

Lawyers Alert's Work Place Policy on HIV and AIDS for the Staff

Introduction

Lawyers Alert recognises the seriousness of the HIV/AIDS epidemic and its impact on the workplace. Lawyers Alert 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. The policy is in compliance with existing laws regarding HIV/AIDS, that is, the **HIV and AIDS (Anti-discrimination) Act 2014**, which stipulates that every employer must have a workplace policy on HIV/AIDS. It is also in compliance with the ILO Code of Practice on HIV/AIDS and the world of work.

The Work Place Policy

This work place policy provides the framework for action to reduce the spread of HIV/AIDS in the office and manage its impact. The policy aims at protecting the interest of both staff who are HIV positive and those who are HIV negative. In managing the impact of HIV/AIDS, the policy:

- a. Makes an explicit commitment to corporate action.
- b. Ensures consistency with appropriate national laws
- c. Lays down a standard of behaviour for all employees whether infected or not
- d. Gives guidance to supervisors and managers
- e. Helps employees with HIV/AIDS to understand what support and care they will receive, so they are more likely to come forward for voluntary testing
- f. Helps to stop the spread of the virus through prevention programmes
- g. Assist an enterprise to plan for HIV/AIDS and manage its impact, so ultimately saving money

In all, the policy provides the basis for putting in place a comprehensive workplace programme, combining prevention, care and the protection of rights.

POLICY FRAMEWORK AND GENERAL PRINCIPLES

1. Lawyers Alert does not discriminate or tolerate discrimination against employees or job applicants on any grounds, including HIV status. While Lawyers Alert 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 organisation'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.
2. *Rights of employees who are HIV-positive.*
 - a) HIV-positive employees will be protected against discrimination, victimisation or harassment. Normal organisation's disciplinary and grievance procedures shall apply equally to all employees, as will the provision of information and education about HIV and AIDS.
 - b) *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 contract of employment spells out the grounds for dismissal of an employee.*
3. *Testing.* Lawyers Alert rejects HIV testing as a prerequisite for recruitment, access to training or promotion. However, Lawyers Alert 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.* Lawyers Alert 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 organisation's philosophy on the virus, the employee will be encouraged to be open about his or her HIV status.

Awareness-raising and education

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. Lawyers Alert 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

1. *The promotion of employees' well-being.* Lawyers Alert will treat employees who are infected or affected by HIV/AIDS with empathy and care. Lawyers Alert 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 Lawyers Alert 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 organisation'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 organisation 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.* Lawyers Alert 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.~~



Sir, it appears to me that the “possible alternative above is preferable to the one I cancelled”

4. IMPLEMENTATION AND MONITORING

~~1. Lawyers Alert has established an HIV/AIDS committee *for 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 including the staff committee, medical service, human resource department welfare department, legal department. The committee will report regularly to the executive board.~~

Sir, should the committee apply above or a designated officer?

2. In order to plan and evaluate its HIV/AIDS policy and programme effectively, Lawyers Alert 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 Lawyers Alert's 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.

5. BUDGET AND FINANCE

Lawyers Alert shall make every effort to establish a budget for HIV/AIDS activities bearing in mind that many interventions can be put in place at little or no cost; Lawyers Alert can work together with other NGOs to share costs; 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.