

MIBFA POLICIES AND PROCEDURES

Date: June 2001 **Distribution :** All Manual Holders **Page 1 of 4**
Subject: HIV/AIDS Policy **Supersedes:** New

HIV/AIDS POLICY

1. INTRODUCTION

AIDS was first identified in 1981. Since then the syndrome has been seen in most countries. The path of transmission is largely via heterosexual contact, homosexual contact and intravenous drug use. No-one is able to predict with certainty the number of people who will be infected with the Human Immunodeficiency Virus but the number of HIV-positive people in South Africa continues to increase alarmingly and there is no doubt that the HIV/AIDS epidemic will affect every workplace, with prolonged staff illness, absenteeism and death impacting on productivity and workplace morale. HIV/AIDS is a disease which shows no race or class barriers. The Company is committed to the appropriate management of HIV/AIDS in the workplace through confidentiality equity and support.

2. PURPOSE

- 2.1 To provide guidelines for the management of HIV/AIDS in the workplace.
- 2.2 To ensure the fair and consistent treatment of employees who are HIV positive or who have AIDS.
- 2.3 To ensure that no employee or applicant for employment is unfairly discriminated against on the basis of their HIV status in any employment policy or practice
- 2.4 To enable employees who are HIV positive to know what benefits are available to them without the risk of being labeled if they should enquire
- 2.5 To ensure that the Company provides, as far as it is reasonably practicable, a safe working environment.

3. SCOPE

This policy will be applicable to all employees and applicants for employment.

4. EXPLANATION OF THE DISEASE AND ITS VARIOUS CLINICAL STAGES

- AIDS is caused by the Human Immunodeficiency Virus (HIV), so called because it attacks and destroys the immune system.
- The resulting immune deficiency causes a spectrum of clinical diseases of which AIDS is the end stage.
- HIV infection has different clinical stages, discussed below:

4.1 Acute HIV infection

- Approximately two weeks to three months after infection with HIV, some people may develop a Flu-like or mild glandular –fever-like illness. This illness is of a short duration and the recovery is complete. This may also be referred to as acute seroconversion illness, meaning that this is the time when HIV antibodies will appear in the blood. This stage of HIV is most often undiagnosed and prior to seroconversion is referred to as the window period. If tested during the window period the individual will test negative even though such an individual is positive and can infect other people.

4.2 HIV well phase

- From the moment the virus enters the body that person is able to infect other people. During this stage infected persons look and feel healthy and usually do not know that they have been infected. This is called the HIV well phase. The immune system is slowly destroyed by the virus over several years.

4.3 HIV ill phase

- After about 7 to 10 years the immune system becomes so weak that the body can no longer defend itself against a number of different diseases that one is exposed to on a daily basis.

- As a result, this person develops illnesses that healthy people are able to resist.
- These illnesses include thrush in the mouth, excessive weight loss, persistent diarrhea, skin rashes, unexplained fevers or tuberculosis (TB) which does not respond to treatment.
- As the immune system becomes weaker a person will develop more serious illnesses referred to as “opportunistic infections” such as rare forms of cancer and pneumonia – with often-fatal results.
- It is only at this stage that a person is said to have AIDS. Before this stage the person is HIV positive.

5. THE TRANSMISSION OF HIV

- HIV can only be transmitted via sexual intercourse, needles or other sharp devices contaminated with infected blood; organ transplantation and blood transfusions; from an infected mother to her child during pregnancy or during the birth process or afterwards through breast milk.
- HIV cannot be passed on through the sharing of utensils or cups, casual kissing, hugging, shaking of hands, toilet seats, air conditioning or through normal contact at the workplace. This is because HIV is only found in certain body fluids – semen, vaginal fluids, blood, breast milk, and to a very limited extent in terms of infection, in saliva and tears. As such, within the normal course of interactions at the workplace, there is no risk of contracting the virus.

6. POLICY GUIDELINES

- 6.1 The Company will not discriminate against any employee or applicant for employment on the basis of his/her HIV status or within any employment policies or practices, including with regard to :
- I) Recruitment procedures, advertising and selection criteria.
 - II) Appointments and the appointment process.
 - III) Job grading.
 - IV) Remuneration, employment benefits and terms and conditions of employment.
 - V) The working environment and facilities.
 - VI) Training and development.
 - VII) Promotion, transfer and demotion.
 - VIII) Disciplinary measures short of dismissal; and
 - IX) Termination of services.
- 6.2 No employee or applicant for employment will be required to undertake an HIV test in order to ascertain that employee's HIV status.
- 6.3 All persons with HIV or AIDS have the legal right to privacy and an employee is not required to disclose his/her HIV status to the Company or to other employees.
- 6.4 Where an employee chooses to voluntarily disclose his/her HIV status to his/her manager, this information must be kept confidential and may not be disclosed to others without the employee's express consent.
- 6.5 Employees who are open about their HIV or AIDS status will not be victimised or stigmatised.
- 6.6 Refusal to work with a colleague who is HIV positive or who has AIDS is a scientifically unjustified reaction and could result in disciplinary action being instituted.
- 6.7 In the event of a breach of the rights of employees with HIV/AIDS, the grievance procedure must be invoked. The aggrieved employee must refer the grievance directly to the Human Resources Manager who must ensure that the grievance proceedings are handled with extreme sensitivity and confidentiality.

7. GUIDELINES FOR EMPLOYEES WHO ARE AT MINIMAL RISK

- 7.1 Personal protective equipment is provided in First Aid Boxes for First Aiders who render first aid in the workplace.
- 7.2 Disposable gloves must be used at all times when dealing with injuries, regardless of how minor.
- 7.3 Precautions and standard operating procedures for the handling of blood and body fluids, as stipulated in First Aid Training must be adhered to at all times.

8. MANAGEMENT OF EMPLOYEES IDENTIFIED AS HIV POSITIVE

- 8.1 HIV infected employees will continue to work under normal conditions in their current positions for as long as they are medically fit to do so.
- 8.2 Reasonable accommodation will be made for employees who develop conditions associated with HIV/AIDS to help ensure that they maintain their employment for as long as possible.

- 8.3 The Company will assist employees with referrals for counselling (pre and post-test) and will assist with setting up links for voluntary tests if an employee so requires.
- 8.4 Employees with HIV or AIDS have the same rights to sick leave as other employees.
- 8.5 Employees with HIV or AIDS are encouraged to inform the Company of their status if their work capacity or job performance is affected.
- 8.6 Should an employee become progressively more ill and is increasingly absent from the workplace, the Company may refer the employee to a medical practitioner. The nature of the examination, diagnostic tests used and diagnosis will remain confidential. The medical practitioner would be required to provide a prognosis regarding the employee's capacity to continue to perform his/her job. Where practicable the Company will attempt to adapt the employee's duties to accommodate the employee's disability. Retirement on the basis of ill health with normal benefit entitlement, would be recommended if the employee is unable to perform his/her job.

9. BENEFITS

- 9.1 Employees should be made aware of Company benefits and how they may be affected by the diagnosis of AIDS related diseases or death.
- 9.2 Medical Aid benefits in respect of AIDS related diseases would be paid according to the specific option that the employee has chosen.
- 9.3 Benefits in respect of disability or ill health and death will be paid in accordance with the MIBFA Staff Pension Fund Rules.
- 9.4 The normal sick leave allocation of 30 days in each three year cycle applies to employees who require sick leave as a result of AIDS related diseases.

10. EDUCATION

- 10.1 HIV/AIDS education and awareness programmes for employees will be implemented. Ongoing communication and information will be disseminated to promote a greater awareness of HIV/AIDS and how to prevent the spread of the disease. HIV/AIDS information is available from the Human Resources Department and free condoms are available in the condom dispensers situated in the centre core toilets.