Delta, Delta, Delta

HarperCollins' Cracking the Corporate Closet exposes American businesses

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In April, HarperCollins will publish Cracking the Corporate Closet, co-authored by Quotient Research President Daniel B. Baker, POZ *Publisher Sean O. Strub and* POZ *Deputy Editor Bill Henning. Industry by industry, the book reveals the policies and practices of 200 of America's largest corporations with regard to gay men, lesbians and people with HIV: Protections against discrimination, benefit packages, employee leave, workplace accommodations, education, marketing and charitable giving. The following excerpt adapted from the book illustrates one company's persistent disregard for AIDS issues and PWAs.*

Late last year, you may recall hearing that Delta Air Lines settled an HIV discrimination lawsuit out of court, paying an undisclosed amount of money to Richard Cloutier, an HIV positive New Hampshire man. In June of 1994 Cloutier boarded a Delta flight from Boston to Atlanta only to be denied a seat until he agreed to cover warts on his hands and wrists with a shirt or pair of gloves. After some discussion, Cloutier returned to the air terminal to buy a long-sleeved shirt. The plane left without him. Delta maintains to this day that its actions toward Cloutier were appropriate. Sadly, they do seem appropriate—or at least typical—for Delta. Delta's record on AIDS issues may be one of corporate America's worst.

Where to begin? Well, starting with the truly outrageous, in 1985 Delta amended its contract of carriage to exclude passengers with AIDS. After protests and threats of lawsuits, Delta removed the clause ten days later, but the reprehensible tone of Delta's response to the disease had been set. In august of 1986 Mark Sigers, a person with AIDS, informed Delta of his condition and his need for oxygen in flight and then flew Delta from San Francisco to Atlanta to visit his family. As Delta had requested, he flew with companions who were familiar with the administration of the oxygen, but he required none on the flight. Upon boarding his return flight without a companion (assuming that he again would not need oxygen administered), a flight attendant reportedly recognized him, told his supervisor that Sigers had required constant care as well as oxygen on his first flight to Atlanta, challenged his decision to make the return flight unaccompanied and had Singers removed from the plane. After protests, Delta apologized for Singers' treatment, pledged to educate its employees about AIDS and its transmission and declared that it welcomed people with AIDS on its flights.

Nevertheless, in October 1987 two straight men on Delta from Washington, D.C. to Orlando

noticed something less than welcoming. The flight also carried passengers wearing paraphernalia from the preceding weekend's Lesbian and Gay March on Washington and after a snack was served the flight attendants donned rubber gloves to pick up the passengers' refuse. When questioned about the irrational, AIDSphobic incident, a Delta spokesperson said he did not know why flight attendants would wear protective gloves while collecting refuse from passengers, but he said he guessed it was up to individual discretion whether or not to do so.

Meanwhile, Delta corporate continued to demonstrate an amazing level of AIDSphobia. In November of 1986 lawyers for Delta's insurer were negotiating compensation for passengers killed in a crash of a Delta plane. The lawyers actually argued that since one of the victims was a known homosexual, that he probably had AIDS and would not have lived much longer anyway. They reasoned, therefore, that compensation for his family should be less because his lifetime earnings would have been greatly reduced. When Delta's lawyer's shameless tactic became known, AIDS organizations called for a boycott of the airline. True to form, after emphasizing that the airline did not closely supervise the handling of damage cases, Delta once again apologized, said it would adopt a policy prohibiting discrimination against passengers with AIDS, and repeated its pledge to educate its employees about AIDS.

But what about discrimination against employees? In October 1992, Joseph Sullivan, who had been a Delta reservations agent and manager for 13 years, filed suit against the airline alleging that he was fired from his job n 1991 because he has AIDS. Delta insisted that he was fired because he was unreliable and unable to perform his job. Delta's attorney said, "Alcohol, drug and sexual addiction problems were the root problems of all his difficulties… Delta gave him a chance to succeed time and again… in the end, Mr. Sullivan's chances simply ran out." Sullivan had taken two leaves of absence—in September 1990 and May 1991—for alcohol rehabilitation and, during a three month period, missed 31 days of work due to illness. He had never been reprimanded for alcohol-related behavior on the job and the absences cited by Delta were all health related, including bouts of severe diarrhea and shingles. Sullivan had been promoted to a position supervising 200 other employees in 1989 and received a job evaluation in December of 1990 (between his two rehabilitation leaves), which rated him as satisfactory or above expectations in all nine performance categories. Sullivan had informed his supervisor of his HIV status in November 1990. According to court records, prompted by one employee's nosebleed and other employees' resulting concerns, Delta managers met in April 1991 to discuss employees in the San Francisco office who were known or suspected to be HIV positive. Under the categories: "documentation of HIV positive diagnosis," "advised management of HIV positive diagnosis," and "recurring illness / suspect AIDS related," one manager, Donna O'Leary, compiled a list of 13 employees, their physical appearance, known medical problems and attendance records. The list (including Sullivan) and descriptions, which were used as evidence in the trial, were forwarded to Delta headquarters. Delta maintained that the list was medially necessary so that supervisors could handle any medical emergencies the employees might have and accommodate any HIV-related attendance problems. The airlines also said that the employees' privacy was not invaded because the list never left Delta management.

In April of 1994 Sullivan's case went to Superior Court in California. During the trial, Delta lawyers

repeatedly proposed to the court that prospective jurors in the case be required to complete a questionnaire that would reveal their HIV status. At the trail's conclusion in May, Sullivan was awarded $275,000 on the grounds that Delta had violated his right to privacy and had broken a California law protecting employees who enter substance abuse programs. The jury deadlocked on the issue of whether or not Delta had discriminated against Sullivan because he was HIV positive.

As recently as 1993 a Business Week cover story on corporate responses to AIDS rated Delta's education efforts as inadequate and quoted a Delta spokesman's ludicrous statement that, "We don't have any specific program. We haven't seen a need."

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http://beta.docker.poz.com/article/Cracking-Corporate-HIV-20774-7509