

JOINT TRADE UNION POLICY ON PREVENTION AND MANAGEMENT OF HIV/AIDS IN WORK PLACES IN SRI LANKA

1 INTRODUCTION

HIV/AIDS is pandemic, with nearly 36 million people estimated to be living worldwide with HIV/AIDS of which nearly 26 million are workers in their productive prime. HIV/AIDS has also affected Sri Lanka with a cumulative 958 people infected with HIV/AIDS reported as at end 2007. UNAIDS and WHO have estimated that the number living with HIV/AIDS in Sri Lanka is around 5,000. The most affected age group is 15-49 years showing great relevance to the productive work force.

The national prevalence of HIV is less than 0.1% but the HIV situation in the South East Asian region and the domestic environment (e.g. internal conflict, migration, displacement, poverty etc) are conditions conducive for increase in the spread of HIV within Sri Lanka. Therefore, the effects of HIV / AIDS on the workforce, economy, production, productivity, employer employee relationships need priority attention.

2. OBJECTIVE OF THE POLICY

This Joint Policy is aimed at strengthening Trade Union (TU) interventions in the prevention and management of HIV/AIDS. It would also assist TUs to provide advocacy, create awareness, and launch campaigns, offer solidarity, support and care to HIV affected and their families, and build partnerships with local and international institutions as part of national response to HIV/AIDS. This policy covers all TU organizations and will be consonance with the National HIV/AIDS Policy.

3. POLICY FRAMEWORK

This TU Policy on HIV/AIDS is in compliance with Draft National Policy on HIV/AIDS prepared by the National AIDS Committee, International Labor Organization's (ILO) Code of Practice on HIV/AIDS and the world of work (CoP), relevant ILO Conventions, National Strategic Plan of Action for Prevention of HIV/AIDS in Sri Lanka (NSP) and the National Tripartite Declaration (NTD) on Prevention of HIV/AIDS at workplaces in Sri Lanka. Therefore, the aims of this policy fall in line with the policy framework enunciated by the above stated institutional and other domestic working arrangements and are premised on the Ten Key Principles of the CoP on HIV/AIDS and the world of work.

4. THE TEN KEY PRINCIPLES OF THE ILO CODE OF PRACTICE ON HIV/AIDS AND THE WORLD OF WORK

The Ten Key Principles of the CoP are:

- (a) *Recognition of HIV/AIDS as a workplace issue* is underscored, not only on effects on workers, but because the workplace has a vital role as a social conduit in limiting HIV spreading to epidemic levels.
- (b) *Non-discrimination* of employees on real or perceived HIV status is endorsed by the CoP not only on the psychological effects but also as a means to ensure effective prevention.
- (c) *More equal gender relations* and empowerment of women are considered vital to successfully prevent the spread of HIV infection and to enable women to cope with HIV / AIDS.
- (d) *Healthy and safe work environment* prevents transmission of HIV and will facilitate optimal physical and mental health in relation to work and adaptation of work to the capabilities of workers in the light of their state of physical and mental health.
- (e) *Application of social dialogue* and tripartism and whenever relevant the participation of workers infected and affected by HIV/AIDS are required to successfully implement a HIVAIDS policy.
- (f) *Screening* for HIV/AIDS for purpose of recruitment and for exclusion from employment or work processes is not acceptable.
- (g) *Confidentiality* on HIV related personal information, either from the affected or from fellow workers shall be strictly observed.
- (h) *Continuation of employment relationships* without termination, as long as persons with HIV related illnesses are medically fit and could be engaged in available, appropriate jobs.
- (i) *Strategies for prevention* undertaken through behavioral change, imparting knowledge, treatment and the creation of non-discriminatory environment are highlighted in the CoP. Provision of information, education and addressing socio-economic issues of the affected are recommended.
- (j) *Solidarity, care & support* should guide the response to HIV/AIDS in the world of work where all workers are entitled to affordable health services. There should be no discrimination in access to and receipt of statutory and social security benefits by the affected.

5. RECOMMENDATIONS TO COPE WITH CoP STIPULATIONS

This Policy recommends the implementation of the Ten Key Principles of the CoP in the following integrated manners.

- (a) To achieve the goal of preventing the spread of HIV/AIDS and protecting the infected workers and their families from stigmatization by the community, awareness raising by advocacy, extension, prevention and management of HIV/AIDS with specific interventions with gender sensitivity are recommended.

- (b) To advocate safe & healthy working environment (i.e. maintenance of protective equipment / facilities & first aid), periodical assessment of the vulnerability of the working environment and correction of standards, promotion of specifically tailored programs for workers as appropriate are recommended.
- (c) To adjust to the newly emergent HIV/AIDS related worker issues, the existing terms and conditions of employment shall be re-negotiated with the Government and Employers' Organizations (EOs) and changed when necessary in order to provide protective measures.
- (d) To include CoP provisions on prevention and management of HIV/AIDS, bi-partisan and tri-partite agreements at national, sectoral and enterprise levels shall be realized within the Policy Framework stated in Section 3 above.
- (e) To ensure confidentiality and non- discrimination, information sharing and personnel policies / practices on workers affected with HIV/AIDS and their families shall be framed and implemented. Related information shall be shared, compulsorily with the consent of the concerned employee only and employers and TUs shall encourage and support only confidential voluntary counseling and testing. The TUs shall undertake advocacy work related to the achievement of this objective through appropriate means.
- (f) To respond to the severe economic hardships of HIV/AIDS affected, appropriate strategies like special welfare schemes including skills development and income-generating activities shall be devised.
- (g) To prevent the spread of HIV/AIDS, building and extending partnerships with multi stakeholders, interacting with TUs in neighboring countries, and sharing lessons and good practices will be promoted. Pilot projects for TUs shall be initiated and carried out. HIV/AIDS issues shall be addressed through workers' rights campaigns at all levels.
- (h) To meet the concerns and voice of the HIV/AIDS affected and their families, TUs shall initiate dialogue for revision and upgrading of the existing grievance resolution mechanisms within the Labor legislations and Government Establishment Code.
- (i) To coordinate, monitor and improve the socio-economic, psychological and legal status of HIV/AIDS affected at the workplace, the TUs shall work together with State institutions.

6. Monitoring for Compliance

Monitoring for compliance is considered very important, as future developments will depend largely on this. A Task Force will be established to monitor compliance of the implementation of this Policy.

7. Implementation Strategies

There are seven strategies that are recommended for implementation of the Policy.

- (a) The initial strategy is the Commitment Strategy for the CoP as the tool to counter HIV/AIDS threat. This shall be done by the Task Force after this Policy is adopted.
- (b) The next strategy to deal with HIV/AIDS at the work places proposes a Legal Strategy to create legal acceptance for CoP's Ten Key Principles. The responsibility for implementing this strategy will be with the Task Force through consultations with GoSL and other stakeholder groups, having explained to the member TUs and received a comprehensive mandate.
- (c) Dialogue with GoSL and EOs to achieve CoP objectives will require a Coordinating Strategy. As legalizing consumes more time this strategy could be implemented in the interim without affecting the implementation of other strategies.
- (d) Program / Project finances have to be mobilized from international resources, GoSL provisions, Non Governmental Organization resources, employer provisions, worker contributions, community contributions, resources generated from projects (e.g. lotteries, shows, exhibitions etc) implemented for HIV/AIDS assistance and through a Special Fund that should be established. Financing Strategy will sustain this Policy implementation and will be an ongoing process.
- (e) Positive media interventions and publicity (e.g. poster campaigns) are necessary and will be promoted to reach out to the public. The Task Force will therefore coordinate the Media Mobilization Strategy and will be an ongoing process.
- (f) The Extension Strategy is to reach out to the families of the affected, train and educate the TU leadership, membership and functionaries at all levels. Grass root level functionaries, religious dignitaries etc will be engaged to implement this strategy. Mobilizing Teacher TUs to attract senior student training on HIV/AIDS will be undertaken as a vital program. These will be ongoing processes.
- (g) ILO Strategy is important and necessary, especially in providing technical assistance to TUs in preventing spread of HIV/AIDS in the world of work. The ILO will provide technical assistance to implement HIV/AIDS prevention projects and programmes targeting TU members.

Having fully comprehended the fulfilment of obligations arising from the aforesaid clauses of the Policy and on behalf of the Trade Unions their representatives have signed the Policy on the 29th day of January 2008 in Colombo

Name	Signature
1. Hon. Muthu Sivalingam MP President Ceylon Workers Congress
2. Mr. Leslie Devendra General Secretary Sri Lanka Nidahas Sewaka Sangamaya
3. Mr. D W Subasinghe General Secretary Ceylon Federation of Trade Unions
4. Mr. K Velayudam General Secretary Lanka Jathika Estate Workers Union
5. Mr. Palitha Athukorala Chief Organiser Jathika Sewaka Sangamaya
6. Mr. Gerald Lodwick National Workers Congress
7. Mr. Nath Amarasinghe General Secretary Ceylon Estate Staffs' Union
8. Mr. S Siriwardena General Secretary Ceylon Federation of Labour
9. Mr. O A Ramiah General Secretary Joint Plantation Trade Union Centre
10. Mr. D C Weerasekera General Secretary Sri Lanka Nidahas Raajya Sewa Vurthiya Samithi Sammelanaya.....	
11. Mr. D L G Wijesinghe General Secretary Government Service Labour Officers Union

12. Mr. G K Piyadasa
General Secretary
Samastha Lanka Rajaye Karyala Sewaka Niladharinge Sangamaya
13. Mr. Wasantha Dharmasiri
General Secretary
Association of Educational Professionals
14. Mr. Anton Marcus
General Secretary
Free Trade Zone - General Services Employees Union
15. Mr. S Saravanapavanathan
General Secretary
Ceylon Tamil Teachers' Union
16. Mr. H W Piyadasa
General Secretary
Public Service Trade Union Federation
17. Ms. Tamara Jayathilake
General Secretary
Public Service United Nurses Union
18. Mr. S Saranapala Silva
General Secretary
United Federation of Labour
19. Mr. K S Weerasekera
General Secretary
Union of Posts & Telecommunication Officers
20. Mr. M Shah
General Secretary
Ceylon Bank Employee's Union
21. Mr. Saman Rathnapriya,
Convener
Health Services Trade Union Front
22. Mr. T M R Rasheed
NATURE