

**MINISTRY OF LABOUR & HOME AFFAIRS POLICY  
ON  
HIV/AIDS IN THE WORKPLACE**

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## **1.0 INTRODUCTION**

The Ministry of Labour & Home Affairs (MLHA) has a diversity of functions and a staff complement of about 4, 400 spread throughout the country. With an approximately even distribution between male and female employees, the majority of staff are located at the regional and district level.

## **2.0 POLICY STATEMENT**

2.1 The Ministry of Labour & Home Affairs, as one of the implementing partners of the national HIV/AIDS policy has undertaken to contribute to the national reduction of HIV infection and the mitigation of HIV/AIDS among Batswana through its various Departments, and in collaboration with its key stakeholders in the civil society, the vocational education & training sector and the private sector. In this regard, its efforts will be consistent with the National Strategic Framework (2003-2009), the Public Service Code of Conduct on HIV/AIDS in the Workplace, the national Industrial Relations Code of Practice. In addition, the International Labour Office (ILO) Code of Practice on HIV/AIDS and the World of Work will serve as a reference document during the development and implementation of the ministry HIV/AIDS Workplace policy.

2.2 Recognising that HIV/AIDS is a major national problem with socio-economic and human rights implications, the policy will seek to ensure that the same ethical principles that govern all health conditions in the employment context apply equally to HIV/AIDS. To this end, the policy will aim to ensure non-discrimination between

- a) employees with HIV infection and those without and
- b) HIV/AIDS and other comparable health conditions.

Therefore, the development of the MLHA HIV/AIDS Workplace policy constitutes the determination of the ministry to among other functions, contribute to the national HIV/AIDS response efforts.

### **3.0 STRATEGIC FOUNDATIONS OF THE MINISTRY**

The overall purpose of the Ministry of Labour & Home Affairs is to create and maintain national harmony, preserve and promote national culture as essential elements for national unity, democracy and socio-economic development of the nation. To this end, the ministry has formulated strategic foundations consisting of the vision, mission and values.

*Vision:* The **vision** of the ministry is to be a model organisation in the provision of efficient, transparent and innovative services.

*Mission:* The **mission** is to provide excellent customer services in Labour Administration, National Registration, Immigration, Sports, Gender, Youth and Cultural Heritage. To achieve the mission, the ministry commits itself to contributing to the reduction of new HIV infections among employees of the ministry, as well as the society as a whole.

*Values:* The agreed **values** for the ministry have been identified as customer care, empowerment of employees in order to meet the organizational objectives, effective cooperation with stakeholders, productivity and maintaining cordial relationships which promote transparency, participatory management and mutual respect.

#### **4.0 THE NEED FOR A POLICY**

The HIV/AIDS epidemic is currently the main problem facing Botswana. About 38.4% of the population is estimated to be infected by HIV/AIDS. As a result, it is recognized that HIV/AIDS will affect every workplace with prolonged staff illness, absenteeism and death, thereby impacting on productivity. Furthermore, HIV/AIDS is still a disease surrounded by ignorance, prejudice, discrimination and stigma. These can be experienced during pre-employment, HIV testing and in dismissals for being HIV positive.

Therefore, recognising this reality, MLHA undertook to develop the ministry HIV/AIDS Workplace policy to help prevent and mitigate the impact of HIV/AIDS on its employees and their families.

#### **5.0 SCOPE**

The MLHA HIV/AIDS Policy in the Workplace covers job security, rights & responsibilities of employees, HIV routine testing, confidentiality, job placement & progression, occupational benefits, education and training, risk reduction strategies, First Aid, employee compensation, managing AIDS illness, protection against victimization & stigmatisation, grievance handling as well as policy implementation and coordination.

The target groups of the policy are employees of the Ministry of Labour & Home Affairs and where possible, their families as well.

## **6.0 GUIDING PRINCIPLES**

### ***6.1 Compassionate attitude towards individual employees***

The policy aims to achieve a balance in protecting the rights of the ministry and its employees, in line with the Vision 2016 pillar on *Building A Compassionate and Caring society*.

A compassionate attitude will include treating employees with HIV-related illnesses, including AIDS in the same way as any other employee with a life threatening illness.

### ***6.2 Non-discrimination***

The policy recognises that there currently exists no law in Botswana that protects HIV positive employees against discrimination. Therefore, in the spirit of respect for the human rights and dignity of individual employees infected or affected by HIV/AIDS, the ministry will ensure that there is no discrimination against employees on the basis of real or perceived HIV status.

### ***6.3 Recognition of HIV/AIDS as a Workplace Issue***

The ministry recognizes that HIV/AIDS is a workplace issue. As a result, HIV/AIDS will be treated like any other serious illness or condition in the workplace. This will be necessary not only because HIV/AIDS affects the workforce, but also because the workplace, being part of the local community, has a role to play in the wider struggle to limit the spread and effects of the HIV/AIDS epidemic.

### ***6.4 Promoting Healthier & Safer Working Environment***

Recognising that a healthy work environment facilitates optimal physical and mental health in relation to work, the ministry will establish and maintain a safe, hazard-free and low infection-risk workplace and processes.

### **6.5 Greater involvement of People Living With HIV/AIDS (PLWAs)**

Recognising the key role that PLWAs play in preventing new infections and mitigating impact on the infected and affected, the ministry will ensure that people living with HIV/AIDS are actively involved in planning, implementing, monitoring and evaluating all interventions that seek to address their plight.

## **7.0 OBJECTIVES**

The overall objective of this policy is to promote decent and a safe working environment for MLHA employees, as a strategy to contribute to the national objective of reducing national HIV infection and mitigating HIV/AIDS impact on the infected and affected members of the society. To achieve decent and a safe working environment, the following specific objectives will be pursued:

- provide education, information & training of MLHA employees on management on HIV/AIDS prevention and strategies to cope with loss
- promote behaviour change strategies in order to minimize new HIV infections among the target population
- provide care and support to infected and affected employees in order to alleviate stress, stigma and fear, among others
- safeguarding the rights and responsibilities of the ministry and its employees in preventing and managing HIV/AIDS
- create a workplace environment where discrimination based on HIV/AIDS status will be reduced
- ensure a safe and healthy working environment for all MLHA employees.

## **8.0 COMPONENTS OF THE POLICY**

### **8.1 Rights & Responsibilities of Employees and Employers**

#### *8.1.1 Privacy and confidentiality*

8.1.1 a) Employees shall be under no obligation to disclose their HIV-related personal information against their consent.

Nor should co-employees be obliged to reveal such personal information about fellow employees to unauthorized persons. Access to personal data relating to a fellow employee's HIV status shall be bound by the rules of confidentiality and shall be treated as such in line with the government policy on HIV/AIDS.

8.1.1 b) The Ministry of Labour & Home Affairs shall ensure that information relating to counseling, care, treatment and processing of benefits for the HIV infected employee is kept confidential, as with other medical data pertinent to employees. Such information shall be accessed only as shared confidentiality or after consent by the concerned employee.

8.1.1 c) Employees shall not be forced to disclose their HIV status to supervisors, managers or human resource personnel without their consent. Disclosure is a matter of individual choice.

#### *8.1.2 Voluntary Counseling & Testing*

There may be situations where employees wish to be tested. In such situations,

8.1.2 a) voluntary counseling & testing will be carried out by any recognised health care setting that meets the Ministry of Health prescribed HIV testing protocol, such as Tebelopele Voluntary Counseling & Testing Centre and public health clinics. Alternatively, employees shall be at liberty to seek and access such services wherever they prefer

8.1.2 b) Employees will be encouraged to go for HIV testing in order that they may know their HIV status and where the result is HIV positive, they will be encouraged to access antiretroviral treatment as soon as possible. However, it should be noted that HIV routine testing is now a national requirement in all health care settings, including Ante-natal clinics. The testing will be accompanied by appropriate counseling or discussion with the patient

8.1.2 c) Departmental programs and services will integrate voluntary counseling & testing awareness-building activities in their HIV/AIDS workplans

8.1.2 d) MLHA will adhere to strict confidentiality and disclosure requirements as prescribed by the national HIV/AIDS policy

### *8.1.3 Treatment and support after occupational risks to HIV infection*

Where an incident involving deliberate or accidental exposure to HIV infection occurs in the workplace, counseling and universal precaution such as the use of protective clothing will be provided. Where treatment may be required, the employee will be tested for HIV antibodies and if he/she tests HIV negative, post-exposure prophylaxis will be administered as appropriate.

### *8.1.4 Destigmatising HIV/AIDS*

HIV infection and clinical AIDS shall be treated in the MLHA workplace no less favourably than any other serious illness or condition. Compassion, care and support will be the critical elements to guide efforts that aim at eliminating discrimination and stigmatization.

Relevant mechanisms will be put in place to encourage openness, acceptance and support for those employees who disclose their HIV status.

### *8.1.5 Job security and advancement*

HIV, or the suspicion that a person may have HIV, shall not be considered when employing, transferring, training or promoting an employee. This is because being HIV positive is **not** an illness.

### *8.1.6 Termination of employment*

8.1.6 a) The ministry shall ensure that termination of employment or retrenchment of employees shall not solely be on the basis of an individual's perceived or real HIV status.

8.1.6 b) As long as an employee is medically fit for appropriate employment, they shall enjoy normal job security and opportunity for advancement.

8.1.6 c) Where an employee with an AIDS-related condition is too ill to continue to work and where alternative working arrangements, including extended sick leave have been exhausted, termination of employment may be considered in accordance with non-discriminatory national labour laws and other applicable national policies.

## **8.2 Prevention, Care & Support to Infected & Affected Employees**

### *8.2.1 Prevention*

8.2.1 a) Management, employees and their families will have access to accurate and up-to-date information about HIV/AIDS, i.e. how it is and how it is not transmitted, facts and myths about the epidemic, the likely impact of AIDS on individual employees and possibilities for care and the alleviation of symptoms

#### 8.2.1 b) Prevention measures will include

- encouraging the use of male and female condoms
- encouraging voluntary counseling & testing
- education & training on HIV/AIDS
- promoting behaviour change communication (BCC) strategies
- peer education
- education on personal hygiene and proper nutrition for infected and affected employees
- providing information about HIV/AIDS management in the workplace and in the home environment
- stigma reduction and living positively with HIV

#### *8.2.2 Treatment, Care and Support*

Compassion, care and support of the HIV infected and affected employees will guide the ministry response to HIV/AIDS in the workplace. In this regard, the ministry will create a conducive environment that will encourage HIV-infected employees and their dependents to voluntarily submit to public assistance programs such as the Prevention of Mother To Child Transmission Program (PMTCT), Voluntary Counseling & Testing (VCT), Antiretroviral Therapy (ARV), Community Home Based Care (CHBC), TB treatment (IPT) and the Orphan Care (OVC) programs' without any fear of discrimination or stigma.

#### *8.2.3 Counseling Support*

The ministry, through its ministerial HIV/AIDS Coordination Unit shall encourage employees, both infected and affected by HIV/AIDS, to present themselves for supportive (on-going) counseling at existing community counseling facilities. At the same time, the ministry will also refer employees to available counseling services, as necessary

In addition, the ministry will put in place a mechanism to facilitate in-house supportive counseling.

### **8.3 Occupational Benefits, Compensation & Acceptance**

Employees with HIV/AIDS shall be treated no less favourably compared to other employees with equally serious illnesses, in terms of benefits, compensation and workplace accommodation or acceptance.

Compensation for terminally sick employees will be done consistent with applicable national laws and policies.

### **8.4 Risk Management, First Aid and Compensation**

In the vast majority of workplaces of the ministry, there is low risk of occupational infection. However, given the diverse nature of responsibilities of the ministry,

- a) a First Aid Kit will be maintained in each department including in workplace vehicles
- b) training will be mounted for government drivers, ministry HIV/AIDS focal persons and counselors on the use of the First Aid Kit

### **9.0 POLICY IMPLEMENTATION & COORDINATION**

Individual departments of the ministry will adopt and implement the ministry HIV/AIDS Workplace policy. Implementation of the ministry HIV/AIDS Workplace policy will be internally consistent with implementation of the national HIV/AIDS policy and the Public Service Code of Conduct on HIV/AIDS in the Workplace.

## **9.1 Roles & Responsibilities**

### *9.1.1 Ministerial AIDS Advisory Committee (MAAC)*

The Ministry AIDS Advisory Committee, under the chairpersonship of the permanent secretary, will among other functions a) identify priority areas for prevention, care and support at both national and district levels b) review and endorse departmental plans on HIV/AIDS and c) identify areas of capacity building in order to strengthen service delivery for Departmental Focal Persons on HIV/AIDS related issues.

### *9.1.2 Ministerial HIV/AIDS Coordination Unit*

The Coordination Unit will be responsible for a) collecting and disseminating up-to-date information about HIV/AIDS and other opportunistic infections b) building the capacity of employees, HIV/AIDS focal persons and HIV/AIDS committees c) facilitating inter-departmental exchange of information, experiences and best practices d) coordinating departmental workplans/strategic plans on HIV/AIDS e) mobilising resources for HIV/AIDS activities f) monitoring disbursements and expenditures g) developing simple monitoring & evaluation tools h) providing the MAAC with regular updates on progress made and i) being the link-person between Departmental focal persons and stakeholders nationally, regionally and internationally.

### *9.1.3 Departmental Focal Persons*

Focal persons will

- a) be the secretariat for Departmental HIV/AIDS Committees
- b) in collaboration with the respective HIV/AIDS Committee and the Head of Department, develop and implement departmental quarterly workplans on HIV/AIDS
- c) report regularly to the Departmental management
- d) arrange for care and support services for infected colleagues in the workplace
- e) refer cases to the ministry and external service providers, as appropriate.

## **10.0 MANAGING GRIEVANCES IN THE WORKPLACE**

10.1 The ministry shall initiate disciplinary proceedings against any employee who discriminates against another on the grounds of real or perceived HIV status or who violates the workplace policy on HIV/ AIDS.

10.2 Disciplinary action will be considered justified against employees who create fear and stigmatise co-employees with HIV, just as it is considered justified in situations of sexual harassment or discrimination on the basis of religion, gender or and ethnicity.

## **11.0 COMMUNITY OUTREACH PROGRAMS**

As part of the social responsibility of the ministry, employees will be encouraged to participate in community-based initiatives in the fight against HIV/AIDS.

## **12.0 NETWORKING & PARTNERSHIPS**

In operationalising its HIV/AIDS Workplace policy, the ministry will work closely with the following stakeholders:

- a) All 12 Departments of the ministry (as shown in Annex 1)
- b) National AIDS Coordinating Agency (NACA)
- c) United Nations Agencies and other Development Partners
- d) Civil Society: BOCONGO, BONASO, BONEPWA and BONELA
- e) Other organizations:
  - Directorate of Public Service Management (DPSM) (in respect of the Public Service Code of Conduct on HIV/AIDS in the Workplace)
  - Botswana Training Authority (BOTA)
  - Department of Community Health Services (currently under review)
  - Construction Industry Training Fund (CITF)
  - Botswana National Youth Council (BNYC),

- Botswana Confederation of Commerce & Industry (BOCCIM)
- Vocational Education & Training Sector (VE&T)
- Botswana Federation of Trade Unions (BFTU)
- Botswana National Sports Council (BNSC)