

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



**Document Name:**

MG-HR-POL-HIV012 202405.01

**Updated on:**

27 MAY 2024

**Version:**

01

**Author:**

Human Resources

# MACROCOMM GROUP HUMAN RESOURCES HIV AIDS POLICY

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



## DOCUMENT CONTROL

This provides information on the document version control and sign-off

### DOCUMENT HISTORY

DOCUMENT NAME	VERSION	DATE
MC-PO-HIV012	00	19 MAY 2021
MG-HR-POL-HIV012	01	27 MAY 2024

### DOCUMENT APPROVAL

DOCUMENT NAME.VERSION		
MG-HR-POL-HIV012 202405.01		
CHANGES MADE		
Reformatted for easy change control with minor updates to corresponding documents and procedures.		
STAKEHOLDER NAME AND DESIGNATION	SIGNATURE	DATE
Yakshini Naidoo (Macrocomm Group Human Resources Director)		
Elton Chettiar (Macrocomm Group Chief Operating Officer - 16.2)		
Kamal Bhimma (Macrocomm Group Chief Legal Officer)		

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
<b>2</b>	<b>OBJECTIVE .....</b>	<b>5</b>
<b>3</b>	<b>PROMOTING A NON-DISCRIMINATORY WORK ENVIRONMENT .....</b>	<b>5</b>
<b>4</b>	<b>HIV TESTING.....</b>	<b>6</b>
<b>5</b>	<b>CONFIDENTIALITY AND DISCLOSURE .....</b>	<b>7</b>
<b>6</b>	<b>PROMOTING A SAFE WORKING ENVIRONMENT.....</b>	<b>7</b>
<b>7</b>	<b>DISMISSAL.....</b>	<b>8</b>

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



# HIV AIDS POLICY

## 1 INTRODUCTION

The Human Immune Deficiency Virus (HIV) and the Acquires Immune Deficiency Syndrome (AIDS) are serious public health problems that have socio economic, employment and human rights implications.

The HIV/Aids epidemic will affect every workplace, with prolonged staff illness, absenteeism, and death impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale.

HIV knows no social, gender or racial boundaries, but it is accepted that socio- economic circumstances do influence disease patterns. HIV thrives in an environment of poverty, rapid urbanization, violence and destabilization. Transmission is exacerbated by disparities in resources and patterns of migration from rural to urban areas. Women particularly are vulnerable to infection in cultures and economic circumstances where they have little control over their lives.

Furthermore, HIV/ AIDS is still a disease surrounded by ignorance, prejudice, discrimination and stigma. In the workplace unfair discrimination against people “living” with HIV and AIDS has been perpetuated through widespread practices such as pre-employment HIV testing, dismissals for being HIV positive and the denial of employee benefits.

One of the most effective ways of reducing and managing the impact of HIV/ AIDS in the workplace is through the implementation of a HIV/Aids policy and programme. In the light of this, this Code has been developed as a guide to The Company management and employees.

Furthermore, the Code seeks to assist with the attainment of the broader goals of:

Eliminating unfair discrimination in the workplace based on HIV status.

Promoting a non-discriminatory working environment in which people “living” with HIV or AIDS are able to be open about their HIV status without fear of stigma or rejection.

Promoting appropriate and effective ways of managing HIV in the workplace.

Creating a balance between the rights and responsibilities of all parties.

Giving effect to the regional obligations of the Republic as member of the Southern African Development Community.

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



## 2 OBJECTIVE

The policy's primary objective is to set out the guidelines for the Company's management and employees to implement to ensure individuals with HIV infection are not unfairly discriminated against in the workplace. This includes provisions regarding:

- Creating a non-discriminatory work environment.
- Dealing with HIV testing, confidentiality, and disclosure.
- Providing equitable employee benefits.
- Dealing with dismissal.
- Managing grievance procedures.

The policy's secondary objective is to provide guidelines for the Company management and employees on how to manage HIV/AIDS within the workplace. Since the HIV/AIDS epidemic impacts upon the workplace and individuals at a number of different levels, it requires a holistic response, which takes all these factors into account.

The Code therefore includes guidelines on:

- Creating a safe working environment for all employees.
- Developing procedures to manage occupational incidents and claims for compensation.
- Introducing measures to prevent the spread of HIV.
- Developing strategies to reduce the impact of the epidemic upon the workplace.
- Supporting those individuals who are infected by HIV/AIDS so that they may continue to work productively for as long as possible.

## 3 PROMOTING A NON-DISCRIMINATORY WORK ENVIRONMENT

No person employed by the Company may unfairly discriminate against an employee, or an applicant for employment, on the basis of his or her HIV status. This means that no person with HIV or AIDS shall be treated unfairly within the employment relationship or within any of the Company employment policies or practices, including with and in regard to:

- Recruitment procedures, advertising and selection criteria.
- Appointment and the appointment process.
- Job classification or grading.
- Remuneration, employment benefits and terms and conditions of employment.
- Job assignments.

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



- The working environment and facilities.
- Training and development.
- Performance evaluation systems.
- Promotion, transfer and demotion.
- Disciplinary measures short of dismissal.
- Termination of services.

The company will adopt appropriate measures to ensure that employees with HIV and AIDS are not unfairly discriminated against and are protected from victimization through positive measures such as:

The development of HIV/AIDS policies and programmes for the workplace.

Awareness, education, and training on the rights of all persons with regard to HIV and AIDS.

Mechanisms to promote acceptance and openness around HIV/AIDS in the workplace.

Support for all employees infected or affected by HIV and AIDS.

Grievance procedures and disciplinary measures to deal with HIV-related complaints in the workplace.

## 4 HIV TESTING

No person employed by The Company may require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain that employee's HIV status, unless authorization has been obtained from the Labour court. This includes HIV testing:

- During an application for employment.
- As a condition of employment.
- During procedures related to termination of employment.
- As an eligibility requirement for training or staff development programmes.
- As an access requirement to obtain employee benefits.

Where HIV testing has been authorized by the Labour Court it should be carried out in terms of the conditions prescribed by the Court with regard to:

- The provision of counselling.
- The maintenance of confidentiality.
- The period during which the authorization for HIV testing applies.
- The category or categories of jobs or employees in respect of which the authorization for HIV testing applies.

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



## 5 CONFIDENTIALITY AND DISCLOSURE

All persons with HIV or AIDS have the legal right to privacy. An employee is therefore not legally required to disclose his or her HIV status to the Company.

Where an employee chooses to voluntarily disclose his or her HIV status to the Company, this information may not be disclosed to others without the employee's express consent.

The Company will create mechanisms to encourage openness, acceptance and support for those employees who voluntarily disclose their HIV status within the workplace, including:

The use of persons openly living with HIV or AIDS in education, prevention and awareness programmes.

Encouraging the development of support groups for employees living with HIV or AIDS.

Ensuring that persons who are open about their HIV or AIDS status are not unfairly discriminated against or stigmatised.

## 6 PROMOTING A SAFE WORKING ENVIRONMENT

The Company is obliged to provide and maintain, as far as reasonable practicable, a working environment that is safe and without risk to the health of its employees.

The risk of HIV transmission within most workplaces is minimal. However, occupational accidents involving bodily fluids may occur. The Company ensures that its policy deals with:

The risk, if any, of the occupational transmission of HIV within that particular workplace.

Appropriate training, awareness, and education on the use of universal injection control procedures so as to identify, deal with and reduce the risk of HIV transmission at work.

Providing appropriate equipment and materials to protect employees from the risk of exposure to HIV.

The steps that must be taken following an occupational accident including the appropriate management of occupational exposure to HIV and other blood borne pathogens, including access to post exposure prophylaxis.

The procedures to be followed in applying for compensation for occupational inflection.

The reporting of all occupational accidents.

Adequate monitoring of occupational exposure to HIV to ensure that the requirements of possible compensation claims is being met.

Document - Template Name	MG-HR-POL-HIV012
Previous Name, if changed	MC- PO- HIV012 Rev:00
Description	MG HR POLICY DISCIPLINARY CODE
Revision No	01
Date of Revision	27 MAY 2024
Date of Next Revision	27 MAY 2026



## 7 DISMISSAL

Being HIV positive or having AIDS is not a sufficient reason to dismiss a person. Employees with HIV/AIDS may not be dismissed solely on the basis of their HIV status.

Where an employee has become too ill to work, The Company is obliged to follow accepted guidelines regarding dismissal for incapacity before terminating an employee's services. These include attempts to adapt the employee's duties, to accommodate the employee's disability and to find alternative employment for the employee.

This should ensure that as far as possible, the employee's rights to confidentiality regarding his or her HIV status is maintained during any incapacity proceedings. An employee cannot be compelled to undergo an HIV test or to disclose his or her HIV status as part of such proceedings unless the Labour Court authorized such a test.