

Unlawful termination of employment owing to HIV status

07/29/2017

Miss. X. v Teene Todds Day Care Pre-School & 2 Ors.

Facts

Miss X, a trained and experienced nurse, heard of a vacancy for a staff nurse put up by Teene Todds Day Care Pre-school, in the Federal Capital Territory (FCT). She applied for the job and a letter of offer of employment was sent to her via email, with the instruction that if she was interested in taking up the position, she should accept the offer by acknowledging it and returning same to the director of the establishment. Miss X accepted the offer and took the letter with her to the office of the director to submit to her.

After receiving the letter, the director informed her that she had been employed and should commence duties. Based on this, Miss X administered drugs to two pupils that day that had signs of fever.

As Miss X was later shown an official document that mandated her to disclose her status. In compliance Miss X told the Director she is HIV+. Miss X was summarily terminated and humiliated and thrown out of the school premises so as not to infect pupils or discourage parents from dropping off kids in school. Lawyers Alert, in a bid to resolve the matter amicably out of court, wrote a letter on behalf of Miss X to the establishment, asking the establishment to apologise to Miss X and to pay her compensation, with no positive response.

Lawyers Alert has now taken out legal action against the establishment on behalf of Miss X Issues for Determination by the Court:

1. Whether there exists a contract of employment between Miss X and Teene Todds Day Care Pre-School (1st Defendant)?

2. Whether by the provisions of the HIV and AIDS (Anti-discrimination) Act 2014, the termination of Miss X's employment on ground of her HIV status by the 1st, 2nd and 3rd Defendants does not amount to unlawful termination?

3. Whether the insult and verbal attack by the 3rd Defendant (Mrs. Ogon) on Miss X on account of her HIV status, does not amount to violation of her right to respect for the dignity of her person?

4. Whether the HIV and AIDS (Anti-discrimination) Act 2014 does not prohibit all forms of discrimination against Persons Living With HIV and AIDS (PLWHA)?

5. Whether Miss X is not entitled to compensation for unlawful termination of her employment and for infringement of her fundamental right to respect for the dignity of her person?

The case was filed at the National Industrial Court of Nigeria, Abuja, and it is assigned to court 1. We will keep continue to post updates on this page.