

CHAPTER 6: POLICY ON HIV/AIDS AND TUBERCULOSIS (TB) MANAGEMENT IN THE WORKPLACE

6.1 PURPOSE

The purpose of the policy is to set out guidelines for the Department of Economic Development and Tourism (hereinafter referred to as DEDaT), to ensure that employees with HIV/AIDS and TB are not unfairly discriminated against in the workplace and also to provide guidelines on how to manage the HIV/AIDS, inclusive of sexually transmitted diseases and TB.

6.2 STATEMENT OF COMMITMENT

The department will

- (i) Provide quality information to its members through education, training and research about HIV/AIDS, STD's and TB.
- (ii) Provide necessary support and care for both the infected and affected & promote multi-sectoral collaboration with partners to ensure that both the infected and affected workers and their families have access to quality care and support.
- (iii) Promote human rights through the elimination of discrimination: stigmatization and related abuses against HIV/AIDS and TB-infected and affected persons without prejudice to employees and other interest groups.
- (iv) Forge partnership with other interest groups to mobilize necessary resources for a coordinated workplace with HIV/AIDS and TB policy interventions.

6.3 PRINCIPLES OF DEDAT WORKPLACE POLICY

- (i) HIV/AIDS and TB are recognized as a serious workplace issues. Promotion of a healthy work environment, safety practices and standards is vital as is the principle of non-discrimination and recognition of basic human rights.
- (ii) The issue of non-use of HIV and TB test screening as a precondition for employment or work related entitlement includes the following:
 - (a) Confidentiality
 - (b) Promotion of continuation of employment relationships

- (c) Gender equality
- (d) Social dialogue
- (e) Regular review of implementation, dissemination of information and advocacy

6.4 TESTING

- 6.4.1 Testing for HIV and TB shall not be done as a condition for employment, screening or routinely on staff.
- 6.4.2 Screening shall be carried out with individual informed consent.
- 6.4.3 Adequate pre- and post-test counseling shall be provided when tests are carried out as part of government testing campaigns.
- 6.4.4 Tests shall be conducted in reliable centers with guaranteed quality assurance and positive test results shall be confirmed in an official test centre.
- 6.4.5 Test results are confidential and shall not be disclosed to a third party without the prior consent of the employee.

6.5 AWARENESS PROGRAMME

- 6.5.1 The department will institute and sustain HIV/AIDS and TB awareness and prevention campaigns by actively providing information and facilities to staff on the various aspects of HIV/AIDS and TB through health promotion and training sessions.
- 6.5.2 The leadership shall be adequately sensitized to ensure that principles of this Policy are adhered to.
- 6.5.3 Counselors shall be trained to provide education and support to employees and dependants who are living with HIV/AIDS and/or suffer from TB.
- 6.5.4 Condoms are an effective barrier to sexually transmitted disease and HIV transmission. There shall be regular supply of condoms in the staff toilets for ease access by staff as one of the most effective prevention measures known to humankind.

6.6 WORKPLACE BEHAVIOUR

- 6.6.1 The department recognizes that HIV/AIDS is not transmitted through routine, casual personal contact under any working conditions. Therefore, there shall be no grounds for refusal to

share a workplace with HIV positive person. Co-workers shall be expected to maintain normal working relationships with an employee with HIV/AIDS and TB, and appropriate disciplinary action or other appropriate measures shall be considered in cases of such refusal.

- 6.6.2** Employees who test positive for TB should be referred for treatment and if treatment is taken as prescribed it is recognized that there shall be no grounds for refusal to share a workplace with a TB patient and appropriate disciplinary action or other appropriate measures shall be considered in cases of such refusal. However, department may take precautionary measures to prevent spreading of TB through contact and sharing of workplace amenities.
- 6.6.3** The department shall make reasonable adjustment in the workplace for employees with HIV/Aids and TB as are necessary to keep them in employment for as long as it is medically and functionally feasible.
- 6.6.4** The department shall be responsive to co-worker's concerns and shall emphasize appropriate educational programmes for all staff.

6.7 SUPPORT

- 6.7.1** Employees with HIV/AIDS and TB shall continue to receive medical leave benefits in terms of the Determination of Leave of Absence in the Public Service. In case of multi-drug resistant TB (MDR-TB), provisions of PILIR will be applicable if long-absence from work is required.
- 6.7.2** The department will assist employees with HIV/AIDS and TB to obtain proper medical care and supervision of their condition within the scope of its existing health and wellness policy.
- 6.7.3** The department will avail employee assistance programmes (wellness management), voluntary and confidential testing services to all employees in need of such services at its own cost.

6.8 CONFIDENTIALITY:

- 6.8.1** Strict confidentiality shall be maintained during testing, and when medical, counseling and support services are extended to employees with HIV/AIDS and their families.
- 6.8.2** Where disclosure is imperative, as in the case when the Head of Department is needing to modify the workplace (s) to accommodate a person living with HIV/AIDS and TB; it shall be with prior informed consent of the employee:

- (a) In case of TB, however, such consent is not mandatory where there exists an overriding threat to the health of other employees, customers or the general public due to failure of the effected person's refusal to comply with stipulated precautions and preventive measures.
- (b) Breach of confidentiality is an offence which may be dealt with in terms of the grievance and disciplinary procedures.

6.9 IMPLEMENTATION STRATEGIES

6.9.1. The department will:

- (a) Promote quality HIV/AIDS and TB education, training and research.
- (b) Undertake effective HIV/AIDS and TB prevention, care & support services. Undertake a continuous:

6.9.2. HIV/AIDS and TB education and awareness campaigns.

6.9.3. Undertake at regular intervals advocacy campaigns on topical issues at the work place.

6.9.4. Encourage mass participation of workers in HIV/AIDS and TB-related activities.

6.9.5. Facilitate the active participation of persons living with HIV/AIDS and TB in health promotion activities.

6.10 PROMOTION OF HUMAN RIGHTS

- (a) Sensitize and promote advocacy against discrimination and stigmatization at the workplace.
- (b) Use social dialogue mechanisms to promote collective bargaining and collaboration with key stakeholders including organizations to ensure reasonable accommodation of persons infected and affected by HIV/AIDS and TB at the workplace.

6.11 CARE AND SUPPORT

- (a) Promote establishment of care and support groups in the department, where necessary.
- (b) Promote the regular dissemination of quality information on available HIV/AIDS and TB care and support services.

- (c) Promote networks to assist infected and affected families to better manage the various challenges associated with these pandemics at the workplace.
- (d) Promote increased access of workers to quality voluntary counseling and testing (VCT) services.
- (e) Assist infected workers to have increased access to available anti-retroviral treatment services and TB drugs.
- (f) Support advocacy initiatives to encourage affordability of available treatment alternatives.

6.12 RESOURCE MOBILIZATION

- 6.12.1** The department shall mobilize funds for continuous work on HIV/AIDS and TB in particular, and Health and Wellness programme in general.
- 6.12.2** DEDAT will encourage collaboration with other key stakeholders' and partners to support increased resource mobilization for the effective implementation of HIV/AIDS workplace policy.

6.13 POLICY REVIEW, MONITORING AND EVALUATION

- 6.13.1.** This Policy shall be subject to periodic review in keeping with developments in the understanding of the spread, behaviour, treatment and legislation on HIV/AIDS and TB.

6.14 LOCATION AND INSTITUTIONALIZATION

- 6.14.1 The administration and management of the workplace HIV & AIDS and TB in particular, and Health Promotion programme in general, will be located within the Directorate: Corporate Affairs and Communication and the Chief Operations Officer is the designated SMS for the HIV & Aids programme as envisaged in PSR E.5(c)
- 6.14.2 Further the programme will be administratively institutionalized within the component Employee Health and Wellness within the Directorate Corporate Services.
- 6.14.3 Health and Safety Committee of the Workplace shall also serve as the HIV/AIDS Committee as envisaged in the PSR E.5 (e).



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