



Nursetec SA (Pty) Ltd

HIV/AIDS POLICY

REVISION 3

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1. INTRODUCTION

Nursetec acknowledges the seriousness of the HIV/AIDS epidemic in South Africa and seeks to minimise the social, economic and developmental consequences to workers and communities at large.

Nursetec commits itself to ensuring that workers are provided with resources and leadership to implement HIV/AIDS programs at their respective workplaces.

Respect for human rights and gender equality are fundamental freedoms contained in the Constitution. Persistent perceptions and discrimination on the basis of HIV status affects prevention efforts and may cause violations of human rights at work.

2. PURPOSE

The objective of the policy is to provide a set of guidelines to address the HIV/AIDS epidemic in the workplace and within the framework of the promotion of decent work. More specifically the policy and programs seek to manage the HIV/AIDS epidemic in the workplace by minimising the infection rate among HIV negative employees and extending the economic lifespan of HIV positive employees.

The Employment Equity Act, no 47 of 2013 recognises direct or indirect unfair discrimination is prohibited on one or more of the following grounds:

Race, gender, sex, pregnancy, marital status, family responsibility, ethical or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground.

3. SCOPE

The policy applies to all temporary and permanent employees of Nursetec.

4. LEGAL FRAMEWORK

- Employees living with HIV are protected by the Constitution of South Africa 108 of 1996 and all relevant legislation which includes the following:
- The Labour Relations Act No. 66 of 1995
- The Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 47 of 2013
- Occupational Health and Safety Act No.85 of 1993
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Medical Schemes Act No. 131 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000

5. RIGHTS AND RESPOSIBILITIES

All employees will be held responsible and accountable for complying with this policy

6. HR AND FACILITATION

- The above mentioned takes overall responsibility for the implementation and compliance of the policy
- Facilitating the distribution of this policy to all employees
- Provide appropriate benefits counselling to employees requiring such counselling
- Ensuring that all employees are informed of the content of this policy
- Ensure that all employees are aware of and understand the policy
- Are responsible for implementing this policy and ensuring compliance with and knowledge of its terms
- Must open and maintain communication channels to raise awareness concerning HIV/AIDS
- Are to take careful precautions to protect the confidentiality of information regarding an employees' health condition
- Ensure that any employee who is unduly concerned about contracting HIV/AIDS assisted through individual counselling
- Must be sensitive to the needs of employees and assist them by demonstrating personal support, referring them to counselling services and arranging for benefits counselling as necessary
- Must ensure that immediate and appropriate corrective action is taken where necessary

7. EMPLOYEES

- Employees should acknowledge that a fellow employee's health condition is private and confidential and an employee living with HIV/AIDS is under no obligation to disclose his/her condition to a manager of any other employee
- Employees should not discriminate against fellow employees who are living with HIV/AIDS
- Employees should endeavor to play a supportive role towards fellow employees who are living with HIV/AIDS
- Employees who are aware of their positive HIV status shall take every precaution to not accidentally infect a fellow employee

8. HIV/AIDS POLICY

- Pre-employment testing for HIV/AIDS is prohibited and will not be conducted
- HIV/AIDS status shall not be a criterion for refusing to promote, train or develop an employee
- Employees who wish to be tested for HIV/AIDS shall have access to counselling and referral to appropriate facilities
- No employee shall be dismissed or have his/her employment terminated based solely on his/her HIV/AIDS status
- In the event that an employee is unable to continue to perform the duties for which he/she is employed, suitable alternative employment will be considered
- The HIV/AIDS status of an employee shall not be used as a criterion to identify or influence the selection of employees for retrenchment
- The refusal to work with an employee that is HIV/AIDS positive will be regarded as a disciplinable offence and appropriate action will be taken
- Any breach of confidentiality will justify the instigation of disciplinary proceedings against the person who is in breach of that confidentiality

- All employees shall have access to HIV/AIDS education and awareness programmes if required
- Employees living with HIV/AIDS should be treated no less favorable than employees with other comparable health or medical conditions in terms of benefits and worker's compensation
- Programs should recognise that women undertake the major part of caring for those with HIV/AIDS related illness as well as recognising the particular needs of pregnant women

9. PREVENTION PROGRAMMES

9.1 WORKPLACE EXPOSURE

There are numerous ways in which employees could be exposed to HIV/AIDS in the workplace. These include:

- Injuries that occur resulting in bleeding and blood staining of clothes, tools and objects
- Health care and laboratory employees exposed to body fluids of HIV – infected materials
- Resuscitation and first aid measures
- Rape and sexual penetrating assault
- Assault with sharp instruments or bleeding injuries

In the event that an employee is exposed to the risk of contracting HIV/AIDS through any of the above, the employer shall, in addition to following the normal workmen's compensation procedures indicated for such exposure, the employer shall ensure that the employee is immediately provided with appropriate medical intervention to reduce the risk of contracting HIV/AIDS. The employer shall also ensure that the employee is supported and counselled.

9.2 SAFER SEXUAL PRACTICE

HIV infection can be prevented through changes in behaviour, knowledge, treatment and the creation of a non-discriminatory environment.

This policy recommends and promotes the ABC approach for safe sexual practice:

- A – Abstinence
- B – Be faithful to one partner
- C – Condomise

9.3 GENDER SPECIFIC INTERVENTIONS

- All interventions should be gender sensitive as well as sensitive to race and sexual orientation
- Interventions should help women to understand their rights, both within the workplace and outside it, and empower them to protect themselves
- Information to women needs to alert them and to explain their higher risk of infection

9.1 VOLUNTARY COUNSELLING AND TESTING

- HIV/AIDS testing shall be voluntary and shall be accompanied by pre- and post- test counselling to ensure informed consent
- Counselling and testing records will remain confidential
- Employees or potential employees who voluntarily disclose their HIV status will not be refused employment/promotion on the grounds of their HIV status
- All employees have the legal right to confidentiality about their HIV/AIDS status. Except in circumstances where legally required
- All employees shall have access to testing and counselling related to HIV/AIDS during normal working hours

9.5 CARE AND SUPPORT PROGRAMS

Recognising that a supportive and caring response is an important factor in maintaining the quality of life for employees who have HIV/AIDS. Nursetec therefore commits itself to:

- Treatment will be given for all employees who are in need of treatment and cannot afford their own treatment. If there is a medical risk, the employer will subsidise the employee's treatment regime by an amount equivalent to that which it would cost the employer were the employee to go on the standard treatment regime provided by the employer
- Treatment will be extended to the employee's spouse/partner and children who may be living with HIV/AIDS, provided that the spouse/partner does not have access to treatment within their own workplace either through a workplace programme of subsidised medical aid
- Employees in receipt of treatment may be required to contribute a maximum of 1% of monthly salary towards the cost of the treatment, whilst undergoing such treatment
- The treatment will be provided for as long as the employee remains in employment. Thereafter, treatment will be provided through referral to state clinics or hospitals
- Nursetec will encourage the establishment of support groups for employees with HIV/AIDS and for their families and colleagues
- Nursetec will provide counselling services to employees
- Nursetec will consult on access to treatment and employee contributions

10. HIV/AIDS GOVERNANCE

10.1 HIV/AIDS WORKPLACE COMMITTEE

An HIV/AIDS Workplace committee shall be established to deal with issues emanating from this policy. The committee established in terms of this policy will function as a working group.

10.2 COMPOSITION

The committee referred to 10.1 will consist of four members. The committee may from time to time co-opt any person.

10.3 FUNCTIONS AND DUTIES

- Monitor the impact of the HIV/AIDS epidemic in the workplace
- Monitor the effectiveness and impact of the HIV/AIDS policy
- The revision and/or amendments of this policy, as and when required
- Recommend changes to legislation and regulations relating to HIV/AIDS
- Review, on an annual basis, the means test to be applied to determine which employees shall have access to treatment and what financial contribution such employees should make towards treatment