

Chapter 64

Discrimination Against People With HIV and AIDS in the Workplace: A Lagos State Example

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ABSTRACT

The main thrust of the chapter was to explore the discrimination experienced by people living with HIV and AIDS (PLHIV) in the workplace in Lagos State. A purposive sample of 80 PLHIV was selected from two local government areas (LGAs) of Lagos state: Epe, a rural setting, and Lagos Mainland, an urban one. Secondary data were obtained from internet sources while primary data were collected through structured interviews September 2005–April 2006. Data were analyzed using SPSS versions 11 and 13. Data between and within the rural and urban areas were also analyzed comparatively. The results indicate that PLHIV experienced instant dismissal from offices, mandatory HIV tests, alienation, denial of promotion, and exclusion from insurance schemes. This indicates that PLHIV's rights were violated. The study recommends intensive HIV education and enforcement of national HIV policy and international legal instruments in the workplace to protect PLHIV's rights.

INTRODUCTION

According to Joint United Nations Programme on HIV/AIDS (UNAIDS) Data (2017), 36.7 million people were living with HIV and AIDS (PLHIV) in 2016. Sub Saharan Africa bears the highest burden of the pandemic with about two-thirds of the global number of PLHIV. Nigeria has the second largest HIV epidemic in the world with 3.2 million people and has one of the highest new infection rates in sub-Saharan Africa in 2016 (UNAIDS, 2017). HIV has decimated world population. Globally, many people have died due to AIDS and about one million died of the disease in 2016 alone (UNAIDS, 2017).

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HIV attacks and interferes with the immune system. It can progress to AIDS if not diagnosed early. This will make infected people vulnerable to infections. Although HIV cannot be cured, it can be effectively controlled with antiretroviral therapy (ART) so that it may not progress to AIDS. This implies that PLHIV can continue to be productive members of the workforce (Fit for Work Team, 2015). However, its incurability and association with promiscuity and homosexuality has accentuated social discrimination. Furthermore, ignorance of the disease and the phobia it provokes in people have resulted in self-defence mechanisms among the public including employers and colleagues in the workplace and have occasioned the rejection of the PLHIV by segregation, exclusion, or the denial of equal opportunities (Nwanna, 2011).

Discrimination may occur in different forms and in various settings including the workplace, health-care facilities, local communities and the family. In Nigeria, people care for one another when sick but when one is living with HIV, people tend to run away from that person. HIV-related discrimination has become a powerful tool of social control. It can be used to marginalize, exclude or manipulate PLHIV covertly or openly. Studies have shown that PLHIV were dismissed from their jobs due to their HIV status (Owolabi, Araoye, & Osagbemi, 2011). The study in this chapter would contribute to the formulation of policies that would favour PLHIV and protect their rights.

HIV-discrimination undermines HIV prevention efforts and the ability of people to access and adhere to treatment. Acts of discrimination deny people's rights to information, to services to protect them against HIV infection, and to receive appropriate treatment, care and support when HIV-positive. Although discrimination is not experienced by every PLHIV, it may bring about conditions of stress, low self-esteem, suicide, job losses, unemployment, and dislocation among PLHIV who have experienced it (Nwanna, 2011). Shosanya (2015) reported that there had been cases of employers terminating services of infected persons and there were few or no known employers who were willing to employ identified PLHIV. Most of the employers always hinged on the fact that it was their prerogative to employ whoever befits their organizations. Shosanya (2015) went on to state that the stigmatization of the PLHIV had continued to hang on the necks of PLHIV like an albatross, despite their hues and cries to the society to morally rekindle their survival and support them to live a worthy life. In view of this, Lagos State government enacted a law in 2007, to protect persons living with HIV and affected by AIDS and to prevent discrimination of any type against any PLHIV particularly in matter of employment (Shosanya, 2015). Discrimination against PLHIV continues to be pervasive in Nigeria to the extent that in 2014, the immediate past president, Goodluck Jonathan, signed into law an Antidiscrimination Bill that protects the rights and dignity of PLHIV (Shosanya, 2015). Despite these laws, discrimination continues unabated. Furthermore, there are very few empirical studies on the forms of discrimination against PLHIV in the workplace particularly from the perspective of PLHIV. In the light of the afore-stated, this study set out to investigate the forms of discrimination experienced by PLHIV in the workplace in Epe and Lagos Mainland local government areas (LGAs) of Lagos State.

BACKGROUND

As far back as 1958, the UN International Labour Organization (ILO) Discrimination Convention (No. 111) in Article 1 subsection 1 (1a) defines discrimination as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined". However, in the context of HIV and AIDS, Aggleton and Parker (2002)

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