Discrimination Just Ain’t Right

People living with HIV are protected under the law.

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Individuals with HIV who take antiretroviral medications to treat the virus can lead healthy, long lives, but they may still face social stigma and discrimination.

While stigma refers to negative attitudes about people with HIV based on ignorance, discrimination entails treating people with HIV differently than people without the virus. Individuals who discriminate might deny someone a job or an essential service because of his or her status, which is illegal.

The Americans with Disabilities Act of 1990 (ADA) protects people with HIV against such discrimination by all public employers, private employers with 15 or more employees, state and local government entities and all public accommodations.

Still, some may believe they’re not covered by the ADA because the virus does not affect their ability to work or function. But an amendment to the law in 2008 clarified that people with HIV are fully protected whether or not they have symptoms.

Furthermore, the ADA states that reasonable modifications in policies, practices or procedures must be implemented in order to accommodate individuals with disabilities.

Finally, the law also protects people who don’t have the virus if they have been discriminated against by someone who believes that they do.

Individuals who believe they have been discriminated against because of their HIV status should file a complaint with the Department of Justice or, if the complaint is about a job, the Equal Employment Opportunity Commission.

Additionally, people may also file private lawsuits with the help of an attorney or a nonprofit, such as Lambda Legal.

In 1983, Lambda Legal won the nation’s first HIV/AIDS discrimination case, People v. West 12 Tenants Corp. The case concerned tenants of a building who tried to evict a neighbor, noted HIV/AIDS doctor Joseph Sonnabend, because he was treating people with HIV. The landmark victory helped pave the way for the ADA’s legal protection of people living with HIV.

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