

Appendix 8.10

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Postup

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Positive Employee

Alexey Voloshin was fired by an editor-in-chief of the Zlagoda newspaper in a town of Novye Sanzhary in Poltava region. The reason given to Alexey was: "inaptitude". As he discovered later, the real reason for firing was his HIV-positive status.

It is illegal for employers to act in this fashion, because it is an open infringement on each citizen's right to work. A patient is already "killed" physically and morally by having this incurable disease. So very few of them have enough spirit to resist illegal actions of their employers.

Alexey Voloshin is one of the few who did not cave in and went on fighting. He filed a complaint with the Prosecutor's Office in Novye Sanzhary, and his employment was formally restored, but the editor in chief did not comply with the decision and did not allow him to resume his work because of personal concerns. Alexey was employed as a driver. At that time he – an unemployed father of the family – had to provide for his wife and two underage children.

"When the trial started, it was clear, that Alexey won't be able to get his job back, because it will be impossible for him to keep working there. So he demanded compensation for moral damages inflicted by the employers", - explains Tatiana Bordunis, head of the legal department at the Ukrainian National Network of PLWHIV.

"Our legal department is working for a whole year by now, we have four lawyers so far, but we hope that starting with the New Year such departments will be established in all Ukrainian regions. We are also working with HIV/AIDS patients who are prison inmates – we have signed an appropriate agreement with the Ukrainian State Penitentiary Department", -- answers Tatiana Bordunis to the question, where to look for legal protection.

Meanwhile, Alexey kept coming to work every day, sitting there from eight to five doing nothing, just waiting. He was doing this so as not to be fired for absenteeism. Although not just his human rights, but also his right to work guaranteed by Article 24 of the Ukrainian Constitution, was blatantly violated.

Court hearings dragged on. Everything looked not too good, because defendants included the Regional Council of Novye Sanzhary, the Regional Treasury, and the newspaper. Four legal counselors and a trial lawyer were working on the case.

"They managed to intimidate all witnesses, and they all refused to testify in court. However, during lengthy cross-examinations, answering my questions, the defendant editor partially admitted her guilt, - the lawyer says. – The amount awarded by court – 4,000 hryvnias – is insignificant per se; important is the fact that a person went to court, and a judge ruled that the Ukrainian Constitution has been violated, which guarantees each citizen the right to work. This was the first case of this kind in my practice".

"During the entire trial which took four and a half months, I could see that all this bureaucratic system does nothing to help an individual, and everything to push him down", - shares his memories Alexey.

Currently he is unemployed. Prior to that he had a job loading sacks of cement, but with his skinny complexion and poor health it proved to be too hard. And so far he has no luck in finding anything better. Tests that Alexey passed last year suggest that it is time for him to begin ARV treatment.

"People with HIV/AIDS for the most part believe that they have lost the meaning of life. But I have children and I want to raise them so that they would not repeat the road I followed, - Alexey Voloshin believes. – But a person needs help in this, and in cases like mine the most important thing is legal defense."