



HIV and Work

Being in paid employment can improve the psychological health of people living with HIV. It can increase social connections and add a sense of purpose to daily life. From a human rights perspective, it is important that people living with HIV are not discriminated against at any stage of their working careers. Knowing your rights and responsibilities as well as your employer's rights and responsibilities can help through all stages of employment.

Discrimination

People living with HIV are protected from discrimination in employment by the Human Rights Act (1993). Under this Act, employers cannot refuse to employ somebody solely on the basis of their perceived or actual HIV status. The Act also outlines avenues for appeal if employees feel abused, neglected and/or harassed.

The only context in which employers can insist on an employee having an HIV test is if being free of illness or disease is essential for the job. This may be the case for surgical staff for example. Regardless of their HIV status, all employees must be provided with protection from any reasonable risk of infection, including the risk of HIV transmission.



Disclosure

People living with HIV are protected from disclosure of their HIV status by the Privacy Act (1993). Under this Act, an individual's personal information cannot be disclosed by their employer and/or colleagues.

People living with HIV live with the reality that disclosing their status might result in discrimination and stigma. A decision to disclose your status is best done in consultation with people such as friends and HIV experienced therapists who can provide adequate support.





More than half of those living with HIV in New Zealand are employed

Living with HIV should never be a barrier to gaining employment

It is likely that greater numbers of people living with HIV will seek employment in the future as they live longer and healthier lives

It is illegal for an employer or colleague to disclose an employee's HIV positive status

It is illegal for employers to discriminate against people living with HIV



Useful websites

New Zealand AIDS Foundation | www.nzaf.org.nz
Human Rights Commission | www.hrc.co.nz
Council of Trade Unions | www.union.org.nz
Department of Labour | www.dol.govt.nz
Body Positive | www.bodypositive.org.nz
Positive Women Inc. | www.positivewomen.org.nz
INA | www.ina.maori.nz
APP | www.app.org.nz



NEW ZEALAND AIDS FOUNDATION
Te Tūāpapa Mate Āraikore o Aotearoa

www.nzaf.org.nz

Living with HIV

Your rights as an employee