

HIV AND AIDS POLICY

1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs has formulated a departmental policy on HIV/AIDS on the basis of acknowledging the seriousness of the pandemic and the threats it poses in a workplace and further acknowledging that HIV/AIDS affects productivity especially on young adults who are at the peak of their most productive years. This has an adverse impact on service delivery, costs associated with employee benefits and those incurred by recruitment, training and skilling of a new employee as a replacement. This policy therefore encapsulates commitment of resources, support by departmental officials and its leadership in the implementation of an HIV/AIDS Workplace Programme.

2. DEFINITIONS

AIDS	– Acquired Immune Deficiency Syndrome
Employees	– Employees of the Department of Local Government
Families	– Beneficiaries
HIV	– Human Immune-Deficiency Virus;
Department	– The Department of Local Government
Stakeholders	– Private and Public sector interest parties who have interest in the Department.
Comparable Medical Conditions	– All Chronic Illnesses
Confidentiality	– Legal right of every employee or job applicant to have their medical condition, including HIV status kept private

HIV Testing	- testing designed to reveal the HIV status of individuals including blood tests
Mandatory	- Obligatory
VCT	- Voluntary Counselling and Testing
PSA	- Public Service Act
Infected	- Individual(s) living with HIV
Affected	- Individuals living with, caring and supporting people living with HIV and AIDS
EAP	- Employee Assistance Programme
OHSA	- Occupational Health and Safety Act
Disclosure	- Openly declaring one's HIV status
STI's	- Sexually Transmitted Infections
Nuclear Families	- Husband, wife, and children including legally adopted dependants
Management	- Departmental Executive Management
MIPA	- Men in Partnership Against AIDS
WIPA	- Women in Partnership Against AIDS
CEDAW	- Convention on the Elimination of All forms Discrimination Against Women

3. PURPOSE

This HIV/AIDS policy defines the Department's position and practices for preventing HIV transmissions and for handling infections among employees. The policy provides guidance to supervisors and managers who interact with employees in the workplace on regular basis. The policy seeks to assist families and employees who are infected and affected, addressing issues of stigmatisation, discrimination and isolation of those who are infected and/or affected by the pandemic. It further strives to create an enabling environment for employees who choose to voluntarily disclose their status. It is in the interest of the Department of Cooperative Governance and Traditional Affairs

to maximally retain employee's productive years and lay a foundation for long term strategies.

4. AUTHORISATION

4.1 This policy is authorized by Chapter 2 (Bill of Rights) of the Constitution of the Republic of South Africa, Act No.108 of 1996 and

4.2 National Strategic Policy Framework 2007-2011

5. REGULATORY FRAMEWORK

5.1 Constitution of the Republic of South Africa, Act No.108 of 1996

5.2 Public Service Act, Act No.103 of 1994, as amended

5.3 Public Service Regulations, 2001, as amended

5.4 Basic Conditions of Employment Act, Act No.75 of 1997.

5.5 Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000

5.6 Beijing Platform for Action

5.7 Occupational Health and Safety Act 85 of 1993.

5.8 Employee Equity Act 55 of 1998; 97 of 1998; 9 of 1999

5.9 Compensation for Occupational Diseases and Injuries Act, No. 130 of 1993

5.10 Labour Relations Act, 66 of 1995

5.11 The Medical Schemes Act, No. 131 of 1998

6. POLICY FRAMEWORK

6.1 Recognising that HIV/AIDS is a workplace issue and the Department commits to the following;

- a) To create an enabling environment for employees who are infected and/or affected by the HIV/AIDS pandemic
- b) Commit to develop an integrated approach in addressing HIV/AIDS by establishing and actively participating in partnerships and collaborations
- c) Continuously embark on raising awareness and education programmes on HIV/AIDS to foster attitudinal and behavioural change by the officials and family members of the infected
- d) To promote equality and non-discrimination of employees infected and/or affected by HIV/AIDS.

6.2 Managing HIV and AIDS infected employees

In managing employees who have voluntarily disclosed their HIV status, the Department affirms itself as follows;

- a) HIV and AIDS employees will be provided with additional sick leave days when necessary in line with the provisions of the Public Service (proclamation 108 of 1993).
- b) HIV and AIDS employees shall not be deprived of their full benefits
- c) HIV and AIDS infected employees shall be eligible for the disability retirement in instances where their medical conditions deteriorate to a point that warrants such interventions.
- d) HIV and AIDS infected employees shall be provided with an opportunity and support to subscribe to medical schemes to alleviate the burdens of medical care and expenditures.
- e) The Department commits itself to full retirement benefits for employees who are forced to take early retirement due to HIV/AIDS.
- f) In a case where the employee is still capable of working, managers are advised to arrange suitable positions that will not further risk the health of the official e.g. driver, delivery, working in dusty environment

6.3 Termination of Employment

- a) The employment of HIV/AIDS employees will not be terminated solely on the basis of their status.

6.4 Grievance Procedure

- b) Special arrangement should be taken to ensure that HIV AIDS related grievance proceedings are kept confidential and are held in a private and secured environment.
- c) To do general awareness of all government officials about the goals, objectives and strategies of the

6.5 Employee Assistance Programme

- a) The Transversal Services Unit is obliged to provide care, support and any other assistance needed by employees including those living with HIV/AIDS. It shall also assume the recruitment and capacity building of peer educators.

7. SCOPE OF APPLICATION

The above provisions shall be applicable and supported by all officials within the Department of Cooperative Governance and Traditional Affairs

7.1 HIV/AIDS Testing

- a) The Department affirms that no employee shall be required to undergo compulsory HIV testing. Employees will not be obliged to disclose their HIV/AIDS status and that instead, the Department shall encourage Voluntary Counselling and Testing.

7.2 Confidentiality

- a) The Department shall adhere to the constitutional provisions, in particular, those in the Bill of Rights that provides every person with the right to equality and non-discrimination (section 9), privacy (section 14), fair labour practices (section 23) and access to information (section 32).
- b) The signing of an Oath of Secrecy by all officials assigned with the responsibility of managing HIV/AIDS and other communicable diseases. Further that the Oath of Secrecy also binds all other officials that have access

to this information. In cases where there is breach of confidentiality, disciplinary measures will be undertaken in accordance with the Public Service Act. It is also an obligation on the part of the Department that all the information is kept in a lockable place.

7.3 Statement of Voluntary Disclosure

- a) In instances where an employee chooses/considers voluntary disclosure of his/her status, such information should not be disclosed to any party without prior written consent of the affected employee.
- b) The Department commits itself in providing continuous assistance and support for the employee that has voluntarily disclosed his/her HIV/AIDS status.

7.4 Record-Keeping

- a) Maximum safety measures shall be put in place to safeguard records pertaining to HIV/AIDS information of employees

7.5 The role of the Departmental Management across all levels will be

to:

- a) Ensure effective implementation of the policy';
- b) Continuously build the understanding of referrals to external service providers and their roles in promoting HIV and AIDS awareness.
- c) Aligning programmatic intervention to pursue the implementation of the policy;
- d) Document and regularly report on progress made by respective operations in mainstreaming HIV/AIDS;
- e) Active participation in events that seeks to profile HIV/AIDS interventions, activities and events; and
- f) Those respective operations allocate resources (human, financial, and technical) towards the mainstreaming of HIV/AIDS

7.6 The role of the Departmental Human Resources Directorate

- a) Accelerating the acquisition of skills and capacity-building for managing HIV and AIDS in the workplace;
- b) Support programmes that seeks to change the attitudes and behaviours of management and all employees towards those infected and/or affected by HIV and AIDS;
- c) Collaborate with the HIV and AIDS Coordinator in policy analysis and review processes to ensure sensitivity and responsiveness to employees or job applicants that are infected and/or affected by HIV/AIDS including recruitment, selection and all other policies; and
- d) Ensure adherence to the Occupational Health and Safety Act.

7.7 HIV/AIDS Coordinator

- a) Liaise and network with all other stakeholders and role-players in the HIV and AIDS sector to ensure that the Department is well presented and abreast of developments
- b) Provide Leadership in the HIV and AIDS programme within the Department including leading the integration in various operations by providing advice and support
- c) Initiate comprehensive strategies and mechanisms for information dissemination and on-going sensitisation of employees of the Department
- d) Advise and support all operations within the Department to integrate HIV and AIDS thereby extending the programme's ownership across all levels of the Department
- e) Assume leadership and implementation responsibilities of the comprehensive HIV/AIDS Workplace Programme for the Department
- f) Advise and provide strategic direction for HIV/AIDS Workplace programme for long-term sustainability

7.8 The Role of Other Employees

- a) To support and actively participate in all HIV and AIDS programmes
- b) To respect confidentiality of all information regarding other officials HIV and AIDS status.

8. PROCEDURE FOR AMENDMENT OF THE POLICY

The amendment of this policy shall be done in accordance with the changing legal frameworks and shall be subjected to approval by the Head of Department.

9. MONITORING , EVALUATION AND REPORTING

The Department through its delegated structures shall monitor and evaluate effectiveness of the implementation and report to the Head of the Department on an annual basis.

APPROVED/NOT APPROVED

MR.S NGUBANE
ACTING: HEAD OF DEPARTMENT
DATE: _____