

Restricted

Zimbabwe

PROVINCIAL GOVERNMENT

DEPARTMENT OF AGRICULTURE



HIV & AIDS WORKPLACE PROGRAMME
POLICY
2005

Restricted

1. INTRODUCTION

The Department of Agriculture acknowledges the serious nature of the HIV & AIDS epidemic and its impact on human capital and ultimately on the capacity of the Department to deliver on its mandate. The Department is therefore committed to minimizing the impact of the disease through the establishment and implementation of preventative and therapeutic programmes.

2. OBJECTIVES

The objective of this policy is to regulate the management of HIV and AIDS workplace programme as provided for by the relevant legislations.

3. AUTHORISATION

This policy is informed by the following prescripts:

- 3.1 The South African Constitution Act No.108 of 1996)
- 3.2 The Employment Equity Act No.55 of 1998
- 3.3 The Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000
- 3.4 The Labour Relations Act No.66 of 1995
- 3.5 The Occupational Health and Safety Act No.85 of 1993
- 3.6 The Compensation for Occupational Injuries and Disease Act No.130 of 1993
- 3.7 The Basic Conditions of Employment Act No.75 of 1997
- 3.8 The Medical Scheme Act No.131 of 1998
- 3.9 Public Service Regulations, 2001 as amended. Chapter 1 Part VI E

4. SCOPE OF APPLICATION

This policy is applicable to all employees of the Limpopo Department of Agriculture.

5. DEFINITIONS

5.1 DEPARTMENT

Department of Agriculture in the Limpopo Province.

5.2 EMPLOYEE ASSISTANCE PROGRAMME (EAP)

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, drug ,

alcohol, financial, emotional, stress, work-related and other personal concerns which may adversely affect the job performance of employees.

5.3 OCCUPATIONAL HEALTH AND SAFETY (OHS)

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.

5.4 EMPLOYER

For the purpose of this policy, employer refers to the Head of Department and those who are appointed in terms of OHS Act, 1993 section 16(2) as employers.

5.5 EMPLOYEE

Any person employed by the Department and receives remuneration.

6. POLICY PRONOUNCEMENTS

6.1 Confidentiality

Employees have the right to confidentiality and privacy concerning their health and HIV status. 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 status of employees. Information regarding the HIV status of an employee should not be disclosed without written and express consent.

6.2 Non discrimination

Employees with HIV 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/her HIV status. HIV status shall not be a criterion for refusing to train or develop an employee.

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

Disciplinary action shall be taken against employees who discriminate others on the basis of their HIV status.

6.3 Prohibition of HIV testing

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

6.4 Occupational Health and Safety

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

The employer is obligated to ensure that precautionary measures are taken to reduce the risk of acquiring or transmitting HIV 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.

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

6.5 Employee benefits

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

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.

6.6 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.

6.7 Dismissal

No employee shall be dismissed on the basis of his/her HIV/AIDS status. In the event where an employee is no longer able to perform his/her duties due to ill health, proper procedures will be followed for medical retirement as a result of ill health incapacity.

6.8 Departmental Responses

6.8.1 Internal responses

Both preventative and therapeutic programmes for HIV & AIDS will be available. The programmes shall have the following essential components:

- a) Awareness and education (HIV & AIDS and Sexually Transmitted Infections)
- b) Voluntary counseling and testing
- c) Access to counseling and other forms of support
- d) Distribution and promotion of condoms and other promotional material.
- e) Research to analyze the impact of HIV& AIDS in the workplace.
- f) Universal precautionary measures.

6.8.2 External responses

External interventions to the farming communities which shall be executed within the Participatory Extension Approach (PEA) will entail:

- a) Awareness and education (HIV & AIDS and Sexually Transmitted Infections).
- b) Coordination of access to counseling and other forms of community based support.

- c) Promotion of voluntary counseling and testing.

7. OBLIGATIONS

7.1 EMPLOYER

7.1.1 Establish a Departmental HIV & AIDS Committee which will develop an integrated strategy that caters for both internal and external customers. The committee shall comprise representation from the six districts, training centers, research stations, extension services and unions.

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

7.1.2 Appoint a member of the senior management services to manage the implementation of HIV/AIDS in the workplace

7.1.3 Appoint HIV/AIDS coordinators and committees in each workplace to develop and implement workplace programmes based on this policy and the minimum standards stipulated by the Department of Public Service and Administration.

7.1.4 Commission a survey to establish baseline information on employee's knowledge, attitudes, practices and behaviors in relation to HIV/AIDS.

7.1.5 Ensure that the policy is communicated through regular workshops and meetings within the department.

7.2 MANAGERS & SUPERVISORS

7.2.1 All managers and supervisors are responsible for implementing the provisions of this policy.

7.2.2 Managers and supervisors shall communicate the contents of this policy to staff members.

7.3 EXTENSION SERVICES

7.3.1 Responsible for the dissemination of HIV & AIDS and STI information to the farming communities.

7.3.2 Design, implement and monitor prevention programmes for farming communities.

7.3.3 Liaise with the Department of Health and Social Development for the provision of treatment, care and support for the farming communities.

7.4 SPECIAL PROGRAMMES DIVISION

7.4.1 Responsible for the dissemination of HIV & AIDS and STI information to all staff members.

7.4.2 Responsible to design, implement and monitor prevention programmes.

7.4.3 Design, implement and monitor peer education programme.

7.4.4 Ensure the honoring of calendar events in the Department.

7.5 EAP SECTION

7.5.1 Assessment and referral of employees to health care institutions for appropriate treatment.

7.5.2 Provision of counseling and support to employees and their immediate dependants.

7.5.3

8. PERIOD OF OFFICE

8.1 In terms of this policy the period of office of HIV & Aids coordinators shall be three (3) years.

8.2 Termination of office shall occur on the following grounds:

- 8.2.1 If he /she is found guilty, following a disciplinary hearing for breach of confidentiality.
- 8.2.2 If two thirds of employees working in his/her section request management in writing for his/her termination of office.
- 8.2.3 If the period of office expires.
- 8.2.4 If his/her employment contract (resignation, retirement, dismissal, or transfer) is terminated.

9. MONITORING

- 9.1 The employer shall oversee the overall implementation of this policy in the Department.
- 9.2 Violation of this policy shall lead to disciplinary action which shall be conducted by the existing disciplinary structures and procedures.

10. REVIEW

The policy shall be reviewed every three years and as and when necessary.