced advisor if you do not fully understand it.

The trustees may be happy for you to retire, but you'll have to satisfy them – and the insurance company – that the state of your health justifies retirement. For that you may have to allow access to your medical records in addition to submitting to a medical examination.

## **Do I have to allow access to my records?**

That depends on how necessary the company which runs the scheme feels that would be to make a decision in accordance with its rules. If employees are accepted into the scheme without enquiry, only records establishing the present state of your health are relevant.

But, if you had to complete a health declaration form before joining the scheme the insurers are entitled to verify your answers to the questions and to do that it may feel it needs access to previous records.

## **What if I refuse access to my records?**

You'll probably find that your giving access to your medical records is a condition of the scheme. When you signed up to join the scheme, you may have signed agreeing to give access to your records. – or it may be one of the conditions of scheme. And, by paying your contributions, you will have become bound by the conditions, even if you didn't know them.

In that case, the insurers can refuse to pay up, simply because you won't let them see the records.

And even if you haven't already agreed to give the insurers access to your records – or if access isn't a condition of the scheme – they can still refuse to pay up if they can't see your records.

The insurers could claim, for example, that the state of your health isn't covered by the scheme – or they could try to find another way of getting out of paying up. But, when you joined the scheme they promised to pay, so it will be up to them to establish an adequate reason for failing to pay.

## **Who will get to know the details of the state of my health?**

The doctor examining you owes you a duty of confidentiality. If the personnel department does not already know details of your condition there is no reason why they should find out now. The doctor's duty is only to report whether you satisfy the conditions for retirement. The doctor should not tell anyone else that you are antibody positive to HIV without your giving him – or her – your express permission.

## **Will my employer's scheme provide any further benefits?**

Many schemes provide for payment of a lump sum to your estate. It is important to know if this right continues after you leave your employment. Often it does not. This may influence your decision on whether or not to leave work – but not at the expense of your health.

## LONDON AND NATIONAL GROUPS AND SERVICES

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

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

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

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

**Body Positive:** Body positive London runs a mutual help and support group. Drop-in centre at 51b Philbeach Gardens, London SW5. Open: Mon and Fri 11am-9pm, Tue-Thur 11am-5pm. Offers meals, free massage, advice sessions - including legal advice by Immunity's Legal Centre, Mon 6pm-8pm. For addresses and phone numbers of other BP groups phone the National AIDS Helpline (0800 567 123) or contact Body Positive London. Write: 51b Philbeach Gardens, London SW5 9EB. Helpline: daily (7pm-10pm) 071-373 9124.

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

**CARA (Care and Resources for People Affected by AIDS/HIV):** Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS. Write: 178 Lancaster Road, London W11 1QU. Phone: 071-792 8299

**Dentists who treat people who have HIV infection and people who have AIDS:** NHS Special Needs Clinic, Alderney Street, London SW1 (Mon, 3pm-5pm; Tue, Wed, 9am-12noon) Phone: 071-630 8436 or ask Mrs Satchell at City and Hackney Health Authority. Phone: 071-253 3060

**Drug Users and Ex-Users with HIV infection, AIDS and ARC:** Run by Terrence Higgins Trust. Meets Fri, 7pm-9pm, at Trust's offices 962-54 Grays Inn Road, London WC1). For info, phone: David Bickerton at 071-831 0330

**Frontliners:** Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, 52-54 Grays Inn Road, London WC1X 8JU. Phone: 071-831 0330

**Haemophilia Society:** Information, advice and support for everyone who has haemophilia - and special representation of people infected with HIV through using Factor 8. Write: 123 Westminster Bridge Road, London SE1 7HR. Phone: 071-928 2020

**Immunity:** HIV research and health education charity. Runs full-time specialist legal centre for anyone with legal problems connected with HIV infection, AIDS or a condition connected with HIV infection or AIDS. Will-making, advice and court and industrial tribunal representation on offer. Also welfare rights advice. Centre's staff can visit. All centre's services are free. Open Mon-Fri, 10am-5pm. Phone to fix an appointment before visiting. Advice sessions at Body Positive Centre, The Landmark and London Lighthouse - see those entries for details. For charity, Immunity Publications and legal centre write: 260A Kilburn Lane, London W10 4BA. Phone: 081-968 6909

**The Landmark:** Day centre for people who have HIV infection and people who have AIDS. Open Mon and Thur 10am-9pm, Tue and Fri 10am-5pm, Wed 10am-7pm. Offers meals, recreational facilities and advice sessions - including legal advice from Immunity's Legal Centre (Wed, 5pm-7pm). Plus info for other

people. Write: 47a Tulse Hill, London SW2. Phone: 081-671 7611/2

**Lesbian Employment Rights:** Non-AIDS specialist. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 071-687 1636 (Mon-Thur, 7pm-10pm)

**Lesbian and Gay Employment Rights:** Non-AIDS specialist. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 071-687 1643 (Mon-Fri, noon-5pm)

**London Lesbian and Gay Switchboard:** The original helpline. Not an AIDS specialist - but clued up and helpful. Write: BM Switchboard, London WC1N 3XX. Phone: 071-837 7324 (24hrs)

**London Lesbian Line:** Information, support and advice for women. Phone: 071-251 6911 (Tue-Thur, 7pm-10pm)

**London Lighthouse:** Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers, terminal care and advice sessions - including legal advice from Immunity's Legal Centre and North Kensington Law Centre (Thur 5pm-7pm). Write: 111 Lancaster Road, London W11 1QT. Phone: 071-792 1200

**Mildmay Mission Hospital:** Convalescence, respite and terminal care. Plus day care and 24-hour call-out home care service, covering City and East London. Has mother and baby rooms. Frontliners drop-in office. Write: Hackney Road, London E2 7NA. Phone: 071-729 2331

**National AIDS Helplines:** - free of charge - for free leaflets on HIV infection and AIDS, 0800 565 777. For confidential advice: 0800 567 123

**Nurses Support Group:** Runs helpline for nursing staff needing advice and help with HIV and AIDS problems. Phone: 071-706 5605 (Mon and Wed, 7pm-10pm)

**Positively Sober:** Men and women who see themselves as members of Alcoholics Anonymous or Narcotics Anonymous and who have HIV infection, ARC or AIDS, meet at the Body Positive Centre, 51b Philbeach Gardens, London SW5. For info, phone: Paul on 071-485 2047

**Positively Women:** Advice and support for and from women who have HIV infection, AIDS or a condition connected with HIV infection and AIDS. Meets in central London. Write: 333 Grays Inn Road, London WC1X 8PX. Phone: 071-837 9706

**Project for Advice, Counselling and Education (PACE):** One-to-one counselling and training in counselling. Meetings at and write: London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 071-251 2669

**South East Asian HIV/AIDS Support Group:** Support group. Meets third Wednesday of each month at London Lighthouse. For info, phone: Hong Tan on 071-485 6756

**Standing Conference on Drug Abuse (SCODA):** Information officer keeps up-to-date list of syringe exchanges. Write: 1-4 Hatton Place, London EC1N 8RU. Phone: 071-430 2341/3

**Terrence Higgins Trust:** Information about and counselling over HIV infection and AIDS. Plus support groups and trained volunteers to help people who have HIV infection and people who have AIDS. Write: 52-54 Grays Inn Road, London WC1N 8JU. Phone: 071-831 0330 (admin only). 071-242 1010 (helpline, daily, 3pm-10pm)

**Women's Health and Reproductive Rights Information Centre:** Not an AIDS specialist - but helpful. Advice on all health issues affecting women, including HIV infection and AIDS. Open: Mon, Wed, Fri, 11am-5pm. Write: 52 Featherstone Street, London WC1Y 8RT

## 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 plays a part in that happening.

## 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 get infected with HIV 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, Thames Telethon, The National AIDS Trust and private donations, 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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