

# CIVIL RIGHTS

# FACT SHEET

## Discrimination Against People Living with HIV or AIDS

Is it against the law to discriminate against me because I have HIV or AIDS?

Yes. In New Jersey, it is against the law to treat you unfairly or harass you because:

- you are living with HIV or AIDS, or
- someone thinks you are living with HIV or AIDS, or
- you are homosexual or someone thinks you are homosexual. (Some people living with HIV or AIDS are also discriminated against because they are gay or thought to be gay. Also gays and people thought to be gay may be discriminated against because it is assumed they have HIV or AIDS. This type of discrimination is also against the law).

It is against the law to discriminate against someone with HIV or AIDS in the following places or circumstances:

- **employment** - "employment" includes not only a direct employer, but also an employment agency or labor union. It pertains to the time you first apply for a job, the time you are actually employed, through the time you leave a job. As long as you can do the job safely and effectively, then it is unlawful for your employer, labor union or employment agency to discriminate against you. These individuals and entities also have a legal duty to provide you with "reasonable accommodations," i.e., special facilities or services you need to help you do the job, provided that it will not cause them "unjustifiable hardship." If you want more information as to what "reasonable accommodations" or "unjustifiable hardship" means, please contact the Division on Civil Rights.

- **public accommodations** - this includes places you go to in order to purchase goods and services and also organizations, clubs or other recreation in which you want to participate whether or not the organization, club or recreation has a specific place or headquarters. For example, "public accommodations" includes your patronage of shops, bars, restaurants, places of entertainment, banks; your solicitation of legal, medical or governmental services; your membership or participation in athletic teams or events, and civic or social organizations; your application and enrollment in a school, college or university; and your rental or use of a room in a hotel, motel, inn or resort.

- **real property** - this pertains to your purchase, attempt to purchase, your rental or attempt to rent estate. Thus, a landlord, realtor, or seller may not unlawfully discriminate against you when you try to purchase or rent a condo, house, commercial premises, or publicly assisted housing.

Direct or indirect discrimination based on HIV or AIDS is also against the law in the context of employment, public accommodations, and real property

It is also against the law if, in the circumstances of employment, public accommodations, and real property described above, an individual publicly suggests or condones unlawful discrimination against you or others:

- because you are living with HIV or AIDS, or
- because someone thinks you are living with HIV or AIDS.

This means that the following examples could be against the law:

- for any person to retaliate against you because you have complained about unlawful discrimination, filed a complaint, or appeared as a witness on another's behalf in a case which alleges unlawful discrimination
- for any person to aid, incite or compel another to unlawfully discriminate against you because of HIV or AIDS
- for the owner, manager or employee of a public accommodation to publish, mail, or post advertisements, circulars or signs which indicate that persons with HIV or AIDS are un-welcome or that the accommodations, advantages, privileges, or facilities are denied to those persons
- for a landlord, seller, or real estate broker of real estate to print, publish, or mail any literature, application or sign which excludes or otherwise discriminates against persons with HIV or AIDS
- for any employer, labor union, or employment agency to print, publish or mail any literature or application which excludes or otherwise discriminates against persons with HIV or AIDS

## What can I do if I am treated unfairly or harassed because I am living with HIV or AIDS?

If this happens to you and you (or your friends) cannot sort it out yourselves, please get in touch with the Division on Civil Rights. You can ask a friend or adviser to help you deal with the Division and file a complaint if you want. You can also ask an organization representing people living with HIV or AIDS to make the complaint on your behalf if you want.

The Division has the legal power to investigate your complaint and if it appears to be against the law, to try to conciliate it. Conciliation means helping you and the person or organization you are complaining about to reach a private settlement where you both agree. The settlement will depend on the circumstances of your case. It could be that the person or organization which discriminated against you will agree to pay you financial compensation, reinstate you in your job, or may agree to teach a program on HIV/AIDS awareness to ensure that persons living with HIV or AIDS are not discriminated against in the future.

The Division's services are free. The Division processes your complaint as quickly as it can and with as little stress on you as possible. It is up to you as to how far you want the Division to go with your complaint. For example, the Division will not contact the person or entity you are complaining about until you formally file a verified complaint with the Division. At that time, the person or entity which you claim has unlawfully discriminated against you because of your HIV/AIDS status

will be mailed a copy of your complaint. Note also that it is against the law for anyone to retaliate against or attempt to intimidate you because you have complained to the Division.

Most complaints are conciliated. If yours is not conciliated or settled, you have two choices. You may have your case prosecuted, free of charge to you, by one of the Division's attorneys, in an administrative hearing, before an administrative law judge. In the alternative, you may hire a private attorney to file a complaint on your behalf in Superior Court.

It is also against the law to treat you unfairly, or harass you, because you have a relative, friend or work colleague who has (or someone thinks has) HIV or AIDS. If this happens to you and you are uncertain whether or not it violates the law, please contact the Division on Civil Rights.

## For More Information

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

### **Atlantic City Satellite Office:**

26 Pennsylvania Avenue, Atlantic City, NJ 08401

**Phone: (609) 441-3100**

Fax: (609) 441-3578

### **Camden Regional Office:**

One Port Center, 4th Floor, Suite 402

2 Riverside Drive, Camden, NJ 08103

**Phone: (856) 614-2550**

Fax: (856) 614-2568

TDD# (609) 757-2958

### **Newark Regional Office:**

31 Clinton Street, Newark, NJ 07102

**Phone: (973) 648-2700**

Fax: (973) 648-4405 / (973) 648-7582

TDD# (973) 648-4678

### **Paterson Regional Office:**

100 Hamilton Plaza, Paterson, NJ 07501

**Phone: (973) 977-4500**

Fax: (973) 977-4511

TDD# (973) 977-1955

### **Trenton Regional Office:**

140 East Front Street / P.O. Box 090

Trenton, NJ 08625-0090

**Phone: (609) 292-4605**

Fax: (609) 984-3812

TDD# (609) 292-1785

**Visit our web site at [www.NJCivilRights.org](http://www.NJCivilRights.org)**