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ILOAIDS
Implementing the ILO Code of Practice
on HIV/AIDS and the world of work:
an education and training manual

Introduction

4.5. The successful implementation of an HIV/AIDS policy and programme requires co-operation and trust between employers, workers and their representatives and government, where appropriate.

■ ILO Code of Practice on HIV/AIDS and the world of work

Employers, workers and their organizations have a vital role to play in the fight against HIV/AIDS. It is in the interests of both to save the lives of working people, and to help individuals stay at work as long as possible.

Employers face the challenge of managing the impact of the epidemic at the workplace, including the loss of skilled and experienced employees, disruptions to production schedules, rising labour costs, and falling productivity. (Module 1 contains fuller information on the impact of HIV/AIDS on enterprises.)

Trade unions, long concerned with the rights and working conditions of the labour force, now face the challenge of protecting the livelihood, health and lives of workers and their families from the threat of AIDS.

Each group has its own networks and structures to inform and mobilize. Both, together, can prevent the spread of the disease by constructing a defence consisting of a policy and programme on AIDS for every workplace.

For this reason, a substantial section of the ILO Code of Practice deals with the rights and responsibilities of employers and their organizations (paragraph 5.2) and of workers and their organizations (paragraph 5.3). These are not separate and opposing tasks. They are complementary. The wording of the two sections for employers and workers is very similar. The Code of Practice encourages a process of social dialogue between employers and workers – to develop an HIV/AIDS workplace policy and programme.

The issue of HIV/AIDS is so serious that both employers' and workers' organizations, recognizing the need for swift action and the advantages of consensus, should try to resolve any difficulties in a spirit of compromise. Working together on the issue may even improve labour relations.

What is social dialogue?

Social dialogue includes all types of negotiations, consultations or exchange of information between or among governments, employers and workers on issues of common interest.

As such, it plays a pivotal role in identifying the important labour, social and economic issues affecting the ILO's constituents and in applying the fundamental principles and rights at work promoted by the ILO.

One national trade union centre has defined social dialogue as

....a recognition that although [employers and trade unions] have different constituencies and at times different interests, they can serve these best by making common cause wherever possible.¹

There are areas where employers and trade unions disagree, and have opposing views. On the fight against AIDS, there should be minimum disagreement. Social dialogue will help establish a common approach for effective action.

Social dialogue can operate at all levels, from the small enterprise to the multinational. It can be bilateral (between employers and workers) or tripartite (government, employer and workers). A table summarizing the different forms of social dialogue in the Code of Practice is included on page 14 of this module.

¹ British Trades Union Congress: *Partners for Progress* (London, 1997)

Workplace policies and programmes on HIV/AIDS

It is at the level of the workplace that many issues concerning HIV/AIDS emerge that directly affect the enterprise and the workforce. It is here that policies for non-discrimination, prevention and care need to be planned and measures implemented.

The development of a workplace policy is the single most effective and important action an enterprise can take in the fight against HIV/AIDS. The ILO Code of Practice provides guidelines for the development of policies and programmes on HIV/AIDS in the workplace. These encourage a consistent approach to HIV/AIDS, based on ten key principles, while being flexible enough to address the different needs of individual workplaces.

The Code of Practice suggests that workplace policies should be agreed between management and workers' representatives. There may be areas of difficulty, which need to be frankly acknowledged. Workers may want employers to provide antiretroviral drug therapy for all HIV-positive employees and dependants. Employers may say they cannot afford this. Or employees might want working patterns altered so that workers are not away from home, as there is evidence that such workers are more likely to engage in high-risk behaviour. Employers might see this as impracticable. In any case, the discussions leading to the adoption of a workplace policy should take place in a collaborative spirit of compromise and mutual understanding.

Why have a workplace policy on HIV/AIDS?

A workplace policy provides the framework for enterprise action to reduce the spread of HIV/AIDS and manage its impact. An increasing number of companies have workplace or company policies on HIV/AIDS. A policy:

- provides a clear statement about non-discrimination;
- ensures consistency with appropriate national laws;
- lays down a standard of behaviour for all employees (whether infected or not);
- gives guidance to supervisors and managers;
- helps employees living with HIV/AIDS to understand what support and care they will receive, so they are more likely to come forward for voluntary testing;
- helps to stop the spread of the virus through prevention programmes;
- assists an enterprise in planning for HIV/AIDS and managing its impact, thus ultimately saving money.

Why should the social partners agree on a policy?

The advantages of an agreed policy, rather than one simply published by the management, are as follows:

- an agreed policy demonstrates that both union and management are committed to dealing with the problems of HIV/AIDS in the workplace;
- an agreed policy is likely to be more effectively implemented;
- the process of consultation that takes place before the policy is agreed will allow both management and union to identify areas of possible disagreement and resolve them;
- an agreed policy can clarify how the policy fits in with other joint agreements that regulate workplace relations.

What should be included in a workplace policy?

A policy may consist of a detailed document just on HIV/AIDS, setting out programme as well as policy issues; it may be part of a wider policy or agreement on safety, health and working conditions; it may be as short as “This company pledges to combat discrimination on the basis of HIV status and to protect health and safety through programmes of prevention and care”. It should at least establish general principles, especially the rights of all at the workplace, based on the key principles of the ILO Code of Practice:

- 1 Recognition of HIV/AIDS as a workplace issue (see Module 1 of this manual)
- 2 No discrimination in relation to recruitment, promotion, training ... (see Module 2)
- 3 Gender equality (see Module 5)
- 4 Health and safety (including reasonable accommodation for AIDS-related illness – see Modules 6 and 7)
- 5 Social dialogue as a means to develop and implement HIV/AIDS policy (the present module)
- 6 HIV screening should not be required from job applicants or persons in employment (see Module 2)
- 7 Confidentiality (see Module 2)
- 8 Continuation of the employment relationship and grounds for dismissal (see Module 2)

- 9 Prevention (see Module 6)
- 10 Care and support for people living with HIV/AIDS (see Module 7).

The policy will need to refer to other relevant workplace agreements such as grievance and disputes procedures, disciplinary procedures, health and safety agreements and grounds for dismissal. Where there is a national law on HIV/AIDS, then it makes sense to have a general statement in the policy confirming the company's commitment to abide by any appropriate laws.

The guidelines produced by the Durban Chamber of Commerce, which appear in full in the reference section of this module, state:

“The Company recognises the provisions of the Employment Equity Act and the Labour Relations Act pertaining to fairness in recruitment. The Company does not take into consideration the HIV/AIDS status of an applicant when recruiting.”

Implementing the policy

Appendix III of the ILO Code of Practice gives a checklist which suggests the procedures to be adopted to agree and implement a joint workplace policy on HIV/AIDS. All should be firmly based in existing structures of social dialogue, and planned, implemented and monitored in a sustained and on-going manner. There will be many benefits from integrating HIV/AIDS into existing safety, drug and alcohol policies and the workplace medical service, where relevant.

Checklist (text from the Code is in *italics*).

- *An HIV/AIDS committee is set up with representatives of top management, supervisors, workers, trade unions, the human resources department, the training department, the industrial relations unit, the occupational health unit, the health and safety committee, and persons living with AIDS, if they are willing.* An existing committee may also be used, but in either case make sure that regular reports are made to the highest decision-making body in the enterprise. Efforts should be made to ensure the representation of women on the committee.
- *The committee determines its terms of reference and decision-making powers and responsibilities;* these must be approved by existing decision-making bodies (e.g. workplace committee, executive board).
- *Review of national laws and their implications for the enterprise;* this should go beyond any specific laws on HIV/AIDS and include anti-discrimination laws, for example.
- *The committee assesses the impact of the HIV epidemic on the workplace and the needs of workers infected and affected by HIV/AIDS by carrying out a confidential baseline study - important for effective planning and for monitoring the effectiveness of response.*

- *The committee establishes what health and information services are already available – both at the workplace and in the local community:* useful to avoid duplication and save costs.
- *The committee formulates a draft policy; the draft is circulated for comment then revised and adopted:* the wider the consultation, the fuller the sense of ‘ownership’ and support. The policy should be written in clear and accessible language.
- *The committee draws up a budget, seeking funds from outside the enterprise if necessary, and identifies existing resources in the local community.* Although funds are important, the absence of funding does not mean that action is impossible.
- *The committee establishes plan of action, with timetable and lines of responsibility, to implement policy:* it is important to have at least one named HIV/AIDS co-ordinator/focal point, especially where it is not possible to set up a committee just for HIV/AIDS.
- *The policy and plan of action are widely disseminated through, for example, notice boards, mailings, pay slip inserts, special meetings, induction courses, training sessions - and programmes of information, education and care are put in place.*
- The committee monitors the impact of the policy.
- *The committee regularly reviews the policy in the light of internal monitoring and external information about the virus and its workplace implications.* The HIV epidemic is evolving rapidly and so is the response – workplace policies and programmes must not stand still.

Key Questions

A collective agreement on HIV/AIDS

The parties may prefer the policy to be drawn up through a process of negotiation or collective bargaining. This could lead to a collective agreement specifically concerned with HIV/AIDS, or to the integration of additional clauses into an existing agreement.

One example of collective bargaining on HIV/AIDS issues is in South Africa, where the National Union of Mineworkers (NUM) and the Chamber of Mines negotiated a first agreement specifically on HIV/AIDS in 1993. In 2001, clauses on HIV/AIDS were added to the review of pay and conditions in the gold mines sector – the text of both are included in this module. It is interesting to compare the two approaches as well as noting the differences in content. One of the main issues in the recent negotiations was the ending of the single-sex hostel system; there is also a reference to the prevention of mother-to-child transmission.

An HIV/AIDS policy will have implications for existing terms and conditions of work. A collective bargaining process could take place in parallel alongside the process of drafting the workplace policy, or existing collective agreements can be modified once the policy has been finalized. One example might be disciplinary procedures. A workplace policy could state that employees who refuse to work with co-workers who are HIV-positive may be subject to disciplinary action. This would require a change in the collective agreement covering disciplinary procedures. It is also important to establish the grounds for dismissal (see Module 2, page 7).

The situation may arise where one side proposes that a workplace policy be drawn up, and the other does not agree. Collective bargaining arrangements may provide a way to begin discussions. Employers' and workers' organizations may require advice from the normal advisory and arbitration services provided by Ministries of Labour (or similar agencies).

In any case, the Code of Practice provides a good starting point, since it was drafted and approved by representatives of both employers and workers, together with governments.

Advocacy and leadership: employers' and workers' organizations

As discussed in Module 1, leadership is important in mobilizing a widespread response. For a number of reasons, HIV/AIDS was not seen as an urgent issue in the past, with social and labour implications, and this helped the epidemic take hold. Now, in order to ensure effective action, it is important that all those in a position of influence in the world of work speak out.

Employers' and workers' organizations are often a major force in civil society and can play a significant leadership role. They represent important constituencies and have extensive networks. Their policies, conferences, and campaigns often have a high public profile.

When management and union(s) in a company issue a joint statement that workers with HIV will not be dismissed, but will be supported and cared for, that is an enormously powerful statement and helps to counter fear and stigmatization.

The Chairman of the Kenya National AIDS Control Council, Dr Mohammed Abdalla, believes that major progress has been made in combating discrimination and stigmatization in Kenya since the Federation of Kenyan Employers took a public stand against discrimination in employment by issuing a code of conduct and encouraged open discussion of the disease.²

At the national and international level, employers' and workers' organizations have increasingly adopted policies and launched campaigns on HIV/AIDS. There are also many coalitions and alliances which have come together specifically over the issue. The costs of inaction are inevitably greater than the costs of prevention, and usually greater than the costs of care as well.

"If you lose someone you've trained for 20 years, that's a great loss. Condoms and AIDS education cost peanuts." (Company manager)

Employers and their organizations

5.2 (k) Advocacy. In the spirit of good corporate citizenship, employers and their organizations should, where appropriate, encourage fellow employers to contribute to the prevention and management of HIV/AIDS in the workplace, and encourage governments to take all necessary action to stop the spread of HIV/AIDS and mitigate its effects. Other partnerships can support this process such as joint business/trade union councils on HIV/AIDS.

■ ILO Code of Practice on HIV/AIDS and the world of work

² ILO: *Workshop for Employers' Organizations in East and Southern Africa*, ILO/AIDS Meeting Report (Geneva, 2002)

5.2 (n) International partnerships. Employers and their organizations should contribute, where appropriate, to international partnerships in the fight against HIV/AIDS.

■ ILO Code of Practice on HIV/AIDS and the world of work

The International Organisation of Employers (IOE) has produced a handbook for its members which states:

...it is imperative for business to respond to HIV/AIDS for its own benefit and that of its broader stakeholders. The consequences of HIV/AIDS have therefore become a “bottomline” issue... It is important that business becomes involved early in a multisectoral response. Early action will reap tremendous savings in both economic and human terms.³

The IOE stresses that “activities work best when commitment is demonstrated by the highest managerial level”.

The handbook provides a number of useful case studies showing action by individual enterprises and by employers’ organizations.

Employers’ organizations are ideally situated to take comprehensive multisectoral action against HIV/AIDS, the IOE suggests, because they have:

“an existing and effective organizational framework linking together member companies; a clearly defined target group of employees; the ability to provide leadership to mobilize members on a number of issues of concern to them; existing mechanisms for dealing with health and safety issues in the workplace; and the ability to speak on behalf of members on an issue as sensitive as HIV/AIDS and represent business in other forums dealing with HIV/AIDS (such as United Nations Theme Groups in most developing countries).”

Employers from West and Central Africa met in Douala, Cameroon, in 2000 and issued a Declaration committing employers to action against HIV/AIDS. The following year employers in eastern and southern Africa met in Mombasa, Kenya, and issued a *Time-bound action plan for employers’ organizations on HIV/AIDS*. The full report can be found on the ILO/AIDS website.

The follow-up to the Douala meeting has included the establishment of a coalition of businesses that are members of GICAM (the employers’ federation of Cameroon): this has become an official partner of the national AIDS committee and is implementing an enterprise action plan against HIV/AIDS.

³ International Organisation of Employers: *Handbook on HIV/AIDS* (Geneva, 2002)

Workers and their organizations

5.3 (n) International partnerships. Workers' organizations should build solidarity across national borders by using sectoral, regional and international groupings to highlight HIV/AIDS and the world of work, and to include it in workers' rights campaigns.

■ ILO Code of Practice on HIV/AIDS and the world of work

National and international trade union organizations have also adopted policies, produced articles, information and educational materials, and organized training. The International Confederation of Free Trade Unions (ICFTU) is the largest global co-ordinating body for the trade union movement. Its African regional organization adopted the Gaborone Declaration on HIV/AIDS in September 2000 and has produced a training manual for shop stewards. The Organization of African Trade Union Unity (OATUU) has also held meetings to mobilize its members against HIV/AIDS.

A consultation workshop at the ILO with the ICFTU, national union centres and global union federations resulted in the approval of an ICFTU programme of action on HIV/AIDS. This focuses on the mobilization of international and national trade unions and on providing assistance to strengthen their capacity to take action against HIV/AIDS.

Three union policies are included at the end of this module, and the resolutions of two global union federations in Module 4 on government and Module 7 on care and support.

Alliances against HIV/AIDS

A growing number of national and global alliances have been set up among businesses which are involved in collaborative action against HIV/AIDS and are playing an important advocacy and leadership role (see list of websites in the References and resources section of the manual). Some examples of bodies that operate at different levels include:

The Global Business Coalition

The Global Business Coalition on HIV/AIDS was founded in 1997. It is a peer advocacy organization that seeks to encourage involvement of the corporate sector in the response to HIV/AIDS. Its membership is made up of CEOs who have shown active and visible commitment to the epidemic. The GBC promotes learning and exchange between member companies to develop innovative responses to HIV/AIDS in the workplace and wider community.

The World Economic Forum is a member of the GBC and has also launched its own Global Health Initiative.

Business Exchange on AIDS and Development (BEAD)

BEAD is a global network of companies, NGOs, academic institutions and intergovernmental agencies concerned with the impact of disease and in particular HIV/AIDS, TB and malaria on business development in developing countries. BEAD offers companies the opportunity to network with a diverse range of stakeholders with regard to effective responses. It undertakes initiatives to address the financial and organizational impact of disease.

Thailand Business Coalition on AIDS (TBCA)

The aim of the TBCA is to provide leadership and advice for businesses in Thailand in dealing with HIV /AIDS at the workplace. Coalition members are given assistance on implementing effective prevention programmes. The Coalition also functions as a resource centre and provides consultancy services. This is one of the longer-established national groupings, while a new body with similar functions is the Singapore Business Coalition on AIDS (SBCA).

“Protecting your workforce protects your business!” (SBCA)

Summary: forms of social dialogue in the ILO Code of Practice on HIV/AIDS and the world of work

The table gives an overview of the roles employers and workers can play through social dialogue processes at different levels. At the same time, the tripartite process underpins every form and level of dialogue - even where the role of government is not made explicit, it is expected that government will support collaboration at all levels and actively facilitate it at the national level.

Level	Forms and subjects of dialogue	Stakeholder on the workers' side	Stakeholder on the employers' side
International	<p>Collaboration in advocacy campaigns, to focus attention on the impact of HIV/AIDS in the world of work, to address stigma and discrimination, and to promote access to affordable medication</p> <p>Consultation to identify and address risk factors affecting the world of work</p>	International trade union federation	International employers' organization, multinational company
Regional	<p>Collaboration in advocacy campaigns</p> <p>Consultation to identify risk factors and impacts affecting migrant workers and others on a regional and sub-regional basis, and to develop prevention strategies</p>	Area organization of union or national centre	Regional association or coalition
National and sectoral	<p>Collaboration on national AIDS councils, in advocacy campaigns, to support reform of labour laws to respond to HIV/AIDS, to include HIV/AIDS awareness in vocational training programmes, to ensure that workers with HIV/AIDS and their families are not excluded from social security programmes and to adapt benefit mechanisms to their needs</p> <p>Consultation in assessing and planning to mitigate the socio-economic impact of the epidemic, to identify and address risk factors for particular groups of workers, and to mobilize funding</p> <p>Negotiation of code or agreement on HIV/AIDS protection and prevention, including conflict-resolution mechanisms related to discrimination on HIV/AIDS</p> <p>Partnerships to save costs in providing information and education as well as care and support</p>	<p>National union centre</p> <p>National union for relevant industry/ sector</p>	<p>National organization of employers</p> <p>National organization of employers, chamber of commerce or sectoral association</p>

Level	Forms and subjects of dialogue	Stakeholder on the workers' side	Stakeholder on the employers' side
Enterprise	<p>Mutual support in development of non-discriminatory policies and practices</p> <p>Collaboration in assessing impact of HIV/AIDS on the workplace, in advocacy and prevention campaigns, in risk reduction and management, and in efforts to encourage confidential voluntary testing</p> <p>Consultation on the development and implementation of an HIV/AIDS policy, on information, education and training programmes, on measures to reasonably accommodate workers with AIDS-related illnesses, on ensuring that factors entailing the risk of infection are addressed, on the elaboration of educational strategies and on the establishment or extension of employee assistance programmes</p> <p>Negotiation of agreement including provisions on protection and prevention</p> <p>Action to set up conflict resolution mechanisms for issues related to discrimination concerning HIV/AIDS</p>	Workers' representatives	Employer
Community (including partnerships with local associations and NGOs)	<p>Collaboration in advocacy campaigns to support and encourage confidential voluntary testing</p> <p>Mutual support for information and education programmes in the local community (especially schools)</p> <p>Consultation to develop family assistance programmes</p>	Local union or workers' association	Local association of employers or chamber of commerce

ACTIVITY 1

Employers' action against HIV/AIDS

AIMS To help employers to develop policies and plans for their organizations and enterprises.

TASK Read through Section 5.2 of the ILO Code of Practice and Appendix III - Checklist on planning and implementing a workplace policy on HIV/AIDS.

Discuss how these provisions can be translated into practice:

- at the company level
- at the level of the industry/sector
- at the national level.

Include discussion of the role of the employers' organization.

ACTIVITY 2

Employers' action against HIV/AIDS

AIMS To help employers to develop policies and plans for their organizations and enterprises.

TASK Read through the Mombasa action plan agreed by employers in East and Southern Africa (see ILO/AIDS website).

Adapt it to your own situation, with a revised time-table.

ACTIVITY 3

Trade union action against HIV/AIDS

AIMS To help trade unions to develop policies and plans.

TASK Read through Section 5.3 of the ILO Code of Practice and Checklist III on planning and implementing a workplace policy on HIV/AIDS.

Discuss how these provisions can be translated into practice:

- at the company level
- at the level of the industry/sector
- at the national level.

Note : Several variations can be introduced, depending on who is attending the course. If local trade unionists are attending, then discuss action at that level only. If the participants are mainly from a national union, focus on action at the industry level.

If the representatives are from a national trade union centre, then focus on the national level.

ACTIVITY 4

Developing a trade union policy

AIMS To help you develop a policy on HIV/AIDS for your trade union.

TASK Work in groups. Each group develops a draft union policy on HIV/AIDS, which should take the form of a resolution to your union conference.

Each resolution should be written out or typed.

The course should then operate as a meeting, with each draft being presented for debate and amendment before any policy is adopted.

Note : This is a 2-stage activity. You could stop after stage 1, and each group could simply present its policy. Tackling stage 2, which is more like a role play, requires more time and basic knowledge of union meeting procedures.

ACTIVITY 5

Workplace policies/ agreements

AIMS To analyse existing policies and help you develop one for your workplace.

TASK Take two different policies or collective agreements on HIV/AIDS.

What are the strong and weak points of each?

Which do you prefer and why?

ACTIVITY 6

A workplace policy on HIV/AIDS

AIMS To discuss the case for a separate and specific HIV/AIDS policy.

TASK This a role play. Course members are divided into two teams.

1. Team A presents the case for a specific workplace policy on HIV/AIDS, arguing that this policy will assist the process of thinking about the challenge HIV/AIDS poses for the enterprise and will be a public statement of concern - a leadership statement. Given the high impact costs of HIV/AIDS and the many sensitivities that surround it, the matter needs to be treated as a separate issue.

2. Team B presents the case for NOT adopting a separate policy. Their argument is that the enterprise should treat HIV/AIDS in the same way as any other life-threatening illness. This will reflect the company's concern for all such illnesses and will ensure that no stigma is attached to HIV/AIDS. A policy or statement on life-threatening illness can also include a commitment on health and safety at work.

Note : This could be a joint activity, or it could also be suitable for separate employer or trade union groups. Both teams should be free to add arguments to the briefs given, but Team B should not argue against the seriousness of HIV/AIDS. Their argument is about ways of dealing with it. This could be a particularly appropriate activity in low-incidence countries.

ACTIVITY 7

Drawing up a workplace agreement

AIMS To help you to develop a joint approach to dealing with HIV/AIDS.

TASK This is a role play.

One group plays the union committee in the enterprise.

The other group plays the management.

Others observe.

Union brief : you want to negotiate a collective agreement on HIV/AIDS. You have written to management to suggest this. You are about to hold your regular monthly meeting with management.

Management brief : you want to restrict collective bargaining to core issues (wages, hours, holidays). You are willing to draw up a workplace policy, and you will show the union a draft of this before you finalize it.

Note : This is a key activity. Participants will need to read through the relevant sections of the Code very carefully to see what it says about drawing up a workplace policy and what it says about collective agreements.



LES NOMBREUX VISAGES DU SIDA

LA CONSCIENCE

Le premier

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LES NOMBREUX VISAGES

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- I. Durban Chamber of Commerce: Guidelines on HIV/AIDS
- II. National AIDS Fund (US): Sample Policy for Employers
- III. Gaborone Declaration of the International Confederation of Free Trade Unions - African Regional Organisation (Part II)
- IV. TUCP (Trade Union Centre of the Philippines): Policy on Prevention and Control of HIV/AIDS and STDs
- V. Southern African Clothing & Textile Workers Union: Policy and action programme to help combat HIV/AIDS
- VI. NUM-South Africa Chamber of Mines: i) AIDS Agreement (1993), ii) Agreement 2001, Section 3 on HIV/AIDS

I. Durban Chamber of Commerce: Guidelines for Affiliated Companies

HIV/ AIDS POLICY AND PROCEDURE FOR DEALING WITH LIFE-THREATENING DISEASES

1. Policy and Philosophy

..... recognises the threat posed to both the health of employees and the interests of the Company by the Acquired Immune Deficiency Syndrome (AIDS). In so doing the Company is committed to the promotion of awareness of the condition amongst all employees, and the provision, where reasonably possible, of support and assistance to those who have been infected with the Human Immunodeficiency Virus (HIV).

Whilst the Company is sensitive to the plight of HIV/AIDS sufferers, it is also acutely aware of the adverse consequences to the Company. The Company has identified the following areas where adverse effects may be experienced:

- Recruitment and Training;
- Employee Benefits;
- Absenteeism, attendance and productivity;
- Promotions and Affirmative Action;
- Safety.

2. Objectives

The Company through increasing the awareness of the condition, and by promoting a culture which is empathetic to those who suffer from the effects of the condition, seeks to achieve the following:

- (i) To protect the rights of all employees who suffer from either AIDS or HIV;
- (ii) To protect the rights of employees who do not suffer from either AIDS or HIV;
- (iii) To limit the effect of the spread of the virus by encouraging employees to engage in safe sex practices;
- (iv) To eliminate unrealistic fears and prejudices relating to the condition and the spread thereof.
- (v) To protect the interests of the Company in limiting the impact of the condition by using ethical and legally defensible means;
- (vi) To provide guidelines for managerial staff and sufferers on the management of the effects of the condition in the workplace;
- (vii) To effectively monitor and evaluate the effectiveness of the measures taken to manage the condition and its effects on the workplace.

3. Guidelines - Recruitment

The Company recognises the provisions of the Employment Equity Act and the Labour Relations Act pertaining to fairness in recruitment. The Company does not take into consideration the HIV/AIDS status of an applicant when recruiting. Rather, the Company's policy on recruitment and the inherent requirements of the job guides the Company in its recruitment practices.

4. Guidelines - Infected Employees

The Company endeavours not to discriminate against any employee on any unfair or arbitrary ground, including HIV or AIDS status. The Company recognises the provisions of the Constitution, The Labour Relations Act, The Employment Equity Act, and The Code of Good Practice on Key Aspects of HIV/AIDS and employment.

The Company endeavours to create a safe working environment for all. The Company will not discriminate against, either directly or indirectly, or differentiate between an HIV/AIDS sufferer and any other employee. The Company views an HIV/AIDS sufferer in the same way that it views any other employee suffering from a life threatening disease. Whilst the maintenance of strict confidentiality regarding the HIV/AIDS status of an employee is of paramount importance, the Company encourages employees to be open about their status. In so doing the Company is then able to proactively assist the employee through counselling and accurately monitoring the spread of the virus. The Company will deal with the HIV/AIDS sufferer with empathy and care. Consequently the Company will provide all reasonable assistance, which may include counselling, reasonable time off, sick leave, family responsibility leave and information regarding the virus and its effect.

5. Guidelines – Poor Performance

Whilst the Company accepts the rights of employees suffering from the condition, it also recognises the significant adverse effect on the performance of the Company. Where the performance of an HIV/AIDS sufferer is adversely affected by the virus, the Company reserves the right to address the problem as if it were an incapacity/ ill health matter. If a sufferer is unable to perform his/her tasks adequately, the manager or supervisor must resolve the problem according to the Company's procedure on Poor Performance – Ill Health. The supervisor must take into consideration the employees' physical condition, the nature of his/her job and all alternatives short of dismissal before considering dismissal for poor performance.

6. Guidelines – Non HIV/AIDS Sufferers

The Company endeavours to educate all employees about HIV/AIDS on issues which include, but are not limited to, the following:

- (i) What is HIV/AIDS;

- (ii) How is the virus contracted;
- (iii) What is the course of AIDS;
- (iv) The effect of the virus on the workplace;
- (v) The Company policy and procedure for dealing with HIV/AIDS.
- (vi) Employees concerns, myths and fears.

The Company endeavours to inform employees that there is virtually no risk of contracting the virus through casual contact in the work environment. Notwithstanding this the Company and all employees will take all reasonable precautions to prevent the spread of the disease to others. Should an employee refuse to work with a colleague who is HIV-positive, the employee will be warned that such conduct is unreasonable and that his/her conduct may place their own job in jeopardy. Action may be taken in accordance with the Company's Disciplinary Code.

The Company also recognises that failure to take appropriate action against an employee who harasses or discriminates against an employee with the HIV/AIDS virus renders the Company liable in terms of the Employment Equity Act. Whilst taking action against the employee who is guilty of harassment or discrimination in terms of the Company's Disciplinary Code, the Company may also provide reasonable assistance to the recipient of the unwarranted discrimination.

7. Testing

The Company recognises and adheres to the provisions of the Employment Equity Act relating to HIV/AIDS testing and the National Policy for Health Act - National Policy on Testing for HIV. The Company does not require the testing of employees in any of its employment practices. The Company will however provide the appropriate facilities for employees who wish to be tested voluntarily. With the request and written consent of the employee, the Company will ensure that the employee receives pre-test and post-test counselling as well as an HIV/AIDS test. The results of the HIV/AIDS test will be strictly confidential and the results will only be released to a third party, including the Company, upon the written consent of the employee.

8. Confidentiality

The Company recognises the sensitive issues that surround HIV/AIDS sufferers and therefore undertakes to handle matters in a discreet and private manner. Where a sufferer has revealed their status to management, the Company will keep the identity of the person confidential. However in line with the Company philosophy on the virus, the employee will be encouraged to be open about his/her HIV status.

II. National AIDS Fund (USA)

Sample Policy

(Company) does not unlawfully discriminate against employees or applicants living with or affected by HIV (Human Immunodeficiency Virus) or AIDS (Acquired Immune Deficiency Syndrome). The Company recognizes that HIV infection and AIDS, the most serious stage of disease progression resulting from HIV infection, pose significant and delicate issues for the workplace. Accordingly, we have established the following guidelines and principles to serve as the basis for handling employee situations and concerns related to HIV infection and AIDS.

1. The (Company) is committed to maintaining a safe and healthy work environment for all employees. This commitment stands on the recognition that HIV, and therefore AIDS, is not transmitted through any casual contact.
2. HIV is a blood-borne virus, and is spread only through intimate contact with blood, semen, vaginal secretions, and breast milk. For over ten years, scientists have made new discoveries about HIV infection and AIDS. But one piece of information has never changed – the disease spreads. Scientists have recognized this fact since 1982. The basic facts about HIV transmission and prevention are sound.
3. The (Company) will treat HIV infection and AIDS the same as other illnesses in terms of all our employee policies and benefits, including health and life insurance, disability benefits and leaves of absence. Employees living with or affected by HIV infection and AIDS will be treated with compassion and understanding, as would employees with other disabling conditions.
4. In accordance with the law, the (Company) will provide reasonable accommodations for employees and applicants with disabilities who are qualified to perform the essential functions of their positions. This applies to employees and applicants living with HIV infection and AIDS.
5. Generally, disabled employees have the responsibility to request an accommodation. It is the policy of (the Company) to respond to the changing health status of employees by making reasonable accommodations. Employees may continue to work as long as they are able to perform their duties safely and in accordance with performance standards. Supervisors and managers are encouraged to contact the Human Resources Department for assistance in making reasonable accommodations.
6. Co-worker concerns will be handled in an educational fashion. The Human Resources Department can provide information and educational materials. In addition, the names of community-based organizations in our operating areas are appended. Consult one of these groups for support and information. Supervisors and managers are encouraged to contact the Human Resources Department for assistance in providing employees with information and assistance.

7. Recognizing the need for all employees to be accurately informed about HIV infection and AIDS, the (Company) will make information and educational materials available. Employees who want to obtain information and materials should contact the Human Resources Department.

8. Co-workers are expected to continue working relationships with any employee who has HIV infection or AIDS. Co-workers who refuse to work with, withhold services from, harass or otherwise discriminate against an employee with HIV infection or AIDS will be subject to the same disciplinary procedures that apply to other policy violations.

9. Information about an employee's medical condition is private and must be treated in a confidential manner. In most cases, only managers directly involved in providing a reasonable accommodation or arranging benefits may need to know an employee's diagnosis. Others who may acquire such information, even if obtained personally from the individual, should respect the confidentiality of the medical information.

10. (Company) maintains an "open-door" policy. Employees living with or affected by HIV infection and AIDS, and those who have any related concerns, are encouraged to contact their supervisor, office administrator, (Company-)wide director, the Employee Relations and Development Manager, or the Chief Administrative Officer to discuss their concerns and obtain information.

11. If you have questions about this policy, its interpretation, or the information upon which it is based, please contact any of the individuals listed in item (7) above.

12. Appendix: List of local HIV/AIDS information and service organizations (optional).

III. International Confederation of Free Trade Unions - African Regional Organisation

'Gaborone Declaration'

Framework of Action Towards Involving Workers in Fighting HIV/AIDS in the Workplace

Gaborone, Botswana, 29 September 2000

Part I: Preamble

A: Background

Provides an overview of the epidemic and its effects in Africa

B: Trade Union Commitment in Fighting HIV/AIDS at the Workplace

Points out the unique role which trade unions can play in combating HIV/AIDS

**Part II: Trade Union Programme of Action
Against HIV/AIDS at the Workplace**

7. Twenty years into the AIDS pandemic with death projections soaring unabated in developing countries, the time for studying the problem is over. In Africa, there is little room in a trade union agenda for studying the HIV/AIDS crisis further. Every available avenue should be explored to rush assistance to those who are desperately in need. At the same time African trade unions are aware of the need to safeguard resources from waste and abuse, for we know that in every instance where this occurs we move one step backward on our journey to end the scourge of HIV/AIDS. That is why we believe it is so important that organisations with existing structures with accountable, elected leadership are principal foot soldiers in the war against HIV/AIDS.

8. We pledge to advocate and build political will within governments and through sub-regional, regional and international structures to promote education and behaviour change in the workplace and within our communities; eliminate discrimination, stigma and denial; and, empower women to end the heavy burden brought on them by this disease. We do this on behalf of the 15 million members of the African Regional Organisation and the 125 million members of the ICFTU.

9. We further pledge to use shop stewards at the enterprise level to reduce infections through information and education; mitigating the effects by protecting human and trade union rights and reducing stigmatisation; and adapting and expanding approaches to halt transmission of the virus. Areas of action include: educating members in non-discrimination against workers living with HIV/AIDS; including relevant clauses in collective bargaining agreements; developing preventive education programmes; strengthening health and precautions at work; providing extended leave for affected workers; counselling on HIV/AIDS and other STDs; health-seeking behaviour; social marketing of condoms, and STD diagnosis and treatment services.

10. The programme of action will incorporate the following dimensions:

- Continuing to undertake systematic investigations to determine the extent of implications of HIV/AIDS at the workplace, including its effect on the growth of the labour force, labour force participation rates, women, child labour, union membership, productivity, etc.
- Building of partnerships and networking with trade union friendly organisations and donor partners, and other interested parties. This would involve activities such as the provision of instruction on the legal aspects of HIV/AIDS and the workplace, and training focal points at various levels.
- Owing to the tradition of community solidarity and the important role played by women workers and youth, the trade unions should assist in strengthening the community capacity to care for

People Living with HIV/AIDS. In all community-based activities, attention should always be given to local initiatives.

- Unions should also focus on preventive education. There is need to establish and strengthen national tripartite AIDS Councils in order to enhance ownership and sustainability.
- Integration of HIV/AIDS issues and gender components in all trade union programmes and technical co-operation projects currently being implemented in the African region, including Gender and Equality, Social And Economic Policy, Project Work, Education, Publicity, and Human and Trade Union Rights.
- Preparation of an information kit targeted to inform ICFTU-AFRO affiliates and its collaborating partners on the implications and follow-up action to mitigate the pandemic of HIV/AIDS and the world of work.
- At enterprise or branch level, the assistance should be in the formulation and implementation of policies to protect PLWHA at work, and providing prevention and care, including education and training.
- Technical assistance specifically on HIV/AIDS could be provided for social security schemes and medical schemes.
- Strengthening collaboration with other agencies such as the ILO, World Bank, WHO, UNDP, UNESCO, UNFPA, IOM and UNAIDS, who are actively involved in combating HIV/AIDS. Further collaboration will be sought with national, sub-regional and regional organisations with similar interests with respect to the total eradication of the HIV/AIDS menace.
- Enhancing the capacity of the ICFTU-AFRO towards the co-ordination of the implementation of the Framework of Action on HIV/AIDS.
- Building capacities of our national trade union centres so that they will have the ability to co-ordinate a workplace education and prevention campaign.
- Developing infrastructure by building capacity and through training within the affiliates to conduct shop-floor-based campaigns.
- Advocating for the establishment or maintenance and evaluation of the political will on the part of governments in fighting HIV/AIDS.
- Sharing knowledge and information on the HIV/AIDS pandemic.

Part III: The Role of Partners

11. We believe that no effective international strategy will succeed unless it places partners on an even footing based on mutual respect and the common determination of priorities of work, planning and implementation. We know from long experience that no proscribed solutions are sustainable unless they are developed in the context of a partnership.

Although we have begun with our own limited resources to build the capacity within our national trade union structures and in some of our affiliates, we know that there is much that remains to be done to put into place effective broad-based workplace education and prevention programmes. We have undertaken these efforts with very little support from the international community. We appeal for support to assist us in this effort.

12. The African labour movement welcomes and holds great hope for the actions of the International Confederation of Free Trade Unions, the International Labour Organisation, and UNAIDS in joining us in our efforts. We believe that thus far, among the most under-utilised weapons in the fight against HIV/AIDS, is the potential power that the social partners of government, employers and labour can deploy when mobilised.

13. Africa welcomes the arrival of more international forces – including community-based organisations – to join us in the battle against HIV/AIDS. At the same time, we are insistent that workplace-based programmes are those programmes which do not favour either employers or workers, but rather are those which enlist all of the social partners. In the interest of minimising waste and duplication, we call upon community-based organisations to respect basic trade union protocol by simply contacting national trade union centres, before exploring programmes with our affiliated unions.

Part IV: Conclusion

14. The ICFTU-AFRO and its affiliates commit themselves to the implementation of the Gaborone Trade Union Declaration and its resulting Framework of Action to ensure that the HIV/AIDS pandemic will not steal our future from us.

IV. Trade Union Congress of the Philippines (TUCP)**POLICY ON PREVENTION AND CONTROL OF HIV/AIDS AND STDs****1. Prevention and Control of the Spread of HIV/AIDS/STDs****1.1 Access to information**

All workers shall have access to adequate and updated information, health, and counselling and education programs on HIV/AIDS/STDs as well as to support services and referrals.

1.2 Support for Programs

Programs on HIV/AIDS/STDs shall be supported by all TUCP national leaders, officers and affiliates through the mobilisation of its relevant committees and departments. In recognition of December 1 as World AIDS Day, TUCP shall initiate and participate in relevant activities for its observance.

1.3 Partnerships

TUCP shall establish close working partnerships among employers groups, government, non-government organisations and research institutions but such partnerships shall be limited only to funding, coordination and technical support. Actual program implementation shall rest solely on TUCP and/or its affiliates.

1. Role of Employers, Government and other Members of Civil Society.

Employers should endeavour to allocate funds and provide support for the implementation and sustainability of plant-level HIV/AIDS/STDs prevention and control programs.

1.5 Republic Act 8504

TUCP shall support the implementation and enforcement of Republic Act 8504 or the Philippine AIDS Prevention and Control Act of 1998, lobby for the immediate issuance of its Implementing Rules and Regulations (RR) and carry out local unions on the said law.

2. Protection of Workers' Rights and Dignity of Persons Living with HIV/AIDS/STDs

2.1 For persons applying for employment

Mandatory testing for HIV antibodies shall be prohibited.

2.2 For Employees

Workers with HIV/AIDS/STDs shall be entitled to the same rights and opportunities as other employees.

2.2.1 HIV Antibody Screening

No mandatory HIV testing shall be done. Antibody testing shall be on a voluntary basis with pre- and post-counselling that guarantees anonymity.

2.2.2 Confidentiality of Records

Results of HIV antibody test and other employee health records shall be treated with the utmost confidentiality.

2.2.3 Protection of Employee Tenure

TUCP shall uphold the security of employment of workers with HIV/AIDS/STDs. They shall be allowed to work as long as they are physically fit and medically cleared to do so. They shall, likewise, be protected from stigma and discrimination by co-workers and employers as well as from demotion and termination by the latter. Workers with HIV/AIDS/STDs shall also have the right to a safe and healthy working environment and reasonable change in working arrangements when needed.

2.2.4 Reproductive Health (RH) Day

TUCP shall declare a Reproductive Health (RH) Day to provide workers complete services for their needs. TUCP shall advocate for the inclusion of this RH Day in the Collective Bargaining Agreement (CBA) as a regular part of its Family Welfare Program.

2.2.5 Benefits

TUCP shall endeavour to establish HIV/AIDS/STDs funds and/or endowments to assist/support workers with HIV/AIDS and STDs. It shall ensure that workers with HIV/AIDS/STDs be entitled to the same benefits as provided for by the law and by other employers. Workers whose jobs are considered high risk to infection through needle prick or exposure to blood and other blood products shall be provided with special protection and additional compensation. Universal precautions shall always be observed and practised in the workplaces.

3. Responsibility of Workers with HIV/AIDS/STDs

3.1 Workers with HIV/AIDS/STDs shall be responsible for maintaining a lifestyle that will control and prevent the spread of the disease.

4. Recognition of TUCP responsibility

4.1 TUCP affiliates shall negotiate for provisions in all CBA contracts that support HIV/AIDS/STDs initiatives including, but not limited to, time off with pay for workers' participation in the HIV/AIDS/STDs programs and activities.

4.2 TUCP shall develop an appropriate and gender-sensitive information, education, communication and motivation (IECM) campaign on the control and prevention of HIV/AIDS/STDs.

4.3 TUCP shall endorse and establish mechanisms for the integration of the HIV/AIDS/STDs Prevention Programs in existing Family Welfare Programs and/or other Health Promotion Programs in the Workplace.

5. Establishment of TUCP Core Group on HIV/AIDS/STDs

- 5.1 A TUCP core group shall be established to implement and coordinate a nationwide program on HIV/AIDS/STDs. They shall be composed of representatives coming from different federations affiliated to TUCP.
- 5.2 A focal person shall be identified and assigned to coordinate and monitor the integration and implementation of the HIV/AIDS/STDs Prevention Program in Workplaces.

V. Southern African Clothing & Textile Workers' Union

Policy and action programme to help combat HIV/AIDS (May 2002)

Introduction

This policy framework constitutes the basis of Sactwu's HIV/Aids programme. As a trade union, we recognise that HIV/Aids is a major challenge in our society. We have the challenge to

- launch an education programme to contribute to reducing and preventing the spread of HIV/Aids
- provide counselling to members who are HIV-positive, which will assist them in adapting their lives, and to live positively; and
- educate workers and the rest of society to ensure that those who are HIV-positive are not stigmatised and that we produce a caring supportive environment for HIV-positive people, at the workplace, in the union and in wider society.

We have the responsibility to campaign for treatment and aftercare to be provided for people who are HIV-positive, and to interact with government, employers and the donor community to ensure this.

To achieve these goals, Sactwu undertakes to use its resources, and its collective and advocacy power.

Crucially, Sactwu undertakes to enter into constructive partnerships with a range of other institutions with which we share similar goals. We now undertake to enter into a strategic partnership with the Treatment Action Campaign, and to seek a partnership with government, as well as with clinicians working on HIV/Aids, such as those at the Nelson Mandela School of Medicine at the University of Natal, Durban.

Education

Sactwu has a programme of training that has given basic training to 1,100 shop stewards over the past 18 months.

In the period ahead, it is agreed to refocus the education to ensure that the information and education reaches members effectively. This requires that we seek time off from employers for worker briefing meetings on the shop floor.

The basis of the education programme is to actively promote changes in lifestyle to avoid infection. This will include education on how the virus is spread, and steps that can be taken to avoid infection.

The education programme will focus on the ABC:

- Abstain from sexual activity
- Be faithful to your partner
- Condomise; that is, practice safe sex by using condoms.

For the 12-month period from 1 June 2002, we will target reaching

- 800 shop stewards in specialised training programmes
- all 110 000 members with the basic ABC message: abstain, be faithful or condomise; and
- 40 000 members with at least 60 minutes of education, and one booklet each.

We will conduct programmes to equip shop stewards with skills to be able to reach the entire membership in more generalised awareness-raising.

During November, Sactwu will run a 1-month HIV/Aids focus in the run-up to World Aids Day. During this 1-month period, at least 30 minutes of every constitutional meeting at branch, local, regional and national level will be used to address HIV/Aids awareness.

A special training programme dealing with combating discrimination at the workplace, and destigmatising HIV/Aids will be run in each region.

Testing and counselling

Sactwu affirms that the programme of testing and counselling will be based on the principle of strict voluntarism in testing, complete confidentiality of results and a supportive environment for those who test HIV-positive.

The voluntary testing and counselling programme will be offered to both workers and their dependents. The voluntary testing and counselling programme will be launched by 1 June 2002. Within the first twelve-month period from 1 June 2002, we will target reaching at least 2 000 members and dependents with counselling and testing. The union will develop union-based support groups for workers who test HIV positive as a result of this programme and will offer assistance as set out elsewhere in this policy.

Treatment

Sactwu recognises that treatment must form a critical component of any response to HIV/Aids. Accordingly, we commit ourselves to a programme of advocacy and support in order to achieve affordable and universally accessible access to drugs.

Basic treatment pack

Sactwu will provide a basic pack of vitamin and related drugs to members who test positive in the union-testing programme. This basic pack will include the provision of multi-vitamins and cotrimoxazole prophylaxis.

Nevirapine for pregnant women

Sactwu will offer to provide Nevirapine for pregnant members directed at reducing mother to child transmission, in any province where the state fails to do so, provided that the State provides formula feed and the necessary infrastructure to make the provision of Nevirapine effective.

Nevirapine will accordingly be provided in those instances where Sactwu reaches agreement with provinces, or possible partners to provide the required infrastructure, which will include appropriate post-natal care for pregnantwomen as well follow-up care for the mother and baby.

TB treatment

Sactwu will run a campaign to raise awareness of TB in the workplace, and make information available on access to the DOT system. This will require a set of training, posters, and briefing sessions at the workplace. All shop stewards will be mobilised to run the campaign. To give effect to this, Sactwu will recruit shop stewards and members to act as DOTS mentors and observers.

Sactwu will assist Bargaining Council health funds to lobby government to ensure that TB treatment is available at all workplaces.

STI Treatment

Sactwu will endeavour, through partnerships with government, to ensure that treatment for sexually transmitted infections (STIs) is made available to members.

Antiretrovirals

Sactwu is unable to provide the costs of antiretrovirals, and must act as a catalyst to release public, employer and donor monies to make the required antiretrovirals available. Sactwu fully supports and endorses the TAC campaign for antiretrovirals to be universally available to all.

Sactwu will encourage members to take part in pilot antiretroviral projects that have been identified by provinces, with particular focus on KwaZulu Natal.

Sactwu will lobby and campaign for provincial governments, including in the Western Cape, Gauteng and KwaZulu Natal, to initiate the antiretroviral projects as soon as possible.

Sactwu supports and will strengthen the Cosatu campaign for the compulsory licensing of antiretrovirals in order to dramatically reduce costs.

Home-based care

Sactwu will launch a programme of training and support for shop stewards to provide home-based care for people living with Aids. This programme will be linked to the voluntary testing and counselling programme, and will be offered in the initial period to workers who have tested HIV-positive in the Sactwu voluntary testing and counselling programme.

The home-based care programme will be started on a pilot basis and be evaluated after six months.

Dependents

The union will commence work to determine the approximate number of orphans of HIV members who have passed away. Partnerships will be considered with external agencies to commence to provide support for such children.

In addition, Sactwu supports the campaigns such as the extension of the child support grant to all children up to age 18, as well as the provision of a basic income grant for all South Africans.

Collective bargaining

All collective bargaining demands must carry a requirement for employers to provide practical support for the HIV/Aids programme, including the provision of finance, facilities for shop steward training and time off for workers.

Collective agreements must address commitments from employers to apply non-discriminatory policies for HIV-positive workers, in accordance with the Nedlac code and the ILO Code.

The union will develop proposals for collective bargaining dealing with the employment relationship and HIV/Aids, and will include matters such as the waiting period for access to provident fund monies for those who are no longer able to work.

Campaigns

Sactwu supports the submission of a comprehensive HIV-Aids Plan to Nedlac, for negotiation with business and government, and will campaign for such a Plan to be adopted. The Plan should address ways to help stop the spread of the virus and to provide care and support for people who are infected.

Sactwu undertakes to campaign for the rules of the State maintenance grant to be changed to reduce the waiting period for those who are HIV-positive.

Sactwu undertakes to partner with the TAC to ensure that all children are registered, and run a campaign to this effect.

Provincial and community partnerships

Sactwu undertakes to develop proposals and engage in discussion with provinces towards a partnership to provide momentum for the HIV-Aids programme.

Sactwu undertakes to work with community organisations which share our vision, to take the campaign forward and ensure that we mobilise our people on HIV/Aids.

VI. i) AIDS agreement between the National Union of Mineworkers and the Chamber of Mines of South Africa

Concluded between the parties as provided for in the agreement of 31 July 1991 concerning the 1991 review of wages and other conditions of employment.

Objective

The objective of this agreement is to provide industry-level guidelines;

- a) to minimize the effect of HIV in the mining industry;
- b) to prevent the spread of HIV infection; and
- c) for the management of HIV infection in the employer/employee relationship.

Policy

1. General principle.

Whilst recognising that there are circumstances unique to HIV infection, the fundamental principle to be applied is that HIV infection and AIDS should be approached on the same basis as any other serious condition.

2. Rights of the individual employee

2.1 Rights of employees who are HIV-positive. HIV-positive employees will be protected against discrimination, victimisation or harassment.

2.2 Testing. No employee should be required to undergo an HIV test at the request, or upon the initiative, of management or an employee organisation, provided that where HIV testing is intended in specified occupations on medical grounds, the employee will be required to undergo testing where this has been supported by the independent and objective medical assessment of a medical practitioner, mutually agreed by the parties. Failing agreement the Medical Bureau for Occupational Diseases will be requested to select such a practitioner.

2.3. Employment opportunities and termination of employment.

No employee should suffer adverse consequences, whether dismissal or denial or appropriate alternative employment opportunities which exist, merely on the basis of HIV infection.

2.4. Counselling

Appropriate support and counselling services will be made available to employees.

2.5. Benefits

Employees who are clinically ill or medically unfit for work will enjoy benefits in terms of the relevant conditions of employment as negotiated from time to time between the parties.

3. Epidemiological testing

3.1 Testing programmes for epidemiological purposes will be the subject of appropriate consultation with recognised employee organisations and will be subject to independent and objective evaluation and scrutiny.

3.2. The statistical results of testing programmes will be shared with employees and recognised employee organisations.

3.3. The results of epidemiological studies will not be used as a basis for discriminating against any class of employee in the workplace.

4. Testing Standards

4.1 All testing will comply with generally accepted international standards (on pre-and post-test counselling, informed consent, confidentiality and support).

5. Awareness and education programmes

5.1. In the absence of a vaccine or cure, information and education are vital components of an AIDS prevention programme because the spread of the disease can be limited by informed and responsible behaviour.

5.2. 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 with HIV.

5.3. The involvement of employees and their recognised representatives is of key importance in awareness, education and counselling programmes to prevent the spread of AIDS as well as in the support for HIV-positive employees.

5.4. The employers will consult with employees and their recognised representatives on current and future programmes.

6. Lifestyle changes

6.1. It is acknowledged that it is the role of each individual to prevent the transmission of HIV through informed and responsible behaviour, and the parties also recognise that socio-economic circumstances can influence disease patterns in communities.

6.2. The parties agree to consider at mine level the socio-economic environment and lifestyles in relation to the effective prevention of HIV infection.

7. Health Care workers

7.1 The policy recognises the professional and ethical guidelines for health care workers as stipulated by the relevant statutory bodies.

8. Joint discussions

8.1 The signatory employee organisations undertake to participate in joint meetings with other interested parties, where necessary, to give effect to the terms of this agreement.

9. Amendment to agreement

9.1 The parties jointly undertake to assess and review the efficacy of the provisions of this policy one year after its implementation, or at any stage thereafter.

Signed by the NUM and the Chamber of Mines on behalf of recognising mines at Johannesburg on this 25th day of August 1993.

VI. ii) AGREEMENT

between THE NATIONAL UNION OF MINeworkERS as principal and on behalf of its members as defined herein (the “Union”) and THE CHAMBER OF MINES OF SOUTH AFRICA acting on behalf of the entities listed in Annexure A hereto (the “Mines”) regarding

THE 2001/2002 AND 2002/2003 REVIEW OF WAGES AND OTHER CONDITIONS OF EMPLOYMENT ON GOLD MINES

1. Application of agreement

2. Wage increments

3. HIV/AIDS

3.1 Introduction

3.1.1 HIV/AIDS is a major threat to the well-being of people and the industry.

3.1.2 Combating HIV/AIDS will require a partnership between the Mines, the Union, individual employees, the Government and other stakeholders.

3.1.3 A successful strategy requires many interventions and there is no single fix, or quick fix.

3.1.4 Many uncertainties and unanswered questions remain in the successful prevention and treatment of HIV/AIDS.

3.1.5 The Mines and Union agree to work together to find effective, sustainable and affordable solutions and agree that attention be given to the issues mentioned below.

3.2 HIV/AIDS partnership structures

3.2.1 Company/Mine level HIV/AIDS partnership structures should be established within three months of signing this agreement, where they have not already been established.

3.2.2 The purpose of the HIV/AIDS partnership structures will be the development of relevant HIV/AIDS programmes within clear and defined budgets that will seek, inter alia to:

3.2.2.1 Create awareness, which is preventative in content, with particular emphasis on the ABC (Abstinence, Be Faithful and Condomise) of HIV/AIDS prevention.

3.2.2.2 Effect behavioural change, that may include programmes to encourage employees to voluntarily declare their HIV status without fear of victimisation.

3.2.2.3 Oversee the development of and early participation in Wellness Programmes for employees suffering from HIV/AIDS that will, inter alia, include:

Relevant counseling and education;

Medical care;

Regular medical assessment and appraisal;

Access to relevant medication in respect of diseases associated with HIV/AIDS;

Access to nutritious food; and

Access to hygienic living conditions.

3.2.2.4 Contribute to the raising of awareness and the necessary behavioural change by ensuring that testing programmes comply with the principle of confidential, informed, voluntary counseling and testing (CIVCT), and encouraging employees to participate in such CIVCT programmes by linking them to appropriate Wellness Programmes.

3.2.3 Funding will be provided specifically for HIV/AIDS programmes that are to be undertaken by the HIV/AIDS partnership structures, and the information on such funding will be made available to the partnership structures.

3.2.4 The joint HIV/AIDS partnership structures should interact with Housing Forums regarding housing matters, and the Mines will within the parameters of affordability and employee preferences make their best endeavours to accelerate programmes of making family accommodation available, including the conversion of hostels and utilisation of empty houses.

3.3 The Mines and Union further agree the following issues relevant to a comprehensive and effective strategy in the Gold Mining Industry to positively impact on the lives and circumstances of HIV/AIDS sufferers:

3.3.1 Making available effective treatment and medication for HIV infected pregnant employees, including anti-retroviral therapy (ART) as may be medically justified.

3.3.2 Recommending to the Mining Industry HIV/AIDS Committee that an annual Mining HIV/AIDS Summit be convened, to discuss effective HIV/AIDS strategies and to learn from successes and failures in the industry and elsewhere.

AIDS E TRABALHO

Como lidar com a AIDS no ambiente de trabalho?



Os portadores do vírus HIV ou doentes de aids tem direito de receber, gratuitamente, do Sistema Único de Saúde, toda a medicação necessária ao seu tratamento.



Você deve buscar informação clara e atualizada sobre HIV para evitar o risco de contaminação.



Ninguém pode ser impedido de trabalhar por ter aids ou ser portador do HIV.



Ninguém pode revelar informações médicas sobre a sua saúde. Nem mesmo o seu médico.



As pessoas com HIV ou aids não representam um risco de contaminação para os colegas por meio dos contatos comuns no ambiente de trabalho.



A responsabilidade social da empresa começa na promoção de programas de prevenção direcionados para os seus funcionários.



Ninguém pode forçá-lo a fazer testes de Aids, nem para contratá-lo e nem em exames médicos de rotina.



A empresa e o sindicato devem ser contra a discriminação nas políticas de emprego e apoiar os programas educativos sobre HIV/Aids.



Se no seu trabalho você corre risco de contaminação pelo HIV, (como em serviços de saúde onde os empregados se expõem a sangue e seus derivados) a empresa deve informá-lo, dar treinamento e educação preventiva constantes, além de fornecer os equipamentos necessários para garantir sua segurança.



Você tem o direito de ser informado sobre o que a sua empresa e o sindicato pensam e fazem em relação a esse assunto.

AIDS E TRABALHO

Como lidar com a AIDS no ambiente de trabalho

Os portadores do vírus HIV ou doentes de aids tem direito de receber, gratuitamente, do Sistema Único de Saúde, toda a medicação necessária ao seu tratamento.



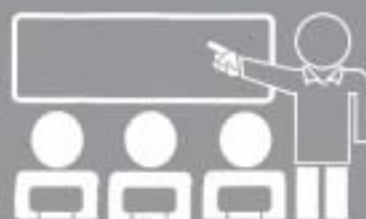
Você deve declarar e comunicar para evitar contaminação.

Ninguém pode ser impedido de trabalhar por ter aids ou ser portador do HIV.



Ninguém pode informar sua saúde ao médico.

As pessoas com HIV ou aids não representam um risco de contaminação para os colegas por meio dos contatos comuns no ambiente de trabalho.



A responsabilidade da empresa é promover a prevenção entre os seus funcionários.



Ninguém pode discriminar.