



VHEMBE DISTRICT MUNICIPALITY

WORKPLACE

HIV AND AIDS POLICY

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1. PREAMBLE

Vhembe District Municipality acknowledges the seriousness of the HIV and AIDS epidemic both in the broader society and in the workplace in particular. Furthermore, the municipality acknowledges the adverse impact of the epidemic on the employees, their families and consequently on the municipality's ability to deliver services to its constituencies in an efficient and effective manner according to its mandate. Therefore through this policy, the municipality seeks to minimize the social, developmental, and economic consequences to the municipality and its employees, whilst committing itself to providing resources and guidance to mainstream HIV and AIDS Programmes in the context of a Comprehensive Employee Wellness Programme (EWP).

2. ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ARV	Anti-retroviral
HIV	Human Immunodeficiency Virus
EAP	Employee Assistance Programme
ILO	International Labour Organisation
KABP	Knowledge, Attitudes, Behaviour and Perceptions
PEP	Post Exposure Prophylaxis
STI	Sexually Transmitted Infections
TB	Tuberculosis
HCT	HIV Counseling and Testing

3 PURPOSE

The purpose of the HIV and AIDS policy is to set fair standard guidelines on the effective management of HIV and AIDS in the Vhembe District Municipality workplace environment, in order to minimize its adverse impact on individual employees, their immediate families, and the municipality at large.

4. SCOPE OF APPLICATION

This policy is applicable to all the employees of the Vhembe District Municipality including those in learnership, contract, internship and prospective employees appointed or recruited

5. OBJECTIVES

The *objectives* of the HIV and AIDS policy are to:

- Set out clear guidelines on an integrated and proactive management and mainstreaming of HIV and AIDS in the municipality.
- Use a consistent and equitable approach to reduce vulnerability to HIV infection by ensuring that all employees are educated and well informed about the epidemic.
- Set out clear guidelines to ensure that employees with HIV and AIDS infection and those that are affected are not discriminated against in the workplace.
- Provide care, support and information to staff on the rights and services available to those infected and affected (including their families) with HIV and AIDS.
- Provide appropriate protection to employees who are potentially exposed to HIV infection during the course of the performance of their duties, and those already infected.

- Ensure compliance with relevant legislation, policies, regulations, codes of conduct and best practices.

6. LEGISLATIVE FRAMEWORK

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

Labour Relations Act, 1995 (Act 66 of 1995)

Employment Equity Act, 1998 (Act 55 of 1998)

Basic Conditions of Employment (Act 75 of 1997)

Occupational Health and Safety Act, 1993 (Act 85 of 1993)

Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)

The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

The Medical Schemes Act, 1998 (Act 4 of 1998)

7. POLICY CONTENT

7.1 PRINCIPLES

The HIV and AIDS Policy of VDMis informed by the following principles which will be adhered to in the implementation of the Policy and related programmes.

7.1.1 Non-discrimination

7.1.1.1 No employees and prospective employees shall be discriminated against on the basis of the HIV status or perceived HIV status.

7.1.1.2 No employee should suffer adverse consequences, whether dismissal or denial of appropriate alternative employment opportunities and benefits, merely on the basis of HIV infection. Employees will be able to continue to

work in their current or alternate employment for as long as they are medically fit to do so.

7.1.2 Non-compulsory HIV Testing

7.1.2.1 No employee or prospective employee shall be required to take an HIV test as a prerequisite for recruitment, access to training or promotion. A prospective employee is also under no obligation to inform the municipality of his or her HIV and AIDS status.

7.1.2.2 The municipality shall promote and facilitate access to voluntary confidential testing with counseling (VCT) for all employees. The counseling provided to employees shall include pre-test and post-test counseling.

7.1.3 Confidentiality and Promotion of Disclosure

7.1.3.1 Employees, their immediate family members and prospective employees have the right to confidentiality with regard to their HIV and AIDS status and their medical records in possession of the municipality.

7.1.3.2 An employee's status and that of immediate family member shall not be disclosed to anyone without his/her written consent. The municipality shall take appropriate measures to ensure that employee records are kept safe.

7.1.3.3 Any breach of confidentiality shall be subjected to disciplinary measures by the municipality. The employee shall have recourse to existing municipal grievance procedures in the event of a breach of any rights with regard to HIV and AIDS.

7.1.4 Gender equality

7.1.4.1 The municipality recognizes the gender dimensions of HIV and AIDS. Women are more vulnerable to HIV infection and are more often adversely affected by the HIV and AIDS epidemic than men, for biological, socio-cultural and economic reasons.

7.1.4.2 The municipality shall provide education and awareness programmes aimed at preventing gender discrimination, sexual coercion and abuse of female employees.

7.1.5 Promotion of a safe work environment

7.1.4.1 The municipality recognizes the importance of a healthy work environment in general. The municipality shall provide and maintain workplace that is safe and without risk to the health of its employees.

7.1.4.2 The municipality recognizes that occupational accidents involving body fluids may occur especially in the health care settings where employees have direct contact with body fluids.

7.1.4.3 Each institution shall comply with the provisions of the Occupational Health and Safety Act including the Regulations on Hazardous Biological Agents. This will include the provision of awareness and education on the health and safety issues, and the provision of safety equipment to prevent occupational exposure to HIV.

7.1.4.4 The management of occupational exposure to HIV shall be done in terms of the 'National Guidelines on Occupational Exposure to HIV' published by the National Department of Health (DOH), 2002.

7.1.6. Compensation for HIV Infection at workplace

7.1.5.1 An employee may be compensated if he/she becomes infected with HIV as a result of an occupational accident. This shall be done in terms of the Compensation for Occupational Injuries and Diseases Act, 1993.

7.1.5.2 The employee should be in position to prove that the disease was acquired in line of duty.

7.1.5.3 Employees should at all time ensure that they protect themselves when performing their duties to avoid occupational injuries/ accidents.

7.1.5.3 The municipality will therefore provide the employee with information on the procedure to be followed in order to lodge a claim.

8. PREVENTION PROGRAMMES

The municipality shall endeavor to provide ongoing awareness and education programmes aimed at preventing new and secondary infections among employees. Such programmes will include:

- Behavior Change Communication
- Voluntary Counseling and testing (VCT) programme
- HIV and AIDS awareness and education in relation to mother to child transmission, sexual and reproductive health issues
- Condom promotion and distribution
- Sexually Transmitted Infections (STI) prevention and access to treatment
- Infection control – through the Occupational Health and Safety programme and Post Exposure Prophylaxis (PEP)
- Training sessions to ensure effective management of HIV and AIDS
- Peer education and training on HIV and AIDS and healthy living programmes
- Meaningful Involvement of People Living with HIV and AIDS, aimed at mitigating stigma in the workplace

- Moral regeneration programmes

9. TREATMENT, CARE AND SUPPORT

9.1 The programme entails the management of employees with HIV and AIDS to ensure that they are able to work for as long as they possibly can. Such programme shall include the following:

- Employee wellness promotion
- Continued access to treatment and compliance support: Anti-retroviral (ARV), Tuberculosis (TB) and other opportunistic infections treatment

9.2 The municipality shall provide access to the treatment of opportunistic infections; Antiretroviral Therapy and rehabilitation services through the provision of the Medical Schemes.

9.3 Employees without medical cover shall be referred to the nearest public institution to access treatment.

10. POLICY IMPLEMENTATION

10.1 Stakeholder Participation

The municipality shall endeavor to ensure that all key stakeholders are engaged in the development, implementation, management and monitoring and review of the HIV and AIDS policy and related programmes

Key stakeholders include the following:

- All employees irrespective of their HIV status , job category and level or any other form of categorization
- Registered Trade unions

- Human Resource Management Division
- Employee Wellness Programme
- Employee Wellness Committee
- OHS Division
- HIV and AIDS Division
- Employee Wellness Practitioners
- Line management
- People Living with HIV and AIDS
- External Service providers
- Finance
- Human Resource Training and Development

10.2 Communication

The municipality shall ensure that appropriate and effective communication mechanisms are put in place to ensure that all employees:

- Are aware of the HIV and AIDS policies, programmes and other interventions.
- Understand the HIV and AIDS policies, programmes and other related interventions and how these impact on them and their rights.
- Are informed of and explained their rights and obligations with regards to the workplace HIV and AIDS policies, programmes, interventions and other related activities.

11. ROLES AND RESPONSIBILITIES

The policy on HIV/AIDS not only establishes certain rights but it also imposes certain responsibilities on the relevant stakeholders. This section seeks to identify the said rights and responsibility. It is further acknowledged that the success of the policy framework is dependent on the co-operation of all parties.

11.1 The Municipal Manager

The Municipal Manager takes overall responsibility for the implementation of the policy and compliance with the relevant legislation.

11.2 Human Resources Management

The Human Resources Division carries the following responsibilities:

- In conjunction with line management, the Human Resources Division must ensure that all employees are familiar with the policy.
- Monitor and advise the Municipal Manager of any irregular application of the policy.
- Arrange for counseling through EAP where requested by employees.
- Advise management on disciplinary steps to be taken in circumstances where the policy
- Advise management on disciplinary steps to be taken in circumstances where the policy was breached.

11.3. Managers & Supervisors

- All Managers and Supervisors must ensure that all employees are aware of and familiar with the content of the policy.
- Are responsible for the implementation of this policy.
- Must establish and maintain communication channels to raise awareness concerning HIV/AIDS in the workplace.
- Must make appropriate arrangements to ensure that confidential information, regarding the HIV status of an employee, is protected.
- Must ensure that immediate and appropriate corrective action is taken where the policy is breached.

11.4 Employees

- Employees: should acknowledge that a fellow employee's health condition is private and confidential and an employee living with HIV/AIDS is under no obligation to disclose his/her status to a manager or any other employee.
- Employees shall not discriminate against fellow employees who are living with HIV/
- AIDS and in particular an employee may not refuse to work with a colleague who is HIV
- Employees shall endeavor to play a supportive role towards fellow employees who are living with HIV/AIDS.
- Employees who are aware of their positive HIV status shall take every precaution to ensure that fellow employees are not affected.

12. FINANCIAL IMPLICATIONS

The budget for HIV/AIDS activities should be combined with the one of EWP.

13. ADMINISTRATION OF THE POLICY

8.1 The Office of the General Manager (Corporate Services) and Senior Manager HRM will be assigned to administer and enforce the policy. The EWP section will be responsible to monitor the implementation of the policy

8.2 All Heads of Departments will be delegated to administer the policy in their own section or local areas,

14. DESIGNATED STRUCTURE/ AUTHORITATIVE BODY

9.1 The Executive council through the office of the municipal manager shall have the authority to approve the Workplace HIV/AIDS.

15. EFFECTIVE DATE OF IMPLEMENTATION

The effective date of the policy will be the day after the approval by the council.

16. POLICY REVIEW

This policy will be reviewed after every twelve (12) months

17. APPROVAL OF THE POLICY

The policy will be approved by the council

LOCAL LABOUR FORUM

DATE

MUNICIPALI MANAGER

DATE

COUNCIL

DATE