

WORKPLACE ON HIV AND AIDS POLICY



APPROVED BY:

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MUNICIPAL MANAGER
DATE: 23/06/2021

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1. PURPOSE OF POLICY

To establish and implement a workplace policy on HIV/AIDS for the MBHASHE LOCAL MUNICIPALITY and to reinforce an ongoing commitment between employer and employee in this regard

2. OBJECTIVE OF POLICY

This policy aims to guide the Municipality, employees and prospective employees on how best to manage HIV/AIDS within the organization, in order to:

- a) Ensure non-discrimination between individuals with HIV infection and those affected (e.g. co-workers) and between HIV/AIDS and other life threatening conditions;
- b) Create a safe and healthy working environment for all (employees and members of the public who utilize the Municipality's facilities);
- c) Introduce educational awareness and prevention programmes to contain and prevent the spread of HIV;
- d) Manage and support those individuals who are infected or affected by HIV/AIDS so that they may continue to work productively for as long as possible;
- e) To ensure that there is no person unfairly discriminates against an employee or prospective employee on the basis of his/her HIV status;
- f) To ensure that no employee will be denied employment, be treated unfairly within the employment relationship, or be unfairly dismissed on the basis of his/her HIV status

3. SCOPE

This policy shall apply to all employees of the Mbhashe Local Municipality.

4. POLICY DEFINITION

Terminology used in this policy shall bear the same original meaning

5. LEGISLATIVE FRAMEWORK

- a) Constitution Act 108 of 1996
- b) Basic Conditions of Employment Act

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- c) Labour Relations Act
- d) Employment Equity Act
- e) Occupational Health and Safety Act

6. POLICY PROCEDURE

6.1 AWARENESS PROGRAMMES

- a) Every department, or workplace will participate towards developing and implementing workplace HIV/AIDS Awareness Programme.
- b) A range of activities will be launched, which will include exhibitions, posters, newsletters, etc. as may be necessary to promote awareness
- c) All new employees will attend an awareness programme as part of their induction training.

6.2 EDUCATION AND PREVENTION PROGRAMMES

- a) Education is the most effective measure in the prevention of HIV infection.
- b) Education is also the best way to reduce discrimination, both in and out of the workplace.
- c) The Municipality will develop comprehensive and effective ongoing programmes.
- d) All employees will be exposed to educational programmes on an on-going basis.
- e) Departmental educators will be identified and trained to promote the programme at workplace level.
- f) The Municipality will give active support, within budget limitations, to HIV/AIDS education projects for employee families.
- g) The workplace programme will be based on consultations between the employer, management, trade unions and, where appropriate, non-governmental organizations with expertise in HIV/AIDS education, counselling and care.

6.3 These programmes will cover the following aspects:

- a) the transmission of HIV
- b) Sexually Transmitted Infections (ST Is) and Tuberculosis
- c) Safer sex
- d) The use of condoms in preventing HIV/AIDS and ST Is a healthy lifestyle
- e) Attitudes myths and misconceptions



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- f) Universal precautions
- g) Legal and ethical issues and Women's rights

6.4 CONFIDENTIALITY AND DISCLOSURE

- a) All persons with HIV/AIDS have the legal right to privacy regarding their HIV status related to all aspects of employment.
- b) An employee is under no obligation to inform the employer of his/her HIV status.

6.5 Where an employee chooses to disclose his/her HIV status to the employer, this information will not be disclosed to others without that employee's express consent.

- a) When an employee chooses to publicly disclose his/her HIV status, the employer will ensure as far as possible that the employee enjoys all legislative protection in respect of such disclosure.

6.6 HIV TESTING

- a) No employee or prospective employee will be required to submit him-/herself to an HIV test in order to ascertain her/his HIV status.
- b) HIV testing may only take place, on the basis of voluntary, informed and written consent; and if the labour court has declared such testing to be justifiable.
- c) In case where testing is done, the responsible official will ensure that the employee or prospective employee will have access to adequate professional pre-test and post-test counselling.
- d) Where HIV testing has been authorised by the Labour court, it will be carried out on the basis of voluntary written consent and in a manner which protects the rights of employee concerning his or her privacy.



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e) If the organisation undertakes surveillance testing for organizational risk assessment, it must be conducted with due regard for ethical and legal considerations, and the anonymity of employees must be ensured.

6.6 CREATING A SAFE WORKING ENVIRONMENT

a) The Municipality will provide and maintain as far as is reasonably practically possible, a working environment that is safe and without risk to the health of its employees.

b) The Municipality will provide psychosocial support to the counsellors and affected staff,

c) The Municipality will implement steps to ensure that the risk of HIV transmission in the workplace is minimized. These will include:

a) Assessing the risk, if any, of the occupational transmission of HIV within the workplace

b) Providing appropriate training on how to deal with and reduce the risk of HIV transmission at work.

c) Providing appropriate equipment and materials to deal with and reduce the risk of transmission at work.

d) Where a real possibility of HIV transmission exists following an occupational accident, the Municipality will take all reasonably necessary steps in terms of national guidelines on post-exposure prophylaxis to assist the employee in:

Assessing the risk of HIV transmission and

Preventing the risk of HIV transmission.

f) The Municipality will develop guidelines regarding the steps to be taken in the event of an occupational incident with a risk of HIV infection.

6.7 EMPLOYEE BENEFIT SCHEMES

The Municipality will ensure that the employees with HIV/AIDS are not unfairly discriminated against in respect of the allocation of employee benefits.

6.7.1 MEDICAL AID SCHEMES

a) The Municipality will prevail on these funds to maintain a non-discriminatory attitude towards patients with HIV/AIDS and to treat such patients in a similar manner to those affected by other life threatening diseases.



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b) Normal benefits should be available to all who initially qualify for admission to the funds via normal procedures.

6.7.2 RETIREMENT FUNDS

- a) The Municipality will prevail on the Funds to maintain a non-discriminatory attitude towards patients with HIV/AIDS and to treat such patients in a similar manner to those affected by other life-threatening diseases.
- b) No person should be denied access to the Retirement Funds, provided they fulfil the normal initial criteria for admission.
- c) Managing HIV positive employees
- d) HIV infected employees will continue to work under normal conditions in their current employment for as long as they are medically fit to do so.
- e) In this, consideration will not only be given to their ability to perform their

assigned duties, but also their susceptibility to infection.

- f) The Municipality will work towards ensuring that the performance of every staff member is maintained, where possible. This may include measures such as, giving the employees with HIV/AIDS time off according to the leave policy to attend clinics or counselling sessions (see also the clauses pertaining to Confidentiality and Disclosure above)
- g) Transferring the employee to lighter or less stressful duties, or reasonably accommodating him/her within the workplace, where necessary and possible.
- h) When the employee is no longer able to work, dealing with the employee in terms of relevant conditions of service and policies.
- i) Employees with HIV/AIDS will be governed without distinction or discrimination according to existing sick leave allocations.

j) Where an employee has exhausted or is close to exhausting her or his sick leave allocation, a joint investigation into possible alternatives will be undertaken within the parameters of the Conditions of Service.

k) If health care facilities or services are not available at the place, employees will be referred to appropriate services within the community.

6.7.3 TERMINATION OF SERVICES

An HIV/AIDS infected employee will enjoy the same rights according to any other employee with medical conditions in terms of the Labour Relations Act.


7. GENERAL POLICY PROVISIONS

Policy applies to all employees of Mphashe Local Municipality excluding EPWP employees as regulated by Ministerial Determination of EPWP

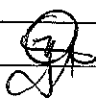

8. PROCEDURES FOR IMPLEMENTING POLICY

The Municipality will implement this policy as outlined and apply remedial actions in line with the outlined processes

9. POLICY GOVERNANCE

Policy Title	WORKPLACE ON HIV AND AIDS	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
Senior Manager Corporate Services	N. Mahlati- Nkuhlu	
Policy Custodian	N NKUHLU	
Policy Author	N NKUHLU	
LLF Consultation Date		
LLF Consultation Reference		

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Council Approval Reference		
(UNIT) eg. Manager Human Resources	N. Hanise	
Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
Comments		