



NATIONAL WORKPLACE POLICY
ON
HIV and AIDS

Ministry of Labour

GRENADA

February 2015

Preface

Grenada's response to HIV/AIDS pandemic has been that of high-level political commitment and collaboration with both local and international partners. In the same spirit, this policy has been developed through a joint effort by government, employers, workers, civil society organisations, and the private sector.

The ILO code of practice on HIV/AIDS and the world of work has been used as a guiding tool during the development of this policy. The aim of the national policy is to provide a framework for prevention of further spread of HIV and mitigation of the socio-economic impact of the epidemic within the world of work.

This policy recognises HIV/AIDS as a workplace issue, which should be treated like any other serious illnesses/conditions in the workplace. It emphasizes the importance of promoting and protecting human rights, participation of people living with HIV/AIDS, gender equality as well as prevention, care, support and treatment as the major tools to be used in addressing the impact of HIV/AIDS in the world of work.

This policy will guide the overall response to HIV/AIDS in the world of work in Grenada. I therefore call upon all the other stakeholders to emulate the Governments' commitment in the fight against HIV/AIDS, which is one of the greatest challenges of mankind in this century.

This national policy has marked yet another milestone in the Government's determination and commitment to protect the rights and dignity of all workers irrespective of their HIV status. The main objective is that of promoting decent work in the face of the HIV/AIDS pandemic.

Hon. Elvin Nimrod

MINISTER for LABOUR

Foreword

The Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS) are of fundamental concern to the world of work, because the great majority of people at risk of infection and developing AIDS are of working age. It significantly affects the patterns of employment and production at the sector and aggravates poverty at individual levels.

This policy focuses on the work place, where the majority of the working population spends most of their active lifetime. The Human Immunodeficiency Virus was first reported in Grenada in 1984; however focus on the workplace is still inadequate. It is therefore essential to develop a clear national policy to safeguard workers with HIV and guide the response to HIV within the world of work.

This national policy is a timely and much needed contribution towards the nationwide efforts to meet the challenges of AIDS and it is expected to stimulate a significant impact. The National Policy on HIV/AIDS and the World of Work covers all workers and prospective workers, all employers and prospective employers from the public and private sectors both formal and informal. It also covers all workplaces and contracts of employment including the informal sector and the self-employed as well as all practices related to human resources that form part of the policy component of any organisation.

The policy spells out the key principles underlying its implementation namely: non-discrimination; confidentiality; HIV testing; greater involvement of Persons Living with HIV/AIDS ; promotion of prevention; treatment, care and support; and gender concerns in the world of work. The goal is to provide a framework for prevention of further spread of HIV and mitigation of the socio-economic impact of HIV/AIDS within the world of work.

The policy also outlines the roles of key stakeholders from government, employers, workers, private sector including the informal, people living with HIV/AIDS and civil society organisations. This national policy has been developed through a consultative process, culminating with a presentation at the Sustainable Development Council of Grenada.

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Definitions and Abbreviations

- Affected Person** is any human being whose life has been changed in any way by HIV/AIDS due to the broad impact of the epidemic. It includes, but not exclusive to, a person who is infected with the virus or any person in close relation to that infected person, such as a family member, friends and the wider community
- AIDS** Acquired Immune Deficiency Syndrome, a cluster of medical conditions, often referred to as opportunistic infections and cancers resulting from the breakdown of the immune system
- Anti-retroviral drugs** Medications used to inhibit the multiplication of HIV in the human body. Specific combinations are used in the treatment of HIV Infection
- ART** Antiretroviral Therapy
- Confidentiality** the right of every person to have their health and personal information kept private.
- Decent Work** Respect for the fundamental principles and the right to work, be employed and have income generating opportunities social protection, social security, social dialogue and tripartism at work
- Discrimination** The unfair and unjust treatment of an individual by an organization or by other workers in the workplace based on the HIV status or perceived HIV status
- Employer** The Government of Grenada as represented by the Permanent Secretaries, Private Sector as represented by the Chief Executive Officers and Managers, Heads of Department and anyone who offers wages/salaries or give instructions to persons under their direct supervision
- Employee** any person working under any form of arrangement, be they temporary, voluntary or permanent
- Gender Differences** in the social roles, status, responsibilities and power accorded to males and females based on their biological sex

HIV	Human Immunodeficiency Virus that attacks and weakens the human immune system by attaching itself to, and destroying important cells that control and support the immune system. It may ultimately destroy the human immune system, resulting in AIDS.
HIV negative	The absence of HIV in an individual's body. This can be ascertained by specific tests to detect HIV infection
HIV positive	The presence of the virus (HIV) in a person's body ascertained by specific medical tests to detect HIV infection
ILO	International Labour Organization
Opportunistic Infections	Illnesses caused by various organisms which do not necessarily cause disease in persons with healthy immune systems to the organs of the body.
Peer Educator/Counsellor	A trained person who develops and implements a program to meet the social, psychosocial, educational and/or training needs of members of the social group.
Physician	A trained medical doctor licenced to practice medicine in Grenada
PLWHA	Persons Living with HIV or AIDS
PMTCT	Prevention of Mother to Child Transmission
Post Exposure Prophylaxis (PEP)	Measures to be instituted after possible exposure to HIV
Public Sector	the entity which manages and regulates the affairs of the country under the Government of Grenada
Prophylaxis	Treatment given or action taken to prevent the disease

Reasonable accommodation	Modifications/adjustments to the work environment or the job that is reasonably practicable enabling persons living with HIV and AIDS to have access to or participate in active employment
Screening	Measures, whether direct HIV testing or indirect (assessment of a person's risk taking behaviour) to ascertain the status of an employee or job applicant. It may also include the questioning of a person as to tests already taken, medication or any relevant matter
Social Dialogue	The process of consultation and negotiation between management and workers on any work related issue including the effective management of HIV and AIDS in the workplace
Stigma	The labelling of persons living with, affected by or associated with HIV and AIDS
Tripartite	Equal participation and representation of Government, employers' and workers' organizations at the national, sectoral and organizational levels
Undue Burden	financial or other constraints imposed on the business due to the provision of reasonable accommodation for employees living with HIV/AIDS
Universal Precautions	A simple standard of infection control practices to minimize the risk of infection by blood borne pathogens. The practice of treating ALL cases although there is the possibility of HIV infection
VCT	Voluntary Counselling and Testing
Vulnerability	Socio economic disempowerment, cultural or other contexts, or work situations that make workers susceptible to the risk of HIV infection
Workplace	A place where workers perform their activity

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The members represented the following organizations: Grenada Employers' Federation, Grenada Trades Union Council, Ministries of Health, Social Development, Education, Foreign Affairs and Legal Affairs.

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Special thanks to the staff of the Ministry of Labour for their contribution and to the Chairman – Mr. Michael A. D. Horsford.

1. Introduction

According to the International Labour Organisation in its Recommendation concerning HIV and AIDS in the world of work, 2010, the HIV/AIDS epidemic is now a global crisis, and constitutes one of the most formidable challenges to development and social progress. Specialists predict that the epidemic can erode gains achieved over decades in development, and has the potential to undermine the economy with associated adverse social and political implications.

HIV and AIDS are also major threats to the world of work with a youthful population, since the most affected groups coincide with the economically productive and mobile ages of 15 to 54 years. As expected, HIV and AIDS affect the formal and informal sectors through increased expenditure on medical bills, welfare and burial expenses as well as increased insurance premiums.

Additional cost will be incurred to train, hire or recruit workers to replace those who are unable to work because of HIV and AIDS related illness or disability. Of greater concern is the unwarranted stigma and discrimination against workers and persons living with HIV or AIDS. HIV sickness and death from AIDS can also result in more children entering the workforce for survival of their families, which can exacerbate the worst forms of child labour at the workplace.

The situation is worsened by the fact that women have a recognised role of providing care in the family as well as in the community. Their work is more likely to be interrupted, either through their own illness or the need to provide care to someone close to them. Consequently, women and children are more vulnerable to the socio-economic impact of HIV/AIDS.

The National Policy on HIV/AIDS and the World of Work provides the principles and framework for a national response. This policy forms the basis for the development of workplace policy guidelines, which address specific issues related to the workplace response to HIV and AIDS. The policy applies to all employers and workers, including applicants for work, within the public and private sectors. It also applies to all aspects of work, both formal and informal.

This policy was developed as part of the national response to HIV and AIDS in the world of work. This directive emanates from the National Policy on AIDS which designates the Ministry of Labour, as the government institution to take the lead in developing the policy; and to provide the broad guidelines related to the sector level intervention. The policy aims to promote the Decent Work Agenda in spite of the epidemic and is in keeping with the commitments to the ILO Convention.

It is expected that key stakeholders will utilize this Policy as the basis for development of their own policy guidelines that support the response to HIV/AIDS within their specific workplace situations to ensure a uniform and fair approach to the management of HIV and AIDS, and the impact in the world of work. It is a dynamic document that will guide the planning and mounting of a response to HIV and AIDS within the world of work, and will be periodically reviewed and updated based on the results from monitoring the impact of HIV and AIDS within the world of work.

This policy was formulated in consultation with the tripartite body which comprises the Trades Union Council and the Grenada Employers Federation and the Ministry of Labour. This policy reflects the International Labour Organisation (ILO) Convention 111 and Recommendation 200; and the ILO Code of Practice to ensure a consistent and equitable approach in the management and response to reducing the stigma and discrimination of persons living with and affected by HIV/AIDS.

2. Background

In recognising the global pandemic of HIV and AIDS, the United Nations General Assembly (UNGA) convened a Special Session in 2001, at the end of which a Declaration of Commitment to HIV/AIDS entitled Global Crisis – Global Action, was adopted. Three decades into the AIDS pandemic, ten years after the adoption of the Declaration of Commitment on HIV/AIDS and five years after the adoption of the Political Declaration on HIV/AIDS, Member States reviewed progress at the 2011 UN General Assembly High Level Meeting and also agreed to chart the future course of the global AIDS response.

In these high level meetings of the United Nations, it was recognized that the HIV prevention programs were failing to reach those at greatest risk, and that further interventions were needed to address stigma and discrimination associated with HIV and AIDS. There is no doubt that the stigma and discrimination are key barriers to access to prevention, treatment and support programmes.

In Grenada, the first HIV case in Grenada was in 1984, more than twenty years ago. HIV and AIDS are no longer localized diseases, but a nation-wide problem. While the Ministry Of Health, with the National AIDS Unit has made progress in understanding it, challenges still remain. There is still no vaccine or cure for the infection and the number of people who are infected by HIV continues to increase.

The national response to the epidemic has been characterized by open and participatory policy as well as top-level political commitment. The open and concerted response to HIV and AIDS and the surveillance work by the team has reaped benefits. The Voluntary Counselling and Testing service offered gives citizens an opportunity to confront the disease with knowledge that there is confidentiality.

Between January and July of 2014, the Ministry of Health has reported 15 new cases of HIV, of which 12 are males and 3 are females. The number of AIDS related deaths for the period ending July 31st 2014 are six (6) of which four are males and two are females. The fifteen to fifty four (15 – 54) age range accounts for four hundred and thirty four cases representing eighty three (83%) of the total cases. Of these cases, two hundred and seventy eight are men and one hundred and fifty six are women.

The statistical data published by the Central Statistical Office shows that Grenada has a youthful and productive population. Since the majority of the population is within the working age, HIV/AIDS poses a great threat to livelihood and the economy. This epidemiological profile reveals that persons between the ages of 15 and 49 are the most affected by the virus. This group represents the reproductive and most productive sector of our society.

2.1 Policies and related Instruments

Legislation

Grenada has no legislation on HIV and AIDS with respect to the workplace. However, in the ILO Rapid Mapping Exercise entitled HIV/AIDS and the World of Work – Grenada, there was widespread recognition of the need for legislation to protect the rights of persons living with HIV and AIDS.

2.2 Policy and Strategy

The Government of Grenada is mindful of the implications for small island states like Grenada. The GoG recognises the threat that HIV and AIDS pose to the productive segment of the labour force, the socio economic

impact of the disease on families and communities through reduced earning capacity. Likewise, the GOG will be impacted by the high medical costs; loss of skilled persons and a reduced population.

The Ministry of Health has developed a policy of HIV and AIDS in Grenada in 2007 with the goal of reducing the incidence of infections and to improve the quality of life of persons living with and affected by HIV and AIDS. In addition, the policy elucidated on HIV and AIDS in the Workplace and highlighted the role and responsibility of the employers, the Trade Unions and the Ministry of Labour.

The National HIV/AIDS Strategic Plan 2009 – 2015 aims to strengthen the national response in the following strategic areas:-

- Prevention
- Stigma and Discrimination reduction;
- Universal access to treatment and care services;
- Support for Persons affected by HIV;
- Governance and institutional systems
- Strategic information.

In 2008, the Trades Union Council produced a policy document on on HIV/AIDS in the Workplace, in which the GTUC and its affiliates commit themselves in ensuring that all persons living with and affected by HIV AIDS and other life threatening diseases are not discriminated against. The GTUC further reiterated its commitment to education and prevention activities being integrated into occupational health and safety programmes, and to provide care and support for persons living with HIV and AIDS.

This policy is based on the ILO Recommendation concerning HIV and AIDS and the world of work 2010 (No 100) and the accompanying Resolution for the promotion and implementation of the Recommendations which reflect the strong support of the tripartite constituents. The policy is also premised on the Constitution and in accordance with the Constitution, the Labour Laws of Grenada, the ILO Code of Practice; and other national and regional policies and instruments including the regional consultative workshops organised by the CARICOM Secretariat; and managed by the Caribbean Tripartite Council.

The policy was developed to ensure a consistent and equitable approach in the management of, and response to reducing the stigma and discrimination of persons living with, and affected by HIV and AIDS in consultation with the tripartite body. The policy was developed by a tripartite committee and is the result of extensive consultation with

representatives of employers, workers, public and private sector representatives, and persons living with HIV and AIDS.

3. HIV, AIDS and the World of Work

In this Policy, the 'world of work' refers to the environment within the workplace comprising workers and employers as well as the socio-economic aspects/relations that exist at the workplace. It embraces the unique tripartite structure and approach of the International Labour Organisation (ILO), which ensures that representatives of Government, employers and workers have a forum for negotiation, consultation or exchange of information on issues of common interest related to the workplace.

HIV and AIDS strike hard at the most vulnerable groups in society including the poorest of the poor, women and children, exacerbating existing problems of inadequate social protection, gender inequalities and child labour. HIV and AIDS disrupt production by affecting the work force both directly and indirectly. Absenteeism due to that is related to HIV and AIDS, leads to direct loss in productivity. Furthermore, there is an increase in medical and welfare costs that eventually includes funeral and burial expenses for the workers and/or their immediate families.

On the other hand, the disease disrupts production through reduction in supply to the work force that results from loss of workers and changes in the composition as the skilled and experienced workers succumb to AIDS. A high turnover in the workforce also means that more resources will be spent on training and education of new groups of workers.

While the empirical evidence is not available, that both government and private savings are being squeezed by the HIV and AIDS epidemic, it creates a vicious cycle by reducing economic growth, which can lead to increased poverty, which in turn facilitates further spread of HIV as a result of reduced household expenditure on health and nutrition, and the likelihood of 'sex for money'.

The workforce is particularly vulnerable in respect to exposure to HIV because workers spend a significant proportion of their daily hours of activity within the workplaces. This gives a lot of opportunity for social interaction of a sexual nature with people who are not spouses, or regular partners. This scenario provides a fertile ground for spread of HIV unless specific precautions are taken to reduce risk of transmission within the world of work.

HIV and AIDS may disrupt production, can lead to discrimination in employment, heighten gender problems of imbalance and inequity, and increases the burden on women. Therefore, there is need to effectively and sustainably, address these and other effects of HIV and AIDS in the world of work.

In Grenada, some private businesses have initiated their own institutional efforts and interventions to deal with HIV/AIDS and its effects in their workplaces. However, there is need to put in place a national policy that guides the overall response to HIV/AIDS within the world of work.

3.1 Human Rights

The Grenada 1973 Constitution Order guarantees the fundamental human rights and freedom for all persons in the country.

3.2 The Gender Dimension of HIV/AIDS

It should be recognised that HIV and AIDS affect women and men differently. There are extenuating circumstances in which women will be more severely affected differently such as:-

- The informal sector is dominated by women who are heads of households. Recently, the National Insurance Board (NIB) has made it mandatory for self employed persons to be registered and to receive NIS benefits. This is not widespread.
- Caring for HIV-infected family members is usually the responsibility of women and girls;
- Women are historically the victims of social stigma and discrimination;

3.3 Labour Legislation

The legal instruments which needs amendment to reflect HIV and AIDS in the workplace are the following:-

- Grenada Constitution
- Grenada Labour Code
- NIS Act (Workmen's Compensation)
- Factories Act
- Accident and Disease
- Agricultural Workers Amenities Act

4. Scope

The National Policy on HIV/AIDS in the world of work will apply to:

- All workers and prospective workers from the public and private sectors, both formal and informal
- All employers and prospective employers from the public and private sectors, both formal and informal
- All workplaces and contracts of employment including the informal sector and the self-employed
- All practices related to human resource that form part of the policy component of any organisation

The policy on HIV/AIDS and the world of work covers the following areas:

1. Non-discrimination on the basis of known or perceived HIV status
2. Confidentiality
3. HIV testing within the workplace
4. Greater involvement of people living with HIV/AIDS
5. Promotion of prevention, treatment, care and support
6. Gender concerns in the world of work

This policy document will be applicable to persons employed in uniformed services, migrant workers and workers in all sectors of economic activity.

4.1 Goal

The goal of the national policy is to provide a framework for prevention of further spread of HIV and mitigation of the socio-economic impact of HIV/AIDS within the world of work in Grenada.

4.2 Objectives

1. To provide guidelines for employers, workers and the Government on prevention, management and mitigation of the impact of HIV/AIDS within the world of work

2. To provide guidelines for employers, workers and the Government in order to eliminate stigma and discrimination within the world of work on the basis of perceived or real HIV status
3. To provide a framework for monitoring and evaluating the effectiveness of measures taken to combat HIV and AIDS within the world of work
4. To provide a framework for monitoring and evaluating the impact of HIV/AIDS within the world of work
5. To promote care, treatment and support within the world of work for people living with HIV and AIDS

4.3 Outputs of Policy Implementation

Implementation of the policy is expected to yield the following:

- a. HIV/AIDS prevention, management and mitigation activities **present** in the world of work
- b. Stigma and discrimination on basis of HIV status eliminated from the world of work
- c. Effectiveness of measures to combat HIV **monitored** within the world of work
- d. Impact of HIV/AIDS mitigation **monitored** within the world of work
- e. Support and referrals to appropriate care and treatment to people infected and affected by HIV and AIDS within the world of work
- f. Greater quantitative knowledge and awareness on HIV/AIDS present within the world of work.

5. Policy Statement

The Government of Grenada in collaboration with employers, workers and trade unions including all organisations representing PLWHAs is committed to providing a safe and healthy work environment that enables productivity and normal life within the workplace.

The Government further commits to the implementation of a pro-active and comprehensive HIV and AIDS workplace programme which includes:

- Articulation with respect to HIV and AIDS in the Workplace;
- An open, informed and safe working environment through employee education programme; and
- Provision of an environment that has zero tolerance for stigma and discrimination against persons known or perceived to be affected by HIV and AIDS.

5.1 GUIDING PRINCIPLES

The guiding principles that underpin this policy are based on scientific knowledge of the impact of HIV and AIDS, epidemiological knowledge about the distribution and transmission of HIV and proven intervention and care. In addition, recognition is given to the rationale for respecting the human rights, privacy and self determination of persons living with HIV/AIDS, in line with the Grenada Constitution. The policy aims to protect persons living with HIV and AIDS, and sets standards so that tripartite members and other stakeholders can work collectively to manage, reduce and ultimately, eliminate the spread of HIV and AIDS.

The following principles must be respected:

5.1.1 Recognition of HIV and AIDS as a Workplace Issue

- HIV/AIDS should be recognized and treated as a workplace issue and should be treated like any other serious illness/condition in the workplace.

5.1.2 Non Discrimination

- No termination of employment on grounds of positive HIV status. Infected persons should be able to work as long as they are able to perform their duties in available, appropriate work;
- Access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS. The workplace should play a role in facilitating access to these services;
- Protection of rights of PLWHA's in the areas of advancements, promotions, benefits, discharge, discipline, layoffs, privileges of employment, compensation, training and other terms of employment;
- No victimization nor refusal to work with a fellow employee or employer infected or affected by HIV/AIDS;
- The protection of workers in occupations that are particularly exposed to the risk of HIV transmission
- Workers benefit, including medical schemes should not discriminate, directly or indirectly against any person on the basis of HIV status.

5.1.3 Confidentiality and Non disclosure

- An individual's health condition is a private matter. Access to personal data relating to the workers' medical profile should be bound by confidentiality consistent with ILO Code of practice: Protection of Workers' Personal Data 1997.
- Protection of the fundamental right to privacy. No obligation by the worker to inform an employer or other workers of his/her HIV status;
- Where a worker chooses to voluntarily disclose his or her HIV or AIDS status to management, this information should not be disclosed to others without the worker's expressed consent.

5.1.4 HIV Testing

- No compulsory HIV testing requirement for recruitment, promotion or career development, in particular employees, job seekers and job applicants on the grounds of real or perceived HIV status;
- HIV testing within the world of work should be conducted in accordance with the national policy guidelines for voluntary counselling and testing.

5.1.5 Gender Equality

- Promotion of gender awareness with respect to roles, sexuality, relationships and norms as these influence HIV/AIDS prevention, care, treatment and support activities in the world of work.
- Gender specific programmes at the workplace should seek to inform men and women of their rights and responsibilities.
- Promotion and prevention options that target males and females equally within the world of work for the reduction of women's and men's vulnerability to HIV;
- Response to HIV/AIDS within the world of work must be sensitive to the critical role played by women and girls in providing care to sick family members and the community;

5.1.6 Greater Involvement of People Living with HIV/AIDS

- Employers and workers should create space within the workplace for the involvement and active participation of persons living with HIV/AIDS in all prevention, care and mitigation activities. This will strengthen the response to the epidemic by putting a human face and voice to persons not directly affected;
- Social partners should initiate, develop and encourage support groups for workers living with HIV/AIDS and to ensure that persons are not stigmatised or subject to discrimination.

5.1.7 Promotion of Prevention, Treatment, Care and Support

Prevention, treatment, care and support must be addressed simultaneously in the work place. Critical areas include the following:-

- Promotion of voluntary counselling and testing services for HIV within the workplace and related places;
- Regulation of HIV related goods and services for HIV;
- Promotion of a healthy and safe working environment that contributes to prevention of HIV in the workplace;
- Provisions on guidelines for the management of accidental exposure to HIV within the workplace;
- Employers shall develop and implement extensive educationally based training programmes for all employees in collaboration with the relevant agencies that exist;
- Provide the necessary care and support for family members who are infected
- Information should be made available to all employees that are easily accessible within the workplace.

5.2 Policy Implementation Strategies

Advocacy and leadership are essential in streamlining the response to HIV/AIDS within the world of work. The workplace must take the lead and be proactive in creating awareness about HIV/AIDS within the world of work. The tripartite structure promoted by the International Labour Organisation (ILO) reflects the conviction that the best solutions arise through social dialogue in the form of national tripartite consultations and cooperation involving the Government, employers and workers for collective bargaining at the enterprise or institutional level.

The National Policy on HIV and AIDS developed by the Government of Grenada designates the Ministry of Labour the responsibility to develop national programmes of action on HIV and AIDS in the context of the world of work. Further, the Ministry of Labour is responsible for collaborating with social partners on the International Labour Organisation instruments to give effect to the 2001 ILO Code of Practice on HIV/AIDS and the world of work.

The Ministry of Labour in collaboration with the Tripartite HIV/AIDS Workplace Policy Committee and the National HIV/AIDS Council will be responsible for the implementation of this Policy. The Labour Commissioner will be the Focal Point on the overall implementation of this policy.

Each workplace shall designate a focal point for the purpose of creating a coordinating mechanism for the implementation of this policy

The implementation will include:-

- Collaboration with the joint health and safety committee that will be responsible for ensuring that the policy is being effectively implemented and adhered to.
- Providing appropriate education and training programmes for the employers and employees of the organization.
- Providing gender sensitive education and information on how to prevent the transmission and spread of HIV.
- Assessing the impact of the epidemic on the workplace and the needs of the workers living with and affected by HIV/AIDS with ongoing program evaluation.
- Further develop and implement prevention initiatives as necessary and appropriate.
- Monitor the implementation of the national workplace policy
- Report to the National AIDS Council on the progress of the national workplace policy periodically
- Periodic review of the policy.

5.3 Government

The Government has a key role to play in the implementation of an effective response to HIV/AIDS prevention and control. The role will be to create the enabling framework of policies and laws to effect public and private action.

These actions will ensure that those affected by the epidemic are protected from all forms of discrimination and stigmatisation. The Ministry of Labour shall implement legislative and administrative

measures to protect PLWHA from discrimination, to ensure confidentiality and to prevent termination of employment on the basis of their HIV/ AIDS Status.

5.4 Employers

Employers should:

- Work in partnership with employees and their representatives to develop a workplace policy and programme;
- Institute appropriate policies that protect the rights of workers, including the right to non discrimination and to confidentiality of HIV status;
- Ensure implementation of workplace programme including Employee Assistance programmes;
- Where appropriate, provide reasonable accommodation for workers living with HIV and AIDS;

5.5 Employees

Employees should:-

- Participate in programmes offered by the employer designed to provide information on all aspects of HIV and AIDS;
- Follow agreed procedures for the handling of workplace accidents which may result in an exposure to blood and other fluids;
- Refrain from behaviour detrimental to the health and safety of others; and ensure that the respect and dignity shown to co-workers is not adversely affected by the knowledge that the co-worker is a person with HIV or AIDS.

5.6 Trade Unions

Trade Unions should:

- Inform the membership of the pertinent issues related to the protection of workers' rights, including those with HIV and AIDS;
- Ensure confidentiality the health status of workers;
- Ensure Non-discriminatory practices;
- Provide Education and training programmes for members;
- Include provisions to protect workers living with HIV and AIDS in collective bargaining agreement;
- Integrate the ILO Code of Practice into existing and new working agreements;

6. Monitoring and Evaluation

The Ministry working in collaboration with tripartite partners shall encourage the smooth implementation of this policy at the workplace.

In order to encourage compliance with this policy,

- I. The National HIV and AIDS Workplace Committee will be responsible for the monitoring and Evaluation of this policy through the Labour Commissioner;
- II. The National HIV and AIDS Workplace Committee will develop an implementation plan to assess the progress of the implementation;
- III. The Labour Officers will be responsible for the monitoring of the policy and shall submit monthly reports to the Labour Commissioner;
- IV. Quarterly Reports shall be submitted to the Permanent Secretary.
- V. Grievance, misunderstanding or conflict arising out of the implementation of this policy, shall be subject to the provisions of the Labour Code and related Acts, and other workplace redress mechanisms;
- VI. This policy will be reviewed every 2 years.

The proposed indicators for monitoring and evaluation are contained in Annex 4

7. Endorsement

This policy shall be submitted to the Sustainable Development Council, the Senior Managers Board and the Cabinet for endorsement. The approved document will be made available to key stakeholders including the Chair of the National AIDS Council.

APPENDICES

APPENDIX 1

Guidelines on Adapting the Policy At The Organizational Level

The following are guidelines for organizations to adapt this policy to the needs of their organizations which should be based on a number of varying factors inclusive of size, financial and human resources

1. The organization should appoint a focal point or a committee consisting of representatives from management, employees and union representative, if available. The committee should work closely with the health and safety committee and be responsible for ensuring that the various aspects of the policy are effectively implemented and adhered to. In some cases where human resources and other resources are limited, the organization may opt to broaden the scope and mandate of the existing health and safety committee to include the responsibility for ensuring that the various aspects of the policy are being effectively implemented and adhered to.
2. The terms of reference of the responsible parties as identified above including scope of work and level of decision-making authority should be determined either by the responsible parties, or both.
3. The responsible parties should examine the needs of the organization, and review the framework at the national level in order to determine how the policy framework can adjust to the specific workplace. In order to make this process more meaningful, a confidential baseline study should be conducted in order to determine the level of awareness and knowledge about HIV and AIDS among employees.
4. The responsible parties should also assess the additional resources that already exist, both within the organization as well as outside of the organization, which they can draw on to make the process more effective. These resources may include legislation, existing policies in the workplace such as policies on acceptable performance standards, policies on discrimination etc; national HIV and AIDS committees, occupational health professionals employed in the workplace, national policies on issues related to HIV and AIDS etc.

5. The responsible parties should draft the revisions to the policy framework and a work plan having done the appropriate needs assessment and stakeholder consultations.
6. The draft policy and work plan should be circulated to the staff for feedback. In some cases it may be necessary to guide the staff through the process by having sessions with them to explain the content of the draft document, and solicit their feedback on the document. If this approach is used, the facilitator, who could either be an existing employee or may be an objective person hired by the organization for this purpose, would capture the feedback from the group(s) to be incorporated in the document. Another approach would be to utilize the committee members to get feedback from their constituents. This approach would allow for more honest and open feedback, and would yield a final document that truly captures the needs and interests of the employees in the organization.
7. Once the feedback is captured and the workplace policy and work plan are finalized, the responsible parties should identify additional persons to be responsible for the implementation of the workplace policy and work plan, and identify appropriate resources and timelines for the various activities in the work plan.
8. The workplace policy and work plan, with the list of persons:
 - (a) Should be made available to all employees. In some cases, where financial constraints may be a consideration, copies of this information should be placed at strategic points for employees to access when necessary. The dissemination of information should include educational sessions for employees to highlight key aspects of the workplace policy and work plan, especially emphasizing their responsibility in ensure adherence to clauses contained in the policy.
 - (b) The policy should include redress or consequences for breaches of any of the provisions contained therein.
9. The responsible parties should establish a monitoring mechanism to ensure the implementation of the work plan and continuous review of the impact of the policy.

APPENDIX 2

Stakeholder Responsibilities

Responsibility of Employers

Employers must:

- Work in partnership with employees and their representatives to develop a workplace policy and programme.
- Institute appropriate policies that protect the rights of workers, including the right to non-discrimination and to confidentiality of HIV status.
- Ensure the implementation of workplace programmes.
- Where appropriate provide reasonable accommodation for workers affected by HIV or AIDS.
- Ensure satisfactory performance of workers.

Responsibility of Employees

The employee must:

- Participate in programmes offered by the employer designed to provide information on all aspects of HIV and AIDS;
- Follow agreed procedures for the handling of workplace accidents which may result in an exposure to blood and other body fluids;
- Refrain from behaviour detrimental to the health and safety of others;
- Ensure that the respect and dignity shown to co-workers is not determined by the knowledge that the co-worker is a person with HIV or AIDS.

APPENDIX 3

Gender issues at the workplace

Aspects of inequality

Women with low status in society, and less access to income-generating opportunities are vulnerable to the economic impact of HIV and AIDS. Women are more likely to be in the urban informal sector, in subsistence farming, and sometimes in the most poorly paid jobs in the formal sector. This means a low income for many and little social or economic security, in terms of savings, insurance or social security.

Violence against women at the workplace

Women may find themselves in positions of weakness and dependence at the workplace which easily lead to sexual harassment and abuse.

The Gender Dimension¹

HIV and AIDS affect women and men differently in terms of vulnerability and impact. There are biological factors which make women more vulnerable to infection than men and structural inequalities in the status of women that make it harder for them to take measures to prevent infection, thus intensifying the impact of AIDS on them.

- Many women experience sexual and economic subordination in their marriages or relationships, and are therefore unable to negotiate safe sex or refuse unsafe sex.
- The power imbalance in the workplace exposes women to the threat of sexual harassment
- Poverty is a noted contributing factor to AIDS vulnerability and women make up the majority of the world's poor; in poverty crises, it is more likely to be a girl child who is taken out of school or sold into forced labour or sex work.
- The burden of caring for HIV-infected family and community members fall more often on women and girls, thus increasing workloads and diminishing income-generating and schooling possibilities.

¹ Adapted from **How to Deal with HIV AND AIDS in the Workplace – ILO Programme on HIV AND AIDS and the world of work (ILO/AIDS)**

- Sexist property, inheritance, custody and support laws mean that women living with HIV and AIDS, who have lost partners or who have been abandoned because they are HIV positive, are deprived of financial security and economic opportunities
- Men are more likely to take health and sexual risks which put them at greater risk.
- Studies show the heightened vulnerability of women, compared to men, to social stigma and ostracism associated with AIDS, particularly in rural settings, thus leaving them shunned and marginalized; this again increases the pressure on them to survive through sex.
- The work that women carry out – paid or unrecognized – is more easily disrupted by AIDS: for example, women dominate the informal sector where until recently, there was no social security coverage for self employed persons. Fewer women than men are covered by social security or occupation-related health benefits.
- Self employed persons still remain unregistered with the National Insurance Scheme including women.
- Men are over-represented in a number of categories of vulnerable workers, and may also find themselves through their employment in situations which expose them to unsafe sex between men.
- Given the prevailing power relations between men and women, men have an important role to play in adopting and encouraging responsible attitudes to HIV and AIDS prevention and coping mechanisms.

APPENDIX 4

Proposed Indicators for Monitoring the Impact

Monitoring of the socio-economic impact of HIV/AIDS in the world work following implementation of the workplace policy can be monitored through periodic surveys that are conducted using indicators that could be adapted from the following:

1. Openness about HIV/AIDS

Openness about one's HIV status is geared to reduce stigma at the workplace and is a reflection of a strong prevention programme / effort. With reduced stigma at the workplace, more workers will be expected to be open about their HIV status. This may be indirectly related to the implementation of the Policy, which encourages social dialogue that involves cooperation between the employers, workers and government as well as the people living with HIV/AIDS.

Definition:

No. of workers who voluntarily and openly declare their HIV status in a year Total/ number of workers officially known to be infected with HIV

2. Care and Support of PWHAs

The Policy promotes the principle that access to care and support should be made available to all workers including persons living with HIV/AIDS and their dependants without discrimination. If this principle is practiced, then the proportion will be one or close to one. The definition of care and support will be in line with the organisation or institution's regulations.

Definition:

No. of HIV infected workers receiving care and support in a year/ Total number of workers officially known to be infected with HIV in the year

3. Availability HIV/AIDS workplace policies and guidelines

The Policy clearly stipulates that workplaces should have HIV/AIDS policies and guidelines. The policy guidelines will address the principles that are outlined within the national Policy. All the principles are taken to be equally important and organisations will be in three groups according to whether they have written documents referring to the principles:

Category Index

- a. No policies or guidelines 0
- b. Some policies and guidelines exist 1-3
- c. All policies and guidelines exist 4

APPENDIX 5

Relevant ILO Conventions, Recommendations, Codes of Practice And³² Guidelines

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

Termination of Employment Convention, 1982 (No. 158), and Recommendation (No. 166).

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Collective Bargaining Convention, 1981 (No. 154)

Occupational Safety and Health Convention, 1981 (No. 155), and Recommendation (No. 164).

Occupational Health Services Convention, 1985 (No. 161) and Recommendation (No 171).

Employment Injury Benefits Convention, 1964 (No. 121)

Social Security (Minimum Standards) Convention, 1952 (No. 102).

Nursing Personnel Convention, 1977 (No. 149).

Migration for Employment Convention (Revised), 1949 (No.97)

Part-Time Work Convention, 1994 (No. 175)

Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190)

Management of alcohol and drug-related issues in the workplace: An ILO code of practice (Geneva, 1996).

Protection of workers' personal data: An ILO code of practice (Geneva, 1997).

² Adapted from **How to Deal with HIV AND AIDS in the Workplace – ILO Programme on HIV AND AIDS and the world of work (ILO/AIDS)**

ILO: *Technical and ethical guidelines for workers' health surveillance*, Occupational Safety and Health Series No. 72 (Geneva, 1998).

Code of practice on managing disability in the workplace (forthcoming).

APPENDIX 6

Selected Educational and Training Material and Other Information⁴

American Federation of Government Employees: *An AFGE guide: Women and HIV AND AIDS* (Washington, DC, undated)

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO): *AIDS in the workplace: A steward's manual* (Washington, DC, undated).

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO): *AIDS in the workplace: Labor's concern* (Washington, DC, undated).

American Federation of Teachers: *HIV AND AIDS education project* (Washington, DC, undated)

Canadian AIDS Society/Canadian Union of Public Employees: *ACT NOW: Managing HIV AND AIDS in the Canadian workplace – A policy development and education manual* (1990)

Canadian Union of Public Employees: *Information kit on HIV AND AIDS and the workplace* (Ontario, 2000).

Communications Workers of America: *CWS and US West respond to AIDS* (1994).

International Labour Organisation, 2002, *Implementing the ILO Code of Practice on HIV/AIDS and the World of Work: An Education and Training Manual*.

Leather, S., "Why AIDS is a trade union issue", in *Scientific World*, 1992, Vol. 36, No. 2.

National Union of Namibian workers (NUNW): *HIV AND AIDS basic training manual* (Namibia, 1995).

Public Services International: *Focus* (Ferney-Voltaire), Vol. 8, No. 1.

Roskam, E.: *AIDS and the workplace*, one module of *Your health and safety at work: A modular training package* (ILO, Geneva, 1996).

Service Employees International Union: *AIDS education project* (undated).

Service Employees International Union: *HIV AND AIDS book* (1991).

South African Motor Corporation (Pty.) Ltd.: *Handbook on HIV AND AIDS* (2000).

The Building Trades Groups of Unions Drug and Alcohol Committee: *AIDS: Get real, get safe* (Sydney, undated).

UNAIDS: *HIV AND AIDS and the workplace: Forging innovative business responses*, UNAIDS Best Practices Collection (Geneva, 1998).

United Nations Department of Peacekeeping Operations: "Module 1: Defining HIV and its impact on the military", in *HIV prevention and behaviour change in international military populations* (New York, 1999).

Whiteside, A.; Sunter, C.: *AIDS: The challenge for South Africa* (Human & Rousseau, Cape Town and Tafelberg, 2000).

APPENDIX 7

Workplace Policies and Programmes

To ensure a comprehensive approach to equality of treatment for all workers, inclusive of persons infected and affected by HIV and AIDS, the following policies, programmes and practices should form part of the organisation's infrastructure.

Policies on such issues such as:

1. Occupational Health and Safety
2. Acceptable Performance Standards
3. Discrimination in the Workplace
4. Harassment in the Workplace
5. Recruitment, Selection and Placement
6. Promotions
7. Flexible Work Arrangements
8. Confidentiality
9. Sick Leave and Absenteeism
10. Code of Discipline

Programmes and practices such as:

1. Programme of Care and Support
2. Employee Assistance Programme
3. Facilitation of Voluntary Confidential Counselling and Testing (VCT)
4. Training and Education
5. Physical Accommodation

APPENDIX 8

Roles and Responsibility

1. Role of Government

Office of the Prime Minister

- Supervise the implementation by Ministries and Departments of the activities related to HIV/AIDS control, prevention, care and support plus mitigation of its impacts at the workplace

Ministry of National Security

- Develop and implement HIV/AIDS prevention programmes for the Police Force, Immigration and Prisons staff;
- Develop and implement HIV/AIDS prevention programmes for the inmates, prisoners and offenders in the community service; and
- Develop and implement HIV/AIDS prevention programmes for people entering and leaving the country.

Ministry of Labour

- Carry out consultation, seminars, workshops and research in order to monitor progress in the implementation of this policy and to assist the employer and workers' organisations to develop their response to the epidemic;
- Design and implement awareness and advocacy campaigns to ensure the co-operation of all partners;
- Spearhead Legislative Reform and support service focusing on anti-discrimination, public health protection, privacy, confidentiality, equality and criminal laws; and improving the status of marginalized and vulnerable groups;
- Ensure, that the rights of workers with HIV/AIDS are not infringed, as stipulated in this policy and any relevant labour legislation; and
- Strengthen the enforcement mechanism, such as labour inspectorate, occupational safety & health to deal with HIV/AIDS related matters.

Labour Advisory Board

- Advise the Minister of Labour on all matters related to labour including those pertaining to HIV/AIDS

Ministry of Health

- Focus on workplace with the implementation of health sector based interventions to prevent the sexual, blood-borne and vertical transmission of HIV, through IEC, control of STD and promotion of voluntary counselling and testing;
- Lead the process in developing and strengthening strategies for prevention, care and support involving other sectors, NGO and the private sector;
- Provide appropriate health facility-based care and treatment for persons with HIV-related conditions;
- Ensure implementation, coordination, monitoring and standardization of community home based care;
- Establish a universal infection control guideline for surgical dental, embalming, tattooing and similar procedures;
- Provide technical support to other ministries and sectors as they develop and implement their HIV/AIDS prevention and care activities; and
- Integrate HIV/AIDS into all health promotion activities and services.

National AIDS Commission

The National AIDS Commission will ensure joint and appropriate application of the policy by all stakeholders

- Spearhead joint resource mobilization efforts as well as advocate for the provision of national public and private resources as needed for implementing the policy;
- Support and promote broad partnerships to facilitate effective, wide and appropriate implementation of the policy with a view to respond to HIV/AIDS ethically and effectively;
- Together with the Ministry of Labour, undertake joint monitoring and evaluation of the implementation of the policy in the public and private sectors; and
- Collate and disseminate useful information as well as identify policy gaps for proper planning and decision-making.

Ministry of Finance and Energy; Ministry of Economic Development, Planning, Trade and Co-operatives

- Ensure that adequate resources are made available to Ministries for HIV/AIDS prevention care and support;
- Co-ordinate external support agencies, financial contribution for HIV/AIDS prevention, care and support;
- Avail finances to ensure that ministries can provide care, support and treatment to their workers

Department of Public Administration

- Develop or review the relevant policy guideline on HIV/AIDS prevention, care, support and impact mitigation and guide implementation of activities in the public service;
- Plan for the implementation of HIV/AIDS prevention, care and support activities for Public Officers and other target groups reached through the Ministries' routine activities;
- Implement co-ordinate and monitor HIV/AIDS prevention, care and support activities in the public sector;
- Make forecasts and projections for the future supply and demand of human resource by taking into account the epidemic's long-term effect;
- Ensure that adjustment of human resource is in place for projected attrition due to HIV/AIDS; and
- Ensure that workplace HIV/AIDS education and prevention programmes are implemented for all ministries, departments and local government.

Ministry of Legal Affairs

- Conduct a comprehensive legislative audit review of labour laws and other legal instruments in the view of HIV/AIDS prevention and protection of the rights of affected & infected workers; and
- Recommend legislative changes among the listing of legislation on health and safety in which AIDS can be included as a communicable disease and the prohibition of workplace discrimination based on HIV infection.

Ministry of Education

- Integrate HIV/AIDS education into all levels and institutions of education; and
- Responsible for the implementation of this policy in the educational sector.

Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment

- Ensure that workplace HIV/AIDS education and prevention programmes are implemented within the Agricultural sector;
- Develop and implement HIV/AIDS interventions for farming and fishing communities to mitigate the impact of HIV/AIDS on Agricultural production; and
- Monitor the impact of HIV/AIDS on the Agricultural sector.

2. Role of Employers and their Organisations

The employer in consultation with key stakeholders within the workplace including but not limited to the workers' representatives, workers living with HIV/AIDS, safety and health officers should develop policies and guidelines on HIV/AIDS at the workplace. The workplace policy should be comprehensive and address the principles outlined within this document. It should be communicated to all concerned in simple and clear terms; be reviewed and updated periodically and monitored for effectiveness of implementation.

- Formulate sound HIV/AIDS policy, around the principle of non-discrimination, equality, confidentiality, care and support with an equitable set of policies that are communicated to all staff and properly implemented, including protection of the rights at work and protection against any discrimination at work; and
- Responsible for the implementation of this policy.

3. Role of Workers and their Organisations

- Initiate dialogue on HIV/AIDS between employers and workers and to actively participate in the development and implementation of workplace prevention programmes i.e. awareness campaigns, dissemination of information and education, care and support;
- Participate in the development of workplace policies; and
- Participate in mainstreaming of HIV/AIDS into the workplace policies and programmes.

4. Role of Civil Society Organisations

This includes the Non-governmental organisations including People Living with HIV and AIDS, Faith-based organisations, community based organisations and cultural institutions.

Civil society organisations should develop and implement sustainable innovative HIV/AIDS prevention and care projects and activities, in line with priorities articulated in the National Aids Policy and Strategy, and the Workplace Policy on HIV and AIDS.