

HIV/AIDS AND THE WORKPLACE

ILO's Framework for Workplace Action on HIV and AIDS

2. ILO Recommendation No. 200





International
Labour
Office

Recommendation

concerning **HIV and AIDS**

and the World of Work, 2010 (No. 200)



SCOPE: ALL WORKERS AND ALL WORKPLACES

- All workers under all forms or arrangements and at all workplaces
 - Persons in any employment or occupation
 - Those in training, including interns, apprentices
 - Volunteers
 - Job seekers and job applicants
 - Laid-off and suspended workers
- All sectors of economic activities
 - Private & public sectors; formal & informal economies
- Armed forces and uniformed services

NB: Services extended to families and dependents



GENERAL PRINCIPLES: R. 200

Human Rights

Universal access

No testing or
disclosure

Workplace issue

Full engagement
of workers

National
development

No discrimination
or stigma

Occupational
transmission

Privacy and
confidentiality

Prevention as
a fundamental
priority

RESPONSIBILITIES OF MEMBER STATES

- **Adopt national policies and programmes** on HIV and AIDS and the world of work and on occupational safety and health....

....taking into consideration the ILO Code of practice on HIV/AIDS and the world of work;

....in consultation with the most representative organizations of employers and workers, as well as organizations representing persons living with HIV (paras. 4, 6-7)



1. Non-discrimination & Equality of Opportunity and Treatment

7. Children & Young Persons

Key areas (7)
for
National Policy
&
Programmes

5. Testing, Privacy and Confidentiality

4. Support

2. Prevention

3. Treatment and Care

6. Occupational Safety and Health



1. DISCRIMINATION AND PROMOTION OF EQUALITY OF OPPORTUNITY AND TREATMENT

- Governments....should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958, (C111) to prevent discrimination based on real or perceived HIV status (Para. 9)
- Real or perceived HIV status...not a cause for termination of employment. Temporary absence from work because of illness or caregiving duties related to HIV...should be treated in the same way as absences for other health reasons, taking into account the Termination of Employment Convention, 1982 (Para. 11);
- Persons with HIV-related illness should not be denied the possibility of continuing to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so....(Para. 13)

NB: Para. 12 calls for the adaptation or replacement of inadequate measures for protection against discrimination



2. PREVENTION (PARAS 15-16)

- Prevention strategies should be adapted to national conditions and type of workplace and should take into account gender, cultural, social and economic concerns (Para 15)
- Prevention programmes should ensure:
 - Accurate, up to date information available to all in a culturally sensitive form
 - Education programmes to help women and men understand and reduce risk to all modes of transmission
 - Measures to encourage workers to know their status through VCT
 - Access to all means of prevention, including condoms and PEP
 - Effective measures to reduce high risk behaviours
 - Harm reduction strategies



3. TREATMENT AND CARE (PARAS 17-20)

- Governments should ensure that workplace health interventions are linked to the public health services
- PLHIV and dependents should have full access to health care and education on accessing it
- Health care services should include free or affordable access to VCT, ARV treatment and adherence education, proper nutrition, treatment for OIs and STIs, support including psychosocial support
- There must be no discrimination against PLHIV and dependents in access to social security and occupational insurance schemes



4. SUPPORT (PARAS 21-23)

- Programmes should include measures of reasonable accommodation
-Work should be organized in such a way to accommodate the **episodic nature** of HIV and AIDS, as well as possible side effects of treatment (Para. 21);
- ..Members should promote the retention in work and recruitment of persons living with HIV (and) should consider extending support through periods of employment and unemployment, including where necessary income-generating opportunities for PLHIV.. (Para. 22).



5. TESTING, PRIVACY AND CONFIDENTIALITY (PARAS 24-29)

- Testing must be genuinely voluntary and free of any coercion and testing programmes must respect international guidelines on confidentiality, counselling and consent
- Testing or other forms of screening for HIV should not be required of workers including job seekers....
- The results of testing should be confidential and not endanger access to jobs, tenure, job security or opportunities for advancement



6. OCCUPATIONAL SAFETY AND HEALTH (PARAS 30-34)

- Where a direct link can be established between an occupation and risk of infection, AIDS and infection by HIV should be recognized as an occupational disease or accident.. (Para. 23)
- Safety and health measures to prevent workers' exposure to HIV should include universal precautions...(Para. 31);
- Where there is a possibility of exposure to HIV at work, workers should receive education and training... (Para. 32);
- Workers whose occupations put them at risk of **exposure to human blood**... should receive **additional training**....(Para. 42).



7. TARGETING CHILDREN AND YOUNG PERSONS (AND OTHER VULNERABLE GROUPS)

Members should take measures to:

- combat **child labour and child trafficking** that may result from the death or illness of family members....due to AIDS...(Para. 35);
- protect **young workers** against HIV infection....(Para. 36).
- promote the involvement and empowerment of all workers regardless of their **sexual orientation** and whether or not they belong to a vulnerable group (Para 14 (e));
- reduce high-risk behaviours, including for the **most-at-risk groups**.. (Para 16 (f));
- Include **harm reduction** strategies in prevention programmes (Para 16 (g));



GENDER-RELATED MEASURES TO REDUCE TRANSMISSION AND IMPACT OF HIV

- Ensuring *gender equality and empowerment of women*;
- Ensuring actions to prevent and prohibit *violence and harassment* in the workplace;
- Promoting the *active participation* of both women and men in the response to HIV and AIDS;
- Promoting the protection of *sexual and reproductive health and sexual and reproductive rights* of women and men

(Para. 14)



RECOMMENDATION NO. 200 ON: MIGRANT WORKERS

- HIV **testing or other forms of screening for HIV** should not be required of workers, including migrant workers, job seekers and job applicants (Para. 25);
- Workers, including migrant workers.. should not be required by countries of origin, of transit or of destination to **disclose HIV-related information** about themselves or others (Para. 27);
- Migrant workers, or those seeking to migrate for employment, **should not be excluded from migration** by the countries of origin, of transit or of destination on the basis of their real or perceived HIV status (Para. 29);
- Measures to ensure **access to HIV prevention, treatment, care and support services** for migrant workers should be taken by countries of origin, of transit and of destination, and agreements should be concluded among the countries concerned, whenever appropriate (Para. 47).



IMPLEMENTATION

(PARAS 37-50)

Through:

- National laws & regulations
- Collective agreements
- National and workplace policies
- Sectoral strategies

Within a framework of:

social dialogue, education and information and involvement of key public services (labour, **health**)

A role for Judicial Authorities: Paras 37(b); 44.



IMPACT OF THE RECOMMENDATION IN LAW AND POLICY

- The Recommendation has been integrated into more than 42 tripartite workplace policies since 2010
- Tripartite policies have been developed in at-risk sectors, such as transport, maritime and prisons
- The Recommendation and Convention No. 111 have been cited in five national labour court decisions (one in South Africa and four in Brazil)

STATUS OF NATIONAL WORKPLACE POLICIES, JULY 2013

Adopted National HIV Workplace Policies :

- Guyana
- St Kitts and Nevis
- Anguilla
- St Vincent and the Grenadines:
- St Maarten

Draft National HIV Workplace Policies

- Jamaica
- Antigua and Barbuda
- Aruba
- Saba
- Montserrat

Drafting (Revision) Commenced 2012:

- Belize
- Trinidad and Tobago

Drafting to commence in 2013:

- Grenada
- Dominica

ZERO: OUR ONLY OPTION

If we cannot envision a world without AIDS, then we will always be dealing with its consequences. Getting to zero is our only option. No other number is good enough for us, for our families and partners, for our children and for their children.

Together we will end AIDS, pg 12, M. Sidibe, Executive Director, UNAIDS