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Management of HIV and AIDS and TB in the Workplace

1. ACRONYMS

The following acronyms are used in this policy:

**AIDS** - Acquired Immune Deficiency Syndrome.

**EAP** - Employee Assistance Programme.

**HIV** - Human Immuno Deficiency Virus.

**OHS** – Occupational Health and Safety.

**PILIR** - Policy on Incapacity Leave and Ill health Retirement.

**TB** – Tuberculosis

2. INTRODUCTION

The increasing HIV infection rate, and other chronic diseases such as TB, which resultant to ill health absenteeism and retirements requires concerted programming and implementation of evidence based and cost effective strategies.

Resolution taken by the World Health Organization Regional Committee for Africa on the acceleration of HIV prevention efforts in the African Region urges member of states to also re-emphasize and upscale workplace prevention efforts.

Chapter 1 Part VI D and E of the Public Service Regulations 2001, as amended obligates the employer to establish and maintain a healthy and safe working environment, plan, implement and monitor appropriate and effective responses to HIV & AIDS within a comprehensive health promotion programme.
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One of the priorities for the United Nations Millennium Development Goals to be reached by 2015 entails halting and beginning to reverse the spread of HIV, TB and other major diseases.

The Department of Public Service Administration Employee Health and Wellness Strategic Framework (2008) identify HIV & AIDS and TB management as one of the pillars to ensure the health and wellbeing of Public Servants.

The Limpopo Provincial Growth and Development Strategy (2004 – 2014) has identified HIV & AIDS and TB as some of the challenges requiring priority attention while on the other hand the Limpopo EWP Strategy (2005) asserts that workplace responses should strive for integrated programming and coordinated implementation. Thus multi-sectoral collaboration and engagement is emphasized.

3. PURPOSE AND OBJECTIVES

3.1 The purpose of this policy is to regulate the management of HIV & AIDS and TB programme within the Department with the objective to:

3.1.1 create and sustain an inclusive environment for all employees.

3.1.2 ensure the welfare of employees living with HIV & AIDS and TB.

3.2 The objectives of this policy are to:

3.2.1 Ensure compliance to national legislation and policies on Occupational Health and Safety and Employee Health and Wellness.
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3.2.3 Develop the capacity of the department to implement, monitor and evaluate HIV & AIDS and TB programme.

4. AUTHORITY OF THE POLICY

This policy is issued under the authority of the MEC as the Executive Authority and the Head of Department as the Accounting Officer for LEDET.

5. LEGAL FRAMEWORK

This policy is informed by the following prescripts:

5.1 Basic Conditions of Employment Act, 1997 (Act No.75 of 1997).


5.3 Compensation for Occupational Injuries and Disease Act, 1993 (Act No.130 of 1993).


5.5 Labour Relations Act, 1995 (Act No.66 of 1995).

5.6 Medical Scheme Act, 1998 (Act No.131 of 1998).

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5.9 Public Service Regulations, 2001 as amended.

5.10 Public Service Act, 1994 as amended.

6. SCOPE OF APPLICATION

This policy is applicable to all employees of the Department of Economic Development, Environment and Tourism including those on internship, learnership and contract workers.

7. DEFINITIONS

DEPARTMENT: Limpopo Department of Economic Development, Environment and Tourism;

EMPLOYEE ASSISTANCE PROGRAMME: Employee Assistance Programme is a workplace based programme designed to assist in the early identification and resolution of productivity problems associated with employees’ personal concerns which include, but not limited to health, marital, substance, financial, emotional, stress, work-related and other personal concerns which may adversely affect job performance;

OCCUPATIONAL HEALTH AND SAFETY: Occupational Health and Safety is a workplace-based programme whereby both the employer and employees proactively identify, manage or eliminate hazards that may cause injuries or diseases to employees and visitors in the workplace;
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EMPLOYER: For the purpose of this policy, employer refers to the Head of Department;

EMPLOYEE: Any person appointed in terms of the Public Service Act, 1994 as amended within the Department of Economic Development, Environment and Tourism.

8. POLICY PRONOUNCEMENTS

8.1 Confidentiality

Employees have the right to confidentiality and privacy concerning their health. The employer, supervisors, Employee Assistance Professionals and Human Resource Practitioners are obliged to maintain absolute confidentiality of all records relating to the personal health and HIV & AIDS status of employees. Information regarding the HIV & AIDS status of an employee should not be disclosed without written and express consent of such employee.

8.2 Non discrimination

8.2.1 Employees with HIV & AIDS and TB shall be governed by the same contractual obligations as other employees. An employee shall not be dismissed, demoted or transferred on the basis of his or her HIV & AIDS status. HIV & AIDS status shall not be a criterion for refusing to train or develop an employee.

8.2.2 All employees and prospective employees have the right to equality and to be protected from unfair discrimination in all employment policies and practices.

8.2.3 Disciplinary action shall be taken against employees who discriminate others on the basis of their HIV & AIDS status.
8.3 Prohibition of HIV & AIDS testing

There will be no compulsory workplace testing for HIV & AIDS. Employees who wish to be tested for HIV & AIDS shall have access to counseling and referral to appropriate facilities through the Employee Assistance Programme. Pre-employment testing for HIV & AIDS is prohibited.

8.4 Occupational Health and Safety

8.4.1 The Department is responsible for the creation of a safe and healthy working environment for its employees to ensure that the risk of HIV & AIDS infection is minimized.

8.4.2 The employer is obligated to ensure that precautionary measures are taken to reduce the risk of acquiring or transmitting HIV & AIDS infection through occupational exposure. Employees shall be provided with clear and accurate information and training on occupational hazards and procedures for safe work including first aid services.

8.4.3 Occupational infection shall be dealt with according to the provisions of the Compensation for Occupational Injuries and Diseases Act, 1993.

8.5 Employee benefits

8.5.1 An employee who becomes ill with AIDS or TB shall be treated like any other employee with a comparable life-threatening illness with regard to access to employee benefits.

8.5.2 All employees shall be educated regarding the advantages of joining Medical Aids Scheme and the benefits offered by various medical aid schemes for HIV related illnesses and AIDS.
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8.6 Employee Assistance Programme

All employees and their immediate dependants shall have access to therapeutic services within a comprehensive Employee Assistance Programme. The programme is available in the Department and provides therapeutic interventions for employees experiencing psychosocial and work adjustment challenges.

8.7 Dismissal

No employee shall be dismissed on the basis of his or her HIV & AIDS status. In the event where an employee is no longer able to perform his or her duties due to ill health, proper procedures will be followed for ill health retirement as prescribed in the PILIR.

8.8 Departmental Responses

Preventative, therapeutic, care and support programmes for HIV & AIDS and TB will be implemented by Employee Wellness Services. The programmes shall have the following essential components:

(a) Prevention.

(b) Treatment, care and support.

(c) Research, monitoring and surveillance.

(d) Human rights and access to justice.

8.9 ROLE PLAYERS

8.9.1 Employer
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(a) Establishes a Departmental HIV & AIDS Committee which will develop an integrated strategy that caters employees living with HIV & AIDS and TB. The committee shall be reflective of the demographics of the staff complement including representation from recognized unions and districts.

(b) The Committee shall work in partnership with other stakeholders such as government departments, private sector and non-governmental organizations.

(c) Appoints a member of the Senior Management Service to manage the implementation of HIV & AIDS policy in the workplace.

(d) Appoints HIV & AIDS coordinators and committees to develop and implement workplace programmes based on this policy and the minimum standards stipulated by the Department of Public Service and Administration.

(e) Commissions a survey to establish baseline information on employee’s knowledge, attitudes, practices and behaviors in relation to HIV & AIDS and TB.

(f) Ensures that the policy is communicated through regular workshops and meetings within the Department within their components.

(g) Oversees the overall implementation of this policy in the Department.

8.9.2 Managers and supervisors

8.9.2.1 All managers and supervisors are responsible for implementing the provisions of this policy.
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8.9.2.2 Managers and supervisors shall communicate the contents of this policy to all employees.

9. DEFAULT

Failure to comply with the provisions of this policy will be dealt with in terms of the Public Service Disciplinary Code and Procedures as amended.

10. INCEPTION DATE

The inception date of this policy is thirty (30) days after approval by the Head of Department.

11. POLICY REVIEW

This policy will be reviewed every twenty four months.

12. ENQUIRIES

Enquiries with regard to any matter relating to this policy shall be directed to the Senior Manager: Transformation.

13. APPROVAL

APPROVED BY:

[Signature]

HEAD OF DEPARTMENT: LEDET

DATE

10 SEPTEMBER 2022