

EMTHANJENI MUNICIPALITY

HIV / AIDS POLICY

HIV/AIDS POLICY

Preamble

The Emthanjeni Municipality HIV/Aids policy addresses the impact of the HIV/Aids pandemic on Emthanjeni Municipality and its employees. With this policy, we indicate our commitment:

- To reduce the impact of HIV/Aids on our employees and business,
- To build partnerships within communities and their stakeholders in order to integrate and promote workplace and community HIV/Aids programmes.

Purpose

The purpose of this policy is to:

- Protect the rights of employees living with HIV/Aids;
- Confirm Emthanjeni Municipality's commitment in managing and reducing the impact of HIV/Aids on our employees and business;
- Communicate expected behavior to workplace stakeholders; and
- Ensure consistency and alignment of workplace policies, protocols, procedures, practices and work instructions relating to HIV/Aids.

Application & Scope

- Applies to all Emthanjeni Municipality's employees
- Complies with relevant laws and regulations regarding HIV/Aids;
- Focuses primarily on the provision of workplace HIV/Aids programmes; and
- Endeavors to facilitate access to HIV/Aids-related programmes to identified vulnerable groups connected with the workplace

Definitions

- Aids (acquired immune deficiency syndrome): A combination of different illnesses resulting from infection with human immunodeficiency virus (HIV) that is characterized by signs and symptoms of severe immune deficiency.
- Community: The employees and beneficiaries of Emthanjeni Municipality, as well as the people living in areas around Emthanjeni Municipality sites or any recognized vulnerable group such as woman and children.
- Employee: Any person permanently employed by Emthanjeni Municipality.
- HIV (human immunodeficiency virus): A retrovirus that attacks the body's immune system.
- HIV/Aids programmes: Programmes designed to reduce the impact of the HIV/Aids pandemic and through which appropriate information, counseling, testing and/or healthcare are offered.
- HIV-positive: A person who has tested positive for HIV is called "HIV positive" (that is, the person is infected with HIV).
- HIV testing: Any form of testing designed to identify the HIV status of the individual, including blood and saliva tests or medical questionnaires.
- Immune system: The body's system for protecting itself from infections and diseases.
- Impact: The effect on productivity, wellness and profitability.
- Informed consent: Agreement or permission from a person once they have had the necessary information/counseling they need to make a decision.
- Operational response: The process of reducing on-the-job productivity losses and absenteeism, particularly of critical path employees.
- Partnerships: Relationships built with other organizations to support existing initiatives within the workplace and community.
- Protocol: The codes of good practice established to guide implementation issued in terms of this policy.
- Stakeholder: An individual or a group of people that has an interest or influence on the execution of this policy.
- Universal safety precautions: Steps that can be taken to prevent being infected with bacteria or viruses such as HIV.
- VCT: Voluntary counseling and testing.
- Workplace: Any environment in which official work is conducted.

Policy Principles

Components of Policy

Unfair discrimination

There cannot be any unfair discrimination shown towards any employee infected with, or affected by, HIV or Aids with regard to all relevant employment policies and practices within Emthanjeni Municipality;

HIV-positive employees have equal access to employee benefits and are to be protected from unfair discrimination in employee benefits; and

Prejudicial or discriminatory behaviour among employees is not to be tolerated and all acts of discrimination are to be dealt with according to the Emthanjeni Municipality's disciplinary procedure.

Confidentiality

No employee is required to disclose his or her HIV status;

Any employee disclosing his or her HIV status in the workplace cannot have his or her HIV status reflected on any personnel records and his or her status cannot be disclosed without the written informed consent of the employee; and

All or any information disclosed in an HIV-related dispute must remain confidential.

Testing

- No employee or job applicant is required to undergo an HIV test.

Testing

- Voluntary counseling and testing services (VCT) will be offered to employees. The employee needs to give informed consent for the test. Where relevant, pre-test and post-test counseling will be provided and the test result must remain confidential.

Reasonable accommodation

- An HIV-positive employee has a right to reasonable accommodation to work for as long as he or she is able to; and
- An HIV-positive employee can continue to be employed until he or she is deemed to be medically unfit according to Emthanjeni Municipality's rules governing medical disability.

Safe working environment

As far as is reasonably practicable, Emthanjeni Municipality must provide:

- A workplace that is safe and without risk to the health of its employees;

- The necessary protective equipment; and
 - Training on occupational health and safety, as well as universal safety precautions.
- Occupational exposure and compensation
- All employees need to adhere to universal safety precautions in order to prevent occupational exposure to HIV/Aids;
 - In the event of occupational exposure to risk, Emthanjeni Municipality must provide post-exposure prophylaxis (that is, treatment or action aimed at preventing disease); and
 - Emthanjeni Municipality must ensure procedures are in place to assist employees to claim compensation in the case of occupational exposure to, and infection with, HIV.

Termination of services

The employment relationship is to be terminated when an employee is unable to fulfill his or her job requirements in accordance with Emthanjeni Municipality's rules governing medical disability (and the Code of Good Practice regarding dismissals for incapacity due to ill-health, which is attached to the Labour Relations Act).

Grievance procedure

Emthanjeni Municipality must ensure that:

- HIV-related rights and responsibilities are integrated into existing grievance and disciplinary procedures;
- measures are in place to ensure confidentiality; and
- the relevant personnel are trained to handle HIV-related disputes.

Monitoring and evaluation

- Ongoing monitoring and evaluation of the HIV/Aids policy, as well as the Emthanjeni Municipality HIV/Aids Response Programme, must be conducted to ensure the policy and programme meet their stated purpose; and
- Emthanjeni Municipality will review HIV/Aids-related services upon reasonable proof of insufficient impact or non-adherence to prescribed criteria as set out in the relevant protocol(s).

Workplace programme

Emthanjeni Municipality aims to address and reduce the risk of HIV/Aids in the workplace. It will have the following five main focus areas and services:

1. Prevention

Employees will have access to the following services in the workplace:

- Appropriate and sensitively presented information on all aspects of preventing infection and coping with HIV/Aids;
- Education that examines the relevance of HIV/Aids in their own lives;
- Free condoms;
- Voluntary counseling and testing; and

- Peer support and education programmes.

2. Care and support

The aim of the care provided is to improve quality of life by prolonging health through holistic health management:

- All employees and their beneficiaries will have access to confidential counseling through referral to the employee wellness service providers;
- All salaried and monthly salaried employees are eligible to join the Emthanjeni Municipality Medical Aid Scheme (LA HEALTH), and have access to chronic disease management.

3. Operational management

The operational management focuses on reducing on-the-job productivity losses and absenteeism, particularly of critical-path employees.

4. Community response

The prevention and care services need to support beyond the workplace. Support to community, will be provided through:

- Cooperating with multiple stakeholders;
- Enlisting community support; and
- Forming integral partnerships with other role players such as government bodies, non-governmental organizations (NGOs) and donors.

5. Communications

A communication strategy must be maintained to provide ongoing information and education on HIV/Aids issues within the group, taking into account the diverse needs of employees.

The Emthanjeni Municipality HIV/Aids policy is founded on four key principles:

- Protecting the human rights and the dignity of employees infected and affected by HIV and Aids by promoting equality and preventing unfair discrimination;
- Providing reasonable accommodation in that Emthanjeni Municipality will endeavour to create a supportive working environment;
- Allowing HIV-positive employees to continue working until they are medically unfit to do so; and
- Promoting consultation with and participation from, key stakeholders in the Emthanjeni Municipality HIV/Aids Response Programme.

Policy Review

- This policy was developed in conjunction with all recognized trade unions; and
- This policy and its protocols will be reviewed annually.