

LEPELLE-NKUMPI HIV/AIDS IN THE WORK PLACE POLICY

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DIVISION : SPECIAL PROGRAMMES UNIT

AUGUST 2012



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1. PREAMBLE:

Lepelle-Nkumpi Municipality with its employees are committed to ensuring that the working environment is safe and healthy as per the requirements of South African Occupational Health and Safety Act 1993 and in terms of the Code on HIV and AIDS and Employment as adopted by Southern African Development Community as well as in terms of the Code of Good Practice on Key Aspects of HIV and AIDS and Employment date 01 December 2000 of the Minister of Labour as contained in Government Gazette No. 21815 under Government Notice No. RI298.

2. PURPOSE OF THE POLICY

Lepelle-Nkumpi Municipality's HIV and AIDS Policy is based on the fundamental principles of human and patient rights. The HIV and AIDS policy aim to achieve balance in protecting the rights of all parties including those infected and affected and a balance between rights and responsibilities and also between individual protection and co-operation between all the parties/stakeholders involved.

3. POLICY OBJECTIVES:

3.1. The primary objective is to set out guidelines for employers and trade unions to implement so as to ensure individuals living with HIV and AIDS infection are not unfairly discriminated in the workplace. This includes provisions regarding:

- 3.1.1. Creating a non-discriminatory work environment.
- 3.1.2. Dealing with HIV testing, confidentiality and disclosure.
- 3.1.3. Providing, equitable employee benefits.
- 3.1.4. Dealing with dismissals.
- 3.1.5. Managing grievance procedures and
- 3.1.6. Provision of a Wellness Centre in the most cost effective way.

3.2. The secondary objective is to provide guidelines for employers, employees and trade unions on how to manage HIV and AIDS within the workplace. Since the HIV and AIDS pandemic impacts upon the workplace and individuals at a number of different levels, it requires a response which takes all of these factors in to account. The secondary objectives therefore include principles on the following:

- 3.2.1. Creating a safe working environment for all employer and employees;
- 3.2.2. Developing procedures to manage occupational incidents and claims for compensation;
- 3.2.3. Introducing measures to prevent the spread of HIV and AIDS. Developing strategies to assess and reduce the impact of the pandemic upon the workplace; Supporting those individuals who are infected or affected by HIV and AIDS so that they may continue to work productively for as long as possible. Lepelle-Nkumpi Municipality shall provide assistance to employees who undergo voluntary testing for HIV and AIDS.

4. HIV AND AIDS GLOSSARY:

HIV is the human immune deficiency virus. This virus destroys the body's immune system and causes AIDS.

AIDS is defined as Acquired Immune Deficiency Syndrome. Syndrome // refers to the illnesses that eventually develop in someone who has been infected with HIV, once his/her immune system has been destroyed.

A person's HIV and AIDS status simply means whether he/she is HIV positive or not, or whether he/she has developed AIDS OR NOT.

Counseling someone who decides that he/she wants to be tested for HIV is obtainable counseling before (pre-test counseling) and after (post-test counseling) having the test and getting the results. It involves giving a person information about HIV and AIDS and the test itself, as well as assisting them to deal with the result and begin to make the decisions and lifestyle changes that are necessary once the result is known.

Window Period:

The 6 weeks period after exposure to HIV, when a person may have been infected to HIV but tests negative for it.

Occupational risk of acquiring or transmitting HIV and AIDS:

The risk that people may be exposed to HIV or may pass it on to another person through exposure of an open wound to blood and body fluids. To reduce the risk of occupational exposure appropriate precautionary measures must be taken. This includes specialized resuscitation equipment that prevents contact with body fluids, use of gloves, disposal of needles etc.

Reasonable medical treatment to improve immunity:

Treatment aimed at strengthening the immunity of someone who is starting to show signs that is becoming weak. These include vitamin supplements, medication to prevent some of the infections known to occur when immunity is weakened, and monitoring for other infections, to treat them early.

5. PRINCIPLES:

- 5.1. Lepelle-Nkumpi Municipality and its employees confirm that a policy is developed and implemented in consultation and participation with all stakeholders;
- 5.2. Employees living with HIV and AIDS have the same rights and obligations responsibilities as all other staff members;
- 5.3. Confidentiality regarding the HIV and AIDS status of any member of staff shall be maintained;
- 5.4. Mechanisms will be created to encourage openness, acceptance and support for those who voluntarily disclose their HIV and AIDS status within the workplace (breaking the silence);
- 5.5. No person living with HIV and AIDS shall be unfairly discriminated against within the employment relationship or within any employment policies or practices;
- 5.6. Occupational HIV and AIDS exposure will be limited through effective use of universal precautions, hazard control measures and post exposure prophylaxis;

5.7. All parties/stakeholders are committed to eradicating the disease through every possible means such as education and other preventative measures.

6. POLICY COMPONENTS

6.1. EDUCATION AWARENESS AND PREVENTION PROGRAMMES

6.1.1 Lepelle-Nkumpi recognizes that education is the most effective way to prevent the spread of HIV and AIDS, supports comprehensive, ongoing HIV and AIDS and health education programmes for all employees;

6.1.2. Every employee in Lepelle-Nkumpi Municipality shall attend at least one HIV and AIDS education programme on a yearly basis or if a need arises on a more regular basis;

6.1.3. Information, education, awareness and prevention programmes will be developed and implemented with participation of all appropriate stakeholders and will involve recognized representatives of Labour. Lepelle-Nkumpi Municipality will wherever possible and if available, utilizes community based organizations and other resources in its intervention programme;

6.1.4. The nature and extent of a workplace programme should be guided by the needs and capacity of each individual workplace.

6.2 JOB ACCESS:

6.2.1. There shall be no direct or indirect pre-employment/pre-placement test for HIV and AIDS unless authorization has been given by the Labour Court;

6.2.2 Employees shall be given normal medical tests of current fitness for work and these tests shall not include testing for HIV and AIDS. Indirect screening methods such as questions in verbal or written form inquiring about previous HIV and AIDS and/or questions related to the assessment of risk behavior shall not be permitted.

6.3. WORKPLACE TESTING AND CONFIDENTIALITY:

6.3.1. There shall be no compulsory workplace testing for HIV and AIDS;

6.3.2. Persons living with HIV and AIDS have the legal right to confidentiality about their HIV and AIDS status in any aspect of their employment. An employee is under no obligation to inform management of his/her HIV and AIDS status. Information regarding the HIV and AIDS status of an employee shall not be disclosed without the employee's written consent;

6.3.3. Confidentiality regarding HIV and AIDS information of an employee or prospective employee shall be maintained.

6.4. JOB STATUS:

6.4.1. HIV and AIDS status shall not be a factor in job status, promotion or transfer.

6.5. HIV AND AIDS TESTING AND TRAINING:

6.5.1. There shall be no compulsory HIV and AIDS testing and training.

6.6. MANAGING ILLNESS AND JOB SECURITY:

6.6.1. No employee shall be dismissed on the basis of HIV and AIDS status nor shall HIV and AIDS status influence retrenchment procedures;

6.6.2. Employees with HIV and AIDS related illness shall have access to reasonable medical treatment to improve immunity and shall be entitled without discrimination to agreed existing sick leave provisions;

6.6.3. HIV and AIDS infected employees shall continue to work under normal conditions in their current employment for as long as they are medically fit to do so;

6.6.4 The employer shall transfer HIV/AIDS infected employee only after recommendation by a medical practitioner who has provided medical report of that nature;

6.6.5 The employer shall propose and implement early retirement to a chronic HIV/AIDS infected employee subsequent to agreement with labour union with ratified medical report.

6.7. OCCUPATIONAL BENEFITS:

6.7.1. Lepelle-Nkumpi Municipality and Labour shall ensure that all occupational benefits schemes rules are non-discriminatory and provide support to all employees including those with HIV and AIDS infection;

6.7.2. Lepelle-Nkumpi Municipality and Labour shall ensure that all occupational benefit scheme rules are non-discriminatory;

6.7.3. Information from benefit schemes on the medical status of an employee shall be kept confidential and shall not be used by management or any other party for any purpose whatsoever.

6.8. RISK MANAGEMENT:

6.8.1. Where there may be an occupational risk of acquiring or transmitting HIV and AIDS infection, appropriate precautionary measures shall be taken to reduce such risk including, clear and accurate information and training on the hazards and procedures for safe work;

6.8.2. Lepelle-Nkumpi Municipality's injury protocol will apply to those workers in high risk occupations.

6.9. PROTECTION AGAINST VICTIMISATION:

6.9.1. Employees infected by or believed to be infected by HIV and AIDS shall be protected from stigmatization and discrimination by co-workers, management or clients;

6.9.2. Information and education are essential to maintain the climate of mutual understanding necessary to ensure protection.

6.10. GRIEVANCE HANDLING STANDARD:

6.10.1. Grievance handling procedures in Lepelle-Nkumpi Municipality, in Labour and in civil laws that apply to all workers shall apply to HIV and AIDS related grievance.

6.11. ASSESSING THE IMPACT OF HIV AND AIDS IN THE WORKPLACE:

6.11.1. Lepelle-Nkumpi Municipality in partnership with labour shall collect compile and assess data on the HIV and AIDS, sexually transmitted diseases and tuberculosis and use such information to accelerate the fight against HIV and AIDS.

6.12. INTERVENTION PROGRAMME:

6.12.1. The intervention programme shall be dealt with by Management and labour at the bargaining Council.

6.13. MONITORING AND REVIEW:

6.13.1. Responsibility for monitoring of the policy for its successful implementation and evaluation for its effectiveness shall lie with Council and Labour. Monitoring of the implementation of the Lepelle-Nkumpi Municipality's HIV and AIDS policy must take place on a regular basis as per the recognition agreement between Council and its Trade unions.

6.13.2. Review of the HIV and AIDS workplace policy shall take place on a regular basis or as agreed to between Lepelle-Nkumpi Municipality and Labour in the light of epidemiological and scientific information;

6.13.3. Review of the intervention programme shall take place on regular basis or as agreed to between Lepelle-Nkumpi and Labour.

The policy is approved under Council resolution number 8.1.3.05/2012