

# **Mandatory Testing in HIV/AIDS and Discrimination in Labor Markets: The Case of Buenos Aires, Argentina**

**D. Maceira, B. Lignelli, F. Villalba and M. Vellez**

## Abstract

According to the International Labor Organization, everyone has the right to obtain a good job, meaning one not only related to quality working conditions, but also relying on a regulatory framework that guarantees workers' and employers' basic rights. The aim of this document is to capture situations where those rights were infringed, due to discrimination related to HIV/AIDS. Specifically, we analyze the period before the working relation is defined, where pre-occupational mandatory tests might constitute a source of hidden or visible discrimination. The interdisciplinary methodology used included an array of perspectives, from qualitative techniques (interviews with key actors), to analysis of data from different sources. The document proposes the discussion of the phenomena in the context of (i) the Argentine epidemiological transition, (ii) its relevance from the public policy perspective, (iii) the current status of local labor markets, and (iv) the presence of stigma and discrimination.

The document concludes that Argentina does not have a legal gaps facing HIV/AIDS, being the local normative consistent with international pacts and treaties related to human rights and prevention and treatment strategies. The local labor market is increasingly informal, reducing the possibilities of mandatory testing, independently of the potential intentionality towards discrimination. At the same time, investments in education and related technologies allow a better quality of life for those persons living with the virus. Based on a quantitative analysis (1800 phone lines, hospital and national data), the study suggests that the phenomenon does not involve statistical significance; however, experts' opinions and the collected experiences suggested the presence of leading cases to be taken into account, specially due to alternative forms of discrimination related to labor informality.

Correspondence to:

Daniel Maceira, Ph.D.

Senior Researcher

Center for the Study of State and Society

Sánchez de Bustamante 27 - 1173 – Buenos Aires - Argentina

Tel: 5411-4861-2126

Fax: 5411-4862-0805

Email: [danielmaceira@cedes.org](mailto:danielmaceira@cedes.org)