



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
ROADS AND TRANSPORT**

HIV AND AIDS POLICY

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GLOSSARY

HIV & AIDS ACT

1. **Affected employee:** an employee who is affected in any way by HIV and AIDS e.g. if they have a partner or a family member who is HIV positive.
2. **AIDS:** AIDS is the acronym for 'acquired immune deficiency syndrome'. AIDS is the clinical definition given to the onset of certain life-threatening infections in persons whose immune systems have ceased to function properly as a result of infection with HIV.
3. **Epidemiology:** the study of disease patterns, causes, distribution and mechanisms of control in society.
4. **HIV:** HIV is the acronym for 'human immuno deficiency virus'. HIV is a virus which attacks and may ultimately destroy the body's natural immune system.
5. **HIV testing:** Any form of testing designed to identify the HIV status of a person, including blood tests, saliva tests or medical questionnaires.
6. **HIV positive:** having tested positive for HIV infection
7. **Infected employee:** an employee who has tested positive for HIV or who has been diagnosed as having HIV and AIDS.
8. **Informed consent:** a process of obtaining consent from a patient which ensures that the person fully understands the nature and implications of the test before giving his or her agreement to it.
9. **Policy:** a document setting out an organisation's position on a particular issue.
10. **Pre-and post-test counselling:** a process of counselling which facilitates an understanding of the nature and purpose of the HIV test. It examines what advantages and disadvantages the test holds for the person and the influence the result, positive or negative, will have on them.
11. **Privacy:** a right to keep personal information to yourself and to have your own quite space e.g. your home.
12. **Post-Exposure Prophylaxis (PEP):** taking anti-retroviral therapy within 72 hours after being exposed to HIV, e.g. after rape
13. **Reasonable accommodation:** means any modification or adjustment to a job or to the workplace that is reasonably practicable and will enable a person living with HIV and AIDS to have access to or participate or advance in

employment.

14. **STD's:** acronym for 'sexually transmitted diseases'. These are infections passed from one person to another during sexual intercourse, including syphilis, gonorrhoea and HIV.
15. **Surveillance testing:** This is anonymous, unlinked testing which is done in order to determine the incidence and prevalence of disease within a particular community or group to provide information to control prevent and manage the disease.
16. **Monitoring:** the systematic and continuous assessment of a programme over a period of time.
17. **Occupational exposure:** exposure to blood or other body fluids, which may be HIV infected, during the course of carrying out working duties (for example, a health care worker may be exposed to HIV in the case of a needle stick injury).
18. **Opportunistic infections:** infections that occur because a person's immune system is so weak that it cannot fight the infections.
19. **Positive living skills:** skills that empower people living with AIDS (PLWA's) to cope with the difficulties and challenges they might face, and to live a long and fulfilling life.
20. **Prevention programme:** a programme designed to prevent HIV transmission, including components such as awareness, education and training, condom distribution, treatment of sexually transmitted infections, occupational infection control.
21. **Support:** service and assistance that could be provided to help a person deal with difficult situations and challenges.
22. **Treatment:** a medical term describing the steps being taken to care for and manage an illness.
23. **Unfair discrimination:** unfair discrimination occurs when employees is treated differently due to their real or perceive HIV status, in a way that impairs their fundamental dignity. Discrimination is not unfair if it is based on the inherent requirements of a job.
24. **Wellness programme:** a programme designed to promote the physical and mental health as well as the well-being of employees, including components such as counseling, support groups, nutritional supplements, provision of treatment for opportunistic infections, provision of anti-retroviral therapy.

25. **Window period:** the period between infection with HIV and seroconversion (when HIV antibodies can be detected by the HIV antibody test)
26. **Workplace programme:** an intervention to address a specific issue within the workplace (for example, providing staff access to voluntary HIV counseling and testing programme)

1. Preamble

This Department:

- 1.1 Acknowledges the seriousness of the HIV and AIDS epidemic.
- 1.2 Seeks to minimize the social, economic and developmental consequences to the Department of Roads and Transport and its staff.
- 1.3 Commits itself to providing resources and leadership to implement an HIV and AIDS and STD programme. Commits itself to create a supportive and non-discriminatory working environment through dispelling of myths and stereotypes and offering counseling and education services to affected and infected employees.

2. PRINCIPLES

The Department affirms that:

- 2.1 Employees living with HIV and AIDS have the same rights and obligations as all other employees.
- 2.2 Employees living with HIV and AIDS shall not be discriminated against on the basis of their medical status and will be protected against such discrimination.
- 2.3 HIV status shall not constitute a reason to preclude any person from employment and the disclosure of HIV status shall not under any circumstances be used to discriminate against an employee on any grounds.
- 2.4 No employee shall be required to undergo HIV testing. Where testing is done at the request of the employee, this will be with her/his informed consent and accompanied by counselling.
- 2.5 Confidentiality regarding the HIV status of any employee shall be maintained at all times. To reveal the HIV and AIDS status of another employee without his/her consent shall be a disciplinary offence.

3. OBJECTIVES

The policy seeks to:

- 3.1 Define the Department's position and practices in relation to employees with HIV and AIDS and how the Department seeks to prevent the spread thereof.
- 3.2 Create awareness among employees on the mode of transmission of HIV and AIDS and further encourage VCT.

3.3 Promote effective ways of managing HIV and AIDS in the workplace and to create a balance between the rights and responsibilities of all parties.

3.4 Enhance the conditions of those infected with the disease by creating a supportive environment for them to continue working productively under normal conditions and their current employment for as long as they are medically fit to do so.

4. LEGAL FRAMEWORK

The relevant labour statutes are:

- 4.1 Constitution of South Africa 108, 1996
- 4.2 The Employment Equity Act, No. 55 of 1998.
- 4.3 The Labour Relations Act, No. 66 of 1995
- 4.4 The Occupational Health and Safety Act, No. 85 of 1993 as amended
- 4.5 The Compensation for Occupational Injuries Act, No. 130 of 1993
- 4.6 Basic Conditions of Employment Act, No. 75 of 1997
- 4.7 Medical Schemes Act, No. 131 of 1998
- 4.8 The Public Service Regulations, 2001

5. CONDITIONS OF SERVICE

5.1 NON DISCRIMINATION

5.1.1 The Department acknowledges that fears of employees to work together with infected employees are due to limited knowledge of the disease and the way it is transmitted.

5.1.2 The Department is therefore committed to provide the necessary HIV and AIDS education to employees in the form of counselling and other awareness programmes.

5.1.3 No person may be unfairly discriminated against any employee or applicant for employment in the Department on any arbitrary ground, including his/her HIV status.

5.2 RECRUITMENT AND SELECTION/TRAINING AND DEVELOPMENT

HIV status must not constitute a reason to preclude any person from employment and disclosure of HIV status must not, under any circumstances, be used to discriminate against an employee on any ground. HIV status must not be a basis for refusing to conclude, continue or renew an employment contract nor refusing to train and develop an employee. HIV status must not under any circumstances be used as criteria for refusing promotion, training or development of staff.

5.3 VOLUNTARY COUNSELLING AND TESTING

5.3.1 No employee shall be compelled to undergo HIV testing for employment reasons. Where testing is done at the request of the employee, this will be done with his/her written consent accompanied by pre and post counselling.

5.3.2 Employees who avail themselves for voluntary testing will be pre counselled and referred to appropriate service providers for testing. They will also be provided with post counselling services.

6. SICK LEAVE

Employees with HIV and AIDS must be treated without discrimination by existing sick leave procedures as contained in the Public Service Coordinating Bargaining Council (PSCBC) Resolution 7 of 2000 and the Department's policy guidelines on sick leave.

7. CONFIDENTIALITY

7.1 An employee who contracts HIV at workplace will not be obliged to inform management.

7.2 If an employee with HIV informs his/her supervisor then all reasonable precautions will be taken to ensure confidentiality and the right not to disclose.

7.3 Employees will be encouraged to disclose their HIV status within their workplace.

7.4 Such employees will be provided with care, support and counselling services.

7.5 Disclosure of any employees HIV and AIDS status without his/her written consent shall be a disciplinary offence.

7.6 Confidentiality regarding status of any employee shall be maintained at all times.

8. INFECTED EMPLOYEES

8.1 An employee with HIV infection is expected to meet the same performance requirements that apply to other employees, with reasonable accommodation if necessary as per Public Service Regulations, 2001.

8.2 No employee with HIV and AIDS shall be victimized.

8.3 Infected employees will be treated the same way as other chronically ill employees.

8.4 Wellness programmes will be provided in order to keep infected employees healthy and as productive as possible.

9. AFFECTED EMPLOYEES

9.1 No employee shall refuse to work with an infected colleague.

9.2 Employees will have access to information and education programmes on HIV and AIDS.

9.3 They will further be trained on general precautionary measures.

9.4 Both infected and affected may be trained as peer educators.

10. EMPLOYEE BENEFITS

10.1 Employees with HIV and AIDS may not be unfairly discriminated against in the allocation of employee benefits.

10.2 Employees who become ill with AIDS should be treated like any other employee with a comparable life threatening illness with regard to access to employee benefits.

10.3 Information from benefit schemes on the medical status of an employee should be kept confidential and should not be used to unfairly discriminate.

10.4 The Department offers a medical aid subsidy as part of the employee benefit package. The department must therefore ensure that this scheme does not unfairly discriminate, directly or indirectly, against any person on the basis of his or her HIV status.

11. COMPENSATION FOR OCCUPATIONALLY ACQUIRED HIV

11.1 An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.

11.2 The Department shall take reasonable steps to assist employees with the application for benefits including:

11.2.1 Providing information to employees on the procedure that will need to be followed in order to qualify for a compensation claim and

- 11.2.2 Assisting with the collection of information, which will assist with proving that the employees were occupationally exposed to HIV, infected blood. Arrangements should be made for post exposure prophylaxis where employees have been in contact with blood.

12. DISMISSAL

- 12.1 Employees with HIV and AIDS may not be dismissed solely on the basis of their HIV and AIDS status.
- 12.2 Where an employee has become too ill to perform his/her work, the department is obliged to follow accepted guidelines regarding dismissal for incapacity before terminating an employee's services, as set out in the Code of Good Practice on dismissal contained in the Labour Relations Act.

13. SCOPE OF APPLICATION

This policy is applicable to all employees of the department.

- 13.1 The department is responsible for the implementation of this policy, ensuring compliance and knowledge of its terms and for taking immediate and appropriate corrective action where warranted.
- 13.2 The department must open and maintain communication channels to allow employees to raise concerns concerning HIV and AIDS issues.
- 13.3 The department shall give support to the HIV and AIDS programme.

14. INTERACTION

14.1 INTERACTION WITH CIVIL SOCIETY

The department shall endeavour to utilize all opportunities to interact with civil society to contribute to the mission and objectives of the National HIV and AIDS and STD Programme.

14.2 INTERACTION WITH OTHER PROVINCIAL DEPARTMENTS

The department shall participate in the provincial inter-departmental committee meetings to ensure a uniform and concrete response to the epidemic.

14.3 INTERACTION WITH STAKEHOLDERS

The department shall establish partnerships with its stakeholders in order to coordinate and combine efforts in addressing all issues around HIV and AIDS.

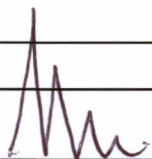
15. MONITORING AND EVALUATION

The Employee Wellness Directorate shall co-ordinate and monitor the implementation of minimum standards on HIV and AIDS set by the Department of Public Service and Administration. The Employee Wellness Unit in the Office of the Premier shall monitor and evaluate the implementation of the HIV and AIDS programme.

16. POLICY REVIEW

This policy will be reviewed annually to take account of the progression of the epidemic and experience in managing it in the workplace and its impact on the employees benefits.

ENDORSED



HEAD OF DEPARTMENT

18/02/09

DATE

Note: This policy document is a blue print of the original policy that was approved by MEC Justice Piitso on 12.03.07.