



**NATIONAL
AIDS
TRUST**

Securing rights
Stopping HIV

Protecting your rights

A toolkit for young people
living with HIV



nat.org.uk

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Why this toolkit matters

If you're a person living with HIV, you have rights - in further education, at work, in healthcare, when you get tattoos or piercings, and in everyday life.

Unfortunately, not everyone understands HIV today, and sometimes people act unfairly or illegally because of stigma or misinformation. The way to challenge stigma is by challenging discrimination - this means you have to know what your rights are and how to enforce them.

This toolkit will help you:

- Know your rights
- Spot discrimination
- Take action if you're treated unfairly
- Get the right support

This toolkit costs to equip young people living with HIV and everyone in their life with an understanding of their rights under the law. While progress has been made, young people should have a good foundation of when and how they can respond to unfair treatment.

To develop this toolkit, our project team worked with National AIDS Trust's Discrimination caseworker and our project advisory group which has representation from young people and voluntary sector organisations. The toolkit covers a range of places and points where people may encounter discrimination and how to challenge it.

2. What are my rights?

2.1. Your rights under the law

In the UK, HIV is classed as a disability under the Equality Act 2010 (England, Scotland, Wales) and the Disability Discrimination Act 1995 (Northern Ireland).

That means:

- It's illegal to treat you unfairly because of your HIV status.
- This protection applies as soon as you're diagnosed.

You're protected against discrimination if:

- You are living with HIV
- People think you have HIV (even if you don't)
- You're connected to someone who has HIV (e.g. family or partner)

The Equality Act also protects you against discrimination because of other protected characteristics: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity; Race; Religion or Belief; Sex and Sexual Orientation.

In Great Britain, the Equality Act also includes a Public Sector Equality Duty, which means public services (like schools, hospitals, and councils) have to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relationships between people with and without HIV

In Northern Ireland, the Disability Discrimination Act offers less protection, but you're still covered by anti-discrimination laws, and public authorities have a similar duty under Section 75 of the Northern Ireland Act.



Good to know

You're protected against discrimination if:

- You are living with HIV
- People think you have HIV (even if you don't)
- You're connected to someone who has HIV (e.g. family or partner)



2.2. What counts as discrimination

Direct discrimination

Someone treats you worse because you have HIV.

Examples:

- Being refused a job as a result of saying you have HIV
- A piercer or tattoo artist saying “we can’t do this because of your HIV”
- A university or workplace keeping you out of activities

Indirect discrimination

A rule that seems fair for everyone but puts people with HIV at a disadvantage.

Example:

A workplace only allows 5 sick days a year. You may need more for appointments or side effects from medication. Unless they make an exception, that’s discrimination.

Discrimination arising from disability

Unfair treatment because of something linked to your HIV.

Example:

Missing out on training because you need to take medication at a certain time

Failure to make reasonable adjustments

Organisations must make changes so you’re not disadvantaged.

Example:

Time off for clinic appointments, working from home after feeling unwell.

Victimisation

A rule that seems fair for everyone but puts people with HIV at a disadvantage.

Example:

A workplace only allows 5 sick days a year. You may need more for appointments or side effects from medication. Unless they make an exception, that’s discrimination.

Harassment

Behaviour that makes you feel humiliated, offended or scared.

Example:

Inappropriate questions about how you got HIV, jokes about your status.

Discrimination by association

You’re treated unfairly because you’re connected to someone living with HIV..

Example:

Someone is treated favourably at work because their partner is living with HIV



2.3. Taking action

Knowing your rights is the first step to challenging inequality and discrimination. While there are informal ways to address stigma and unfair treatment, like having a conversation on improving workplace culture, you can use formal routes. It can feel hard to challenge discrimination but you can always find support online, over-the-phone and sometimes in person.

You can:

- Make a formal complaint (service, healthcare, workplace, or education)
- Report to a regulator
- Contact your MP or councillor
- Make a legal claim (but be aware of time limits and potential costs)

Time limits:

- Equality Act claims: 6 months (from the incident)
- Workplace claims: 3 months
- Data breaches: 6 years (1 year if it's a public body or human rights breach)

Tips:

- Collect evidence: emails, messages, photos, witness statements
- Keep dates and details clear
- If it's a public body (local councils, NHS, universities), you could also make a Freedom of Information request
- You can ask a public or private body (businesses, for-profit organisations) for a Subject Access request
- Always consider the ideal outcome – what would you want to receive or see changed when you make this complaint or claim



Good to know

It can feel hard to challenge discrimination but you can always find support online, over-the-phone and sometimes in person.



2.3.1. Freedom of Information Request vs Subject Access Request – which should you use?

Freedom Of Information Request	Subject Access Request
<p>Who can receive one? Only public authorities - Government, police forces, local councils, NHS, state schools, universities</p>	<p>Who can receive one? Any business or public or private organisation that handles personal data</p>
<p>How can you submit it? Only written - An email, letter or through a form on a website</p>	<p>How can you submit it? Verbally or written</p>
<p>Can they refuse? Yes – only if it requires too much time or costs too much, not in public’s interest or cannot be disclosed in any situation</p>	<p>Can they refuse? Yes – only if the request is ‘excessive’ – requires too many resources or too much time- or ‘unfounded’ - not based on solid reasons or facts</p>
<p>What does it mean? You can ask for any public non-personal information held by public organisations.</p> <p>This can look like organisational spending and budget, minutes of meetings, policies, decision-making processes.</p> <p>You can ask more than one question per request.</p>	<p>What does it mean? You can only ask for personal information about yourself - a parent, family member or solicitor can ask for you.</p> <p>In the response they will give you any emails, messages, notes or records including your name or any data related to you. Also they must provide</p> <ul style="list-style-type: none"> • who has the data, • why they have it and • how long they plan to keep it.
<p>How long do they have? FOI requests should be responded to in 20 working days or less – extensions can happen depending on content</p>	<p>How long do they have? SARs should be responded to within one calendar month</p>

2.4. Where to get help

[National AIDS Trust](#)
free, confidential advice from our Discrimination Casework service

[Citizens Advice](#)
discrimination checker and support

[Equality Advisory Support Service \(EASS\)](#) for England, Scotland, Wales

[Equality Commission NI](#) for Northern Ireland

[ACAS](#)
workplace advice and letter templates

[Your HIV clinic](#)
or local HIV support charity

3. Common situations where discrimination happens – and what you can do

3.1. Tattoos, piercings & beauty services

Many people with HIV have been refused tattoos, piercings, beauty treatments, or cosmetic services. In one survey in Manchester, over half of people living with HIV said they'd been refused beauty services because of their status.¹

- If a provider say they need to do extra cleaning or charge you more – this is not medically necessary and is unlawful.
- Standard hygiene rules (fresh gloves, clean equipment, aprons) protect against all infections, including HIV, so there is no reason to take extra precautions.

Your rights:

- You do not have to tell a tattooist or piercer your status unless you want to.
- If you do share it, they must keep it confidential.
- They cannot refuse you service or treat you differently because of it.

If it happens to you:

1. Ask for their complaints process
2. Write down exactly what happened, when, and who was involved.
3. Link your complaint to the Equality Act or Disability Discrimination Act.
4. Say what you want to happen – e.g. an apology, staff training, or a policy change.



Good to know

If a provider say they need to do extra cleaning or charge you more – this is not medically necessary and is unlawful.



1. <https://ght.org.uk/about-hiv/hiv-and-the-beauty-industry>

3.1.1. Template letter to file a complaint:

If you need somewhere to start from, use this template for your formal letter of complaint:

Re: Refusal of tattoo to individual living with HIV

I am writing to you to make a formal complaint at XYZ Tattoo Parlour.

I am living with HIV and was refused a tattoo once I shared my HIV status as part of the consent form.

I believe I have been discriminated against and wish to raise a formal complaint.

Direct discrimination is in section 13 of the Equality Act. Direct discrimination is when you treat someone unfavourably due to a protected characteristic such as disability. Under this legislation, HIV is considered a 'disability'.

By refusing me a tattoo, you have treated me worse compared to someone living with HIV. There is no justification for refusing a tattoo to someone living with HIV. Universal precautions are sufficient to prevent transmission. Additionally, I am on medication and undetectable.

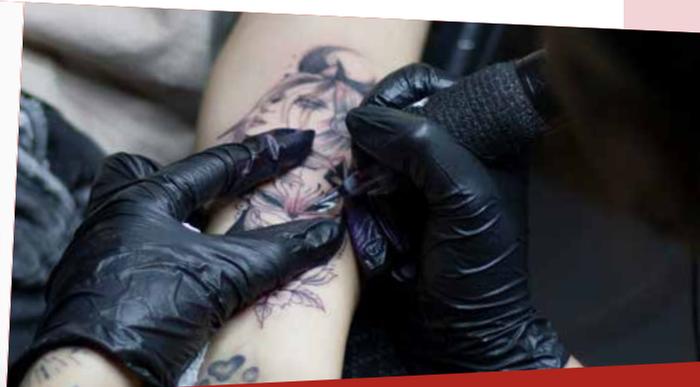
This refusal has had a big impact on me, preventing me from reaching out to other tattooists.

I would like the following:

1. A refund for my initial consultation
2. A review of your policies to ensure this doesn't happen again
3. All staff to be trained about HIV transmission
4. An official apology for the treatment I received

I expect an acknowledgement and full response no later than the 31 October 2024, in line with your complaints policy

Kind regards,



3.2. Healthcare

Even in healthcare settings, there are times when people living with HIV can experience stigma, misinformation and discrimination. This can look like:

- Being put at the end of the day for your appointment
- Being placed in an isolation room without reason
- Staff using unnecessary protective equipment
- Being denied treatment

Remember:

- With effective HIV treatment, you can't pass HIV on ("U=U" – undetectable = untransmittable).
- Healthcare providers have a duty to give you the same standard of care as anyone else.

If you face discrimination in healthcare:

- Ask for the formal complaints process – you can ask the receptionist for information if you do not want to ask a GP, nurse or clinician
- Make a written complaint using the organisation's formal process.
- Keep a record of everything – for example note any negative treatment and download and screenshot any email chains

3.3. Work and volunteering

People with HIV can work in almost any job. You do not have to share your status unless:

- The job has special health requirements – such as the British Army, Royal Navy, or Royal Air Force OR healthcare workers who are exposed to blood
- Please note: Living with HIV does not prevent you from applying for doing these jobs but they may have restrictions, most often its having an undetectable viral load
- You want to request reasonable adjustments

Examples of discrimination at work:

- Not being hired or being sacked after sharing your status
- Being left out of training or promotion opportunities
- Colleagues gossiping about your HIV
- Not renewing your contract because of HIV-related absences

Make a formal grievance

- Ask how to make a formal grievance and in a letter detail what happened, the law, the impact it had on you and your desired outcome (see template below)

Important:

For workplace discrimination claims, you only have 3 months from the incident to act. That's why it's good to join a trade union early - they can support you if anything happens.



3.4. Further education

You have the right to learn without being treated unfairly.

This includes:

- Access to courses, trips, and activities
- Reasonable adjustments for appointments or health needs
- Protection from bullying or harassment

If you face discrimination in education:

- Get in contact with your Student Union, Student Wellbeing Service or Disability Advisory Service at your college or university - sometimes they're unaware of the problem and can advocate for you
- If that doesn't help, follow the official complaints process (found in your student handbook or online)
- Keep written records of everything.

Tips:

- Prospects have a guide on how to apply for **reasonable adjustments**.
- You may be entitled to **Disabled Students' Allowance** – funding from the Government. This may be useful alternative if your reasonable adjustment costs more than what your college or university can provide.

3.5. Reasonable adjustments:

Reasonable adjustment:

Reasonable adjustments are changes made to remove or reduce disadvantages that come from living with a disability to make sure everyone can achieve the same standard of work in the workplace or further education.

Employers and services providers have a duty to make reasonable adjustments under Equality Act 2010.

This can look like adjusting policies and rules to be more flexible for people with disabilities or to provide equipment to remove substantial disadvantages. What is considered reasonable depends on cost, capacity and other factors.



3.5.1. Template email for reasonable adjustment request to employer

Re: Request for reasonable adjustment for workplace

Dear X

I am living with HIV which automatically counts as a disability under the Equality Act.

I am writing to make a reasonable adjustment request to have flexibility with my working hours, to allow me to attend medical appointments and work from home some days.

This adjustment is 'reasonable' because

- Effectiveness: it will allow me to manage my HIV.
- Practicality: I can do the same work at any time.
- Safety of others: there are no safety implications.
- Cost: there is no additional cost to the company.

Failing to provide a reasonable adjustment is discrimination under the Equality Act. My HIV status is special category data as it is health data under the UK General Data Protection Regulation.

Please send an acknowledgement of this email and respond with your decision as soon as possible.

Kind regards,



3.6.Travel

Medication

You have a right to bring your medication with you on flights without interception by staff.

Advice:

- Carry your anti-retroviral treatment in your hand luggage with a copy of your prescription.
- Most countries do not have restrictions on entering for short term stays for people living with HIV – some countries have restrictions for longer term stays. While it is not common, it is worth calling an embassy and doing some research before you travel.
- [Aidsmap](#) has free resources with information on travel restrictions.

Insurance

Living with HIV does not stop you from accessing travel insurance from most, if not all providers, at a reasonable price.

Most providers do require you to share your HIV status with them to calculate costs. Insurance providers will ask questions about your health so you will need to have access to information like your CD4 count and viral load.

These factors may impact your quote for the insurance e.g. a higher CD4 count and an undetectable viral load and no other conditions will mean you are less likely to see additional costs attached

What you should know:

- Some providers do not cover pre-existing medical conditions like HIV so it's important to read through the conditions and check what is covered
- Apply for a [Global Health Insurance Card](#) to access emergency treatment and routine medical care for long term conditions. It will give you access to these services for several countries in Europe and it should cost you the same as a resident of the country.

When making a claim to an insurance provider, make sure to:

- Carry your insurer's phone number or contact email while you are away
- Include documents, receipts, emails and photos to support your claim
- Read your claim to check the time limit and the excess (how much your insurer will cover) of your specific policy





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