



BUSINESS
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TO AIDS



LABOR
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Basic Facts About HIV and the Law

HIV/AIDS affects companies and organizations in many ways. Managers and labor leaders are gathering information, talking with their trade and professional associations, learning more about HIV/AIDS, and preparing strategies for HIV/AIDS programs and policies suitable for their companies.

The majority of people infected with HIV are between the ages of 25-44 and are employed. The increase in the number of people with HIV means that there will be more employees with HIV on the job in the future. That could mean that you, someone you know or employ, or an employee's family member or close friend, is already coping with HIV or AIDS. It is important that you know the laws surrounding HIV/AIDS and how they affect labor leaders, managers, and you.

What Laws Affect You?

- The **Americans with Disabilities Act of 1990 (ADA)** prohibits employment discrimination on the basis of disability. The ADA, which covers employers of 15 or more people, applies to employment decisions at all stages. Court decisions have found that an individual with even asymptomatic HIV is protected under this law.
- The mission of the **Occupational Safety and Health Administration (OSHA)** is to save lives, prevent injuries, and protect the health of America's workers. To accomplish this, Federal and state governments work in partnership with the more than 100 million working men and women and their six-and-one-half million employers who are covered by the **Occupational Safety and Health Act of 1970**.
- The **Family Medical Leave Act of 1993 (FMLA)** applies to private-sector employers with 50 or more employees within 75 miles of the work site. Eligible employees may take leave for serious medical conditions or to provide care for an immediate family member with a serious medical condition, including HIV/AIDS. Eligible employees are entitled to a total of 12 weeks of job-protected, unpaid leave during any 12-month period.
- The **Health Insurance Portability and Accountability Act of 1996 (HIPAA)** addresses some of the barriers to health care facing people with HIV as well as other vulnerable populations. HIPAA gives persons with group coverage new protections from discriminatory treatment, makes it easier for small groups (such as businesses with a small number of employees) to obtain and keep health insurance coverage, and gives persons losing/leaving group coverage new options for obtaining individual coverage.
- The **Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)** allows employees to continue their health insurance coverage at their own expense for a period of time after their employment ends. For most employees ceasing work for health reasons, the period of time to which benefits may be extended ranges from 18 to 36 months.