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Giving workers with HIV/AIDS protection

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> Constitutional amendment needed to extend rights of employment to this group: Bar

PETALING JAYA: The sacking of people living with HIV/AIDS (PLWHA) from employment could be deemed as unlawful dismissal, depending on the terms and conditions in the employment contract.

Bar Council human rights committee chairman Andrew Khoo said redress would depend on what is contained in the contract.

"Discrimination can be worked into the terms and conditions. An employer can argue that a PLWHA could pose a risk to other employees and justify the dismissal on those grounds," he said.

"There should be labour laws that prevent people from being dismissed from employment, or blocked from being hired due to medical conditions."

Khoo said such dismissals were

discriminatory acts, adding insurance companies should also not be allowed to deny insurance coverage to people living with HIV/AIDS.

He said employment discrimination against HIV/AIDS patients was often tied to insurance policies as companies might have to bear the medical costs.

Khoo said a job applicant could be denied employment if the group medical coverage does not cover pre-existing conditions.

Asked about the rights of PLWHA under the Federal Constitution, Khoo said a constitutional amendment was needed as the relevant articles, Article 5 and Article 8, do not extend to protecting the rights of employment of people with HIV/AIDS.

Article 5 establishes a person's right to life and liberty, while Article 8 provides that all persons are equal before the law and entitled to its equal protection.

"We have a right to life but not a right to work, although some judges have tried to read the right to work into the right to life," Khoo said.

He was commenting on the statement by Malaysian AIDS Council immediate past president Tan Sri Mohd Zaman Khan that some PLWHA were pressured to leave by being made to feel uncomfortable at the workplace.

Malaysian Trades Union Congress president Mohd Khalid Haji Atan said: "It is high time that we change mindsets, accept PLWHA as part of society and understand what is HIV/AIDS is."