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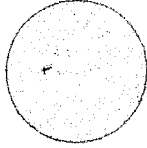
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SMALL BUSINESS AND AIDS

How AIDS Can Affect Your Business

Introduction

AIDS education makes good business sense. With an estimated one million Americans already infected, and as many as 50,000 additional people becoming infected each year with the human immunodeficiency virus (HIV), the virus that causes AIDS, your business is almost certainly going to be confronted in some way. By educating yourself and your employees now, you can greatly reduce the financial impact, legal implications, work disruption, and other effects HIV and AIDS can have on your business.

As a small business owner or manager, you know how important it is to be alert to conditions that affect your business, your employees and their families, your customers, and your community. As with any catastrophic illness, AIDS can affect your business in many crucial ways:

- Insurance and health care costs
- Productivity
- Work disruption
- Customer concerns
- Employee morale
- Legal considerations
- Confidentiality and privacy
- Discrimination concerns
- Disability requirements
- Job accommodation

Who should read this?

These guidelines are for businesses with as few as 1 or as many as 100 employees. They are designed to assist you in dealing with AIDS in the workplace in a straightforward and efficient way. The guidelines apply to the general workplace, not specialized settings, such as health care, public safety, or emergency response work sites, where there is increased risk of exposure to blood.

What can you as a small business owner or manager do?

Educate yourself and your employees. Take advantage of the numerous and often free resources that are available to you. Think through and plan in advance how you will deal with AIDS at your business, because early planning will help you to avoid mistakes which are likely to lead to crisis.

Why should you be concerned?

The majority of people infected with HIV are between the ages of 20-45 and are currently employed. Further, due to medical advances, people with HIV are living and working longer. The increasing numbers of people with HIV, and their extended life expectancy, mean that there will be more employees on the job with HIV in the future. That could mean that someone you know or employ, or an employee's family member or close friend, is already coping with AIDS.

Thousands of small businesses in all parts of the country have used the following ten principles as the model from which they have developed guidelines for dealing with AIDS in the workplace. These principles are equally appropriate for any other serious or life-threatening illness.

These guidelines were developed by the National Leadership Coalition on AIDS, a private sector organization formed in 1987 to support business, labor, and voluntary sector initiatives in response to the AIDS epidemic. The Leadership Coalition is further described on the last page of this brochure.

The Ten Principles for the Workplace

1. People with AIDS or HIV infection are entitled to the same rights, benefits and opportunities as people with other serious or life-threatening illnesses.
2. Employment practices must, at a minimum, comply with Federal, State, and local laws and regulations.
3. Employment practices should be based on the scientific and epidemiological evidence that people with AIDS or HIV infection do not pose a risk of transmission of the virus to coworkers through ordinary workplace contact.
4. The highest levels of management should unequivocally endorse nondiscriminatory employment practices and education programs or information about AIDS.
5. Small business owners/managers should communicate their policies and practices to workers in simple, clear, and unambiguous terms.
6. Small business owners/managers should provide employees with sensitive, accurate, and up-to-date information about risk reduction in their personal lives.
7. Small business owners/managers and co-workers must protect the confidentiality of employees' medical/insurance information.
8. To prevent work disruption and rejection by co-workers of an employee with AIDS or HIV infection, small business owners/managers should undertake education for all employees before such an incident occurs and as needed thereafter.
9. Small business owners/managers should not require HIV screening as part of pre-employment or general workplace physical examinations.
10. In those special occupational settings where there may be a potential risk of exposure to HIV (for example, in some health care settings) small business owners/managers should provide specific, ongoing education and training, as well as the necessary equipment, to reinforce appropriate infection control procedures and ensure that they are implemented.

What are the legal issues?

There are many federal, state and local laws that determine how you design your workplace program and the handling of employees with disabilities. Employees with disabilities, including AIDS and HIV infection, are protected by law from discrimination in employment. Small business owners should understand the implications of these protections.

At the Federal level, there are two principal laws to consider:

- The Federal Rehabilitation Act prohibits discrimination against handicapped individuals by all programs or agencies receiving federal funds and all federal agencies. This law has been interpreted to cover people with AIDS and HIV infection and those perceived as having AIDS.
- The Americans With Disabilities Act (ADA) of 1990 prohibits discrimination by public and private sector employers based on actual or perceived disability. This law will be phased in during the period 1990 through 1994.

Under the ADA, employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job. These employment provisions apply to employers with 15 or more employees. AIDS and HIV infection, as well as the perception of AIDS, are covered disabilities under this law.

The ADA also prohibits discrimination with respect to public accommodation. Small businesses cannot deny the equal enjoyment of goods or services to someone with AIDS or HIV or who is perceived to have AIDS.

In addition to these federal laws, many state and local jurisdictions have passed laws that prohibit discrimination against people with disabilities generally in various contexts (i.e. employment, housing, and public accommodations, which apply to businesses which offer services to the public) against people

with AIDS and HIV infection specifically. Increasingly, court decisions and the policies, regulations and guidelines of government agencies make clear that AIDS and HIV infection are considered disabilities or handicaps protected under relevant state and local law.

What may be expected of you as an employer?

Most federal, state and local laws require employers to make reasonable accommodations for disabled employees to allow them to continue working. Employers must provide such accommodations as flexible work schedules, generous leave policies, reassignment to vacant positions, and part-time work for persons with HIV infection or AIDS and others requiring such special consideration in order to perform their jobs.

In addition, you may be subject to laws in the following areas:

- Testing: In most cases, HIV testing of new or present employees for employment is prohibited by human rights laws.
- Inquiries: Workers or applicants may not be asked questions about existing disabilities unless the inquiry is directly related to job performance.
- Confidentiality: Employers have a legal duty to keep medical records, including HIV-related information, confidential.

These examples reflect the range of legal issues that must be considered in shaping your practices and responses to AIDS. You should examine relevant laws in your jurisdiction and seek the advice of an experienced attorney regarding AIDS and workplace issues.

What are the insurance issues?

Since most employees get their health insurance coverage through the workplace, employers greatly influence access to health care for employees and their dependents. Your role may be constrained by certain legal considerations. These may include:

- Equal access to insurance for all employees.
- A uniform benefits package and a uniform benefit level for each employee within an insurance group regardless of illness.
- For employers with 20 or more employees, federal law (COBRA) requires that you offer continued health coverage to employees and their dependents for specified periods of time. The employee or dependent will pay up to 102% of the health insurance premium cost. Some states require that an employee be offered conversion rights from the carrier for an individual policy as well.

Many small employers are looking for ways to find appropriate health care coverage. Others are concerned about the changes taking place in the health care industry. All employers should seek assistance. Employers should be aware of the statutory and regulatory requirements of their state. Your insurer, broker, administrator, and/or legal advisor should be consulted.

It is essential to recognize that AIDS is comparable to other serious, chronic diseases and should not be treated differently by employers. Like cancer, heart disease, or other chronic illness, AIDS can be medically expensive. Lifetime medical costs for AIDS are estimated, on average, at about \$75,000, but can be far greater in some cases. Consequently, AIDS or any serious illness can affect your company's health insurance coverage by, for example, increasing the premiums you must pay. What, then, can your company do **before** one of your employees or a covered dependent is diagnosed as having AIDS or another chronic illness?

- Be aware of laws mandating extension of benefits for employees leaving employment and their dependents; the most important of these is the federal COBRA legislation mentioned above.
- Understand the health and disability benefits offered by your insurance contract, including

pre-existing conditions provisions. Review your benefits package with your insurer, broker, or administrator.

- Determine whether additional benefits appropriate for people with chronic disorders might be cost-beneficial to you; such benefits may substitute for expensive hospital days. These benefits might include home care, hospice, or nursing home services, and prescription coverage.
- Look into the possibility of utilizing cost containment measures such as case management, which provides appropriate care at the appropriate time, or alternate delivery systems such as health maintenance organizations (HMOs).

What does an education program cost and when do you offer it?

Do not hesitate to implement an AIDS education program for your employees because of cost concerns. There are many programs available to you at little or no cost. In many cases the small expense for a program now is far less costly than possible lawsuits, work disruptions, customer relations problems or loss of valued employees in the future. For low, or no cost you can:

- Get materials and assistance from an AIDS service organization in your community or the National AIDS Clearinghouse (see "Where do you go for help?")
- Contact your state or local health department
- Contact your local Red Cross Chapter
- Develop and implement your own program using available materials
- Join with other companies or community organizations in developing and implementing an education program

You may also be concerned about time constraints. However, most introductory programs can be completed within an hour. You may choose to offer the program on company time. Programs and information can be presented during staff meetings, coffee breaks, lunch, breakfast meetings, or evening meetings with employees and their families.

What do your employees need to know?

Most people in the U.S.--people like your employees-- are already aware of AIDS, and will respond positively to your efforts to provide accurate, up-to-date, and relevant information about it. All of your employees need basic information to alleviate their concerns so as to avoid disruption in your workplace. Among the components of an effective AIDS information program are the following:

- The difference between HIV and AIDS
- The ways HIV is and is not transmitted
- Why there is no risk of casual transmission of HIV
- Precautions for the workplace
- How to prevent the spread of HIV
- Your company's practices, guidelines, or policies concerning HIV/AIDS
- How to respond to a co-worker or family member infected with or thought to have HIV/AIDS
- Insurance benefits available for employees and family members with HIV/AIDS
- Confidentiality and privacy requirements regarding the medical condition of an employee or another infected individual
- Where to go for additional confidential information

How do you provide an education program?

You have a range of options in providing your employees with sound, proven, up-to-date information about AIDS. You can obtain packaged programs from others, such as the local Red Cross chapter, local AIDS organizations, your state or local health department, or educational vendors (both profit and non-profit). You can devise your own, with help from public health officials, regional AIDS experts, and others. Your trade/industry association, or other professional membership organizations may have materials designed for your particular business or locale. You do not

have to be an expert to have a program for your employees. Help is available from local programs, such as those listed above.

It is important to offer information that employees can relate to and understand. Materials on HIV/AIDS suitable for your employees are available in several different languages and reading levels. Information for specific groups such as parents, women, minorities and various occupations is available. You can find materials suitable for your workplace in a variety of formats, including brochures, posters, newsletters, video tapes, flyers, books, and toll-free numbers (see "Where do you go for help?").

Whatever the format or source, the best program is one that answers the most pressing questions your employees may have, and provides insights and guidance from respected AIDS sources and experts. Simply handing out one brochure is not an adequate employee education program. An effective program may include two or more of the following:

- Explain your company's guidelines concerning HIV/AIDS to all your employees
- Distribute a brochure or pamphlet about HIV/AIDS to all employees
- Show a videotape on AIDS to your employees
- Make available a videotape on HIV/AIDS for employees to take home and view with family and friends
- Contact your health department, local AIDS service organization, Red Cross chapter, or medical society to invite an AIDS workplace specialist to give a presentation to your employees
- Invite an AIDS-in-the-workplace consultant to develop a comprehensive HIV/AIDS strategy and program for your business
- Purchase one of the tried and tested educational programs which are readily available
- Ask your industry or trade association for resources and recommendations
- Invite a person dealing personally with HIV infection or AIDS to speak to your employees
- Encourage employees to read or view information about AIDS on their own after the training to keep themselves up-to-date

FACTS ABOUT AIDS

What is AIDS?

AIDS means Acquired Immunodeficiency Sndrome. It is caused by the Human Immunodeficiency Virus or HIV. HIV attacks the immune system and reduces a person's ability to resist infections and diseases.

- There are already at least 1 million Americans infected with HIV, and about 50,000 more become infected each year.
- Fewer than half of those infected know that they are infected, but they can still infect others.
- Most people infected with HIV do not show any symptoms of disease for many years after infection.
- HIV infection itself does not affect one's ability to do his/her job.
- There is no risk to co-workers or the public from everyday interaction with an HIV-infected person.

How is HIV Transmitted?

- By having sex (vaginal, anal, and oral intercourse--especially without a latex condom and spermicide) with a man or woman who is infected with the virus
- By sharing drug needles or syringes with someone who is infected with the virus
- From an HIV-infected woman to her child during pregnancy or childbirth or, in rare instances, through breast feeding
- From transplanted tissue or organs or from HIV-infected blood, blood products, or plasma. (This has been very rare since 1985, when blood centers across the nation were required to begin screening all donated blood for signs of HIV).

How is HIV NOT transmitted?

HIV does not just happen. You cannot simply "catch" it like cold or flu viruses. You cannot become infected with HIV from air, food, water, insects, animals, or from a hand shake, sneeze, hug, or other casual contact, or even from sharing cups and dishes, tools, telephones, computer keyboards, bathroom facilities, or drinking fountains.

Where do you go for help?

National AIDS Clearinghouse

(NAC) provides information and materials for employers on national, state, and local resources related to HIV/AIDS in the workplace. Its reference specialists can assist employers in identifying appropriate materials, resources, and programs for its employees. A variety of educational materials (posters, brochures, guidelines, and videos) suitable for the workplace are available, mostly free of charge. The Clearinghouse can also provide information on other organizations who provide workplace programs in local communities. The Clearinghouse services are available from Monday through Friday, 9:00 a.m. to 7:00 p.m. It can be reached by calling, toll free:

1-800-458-5231

1-800-243-7012 (TTY/TDD for the hearing impaired)

National AIDS Hotline, a 24-hour, toll-free service that provides confidential information, referrals, and educational materials free of charge to the public. Employees can call the Hotline for confidential information about HIV/AIDS transmission, prevention or risk reduction, testing, symptoms and other related issues.

1-800-342-AIDS

1-800-344-7432 (Servicio en Español)

1-800-243-7889 (TTY/TDD for the hearing impaired)

National Leadership Coalition on

AIDS focuses on the impact of AIDS on the business and labor communities. It is a membership organization serving business, labor and volunteer groups in the vanguard of establishing sound policies, ongoing education, and civic support and leadership. The Leadership Coalition is directing a five-year Centers for Disease Control grant designed to increase AIDS awareness and activities in minority and small businesses.

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