

ABWU AND ABPSA POLICY ON OCCUPATIONAL SAFETY AND HEALTH AND THE WORKING ENVIRONMENT INCLUDING HIV/AIDS AND OTHER LIFE-THREATENING ILLNESSES

1. Preamble

1.1 The Antigua and Barbuda Workers' Union (ABWU) and the Antigua and Barbuda Public Services Association (ABPSA) are concerned about the safety and health conditions in the working environment within the country. It is acknowledged that people are the country's most valuable resource, and that disabilities and absences are costly for the worker, the enterprise, and the State. It is also recognized that safe and healthy working conditions contribute to high productivity, increased social benefits and sustainable development. It is therefore of the utmost importance that the trade unions take a serious stand to promote safety and health policies and awareness programmes with a view to building well-being and morale and to preventing accident, injury, disability, disease and death in the workplace.

1.2 Furthermore, ABWU and ABPSA acknowledge that HIV and AIDS affect persons in the most productive years of their working life. They also recognize the emotional and financial burden borne by persons living with HIV (PLWHIV) and other chronic, life-threatening illnesses. Consequently, it is necessary to include these diseases under the umbrella of the occupational safety and health policy in order to maintain respect for affected workers and their basic human rights.

2. Policy Statement on Occupational Safety and Health

ABWU and the ABPSA are committed to promote, as a matter of priority, a workplace safety and health culture including such attitudes and practices as are conducive to the maintenance of a safe and healthy working environment. We further commit to contribute to education and training in all aspects of occupational safety and health (OSH) as well as to the development of national policy, programmes and systems in an effort to confront new and varied OSH challenges arising in the workplace, in cooperation with other trade unions, the employers and Government.

3. Safety Culture and Healthy Working Environment

ABWU and the ABPSA acknowledge their role and responsibility as trade unions in contributing to the achievement of not only a safe and healthy working environment in all social and economic activities for all workers, but also to the realization of a preventative safety culture in Antigua and Barbuda. This means the working environment should be free not only from physical, but also social and psychological harm. ABWU and ABPSA will promote and contribute to general health and well-being programmes, as well as put in place workplace OSH policies and systems based on the highest standards of safety at the workplace and good health practices, in cooperation with employers and their organizations.

4. Trade Union Cooperation

Understanding that all trade unions need to be involved and working from the same platform on this ambitious project of a national safety culture, ABWU and ABPSA will seek to bring all workers' organizations in Antigua and Barbuda together around a common occupational safety and health (OSH) agenda of high priority.

5. Cooperation with Government and Employers

Recognizing that a safe and healthy working environment as well as a safety culture for Antigua and Barbuda cannot be achieved only by trade unions and their action, ABWU and ABPSA will seek to work together with Government and employers. This cooperation will include social dialogue in order to formulate policies, develop programmes, monitor and evaluate systems, as well as to ratify and implement relevant ILO standards and contribute to the implementation of corresponding national legislation and regulations, collective agreements and workplace policies with respect to occupational safety and health (OSH) and the working environment. This cooperation will also extend to development of policy and programmes on HIV and AIDS.

6 Information, Education and Training

6.1 ABWU and ABPSA recognize the importance of education, training and information-sharing, and therefore commit to inform, educate and train our leadership in the first instance and provide avenues through which knowledge and awareness can be transferred to the general population at all levels.

6.2 ABWU and ABPSA will contribute to and provide information, education and training activities aimed at improving safety and health awareness and practices of their members in the working environment.

7. Negotiation of OSH Workplace Policies

ABWU and ABPSA will seek to negotiate and implement OSH policies at the level of the workplace which enshrine the following key standards and principles in accordance with those stipulated in ILO Occupational Health and Safety Convention, 1981(No.155).¹

7.1 Aim of Workplace Policies

The aim of OSH workplace policies is to prevent accidents and injury to health arising out of, linked with or occurring in the course of work by minimizing the causes of hazards inherent in the working environment (cf. C.155, Art.4.2.) and to address the prevention of HIV infection and mitigate the impact of AIDS at the workplace.

7.2 Adaptation of Work and Work Processes

- 7.2.1 Machinery, equipment, working time, organization of work and work processes are to be adapted to the physical and mental capacities of the workers. (cf. C.155, Art. 5 (b))
- 7.2.2 Special attention will be given to the identification and assessment of work processes which may cause repetitive stress injuries and disorders. The trade unions will advocate for and negotiate the necessary

¹ Occupational Safety and Health Convention, 1981 (No.155) will, after this paragraph, be referred to as C.155 in this policy.

rehabilitation and reassignment of alternative duties for workers found to be suffering from such repetitive stress injuries and disorders with the objective of continuing the employment relationship as well as alleviating pain and suffering.

7.3 Responsibility of the Employer

The employer is required to ensure that the workplace, machinery, equipment and processes, as well as chemical, physical and biological substances and agents, under his/her control are safe and without risk as far as is practicable. Furthermore, adequate and appropriate protective clothing and protective equipment are to be provided, where necessary, to prevent risk of accidents or adverse effects on health. (cf. C.155, Art. 16)

7.4. Responsibility of the Worker and Trade Union Representatives

In the course of performing their work, workers are required to cooperate with the employer in the fulfilment of the obligations placed upon him/her, including the correct use of personal protective equipment, devices and clothing. The representatives of the trade union are required to cooperate with the employer in the OSH matters and have a right to adequate information on measures taken by the employer to secure OSH in the workplace. (cf. C.155 Art. 19 (a) (b) and (c))

7.5 Training of Workers and Their Representatives

Appropriate training in OSH is to be provided to workers and their representatives in the enterprise. (C.155, Art.19. (d))

7.6 Reporting Danger to Life or Health

It is the responsibility of a worker to report forthwith to his/her immediate supervisor any situation which he/she has reasonable justification to believe presents imminent and serious danger to life or health. (cf. C.155, Art 19 (f))

7.7 Workers' Right to Refuse Dangerous Work

A worker has the right to refuse work which he/she has reasonable justification to believe presents imminent and serious danger to life or health. An employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health. (C.155, Art 19 (f))

7.8 Protection of Workers and Trade Union Representatives

Workers and their representatives who have removed themselves from a work situation which is believed to present an imminent and serious danger to life or health are to be protected from any punitive measures in the form of discipline or loss of benefits.

7.9 Establishment of Joint Safety and Health Committees

Joint Safety and Health Committees will be established at each workplace for the development, implementation and monitoring of policies, measures and mechanisms instituted at the workplace to improve safety and health conditions including the HIV/AIDS policy and programmes. The safety and health committee will comprise equal numbers of managerial and ordinary workers, including trade union representatives.

7.10 Implementation Costs of OSH Measures

The costs related to the implementation of occupational safety and health measures are the responsibility of the employer. There should be no expenditure for the workers. (C.155, Art. 21)

8. HIV/AIDS and Other Life-Threatening Illnesses Policy and Principles

ABWU and ABPSA also consider HIV/AIDS and other life-threatening illnesses as a priority for the trade unions and are committed to the protection of the well-being and dignity of workers affected. The OSH workplace policy will therefore incorporate a policy on HIV/AIDS and other life-threatening illnesses which will be guided by this trade union policy statement and the key principles espoused in the ILO Code of Practice on HIV/AIDS and the World of Work, 2001, as well as the Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200) and stated in the following sub-paragraphs:

8.1 HIV/AIDS Policy Statement

ABWU and ABPSA recognize the social, economic and emotional impact on persons affected by and living with HIV (PLWHV) as well as other life-threatening illnesses. We will therefore advocate for and protect the right of the worker to not be discriminated against and not be stigmatized, as this is also a fundamental human right. The unions will make available education and information aimed at the prevention of the spread of the virus, promote workplace policies and programmes and advocate for decentralized access to treatment.

8.2 Recognition of HIV and AIDS as a Trade Union Issue

ABWU and ABPSA acknowledge their role and responsibility in contributing to the prevention of the spread of the virus. We recognize the potential negative consequences of HIV and AIDS on the workforce and thus on trade union membership, if left unchecked. We further recognize that the workplace has a vital role to play in efforts to limit the spread and effects of the epidemic and that trade union action at the workplace is an imperative.

8.3 Non-Discrimination

No worker, whether trade union employee, trade union member or unorganized, should be discriminated against based on their actual or perceived HIV status. Discrimination and stigmatization hinder efforts for prevention, treatment, care and support.

8.4 Gender Equality

HIV and AIDS affect men and women differently. It is acknowledged that women are more vulnerable to infection and more adversely affected by the epidemic than men owing to biological, socio-cultural and economic reasons. These gender dimensions will be recognized and used to create and implement gender-sensitive programmes on HIV and AIDS.

8.5 Screening

ABWU and ABPSA will not request any information regarding HIV status prior to or during employment. No HIV screening will be required for purposes of employment, promotion and training. ABWU and ABPSA will encourage its employees and members

to know their HIV status through voluntary confidential counselling and testing but will not seek to facilitate or carry out testing itself.

8.6 Confidentiality

Employees or members of the union are not required and cannot be compelled to disclose their HIV status. Should an employee or member choose to disclose his or her HIV status then this information, like all other personal medical information, will be treated with the strictest confidentiality.²

8.7 Healthy Work Environment

In accordance with the overarching purpose of this policy, ABWU, ABPSA and their members will promote and contribute to general health and well-being programmes as well as good safety and health practices, including the promotion of Universal Precautions,³ at the work place.

8.8 Care, Treatment and Support

The ABWU and ABPSA will advocate for and negotiate measures, as appropriate, to guarantee decentralized access to comprehensive care, treatment and support for those infected and affected by HIV.

8.9 Continuation of the Employment Relationship

- (i) Workers are not to be dismissed, suspended, transferred or denied promotion on the basis of their actual or perceived HIV status;
- (ii) Persons who are HIV positive or living with an AIDS-related illness are to continue to work for as long as medically fit and with reasonable and appropriate modification or adjustment to their job or workplace;
- (iii) Affected persons are to be accommodated as far as practicable with flexible working arrangements.

8.10 Prevention

ABWU and ABPSA will advocate for, negotiate, contribute to and implement information and education activities, incorporating behavioural change, systematic information, and education and communication campaigns, in collaboration with all social partners

8.11 Social Dialogue

ABWU and ABPSA undertake to work with employers, employees, including those infected and affected by HIV and AIDS, and other stakeholders at all levels in the fulfilment of its commitment.

8.12 Other Life-Threatening Illnesses

These general principles will also be applied to workers with other life-threatening illnesses. Life-threatening illnesses refer to any illness or condition which has the

² The ILO Code of Practice on the Protection of Workers' Personal Data, 1997, provides guidelines on rules of confidentiality. See Appendix I

³ Universal Precautions are measures to be followed in the event of accident or injury involving blood. See Appendix II

potential of resulting in the death of an individual. Examples of other life-threatening illnesses are cancers, diabetes, heart diseases, multiple sclerosis, emphysema, lupus and HIV-related transmissible diseases, such as tuberculosis.

9. Monitoring

ABWU and ABPSA will ensure that occupational safety and health policies, including policies on HIV/AIDS and other life-threatening illnesses, formulated at the workplace and at all other levels, have monitoring and evaluation mechanisms to oversee their implementation and to guarantee accountability. A joint safety and health committee will be one such mechanism.

10. Advocacy

Understanding that trade unions need Government and Employers as partners in this important work, ABWU and ABPSA will undertake sustained action to advocate for securing the highest priority for occupational safety and health on the social dialogue agenda.

11. Policy Dissemination and Review

11.1 Dissemination of the Policy

Copies of this policy are to be made available to each trade union and their representatives, including the shop stewards as well as new and existing members at the workplace.

11.2 Review of Policy

The Policy will be reviewed as deemed necessary but at least once biennially. The review will be carried out by a joint committee of the trade unions specifically appointed for this purpose. The policy document will be considered amended when any and all amendments are ratified by the respective union Conferences.

12. Financial and Technical Resources

ABWU and ABPSA will lobby government and request other agencies and international trade union organizations to obtain financial and technical resources to implement OSH and HIV/AIDS programmes within the trade union movement and in the workplace.

Adopted by:

the Antigua and Barbuda Workers' Union (ABWU) on the day
of..... 2010 and

the Antigua and Barbuda Public Services Association (ABPSA) on the
day of 2011

APPENDIX I

Protection of Workers' Personal Data

General Principles from the Protection of workers' personal data: An ILO Code of Practice (1997)

5. General principles

- 5.1. Personal data should be processed lawfully and fairly, and only for reasons directly relevant to the employment of the worker.
- 5.2. Personal data should, in principle, be used only for the purposes for which they were originally collected.
- 5.3. If personal data are to be processed for purposes other than those for which they were collected, the employer should ensure that they are not used in a manner incompatible with the original purpose, and should take the necessary measures to avoid any misinterpretations caused by a change of context.
- 5.4. Personal data collected in connection with technical or organizational measures to ensure the security and proper operation of automated information systems should not be used to control the behaviour of workers.
- 5.5. Decisions concerning a worker should not be based solely on the automated processing of that worker's personal data.
- 5.6. Personal data collected by electronic monitoring should not be the only factors in evaluating worker performance.
- 5.7. Employers should regularly assess their data processing practices:
 - (a) to reduce as far as possible the kind and amount of personal data collected; and
 - (b) to improve ways of protecting the privacy of workers.
- 5.8. Workers and their representatives should be kept informed of any data collection process, the rules that govern that process, and their rights.
- 5.9. Persons who process personal data should be regularly trained to ensure an understanding of the data collection process and their role in the application of the principles in this code.
- 5.10. The processing of personal data should not have the effect of unlawfully discriminating in employment or occupation.
- 5.11. Employers, workers and their representatives should cooperate in protecting personal data and in developing policies on workers' privacy consistent with the principles in this code.

- 5.12. All persons, including employers, workers' representatives, employment agencies and workers, who have access to personal data, should be bound to a rule of confidentiality consistent with the performance of their duties and the principles in this code.
- 5.13. Workers may not waive their privacy rights.

APPENDIX II

Universal blood and body-fluid precautions

Universal blood and body-fluid precautions (known as “Universal Precautions” or “Standard Precautions”) were originally devised by the United States Centers for Disease Control and Prevention (CDC) in 1985, largely due to the HIV/AIDS epidemic and an urgent need for new strategies to protect hospital personnel from blood-borne infections. The new approach placed emphasis for the first time on applying blood and body-fluid precautions universally to all persons regardless of their presumed infectious status.

Universal Precautions are a simple standard of infection control practice to be used in the care of all patients at all times to minimize the risk of blood-borne pathogens. Universal Precautions consist of:

- careful handling and disposal of sharps (needles or other sharp objects);
- hand-washing before and after a procedure;
- use of protective barriers – such as gloves, gowns, masks – for direct contact with blood and other body fluids;
- safe disposal of waste contaminated with body fluids and blood;
- proper disinfection of instruments and other contaminated equipment; and
- proper handling of soiled linen.