

HIV/AIDS Policy

for

KCM plc

as at

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HIV/AIDS Policy

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1. Policy statement

The Company recognises the gravity and implications of the AIDS epidemic for the individuals who are infected, their family, the company, its employees and the co-workers of affected individuals.

The Company commits itself to addressing HIV/AIDS in a positive, supportive and non-discriminatory manner and seeks to minimise the social, economic and developmental consequences of this epidemic to both the Company and its employees.

The HIV/AIDS policy detailed below provides clear guidelines to both employees and management.

2. Policy

2.1. Education and information

All Company employees should be informed and educated about HIV/AIDS through ongoing multi media education and information programmes; for example workshops, awareness programmes and presentations, condom distribution, pamphlets and posters.

The education and information programmes will be administered by the company's health practitioners, human resources practitioners and facilitators, including Union officials who have been taught HIV/AIDS education and training programmes.

The objectives of the education and information programmes are:

- Communicating basic knowledge about the disease and its prevention
- Building community acceptance of persons living with HIV/AIDS to avoid feelings of rejection and isolation and to de-stigmatise HIV infection.
- Providing information to employees about voluntary counselling and testing within the organisation, about wellness programmes and medication available, about coping with work performance and what happens when employees are too sick to work, and about employee benefits on medical incapacity termination of services.
- Protection of employees potentially exposed to HIV in their duties.

HIV/AIDS educational material and programmes are to be made available to all employees in KCM.

2.2 Confidentiality

Employees living with HIV or AIDS have a right to confidentiality and privacy concerning their health records. Employees are encouraged to undergo voluntary counselling and testing through the Company's medical facilities and thereafter where appropriate to enrol in a supportive health programme. The employees HIV status is confidential within the medical department and will not be divulged unless an employee gives written consent to this.

2.3 Employee assistance

The Company's Chief Medical Officer in conjunction with other HIV/AIDS counsellors in the Medical Department are available to provide employees with appropriate counselling services. Employees may also wish to speak informally with colleagues as a first step. Peer educators will be trained to assist with informal education and dissemination of information on HIV/AIDS, and members of MUZ and the HR department will be trained as counsellors as well.

Voluntary counselling and testing together with a supportive health programme are available to employees and dependants.

2.4 HIV testing

2.4.1 Pre-Employment Testing

The Company does not conduct pre-employment testing for HIV/AIDS.

Medical testing either before commencing or during employment, which is subject to the consent of the individual concerned, shall assess current functional performance and prognosis with regard to fitness for work. HIV screening may be conducted as part of the selection criteria for long term training periods for example sponsorship of a degree course coupled to a service obligation.

2.4.2 Voluntary confidential HIV testing

Voluntary confidential HIV testing with pre- and post-test counselling, shall be available to all employees. Results shall remain confidential, as per 2.2, and employees who have been tested HIV positive shall have access to continuing support and health services. No employee shall be forced to undergo testing for HIV.

2.4.3 Pre-benefit testing

In the event that the providers of risk benefits, ie insurance companies, require HIV testing, it shall be for underwriting purposes only and requested by insurance companies. Such underwriting requirements do not affect the company's policy regarding testing.

2.5 No Unfair Discrimination Against HIV/AIDS Employees

The Company shall not practice any unfair discrimination against employees infected with HIV/AIDS. These employees will be treated in the same way as all other employees, and will be assisted by the Company through counselling, and access to medical care, to maintain their health and therefore their capacity to be effective employees for as long as possible.

2.6 Working with employees living with HIV/AIDS

Working with and alongside employees who are HIV positive or who have AIDS is taken as a given in KCM where the infection rate is measured in excess of 18% or roughly one in five employees. The Company wishes to foster a caring environment which supports these workers.

If an employee discriminates against a co-worker due to the co-worker's HIV status, or assumed HIV status, this will result in disciplinary action.

The company further commits itself to inform and prepare employees on the realities of working with colleagues living with HIV/AIDS.

The Company recognises that all employees have the right to a safe work environment. The company is therefore committed to provide information to all employees and to establish widespread procedures regarding Universal Precautions to prevent HIV infection in the workplace. These procedures should be followed at all times in case of an injury at work.

2.7 Employee benefits

Employees who are infected with the HIV virus or who have developed AIDS are entitled to their normal employee benefits while in regular employment. Adjustments to salary or conditions of service which follow re-assignment to alternate duties are normally agreed with employees. Company policy on ill-health retirement includes all ill health retirements irrespective of the cause, and no special conditions exist for HIV/AIDS sufferers which places them at a disadvantage relative to others.

2.8 Performance and Termination of Services

All employees, whether infected with HIV/AIDS, or any other medical condition, are subject to performance requirements in their jobs.

For as long as an employee is capable of rendering services effectively at the required performance standard, there is no reason to differentiate between these and other employees. Where an employee is unable to meet the performance requirements of his/her work due to illness, the employee's services may be terminated on the grounds of incapacity.

Within the workforce there will be ill employees who know their HIV/AIDS status and there will be ill employees who do not. There will be those who have undergone voluntary counselling and testing at the Company and those who have not. The Company will not unfairly discriminate between any of these groups but will adopt a fair and caring approach which seeks to be objective in the evaluation of employees' ability to render effective service, and which attempts to provide appropriate medical and counselling support while they are ill.

Where the Company believes an employee is no longer capable of effectively performing his/her normal duties due to ill health of any nature, or where an employee has made representations to management that they are unable to cope, the Company will consider if there are any suitable vacancies for the employee in which the employee could reasonably be able to perform. If such alternative employment is available the employee will be offered the position at the conditions of service appropriate for that job.

If there are no suitable alternative employment opportunities available, or if the employee turns down the offer of alternative employment, then the employee's services will be terminated on the grounds of medical incapacity.

2.9 Grievance/disciplinary procedures

Non-compliance with the guidelines set out in this policy will be treated in terms of the company's grievance and disciplinary procedures.

2.10 Policy review

This policy will be reviewed from time to time in order to reflect changes in legislation as well as medical, academic, occupational and employment developments with regard to HIV/AIDS.

2.11 Further information

If you have any queries about the HIV/AIDS policy or education programmes, please contact
