

SELECTED REFERENCES

INDUSTRIAL RELATIONS SECTION

PRINCETON UNIVERSITY

No. 234*

Princeton, NJ 08544

December 1986

AIDS AND THE WORKPLACE**

I. GENERAL AND LEGAL DISCUSSIONS

American Management Association. *AIDS, the workplace issues*. New York, NY 10020. Membership Publications Division (135 West 50th St.). 1985. 81 pp. \$7.50 members, \$10.00 non-members.

Chapter One briefly reports on interviews conducted with company representatives, health educators, employees with AIDS, and managers who have dealt directly with the problem. A special section presents a "consensus" of responses to 11 questions on how managers can respond to the incidence of AIDS in the workplace. The second chapter explores the legal issues surrounding the discharge of employees with AIDS and ARC. The third chapter discusses the general response of insurance companies to the crisis. In the final chapter, a physician offers medical information on the virus. Another city-based organization, the New York Business Group on Health (622 Third Ave., 34th Floor, New York, NY 10017-6763), has published the proceedings of its conference: *AIDS and the employer* (1986, 86 pp., \$10.00).

Bureau of National Affairs. *AIDS in the workplace: data report*. Washington, DC 20037 (1231 25th Street, N.W.). October 1986 (updated periodically). 39 pp. \$50.00.

The first section contains summaries of Federal, state, and municipal legislation, regulation, and executive orders on the AIDS issue. Each summary provides citational references and the date of issuance. Section Two summarizes some of the AIDS-related cases now in litigation which may challenge the new AIDS laws. The third section focuses on the guidelines and policies on AIDS in the workplace which have been issued by unions, associations, and government agencies. The report closes with a short examination of the policies developed by three companies for dealing with AIDS-related problems within their firms. Also available from BNA: *AIDS in the workplace: resource material* (1986, 322 pp., loose-leaf, \$60.00) and *AIDS Policy & Law* (bi-weekly newsletter, \$337 per 1-year subscription).

Business Leadership Task Force of the Bay Area. *AIDS in the workplace: manual*. San Francisco, CA 94103. San Francisco AIDS Foundation (333 Valencia Street, Fourth Floor). 1986. 53 pp. and appendix volume. \$125.00.

This strategy manual for large and small businesses begins by explaining the basic facts about AIDS and the incentives for employers to develop policies and programs for dealing with it. Later sections present alternatives for action, procedures for developing and implementing programs, and discussion of such issues as health insurance and benefits, education, and legal aspects. The separately bound appendices and resource materials include samples of actual company policies and newsletter articles, as well as sources of further information. Also available is a looseleaf manual, *AIDS education in the workplace: an educational guide for managers* (1986, 68 pp., \$125.00). Another organization, Lincoln Associates (P.O. Box 507, Madison WI 53710), offers *AIDS: a quarterly bibliography from all fields of literature* (quarterly, \$24.00 beginning Spring 1987). Also, a new commercial database on AIDS covering articles, conference proceedings, reports, and books

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** Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference. Consult libraries for items that are out of print.

dating from 1984 is available through BRS Information Technologies (1200 Route 7, Latham, NY 12110).

Chapman, Fern Schumer. "AIDS & business: problems of costs and compassion." *Fortune* (Time, Time and Life Building, 541 N. Fairbanks Court, Chicago, IL 60611-3333), September 15, 1986. pp. 122-127. \$3.50.

Although AIDS specialists have stated that there is little danger of employees being infected with the AIDS virus through normal work interaction, Chapman feels that aggressive educational programs are needed to dispel fears. Employee refusal to work with AIDS victims has resulted in disciplinary action in some organizations. However, the National Labor Relations Act and the Occupational Safety and Health Act may provide some legal protection for those who fear workplace contact. While the Justice Department does not recognize AIDS as a handicap protected under anti-discrimination legislation, some states have interpreted the law to include people with AIDS as handicapped. A recent survey of 154 large companies indicated only 34 cases of identified AIDS victims. In some cases, the employees were allowed to continue working as long as they were medically fit and did not have other communicable diseases. In others, employees were discharged, but continued to draw salary and benefits. The author discusses the national costs of medical care for employees with AIDS: much of the burden will fall on corporations. The issue of impact on the insurance business is also raised.

Commerce Clearing House. *AIDS: employer rights and responsibilities*. Chicago, IL 60646 (4025 W. Peterson Ave.). 1985. 95 pp. \$10.00.

The first section discusses practical employment relations problems that management will face as AIDS becomes a workplace issue. Advocating the use of educational programs, the report shows how one successful management policy was developed. The second section discusses such legal issues as limitations on management response to the rights of AIDS victims, AIDS as a handicap, and testing of job applicants for the AIDS virus. A rundown of specific state and local AIDS laws is included.

Dlutowski, Janine M. "Employment discrimination: AIDS victims—*Shuttleworth v. Broward County Office of Budget and Management Policy*, Daily Lab. Rep. (BNA) No. 242, E-1 (Dec. 17, 1985)." *Harvard Journal of Law & Public Policy* (Harvard Society for Law and Public Policy, Harvard Law School, Cambridge, MA 02138), Summer 1986. pp. 739-751 (Order from: William S. Hein & Co., 1285 Main St., Buffalo, NY 14209).

In her discussion of this important case, Dlutowski explains the reasoning of both the Broward County office, which fired an employee solely because he had AIDS, and the Florida Commission on Human Rights, which ruled that AIDS should be considered a handicap under the Florida Human Rights Act of 1977. Since laws protecting the handicapped (and definitions of "handicap") vary throughout the U.S., the *Shuttleworth* case is likely to have an impact beyond the state of Florida.

Institute of Medicine/National Academy of Sciences. *Mobilizing against AIDS: the unfinished story of a virus*. Cambridge, MA 02138. Harvard University Press (79 Garden Street). 1986. 212 pp. \$7.95, paper.

This authoritative book presents a sophisticated, clearly written summary of the scientific research and findings, along with the recommendations of scientists and health-policy analysts for dealing with the epidemic. A related, but more technical work is *Confronting AIDS: directions for public health, health care, and research* (National Academy Press, 2101 Constitution Ave., N.W., Washington, DC 20418, 1986, 374 pp., \$24.95, paper). This volume contains recommendations for "an appropriate national response" proposed by the Institute of Medicine-National Academy of Sciences Committee on a National Strategy for AIDS.

Lambda Legal Defense and Education Fund. *AIDS legal guide: a professional resource on AIDS-related legal issues and discrimination*. New York,

NY 10036 (132 West 43rd Street). 1984. 100 pp. o.p. (Second edition forthcoming).

Described as a comprehensive guide for professionals who must deal with the legal implications of AIDS, this book covers the following topics: provision of services, powers of attorney and wills, medical insurance, the military, discrimination, immigration, confidentiality, prisoners, debtor-creditor questions, and public health benefits law.

Leonard, Arthur S. "Employment discrimination against persons with AIDS." *University of Dayton Law Review* (300 College Park Ave., Dayton, OH 45469), Spring 1985. pp. 681-703. \$7.00.

This article has two stated aims: to present clearly the facts about AIDS as they relate to employment rights, and to examine the use of disability and handicap laws to prevent employment discrimination against AIDS victims. Leonard begins with a brief description of the disease and proceeds to develop four categories into which a worker with AIDS can be placed. He examines the different consequences of discrimination against workers in each category, with a primary emphasis on how handicap discrimination laws might be applicable to workers with AIDS. Counterarguments against the use of these laws are also presented. The University Publishing Group (107 East Church St., Frederick, MD 21701) offers a relevant publication, *AIDS Law & Litigation Reporter* (1986 and 1987 collections, including monthly updates, \$450.00), as well as *AIDS & Public Policy Journal* (quarterly, \$125.00 institutions, \$55.00 individuals) and *AIDS Reference & Research Collection* (1,600 pp., \$185.00).

National Safety Council. *AIDS in the workplace: a supervisory guide*. Chicago, IL 60611 (444 North Michigan Avenue). 1986. 8 pp. On request.

This pamphlet provides supervisors with current AIDS information for employee education. It concisely covers: AIDS transmission, high-risk groups, symptoms, non-physical side effects, national statistics, and legal issues employers need to consider. Along with basic guidelines for dealing with employees who have AIDS, the pamphlet offers suggestions for dispelling employees' fears and misconceptions about the disease, and for preventing the spread of infectious disease in general.

Rowe, Mary P., Malcolm Russell-Einhorn, and Michael A. Baker. "The fear of AIDS." *Harvard Business Review* (Reprints available from: HBR Reprints, Harvard Business School, Publishing Division, Boston, MA 02163), July-August 1986. pp. 28-36.

The authors provide an overview of the legal concerns facing managers who must deal with AIDS (and fear of AIDS) in the workplace: handicap laws, AIDS testing, issues of privacy and safety, clients and customers with AIDS. Emphasizing education and compassion, they suggest ways in which companies can prepare their managers and employees before their first case occurs.

Whelan, Elizabeth M. "Wishful thinking about an epidemic." *Across the Board* (Conference Board, 845 Third Ave., New York, NY 10022), October 1986. pp. 30-36. \$1.50.

The Executive Director of the American Council on Science and Health attempts to clarify and qualify a number of commonly accepted statements about AIDS. Pointing out the gaps in current medical and statistical knowledge about the disease, she warns against complacency and overconfidence in high-tech solutions. While not denying the need for a compassionate approach to AIDS victims, she argues that the rights of healthy people must be protected, and notes that a form of tuberculosis which is transmitted by casual contact is now being seen in AIDS victims. Whelan concludes that, while at the present time, pre-employment screening for evidence of exposure to the AIDS virus is unnecessary, employers and insurers do have a legitimate interest in knowing if someone definitely has the disease. Two related articles in the September 1986 issue of *Across the Board* are: "Living with AIDS in the workplace" by Ronald Bayer and Gerald Oppenheimer

(pp. 56-61), a general overview of work-related AIDS issues, and "Anatomy of an AIDS dispute" by Jeff Meers (pp. 62-63), which describes the reactions of a typical company's management and workers to an employee with AIDS who returns to work.

Wing, David L. "AIDS: the legal debate." John Aberth. "AIDS: the human element." Allan Halcrow. "AIDS: the corporate response." *Personnel Journal* (A. A. Croft, P.O. Box 2440, Costa Mesa, CA 92628), August 1986. pp. 114-127. Reprints, \$3.00.

The first article begins by summarizing the recommendations of the U.S. Centers for Disease Control regarding employees in various work environments. The author then discusses the laws, their constantly changing interpretations, and the precautions employers can take to avoid legal action. The second article presents several real-life AIDS situations which illustrate the impact that fear of the disease can have on the victim and his/her co-workers. The author describes the three main issues companies must deal with in such cases, and shows how a number of companies have handled the problem. The final article describes the cooperative development of the *AIDS in the workplace* program by the Business Leadership Task Force of the Bay Area and the San Francisco AIDS Foundation.

2. HEALTH-CARE AND CORRECTIONAL INSTITUTION WORKERS

American Federation of State, County, and Municipal Employees. AFSCME fact sheets: *Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome in correctional institutions, Acquired Immune Deficiency Syndrome in health care institutions*. Washington, DC 20036. (1625 L Street). On request.

American Hospital Association. *Management of HTLV-III/LAV infection in the hospital*. Chicago, IL 60611 (840 North Lake Shore Drive). January 1986. 23 pp. Catalog no. 094640, \$3.90.

U.S. Centers for Disease Control. *Recommendations and guidelines concerning AIDS published in the "Morbidity and Mortality Weekly Report" November 1982 through April 1986*. Atlanta, GA 30333. April 1986. 50 pp. On request.

Presented in chronological order, the articles in this compilation deal with the safety of health-care workers. The initial articles list precautions that clinical and laboratory staff should take in order to avoid contact with the AIDS virus. Later articles concentrate on methods of testing for presence of the virus and preventing its spread outside the laboratory. The dominant concern of this volume is with the ramifications of the AIDS epidemic for health-care workers and the health-care system, particularly the risks associated with exposure to patients with AIDS. A comprehensive history of discoveries about AIDS beginning in 1981 is offered by the CDC's *Reports on AIDS published in the "Morbidity and Mortality Weekly Report" June 1981 through May 1986* (n.d., 178 pp., on request).

U.S. National Institute of Justice. Office of Communication and Research Utilization. *AIDS in correctional facilities: issues and options*. By Theodore M. Hammett with assistance from Monique Sullivan. Washington, DC 20403. Superintendent of Documents, U.S. Government Printing Office. 1986. 217 pp. Stock no. 027-000-01250-7, \$11.00.

Because correctional inmates are at high risk of contracting AIDS, criminal justice managers and administrators require current information on both the disease and the correctional practices involved. This volume provides a summary of known causes, methods of transmission, and incidence of AIDS. It also describes some policy options for dealing with the issue, concentrating on the education and training of institutional staff and inmates, and on the possibilities of AIDS testing/screening. Current policies followed by institutions across the country are summarized.