



## HIV/AIDS and fundamental rights at work

*AIDS is threatening fundamental rights in the world of work. From non-discrimination in employment to poverty reduction through access to work, AIDS jeopardizes fundamental ILO principles of social justice and equality, as well as decent and productive work in conditions of freedom, equity, security and human dignity.*

### Impact on fundamental rights at work

- ◆ AIDS affects fundamental rights at work and in society as a whole. Discrimination on the basis of HIV/AIDS worsens existing inequalities in society, such as those based on gender and race. It creates a climate of blame and denial that cripples efforts to address the epidemic in the workplace and community.
- ◆ AIDS-related discrimination may include screening for purposes of exclusion from work or promotion, breaches of confidentiality, or a refusal to adapt jobs and workplaces to the needs of workers with HIV/AIDS.
- ◆ The fundamental right of non-discrimination is a core principle of the ILO which can be used to protect the rights and dignity of workers and their families from violations based on their known or presumed HIV status.

### The ILO response

- ◆ The ILO promotes a rights-based approach to combat the impact of HIV/AIDS on the world of work. This reflects the need for an ethical, humane and compassionate legal and policy framework to deal with the problems of discrimination and the need for social protection. Fundamental rights of workers living with and affected by HIV/AIDS include the right to work, training and promotion; the right to social protection and benefits; the right to confidentiality regarding health status; and the right to reasonable alternative working arrangements. These rights at work are covered by core ILO Conventions, supported by the ILO's Declaration on Fundamental Principles and Rights at Work, other relevant Conventions related to occupational safety and health, and existing ILO codes of practice.
- ◆ The right of non-discrimination lies at the heart of the concern of the ILO for the abuse of human rights in the area of HIV/AIDS. The relevant ILO Convention in this regard is Convention No. 111, concerning discrimination in respect of employment and occupation. Other existing ILO Conventions that can be applied to the problem of discrimination and exclusion on the basis of HIV/AIDS are: Convention No. 158 concerning termination of employment; Convention No. 155 concerning occupational health and safety; Convention No. 159 concerning vocational rehabilitation; and Conventions No. 97, 143 and 157 concerning vulnerable groups of workers such as nursing personnel and migrant workers.

### ILO code of practice on HIV/AIDS and the World of Work

- ◆ The ILO code of practice, adopted in May 2001, relates specifically to the impact of HIV/AIDS on the world of work. It provides practical guidance to governments, employers and workers and their organisations in the formulation of policies and programmes at national and enterprise levels to combat HIV/AIDS.

- ◆ The code is based on a number of principles including: respect for fundamental rights at work, including non-discrimination; recognition of HIV/AIDS as a workplace issue; gender equality; social dialogue; confidentiality; and the provision of care and support.
- ◆ The code applies to workers in all sectors, public and private, formal and informal. It promotes decent work and outlines the specific responsibilities of governments, workers and employers organisations for managing HIV/AIDS and mitigating its impact on the world of work.
- ◆ Through the mobilisation of the social partners and their extensive network of contacts, the code will be instrumental in helping to protect the rights and dignity of workers and their families and all people living with HIV/AIDS.

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