

Headline	Protection for workers Bar Council Constitutional amendment needed to extend with		
MediaTitle	The Sun		
Date	28 May 2012	Color	Full Color
Section	National	Circulation	270,506
Page No	4	Readership	171,000
Language	English	ArticleSize	184 cm <sup>2</sup>
Journalist	Tan Yi Liang	AdValue	RM 3,272
Frequency	Daily	PR Value	RM 9,816



# Protection for workers with HIV/AIDS

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

BY **TAN YI LIANG**  
newsdesk@thesundaily.com

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

Bar Council human rights committee chairman Andrew Khoo said redress would depend on 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 being dismissed from employment, or blocked from being hired due to medical conditions."

Khoo said such dismissals were discriminatory acts and that insurance companies should

also not be allowed to deny PLWHA insurance coverage. 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 Article 5 and 8 do not extend to protecting their rights of employment.

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 a 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 we change mindsets, accept PLWHA as part of society and understand what HIV/AIDS is."

"There are also social issues involved as co-workers might not want PLWHA working alongside them due to ignorance and a lack of understanding," Khoo said in a phone interview with *theSun* yesterday. "We need legislation to regulate this."

When contacted, Malaysian Pengasih Association president Yunus Pathi said the association had been negotiating with companies to take in former addicts living with HIV/AIDS to reduce the demand for foreign workers.