

HIV/AIDS Policy Guideline
Department of Health
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Preamble

The National Department of Health:

- recognises the rights of each individual as enshrined in the Constitution;
- acknowledges the seriousness of the implications of the HIV/AIDS epidemic;
- commits itself to providing resources and leadership to implement a HIV/AIDS workplace programme;
- commits itself to providing a supportive work environment to employees living with HIV/AIDS;
- in line with the HIV/AIDS awareness campaign will encourage employees to make themselves available for voluntary testing, and the Department will provide both pre- and post-test counselling for all volunteers.

Policy

It is the policy of the Department of Health (herein after referred to as the Department) to:

- Raise awareness of the Human Immunodeficiency Virus (HIV) and the Acquired Immunodeficiency Syndrome (AIDS) and Sexually Transmitted Diseases (STDs);
- Ensure a better understanding of HIV and AIDS in the workplace;
- Seek to minimise the socio-economic and developmental effect HIV/AIDS has on the Department, its employees, and their next of kin;
- Prohibit unfair discrimination on the basis of HIV/AIDS status;
- Provide a comprehensive programme to improve health and safety at work and not deal with HIV and AIDS as isolated issues for employees living with HIV/AIDS;
- Ensure the provision of free condoms and health education lessons on HIV/AIDS and STDs;
- Minimum standards for the departmental HIV/AIDS programme will be developed as an addendum to the policy;
- Promote gender sensitive programmes that empower employees to be able to protect themselves from HIV/AIDS.

Principles

Employees or prospective employees with HIV/AIDS shall have the same rights and obligations as all other employees or prospective employees.

Employees and prospective employees with HIV/AIDS shall be treated in a just, humane and life-affirming manner.

Confidentiality

- Employees and prospective employees have the right to confidentiality with regard to their HIV/AIDS status.
- If an employee informs an employer of his or her HIV/AIDS status, this information shall not be disclosed to any other employee without that employee's written and express consent.
- A breach of confidentiality in this respect will be subject to disciplinary measures, which may include dismissal.

Recruitment and Employment

- A prospective employee is under no obligation to inform the Department of his or her HIV/AIDS status.
- The same legislation, regulations, codes, and policies shall govern all employees or prospective employees with HIV/AIDS.
- 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 and develop an employee.
- HIV/AIDS status shall not deny an employee full participation in all the activities of the Department.
- Employees who wish to be tested for HIV/AIDS shall have access to counselling and referral to appropriate facilities.

Injuries on Duty

- All Departmental employees and in particular those employed within laboratories shall be provided with a protocol with regards to work place injuries.
- All employees injured on duty must report the incident immediately to their supervisor and must make themselves available for testing in order to be eligible to claim for compensation as a result thereof.
- All employees who are injured on duty must ensure that they are provided with the necessary documentation (W.CL.2(A)) which must be completed as soon as possible after the incident. The completion of the documentation is to ensure that correct records are maintained of the incident, in the event of an Injury on Duty (I.O.D.) claim at a later stage.
- All employees will be provided with pre and post counselling and prophylactic treatment at the Department's expense.
- All personnel who are injured on duty, who refuse to make themselves available for testing forfeit their right to compensation.

Termination of Employment

- No employee shall be dismissed or have his or her employment terminated based solely on his or her HIV/AIDS status.
- Should an individual be unable to continue to perform the duties for which she or he is employed, suitable alternative employment, with the relevant reduction in salary and status, if necessary, will be considered.
- The policies and procedures pertaining to termination of services on grounds of ill health that apply to all employees will also apply to employees who have HIV/AIDS.
- HIV/AIDS per se shall not be used as a justification for the nonperformance of duties.
- The HIV/AIDS status of an employee shall not be used as a criterion to identify or influence the selection of employees for retrenchment.
- Refusal to work with an employee that is HIV/AIDS positive shall be regarded as a breach of the employment contract.

Sick Leave

- Existing sick leave procedures shall also apply to employees with HIV/AIDS.

Record Keeping

- No flags, symbols or any other means of identification will be used on an employee's personnel or other records to indicate HIV/AIDS status.
- An employee's HIV/AIDS status shall not be required on any medical or personnel report.

Information

- All employees will be supplied from time to time with education and information about the modes of transmission of HIV, the means of preventing such transmission, the need for counselling and care, and the social impact of infection on those who are infected by HIV/AIDS, and those who are affected by HIV/AIDS.

Dispute Resolution

- Any dispute between the Department and an employee in relation to or arising from the interpretation of this policy shall be subject to a process of conciliation in the Department of Health Bargaining Chamber.
- Where the alleged dispute remains unresolved, it will be referred for arbitration to the Health Sector Bargaining Chamber.

Application

This policy applies to all employees and prospective employees of the Department of Health.

Responsibility

- All employees shall be held responsible and accountable for complying with this policy.
- All Managers must ensure that all members of staff are aware of and understand the content of the Departmental Policy on HIV/AIDS in the workplace.
- All Managers are responsible for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where necessary.
- All Managers must ensure that every new employee receives a copy of this policy.
- All Managers must open and maintain communication channels to raise awareness concerning HIV/AIDS.
- The administration of any complaint procedures arising from this policy are assigned to the Directorate: Employment Relations. The Directorate: Human Resources Management shall ensure that any disciplinary procedures are consistently applied.
- The Director: Human Resources Management is responsible for ensuring that this policy is properly distributed in the Department and that every employee has personally received a copy of the policy. New employees will receive a copy during the induction course.
- The Directorate: HIV/AIDS and STDs is responsible for the compilation of information on HIV/AIDS including modes of transmission, preventative measures, addressing the myths, and other general information.
- The Directorate: Communication, in conjunction with the Directorate: HIV/AIDS and STDs, is responsible for the dissemination of HIV/AIDS and STDs information to all staff.