



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF SAFETY, SECURITY AND LIAISON

HIV AND AIDS POLICY

1. Introduction

The Department of Safety, Security and Liaison recognizes the seriousness and implications of HIV and Aids for employees and the organization as a whole. Therefore, it seeks to minimize the socio-economic and developmental consequences by committing to provide resources and leadership in the implementation of HIV and AIDS programme and policy.

The Department is responding to the human needs of the epidemic in a supportive, positive and non discriminatory manner, so that people living with HIV and AIDS are able to be open about their HIV and AIDS status without fear of stigma or rejection.

We believe that non-discrimination, as well as consultation, inclusivity and encouraging full participation of all stakeholders are key principles, which underpin the Department's HIV and AIDS responses.

2. Background

HIV and AIDS is a lifelong condition that weakens the body's immune system to fight diseases, it progresses in stages and in the long run the infected individual becomes more vulnerable to illness.

The Human immunodeficiency virus (HIV) and the acquired Immune Deficiency Syndrome (AIDS) are health challenges with adverse effects on our country's economy, employment situations and human rights. As a socio-economic challenge, HIV and AIDS affect every workplace with prolonged staff illnesses, absenteeism, turnover and death, and all this impact on the employee benefits and contribute to low employees morale.

It is from the preceding information that the Department of Safety, Security and Liaison acknowledges the seriousness of the scourge of HIV and

AIDS and endeavors to put proactive measures in the fight against the epidemic through program and policy implementation.

3. Legal and policy framework

- Constitution of the Republic of South Africa, Act no .108 of 1996
- Employment Equity Act, No .55 of 1998 (EEA)
- Labour Relation Act, No .66 of 1995
- Promotion of Equality and Prevention of Discrimination Act, No. of 2000
- Occupational Health and Safety Act, No. of 1993 (OHSA)
- Compensation for Occupational Injuries and Diseases Act, No.130 of 1993 (COIDA)
- Medical Schemes Act, No.75 of 1997 (BCEA)
- Skills Development Act, No. 97 of 1998 encourages the employer to provide equal training opportunities for all employees. (SDA)
- Policy and Procedure on incapacity Leave and Health Retirement: 2005 (PILIR)
- HIV/AIDS Technical Assistance Guidelines

4. Aims and Objectives

- To provide a framework for effective management of HIV and AIDS.
- To ensure fair and equitable treatment of HIV and AIDS infected and affected employees.
- To protect infected and affected HIV and AIDS employees human dignity and human rights.

5. Scope

The policy applies to all employees – inclusive of contract employees/learners – in the Department.

6. Principles


- Employees infected or affected by HIV and AIDS shall be protected from discrimination.
- HIV testing is not a prerequisite for employment.
- No employees shall be coerced to undergo HIV testing. Testing will be done voluntarily i.e. encourage the employee to undergo testing and / or at the request of the employee with his or her written and informed consent , and accompanied by counseling.

- The Department will maintain confidentiality of the HIV and AIDS status of its employees at all times.
- Disclosure by an employee of his / her status is encouraged and the necessary support will be provided.
- Employees living with HIV and AIDS will be provided with the necessary support in their working environment.

7. Grievances and Disciplinary action

- The Department of Safety , Security and Liaison forbids discrimination and victimization of HIV and AIDS infected and affected employees
- Such behavior will be addressed by means of disciplinary action in accordance to the Public Service Disciplinary Code and Procedure.

8. Confidentiality

- An employee who becomes, HIV and AIDS infected has the right to confidentiality and privacy, as in the case with an employee who has experienced or is experiencing any other medical or psychosocial related incident.
- HIV infected employees are not obliged to inform management or any other person in their organization, of their status .Nor are they as well obliged to reveal such information to their fellow employees.
- All reasonable precautions will be taken to ensure that information regarding individual HIV and AIDS status, voluntarily provided to anyone in the organization, or ascertained through a medical consultation , is maintained in strict confidence. Such information is not disclosed to any other person in, or outside ,the organization without the individual's written consent.
- Summary statistics, concerning HIV and AIDS infected rates and/or HIV and AIDS outcomes, and HIV and AIDS related behaviors, compiled from individual HIV testing, and/ or knowledge, attitude and practice surveys, may be shared with employees while maintaining the confidentiality of individual responses and results. These statistics are scientifically and ethically derived and only provided to external stakeholders once appropriate attempts have been made to share these with employees and their representatives. 

9. Non Discrimination

- The Department shall not tolerate any form of discriminating against those infected with HIV and takes all reasonable step to respect their dignity and individual human rights.
- No employee, manager, supervisor, medical practitioner or organization which knows (or think they know) an individual's HIV and AIDS status will disclose such information to a third party, without consent.
- The Department encourages the individuals to disclose their HIV and AIDS status ,and that disclosure challenges the stigma associated with the epidemic.
- Employees are encouraged to be open about their HIV and AIDS status if they so wish and the Department takes all reasonable steps to ensure that such employees are not unfairly discriminated against or stigmatized, and that they have access to appropriate counseling and support.

10. Gender Equality

- The Department recognizes that women are more likely to become infected and are adversely affected by HIV and AIDS epidemic than men due to biological ,social and economic reasons.
- The Department strives to equalize gender relations, recognizing that the empowerment of woman is vital to successfully prevent the spread of infections and enable them to cope with HIV and AIDS.

11. Social Dialogue

- In pursuit of successful implementation of HIV and AIDS policy and programmes, the Department requires cooperation and trust among management, employees, and their representatives with the active involvement of employees infected and affected by HIV and AIDS.
- The Department strives to build partnership with all stakeholders in order to develop a common vision and shares strategy.

12. Employment and Management of HIV Positive Employees

- Applicants for employment are not required to undergo any medical examination and this includes HIV and AIDS Testing.
- If a person makes his HIV and AIDS status known voluntarily, it shall not be the basis for refusing to conclude, continue or renew an employment contract.
- Employees with HIV and AIDS are governed by the same contractual obligations as all employees
- Employees who became HIV positive will continue to be employed until they became medically unfit to work, and will be treated like employees with any other life threatening diseases or illnesses.
- Medical incapacitation is handled in the same way all other ill health conditions in term of **Public Services Policy and Procedure on incapacity Leave and Ill Health - PILIR**
- HIV infected employees and those suffering from AIDS are entitled to the same sick leave , disability, pension and medical aid benefits as all other employees (Refer to Annexure A for Procedures)
- Where the employees is temporarily unable to perform his / her duties the following shall apply:
 - ✎ Normal sick leave of 36 working days with full pay over a three year cycle.
 - ✎ When normal 36 days have been exhausted and according to the relevant medical practitioner additional sick leave is required due to temporary disability, the Head of Department may grant an additional sick leave, in line with PILIR;
 - ✎ A leave with full pay ,may be granted, during which period an investigation in consultation with the employee must be conducted into the nature and extent of disability.
 - ✎ The investigation shall be conducted in consultation with the procedures outlined in annexure A.

If the employee's disability is certified by the medical practitioner as permanent, the following shall apply:

- ✎ In additional to the sick leave described above, further additional days may be granted , at the discretion of Head of the Department , in order for the employee to :
 - ✓ Attempt to find an alternative position in the organization,
or

- ✓ Adapt duties or employment conditions to accommodate the employee
 - ✦ In such instances the employee's remuneration may be adjusted according to the rates for the new position, without discrimination.
 - ✦ If the employee is unable to perform his/her duties even after this alternative have been considered, service may be terminated according to ill health.
 - ✦ Members of the Government Employee fund may receive their pension in terms of this Act (1996).

13. Voluntary Counseling and HIV Testing

- Employees are encouraged to undergo voluntary counseling and testing. We believe that Voluntary Counseling and Testing for HIV is critical intervention that helps to link care and support, and also turn the tide of HIV and AIDS epidemic.
- No employees will be coerced to undergo such testing without their expressed consent.
- Where this is not practically possible external service provider(s) will be utilized for this purpose.
- Employees are also encouraged to motivate their sexual partners to avail themselves of counseling and testing services offered by the Department.

14. Prevention Programmes


- The Department subscribes to the ABC model as outlined below to expedite the prevention programme, and to have behavioral change and self regulation. In order to triumph over HIV and AIDS effectively the use of ABC model is necessary to win the battle of HIV and AIDS without adding D (Death). The ABC Model outlines the following:
 - ✓ 'A' – states that we should abstain from sex until we get married .Before we tie the knot; we need to come out of the shell of shyness and be honest about ourselves. That is, come out of the pretence and being open with each other or with the anticipating partner(s)

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and go to the clinic or hospitals for testing to ensure that both partners are free from the virus.

- ✓ 'B' – stands for 'Being faithful to each other'. We need to practice faithfulness and ensure that we have sex with one partner.
- ✓ "C" means condomise. Use condoms when we cannot abstain and be faithful to our partner.
- ✓ Let us bear in mind that our failure to adhere to the ABC Principle brings in 'D' – which stands for death as a result of contracting HIV that suppresses our body immune system leaving us vulnerable to more opportune diseases and result into a condition known as AIDS
- Educational campaigns will be conducted according to HIV and AIDS calendar.
- Information and education programmes on HIV and AIDS will be made available to all employees.
- The programme is conducted in such a manner that takes into account employee's level of education and literacy and the need to be situated in an appropriate culture context .The prevention programme is aimed at:
 - ✓ Communicating the basic knowledge about the disease (s)
 - ✓ Build acceptance of people living with HIV and AIDS to avoid feelings or rejection and isolation
 - ✓ Provide information about Voluntary Counseling and Testing, Employees Wellness Services ,coping with work performance ,what happens when the employee is too sick to execute work tasks, and employee benefits on medical incapacity termination of services, and employee benefit on incapacity termination of Services ,and
 - ✓ Inform employees about protection measures for anyone potentially exposed to HIV in the course of their duties.

15. Care and Support

- There is increasing evidence that early care and support improves the quality and length of life of people living with HIV and AIDS. The department will: 

- ✓ Ensure that HIV and AIDS Programmes are extended into community through existing private and public health service providers
- ✓ Facilitate the establishment of support group within the organization or the referral of employees affected by HIV and AIDS to support groups and support organizations in the local community (e.g. Home Based Care)

16. Wellness Management

- The Department shall distribute condoms and femidomes and provide first aid kits with protective devices that will be used for any emergency or when necessary.
- Employees will be encouraged to engage in sporting activities, adhere to healthy living.
- Employees will be educated and made aware of the importance of early diagnosis and treatment of Sexually Related Infections in reducing the risk of transmission of HIV. This will be done through campaigns ,info-tainment (information through entertainment), distribution of learning material etc.
- Employees will be encouraged to contract with a medical Aid Scheme that has HIV and AIDS Health Programme e.g. **GEMS**
- Both pre and post test counseling will be provided to employees who request an HIV test.
- If an employee is diagnosed as HIV positive and discloses his/her status, the employee Wellness Services Practitioner will continue to counsel the employee at various stages of development of the disease, and will link the employees with the services outside the workplace should intensive treatment and management of the health condition be required.

17. HIV and AIDS Committee

- An internal HIV and AIDS Committee will be appointed by the Head of Department with representation from all levels of the Department. The committee's responsibilities will be to advise on programme development, monitoring and evaluation , and policy review.

18. Monitoring and Evaluation

- Monitoring and Evaluation will be conducted over a period of six months to ensure the appropriateness and effectiveness of the programme .Indicators for monitoring and evaluation over a period of six months will be as follows:
 - ✓ number of condoms and femidomes distributed ,
 - ✓ number of HIV and AIDS campaign held
 - ✓ Seasonal increase or decrease of sick leave
 - ✓ Number of peer educators
 - ✓ Number of employees who disclose their HIV and AIDS status
- Internal Transformation will provide quarterly report to the Departmental HIV and AIDS which will in turn report to the Head of Department.
- In addition, Internal Transformation will monitor, report and advise on the trends of the epidemic and development in medical care and research.

19. Policy Inception

The policy shall be in force from the date of approval

20. Policy Review

The policy shall be reviewed annually or when a need arises.

MAKIBELO M. (MS)
HEAD OF DEPARTMENT

12/02/2010
DATE

~~APPROVED / NOT APPROVED~~

MEC: HON. D.P. MAGADZI (MS)
EXECUTING AUTHORITY

2010/03/04
DATE