



International  
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Office

# Recommendation

concerning **HIV and AIDS**

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





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# *The HIV and AIDS Recommendation*

- *Is the first international labour standard on HIV and AIDS and the world of work*
- *Reflects the principle of universal access to prevention, treatment, care and support services*
- *Highlights the important role of the Joint UN Programme on HIV and AIDS (UNAIDS) and its co-sponsors in the global HIV response*



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## *The Preamble*

- *Recognizes that HIV and AIDS have a serious impact on society and economies and on the world of work, affecting employers and workers in all economic sectors and undermining the attainment of decent work and sustainable development*
- *Recalls the value of the ILO code of practice on HIV/AIDS and the world of work (2001) and the need to strengthen its impact*
- *Calls for continued and enhanced international cooperation in the framework of the UNAIDS Programme to give effect to its provisions*



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## *The Preamble also...*

- *Recognizes that poverty, social and economic inequalities and unemployment increase the risk of HIV transmission by impeding access to prevention, treatment, care and support*
- *Notes that stigma and discrimination against persons affected by HIV or AIDS and job loss are barriers to knowing one's HIV status and increase vulnerability of workers to HIV*
- *Notes that HIV and AIDS has a more severe impact on vulnerable and at-risk groups*
- *Highlights the significant role of the ILO and its constituents in responding to HIV and AIDS through the world of work*



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## *Definitions and Scope of application*

*The Recommendation defines “workers” as persons working under all forms or arrangements, including:*

- Persons in any employment or occupation*
- Persons in training, interns and apprentices*
- Volunteers*
- Job seekers and job applicants*
- Laid off or suspended workers*

*The broad definition of “worker” is intended to encompass all categories of workers, including migrant workers, sex workers and workers in the informal economy.*

*(Recommendation, Parts I and II, paragraphs 1 and 2)*



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## *Scope of application ...*

*The Recommendation defines “workplace” broadly, as “any place in which workers perform their activities”.*

*It applies to all workplaces and to all sectors of economic activity, including:*

- *The public and private sectors*
- *The formal and informal economies*
- *The armed forces and uniformed services*

*(Recommendation, Parts I and II, paragraphs 1(i) and 2)*



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## *General principles*

- *The response to HIV and AIDS is recognized as contributing to the realization of human rights and fundamental freedoms and gender equality for all*
- *There should be no stigma or discrimination in employment or occupation on the basis of real or perceived HIV status*
- *HIV and AIDS is a workplace issue and the workplace should be included as an essential element of the HIV response*

*(Recommendation, Part III, paragraph 3)*



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# Gender equality

*The Recommendation highlights the need to address the gender dimension in all aspects of the response to HIV and calls for measures to be taken in and through the workplace to:*

- *Ensure gender equality and the empowerment of women*
- *Promote the active participation of both men and women in the HIV response*
- *Promote the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group*
- *Promote the protection of sexual and reproductive health and sexual and reproductive rights of women and men*

*(Recommendation, Preamble, paragraphs 3, 14, 40)*



# *Access to prevention, treatment, care and support services*



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*Workers, their families and dependants should have access to and benefit from HIV prevention, treatment, care and support services and the workplace should play a role in facilitating this access*

*Workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related diseases such as TB*

*Measures should be taken to encourage workers' active participation and engagement in developing, implementing and evaluating workplace programmes.*

*(Recommendation, Part III, paragraph 3)*

# *Member States should adopt workplace policies and programmes on HIV and AIDS that:*

- *Are integrated into national HIV strategies, development plans, decent work and other strategies*
- *Are developed in consultation with employers' and workers' organizations and organizations of persons living with HIV*
- *Take account of the key principles of the Recommendation, the Code of practice and other relevant ILO instruments*
- *Take account of the views of relevant sectors, particularly the health sector*

*(Recommendation, Part IV, paragraphs 4 through 8)*



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# *Non discrimination*

*Real or perceived HIV status should not:*

- *prevent equal access to employment or occupation*
- *affect terms and conditions of employment, including working conditions, remuneration and access to benefits*
- *be a ground for termination of employment*

*Persons living with HIV–related illness should be able to continue to work as long as they are medically fit, with reasonable accommodation if needed*

*(Recommendation, Part IV, paragraphs 9 through 14)*



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## *Non discrimination cont'd.*

- *There should be no discrimination against or stigmatization of workers, particularly job seekers or job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection*

*(Recommendation, Part III, paragraph 3 c)*

*Governments, in consultation with the most representative employers and workers organizations, should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) against discrimination on the basis of real or perceived HIV status*

*(Recommendation, Part IV, paragraph 9)*

# *Prevention is a fundamental priority*



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## *Programmes should include:*

- *Comprehensive education programmes for men and women*
- *Effective occupational safety and health measures*
- *Measures to encourage workers to know their status as early as possible through voluntary counseling and testing*
- *Access to all means of prevention including supplies and availability of post-exposure prophylaxis*
- *Measures to reduce high-risk behaviours and harm reduction strategies*

*(Recommendation, Part IV, paragraphs 15 and 16)*



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# *Treatment and care*

*All persons covered under the Recommendation should be entitled to free or affordable health services that include:*

- *Voluntary counselling and testing;*
- *Antiretroviral treatment and adherence education, information and support;*
- *Proper nutrition consistent with treatment;*
- *Treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related illnesses, particularly TB*
- *Support and prevention programmes for persons living with HIV, including psychosocial support*

*There should be no discrimination on the basis of HIV status in access to social security systems, occupational insurance schemes or in relation to benefits under those schemes, including health care and disability and death and survivors' benefits*

*(Recommendation, Part IV, paragraphs 17 through 20)*



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# *Support*

- *Programmes of care and support should include reasonable accommodation in the workplace*
- *Members should promote the retention in work and recruitment of PLHIV and extend support, including income-generating opportunities for persons living with or affected by HIV or AIDS*
- *Where a direct link can be established between an occupation and the risk of infection, HIV and AIDS should be recognized as an occupational disease or accident*

*(Recommendation, Part IV, paragraphs 21 through 23)*



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# *Testing, privacy and confidentiality*

- *Mandatory HIV testing or screening should not be required of either job applicants or workers, including migrant workers*
- *The results of testing should be confidential*
- *HIV testing must be genuinely voluntary and respect guidelines on confidentiality, counselling and consent*
- *Grievance procedures for alleged violations should be made available at the workplace*

*(Recommendation, Part III, paragraphs 3(h) and (i) and Part IV, paragraphs 24 through 29)*





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# *The right to a safe and healthy work environment*

- *The Recommendation incorporates the principle of the right to a safe and healthy work environment for all workers, including those with an occupational risk of transmission, calling for universal precautions, post-exposure prophylaxis and other safety measures*
- *Measures should be taken to protect workers in occupations particularly exposed to the risk of HIV transmission.*

*(Recommendation, Preamble, Part II, paragraph 3(g) and Part IV, paragraphs 30 through 34)*



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# *A focus on children and young persons*

- *The Recommendation calls for Members to combat child labour and child trafficking that may result from death or illness of family members due to HIV or AIDS and to reduce the vulnerability of children to HIV*
- *Special measures should be taken to protect these children from sexual abuse and sexual exploitation*
- *Members should also take measures to protect young workers from HIV infection and to include the special needs of children and young persons in national policies and programmes on HIV and AIDS*

*(Recommendation, Part IV, paragraphs 35 and 36)*



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# *Implementation*

- *National policies and programmes on HIV and AIDS should be given effect, in consultation with most representative organizations of employers and workers and other concerned actors, through: national legislation, collective agreements, national and workplace policies and programmes and sectoral strategies*
- *The national judicial authorities competent in labour and labour administration authorities should be involved*
- *Collaboration and coordination should be ensured among the public authorities and public and private services concerned, including insurance and benefit programmes*

*(Recommendation, Part V, paragraph 37)*



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# *Social dialogue*

- *National HIV policies and programmes should promote social dialogue, including consultation and negotiation and other forms of cooperation among governments, employers and workers, organizations representing persons living with HIV and taking into account the views of other relevant actors.*
- *Organizations of employers and workers should promote awareness of HIV and AIDS among their members, including prevention and non-discrimination*

*(Recommendation, Part V, paragraphs 38 and 39)*



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# *Education, Training, Information and Consultation*

- *Training, safety instructions and guidance in the workplace on HIV and AIDS should be provided in clear and accessible form to all workers and should be adapted to the characteristics of the workforce*
- *Workers should receive training on HIV infection control procedures and those whose occupations put them at risk of exposure to human blood, blood products and body fluids should receive additional training on exposure prevention and post-exposure prophylaxis*

*(Recommendation, Part V at paragraphs 40 through 43)*



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## *Public Services*

- *The role of labour administration services in the HIV response (including judicial authorities and labour inspectorate) to be reviewed and if necessary strengthened*
- *Public health systems should be strengthened to help ensure greater access to prevention, treatment, care and support*

*(Recommendation, Part V, paragraphs 44 and 45)*



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# *International Cooperation*

- *Should be encouraged between and among Members, their national structures on HIV and AIDS and relevant international organizations, including through systematic exchanges of information*
- *Measures to ensure universal access for migrant workers should be taken by countries of origin, transit and destination*
- *Member States and international organizations should seek to reduce the price of supplies for the prevention, treatment and care of HIV and other opportunistic infections and cancers*

*(Recommendation, Part V at paragraphs 46 through 50)*



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# Follow-Up

- *A national tripartite mechanism should exist or be established for the development and monitoring of the national policy on HIV and AIDS and the world of work*
- *Most representative organizations of employers and workers should participate equally in the mechanism and the views of PLHIV and expert studies should be considered*
- *Members should collect detailed information and statistics and conduct research on developments at national and sectoral levels on HIV and AIDS and the world of work*
- *In addition to reporting that could be requested under Article 19 of the ILO Constitution, a regular review of action taken on the basis of the Recommendation could be included in national reports to UNAIDS*

*(Recommendation, Part VI, paragraphs 51 through 54)*



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