

# Charter on HIV/AIDS and Human Rights in the Workplace in Barbados

## Preamble

The HIV/AIDS pandemic poses an unprecedented threat to human and economic development globally. In the Caribbean, which is the second-most affected region in the world after sub-Saharan Africa, HIV/AIDS is a major cause of death and reduced capacity to work<sup>1</sup>. In Barbados, where the HIV prevalence is reportedly between 1.2% and 1.9%<sup>2, 3</sup>, the rate of new infections continues to rise. Turning the tide of Barbados' HIV epidemic will require urgent and sustained efforts from all of society's stakeholders.

In Barbados and the Caribbean HIV/AIDS disproportionately affects people between the ages of 25 and 44<sup>4</sup>. This group makes up a significant portion of our workforce. Additionally, we know that stigma, discrimination and the denial of human rights to marginalized groups and people living with HIV/AIDS, pushes the epidemic further underground and fuels its spread.

Lowered productivity and increasing costs due to higher levels of absenteeism and staff turnover, as well as lowered staff morale due to the tension caused by stigma and discrimination in the workplace, have the potential to negatively affect the performance of our business. Consequently, even for small and medium-sized enterprises, developing and implementing a response to HIV in the workplace can be cost-effective. This Charter reflects our acknowledgement that there is a business case for addressing HIV/AIDS and ensuring the protection of human rights in the workplace.

## The Charter

*Recognising that HIV/AIDS is an issue that requires a robust response from the Barbadian business community*

*Acknowledging that the protection of certain basic human rights is essential if we wish to halt and reduce the spread of HIV in Barbados*

*Recalling the protection of fundamental rights and freedoms of the individual as stipulated in Chapter 111 of the Constitution of Barbados and delineated in Protocol 4 (Appendix 1) of the Social Partnership Agreement.*

*Further recalling the rights and principles defined in the United Nations Declaration on Human Rights and the Declaration of Commitment on HIV/AIDS by the United Nations General Assembly Special Session on HIV/AIDS, to which the Government of Barbados is signatory*

*In keeping with the standards set forth in the International Labour Organization's Code of Practice on HIV/AIDS and the World of Work*

**NOW THEREFORE we, employers and business owners in Barbados, commit to ensuring**

### 1. The right to work

We agree that people living with HIV have the right to work. Accordingly, we will not use HIV status as a factor to determine eligibility for or conditions of employment, nor will HIV testing be required of applicants.

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<sup>1</sup> Fact Sheet: The HIV/AIDS Epidemic in the Caribbean. The Henry J. Kaiser Family Foundation; 2009.

<sup>2</sup> UNAIDS/WHO. Epidemiological Fact Sheet on HIV and AIDS in Barbados. 2008.

<sup>3</sup> Ministry of Health, National HIV/AIDS Commission. UNGASS Country Progress Report for Barbados. Government of Barbados; 2010.

<sup>4</sup> Fact Sheet: The HIV/AIDS Epidemic in the Caribbean. The Henry J. Kaiser Family Foundation; 2009.

**2. Non-discrimination**

In keeping with the spirit of Chapter III of the Constitution of Barbados, we affirm that all employees, including people living with or affected by HIV/AIDS, have the right to work in an environment that is free from stigma and discrimination. We commit to protecting HIV-positive employees against any victimization, violence, harassment or other forms of unkind treatment by supervisors, co-workers or customers and to providing clear procedures via which grievances can be heard and disciplinary action taken. We will not use HIV status as a basis on which to deny promotion, equal pay for equal work, or benefits, or as a reason to terminate employment.

**3. The right to privacy and confidentiality**

Mandatory testing for HIV will not be required of any employee. We understand that people living with HIV/AIDS are not obligated to inform their employer of their status. Where an employee has informed management of their HIV status, we will hold this information strictly confidential. The right to privacy and confidentiality also applies where an employee has a relative who is HIV-positive. Any voluntary counselling and testing (VCT) that we offer to our employees will be conducted by a qualified public health professional and any results will be confidential, between the public health professional and the employee.

**4. The right to education and information**

We recognise that our employees have a right to be educated about HIV/AIDS. This should include comprehensive information on how to prevent HIV and how to access treatment and care in Barbados, and education on the negative impacts of stigma and discrimination on people living with HIV and society in general. We will institute ongoing HIV-related education and anti-discrimination training programmes for our workforce. We also commit to promoting healthy lifestyles and facilitating access to VCT and condoms where appropriate.

**5. The right to treatment and care**

Recognising that antiretroviral treatment is available free at point-of-service for people living with HIV in Barbados, we commit to providing our employees with information on how to access these services. Where the provision of private health and/or life insurance to employees is customary, we commit to ensuring that such policies do not use HIV status as a basis for exclusion to coverage or benefits. Additionally, we affirm that we have a responsibility to make every effort to ensure that legally employed HIV-positive non-nationals have access to affordable antiretroviral treatment and care.

**6. The right to reasonable accommodations and job security**

We understand that HIV-positive employees may experience periods of illness and/or a reduced capacity to work owing to side effects of medications, opportunistic infections, or reduced effectiveness of their current treatment regime. We affirm that illness or reduced capacity to work alone is not necessarily sufficient cause for termination of employment. We therefore assert that we have a responsibility to make reasonable accommodations for people living with HIV/AIDS, as long as this does not compromise the viability of our business. This may include provisions for extended sick-leave, time off to attend medical appointments and to pick up medications, reassignment of tasks and reduced or changed workload. We understand that in the Barbadian context, where many businesses are small or medium-sized enterprises, what constitutes reasonable accommodations will vary.

**7. Opportunities for participation in the development of a rights-based HIV/AIDS workplace policy**

We affirm that our employees have a right to know our position on the issues related to HIV/AIDS in the workplace, and that having a HIV/AIDS workplace policy is key to the implementation of this charter. We believe that this policy should be developed and implemented in collaboration with our employees and that it should uphold the rights enshrined in this charter, as a minimum standard. In keeping with this, we commit to facilitating the participation of employees from all levels of our organization in this process.

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Name

Signature

On behalf of (company)