

## *Why have a policy?*

A workplace policy provides the framework for action to reduce the spread of HIV/AIDS and manage its impact. It:

- makes an explicit commitment to corporate action
- ensures consistency with appropriate national laws
- lays down a standard of behaviour for all employees (whether infected or not)
- gives guidance to supervisors and managers
- helps employees living with HIV/AIDS to understand what support and care they will receive, so they are more likely to come forward for voluntary testing
- helps to stop the spread of the virus through prevention programmes
- assists an enterprise to plan for HIV/AIDS and manage its impact, so ultimately saving money.

It provides the basis for putting in place a **comprehensive workplace programme**, combining prevention, care and the protection of rights. Depending on the particular situation, it may consist of a detailed document just on HIV/AIDS, setting

out programme as well as policy issues; it may be part of a wider policy or agreement on safety, health and working conditions; it may be a short statement of principle.

The [ILO Code of Practice on HIV/AIDS and the world of work](#) provides guidelines for the development of policies and programmes on HIV/AIDS in the workplace. It is complemented by an [education and training manual](#). These encourage a consistent approach to HIV/AIDS, based on [ten key principles](#), while being flexible enough to address the different needs of individual workplaces.

**Policies should be shaped by local needs and conditions - no single policy is relevant to all situations - but the components below can usefully be included. Language you may like to consider and adapt is shown in lighter (yellow) panels. Please insert 'Ministry', 'department', 'hospital' or other word as appropriate if your workplace isn't a private sector company.**

## *The policy*

### 1. GENERAL STATEMENT

The policy begins with a general statement or introduction that relates the HIV/AIDS policy to the local context and existing business practices, including some or all of the following:

- The reason why the company has an HIV/AIDS policy
- A statement about how the policy relates to other company policies
- Policy compliance with national and local laws and trade agreements

#### Sample language

Company or public sector workplace X recognises the seriousness of the HIV/AIDS epidemic and its impact on the workplace. The Company supports national efforts to reduce the spread of infection and minimize the impact of the disease.



The purpose of this policy is to ensure a consistent and equitable approach to the prevention of HIV/AIDS among employees and their families, and to the management of the consequences of HIV/AIDS, including the care and support of employees living with HIV/AIDS. The policy has been developed and will be implemented in consultation with employees at all levels. It is in compliance with existing laws regarding HIV/AIDS [*where relevant - otherwise insert 'existing laws on discrimination, working conditions, and safety and health'*] and with the ILO Code of Practice on HIV/AIDS and the world of work.

## 2. POLICY FRAMEWORK AND GENERAL PRINCIPLES

The policy establishes some general principles as the basis for specific provisions:

### Sample language

Company X does not discriminate or tolerate discrimination against employees or job applicants on any grounds, including HIV status. While Company X recognises that there are circumstances unique to HIV infection, this policy rests on the principle that HIV infection and AIDS should be treated like any other serious condition or illness that may affect employees. It takes into account the fact that employees with HIV may live full and active lives for a number of years. The Company's commitment to maintaining a safe and healthy work environment for all employees is based on the recognition that HIV is not transmitted by casual contact.

## 3. SPECIFIC PROVISIONS

The policy should include provisions in the following areas:

- 1) *The protection of the rights of those affected by HIV/AIDS*
- 2) *Prevention through information, education and training*
- 3) *Care and support for workers and their families.*

### 1) *Stigma, discrimination and rights*

No rights - from confidentiality to access to benefits - should be affected by an individual's HIV status, real or suspected. Stigma and discrimination compromise employee welfare and a safe and healthy work environment. They also undermine HIV prevention efforts, which depend on an atmosphere of openness, trust and respect for basic rights.

### Sample language

1. *Rights of employees who are HIV-positive.* HIV-positive employees will be protected against discrimination, victimisation or harassment. Normal company disciplinary and grievance procedures shall apply equally to all employees, as will the provision of information and education about HIV and AIDS.



2. **Employment opportunities and termination of employment.** No employee should suffer adverse consequences, whether dismissal or denial of appropriate alternative employment opportunities, merely on the basis of HIV infection. *[A collective agreement could spell out the grounds for dismissal]*.

3. **Testing.** Company X rejects HIV testing as a prerequisite for recruitment, access to training or promotion. However, the company promotes and facilitates access to voluntary confidential testing with counselling (VCT) for all employees.

4. **Epidemiological testing.** Testing programmes for epidemiological purposes will be subject to appropriate consultation with recognised employee representatives and will be subject to independent and objective evaluation and scrutiny. The results of epidemiological studies will not be used as a basis for discriminating against any class of employee in the workplace. All testing will comply with accepted international standards on pre-and post-test counselling, informed consent, confidentiality and support.

5. **Confidentiality.** The Company recognises the sensitive issues that surround HIV/AIDS and undertakes to handle matters in a discreet and private manner. Where an employee with HIV has revealed his or her status to management, the Company will keep the identity of such person confidential. However in line with the Company philosophy on the virus, the employee will be encouraged to be open about his or her HIV status.

## 2) *Awareness-raising and education*

**In the absence of a vaccine or cure, information and education are vital components of an AIDS prevention programme. Because the spread of the disease can be limited by informed and responsible behaviour, practical measures such as condom distribution are also important means of supporting behaviour change within the workplace community.**

### **Sample language**

1. Appropriate awareness and education programmes will be conducted to inform employees about AIDS and HIV which will enable them to protect themselves and others against infection by HIV. Some of these will include the families of employees and the local community.

2. The company recognises the importance of involving employees and their representatives in the planning and implementation of awareness, education and counselling programmes, especially as peer educators and counsellors.

3. Practical measures to support behaviour change and risk management will include the treatment of sexually transmitted infections (STIs) and TB *[or - where impossible - referral to STI and TB treatment services in the community]*, sterile needle and syringe exchange programmes *[if relevant to the local situation]*, and the distribution of male and female condoms.

4. Training shall be arranged for key staff including managers, supervisors, and personnel officers; union representatives; trainers of trainers (both male and female); peer educators; and occupational safety and health officers.

5. Reasonable time off will be given for participation in education and training.

### 3) Care and support for workers and their families

It is in the interest of both enterprise and employees if infected individuals are assisted to remain at work as long as possible.

#### Sample language

1. **The promotion of employees' well-being.** The Company will treat employees who are infected or affected by HIV/AIDS with empathy and care. The Company will provide all reasonable assistance which may include counselling, time off, sick leave, family responsibility leave, and information regarding the virus and its effect.

2. **Work performance and reasonable accommodation.** It is the policy of the Company to respond to the changing health status of employees by making reasonable accommodation in the workplace for those infected with HIV. Employees may continue to work as long as they are able to perform their duties safely and in accordance with accepted performance standards. If an employee with AIDS is unable to perform his or her tasks adequately, the manager or supervisor must resolve the problem according to the company's normal procedure on poor performance/ill health.

3. **Benefits.** Employees living with HIV/AIDS will be treated no less favourably than staff with any other serious illness/condition in terms of statutory and company benefits, workplace compensation, where appropriate, and other available services.

4. **Healthcare** [*this paragraph will need to be amended according to the size of the company and resources available for medical care*].

i) The occupational health service will offer the broadest range of services to prevent and manage HIV/AIDS, including the provision of anti-retroviral drugs (ARVs), treatment for relief of HIV-related symptoms and for opportunistic infections (especially TB), reproductive and sexual health services, and advice on healthy living including nutritional counselling and stress reduction. The dependents of employees will also be eligible for medical treatment.

ii) Appropriate support and counselling services will be made available to employees.

#### Possible alternative

4. **Healthcare.** This Company will help employees living with HIV/AIDS to find appropriate medical services in the community, as well as counselling services, professional support and self-help groups if required. Reasonable time off will be given for counselling and treatment.

## 4. IMPLEMENTATION AND MONITORING

If the policy does not take the form of a negotiated agreement, a short clause could be added whereby management and worker representatives pledge their full support to the policy.

#### Sample language

1. Company X has established an HIV/AIDS committee [*or responsible officer, in a smaller workplace*] to coordinate and implement the HIV/AIDS policy and programme. The committee consists of employees representing all constituents of the company, including general management [*spell out constituents, e.g. staff committee, medical service, human resource department etc.*]. The committee/ responsible officer will report regularly to the executive board.



2. In order to plan and evaluate its HIV/AIDS policy and programme effectively, Company X will undertake a survey to establish baseline data and regular risk and impact assessment studies. The studies will include knowledge, attitudes and behaviour/ practices (KAB/P). Studies will be carried out in consultation and with the consent of employees and their representatives, and in conditions of complete confidentiality.

3. This policy, and related information on HIV and AIDS, will be communicated to all Company X employees and the wider public using the full range of communication methods available to the company and its network of contacts.

4. This policy will be reviewed annually and revised as necessary in the light of changing conditions and the findings of surveys/studies conducted.

### **Budget and finance**

Companies should make every effort to establish a budget for HIV/AIDS activities but should bear in mind that many interventions can be put in place at little or no cost; that smaller companies can work together to share costs; that services and resources may exist in the community or may be sought, for example through the local UN Theme Group on HIV/AIDS or the Global Fund to Fight AIDS, Tuberculosis and Malaria. Technical assistance to conduct surveys may be sought through UNAIDS.

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