

ASSOCIATION OF NURSES IN AIDS CARE

POSITION STATEMENT

Discrimination Protections for People with HIV Infection

Adopted by the ANAC Board July 31, 1998
Reviewed and Revised by the ANAC Board August 14, 1999;
November 1, 2000, September 2002, August 2008 & August 2012

Position:

It is the position of the Association of Nurses in AIDS Care that:

- **People living with HIV infection are entitled to equal opportunities for education, employment (including career advancement), transportation, public accommodation and public services (including access to health insurance and health care services).**
- **Nurses have a moral, legal and professional responsibility to care for all persons, with or without HIV infection.**
- **Healthcare personnel living with HIV infection have a right to continue working as healthcare providers and to be assured of confidentiality about their HIV status in all cases.**
- **Healthcare workers with HIV infection should not be required to disclose their HIV status to patients.**

Statement of Concern:

Since the onset of the HIV epidemic in 1981, and continuing in the three decades since stigma and discrimination have detrimentally affected people living with HIV. This includes employment, education, housing, insurance, healthcare, social isolation, depression and violence. The Americans with Disability Act has provided some legal protection and relief against HIV related discrimination. Persons living with HIV continue to be harmed by stigma and discrimination, even today. (Lambda Legal 2010).

Background:

Stigma and discrimination are human responses to disease and the unknown. Throughout history many disease states have carried significant stigma, including tuberculosis, cancer, mental illness and many STD's. HIV/AIDS continues to be stigmatized (Brown, et.al, 2003) despite advances in care and treatment of the disease. (Kaiser family foundation Survey of Americans on HIV/AIDS, 2009).

In *Bragdon vs. Abbott* (1998) the U.S. Supreme Court upheld that people with Asymptomatic HIV infection are protected from discrimination based upon the Americans with Disability Act (ADA) solely based on their HIV status. In addition, the court ruled that all employers and businesses must rely on objective, scientific evidence in determining their actions with regard to people with HIV infection, with special reliance on established health authorities. (Leibowitz, et. Al, 1999). (White House Office of National AIDS Policy, National HIV/AIDS Strategy for the United States, 2010).

From FY 2000 through FY 2009, 2,175 HIV related discrimination complaints have been filed with the Equal Employment Opportunity Commission (EEOC). Individuals continue to claim HIV related employment discrimination at an average rate of one per day. This would indicate that discrimination persists and continues to impact the lives of persons living with and working with HIV infection. (Lambda Legal, 2010).

As HIV and AIDS have transitioned into a chronic disease, discrimination in employment continues. Many continue to fear that their HIV status will be disclosed illegally. People living with HIV are being refused appropriate care for unrelated medical needs, such as organ transplants, based upon their HIV status. Individuals who return to the job market face questions related to gaps in employment. Those who are not able to return due to fatigue or illnesses secondary to HIV medications or treatments are frequently denied disability payments or attempts to cancel coverage because they appear clinically stable (GLAD, 2008).

Strong legal protections are required and are essential to prevent discrimination, protect privacy regarding HIV serostatus and contribute to effective prevention and risk-reduction strategies. Nurses are in a unique position to advocate for their patients, their healthcare colleagues and themselves.

References

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