

HIV AND AIDS AND THE WORKPLACE—

WHAT YOU SHOULD KNOW
Employees, Coworkers, and Supervisors



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

BRT  **BUSINESS
RESPONDS
TO AIDS**

STOPPING AIDS IS EVERYONE'S BUSINESS



INTRODUCTION

This booklet offers guidance on how to provide a positive and productive workplace environment for employees who are living with HIV and AIDS. It provides an overview of the workplace rights of employees living with HIV and AIDS, the responsibilities that supervisors have regarding them, and information for employees who have coworkers living with HIV and AIDS. It also lists national, state, and federal resources and provides additional information for addressing HIV and AIDS in the workplace.

Business Responds to AIDS (BRTA) is a free public-private partnership initiative of the Centers for Disease Control and Prevention (CDC). BRTA supports businesses with tailored resources and tools for effective HIV workplace programs. A partnership with BRTA:

- Provides human resources departments with information on policies designed to reduce stigma and prevent discrimination against employees living with HIV
- Increases HIV awareness among the nation's workforce
- Strengthens workplace-based testing, prevention, and treatment services
- Raises corporate social responsibility focusing on HIV efforts in the United States



FACTS

HIV and AIDS Are Still a Reality

About 1.1 million people in the United States are living with HIV, and 1 in 7 of them don't know it. People from all walks of life are living and working with HIV and AIDS. However, some groups are at higher risk than other groups because of many factors, including their sex partners, their risk behaviors, and where they live.

Thanks to advances in treatment, people with HIV and AIDS are living longer and healthier lives and remaining in the workforce as valuable and productive employees. With proper treatment, HIV has become a manageable chronic condition. Whether you are an employee living with HIV and AIDS, an employer who supervises someone living with HIV and AIDS, or a coworker of someone living with HIV and AIDS, you can help by learning the facts about the disease.

Overview of HIV and AIDS

HIV stands for human immunodeficiency virus and is the virus that can lead to acquired immunodeficiency syndrome, or AIDS. It weakens a person's immune system by destroying important cells that fight disease and infection. Unlike some other viruses, the human body cannot get rid of HIV.

Currently, there is no cure for AIDS. However, with proper medical care, HIV can be controlled. Treatment called antiretroviral therapy (ART) can keep people living with HIV healthy and lower their chance of transmitting it to partner(s) if taken consistently and correctly. Before the introduction of ART in the mid-1990s, people with HIV could progress to AIDS in just a few years. Today, someone diagnosed with HIV and treated before the disease is far advanced can live nearly as long as someone who does not have HIV.



TRANSMISSION

How HIV Is Transmitted

HIV can be found in blood, semen, rectal fluids, and vaginal secretions. It can enter the body through tiny cuts or sores on the skin, the lining of the vagina, penis, rectum, or mouth.

The main ways people are infected are:

- Having anal or vaginal sex with someone who has HIV without using a condom or taking medicines to prevent or treat HIV.
- Sharing needles or drug paraphernalia (such as cookers, cotton, or water) with someone who has HIV.

Less commonly, HIV may be transmitted by:

- Being born to an infected mother. HIV can be passed from mother to child during pregnancy, birth, or breastfeeding.
- Being stuck with an HIV-contaminated needle or other sharp object. This is risky mainly for health care workers.

In extremely rare cases, HIV has been transmitted by:

- Oral sex—putting the mouth on the penis (fellatio), vagina (cunnilingus), or anus (rimming). In general, there's little to no risk of getting HIV from oral sex.
- Receiving blood transfusions, blood products, or organ/tissue transplants that are contaminated with HIV.

- Contact between broken skin, wounds, or mucous membranes and HIV-infected blood or blood-contaminated body fluids.
- Deep, open-mouth kissing if both partners have sores or bleeding gums and blood from the HIV-positive partner gets into the bloodstream of the HIV-negative partner. HIV is not spread through saliva.

HIV is not transmitted under normal workplace circumstances or by casual contact, such as shaking hands or sharing office equipment or tools.

HIV CANNOT be transmitted by:

- Working alongside someone who is living with HIV and AIDS.
- Sharing office equipment including telephones, keyboards, and machines.
- Sharing restroom facilities—such as toilets, urinals, or sinks—with a person living with HIV and AIDS.
- Sharing food or tableware.
- Shaking hands, touching, hugging, or closed-mouth kissing someone living with HIV and AIDS.
- Playing sports or exercising with someone living with HIV, even if the person is sweating.

For more information about HIV and AIDS, go to [cdc.gov/HIV](https://www.cdc.gov/HIV).



PREVENTION AND TESTING

How to Prevent HIV

Today, more tools than ever are available to prevent HIV. In addition to abstinence, limiting your number of sexual partners, never sharing needles, and using condoms the right way every time you have sex, you may be able to take advantage of newer medicines such as pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP).

PrEP is when people at very high risk for HIV take HIV medicines daily to lower their chances of getting infected. PEP means taking antiretroviral medicines (ART) after being potentially exposed to HIV to prevent becoming infected.

To learn more about how to protect yourself, and get information tailored to meet your needs with CDC's HIV Risk Reduction Tool, go to <https://wwwn.cdc.gov/hivrisk>.

Testing for HIV

The only way to know for sure whether you have HIV is to get tested. CDC recommends that everyone between the ages of 13 and 64 get tested for HIV at least once as part of routine health care. HIV screening is covered by health insurance without a co-pay, as required by the Affordable Care Act. If you do not have medical insurance, some testing sites may offer free tests. You can find a testing site near you by:

- calling 1-800-CDC-INFO (232-4636)
- visiting <https://gettested.cdc.gov>
- texting your ZIP code to KNOW IT (566948)

For more information about HIV testing, visit <https://www.cdc.gov/hiv/basics/testing.html>.



IN THE WORKPLACE

Disclosing Your Status

The decision to disclose your HIV status at work is a deeply personal choice that can have both positive and negative outcomes, so think carefully about the pros and cons.

One benefit of disclosing at work is that it can create supportive relationships with your coworkers. On the other hand, telling people that you are living with HIV or AIDS may have the opposite effect and cause your colleagues to treat you differently. You have to be the judge of which outcome is more likely.

If you decide to disclose to one or more of your coworkers, think carefully about which individuals to tell and how to tell them. Should you tell your boss or the human resources department before you talk to your coworkers? Should you tell your entire work team about your diagnosis or just disclose to individuals? It's good to have a plan in mind before you start telling your colleagues.

Working With an Employee Living With HIV and AIDS

When you learn that a coworker is living with HIV and AIDS, you may be surprised, saddened, and unsure of what to do. Although this may be an initial reaction, you should treat all of your coworkers in a respectful and equal manner.

People living with HIV and AIDS want to continue to live and work to the fullest extent possible. If you are unsure of what to do when responding to a coworker living with HIV, the best advice is to maintain professionalism and respect. There are many ways to respond when learning a coworker is living with HIV and AIDS.

- **Be compassionate.** Try to empathize with the difficult circumstances and uncertainties that your coworker is experiencing. Be there to listen and help if needed.
- **Be supportive.** Be the workplace friend and coworker you have always been. Include your coworker in the same work and social activities as always, whenever possible. Extend your support just as you would to other coworkers.

- **Protect the right to privacy and confidentiality.**

If your coworker tells you, he or she is living with HIV or AIDS, it is illegal for you to tell others without his or her permission.

- ▶ If you hear a rumor that a coworker is living with HIV and AIDS, don't repeat it.
- ▶ Even if a person has told others that he or she is living with HIV, don't tell your other coworkers. Allow your coworker the right to tell others.
- ▶ Once a coworker has told you that he or she is living with HIV, you may be curious and want to know more. First, ask if he or she wants to talk about it. Don't pressure your coworker with questions. Let your coworker decide how much or how little he or she wants to share.

Your Rights as an Employee Living With HIV and AIDS

As an employee living with HIV and AIDS, you have a right to remain in the workforce to the fullest extent possible, and a right to equal employment opportunities. Several federal, state, and local laws determine how employers design workplace programs pertaining to employees with HIV and AIDS.

Employees living with HIV and AIDS are protected by law under the Americans with Disabilities Act (ADA) of 1990 from discrimination in employment. This law prohibits private employers, state and local governments, employment agencies, joint labor management committees and labor unions from discriminating against qualified individuals with disabilities. These provisions include, but are not limited to, job application procedures, hiring, firing, advancement, compensation, and job training. The ADA applies to employers with 15 or more employees for each working day in each of 20 or more calendar weeks.

For more information about HIV and AIDS employment discrimination, visit http://www.eeoc.gov/eeoc/newsroom/wysk/hiv_aids_discrimination.cfm.



Managing an Employee Living With HIV and AIDS

When employees disclose that they are living with HIV and AIDS, everyone—including management—has responsibilities. Leadership is important in establishing a workplace environment that is productive and supportive for workers living with HIV and other illnesses. This could mean addressing stigma, which can disrupt workplace productivity and possibly lead to discrimination. Lack of accurate information about HIV and AIDS is a major reason stigma exists in the workplace. Negative behaviors toward employees may include shunning, refusing to work with, or harassing them. Workplaces sometimes engage in negative behaviors, such as refusing to hire, failing to promote, or firing a person affected by HIV. These behaviors are discriminatory and may even be illegal.

HIV and AIDS-related stigma can have emotional tolls. Though many employees living with HIV and AIDS perform their jobs well, the stress and anxiety that results from HIV and AIDS-related stigma may impact job performance. As an employer, you can help promote an environment in which all employees perform to the best of their abilities.

As a supervisor, you can educate yourself and your employees about HIV and AIDS. You can learn about employment laws related to HIV and AIDS, such as medical confidentiality, disability, and reasonable accommodation. You should know your workplace's policies, including its HIV and AIDS policy, as well as its HIV and AIDS education program if one exists. Demonstrating competence in dealing with HIV and AIDS will send a message that your workplace has set standards and expectations for everyone to follow concerning HIV and AIDS. Promoting a safe environment will enhance worker productivity.

HIV and AIDS Stigma in the Workplace

Fear can lead to negative behaviors. When people do not have accurate information, it can cause them to fear people who are living with HIV and AIDS or perceived to be living with HIV and AIDS, and friends and family members of people living with HIV and AIDS.

You can help to prevent or to address the fear of people affected by HIV:

- Become educated about HIV and AIDS
- Promote HIV and AIDS education
- Demonstrate consideration and compassion for people living by HIV and AIDS
- Continue to treat your coworkers living by HIV and AIDS like other coworkers

Providing Workplace Accommodations

The ADA requires employers with 15 or more employees for each working day in each of 20 or more calendar weeks to provide reasonable work accommodations for people with protected disabilities, including HIV and AIDS. A reasonable accommodation is any modification or adjustment to a job, the job application process, or the work environment that will enable a qualified applicant or employee with a disability to apply for jobs, perform the essential functions of the job, or enjoy the benefits and privileges of employment. These adjustments include flexible work schedules to accommodate care and treatment services, additional rest breaks, special equipment, and working from home. Employers are required to provide work accommodations to people who have a disability, if it

is “reasonable” and would not impose an “undue hardship” on the operation of the business. Failure to make reasonable accommodations for otherwise qualified employees who are disabled in order to allow them to continue working constitutes discrimination. An applicant or employee who believes that he or she has been subjected to discrimination on the basis of having HIV or AIDS should file a complaint with the Equal Employment Opportunity Commission (EEOC) within 180 days (or in many states 300 days) of when the discrimination occurred.

Protecting Confidentiality

Employers and supervisors must keep confidential any medical information they learn about an employee or job applicant. As an employee, you have a right to confidentiality. It is illegal for anyone to disclose that an employee is living with HIV and AIDS without the employee’s permission.

In limited situations, employers may share medical information when addressing requests for special work needs, such as schedule accommodations. One should only inform the specific individuals within your organization who need to be involved in order to address the issue. Protecting the medical confidentiality of an employee who has HIV and AIDS protects business by helping possible discrimination, harassment, and potential lawsuits.

Business Responds to AIDS (BRTA)

The Business Responds to AIDS (BRTA) program is a public-private partnership established by the Centers for Disease Control and Prevention (CDC) that promotes the involvement of businesses, trade associations, philanthropic groups, and labor organizations in HIV and AIDS awareness, prevention, treatment and support, and community philanthropy and volunteerism. The program provides tools and technical assistance for the development of comprehensive workplace-based HIV and AIDS programs and policies. To learn more about BRTA, visit cdc.gov/BRTA or e-mail BRTA@cdc.gov.



RESOURCES & CONTACTS

Resources and Contacts

There are resources available to you in the communities where you work and live—and often within your own workplace. Consult your workplace’s human resource staff, health services, legal advisor, or Employee Assistance Program to find out what HIV and AIDS resources are available. Your workplace may also have a list of local community resources.

CDC-INFO

CDC-INFO operates a toll-free information center open Monday through Friday from 8 a.m. to 8 p.m., Eastern Time (ET); it is closed overnight, on weekends, and on major holidays. CDC-INFO offers anonymous, confidential HIV and AIDS information to the public. Trained staff members answer questions about HIV and AIDS in English and Spanish and provide TTY service for the deaf. They also provide referrals to appropriate services, including clinics, hospitals, local hotlines, counseling and testing sites, legal services, health departments, support groups, educational organizations, and service agencies throughout the United States. Callers also can order various publications, posters, and other informational materials.

1-800-CDC-INFO (232-4636) TTY: 1-888-232-6348

In English and en Español

Act Against AIDS

Act Against AIDS (AAA) is an initiative launched by CDC and the White House in 2009 to combat complacency about HIV and AIDS in the United States. AAA focuses on raising awareness among all Americans and reducing the risk of infection among the hardest-hit populations—gay and bisexual men, blacks/African Americans, Hispanics/Latinos, and other communities at increased risk.

For additional information, go to [cdc.gov/ActAgainstAIDS](https://www.cdc.gov/ActAgainstAIDS).

National Resources

AIDS.gov is a virtual resource that seeks to expand visibility of timely and relevant federal HIV policies, programs, and resources to all Americans. It provides information on HIV and AIDS, links to federal resources, guidance on how to use new media, and news and events. For more information, visit www.aids.gov.

State Resources

Most state public health departments have HIV and AIDS information offices and hotlines, including information on where to get tested for HIV. Most local areas have community HIV and AIDS prevention and education services. See local telephone listings, search online, or visit <https://npin.cdc.gov>.

HIV Testing Services Locator

Many medical clinics, substance abuse programs, community health centers, and hospitals offer HIV testing. For more information, visit the Act Against AIDS homepage and enter your ZIP code in the testing widget.

Department of Justice

The Disability Rights Section of the Department of Justice works to achieve equal opportunity for people with disabilities in the United States by implementing the Americans with Disabilities Act (ADA). Through its multi-faceted approach toward achieving compliance with the ADA, this Section works to make this goal a reality. For more information, go to <http://www.justice.gov/crt/disability-rights-section> and http://www.ada.gov/aids/ada_aids_brochure.html.

Department of Labor

The Department of Labor (DOL) is one of six federal agencies responsible for implementing the National HIV/AIDS Strategy for the United States that was released by President Obama in 2010 and updated in 2015.

The Office of Disability Employment Policy (ODEP) is one of several DOL agencies participating in carrying out DOL's role under the strategy, with a focus on improving employment opportunities and outcomes and reducing stigma and discrimination for people living with HIV and AIDS. For more information, go to <http://www.dol.gov/odep/topics/HIVAIDS/>.



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