



WORKPLACE POLICY FOR HIV/AIDS

It is recommended that all employers institute a company policy to deal with HIV/AIDS in their workplace. To facilitate this, a model document is provided below and continued on page 9 for members' use. Simply insert your business name and implement. Further advice is available from your MBA safety advisor.

OBJECTIVES

The purpose of this policy is to provide clarity on ABC Construction's views and commitments with regards to HIV/AIDS and the comprehensive management of HIV positive employees living with AIDS. The policy is also aimed at focusing on aspects of HIV/AIDS which, if not carefully addressed, may impact negatively on ABC Construction's business and/or the well being of its employees. ABC Construction recognises the seriousness and implications of HIV/AIDS for the individual employees, as well as co-workers of affected individuals.

SCOPE - The scope of this policy applies to all staff.

RESPONSIBLE PERSONS - All levels of management; Union members; Health and Safety personnel; All employees

POLICY

ABC Construction acknowledges the seriousness of the HIV/AIDS epidemic and seeks to minimise the social, economic and developmental consequences to the company and its employees through comprehensive, proactive HIV/AIDS workplace programmes, therefore committing itself to providing leadership in implementing such programmes.

ABC Construction is fully committed to protect its employees, create awareness, encourage behaviour changes where necessary as well as ensure that all employees are treated with the necessary dignity, fairness and equality.

ABC Construction commits to the following in as far as HIV and AIDS are concerned:

- HIV positive employees will be governed by the same contractual obligations as all other employees
- HIV/AIDS education and awareness training will be made available to all employees
- Pre and post-test counseling services will be provided for employees wishing to be tested or for those who are infected with the virus.
- ABC Construction will ensure that where necessary, affected employees and their colleagues receive appropriate advice and guidance should such a colleague wish to disclose their status.
- The company will also ensure that affected employees are referred to appropriate professionals for e.g. medical or counseling services.
- Consultation with affected employees in managing their illness will also be ensured.

Confidentiality

Persons with HIV or AIDS have the legal right to confidentiality and privacy concerning their health and HIV status. Under no circumstances will employees be obliged to disclose their HIV status.

Where an employee chooses to voluntarily disclose his/her HIV status to the employer, this information may not be disclosed to any other party without the employee's expressed consent.

All medical information regarding employees with HIV/AIDS will be kept strictly confidential, except where required by law to be disclosed to specified people or with the consent of the employee.

Should any person within ABC Construction disclose such confidential medical information, without legal authority or relevant consent from the employee, appropriate disciplinary action will be instituted.

Testing

No ABC Construction staff member shall be required to undergo HIV testing, unless undertaken with the informed and explicit consent of the employee, and with the objective being to assist the employee in obtaining the appropriate support and care (counseling). HIV testing will not form part of the recruitment and selection process.

Non-discrimination

HIV/AIDS is a disease that shows no racial, gender or class boundaries. ABC Construction believes that a person with the HIV/AIDS must be treated on a similar basis to any other employee suffering from a life threatening disease.

As such, employees who are HIV positive or those with AIDS will not be subjected to any form of victimisation or discrimination

EMPLOYEES AT RISK

Certain employees, such as Safety Representatives and First Aiders are at a minimal risk of contracting a life threatening disease such as HIV/AIDS. However, the risk can be avoided by taking precautions or following infection control procedures. ABC Construction will ensure that correct equipment is provided where necessary.

Definitions / Explanations

Acquired Immune Deficiency Syndrome (AIDS) is a condition that follows an infection with a virus known as Human Immune Deficiency Virus (HIV), which causes a breakdown of the body's natural defence mechanisms leaving the carrier increasingly vulnerable to opportunistic infections and malignant tumours. It is caused by our body being unable to fight infections. At present, there is neither vaccination nor cure for AIDS. HIV is transmitted mostly in four ways:

- Through unprotected sexual intercourse
- From an infected mother to child during pregnancy, birth or breast feeding
- Through contaminated blood products
- Through sharing contaminated instruments such as sex toys or needles

Not all individuals who become infected with the HIV virus will develop AIDS, and some may experience no symptoms at all although they have the potential to infect others. HIV can live in our bodies without obvious effect. Most people with HIV feel healthy and are capable of living productive, healthy lives for many years. HIV does not usually cause immediate incapacity in a person.

RIGHTS AND RESPONSIBILITIES

This draft is in compliance with existing South African laws regarding HIV/AIDS, as well as with the Southern African Development Community (SADC) Code on HIV/AIDS and Employment.

A copy in a MS Word document is available from your MBA safety advisor or your closest MBA office.

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