
HOW TO FILE A COMPLAINT WITH THE COMMISSION

The first step of the complaint process is an intake interview with a member of the Commission staff.

The Commission staff will review your complaint with you, and determine if your complaint is covered by the AIDS/ARC Discrimination Ordinance. Unfortunately, there are many practices which may be unfair, but are not illegal. If your complaint is not covered by the AIDS/ARC Discrimination Ordinance, you will be referred to the appropriate agency that may be able to help you. If your complaint is covered under the Ordinance, Commission staff will help you in the filing of the complaint. Your complaint may also be filed with state and federal agencies that also prohibit discrimination against people with AIDS/ARC. After the complaint is filed, the other party will have 21 days in which to respond to your complaint. At the end of this period the Commission will begin to investigate your complaint. During the period of investigation, the Commission operates as an objective fact finder; the Commission is not an advocate for the person filing the complaint. The Commission will attempt to mediate and arrange a voluntary settlement between the parties wherever possible; a complaint may be settled at any point in the process. If the complaint cannot be

resolved through mediation, the Commission will conduct a full investigation of the complaint.

The Commission will interview the parties involved, review relevant records and documents, and, where necessary, conduct an on-site inspection of facilities and operations. While records and witnesses can be subpoenaed, the Commission seeks to work cooperatively with the parties in resolving a complaint. At the close of the investigation period, the complaint and recommended findings are referred to the Director of the Commission; the Director's decision shall be final.

WHAT CAN YOU DO TO STOP DISCRIMINATION AGAINST PEOPLE WITH AIDS/ARC

The best defense against AIDS ARC is information, the best defense against AIDS/ARC based discrimination is education in the workplace. The availability of information about AIDS/ARC in the workplace, backed by employer policies prohibiting discrimination against people with chronic illnesses, is the most effective tool to help reduce fear of AIDS/ARC in the workplace. Many employers currently have policies that protect people with chronic illnesses

or physical disabilities. Most people with AIDS/ARC are able to continue working, and want to continue working. To deny a person with a life threatening illness the right to work is to deny more than their ability to support themselves, their ability to afford medical care, and their dignity, it is to deny them their self-respect. The person with AIDS/ARC who is able to continue working may require some reasonable accommodation to their medical condition, they may also need your help and support.

THE SAN FRANCISCO HUMAN RIGHTS COMMISSION

The San Francisco Human Rights Commission was established in 1964. It is composed of 15 members, appointed by the Mayor, and is broadly representative of the general public in the City and County of San Francisco. The Commission operates under Chapter 12 (A-D) of the San Francisco Administrative Code, and Articles 33 (sexual orientation) and 38 (AIDS/ARC) of the San Francisco Municipal Code. The Commission enforces the City's prohibition of discrimination on the basis of race, color, creed, national origin, ancestry, age, sex, sexual orientation, disability and illness (including AIDS/ARC).

FOR MORE INFORMATION ABOUT AIDS AND THE LEGAL RIGHTS OF PEOPLE WITH AIDS/ARC:

San Francisco Human Rights Commission
1095 Market Street, Suite 501
San Francisco, CA 94103
415-558-4901

BALIF AIDS Legal Referral Panel
1663 Mission Street, Suite 400
San Francisco, CA 94103
415-864-8186

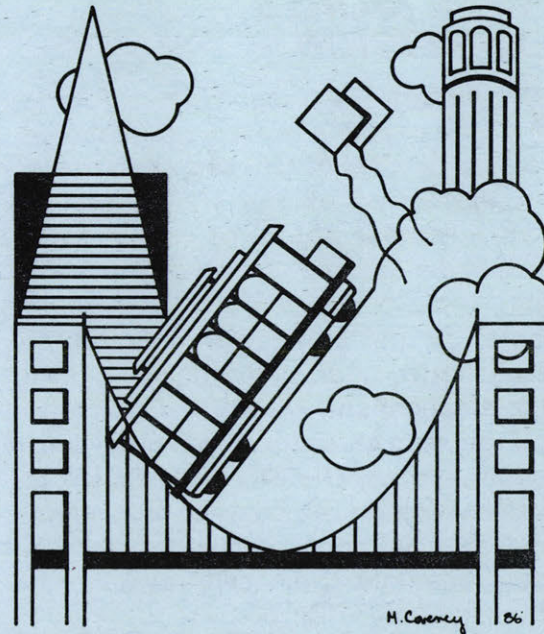
California Department of Fair Employment and Housing
30 Van Ness Avenue
San Francisco, CA 94102
415-557-2005

U.S. Department of Health and Human Services
Office of Civil Rights
50 United Nations Plaza
San Francisco, CA 94103
415-556-8586

San Francisco AIDS Foundation
333 Valencia Street
San Francisco, CA 94110
415-864-4376

San Francisco Human Rights Commission
1095 Market Street, San Francisco, CA 94103
Telephone: (415) 558-4901

Are you being
DISCRIMINATED
AGAINST
because of
AIDS/ARC?



WHAT IS AIDS

A *quired Immune Deficiency Syndrome is caused by a virus, known as the HTLV III virus.* This virus is very difficult to transmit, and cannot be spread by casual contact. The virus can only be spread through sexual contact with a person infected with the virus; through sharing I.V. drug needles with an infected person; through sharing infected blood products; and, through a woman infected with the virus while pregnant spreading the virus to her child. No cases of AIDS have resulted from casual contact, and no one has ever contracted AIDS from exposure to the virus at work.

WHAT IS DISCRIMINATION AGAINST PEOPLE WITH AIDS

P *eople with AIDS and AIDS Related Conditions (ARC) have been terminated from their jobs, evicted from their homes, and denied access to services because of their medical condition.* Discrimination against people with AIDS/ARC, and those perceived as being at risk for AIDS/ARC, is illegal in San Francisco. San Francisco prohibits dis-

crimination on the basis of AIDS/ARC in employment, housing, business establishments, public accommodations, educational institutions, and City services and facilities. The San Francisco AIDS/ARC Discrimination Ordinance, which became effective in December, 1985, establishes as City policy "to eliminate discrimination based on the fact that a person has AIDS or any medical signs or symptoms related thereto."

WHAT CAN YOU DO IF YOU HAVE BEEN DISCRIMINATED AGAINST

I *f you feel that you have been discriminated against because of AIDS/ARC, or because you were perceived as being at risk for AIDS/ARC, you may file a complaint with the San Francisco Human Rights Commission.* The Commission is authorized to investigate and mediate complaints of AIDS/ARC based discrimination. You may also seek help from a private attorney if you believe that you have been discriminated against; every person who files a complaint with the Commission has a right to file a civil action under the AIDS Discrimination Ordinance.



August 19, 1985

DRAFT ORDINANCE ADDING ARTICLE 38
TO THE SAN FRANCISCO MUNICIPAL CODE
PROHIBITING DISCRIMINATION ON THE BASIS OF
MEDICAL CONDITION

SEC. 3801 DEFINITIONS

(a) Business Establishment. In this ordinance, "business establishment" means any entity, however organized, which provides goods, services, or accommodations to the general public. An otherwise qualifying entity which has membership requirements furnishes services to the general public if its membership requirements: (1) consist only of payment of fees; or (2) consist of requirements under which 5% or more of the residents of the city could qualify; or (3) consist of an otherwise unlawful business practice.

(b) Discrimination. In this ordinance, "discrimination" means any act, policy or practice which, regardless of intent, has the effect of subjecting anyone to different treatment as a result of that person's medical condition. The phrase "different treatment" includes any limitation on a person's full, unsegregated and equal access to or enjoyment of employment, real estate transactions, business establishments and municipal services.

(c) Person, Anyone. In this ordinance, "person" and "anyone" mean any natural person, firm, corporation, partnership or other organization, association or group however organized.

(d) Real Estate Transaction. In this ordinance, "real estate transaction" includes the sale, repair, improvement, lease, rental, or occupancy of any interest or portion of any interest in real property, and the extension of credit, financing, insurance or services in connection with the sale, repair, improvement, lease, rental, or occupancy of any interest in real property.

(e) Medical Condition. In this ordinance, "medical condition" means Acquired Immune Deficiency Syndrome (AIDS), AIDS related conditions (ARC), or any other medical condition which a person contracts as a result of having AIDS or an ARC. It covers anyone who has such a medical condition or anyone who is assumed or suspected of having such a condition.

SEC. 3802 UNLAWFUL PRACTICES.

(a) In General. It is unlawful for anyone to do anything which has the effect of discriminating against anyone as a result of a person's medical condition in:

1. Employment: any aspect of employment, opportunities for employment, or union membership;
2. Real Estate: any real estate transaction;
3. Business Establishments: the availability of goods or services from any business establishment;
4. City Services and Facilities: the use or availability of any service or facility wholly or partially funded or otherwise supported by the City;
5. City Supported Services and Facilities: the use or availability of any service or facility wholly or partially funded or otherwise supported by the City;

(b) Exceptions.

1. Employment: Bona Fide Occupational Qualifications.

i. Occupational Qualifications.

Nothing in Section 3802 (a)(1) prohibits selection or rejection based on a bona fide occupational qualification.

ii. Health and Safety.

It is a bona fide occupational qualification for an individual to be able to perform her or his duties without endangering her or his health or safety, or the health or safety of others.

iii. Proof of Occupational Qualification.

Anyone who claims that the absence of a medical condition is a bona fide occupational qualification in a particular case will have the burden of proving the claim.

(d) Advertising. It is unlawful for any person to make, publish, or disseminate any notice or statement which indicates that a person is doing or will do anything which this ordinance prohibits.

(d) Association. It is unlawful for any person to discriminate against anyone in any way because a person is associated with another person who has a medical condition covered by this ordinance.

(e) Retaliation. It is unlawful for any person to discriminate or retaliate against any person because a person:

i) has opposed any act or practice made unlawful by this ordinance;

ii) has supported this ordinance and its enforcement;

iii) has filed a complaint under this ordinance with the San Francisco Human Rights Commission or the Court;

iv) has testified, assisted, or participated in any way in any investigation or proceeding under this ordinance.

(f) Testing.

1. In General. No person will require another person to take any test or undergo any medical procedure designed to show or help show that a person has a medical condition covered by this Article.

2. Bona Fide Occupational Qualification. Subsection (f) (1) does not apply to an employer who can show that the absence of a medical condition is a bona fide occupational qualification.

SEC. 3803. LIABILITY.

Any person who violates any of the provisions of this Article or who assists in the violation of any of the provisions of this Article will be liable:

(1) To the person whose rights were violated, for actual damages and a civil penalty. The penalty can be up to three times the amount of actual damages, but in no case will it be less than one thousand dollars (\$1,000.00);

(2) For costs and attorney's fees;

(3) Within the sound discretion of a judge or jury, for punitive damages;

(4) For any equitable relief which the court thinks is appropriate to remedy the wrong to the individual whose rights were violated, or to prevent or end any act or practice which would violate this Article.

SEC. 3804 CRIMINAL LIABILITY.

Anyone who violates Section 3802(a), subparagraphs (1) through (5) of this ordinance, or who assists or incites a violation is guilty of a misdemeanor.

SEC. 3805 CIVIL ENFORCEMENT.

(a) Civil Action. Anyone who thinks his or her rights were violated may enforce this ordinance in a civil action in any court with jurisdiction.

(b) Injunctions. Any person may bring a civil action in any court with jurisdiction to stop any person who does or proposes to do anything which would violate this ordinance.

(c) Human Rights Commission. Anyone who thinks his or her rights under this ordinance have been violated may file a complaint with the Human Rights Commission. If the person against whom the complaint is filed is a person covered by Chapter 12B of the San Francisco Administrative Code, the Commission will follow Chapter 12B in investigating the complaint. In all other cases, the Commission will follow Chapter 12A.

SEC. 3806. LIMITATION ON ACTION.

Lawsuits under this ordinance must be filed within two years of the alleged discriminatory act(s).

SEC. 3807. SEVERABILITY.

If any part of this ordinance or its application to any person or in any circumstance is held invalid, the remainder of the ordinance, (including the application of a part to other persons or in other circumstances) will not be affected and will continue in force. The provisions of this ordinance are severable.

SEC. 3808. NON-WAIVERABILITY.

Any written or oral agreement which waives any provision of this ordinance is against public policy and void.



NEWS RELEASE

January 8, 1986

FOR IMMEDIATE RELEASE

For more information contact:

Jackie Winnow, 558-4901

Eileen Gillis

AIDS/ARC RELATED DISCRIMINATION PUBLIC HEARINGS
CALLED BY THE HUMAN RIGHTS COMMISSION

Public hearings to study AIDS/ARC (Acquired Immune Deficiency Syndrome/ AIDS Related Conditions) based discrimination will be held by the San Francisco Human Rights Commission (HRC). The HRC, which mandated AIDS as one of its top five (5) priorities, called for the hearings in response to the alarming increase in AIDS related discrimination complaints received by the HRC and other organizations in San Francisco.

The hearings will be held on February 4th and 5th at the State Building, 350 McAllister Street, Civic Center, San Francisco, Room 1194, from 5:30 - 8:30 p.m., (sign language interpreted, wheelchair accessible, child care provided with 48 hour advanced notice.)

The first hearing will begin with testimony that gives a general analysis of AIDS/ARC discrimination, and will then cover discrimination in employment, public accomodation, corrections, insurance, and underserved populations, i.e. people with ARC, women, third world people, and hemophiliacs respectively. The second hearing will gather testimony on discrimination in housing, medical and social services, research, education and children's rights, blood testing and confidentiality, as well as issues not listed above.

(more)

In myriad areas, discrimination based on AIDS/ARC is adding a tremendous burden to people who are already coping with a devastating disease, as well as adversely affecting individuals without the disease merely because they are members of a high risk group. Only through a joint effort can an end be put to the horrors that this discrimination is causing. Any one having experienced AIDS/ARC related discrimination, or knowing something about the area that they would like to share, is encouraged to testify at the appropriate hearing and/or submit written testimony.

As the number of AIDS/ARC cases continues to grow, so does discrimination directed at individuals who are perceived as having the disease, as well as those who actually do. According to staffpersons Eileen Gillis and Jackie Winnow, people who are coming to the Human Rights Commission after losing their jobs or being evicted from their homes due to AIDS/ARC appear to be merely the tip of the iceberg. Many others are experiencing discrimination daily that are never heard from. The problem is severe and worsening rapidly.

According to HRC Chairperson Brenda Wade, "The level and scope of discrimination based on AIDS has yet to be given a voice with which to address its many aspects." The hearings are designed to ascertain the extent and focus of AIDS/ARC discrimination in order to determine the needs of persons facing such discrimination, and recommend the establishment of ameliorative remedies. The hearings will also serve to educate the public about AIDS/ARC discrimination, and promulgate recommendations for legislation, program development, funding and staffing to combat the problems uncovered.

Your testimony and participation at the public hearings are needed. Please contact Jackie, Sue or Dan at 558-4901 for further information.

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City and County of San Francisco



Human Rights Commission

Office of Contract Compliance

Office of Dispute Resolution

RECEIVED

JAN 09 1986

January 8, 1986

Dear Representative:

Enclosed please find a copy of a press release announcing AIDS Discrimination Public Hearings to be held by the San Francisco Human Rights Commission on February 4th and 5th, 1986. It would be a great help to us in publicizing the hearings if you could include a copy of the press release or information about the hearing in your next newsletter. If you have questions, please feel free to contact me.

Thanks for your assistance.

Sincerely,

Jackie Winnow
Jackie Winnow
Lesbian/Gay Community Liaison

JW:bct



CALENDAR ANNOUNCEMENT FOR
February 4th and 5th

AIDS-based discrimination public hearings will be held before the San Francisco Human Rights Commission on Feb. 4 and 5, from 5:30-8:30 p.m., at the State Building, 350 McAllister St., Room 1194. Wheelchair Accessible, S.L. Interpreted, and Child Care with 48 hour advanced reservation. Call Jackie, Sue or Dan, 558-4901.

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SS

12/20/85



REPORT ON SEXUAL ORIENTATION DISCRIMINATION

FY '85-86

The Human Rights Commission of San Francisco
Lesbian/Gay Community Liaison Unit

Prepared by: Eileen Gillis
Lesbian/Gay Community Representative

The Human Rights Commission of San Francisco is empowered to investigate and resolve sexual orientation discrimination complaints in the areas of employment, housing and public accommodations. Additionally, the HRC is authorized to investigate complaints of AIDS/ARC based discrimination.

Statistics are analyzed on a regular basis to show a profile of the complainant population and the type of problems reported. This annual study helps spotlight discrimination related issues disaffecting the local Lesbian/Gay community, thereby assisting the Commission to improve the quality and availability of services provided to San Francisco citizens.

SUMMARY

In FY '85-86, 137 complaints of sexual orientation and/or AIDS/ARC based discrimination were investigated by the Lesbian/Gay Unit of the HRC. This figure does not reflect the total number of cases received by the Unit, assisted through referral or other means of technical help available from staff. Instead, it highlights only those investigated through to completion. When taking into account all complaints reported, the actual figure of cases received by the Unit is closer to 300. Additionally, 20 cases of AIDS based and 17 sexual orientation housing discrimination cases were investigated by HRC's Fair Housing unit.

The number of complaints investigated in FY '85-86 increased 20% over the previous years case load. This continues a trend of yearly increase seen in previous reports. In FY '84-85, 114 cases were investigated, 123 complaints were recorded in FY '83-84. In FY '82-83, 87 cases were reported and 62 were shown in FY '81-82. Prior to this time, statistics were recorded by calendar year and 53 complaints were filed in 1981 and 47 in 1980.

The unit shows a good success rate in resolving complaints. In total, \$20,500 was awarded to aggrieved complainants this year in settlement negotiations, as opposed to \$16,500 gained by complainants in FY '84-85 and \$6,000 in FY '83-84. In addition, many other remedies were reached to compensate complainants, such as job transfer, promotional upgrade and improvement of workplace nondiscrimination policy.

The increase noted in previous reports of discrimination on the basis of AIDS/ARC progressed alarmingly in FY '85-86. Last year, twenty reports of AIDS based bias were investigated. This year the number increased to 65. For comparison purposes, it can be noted that in FY '83-84 and '82-83, 8 and 2 cases were investigated respectively.

As a result of these numbers, the HRC and the Board of Supervisors jointly worked to design and pass Article 38, an amendment to the Administrative Code, which bars discrimination, on the basis of AIDS/ARC, in employment, housing, public accommodations, business establishments, educational institutions, city facilities and services, and provides for increased protections insuring confidentiality of individual AIDS-virus testing results. The penalties for violating this ordinance are strong, and the HRC is mandated directly as the Administrative Agency responsible for investigation of AIDS related complaints.

The HRC was additionally successful, with the help of the Board of Supervisors, Mayor's office and the Department of Health, in adding on a third Lesbian/Gay Liaison Unit staff-person, designated solely as an AIDS/ARC specialist. His assigned duties include processing the increasing complaint load related to AIDS/ARC bias, performing public education, and operating as a liaison with local, State, Federal agencies and private groups concerned with AIDS/ARC.

ANALYSIS OF CURRENT STATUS

1. Remedies

The unit uses statistics and other indicators to evaluate the level of success shown in processing the case load and these continued to show improvement in FY '85-86. Again, the amount of monetary reward for settled claims increased 24% over last years figure and, as with previous yearly caseload's, complainants reported a 90% subjective satisfaction level with the quality and quantity of services received.

Numerous case resolutions included establishment or review of sexual orientation or AIDS related workplace policies, to ensure that unbiased principles are actually actively applied in the worksite. This often involved on-site education seminars. Other remedies included workplace transfers; monitoring of fair job application opportunity; extension of insurance benefits to individuals choosing to terminate employment (which is especially crucial in AIDS/ARC discrimination cases); and, giving a non-employment related example, extension of Ad-hoc status to a environmental rights group attempting to establish a Lesbian/Gay Chapter. Technical assistance is often provided to attorneys and other legal workers involved in ongoing cases. Two HRC sexual orientation discrimination cases were determined to have sufficient evidence to warrant referral for enforcement actions through the District Attorney's office, after staff investigation. The outcome of these two cases are pending, but will hopefully more clearly establish the avenue of formal prosecution available to the community through partnership of the HRC and the District Attorney's office.

The Fair Housing Unit of the Human Rights Commission addressed 20 complaints of AIDS/ARC discrimination. In these cases, the HRC was able to prevent 7 evictions, facilitate housing for 6 complainants and assured 1 complainant ultimately received housing, for which he applied but was discriminatorily turned down.

These following illustrative examples showing achieved remedies from this year's caseload are not meant to be exhaustive but merely illustrative:

- A Lesbian was harassed and prevented from promotion in her job as a Distributions Clerk Supervisor, because of her sexual orientation. The employer, a major City contractor, began a hypervigilant monitoring of her work performance, evaluating her negatively and leading her to fear eventual termination. She acted preventatively by filing an official complaint with the HRC asking for investigation. Staff research uncovered evidence substantiating her allegations of discrimination. Staff then proceeded to mediate a resolution agreement with the company, thereby pre-empting a negative final HRC determination upholding the allegation of discrimination. If such a finding were to be made, it would have resulted in cancellation of all city contracts and fines, as well as lend weight to a civil proceeding. In this case, because the complainant decided to leave the company for more satisfactory employment, HRC negotiated a settlement of \$7,100 severance payment plus \$500 for estimated benefits accrued, and a clearing of all negative evaluations within her employee file. In exchange the complainant agreed to drop all pending and future discrimination and/or employment related charges.

- In an AIDS-bias complaint, reported before passage of the San Francisco AIDS/ARC discrimination law, a City-contracting printer had refused to provide reasonable accommodation to the needs of a Gay man diagnosed with ARC. The individual was abruptly fired for job abandonment, (when he went home sick one afternoon), and tardiness, although the employer had promised and was easily able to cover the employee's needed at-work absences and doctor's appointments, by moving other workers on-site. A mediation was held with the HRC, the complainant, the respondent and his attorney, and a staff attorney from the Employment Law Center representing the complainant. An agreement was made between the attorneys and HRC staff to a monetary settlement given to the complainant to resolve this dispute.

- A major phone company refused to extend credit to a Gay man who, after the sudden death of his lover from AIDS, tried to change billing records to reflect his own name. Although the couple had shared the phone for many years, a new, extremely large security deposit was being required of the surviving partner before the phone company would continue service. This is not the practice in the case of a name change for a married couple upon the death of a spouse. The HRC intervened and was able to encourage the company to drop the security deposit in this case, although no official change in company policy, across-the-board for Lesbian/Gay domestic partners was able to be achieved.

- A Gay male, working 2½ years for a local corporation performing supervisory data control work was labeled "insubordinate" and a "trouble-maker" by his employer because he pursued an internal discrimination complaint against the company manager for blocking the hire of a Gay man applying for a job. Retaliation practices had formed a pattern and the complainant was watched, in an obvious hypervigilant manner, for performance errors and subsequently received a negative review, (the first poor evaluation ever given him at work). Statements were then made to him, by this manager, saying that "this is as far as you (the complainant) can go up the corporate ladder because of the way you let things get to you." Other evidence of a newly developed negative corporate attitude toward him was clearly shown and, although the complainant tried to address this problem through the company personnel department, he was told they were powerless to intervene.

The complainant appealed to the HRC for mediative assistance, after being pressured to sign a negative and untrue performance appraisal. He felt this was the preliminary step taken to terminate him for "documented" reasons and felt discouraged and was additionally close to quitting the job without pursuing a discrimination claim. Instead, the complainant was encouraged by HRC staff to start his claim by clarifying the results he would want from a mediation. He said he felt angry and betrayed by the company and did not desire to stay in their employ, but he did want remedy for job loss and emotional distress and wished to pursue a claim and as a by product influence and pressure the company to change their discriminating work policies. The HRC proceeded to structure a mediation between all parties, during which staff informed the company clearly of all potential liabilities faced regarding discrimination and other employment claim related issues. This encouraged the reaching of a settlement which included severance payment of \$3,550.00, carryover of complainants insurance through August 1986, a good letter of reference and expungement of employee files and non-contest of unemployment. In return, the complainant agreed to drop all pending and future claims against the company.

- HRC was contacted by a church that was denied cleaning services by a San Francisco based company. The church provides spiritual and other counseling services for people with AIDS/ARC. The cleaning service informed the church that they would not be able to work at the site because of employee fears of contracting AIDS. The cleaning service was contacted by HRC staff and notified that failure to provide services would constitute a probable violation of the City's AIDS/ARC Discrimination Ordinance. The cleaning service was also provided educational materials on AIDS in the workplace. The company agreed to provide services within 3 days, and the church reports that the matter has been successfully resolved.

- Due to repeated reports of poor AIDS-related services at a local hospital, ongoing meetings were instituted between members of hospital

administration and medical staff, Lesbian/Gay community representatives and City department liaisons, including HRC. Each problematic area was addressed, over time, and the eventual outcome included improved service delivery; development of a permanent community/hospital AIDS taskforce; study and planning aimed towards opening an AIDS ward in Fall, 1986 to upgrade and centralize services; and development of staff trainings, for credit, on homophobia and AIDS discrimination. HRC staff will continue involvement as a member of the AIDS taskforce.

2. Demographics and Statistics

As was recognized in previous years, the Lesbian/Gay Unit has met with mixed success in its desire to expand representation of women and ethnic minority population, relative to majority populations, in the complaint load. Although a strong increase is noted in the Hispanic category, from 4% in FY '84-85 to 13% in this year's analysis, black representation in the complaint load decreased from 10% to 7%. Similarly, the American Indian population statistics decreased from 8% to 0. All other populations remained constant at 1% Asian representation and 0% Filipino and Pacific Islander.

Clearly, continued special outreach to underserved population must be prioritized in the upcoming year. This is especially important in the face of the AIDS epidemic which, if the experience of the East Coast can be used as a guide, will involve disproportionately more persons of third world/minority backgrounds, and locally many more women will be affected than previously seen in the first wave of the illness in San Francisco.

Women represented only 15% of this year's complainant population, a drop of 8% from last year's statistics. This severe discrepancy obviously needs continued concerted outreach to remedy, as it is inconceivable that fewer Lesbians are discriminated against than Gay men. It is more likely that, as a doubly or stripily stigmatized population, women do not file complaints because of a number of reasons. Primarily, women likely tend to file cases under federally or state protected categories such as race or sex. Also the effort of repeatedly fighting discrimination on a number of fronts eventually diminishes energy to take on long battles such as litigation or Administrative complaints. Although, it is believed that some of this wide gender division is due to the increase in the complaint load of AIDS related complaints; the illness presently primarily disaffects a male population in San Francisco.

The percentage of AIDS related complaints relative to the year's caseload rose from 17% in FY '84-85 to 47% in FY '85-86. It is expected that this trend will continue in the near future as it is estimated that the number of local citizens expected to develop the illness will triple by June 1988, to an expected high of 6,400 persons diagnosed with AIDS in S.F. and ten times this number exhibiting symptoms of ARC.

The average age of reporting complainants stayed approximately the same this year as compared to last year, but the number of disabled complainant's filing has risen from 9% to 20%, reflecting the addition of AIDS/ARC bias complaints to the caseload. Approximately 75% of all cases regarded employment, 6% housing and 23% public accommodations. The average number of days taken to close cases this year increased from 21.6 to 53.4, when compared with the previous year. This problematic increase was due to the rapidly escalated burden of problems and complaints associated with AIDS/ARC bias. It has been estimated that over 50% of staff time became devoted to AIDS/ARC related issues in FY '85-86, thus slowing down expedient addressing of all complaints. This is especially of concern in the case of AIDS/ARC complainants, as this population needs to receive timely assistance. The addition of a third staffperson, in the fourth quarter, assigned to address AIDS/ARC complaints and issues, resulted in a marked quickening of unit response time in both sexual orientation and AIDS/ARC complaints work. The April-June '86 or fourth quarter statistics show that the average number of days to resolve sexual orientation and AIDS/ARC bias cases reduced to 16.6 and 16.0 respectively.

The strategy of outreach advertising services to underserved and AIDS/ARC affected populations brought in many new cases and was designed towards efforts to gain media coverage, distribute new brochures on AIDS/ARC bias and sexual orientation discrimination, holding in February 1986, public hearings on AIDS/ARC bias, participation in public speaking engagements, and assistance in planning seminars and conferences.

A major master outreach mailing list will soon be fanilized utilizing newly HRC acquired computers. This will go far to make the outreach process more efficient and assist in targeting third world/minority and women clients.

3. The Projected Goals of FY '84-85 Met in FY '85-86.

In FY '84-85, a number of goals were advanced for the upcoming year. Most of these were met successfully.

A major planned project of development and passage of local protective legislation guarding against discrimination on the basis of AIDS/ARC was completed. The HRC worked successfully with Supervisor Britt's office and attorney Matt Coles to achieve this goal. Staff provided technical assistance during the writing of the ordinance and helped gain its passage through City Attorney review, and with endorsement by the HRC, this legislation was approved after public hearing held by the Board of Supervisors. The ordinance, Article 38, an Amendment to the Municipal (Police) code, bars AIDS-bias in the areas of employment, housing, public accommodations, business establishments, educational institutions and city facilities and services. It protects those with AIDS/ARC, as well as those only perceived as having the illness and provides protections against disclosure of HIV antibody testing results and retaliation against persons filing complaints. Penalties for violation of Article 38 are stringent and include injunctive remedies, award of, up to three times actual damages, but in no case less than \$1,000, costs and attorney's fees, as well as punitive damages. The HRC is mandated as the investigative/mediative agency and enforcement powers are extended to the City Attorney and District Attorney. A private cause of action is also available. Unit staff has successfully passed Rules of Procedure related to Article 38 complaints through City Attorney and commission review and approval.

As a result of recognized increased need, efforts by staff and Supervisors Harry Britt and Nancy Walker, resulted in the hiring of an HRC AIDS/ARC specialist, funded through the Department of Public Health. Norm Nickens, former Assistant Dean at New College Law School has been hired at the HRC as the AIDS/ARC discrimination Representative. Mr. Nickens will investigate and resolve complaints filed under Article 38, the AIDS-bias ordinance, perform public education and technical assistance in the area of AIDS discrimination and will operate as the Commissions liaison with agencies and private groups concerned with AIDS.

Another AIDS/ARC related goal was addressed by the Lesbian/Gay Unit staff through efforts aimed towards coordinating communication between local legal and advocative agencies responsible to address complaints of AIDS/ARC bias. Organized meetings helped strengthen links and establish available services, thus avoiding overlap or gaps in service coverage. The HRC also developed and widely distributed a handout, for use by the AIDS affected community, listing all AIDS/ARC anti-discrimination resources.

Last year's report extended the goal of holding public hearings to ascertain the extent and focus of AIDS/ARC discrimination, in order to determine needs and develop amelioration remedies. Hearings were held over two evenings in early February. The areas of testimony included employment, housing, public accommodations, underserved populations, corrections, insurance, medical and social services, research, education and children's rights, blood testing and confidentiality. A great deal of information was gathered pointing to extensive problems regarding lack of available housing for people with AIDS/ARC, lack of services and outreach to third world/minority, women, and I.V. drug using populations, extensive employment discrimination and other gaps in services. The hearings helped also to heighten public concern and illuminate problem areas through local media. Upon completion of the hearings, an Ad-hoc committee of staff, commissioner's and committee members, community representatives and volunteers reviewed testimony transcripts and developed findings and recommendations. The hearing report is in production and when released, the long process of HRC community intervention will begin, aimed towards encouraging government agencies, service providers and community groups to implement the recommendations, ultimately resolving perceived discrimination related problems.

It is important to note that much of the work undertaken by the unit flows from the efforts of the Lesbian/Gay Advisory Committee, which gives advisory direction and person-hours to accomplish projects such as the public hearings. L/GAC, co-chaired by Commissioners Phyllis Lyon and Sal Rosselli, is mandated to address discrimination as it affects the Lesbian/Gay population. It is composed of membership broadly representative of the community at large, bringing issues of concern from the diversity of San Francisco citizenry to the Commission. The L/GAC assisted greatly in efforts to meet last years goal of lobbying against restrictive legislation undermining privacy rights and civil liberties of Lesbian/Gay persons, on the basis of AIDS/ARC. The HRC went on record opposing such

legislation and, through staff and committee efforts, testifying at committee hearings, submitting evidence, organizing letter writing, and educating the community-at-large, the threat of poor legislation was addressed more fully on a local level and support was given to secure passage of positive bills.

Finally, the goal of maintaining services at present level was surpassed. Although staffing is limited to three full-time paid positions, additional help provided by MSW interns, Sue Steiner and Dan Turner, and legal interns Caren Callahan and Larry Jarvis, to supplement the work of Liaison's, Jackie Winnow and Eileen Gillis and AIDS specialist Norm Nickens, was invaluable in assisting the unit in achieving almost all goals outlined in the FY '84-85 report for FY '85-86.

4. Problem Areas Defined

Beyond those areas previously mentioned, such as increase of minority outreach and continual need to educate the community regarding local protections against discrimination, a number of recent developments point out increased threat to the civil liberties of Lesbian and Gay men.

Many of these problems concern the backlash of increased discrimination due to AIDS/ARC. The refusal of the State and Federal Government to grant handicapped status to people with AIDS/ARC or those perceived as having AIDS/ARC means that local nondiscrimination protections become increasingly important. Because restrictive Governmental policy encourages discrimination, it decreases the ability of health educators to provide preventive education to counter irrational public fear of casual transmission of the disease. It also gives permission to individuals to express homophobia through a smokescreen, using "AIDS" as the excuse. We will see increased evidence of discrimination in all areas against Gay/Lesbian persons or those affected by AIDS. Clearly, the HRC must increase outreach to educate the public about local anti-discrimination laws in the face of these decisions, so as to discourage interpretations that poor State and Federal policy decisions apply to San Francisco.

The present administration's attempts to cut back many other affirmative action and equal opportunity precedents ultimately does affect Lesbian and Gay people, as the overall restriction of rights sets a tone regarding treatment of all minority group, and therefore results of double or triple stigmatization of many in the social citizenry. Therefore, the Lesbian/Gay Unit must be ever vigilant to continue supporting efforts to protect employment and other rights of all persons affected by discrimination.

6. Future Plans

As a result of noted problems in this year's complaint report, a number of goals are projected for the upcoming year. The most obvious need is increased staffing to handle the anticipated increase in number of AIDS-bias complaints. As statistics regarding number of diagnosis mount and as State and Federal protections are restricted, the local law becomes one of the few avenues protection for San Francisco citizens. An AIDS/ARC affected population is also often an economically stressed group in need of legal assistance that does not economically stress them more and provides for immediate emotional and technical support. Increasingly, it is expected that people with AIDS/ARC will turn to the HRC for assistance, thus impacting the Unit workload.

The future goal is to maintain existing levels of provision of services. This means processing over 300 yearly complaints of AIDS/ARC and sexual orientation discrimination, 120 of which will proceed through full investigation. All other outreach, technical assistance and issues oriented services will be continued by the Unit, one which has consistently shown a high record of productivity in previous years.

Revision of Article 33 has also been pursued jointly with Supervisor Britt and it is expected that once changes are reviewed by the City Attorney, the Board of Supervisors will be approached for passage.

The battle to gain State and Federal protections for people with AIDS/ARC is not lost. The Commission is expected to request the City to join, through an amicus brief, an ongoing case, Chadbourn v. Ratheon, which is pending before the Fair Employment and Housing Commission, and will define handicap status as it applies to people with AIDS/ARC. In this case, the Human Rights Commission can provide local perspective, giving information and statistics to support the case put forward by the plaintiff.

The implementation effort of the AIDS/ARC-bias Public Hearing recommendations and findings will involve a great deal of effort in the upcoming year, but will go far towards addressing the root causes of AIDS/ARC and sexual orientation discrimination. In addition, the development of an ad-hoc AIDS/ARC committee drawn from all HRC committees will be organized this year to focus on coordinating all HRC AIDS/ARC related Committee and Commission work. AIDS/ARC discrimination is a top priority of focus as mandated by the Commission, at the present time.

Discrimination against women in employment is an issue that affects the Lesbian community. In addition, Lesbians are broadly represented in areas that classically hold discriminative policies, for example, the trades or underpaid clerical worksites. Therefore, the Unit's participation in ongoing organizing efforts in affirmative action in contract compliance, or efforts addressing women in City employment and comparable worth is a unit priority for the upcoming year. The goal is to lessen

discrimination overall. The focus of Unit participation will be raising the special issues confronted by Lesbians in all these areas of employment.

Throughout the AIDS/ARC crisis, and at a time when our energy is divided, it is increasingly important that the focus on reducing sexual orientation discrimination not be forgotten. The unit will strive, in the upcoming year to keep this mandate in the forefront of all of our efforts towards non-discrimination and the Lesbian/Gay community.

Report on Sexual Orientation
Discrimination FY '85-86

Appendix I

Complaints received:	137	
of these:		
AIDS/ARC related:	65	(47%)
Sexual Orientation:	72	(53%)
Services provided:		
Investigation:	59	(43%)
Technical Assistance	78	(57%)
Of those investigated:		
Informal:	115	(84%)
Formal:	20	(15%)
Official:	2	(1%)
Categories:		
Employment:	103	(75%)
Housing:	8	(6%)
Public Accommodations:	23	(17%)
Other:	3	(2%)

Jurisdiction regarding sexual orientation complaints (which include a number of AIDS related complaints previous to passage of Article 38, otherwise known as the AIDS discrimination ordinance): [# of complaints (before passage of Art. 38): 108.]

Article 33:	82	(76%)
12A:	9	(7%)
12B:	16	(12%)
12C:	1	(5%)

of complaints (after passage of Art. 38): 29.

Article 38:	22	(76%)
Article 38 and 33:	7	(24%)

Report on Sexual Orientation
Discrimination FY' 85-86

Appendix I (Cont'd)

Demographics:

Race:

Caucasian:	103	(75%)
Black:	10	(7%)
American Indian:	0	(0%)
Asian:	1	(1%)
Hispanic:	17	(13%)
Filipino:	0	(0%)
Pacific Islander:	0	(0%)
Unknown:	6	(4%)

Sex:

Male:	115	(84%)
Female:	21	(15%)
Not Applicable:	1	(1%)

Age:

18-24:	9	(7%)
25-29:	24	(17%)
30-34:	32	(23%)
35-39:	34	(25%)
40-44:	15	(11%)
45-54:	5	(4%)
55-64:	3	(2%)
Unknown:	15	(11%)

Physical Ability:

Ablebodied:	110	(80%)
Disabled:	27	(20%)

(All complainants with AIDS/ARC diagnosis were disabled)

Sexual Orientation:

Gay man:	113	(82%)
Lesbian:	10	(8%)
Bi-sexual:	3	(2%)
Heterosexual:	11	(8%)

Appendix I (Cont'd)

Processing:

Average days to close all those cases which were opened and closed in each separate quarter solely: 24.06

Average days to close all cases in year (including those carried over from 1984-85): 53.04

Number of cases closed in year: 104

HRC Fair Housing Unit AIDS/ARC complaints:

Complaints received: 20

Racial demographics: 15 Caucasian
4 Hispanic
1 Black

Sex: 20 Male
0 Female

Appendix II

Definition of Terms

- Technical Assistance (T/A)

The L/G Unit defines technical assistance (T/A), as a separate category, in order to encompass complaints requiring immediate advice and limited assistance. An extensive technical assistance advisory and referral service has been developed to help individuals analyze each complaint and construct a strong and well documented position from which to negotiate a desired remedy. Staff efforts at T/A also empower the complainant to pursue aspects of their own cases and all complaints in this category remain informal, although ongoing limited contact with the respondent may be required.

- Informal

Informal complaints are reported complaints that do not reach a level requiring filing and notification of the respondent, but do require pursued assistance, without the more formalized aspects of investigation.

Report on Sexual Orientation
Discrimination FY '85-86

- Formal

A formal complaint involves the filing of a signed complaint outlining the allegations brought by the complainant. The respondent is then notified of the allegations and given 21 days to reply to the HRC. Staff then proceeds to impartially investigate both sides of the issue by collecting information, documenting evidence and interviewing all parties and available witnesses, if it is needed. A recommendation for or against sustaining the allegation of discrimination is submitted to the Director of the HRC who then issues a final opinion. Remedies to end the discrimination include the levying of an injunction by the City Attorney or District Attorney to eliminate the inequitable treatment, or recourse through Civil litigation. The HRC acts only as an investigative, conciliative and mediative party. Formal complaints relate only to non-contracting parties and are filed under Article 33 or 38 of the Municipal Code or Chapter 12A of the Administrative Code.

- Official

Official complaints refer to Sections 12B and 12C of the Administrative Code and are filed in a manner similar to formal but refer only to businesses which hold City and County contracts or leases. Increased enforcement powers are brought to bear with official complaints, as available sanctions include cancellation of the contract, the levying of a fine against the contractor, suspension of monies owed and prohibitions against active bidding on a contract for a period of two years. A finding is appealable through the Commission in a hearing process before a hearing officer.

- Article 33 of the S.F. Municipal (Police) code

Article 33 prohibits discrimination in San Francisco on the basis of sexual orientation in employment, housing and public accommodations. It is informally known as the "Gay-rights Ordinance." Civil sanctions under this legislation provide for special and general damages, attorneys fees and a fine of no less than \$200 and not more than \$400. The Human Rights Commission is the administrative agency that enforces this ordinance and forwards its recommendation to the City Attorney or the District Attorney for direct action if necessary.

- Article 38 of the S.F. Municipal Code

Article 38 prohibits discrimination in San Francisco on the basis of AID/ARC or the perception that an individual has or is at risk to have AIDS/ARC. Areas covered are employment, housing public accommodations, business establishments, educational institutions, city facilities and services. Retaliation protections and confidentiality assurances are included. The Ordinance allows for a private right of action and provides for remedies of up to three times actual damages, costs, punitive damages, and attorney's fees. The HRC is mandated to provide for administrative remedy.

Report on Sexual Orientation
Discrimination FY '85-86

Appendix II (Cont'd)

- Chapter 12A of the S.F. Administrative Code

This sets out the policy of the City, which is to discourage discriminatory activities that act to disaffect the well-being of the community. It mandates the HRC as the agency through which community wide problems are mediated and conciliated. The HRC subpoena powers are contained in this ordinance and it also mandates the existence of the Lesbian/Gay Advisory Committee (L/GAC).

- Chapter 12B of the S.F. Administrative Code

Chapter 12B prohibits discrimination by employers in city contracts, providing extensive sanctions. Complaints filed under Chapter 12 B are also known as official complaints. There are 11 protected categories named in 12B and sexual orientation is included among them.

- Chapter 12C of the S.F. Administrative Code

Chapter 12C is similar to 12B, except it refers to rental of property and contracts associated with leasing.

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REPORT ON SEXUAL ORIENTATION DISCRIMINATION

FY '84-85

The Human Rights Commission of San Francisco
Lesbian/Gay Community Liaison Unit

Prepared by: Eileen Gillis
Lesbian/Gay Community Representative

The Human Rights Commission of San Francisco is empowered to investigate and resolve sexual orientation discrimination complaints in the areas of employment, housing and public accommodations. Statistics are analyzed on a regular basis to show a profile of the complainant population and the type of problems reported. This annual study helps spotlight the discrimination related issues disaffecting the local Lesbian/Gay community, in order to assist the Commission staff to improve the quality and availability of services provided to San Francisco citizens.

SUMMARY

In FY '84-85, 114 complaints of sexual orientation discrimination were received by the Lesbian/Gay unit of the HRC. This figure comes very close to the amount reported in last year's statistical analysis and may reflect a leveling out of the trend seen in previous reports of large yearly increases. The FY '83-84 report showed 123 cases received. In contrast, 87 cases were recorded in FY '82-83 and 53 and 41 complaints were received in FY '80-81 and FY '79-80 respectively.

A trend towards greater success in resolving these complaints is also noted. In total, \$16,500 was received by aggrieved complainants this year in settlement offers, as opposed to \$6,000 gained in FY 83-84. A number of other remedies were also established, including returning employees to the job, giving them fair opportunity for promotion or providing citizens with equal access to services. Additionally, the Fair Housing Unit of the HRC addressed many cases involving housing discrimination against individuals based on their sexual orientation. Many similar positive results were shown in this unit paralleling those gained in the Lesbian/Gay (L/G) Liaison Unit.

An alarming and progressive increase is noted in reports of discrimination related to AIDS. Twenty complaints were received involving people who have AIDS or were perceived as having AIDS, as opposed to 8 received in FY '83-84. Acquired Immunodeficiency Syndrome (AIDS) is a health care crises of unprecedented proportions in the San Francisco Gay men's community. A secondary impact of the disease's havoc is also significant in that complaints increased in severity and number and resulted in greater devastation to the individuals involved because of AIDS.

The Unit's future goals are to maintain and in many cases, improve and broaden its services in the upcoming year. An anti-discrimination AIDS ordinance, mandating the HRC as the administrative enforcing agency will be introduced shortly for passage and it is hoped to add an additional staff person to handle the expected increase in the number of AIDS complaints. The HRC essentially plans to continue to act as a major link in the legal defense pool for people affected by sexual orientation discrimination, with a special emphasis on AIDS discrimination.

ANALYSIS OF CURRENT STATUS

1. Remedies

Most indicators of positive performance in the caseload showed improvement. As previously stated, the amount of monetary reward for settled claims increased 270% and, as with the FY '83-84 caseload, approximately 90% of this year's complainants reported a subjective level of satisfaction with the quality and quantity of services received.

Although it is difficult to quantify success in resolving complaints of sexual orientation discrimination, remedies are achieved beyond those that are monetary, which can be described best in a narrative manner. These are examples extracted from the yearly complaint load results:

- Two employees were rehired by employers who had originally terminated them due to gained knowledge of their homosexual identity. One person is an administrative trainee in a bank, the other is a supervisor of an autobody shop.
- A Gay man was given a second, unbiased job interview, which resulted in his hiring into a job previously denied him in the administrative department of a local school, which had been traditionally segregated regarding Gay participation.

-A Gay man worked in a major utility and was placed on disability leave due to an AIDS related condition (ARC). Upon return, he was demoted and given no explanation regarding the cause. The HRC helped restore him back to work with a salary increase and a promotion.

-One complaint resulted in a series of community meetings with the HRC staff present, held with a major city contracting health maintenance organization to improve services and decrease discrimination against people who have AIDS. An ongoing community task force has been established as a result of these meetings.

-Another Gay man was restored to the right to use equipment and membership privileges of a local gymnasium, which were previously denied him due to sexual orientation. In addition, he was given a three month membership free of charge.

-A gap in bereavement care services provided by a local counseling group to women who are dying and their loved ones has resulted because of its need to cut back due to stress on the system's resources because of AIDS. This was addressed by HRC staff, committee and community members. A fair offer of financial and technical assistance resources was given by the group to assist the women's community to set up a separate service to fill this need for women who do not have AIDS or who are not related to those who do have the illness.

-A sensitivity training/meeting with a local radio station was arranged to counter homophobic and anti-AIDS broadcasts. This resulted in an increase of broadcasts aimed at sensitively educating the public regarding AIDS and healthcare/discrimination related issues.

These are common examples of the more graphic results achieved through the mediative powers of the HRC. In addition, countless other examples of technical assistance, referral and educational contacts were provided to the Lesbian/Gay community to assist in their defense against discrimination.

2. Demographics and Statistics

In the FY '83-84 annual complaint report, goals were projected regarding the demographics of the complainant population. At that time, it was noted that an emphasis must be placed on minority and women targeted outreach in all educational activities. The results of such efforts were mixed, with some successes and some failures, in increasing representation of these sectors in the complaint load. (see Appendix 1)

Areas of the complaint load which showed an improvement in the under-represented categories in the demographics of the case load include the American Indian and Black communities, which showed an increase from 1.7% to 7% and 9.7% to 10% respectively. A decrease in Caucasian representation from 88% to 77% is also noted.

Alternatively, the Hispanic participation decreased from 6% to 4% this year and a 1.8% decrease is noted from individuals within the Pacific Islander population. Asian participation stayed steady at 1% and no cases were reported by Filipino individuals. It is clear that all of these communities continue to need targeted outreach to increase access of the HRC services to them in FY '85-86.

Participation from women similarly decreased from 35% to 23% this year. This may be due, in part, to the upsurge of complaints reported by Gay men impacted by AIDS discrimination, but still needs to be addressed with continued outreach. AIDS may also be responsible for the increase in the complaint load of reports received by disabled people. Complaints from this population increased by 4%.

The complainant population also showed a significant trend towards an older individual, the highest representation being in the 36-55 age range. This was 39%, as compared to 27.5% last year. Also, complaints reported by 18-25 year olds decreased from 16% to 8%, perhaps reflecting the nationwide trend of the aging of the "baby-boom" generation.

Although arguably, the complaint load sample is too small in numbers to be statistically significant, gaps in equal representation in the case-load are viewed very seriously by staff and targeted outreach is always given attention in all interactions with the community. As part of this outreach, the HRC Lesbian/Gay staff played a major role in the development and production of the first Lesbian/Gay Employment Rights Conference held in San Francisco. Attendance was phenomenal and the myriad workshops achieved great success in educating individuals, organizing activism

and performing wide outreach to the minority, women, labor, legal and AIDS affected communities. This helped greatly to motivate local energy to combat anti-Lesbian/Gay discrimination, at a time when morale was low, after local legislative defeats and complications resulting from losses due to AIDS.

Reported complaints escalated from informal to the formal stage of the investigation process increased from 5 to 14% this year, showing a strong indication of the growing seriousness in the content of the complaint load.

The days taken to process complaints were quite similar to the previous year, actually decreasing from 25 days to 21 days, on the average. Fifteen complaints were continued from FY '84-85 into the FY '85-86 caseload.

3. Projected Goals of FY '83-84 Met in FY '84-85

In FY 84-85, it was planned to mount a locally based lobbying effort aimed towards passage of AB-1, the Statewide non-discrimination-in-employment bill which would have provided broader protections for Lesbians and Gay men in California. This was accomplished through a series of community organizing and strategy meetings. The first comprehensive study of the extent of sexual orientation discrimination among State citizens was conducted, with the assistance of the HRC staff and Lesbian/Gay Advisory committee members, who played a major part in the planning and implementation of the survey. Strong media outreach was also pursued. Unfortunately this year's effort died in committee. It was a difficult year to achieve passage of Lesbian/Gay rights legislation, partly as a result of conservative backlash fueled by fears related to the AIDS crisis. The bill will be reintroduced for the 10th time in the near future.

Another major planned goal set out in FY '83-84's report was the amending of Article 33, the S.F. Lesbian/Gay Rights ordinance. When passed, this law was the first of its kind in California. It has served as a model for many other cities. Since its inception though, it has become clear to all those who work with it that amendments needed to be

made to fine tune it's coverage.

After meeting with staff of Supervisor Harry Britt's office, these proposed changes were decided upon: retaliation against individuals making complaints or acting as witnesses will be made illegal; non-discrimination provisions will be extended to educational institutions; requirements to post non-discrimination notices specifying local sexual orientation discrimination law will be made; expansions of bans on discriminatory refusal of goods and services will be extended to all businesses; exceptions for businesses with five or fewer employees will be removed from the ordinance; the same penalties for discrimination provided under the State's Unruh Act will be imposed locally; and the law will clearly be written to apply to the City itself and will show that a suit to enforce the ordinance can be brought either by the City Attorney or the District Attorney. It is hoped that passage of these amendments will be completed through the Board of Supervisors this year.

4. Problem Areas Defined

Beyond those areas previously mentioned, such as increase of minority and women outreach and need for continual community education regarding services provided by the HRC under it's existing legislative mandate, there are a number of problem areas apparent in the reports given by the complainant population of sexual orientation discrimination.

Most apparent is the rise of discrimination against individuals because of AIDS. Not only is there an increase of discrimination levied against Gay men as a result of this disease, but many people are treated poorly because they are perceived as having AIDS when they do not, or are seen as "AT RISK" to get the disease at a future time because they are Gay or associate closely with Gay/Lesbian persons. Unreasonable fears of transmission also give way to increases noted in general homophobic reactions. For example, individuals go so far as to state that they see this disease as a punishment to the Gay population because their lifestyles are outside the mainstream, thereby blaming the patients for the illness.

The rise of this illness also happened to coincide with a rise of homophobia seen in the "Moral Majority" and "Fundamentalism" right-wing backlash. The timing acted to increase vitriolic attacks against Gay persons that became increasingly vocal in the last year, in media as well as in the streets.

5. Future Plans

As a result of some of the noted problems in this year's complaint load, a number of goals are planned for the upcoming year. The most obvious need is for local protective legislation guarding against discrimination on the basis of AIDS. Some State protections exist.

These are classified under physical disability non-discrimination statutes (which also extend to perception of disability). Limited federal protections are given under Sections 503 and 504 of the Rehabilitation Act and the Burton-Hill Act.

Local protections give limited help and need to be reinforced. Many AIDS cases are brought under Section 12B of the Administrative Code, which prohibits discrimination on the basis of physical disability in City contracts. Also non-discrimination mandates are contained in Section 12A. For those falsely perceived as having AIDS or ARCS, (AIDS Related Complex Syndrome) only because they are Gay and not because they have the illness, Article 33, the L/G rights ordinance is useful to enable the HRC intervention. However, local statutes are limited in use and, as a result, proposed legislation is currently being prepared to address AIDS discrimination. Protections will spell out reference to educational, institutions health care providers and other service providers to clearly put the local community on notice that discrimination of this sort will not be tolerated. Strong enforcement powers will be placed in the law and the HRC will be named directly as the administrative agency responsible for complaint investigation and mediation. This will shortly be introduced to the Board of Supervisors.

The HRC has mandated AIDS of one of its top three priorities for FY 85-86 and all committees are charged with taking up this issue in the various areas over which it has jurisdiction, such as youth and education and housing. In addition, all staff duties will be redesigned to include various AIDS related areas. The HRC plans to hold public hearings on AIDS discrimination to evaluate on a local level, problem areas and suggested remedies. The L/G Unit staff is also working hard to assist the local legal community, through meetings, distribution of information and assistance with granting proposals for funding, to coordinate a network of legal support for individuals who are impacted adversely because of AIDS.

Another immediate issue of concern also to be addressed locally is the nationwide move by insurers to deny coverage to AIDS patients. Also, many issues regarding confidentiality and protection of civil liberties are raised in relation to AIDS, whether these result from the availability of HTLV III antibody virus testing results or the local moves made to close down business establishments that Gay clients use.

Again, the essential areas of planning relate to the maintenance of services at their present level. The Unit is staffed by two full-time staff persons, Jackie Winnow and Eileen Gillis; two MSW interns, Sue Steiner and Dan Turner; one legal intern, Caren Callahan; and various volunteers. Although the number of staffing is limited, the team effort enables an excellent yearly record providing quality services to the community it serves. The community responds by showing an increased tendency to use and trust the services provided.

Appendix i

Sexual Orientation Discrimination Statistics

FY '84-85

Cases Received: 114

Investigated: 54

Technical Assistance Provided: 60

of those received:

informal: 97 (85%)

formal: 16 (14%)

official: 1 (1%)

Categories:

AIDS related complaints: 20 (17%)

employment: 83 (72%)

public accommodations: 16 (14%)

housing: 13 (13%)

other: 2 (0%)

Coverage:

Article 33: 73 (64%)

12 B: 20 (17%)

12 A: 21 (18%)

Demographics:

Race:

Caucasian: 90 (78%)

Black: 11 (10%)

American Indian: 8 (7%)

Asian: 1 (1%)

Hispanic: 4 (4%)

Filipino: 0 (0%)

Pacific Islander: 0 (0%)

Sex:

Male: 88 (77%)

Female: 26 (23%)

Age:

18-24	10	(8%)
25-29	23	(21%)
30-35	34	(31%)
36-40	19	(17%)
41-45	11	(10%)
46-55	15	(12%)
56-65	0	(0%)
unknown	2	(1%)

Physical Ability

able-bodied:	104	(91%)
disabled:	10	(9%)

Sexual Orientation:

Gay men:	87	(76%)
Lesbian:	16	(14%)
Bi-sexual:	1	(1%)
Heterosexual:	10	(9%)

Processing:

Days to close:
all cases closed in year (including those carried over from
previous year):

21.6 days

Status:

ongoing:	14
closed:	100

Appendix ii

Definition of Terms:

-Technical Assistance (T/A)

The L/G Unit defines technical assistance (T/A), as a separate category in order to encompass complaints requiring immediate advice and limited assistance. An extensive technical assistance advisory and referral service has been developed to help individuals analyze each complaint and construct a strong and well documented position from which to negotiate a desired remedy. Staff efforts at T/A also empower the complainant to pursue aspects of their own cases and all complaints in this category remain informal although limited contact with the respondent may be required.

-Informal

Informal complaints are reported complaints that do not reach a level requiring filing and notification of the respondent, but do require pursued assistance, without the more formalized aspects of investigation .

-Formal

A formal complaint involves the filing of a signed complaint outlining the allegations brought by the complainant. The respondent is then notified of the allegations and given 21 days to reply to the HRC. Staff then proceeds to impartially investigate both sides of the issue by collecting information, documenting evidence and interviewing all parties and available witnesses, if it is needed. A recommendation for or against sustaining the allegation of discrimination is submitted to the Director of the HRC who then issues a final opinion. Remedies to end the discrimination include the levying of an injunction by the City Attorney or District Attorney to eliminate the inequitable treatment, or recourse through Civil litigation. The HRC acts only as an investigative, conciliative and mediative party. Formal complaints relate only to non-contracting parties and are filed under Article 33 of the Municipal Code or Chapter 12A of the Administrative Code.

-Official

Official complaints refer to Sections 12B and 12C of the Administrative Code and are filed in a manner similar to formal but refer only to businesses which hold City and County contracts or leases. increased enforcement powers are brought to bear with official complaints, as available sanctions include cancellation of the contract, the levying of a fine against the contractor, suspension of monies owed and prohibitions against active bidding on a contract for a period of two years. A finding is appealable through the Commission in a hearing process before a hearing officer.

-Article 33 of the S.F. Municipal (Police) Code

Article 33 prohibits discrimination in San Francisco on the basis of sexual orientation in employment, housing and public accommodations. It is informally known as the "Gay-rights Ordinance." Civil sanctions under this legislation provide for special and general damages, attorneys fees and a fine of no less than \$200 and not more than \$400. Again, the Human Rights Commission is the administrative agency that enforces this ordinance and forwards its recommendation to the City Attorney or the District Attorney for direct action if necessary.

-Chapter 12A of the S.F. Administrative Code

This sets out the policy of the City, which is to discourage discriminatory activities that act to disaffect the well-being of the community. It mandates the HRC as the agency through which community wide problems are mediated and conciliated. The HRC subpoena powers are contained in this ordinance. This ordinance also mandates the existence of the Lesbian/Gay Advisory Committee (L/GAC).

-Chapter 12B of the S.F. Administrative Code

Chapter 12B prohibits discrimination by employers in city contracts, providing extensive sanctions. These are also known as official complaints. There are 11 protected categories named in 12B and sexual orientation is included among them.

-Chapter 12C of the S.F. Administrative Code

Chapter 12C is similar to 12B, except it refers to rental of property and contracts associated with leasing.

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REPORT ON SEXUAL ORIENTATION DISCRIMINATION

JULY-SEPTEMBER 1985

The Human Rights Commission of San Francisco
Lesbian/Gay Community Liaison Unit

Prepared by: Eileen Gillis
Lesbian/Gay Community Representative

Sexual orientation discrimination complaint caseload statistics are analyzed on a quarterly and yearly basis to give a profile of the kinds of reports received and the success rate shown in resolving the problems.

Complaints received: 36

Services provided:

Investigated: 16 (44%)

Technical Assistance provided: 20 (56%)

of those received:

informal: 13 (81%)

formal: 2 (13%)

official: 1 (6%)

Categories:

Employment: 28 (78%)

Housing: 2 (5%)

Public Accommodations: 4 (11%)

other: 2 (5%)

AIDS related complaints: 19 (53%)

Coverage:

Article 33: 31 (86%)

Section 12B: 3 (8%)

Section 12A: 2 (5%)

Demographics:

Race:

Caucasian: 27 (75%)

Black: 2 (5%)

American Indian: 0

Asian: 0

Hispanic: 6 (17%)

Filipino: 0

Pacific Islander: 0

Unknown: 1 (3%)

Sex:

Male: 33 (92%)
Female: 3 (8%)

Age:

18-24: 4 (11%)
25-29: 9 (25%)
30-34: 6 (17%)
35-39: 9 (25%)
40-44: 3 (8%)
45-54: 3 (8%)
55-64: 0 (0%)
Unknown: 2 (6%)

Physical Ability:

Ablebodied: 31 (86%)
Disabled: 5 (14%)

Sexual Orientation:

Gay men: 31 (86%)
Lesbian: 3 (8%)
Bi-sexual: 1 (3%)
Heterosexual: 1 (3%)

Processing:

Days to close: 21.7
Ongoing: 10
Closed: 26

AIDS Related Complaints:

Received: 19 (53%) 20 AIDS related complaints were received for the entire FY '84-85. The current number represents a significant rise in complaints of this kind.

Category:

Employment: 14 (53%)
Housing: 1 (5%)
Public Accommodations: 4 (21%)

has AIDS: 13 (68%)
perceived as having AIDS or ARCS but does not: 6 (32%)

Narrative Selections:

- A woman was harrassed and prevented from promotion as a distributions clerk supervisor because of her sexual orientation, which is Lesbian. The employer, who is a major City contractor, was hypervigilant in monitoring her work performance and gave indications he was ready to terminate her. She acted preventatively and filed an official complaint with the HRC. Staff investigated thoroughly. Clear evidence was uncovered that appeared to substantiate the complainant's allegations of discrimination. As a result, an agreement was reached between the woman, HRC and the company, to settle the dispute, thereby pre-empting a negative final HRC determination upholding the allegation of discrimination, which would be placed in the public record and would result in cancellation of contracts. She decided to leave the company for more satisfactory employment, and to receive a \$7,100 payment plus \$500 (estimation of benefits accrued), and a clearing of all negative evaluations within her employee file, as settlement to resolve the outstanding dispute.
- A major nonprofit environmental rights/wilderness outing club has refused official recognition of a Lesbian/Gay subgroup attempting to organize under the umbrella of the large nationwide club. In contrast, the organization regularly gives this sub-designation to a myriad of other groups who request it. The decision made by the club that this subgroup would not be within the main tenents of the goals and image of the overriding membership is in conflict with the local nondiscrimination laws of San Francisco. The HRC is protesting this stance with the club's board and will continue to assist the Lesbian/ Gay group to fight this arbitrary and unfair decision to not extend rights and privlidges given to other membership subgroups.
- After filing a complaint with the HRC on a race and sexual orientation discrimination allegation, a remedy was reached. \$1,000 was given, by the employer, to the complainant who was terminated as a ward clerk with a City contracting hospital. In addition, he was given promise of fair review and assistance to apply for all open positions occurring in the future at the facility. The HRC will also act as the monitoring body to make sure this will take place.

AIDS Discrimination Complaint Narratives:

-A City contracting printer refused to make reasonable accommodation to the needs of a Gay man diagnosed with AIDS related conditions (ARCS). The employee needed only to be allowed to arrive 20 minutes late in mornings when he prepared complicated types of medications or was slow because of being awake the night before with complications and symptoms of the disease, such as nightsweats, etc. It was actually quite easy for the employer to cover this lapse in the shift with another available worker from his staff and he made a verbal promise to do so. He promised also to extend time off for the employee for medical appointments. One morning, the employee came late to work, well within the agreed upon time limit, and was told by the employer: "If your're sick, I don't want you here, go home." He left and was then informed, by letter, of his termination, because of abandonment of the job, poor performance and tardiness. The complainant was hospitalized shortly afterwards with stress related complications of the ARC symptoms. He then filed with the HRC who then set up a mediation aimed at settling the complaint. Because the HRC can not act as an advocate and must remain impartial, the complainant was advised to seek assistance from an attorney to represent his interests. An attorney with the Employment Law Center assisted, but no agreement was able to be reached in this session therefore the complaint will be pursued into investigation.

-An Gay accountant worked for five years in an international property leasing and brokerage company. He performed well throughout his employment and was reviewed above average on all evaluations. In April of 1985, his lover died of AIDS. The employer was aware of this fact for he had known that the complainant was taking off some morning hours in order to care for his ailing partner before the day nurse arrived to take over. After the death, the employer denied the complainant bereavement leave, notifying him of this fact by mail on the third day after the funeral. The reason given was the lover was not family. In June, 1985 the complainant received a poor evaluation. He was then abruptly fired in July with cause given as tardiness and poor performance. In light of the fact that the complainant had backlogged extensive amounts of overtime credit hours, tardiness makes little sense in a company where flextime is the rule. The HRC has filed the complaint and is presently pursuing investigation. The complainant has additionally been advised to file with State and Federal agencies. It is important to do this on the State level in order to place on record the numbers of complaints received at the agency, which may eventually determine jurisdiction under physical disability statutes. Filing on the Federal level is also important in this case because there may be Federal contracts existing that give jurisdiction under Sections 503 or 504 of the Federal Rehabilitation act.



REPORT ON SEXUAL ORIENTATION DISCRIMINATION

OCTOBER-DECEMBER 1985

The Human Rights Commission of San Francisco
Lesbian/Gay Community Liaison Unit

Prepared by : Eileen Gillis
L/G Community
Representative

Ron Braithwaite
Volunteer

Sexual orientation discrimination complaint caseload statistics are analyzed on a quarterly and yearly basis to give a profile of the kinds of reports received and the success rate shown in resolving problems.

Complaints received: 30

Services provided:

Investigated: 8 (27%)
Technical Assistance provided: 22 (73%)

of those received:

informal: 29 (97%)
formal: 1 (3%)
official: 0 (0%)

Categories:

Employment: 21 (70%)
Housing: 3 (10%)
Public Accommodations: 6 (20%)

Coverage:

Article 33: 15 (50%)
Section 12B: 1 (3%)
Section 12A: 14 (47%)

Demographics:

Race:

Caucasian: 24 (80%)
Black: 2 (7%)
Hispanic: 4 (13%)
American Indian: 0 (0%)

Asian: 0 (0%)
Filipino: 0 (0%)
Pacific Islander: 0 (0%)

Sex:

Male: 22 (73%)
Female: 8 (27%)

Age:

18-24: 2 (7%)
25-29: 3 (10%)
30-34: 6 (20%)
35-39: 6 (20%)
40-44: 7 (23%)
45-54: 1 (3%)
55-64: 1 (3%)
Unknown: 4 (14%)

Physical Ability:

Disabled: 4 (13%)
Able-bodied: 26 (87%)

Sexual Orientation:

Gay men: 21 (70%)
Lesbian: 4 (13%)
Bi-sexual: 0 (0%)
Heterosexual: 5 (17%)

Processing:

Days to Close: all complaints closed in quarter
Ongoing: 8
Closed: 22

AIDS Related Complaints:

Received: 12 (40%) 31 AIDS-based discrimination complaints have been received in the first 6 months of FY '85-86. Twenty were received in total for FY '84-85. The current number represents a significant rise in complaints of this kind. Article 38, a local ordinance banning AIDS-based discrimination, became law in December 1985.

(AIDS-bias complaints cont.)

Category:	
Employment:	6 (50%)
Housing:	2 (17%)
Public Accommodations:	4 (33%)
has AIDS:	5 (42%)
perceived as having AIDS or ARCS but does not:	7 (58%)

HRC Housing Unit statistics for January-December 1985:

Sexual Orientation Discrimination Reported Cases:	15
AIDS Related Discrimination Reported Cases:	9 (60%)

Narrative Selections from Lesbian/Gay Liaison Unit:

-A heterosexual female reported she was denied services by a Dentist used by her for over 10 years. During her annual checkup, she told him she had been tested for the AIDS-antibody. The results were negative, but as an ex-prostitute she believed it important to inform medical personnel of being a member of a high risk category so that extra care would be taken to follow all precautionary procedures guarding against contagion. Because of this disclosure, the dentist refused to treat her and instead requested written proof of the test result. Using her own discretion she decided to give him this, but he continued to refuse treatment.

The complainant expressed her desire that HRC staff act in a mediative capacity in this complaint, urging the dentist to listen to timely medical education. It has been established that if precautionary measures are taken against exposure, no chance is evident that transmission of AIDS could occur through a patient diagnosed with the illness, much less through an individual exhibiting no evidence of the virus. He had previously refused to speak with her when she tried to establish this fact with him. It is her hope that, through the HRC, she can make use of the anti-AIDS bias ordinance and its attached penalty provisions to encourage the Doctor to establish full access to his treatment with future patients.

-A Gay male reported that he had applied for a paralegal position with a local law firm and soon after, his employer received a phone call. An inquiry into his marital status, place of residence and whether he dated girls was made. The complainant was denied the position after an interview. Because of the phone calls made to references listed on his resume, he suspected that the potential new employer was attempting to establish his sexual orientation and refused him the position because he suspected that the applicant is Gay.

A phone call was received at HRC a week later from a secretary with a law firm. She reported her employer asked her to establish the sexual orientation of job applicants through phone conversations with references and by using other factors, such as place of residence, to screen out Gay applicants. Eventually, she felt so guilty about her activities to carry out his orders, she came to the HRC to get assistance in making remedy for the number of individuals she felt she had harmed by invading their privacy.

These two people were matched by HRC staff and initial statement taking was pursued. Additionally, other complainants who had also been screened and rejected due to their sexual orientation, were found and added to the case. It is the intent to then work in connection with the District Attorney's office to pursue the complaint.

-A major public utility currently holds a policy that it will provide reimbursement for moving costs of an employee, their marital spouse and dependent family. Yet, relocation costs for domestic partners of Gay or unmarried Heterosexual employees will not be provided for, although they may incur great expense when moving along with the transferred employee. A Gay male complainant is challenging this policy through a complaint established with the HRC, his Union and potentially through entering an ongoing case begun by the National Lesbian and Gay Rights Advocates against the Utility. Although the HRC is prevented from entering an ongoing grievance between a City contractor and a Union, it has informed the Utility that it stands ready to enter the case if a nondiscriminatory policy is not accomplished through the arbitration process.

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*** Quarterly 2 85

Civil Rights Official Quits Over AIDS Policy

Chronicle, 2/22/86

By Randy Shilts

The San Francisco regional chief of the U.S. Department of Health and Human Services' civil rights office resigned yesterday in a dispute over whether federal anti-discrimination laws protect AIDS patients.

Hal Freeman said he announced his resignation before a tearful staff yesterday afternoon because of orders from Washington that would prevent AIDS patients from using regulations that bar discrimination on the basis of disability.

"It's homophobia pure and simple," said Freeman, 49, who has worked in the office for 18 years. "The laws clearly apply to people who have AIDS, but because AIDS is perceived as a gay disease, it would be using a federal law to protect the civil rights of gay men."

The law in contention is Section 504 of the Rehabilitation Act of 1973 which bans bias against the handicapped by any recipient of federal funds. The San Francisco office Freeman headed was mandated to enforce this law and other civil rights statutes for all agencies receiving federal health and welfare funds in California, Nevada, Arizona, Hawaii and the Pacific trust territories.

Freeman, who is openly gay, said the AIDS discrimination issue had been under discussion since last September because the law frequently is the basis of complaints by people suffering from other illnesses, such as cancer.

However, the department civil rights chief, Betty Lou Dotson, balked at accepting complaints from AIDS patients and issued an order on Thursday directing regional offices to not process such complaints but instead to channel them to Washington, Freeman said.

A spokesman for the department in Washington would offer no comment on the resignation, saying he was not aware of the controversy.

In Washington, Representative Henry Waxman, chairman of the House subcommittee on health and the environment, said that if Freeman's story were accurate, "the agency has behaved disgracefully. We should not allow our laws and dignity to collapse in the face of this epidemic."

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6-7-85

City and County of San Francisco



Human Rights Commission

Office of Contract Compliance

Office of Dispute Resolution

December 31, 1985

Dear Representative:

Enclosed please find a copy of a referral list of the various groups and agencies that are handling AIDS legal problems in San Francisco. The list can be used to refer individuals who need legal services to the group or agency best suited to handle their specific problem. We hope it will also help in the more even distribution of the AIDS legal caseload between those agencies working in the area.

If applicable to your organization, please make copies of the list available to people who may be able to use them. If you need additional copies, please contact our office. Thank you.

Sincerely,

Jackie Winnow

Jackie Winnow

Lesbian/Gay Community Liaison



H. CARL MCCALL
COMMISSIONER

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF HUMAN RIGHTS
163 WEST 125TH STREET, NEW YORK, NY 10027
TEL.: 678-2303

April 18, 1985

Ms. Eileen Gillis
Lesbian/Gay Liaison
City & County of San Francisco
Human Rights Commission
1095 Market Street, Suite 501
San Francisco, California 94103

RECEIVED
APR 22 1985

Dear Ms. Gillis:

S.F. HUMAN RIGHTS COMM.

Commissioner Abzug has asked me to respond to your recent inquiry about AIDS based discrimination. Similar to your Commission, the State Division has also received an increasing number of complaints of AIDS based discrimination. The bulk of the complaints have been in our employment jurisdiction, but we have also received complaints relating to housing and to public accommodations.

The Division's General Counsel has advised that Acquired Immune Deficiency Syndrome should be considered a medical condition falling within the definition of disability in the New York State Human Rights Law. Complaints are accepted and processed that contain these allegations:

- 1: A person has AIDS, or
- 2: A person is perceived to have AIDS,
- 3: A person belongs to a group which is perceived to be particularly susceptible to AIDS, or
- 4: A person is perceived to be particularly susceptible because such person is related to or resides with someone with AIDS.

Prohibition against discrimination based upon a disability, such as AIDS, applies to employment, housing, public accommodations and credit.

We recognize the need for public education since ignorance and fear are the factors underlying most AIDS-based discrimination. New York State created the AIDS Institute as part of the office of Public Health in the Department of Health to assist in public education as well as to award grants for medical research and social service programs. Your inquiry about guidelines relating to AIDS should be directed to:

AIDS Institute
State Department of Health
8 East 40th Street
New York, New York 10016
Att: Mel Rosen, Director

They will share with you their publications as well as the Public Health Series and Department of Health Guidelines. It has been the practice of the Division to consult current expert opinion on an "as need" basis rather than develop detailed medical guidelines of our own.

The passage of the Human Rights Law which guides us is contained in section 292.21, the definition of disability:

The term "disability" means a physical, mental or medical impairment resulting from anatomical, physiological or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to physical, mental or medical conditions which do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought.

Our offices have been instructed to treat AIDS cases with the utmost dispatch. We have coordinated the process of taking complaints of AIDS based discrimination with community service groups who are advised of problems of discrimination.

The State Human Rights Law does not expressly prohibit discrimination based on sexual orientation. However, for the purpose of documentation, the Division receives complaints of sexual orientation discrimination.

When the alleged discrimination includes a jurisdictional basis, the sexual orientation basis serves only as additional information and is not in and of itself actionable except under the second, third or fourth meaning of AIDS as a disability under the New York State Human Rights Law (see on page one). We also receive complaints based solely on sexual orientation and attempt voluntary conciliation with modest results.

I hope that this information is of some assistance to you. It may well be that written guidelines from this agency will be warranted in the near future. We would be very pleased if you would forward the draft of the regulations and guidelines you wish to promulgate.

Feel free to contact me directly if you believe I can be of assistance. My direct number is (212)678-2306.

I extend all best wishes in your endeavor from Commissioner Abzug and myself.

Cordially,



Charles J. Eisnaugle
Human Rights Specialist/
Liaison to the Lesbian and
Gay Community

cc: Liz Abzug,
Deputy Commissioner

City and County of San Francisco

Civil Service Commission



January 3, 1985

Mr. John L. Taylor
Clerk of the Board
of Supervisors
235 City Hall
San Francisco, CA 94102

Dear Mr. Taylor:

This letter is in response to your letter of December 19 concerning the Board's inquiry as to what policy is in effect with regard to employees who might refuse to work with co-workers having of Acquired Immuned Deficiency Syndrome (AIDS).

The current Civil Service Commission sick leave rule provides, under certain conditions, that employees may be placed on compulsory sick leave if the employee, "...represents a risk to co-workers, the public and the employee..."

A recent ruling in Superior Court relating to the "risk" factor overturned an appointing officer's decision in which he placed the employee on compulsory sick leave. The court ruled in favor of the employee because "...there unquestionably was no reason to believe that petitioner might represent a risk to himself or to co-workers or the public if allowed to continue his employment." Although the employee involved in this case did not have AIDS, the relevant issue of "risk" was addressed.

The preponderance of current medical opinion indicates that persons with AIDS do not present risk factors in the normal course of their employment environment or work activities. Therefore, refusal by a co-worker to work with an AIDS victim can be considered insubordination. If other co-workers refuse to work as a result simply because of the presence of an AIDS victim they are subject to due process disciplinary procedures. The charge against such employees will be viewed on the basis of the circumstance and facts pertaining to the individual case of the co-workers' refusal to work.

Very truly yours,

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

JJW/sfm

cc: Don Molinari
Geoff Rothman
Sylvie Jacobson ✓
Al Walker

MAIL TO:

SAN FRANCISCO AIDS FOUNDATION
54 TENTH STREET
SAN FRANCISCO, CA 94103
ATT: SOCIAL SERVICES DEPARTMENT

AIDS DISCRIMINATION REPORTING PROJECT

Purpose: To centrally gather information regarding discrimination, harassment, or gaps in provision of services related to AIDS in San Francisco. This information is confidential and is being used for needs assessment only at this time. In the future, this information may be a catalyst used to implement a program to resolve these situations. PLEASE HELP US BY REPORTING ALL INCIDENTS!

Name:*	_____
Address: _____	Zip: _____
Telephone: (home) _____	Work: _____
(*Although your name will be kept confidential, you do not have to fill it in to complete the form; however, because of assessment validity and in case we can resolve your situation in the future, we hope you do fill in your name.)	

SINCE THIS INFORMATION IS FOR REPORTING PURPOSES ONLY, WE URGE YOU TO PURSUE YOUR COMPLAINT ELSEWHERE AT THIS TIME (SEE ATTACHED).

- I. Nature of Complaint:
 Employment _____ Housing _____ Public Accommodation (indicate): _____
 Health Care Services _____ Differential Treatment _____
 Verbal Harassment _____ Physical Harassment _____ Other: _____
- II. Discriminatory Incident:
 Date: _____ Time _____ Where: _____
 Did someone perceive you as having AIDS? _____ Do you have AIDS? _____
 Was your physical image related to this incident? _____
- III. Sex _____ Race _____ Disability _____ Age _____ Sexual Orientation _____
- IV. Complaint Against: (If known)
 Name of company or person: _____
 Address: _____ Zip _____
 Telephone: _____
 Do you know if company does business with the City and County of San Francisco? _____
- V. Do you know any other persons who have been discriminated against by the same party? _____
- VI. Brief Description of incident: (Attach additional information if needed)

- VII. Have you reported this complaint elsewhere? _____ If so, where _____
 Have you reported similar complaints in the past to an agency? _____ If so, where and when _____
1. How did you hear about the form and project? _____
 Date filled out: _____
 If you need help filling out the form call the San Francisco AIDS Foundation, Social Services Department, 864-4376.

 (Office use only)



NEWS RELEASE

FOR IMMEDIATE RELEASE

For information, Contact Jackie Winnow 558-4901
May 6, 1985

HUMAN RIGHTS COMMISSION STRONGLY OBJECTS TO MILITARY USE OF HTLV-III TESTING RESULTS

Upon the recommendation of its Lesbian/Gay Advisory Committee, the San Francisco Human Rights Commission unanimously agreed, on April 25, 1985, to object to the Defense Department's recent decision requiring that military and civilian blood agencies collecting blood on military installations provide positive test results for the HTLV-III antibody to military health agencies.

Since blood collecting agencies will be screening for the HTLV-III antibody anyway, the Military's decision has no medical or blood screening basis. In addition, California law protects strict confidentiality of test results, because the test results could be used to discriminate against people who test positive.

The Military has open discriminatory policies regarding Lesbians and Gay men and regards homosexuality as grounds for discharge. As Chairperson Brenda Wade states, "The HTLV-III test results could be used to further discriminate, as AIDS has largely impacted on Gay and Bisexual men. We believe that there is no medical or blood screening reason for the Military to have these test results."

"HRC has written to the Secretary of Defense putting him on notice of its objections and has also written to Senators Cranston and Wilson and Congresswomen Boxer and Burton, as well as to Mayor Dianne Feinstein, requesting that they do everything in their power to counteract the Military's decision," reports Lesbian/

NEWS RELEASE
May 6, 1985
Page 2.

Gay staffperson Jackie Winnow. Irwin Memorial Blood Bank was sent a letter of support for its decision not to comply with the Military edict.

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JW:bct

THE SURGEON GENERAL, DEPARTMENT OF ARMY
THE SURGEON GENERAL, DEPARTMENT OF THE NAVY
THE SURGEON GENERAL, DEPARTMENT OF THE AIR FORCE

1. The Food and Drug Administration (FDA) has recently licensed several test kits to detect antibody to the HTLV-III virus, which is associated with the Acquired Immunodeficiency Syndrome (AIDS). Until further notice, each service will initiate a blood donor test and notification system utilizing Food and Drug Administration guidelines (enclosure) and the following military unique procedures.

a. Each blood donation collected by Military Blood Program facilities will be tested for antibody to HTLV-III Virus.

b. Military and civilian blood agencies collecting blood on military installations will provide positive test results for antibody to HTLV-III to the respective service military health agency responsible for medical evaluation and counseling of reactive donors; i.e. preventive medicine. (BLOOD PROGRAM PERSONNEL WILL NOT RELEASE TEST RESULTS TO NON-MEDICAL PERSONNEL).

c. In addition to Food and Drug Administration labeling requirements it is recommended that a separate label be affixed to each blood bag or a rubber stamped statement on the SF 518 accompanying the blood which bears the wording ("Non-reactive By Serologic Test for HTLV-III." As appropriate, the wording "All units non-reactive by Serologic Test for HTLV-III," will be added to the certification section of the DD Form 573 "Blood Shipping Inventory of Blood Products."

yee Tue Apr 16 14:13 page 4

d. Donor recruitment and publicity should emphasize that ALTHOUGH THE TEST IS BEING INTRODUCED TO MAKE BLOOD PRODUCTS AND PLASMA DERIVATIVES SAFER, THE TEST IS NOT INTENDED TO DIAGNOSE AIDS, AND THE MEDICAL SIGNIFICANCE OF A POSITIVE TEST IS UNKNOWN IN TERMS OF ITS PREDICTIVE VALUE IN AN ASYMPTOMATIC PERSON.

City and County of San Francisco



Human Rights Commission

Office of Contract Compliance

Office of Dispute Resolution

December 6, 1984

NEWS RELEASE

FOR IMMEDIATE RELEASE

For more information please
contact Eileen Gillis at
558-4901

HUMAN RIGHTS COMMISSION'S ANNUAL SEXUAL ORIENTATION DISCRIMINATION REPORT REVEALS DRAMATIC INCREASE

The Human Rights Commission of San Francisco voted, at its regular meeting of November 27, 1984, to accept the FY 1983-84 report on sexual orientation discrimination prepared by the Lesbian/Gay Unit. The report indicates that investigated complaints were up 41% last year with the majority (81%) categorized as employment related.

Staff person Eileen Gillis of the Lesbian/Gay Unit of the HRC attributes the dramatic rise in complaints received to a number of factors, one of which is the impact of the AIDS crisis. "The number and kinds of discrimination related problems experienced by people because of AIDS is startling", says Ms. Gillis, "We are hearing from gay people who are fired when they take a few days of sick leave because they have the flu. AIDS hysteria is rampant."

The Human Rights Commission of San Francisco is empowered to investigate and resolve sexual orientation discrimination complaints in the areas of employment, housing and public accommodation. Article 33 of the Municipal (Police) Code (commonly referred to as the Gay Rights Ordinance) gives the HRC investigative and mediative powers, but provides limited enforcement jurisdiction. Section 12B and 12C of the Administrative Code contains a non-discrimination provision which includes sexual orientation. This is attached to all agreements entered into by City contractors and carries more extensive enforcement procedures.

In 1984, AB-1, the proposed Statewide legislation extending employment protections to Lesbians and Gay men in California was vetoed by Governor Deukmejian. In his veto message he asserted that his decision to not sign the bill into law was made because he did not believe that compelling evidence existed to indicate that Lesbian and Gay men are discriminated against and are in need of protective legislation. The 123 cases investigated in HRC's report represents documented examples with significant proof supporting the complainants' allegation that discrimination bases on sexual orientation did occur.

As the only Administrative agency in the country with staff available solely to investigate a local ordinance prohibiting sexual orientation discrimination, the records and analysis of the FY 83-84 complaint load presents a model of accurate assessment of the extent of anti-gay discrimination evident in employment and other areas.

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AIDS DISCRIMINATION REPORTING PROJECT

News Release

For Immediate Release
Contact Jackie Winnow, 558-4901
May 10, 1985

EMPLOYMENT DISCRIMINATION HARDEST HIT IN AIDS
DISCRIMINATION REPORTING PROJECT

The three month confidential needs assessment study, conducted by the San Francisco AIDS Foundation, the Human Rights Commission, the Shanti Project, and DPH's AIDS Activities Office, reveals that AIDS based discrimination most often takes place in employment situations. The AIDS Discrimination Reporting Project details problems in housing, public accommodations and medical/social services as well.

One of the people reporting was terminated from his place of employment after a brief hospital stay. Although he was not diagnosed with AIDS at that time, it was rumored that he had AIDS. Another incident report was by a Gay man with AIDS who worked as a bartender. When he told his employer that he had AIDS, he was moved to a position of non-visibility, with no tips. The employer told him this was done because he might spread the disease and create bad publicity. Still another report was made by someone who was evicted because his roommate had AIDS. One report related terribly insensitive medical services by a major health provider.

Jim Rulon of the Shanti Project and member of the AIDS Discrimination Reporting Project (ADRP) believes that "Discrimination against people with AIDS is one of the most important psychological/social issues people with AIDS have to deal with. A resolution process to assist them with these problems is badly needed."

AIDS DISCRIMINATION REPORTING PROJECT

News Release (Cond't)

The ADRP's study found that Gay people are facing increased discrimination and harassment due to the public's response to the AIDS crisis. The Human Rights Commission reports that sexual orientation discrimination cases rose 41% for FY 83-84 and Community United Against Violence's statistics show a sharp increase in the number of violent incidents reported as well as the level of severity.

In order to take care of AIDS-related discrimination, the Project strongly recommends that only a centralized office, staffed and empowered to handle AIDS-related discrimination can effectively respond to charges. As Steve Pratt, formerly of the S.F. AIDS Foundation, pointed out, "PWAs as well as Gay men in general need a direct route to address both blatant and subtle forms of discrimination that continually reinforce the misdirected fear of AIDS."

Since the Human Rights Commission's Lesbian/Gay Liaison Unit possesses expertise in this area, all members of the Project strongly believe that this is the avenue to pursue. Jackie Winnow, of the Lesbian/Gay Unit agrees, "The Human Rights Commission is the agency designated to deal with discrimination and civil rights issues. Because reported cases of AIDS is doubling every six months, discrimination problems will undoubtedly escalate. Now all we need is a staffperson who can vigorously address AIDS-related discrimination and legal issues so that our community is not left wanting."

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JW:ltm
5/10/85



RESOLUTION CONCERNING EDUCATION PROGRAMS
FOR AIDS AT RISK ETHNIC MINORITY COMMUNITIES

WHEREAS, the Acquired Immune Deficiency Syndrome (AIDS) crisis in the City and County of San Francisco continues to grow, there are currently more than 900 diagnosed cases of AIDS in San Francisco, and the number is increasing daily, and

WHEREAS, the AIDS crisis affects all communities in San Francisco, including ethnic minority communities, and

WHEREAS, education and information is the best defense against AIDS, all communities in San Francisco should be addressed in an educational program designed to reach individuals who may be at risk of contracting AIDS, and

WHEREAS, AIDS has caused great emotional stress among affected communities, and has served to heighten fears and prejudices in some members of the general community, and

WHEREAS, the San Francisco AIDS Foundation is a contract agency of the San Francisco Department of Public Health, and is the agency primarily responsible for the provision of AIDS information, education and referral services, and

WHEREAS, over the course of the last two years, members of L/CAC have engaged in a repeated series of meetings with representatives of the Foundation to discuss the provision of AIDS information and educational services to at risk ethnic minority communities in San Francisco, and

WHEREAS, despite almost two years of meetings with the Foundation, the Foundation has yet to come forth with an educational program designed to reach at risk ethnic minority communities;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission express its concern to the Health Commission over the failure of the AIDS Foundation, a city contract agency, to develop education programs designed to reach at risk ethnic minority communities in San Francisco;

AND BE IT FURTHER RESOLVED, that the Human Rights Commission calls upon the Health Commission to see that educational programs designed to reach at risk ethnic minority communities in San Francisco are developed in an expeditious manner;

AND BE IT FINALLY RESOLVED, that the Human Rights Commission urges the San Francisco AIDS Foundation to develop an effective affirmative action program for the hiring of staff to reflect the racial/ethnic population of the City and County of San Francisco.



NEWS RELEASE

FOR IMMEDIATE RELEASE

For more information contact:
Jackie Winnow, 558-4901

"The Human Rights Commission Opposes Government Surveillance of
Bathhouses and Sex Establishments"

Consistent with its opposition to Bathhouse closure, the Human Rights Commission issued a resolution opposing government surveillance of consensual sexual conduct in bathhouses and sex establishments. The unanimous vote occurred at its January 10, 1985 meeting and was based upon a recommendation by the Lesbian/Gay Advisory Committee.

The Resolution states the Commission's opposition to the use of government regulation of consensual sexual conduct as a basic infringement of civil liberties, the use of funds for such surveillance, and the expenditure of City funds before proper appropriation. They directly referred to the \$50,000 allocated for such activity in the recently approved AIDS supplemental. The money was spent prior to appropriation of funds and the DPH is proposing to continue surveillance with additional cost to be incurred.

The Human Rights Commission believes that due to the serious and costly nature of the AIDS epidemic "All necessary funding should go for the research

NEWS RELEASE

-2-

and education of the causes of AIDS, and on the best means of preventing the spread of AIDS, and on the best of care of those who have AIDS."

#

JW:gm

1-29-85

City and County of San Francisco



Human Rights Commission

Office of Contract Compliance

Office of Dispute Resolution

NEWS RELEASE

FOR IMMEDIATE RELEASE

For more information contact:

Eileen Gillis or

Jackie Winnow, 558-4901

"THE HUMAN RIGHTS COMMISSION ISSUES ITS POLICY CONCERNING PROPOSED GOVERNMENTAL REGULATION OF PRIVATE SEXUAL CONDUCT IN SAN FRANCISCO BATHHOUSES AND SEX ESTABLISHMENTS"

The Human Rights Commission of San Francisco, upon the recommendation of the Lesbian/Gay Advisory Committee unanimously adopted a Resolution "Regarding Proposed Governmental Regulation of Private Sexual Conduct in Bathhouses and Sex Establishments in San Francisco". This Resolution states the Commission's opposition to "any action by the City of San Francisco to close bathhouses or to prohibit or regulate private consensual sexual activity in any bathhouse or sex establishment, absent a showing that it is a necessary and essential public health measure supported by clear and convincing medical and epidemiological evidence."

In addition, the Resolution, adopted at the last regular meeting of August 9, 1984, states the Commission's firm support of the work of community and governmental agencies to educate populations at risk in order to prevent the transmission of AIDS. Expanded funding is encouraged for these program on the local, state, federal, and private levels as they have achieved excellent results. This is clearly shown by the recent statistics released on the incidence of sexually transmitted diseases, in which the disease rate has dropped dramatically in relation to sex practices correlated highly with risk of transmission of AIDS.

The Human Rights Commission found that governmental regulation of private consensual conduct between adults is an infringement of civil liberties. In light of the current AIDS epidemic, an action of this sort should not be taken since "health professionals cite types of sexual behavior, and not location, as the causative factors in the transmission of AIDS". Therefore, it cannot be shown that the public health benefit outweighs overriding the rights of the individual.

HRC strongly urges governmental officials to take a position based strongly on civil liberties when any decision regarding the monitoring of private sexual activity between adults is made.

EG:bct
8-14-84



THE HUMAN RIGHTS COMMISSION RESOLUTION REGARDING
PROPOSED GOVERNMENTAL REGULATION OF PRIVATE SEXUAL
CONDUCT IN BATHHOUSES AND SEX ESTABLISHMENTS IN
SAN FRANCISCO.

WHEREAS, the AIDS epidemic is affecting many numbers of San Francisco citizens; and

WHEREAS, the AIDS incidence rate continues to rise and have a distressingly high mortality rate attached to it which demands our immediate action; and

WHEREAS, health professionals cite types of sexual behavior and not locations as causative factors in the transmission of AIDS; and

WHEREAS, governmental regulation of private consensual conduct between adults is an infringement of civil liberties;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission is opposed to any action by the City and County of San Francisco to close bathhouses or to prohibit or regulate private consensual sexual activity in any bathhouse or sex establishment absent a showing that it is a necessary and essential public health measure supported by clear and convincing medical and epidemiological evidence;

AND, BE IT FINALLY RESOLVED, that the Human Rights Commission fully supports the voluntary community efforts of organizations such as the San Francisco AIDS Foundation and government agencies such as the Department of Public Health in their efforts to ensure expanded AIDS education/prevention programs for populations at risk, the general public and health-care providers.

These efforts must be funded and supported at even greater levels on the local, state, federal, and private levels.

Resolution 4-84

Adopted by the HRC 8/9/84

City and County of San Francisco



Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

April 25, 1984

Dear Representative(s):

The Lesbian/Gay Advisory Committee of the Human Rights Commission and the Coalition for Human Rights, invite you to attend, or send a representative, to a meeting planned for May 3, 1984, from 5:30 to 8:00 p.m. at Valencia Rose Cafe, Main Dining Room, 766 Valencia Street.

We strongly believe that the Lesbian/Gay community must take control of the AIDS issue and demonstrate greater responsibility rather than deferring to the government to decide policy for us. The purpose of this meeting is to discuss community guidelines for monitoring bath houses and sex establishments. We feel it is incumbent upon the Lesbian/Gay community to move together in a more directed way to develop policy and a plan of action addressing the AIDS epidemic and current bath house and sex establishment issues. In addition, we must continue to plan with proper forethought and provision for the future.

It is hoped planning in this meeting will begin on all fronts, including medical, psychological and civil rights perspectives. We have a firm conviction that as a community, we must take greater responsibility for ourselves and each other to take a stronger active position rather than to merely react to future needs, events and unexpected developments.

We are inviting you to join us in a constructive working meeting to form a solid front and to plan the course of action oriented work. In this meeting, we hope to accomplish the adoption and support of:

- 1). The creation of a policy statement encouraging sex establishments to follow the best guidelines available regarding safe sex practices and the setting out of responsibilities the Lesbian/Gay community feels these businesses must enact to assist clientele to follow these self protective health habits to the maximum degree.

2.

- 2). A policy statement generating from a large sample of Lesbian/Gay organizations to the Department of Health and the Board of Supervisors defining the communities relationship to the governmental bodies and the role we want to play in the monitoring of public sex facilities.
- 3). A policy statement regarding the civil rights aspect of a decision made to restrict the rights of privacy and sexual freedom of one selected group of individuals.
- 4). Increased planning for the emotional and physical support of each other in the upcoming days as members of the community continue to become ill and die at unprecedented rates.

We acknowledge and are grateful for the good accomplishments of those who have been working hard on the crisis, but the rapid exclamation of events requires our unified and consistent participation and imagination as a community to support and expand the ongoing services to present and potential people who have AIDS and their loved ones.

Please join us in this effort. If you have any questions or input you wish to add (if unable to attend), please contact Jackie Winnow or Eileen Gillis at the Human Rights Commission, 558-4901. R.S.V.P. is requested.

Sincerely,

Phyllis Lyon (nd)

Phyllis Lyon
Co-Chair Lesbian Gay Advisory Committee

Richard Sevilla (nd)

Richard Sevilla
Co-Chair Lesbian/Gay Advisory Committee

Norm Nickens (nd)

Norm Nickens
Co-Chair, Coalition for Human Rights

PL:RS:NN:EG:eg



NEWS RELEASE

(DATE)

FOR IMMEDIATE RELEASE

For more information please contact:
Jackie Winnow, 558-4901

ALTERNATIVES TO GOVERNMENT INTERVENTION IN BATHHOUSE SITUATION

The Lesbian/Gay Advisory Committee of the Human Rights Commission (L/GAC) and the Coalition for Human Rights (CHR) jointly sponsored a meeting on May 3rd at the Valencia Rose, because as stated, "We strongly believe that the Lesbian/Gay community must take control of the AIDS issue and demonstrate greater responsibility rather than deferring to the government to decide policy for us."

The purpose of the meeting was fourfold: 1) to create broad-based community recommendations for sex establishment guidelines; 2) to define community role and government role; 3) to prepare a civil rights policy statement; and 4) to prepare contingency plans for the future so that developing events can be met with proper forethought.

Those present included Clark Taylor (Exodus Trust - National Sex Forum and Institute for Advanced Sexuality), Bill Jones (Sutro Baths), Richard Sevilla (co-Chair of L/GAC), Hunter Morey (S.F. Sex Information), Norm Nickens (co-chair of CHR), Ken Jones (Lesbian/Gay Freedom Day Committee - L/GFDC), Larry Brinkin (L/GAC), Carmen Vázquez (L/GAC), John Lorenzini (Alice AIDS Chair and People With AIDS), Chris Grubbs (L/GAC), Larry Cruz (Hospitality House), Paul Wotman (Bay Area Lawyers for Individual Freedom), Hank Wilson (Gay Schoolteachers), Gary Titus (Department of Public Health), Camilleann Nelson (L/GAC), A. Billy S. Jones (too many!), Eileen Gillis (L/GAC staff), Jackie Winnow (L/GAC staff), Gail Roberts (HRC), Maria Santiago (L/GAC), Konstantin Berlandt (L/GFDC), Mob Maher (National Association of Religious Women - NARW), Marty Kashuba (NARW), Chris Bowman (Concerned Republicans for Individual Rights), and Tom McKenzie (Harvey Milk Lesbian and Gay Democratic Club). The meeting was co-chaired by Carmen Vázquez and Norman Nickens.

Understanding that it was not possible to come up with complete programs at this one meeting and recognizing that the meeting was a good beginning, a second meeting has been planned for May 24th at 5:30 p.m. at the Valencia Rose, 766 Valencia Street. Attendees are urged to come with short and concisely written proposals for action.

In order to implement safe sex guidelines at sex establishments, it was agreed that positive educational programs had to be worked out for all sex establishments, not just bathhouses. It was also suggested that various educational tools be used in other Gay businesses, e.g. bars. The group talked about what the community wanted the government role to be, if any, in this situation, as well as what the community's role should be. As quickly as possible, the community should take the educational initiatives necessary to protect ourselves from AIDS and take more control of the issue, while at the same time crubing governmental intervention. Since safe sex guidelines have already been prepared, we need to propose strategies to implement the guidelines, always keeping in mind that the focus should be on civil rights and AIDS and never forgetting that they are not mutually exclusive. The focus must be equally placed on positive ways of being intimate, as well as on unsafe sex practices. The group unanimously agreed that the community continue and strengthen dialoging with the owners of sex establishment businesses concerning structural changes and education which encourages safe sex and which discourages unsafe sex. The role the government should play was defined as promoting good health standards, education, and properly facilitated and funded research.

Gary Titus informed the group that the City Attorney was expected to have legislation drawn up pertaining to Dr. Silverman's wishes by May 7th. There will then be public hearings before various boards and commissions. The bathhouse owners are planning an injunction against government intervention of their businesses. This may give us time to come up with alternative solutions, but work must begin immediately.

Ideas for a proposed civil rights policy statement were discussed. It was strongly emphasized that private sexual conduct is a right of consenting adults and should not be regulated by the government. The rights to love and have sex are essential to human life. Homophobia and discrimination due to AIDS hysteria has been intensified. The role

of government should be provide education, research and funds. Past history of scapegoating of minority groups should not be forgotten and must be understood in any present moves by government or community. There shall be no scapegoating of People with AIDS and any plans to incarcerate PWA or others is totally unacceptable.

Participants turned the last part of the meeting to discussion of contingency planning for the future. Several ideas were brought up which need extensive and dedicated work if we are going to get through these times with a self-directed and thoughtful strategy. Targeted for further discussion and action to be taken up at the meeting of May 24th was a complete updating of the PWA profile, safe sex recommendations in sex establishments and businesses, establishing contacts with owners of sex establishments, how to get accurate information to the community, promotion of safe sex in a positive reinforced fashion, support of our community resources, continue to strenuously lobby for money from local, state, and federal government for research and education programs, to look at the ramifications of increased medical costs, and generally how to keep a constant vigil on being proactive in a thoughtful and unified way.

For more information, please call Jackie Winnow or Eileen Gillis at 558-4901.

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JW:ltm

5/18/84

SPONSORS:

ACLU of Northern California, Gay Rights Chapter
 Bay Area Lawyers for Individual Freedom
 Boalt Hall Lesbian & Gay Caucus
 Campaign for Family Partner Benefits
 Easy Bay Lesbian/Gay Democratic Club
 Harvey Milk Lesbian & Gay Democratic Club
 Hastings Gay Students Association
 Hastings Lesbians in Law
 Law Offices of Hammill & Wolf
 Lyon-Martin Clinic

ENDORSERS:

Alice B. Toklas Lesbian & Gay Democratic Club
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 Campaign for Economic Democracy
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 Community Women's Center
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 La Raza Centro Legal
 Lesbian & Gay Advisory Committee of the Human Rights Commission
 Lesbian & Gay Labor Alliance
 National Gay Rights Advocates
 National Lawyers Guild, Anti-Sexism Committee
 New College Lesbian & Gay Mens' Caucus
 New College of California
 Operation Concern
 Pacific Center for Human Growth
 River City Democratic Club
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 UICW Local 1100
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 Wages Due Lesbians
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LESBIAN RIGHTS PROJECT

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For More Information: Lesbian Rights Project • 415-621-0674

☐ Yes, I'd like to attend the Lesbian & Gay Employment Rights Conference and have enclosed donation (\$10-\$25 sliding scale tax-deductible) payable to ERA/Lesbian Rights Project.

☐ I'm interested. Please send more information to:

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Address: _____ Phone: (day) _____

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AIDS DISCRIMINATION REPORTING PROJECT

Prepared by Chris Van Stone
and Jackie Winnow, Lesbian/
Gay Community Liaison Unit
of the Human Rights Commission
for the AIDS Discrimination
Reporting Project

Introduction

The AIDS Discrimination Reporting Project, a coalition effort of the San Francisco Human Rights Commission, the San Francisco AIDS Foundation, the Shanti Project, and the San Francisco Department of Public Health's AIDS Activities Office, recently conducted a three-month study to determine the extent of discrimination towards people with AIDS and Gay people generally, due to fear of casual contagion and homophobia generated and increased by the public's response to the AIDS crisis.

The study examined physical and verbal harassment, gaps in the provision of health services, and public accommodation and employment discrimination. Numerous incidents of these types of discrimination had been reported in a sporadic and isolated fashion to members of the Coalition and various other organizations, public officials, and the media within the City. As the number of people affected by AIDS rises, so will the incidents of discrimination. For instance, the number of sexual orientation discrimination cases reported to the HRC in FY 83 rose 41% over FY 82 figures. Community United Against Violence shows a sharp increase in the number of violent incidents reported as well as to the level of severity.

The Coalition undertook the Project to centrally collect information, measure and locate the specific problem areas and assess individual as well as organizational needs caused by such incidents to effect necessary change and to study the extent of the problem. It was hoped that the Study would act as a catalyst for implementing recommendations, solutions, and build a centralized program to resolve these discriminatory situations.

Methodology

The AIDS Discrimination Reporting Project constructed an all encompassing survey form which included any type of discrimination which could be attributed to homophobia and paranoia generated from the fear of casual contagion. These included physical and verbal abuse, discrimination and differential treatment within employment, housing, public accommodations, and health care services. Demographics and questions about the discrimination were included. Respondents were requested to submit brief personal narratives describing the nature of their

discriminatory incident. They were also asked whether they reported the incident elsewhere and if so, where. All information regarding the person was kept strictly confidential. Although people did not need to fill in their names in order to report, for validity purposes and in order to resolve the situation in the future, people were encouraged to include their names. Although the Project was a needs assessment study, a resource list was attached to the questionnaire so that people could attempt to address their situation through appropriate channels.

Members of the Coalition announced the project in November. The study ran from December 1 - March 1, 1985. The news releases announcing the purpose of the study and the availability of its forms were sent to the Lesbian/Gay media and an interview was held with the Bay Area Reporter. Reporting forms were distributed through the San Francisco AIDS Foundation, the Shanti Project, the Lesbian/Gay Community Liaison Unit of the Human Rights Commission, the AIDS Activities Office of DPH, the AIDS Coordinating Council and other community and health organizations which serve Gay men and people with AIDS.

Study Problems Identified

A significant number of respondents were informed of the Project through the San Francisco AIDS Foundation, the Shanti Project, the Lesbian/Gay Community Liaison Unit of the Human Rights Commission, and various AIDS clinics. People with AIDS incur many stresses in dealing with daily life and so were not as interested as hoped in reporting cases of discrimination nor in rectifying the situations. While examining and determining the extent of discrimination generated by the AIDS crisis, the disease's high mortality rate cannot be overlooked. Within the City of San Francisco, as of March 31, 1985, 505 people have died of AIDS. The discrimination experienced by these people will sadly remain undocumented.

In order to reach people who were discriminated against specifically due to AIDS, but who did not have AIDS, the HRC sent forms to past complainants. Otherwise this population was hard to reach as they usually do not come in contact with any AIDS organizations and therefore were not informed of the study.

In addition, a major problem was the lack of indepth interest by the media in reporting the study. This meant that many people with AIDS and non-AIDS people experiencing discrimination were not reached to a significant degree.

AIDS DISCRIMINATION REPORTING PROJECT
STATISTICAL EVALUATION

Complaints Received: 15

Nature of Complaint:

- 8 (53%) Employment
- 4 (27%) Health Care Services
- 2 (13%) Housing
- 0 Public Accommodation
- 1 (7%) Differential Treatment
- 2 (13%) Verbal Harassment
- 1 (7%) Other
- 3 Respondents reported more than one type of discrimination.

Discriminatory Incident Experienced by:

- 10 (66%) People with AIDS
- 5 (33%) People that do not have AIDS
- 8 (53%) People perceived as having AIDS
- 2 (13%) People perceived as having AIDS but did not actually have the disease.

Complaints Against:

- 4 (27%) General Businesses
- 4 (27%) Medical
- 1 (7%) Life Insurance Co.
- 1 (7%) Store
- 1 (7%) Restaurant
- 1 (7%) Landlord
- 2 (13%) Unknown
- 1 (7%) Confidential

Demographics:

Sex:

14 (93%) Male
1 (7%) Female

Race:

13 (87%) Caucasian
1 (7%) Unknown
1 (7%) N/A

Physical Ability:

11 (73%) Disabled
4 (27%) Able Bodied

Sexual Orientation:

13 (87%) Gay men
1 (7%) Heterosexual man
1 (7%) Women - Lesbian and other women

Age:

20 - 30 year old 6 (40%)
31 - 41 " " 6 (40%)
42 - 52 " " 1 (7%)
Unknown 1 (7%)
N/A 1 (7%)

Complaint Reported Elsewhere

7 (47%) Yes
7 (47%) No
1 (7%) Unknown

How Person Heard of the Survey?

7 (47%) AIDS Foundation
2 (13%) Doctor
2 (13%) Person with AIDS
2 (13%) Media
2 (13%) Unknown

Narratives

The following is a sampling of some of the narratives received and outlines the various problems:

- 1) After a brief hospital stay, the office in which complainant worked circulated a rumor that he had AIDS. Following the rumor, his supervisor requested that he fill out disability papers. Soon after this incident, complainant was terminated. He was not diagnosed as having AIDS at that time.
- 2) After a six week leave of absence, complainant informed his supervisor of his AIDS diagnosis. He was then told that he could not remain at his usual position as bartender. The reason given was that he might spread the disease, as well as create bad publicity. Complainant was moved to a position with comparable salary, but which did not provide the opportunity for public contact and additional money earned from tips.
- 3) Complainant, having obvious symptoms of AIDS, had been seeking services at his health care provider for over a year. After answering affirmatively to whether or not he was Gay, with a fever of 105° and a persistent dry cough, complainant was sent home. Over the next few days he was told that he definitely had pneumonia and was not improving. It still was not requested that he be admitted to the hospital. Complainant presented himself to the emergency room and was told to go to the general clinic where, with a temperature nearing 105°, he spent a total of seven hours and fifteen minutes. He was told to go on his own to x-ray and to the lab for blood work. He was too weak and too short of breath to walk, so his friends got him a wheelchair as it was not offered to him by personnel. At this time, he was told by a medical resident that he probably had pneumocystis. When finally admitted, there was no hospital staff available to escort him to his room, so his friends brought him there where he remained until his death three days later. During his last three days of life, the RN taking care of him did not follow proper medical procedure, offer proper care, and was pointedly rude.
- 4) Upon finding out that complainant's roommate had AIDS, the employer/landlord fired and evicted complainant.

Findings

- 1) Gay men are being terminated from their places of employment because they have AIDS.
- 2) Gay men are being terminated from their places of employment if they are perceived as having AIDS.
- 3) Gay men are being required by their employers to present documentation from their physicians stating that they do not have AIDS.

Findings (Cont'd)

- 4) Gay men who have AIDS are not allowed public contact or handling foods within their places of employment.
- 5) Gay men are being denied housing because they have AIDS.
- 6) Friends, relatives, and lovers who choose to live with people with AIDS are being denied housing.
- 7) Gay men with AIDS are encountering ineffective and differential treatment by health care providers.
- 8) Gay men are experiencing verbal harassment that is generated by AIDS paranoia and ignorance.
- 9) Many incidents of discrimination go unreported and unrectified because there is no staff person at any agency who is designated and authorized to deal specifically with AIDS discrimination.

Recommendations

- 1) People with AIDS and Gay men generally need direct access to address both blatant and subtle forms of AIDS-related discrimination.
- 2) Civil and legal rights education regarding AIDS needs to be undertaken.
- 3) In order to effectively address and rectify AIDS-related discrimination, the Project recommends a central office, staffed and empowered to investigate and provide clear and expeditious solutions to AIDS-related discriminatory incidents and education involving same.
- 4) Since the Human Rights Commission's Lesbian/Gay Community Liaison Unit possesses this area of expertise and as an agency is mandated and empowered by the City and County of San Francisco to address discrimination issues, a staff person should be added and designated to deal solely with AIDS-related discrimination. Responsibilities would include investigation of complaints, educating the public, and developing a networking system between agencies that work with people with AIDS.

Conclusion

The AIDS Discrimination Reporting Project exemplifies the diversity and severity of discriminatory incidents Gay men and others are experiencing as a result of the AIDS crisis. The increasing fears of those acting to discriminate display not only a lack of knowledge regarding the actual transmission of AIDS, but also extreme homophobia. The Project's documentation, which provides a spectrum of discrimination, reflects this phenomenon. Discrimination ranged from employers requiring a physician's statement denying that an employee had AIDS to actual termination and to eviction.

The HRC's Annual Report on Sexual Orientation Discrimination, an analysis of the Lesbian/Gay Unit's yearly complaint load, indicates similar results in their experiences working with discrimination. "In FY 83-84, at least thirteen investigations of discrimination against Gay men are a direct result of the individual being discriminated against because they have the disease or are being perceived as AIDS victims. Individuals are prevented from working or are being denied housing on a regular basis."

Lesbians and Gay men have historically faced discrimination in a society little willing to rectify or even acknowledge their injustices. In San Francisco, where 1061 cases of AIDS have been reported and doubling every six months and where most people with AIDS are Gay or bisexual men, the ugly face of added discrimination, hatred and prejudice is growing and needs to be brought under control now. This report and related evidence clearly shows that AIDS-related discrimination exists and because of the emotional impact and implications it has on effected people and others, it is an issue that needs to be addressed as thoroughly and swiftly as possible.