

Q

Can an employer fire a person or refuse to hire a person because he or she is HIV-positive?

A

Probably Not. Federal law protects anyone with HIV or AIDS from employment discrimination, but the law only applies to businesses with at least 15 workers.

Q

What if my partner or someone in my family has HIV/AIDS?

A

If your job is covered by the Americans with Disabilities Act, you can't be fired, denied a job offer or have your job changed because you have a partner, friend or family member with HIV/AIDS.

How to Get Help

If you think your rights are being violated, contact:

Equal Employment Opportunity Commission (EEOC)
Jackson Office
100 West Capitol Street, Suite 207
Jackson, MS 39269
800.669.4000

Mississippi Center for Justice
Jackson Office
601.352.2269
Indianola Office
662.887.6570
Biloxi Office
228.435.7284

Call as soon as you have a concern or question about your rights.

There are deadlines for taking legal action. Waiting too long could mean you lose your rights and are not able to get the help you need.

www.mscenterforjustice.org

This brochure was created with support provided by the Southern REACH initiative of AIDS United and the Ford Foundation.

Employment Rights



**MISSISSIPPI
CENTER
FOR JUSTICE**

For Persons Living with HIV/AIDS

Q

What is job discrimination based on a person's HIV status?

A

Job discrimination is any form of negative employment action based only on a person's HIV status. The Americans with Disabilities Act is a federal law that protects people with HIV or AIDS from job discrimination.

Did You Know?

The Americans with Disabilities Act is a federal law that protects people with HIV or AIDS from job discrimination.

The Americans with Disabilities Act protects anyone with HIV/AIDS, but only applies to businesses with 15 or more workers.

Know Your Rights in the Workplace

If your job is covered by the Americans with Disabilities Act, your employer:

SHOULD

grant an HIV-positive employee's request to make small changes to a job to make it easier for someone with HIV to do the job.

CANNOT

fire someone because he or she has HIV/AIDS.

CANNOT

refuse to hire a person because he or she has HIV/AIDS.

CANNOT

limit job duties because a person has HIV/AIDS.

CANNOT

refuse to train or promote someone because he or she has HIV/AIDS.

Q

Can a company force me to tell them I have HIV or AIDS in a job interview?

A

No. Employers cannot ask about HIV status during a job interview. But AFTER giving you a job offer, your boss or company can make EVERY worker take a general medical exam to make sure each person is physically able to do the job. If you can do the job safely, they cannot take the job offer back only because they find out you have HIV or AIDS.

Q

If my boss or company finds out I have HIV or AIDS, do they have to keep it private?

A

Sometimes. If your boss ASKS YOU if you have HIV or AIDS as part of a general medical exam that all employees have to take, then your boss does have to keep your HIV status private. But if YOU TELL your boss or your company about your HIV status on your own, then they may not have to keep it private. If you do tell your boss about your status, it is a good idea to say that you do not want them to tell anyone else.