



LIFE AND RIGHTS



KNOWING YOUR RIGHTS:

A GUIDE FOR PEOPLE WITH HIV IN THEIR TEENS AND EARLY ADULthood



NCB.org.uk/LifeLinks



So you want to know more about your rights as a young person or young adult with HIV? Good.

WHAT MIGHT YOU NEED TO KNOW?

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This leaflet is a starting point to answering questions about key rights that may be important to you. It will direct you to support and further information. Download other leaflets on life for young adults with HIV from [NCB.org.uk/LifeLinks](https://www.ncb.org.uk/LifeLinks) or get them from clinics or support services.

One young adult with HIV said: It's just so important for young people to know their rights and to know who they have to tell, who they don't have to tell.

Want to hear from other young people with HIV?
Look out for the yellow boxes.



HOW AM I PROTECTED FROM DISCRIMINATION?

- Discrimination means to treat someone unfairly or to deny or refuse them a service or resource because of a personal characteristic, like HIV status. It is **illegal** for a company, organisation, education or other service provider to discriminate against you because you have HIV.
- HIV is legally recognised as a disability under the Equality Act 2010. Multiple sclerosis (MS) and cancer are also defined as disabilities. The Equality Act protects you from discrimination based on lots of different things such as race, gender and sexuality.
- Most people with HIV probably don't see themselves as disabled, but the law on disability gives you protection from unfair treatment in the workplace, education settings, and services (such as housing or advice and support services). It doesn't matter how good or bad your health is in relation to HIV – **the law still protects you.**



WHAT ABOUT AT WORK?

- For almost all jobs, you don't **have** to tell your employer your HIV status. But you may **choose** to, if you feel it could have benefits for you. If you want to work in health, a small number of roles are currently not open to people with HIV and for others, you're strongly encouraged to tell your employer you have HIV. Telling your employer does not necessarily mean telling your direct boss. Use the links at the back of this leaflet or the **Working Life** leaflet to find out more.
- Employers are required by the Equality Act to make 'reasonable adjustments' if they know you have a disability.
- If you need some of these 'adjustments' to be made for you at work (for example flexible working hours or time off for your clinic appointments), you will need to tell your employer that you have HIV.
- If you decide to tell your employer, think about it carefully and don't rush into it. Try to talk it through with someone beforehand. Have a look at **MyHIV.org.uk**.
- You can find more information on the Equality Act at **equalityhumanrights.com**.



HOW CAN I DEAL WITH DISCRIMINATION IF IT HAPPENS TO ME?

- Discrimination can happen to people for different reasons at work, college or uni, or through services. Most people don't experience discrimination at work because they have HIV.
- **Remember** discrimination is illegal under the Equality Act.
- If you think you're being treated unfairly because you have HIV, consider talking it over with someone you trust from an HIV service, or call **THT Direct** on 0808 802 1221. THT advises people with HIV on a wide range of issues.
- You can get advice on how to raise your concerns with your manager at work or Human Resources department (or your union, if you're a member), your tutor or student rep at university or college, or the manager of a service you access.
- Complaints about discrimination are normally taken very seriously, but if you're not happy with how your issue is handled, you might want to take legal action. Details of organisations that can help with this are at the back of this leaflet. An important one is the Equality and Human Rights Commission, which was set up to tackle discrimination.
- **NCB.org.uk/LifeLinks** has a step-by-step guide to dealing with discrimination at work.



WHAT ARE MY RIGHTS TO CONFIDENTIALITY?

- You may decide to tell someone in an official position that you have HIV – an employer, staff at college or university, or a housing or other service provider you are using. If you do, you have a **right** for this information to be kept confidential.
- The Data Protection Act 1998 outlines how your personal information is dealt with by organisations. What is important to know is that your **consent** (permission) is required before information about your HIV status can be shared.
- So before you tell someone in an organisation about your HIV, you can ask them how they handle personal information. Ask them who will have access to it. You can ask for a confidentiality agreement, which makes clear that your personal information must not be shared without your permission. Use or adapt CHIVA's agreement (see NCB.org.uk/LifeLinks).
- Health services, social services and HIV support organisations also work with strict confidentiality rules.
- **Remember:** it is **your right** to decide who needs to know **your** HIV status. Find out more at LifewithHIV.org.uk.



WHAT DOES THE LAW SAY ABOUT SEX FOR PEOPLE WITH HIV?

- A **small** number of people in the UK have been prosecuted in court for 'recklessly' transmitting HIV to another person. This is called 'criminalisation of HIV transmission'.

In England, Wales, or Northern Ireland, for someone to be convicted of 'reckless transmission' the court would need to prove that:

- The person making the accusation has HIV, and definitely got it from the person who is being accused
- The person who is being accused knew they had HIV when they had sex with the other person, and they knew how HIV is transmitted
- They didn't tell the other person they had HIV and they didn't use a condom.

Accusations may be investigated by the police, though the vast majority of them never end up in court.

- In Scotland, the law is different. Visit LifewithHIV.org.uk or call THT Direct for up-to-date information. If there's a chance you'll have sex whilst abroad, remember to check the law in that country.

Criminalisation can sound scary, but what you should remember is everybody, whatever their HIV status, has a **right** to sex with consenting partners. People with HIV are having great sexual relationships, and safer sex is important for **everyone**.

- **Use condoms** to protect your partner against HIV (and to protect **both of you** against other infections and unplanned pregnancy).
- Know about **PEP** in case a condom breaks (it's medication which can prevent HIV infection if your partner takes it **urgently** after sex – get it from HIV/sexual health clinics or Accident & Emergency). STI screening for both partners and emergency contraception for women may also be needed.



- If you're in a relationship, think about telling your partner you have HIV if you haven't already done so. Sex is better with somebody who likes and accepts you as you are!
- Your doctor, nurse or support worker, as well as organisations and websites listed in this leaflet, can help you plan and manage sex and disclosure, and explain the law.
- [NCB.org.uk/LifeLinks](https://www.ncb.org.uk/LifeLinks) has step-by-step advice on dealing with concerns about the law and on accessing PEP. You can also call **THT Direct** on 0808 802 1221 to get expert advice and support.



WHAT ARE MY RIGHTS IF I'M IN THE IMMIGRATION SYSTEM?

- HIV treatment is available free of charge for anybody in the UK, regardless of immigration status.
- If you are an asylum seeker you may be moved to another part of the UK. There is a process that must be followed to make sure you are properly supported and your health care remains **consistent**. This means you are registered with a doctor and HIV clinic in your new area, and your access to HIV treatment is not interrupted.
- If you're pregnant or have a child with HIV you can only be sent to an area where proper specialist care is available.
- If you're under 18 and unsure what may happen to your right to live in the UK when you turn 18, you can find information and contacts at **LawStuff.org.uk**.
- To find out more about the protection of your rights if you are involved in the immigration system, look at **LifewithHIV.org.uk**. You can also find support services around the country there.



When you do confide in someone, it's such a huge thing to do. Why should you be discriminated against for something you haven't chosen? It's sad but there's nothing you can do but embrace HIV and say, 'Right, this is me.'

Young people have to understand HIV themselves in order to explain it to an employer or whatever. Once, I was off work sick three days running. I was on probation (trial period) so it was a big thing to get to work on time. I felt like I could tell my boss so I said, 'This is the situation, this is why I've been ill.' And they said, 'Yeah, that's fine.' Two weeks after, I got the sack. I don't know why, they didn't give me a real reason. They said because of the sick days, but they were authorised. I just decided I won't even appeal it or anything. I thought, forget it – that's how you guys want to be, fine.

I'd speak up this time. Now I know a lot more people and services, I'm definitely speaking up! But you got to do it in a tactful way and still hold your dignity and not be like, 'Well, if you don't like me then screw you!' You educate them so they don't do it to anyone else. You've got to say, 'Look. What you're doing right now is wrong. Reasons being A, B, C, D.'



WHERE CAN I GET HELP?



- **THT Direct** – call 0808 802 1221 (free from landlines and most mobiles, check MyHIV.org.uk for opening times) for help relating to HIV or visit MyHIV.org.uk.
- **National Youth Advocacy Service** – call 0300 330 3131 (mobiles may be charged) or visit nyas.net for information, advice, and representation
- **Equality and Human Rights Commission** – visit equalityhumanrights.com or call 0845 604 6610 (charges apply, open 8am-6pm weekdays) for advice on discrimination
- Learn about rights and HIV at LifewithHIV.org.uk and find local support services.

HIV information, advice and networking for young people

- **CHIVA.org.uk** (Children's HIV Association) – includes secure site for young people with HIV aged 24 and under, with social networking
- **Pozitude.co.uk** – includes forum and Your Stories
- **Bodyandsoulcharity.org** – includes young people's radio podcasts and comic book and audio stories

Information for young people on rights

- **TheSite.org** – information on all topics for young people
- **Adviceguide.org.uk** – young people's section, plus useful information on adult topics

LIFELINKS

LifeLinks is a web directory to help you find information and support on all aspects of becoming an adult, as well as HIV. It contains other leaflets like this, links and helpline numbers as well as step-by-step advice for certain situations.

Visit NCB.org.uk/LifeLinks or scan this QR code with a phone app and it will take you straight there... Remember to save the link!

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