



# **UMJINDI MUNICIPALITY**

## **HIV/AIDS WORKPLACE POLICY**

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<b>Core Business Area</b>	Corporate Services Directorate
<b>Operational Area</b>	All Directorates

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**(APPROVED BY COUNCIL UNDER ITEM FA. DATED 2008)**

## **PREAMBLE**

The Umjindi Municipality HIV/AIDS policy addresses the impact of the HIV/AIDS pandemic on Umjindi Municipality and its employees. With this policy, we indicate our commitment

- *To drive prevention and reduce the impact of HIV/AIDS on our employees and workplace*
- *To build partnerships within communities and their stakeholders in order to integrate and promote workplace and community HIV/AIDS programmes*

## **1. PURPOSE**

The purpose of this policy is to:

- 1.1 Protect the rights of employees living with HIV/AIDS;
- 1.2 Confirm Umjindi Municipality commitments in managing and reducing the impact of HIV/AIDS on our employees and institution;
- 1.3 Ensure consistency and alignment of workplace policies, protocols, procedures, practices and work instructions relating to HIV/AIDS; and
- 1.4 Communicate expected behavior to workplace stakeholders.

## **2. APPLICATION AND SCOPE**

This policy

- 2.1 Applies to all Umjindi Municipality employees
- 2.2 Complies with relevant international and national laws and regulations regarding HIV/AIDS

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- 2.3 Focus primarily on the provision of workplace HIV/AIDS-related programmes;
- 2.4 Endeavours to facilitate access to HIV/AIDS-related programmes to identified vulnerable groups connected with the workplace

### **3. DEFINITIONS**

- 3.1 Address (verb): to focus on.
- 3.2 Aids (acquired immune deficiency syndrome): A combination of different illnesses resulting from infection with human immunodeficiency virus(HIV) that is characterized by signs and symptoms of severe immune deficiency.
- 3.3 Community: The employee and beneficiaries of Umjindi Municipality as well the people living around Umjindi Municipality sites or any recognized vulnerable group such as woman and children
- 3.4 Employee: Any person permanently employed by Umjindi Municipality
- 3.5 HIV (human immunodeficiency virus): A retrovirus that attacks the body's immune system.
- 3.6 HIV/AIDS programmes : Programmes designed to reduce the impact of HIV/AIDS pandemic and through which appropriate information, counseling, testing and/or healthcare are offered
- 3.7 HIV-positive: A person who has tested positive for HIV is called "HIV positive" (that is the person is infected with HIV).
- 3.8 HIV testing: Any form of testing designed to identify the HIV status of the individual, including blood and saliva tests or medical questionnaires.
- 3.9 Immune system: The body's system for protecting itself from infections and diseases.
- 3.10 Impact: The effect on productivity, wellness and profitability
- 3.11 Informed consent: Agreement or permission from a person once they have had the necessary information or counseling they need to make a decision

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- 3.12 Operational response: The process of reducing on the-job productivity and absenteeism, particularly of critical path employees
- 3.13 Partnerships: Relationships built with other organizations to support existing initiative within the workplace and community
- 3.14 Protocol: The codes of good practice established to guide implementation issued in terms of this policy.
- 3.15 Stakeholder: An individual or group of people that has an interest or influence on the execution of this policy
- 3.16 Universal safety precautions: Steps that can be taken to prevent being infected with bacteria or viruses such as HIV
- 3.17 VCT : Voluntary counseling and testing
- 3.18 Workplace: Any environment in which official work is conducted
- 3.19 EAP: Employee Assistance Programme

## **4. PRINCIPLES**

The Umjindi Municipality HIV/AIDS policy is founded on three principles

- 4.1 Protecting the human rights and the dignity of employees infected and affected by HIV and AIDS by promoting equality and preventing unfair discrimination
- 4.2 Providing reasonable accommodation in that Umjindi Municipality will endeavour to create a supportive working environment
- 4.3 Allowing HIV positive employees to continue working until they are medically unfit to do so.

## **5. COMPONENTS OF THE POLICY**

### **5.1 Unfair discrimination**

- 5.1.1 There cannot be any unfair discrimination shown towards any employee infected with, or affected by HIV or with regard to all relevant employment policies and practices within Umjindi Municipality
- 5.1.2 HIV-positive employees have equal access to employee benefits and are to be protected from unfair discrimination in employee benefits; and
- 5.1.3 Prejudicial or discriminatory behavior among employees is not to be and all acts of discrimination are to be dealt with to the Umjindi Municipality's disciplinary procedure.
- 5.1.4 Umjindi Municipality will not unfairly discriminate against prospective employees solely on the grounds of HIV status

### **5.2 Confidentiality**

- 5.2.1 No employee is required to disclose his or her HIV status;
- 5.2.2 Any employee disclosing his or her HIV status in the workplace cannot have his or her HIV status reflected on any personnel records and his or her status cannot be disclosed without the written informed consent of the employee; and
- 5.2.3 Any employee who deliberately disclose the HIV status of a fellow employee without their express informed consent, may be subject to a disciplinary procedures; and
- 5.2.4 All or any information disclosed in an HIV-related dispute must remain confidential

### **5.3 Testing**

- 5.3.1 No employee or job applicant is required to undergo an HIV test
- 5.3.2 Voluntary counseling and testing services (VCT) will be offered to employees. The employee needs to give informed consent for the test. Where relevant, the pre-test and post-test counseling will be provided and the test results must remain confidential

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### **5.4 Reasonable accommodation**

- 5.4.1 Any HIV- positive employee has a right to reasonable accommodation to work as long as he or she is able to; and
- 5.4.2 Any HIV-positive employee can continue to be employed until he or she is deemed to be medically unfit according to the Umjindi Municipality's rules governing medically disability.

### **5.5 Safe working environment**

As far as is reasonably practicable Umjindi Municipality must provide

- 5.5.1 A workplace that is safe and without risk to the health of its employees
- 5.5.2 The necessary protective equipments; and
- 5.5.3 Training on occupational health and safety, as well as universal safety precautions

### **5.6 Occupational exposure and compensation**

- 5.6.1 All employees need to adhere to universal safety precautions in order to prevent occupational exposure to HIV/AIDS
- 5.6.2 In the event of occupational exposure to risk Umjindi Municipality must provide post-exposure prophylaxis (that is, treatment or action aimed at preventing disease); and
- 5.6.3 Any employee who wishes to claim compensation for occupational transmission of HIV must make a claim to the Compensation Commission within a year of the accident; and
- 5.6.4 Umjindi Municipality must ensure that procedures are in place to assist employees to claim compensation in the case of occupational exposure to, and infection with HIV.

### **5.7 Termination of services**

The employment relationship is to be terminated when an employee is unable to fulfill his or her job requirements in accordance with Umjindi Municipality's rules governing medical disability

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(and the code of Good Practice regarding dismissals for incapacity due to ill-health which is attached in the Labour Relations Act 66 of 1995)

## **5.8 Grievance procedure**

Umjindi Municipality must ensure that

- 5.8.1 HIV/AIDS-related rights and responsibilities are integrated into existing grievance and disciplinary procedures;
- 5.8.2 Measures are in place to ensure confidentiality; and
- 5.8.3 The relevant personnel are trained to handle HIV/AIDS-related disputes.

## **5.9 Monitoring and evaluation**

- 5.9.1 Ongoing monitoring and evaluation of the HIV/AIDS policy to ensure that it meets the stated purpose; and
- 5.9.2 Umjindi Municipality will review HIV/AIDS related services upon reasonable proof of insufficient impact or non-adherence to prescribed criteria as set out in the relevant protocol(s).

## **5.10 Workplace programme**

Umjindi Employee Assistance Programme in conjunction with CAREWAYS aims to address and reduce the risk of HIV/AIDS in the workplace. Umjindi EAP and CAREWAYS has the following five main focus areas and services

### **5.10.1 Prevention**

Employees will have access to the following services in the workplace

- (a) appropriate and sensitively presented information on all aspects of preventing infection and coping with HIV/AIDS;
- (b) Education that examines the relevance of HIV/AIDS in their own lives;

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- (c) free condoms;
- (d) voluntary counseling and testing; and
- (e) peer support and education programmes

### **5.10.2 Care and support**

The aim of the care provided is to improve quality of life by prolonging health through holistic health management

- (a) all employees will have access to confidential counseling through referral to the employee wellness service providers;
- (b) all permanent employees have access to chronic disease management through the relevant medical aid schemes.

### **5.10.3 Operational management**

The operational management focuses on reducing on the –job productivity losses and absenteeism; particularly of critical-path employees

### **5.10.4 Community response**

The prevention and care services need to support beyond the workplace. Support to community will be provided through:

- (a) cooperating with multiple stakeholders;
- (b) enlisting community support; and
- (c) forming integral partnership with other role players such as government bodies, non-governmental organizations (NGO's) and donors.

### **5.10.5 Communications**

A communication strategy must be maintained to provide ongoing information and education on HIV/AIDS issues with the group, taking into account the diverse needs of employees.

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## **6. POLICY REVIEW**

6.1 This policy was developed in conjunction with all recognized trade unions; (IMATU & SAMWU) and

6.2 This policy and its protocols will be reviewed annually