

Know Your Rights

Massachusetts

HIV

Anti-Discrimination

Discrimination on the basis of HIV status is prohibited by both state and federal anti-discrimination laws, such as the federal Americans with Disabilities Act (ADA). These laws protect all people who are HIV-positive, perceived to be HIV-positive, and people who “associate” with a person with HIV.

Disability anti-discrimination laws cover employment, housing, credit, public accommodations, education and state or local government services including healthcare.

- An employer cannot refuse to hire, fire, or discriminate against you in the terms or conditions of employment based on HIV status.
- A public accommodation is a business or place that is open to the public. It includes doctors’ offices and hospitals, bars, restaurants, health clubs, hotels, and agencies that provide services. You cannot be denied access or treated differently in any of these places based on HIV status.
- You cannot be denied access to housing, evicted or refused financing because of your HIV status.
- You cannot be discriminated against because of your HIV status if you are a student in a public school or most private schools.

Privacy

- Medical providers are prohibited from revealing to anyone your HIV test results or status unless you give specific consent in writing.
- If a medical provider violates this prohibition, you have a clear right under Massachusetts law to sue for damages.
- If someone who is not a medical provider (e.g. your boss or landlord) reveals your HIV status to others, you have the right to sue under Massachusetts’ general privacy law, and the defendant will have to provide a legitimate reason for its disclosure that outweighs your right to privacy.

Testing

- You cannot be required to take an HIV test under any circumstances.
- Your oral consent is required for you to be tested.
- If you are under 18, you can give your consent to be tested without obtaining your parents’ permission.
- For information about testing, visit: www.massresources.org/hiv-testing.html

MORE INFORMATION

Learn More About Your Rights as a Person Living with HIV

Visit WWW.GLAD.ORG/HIV

Employer Inquiries

Disability anti-discrimination laws regulate what an employer may ask about health or disability.

- No questions may be asked about health or disability before a conditional offer.
- ADA permits medical exams and questions about health after a conditional offer as long as all employees in that category are asked the same questions.
- Massachusetts prohibits an employer from requiring an HIV test or asking about HIV status.

Reasonable Accommodation

- Disability anti-discrimination laws require “reasonable accommodation” in employment.
- “Reasonable accommodation” is a modification of policies/procedures to enable an employee with a disability to perform the job.

Disability Insurance

If you are unable to work and are on SSDI or private disability insurance, it is important to work closely with your medical providers to make sure that the medical documentation supports your continuing need for disability insurance.

HIV Transmission

There are no specific criminal laws concerning the transmission of the HIV virus.

Lipodystrophy

GLAD is part of a coalition fighting to enact a law to mandate that private health plans and MassHealth include coverage for the treatment of lipodystrophy. You can learn more and get involved at www.GLAD.org/TLC



Beyond the basics...

GLAD Answers can help you:

- Understand how to file a complaint if you are discriminated against in your job, a public accommodation, housing, obtaining credit, or at school.
- Understand what it means to ask for a “reasonable accommodation” in your job.
- Understand your rights when it comes to being tested for HIV and having those test results kept private.
- Get the information and referrals you need!

This document provides general information only and should not be taken as legal advice. If you have questions, need more information, or need help with a problem you are facing, please contact us at GLADAnswers.org or 800-455-GLAD.