

A WORKPLACE POLICY AND PROGRAMME ON HIV/AIDS: HOW TO GET STARTED

The workplace is one of the most important and effective points for tackling the HIV epidemic. Together, employers and workers can support prevention through workplace education programmes and provide care, even treatment. Keeping affected employees at work contributes to their well-being, maintains productivity and morale, and sets an example of non-discrimination.

Five golden rules for workplace action

1. Use the programmes and structures that are already in place (occupational safety and health, in-service training, workplace committee...).
2. Through worker-management consultation, agree a policy that commits the workplace to action with 'zero tolerance' for discrimination.
3. Get baseline information on your workplace, and map what's available in the community, so you know what's needed.
4. Agree a programme and make an action plan for carrying it out.
5. Make sure a committee, team or individual has responsibility to implement the programme.

A workplace HIV policy:

- provides a statement of commitment and a framework for action,
- lays down a standard of behaviour and gives guidance to supervisors and managers,
- helps employees living with HIV understand what support and care they can expect.

“Development of a workplace policy is the single most effective and important action employers can take in their commitment to action on HIV/AIDS.”

Keith Foster, Caribbean Employers' Confederation.

What form should the policy take?

A policy should be developed through employer-worker collaboration, with the involvement of people living with HIV where possible. It may be a detailed policy or collective agreement just on HIV, part of a broader policy or agreement, or a short statement of commitment, for instance: 'this company pledges to combat discrimination on the basis of HIV status, to respect confidentiality and to protect health and safety through programmes on prevention and care.'

What should a workplace policy cover?

It should establish basic rights and principles based on the *ILO Code of Practice on HIV/AIDS and the world of work*. Simple guidance is given in the leaflet 'A workplace policy: what it should cover and putting it into practice', while the ILO/AIDS website has sample language and examples of workplace policies from a number of countries.



What should a workplace programme cover?

Workplace programmes translate paper policies and commitments into practical action. Lessons from good practice show the most effective programmes are both comprehensive and targeted:

- *Comprehensive programmes* include prevention, care and protection of rights. These three components complement and reinforce each other. If your company can only provide some services in-house, refer staff to public health services for others.
- *Targeted programmes* (e.g. for mobile workers, women, young people, or specific economic sectors) work with defined groups, taking into account their particular needs and the factors affecting their knowledge, attitudes and behaviours.

Programmes may have activities for men and women separately as well as together, but should in any case be sensitive to gender issues.

Implementing the policy and programme

Both management and workforce representatives need to be on board: this may require an information or training workshop. A meeting for all employees can start to raise awareness generally, and demonstrate the employer's commitment to taking action on HIV. Hold consultations on the content, make sure it's clearly expressed, then launch the policy and publicize it widely. Use notice boards, mailings, pay slip inserts, special meetings, induction courses, training sessions.

The details of the programme will depend on the local situation, for example HIV prevalence in the community and modes of transmission; knowledge, attitudes and behaviour of staff; services already available in the workplace or nearby. You should:

- assess the impact of the epidemic on your workplace and find out the needs of workers by carrying out a confidential baseline survey;
- find out what health and information services are already available both at the workplace and in the community;
- agree a plan of action which identifies objectives, strategy, target groups and methods of delivery; establish a budget; monitor the impact of your programme and revise as necessary;
- set up an HIV/AIDS committee or steering group to take responsibility for the process and report regularly to the highest decision making body in the enterprise. This is important as otherwise there is a risk that nothing will happen. There may be an existing committee that could do the job, for instance one on occupational health and safety.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual – module 3*
- *HIV/AIDS Behaviour Change Communication: A toolkit for the workplace* (ILO and FHI)
- *Employers' organizations & HIV/AIDS: Information, tools and good practice for workplace action against HIV/AIDS*, CD-ROM
- *Using the ILO Code of Practice on HIV/AIDS: guidelines for trade unions*
- *A workplace policy on HIV/AIDS: what it should cover and how to implement it*

All published by ILO/AIDS, www.ilo.org/aids – and see the step-by-step guide to workplace action at <http://mirror/public/english/protection/trav/aids/steps/index.htm>



HOW TO TACKLE STIGMA AND DISCRIMINATION

Stigma and discrimination, both inside and outside the workplace, are significant barriers to effective prevention, treatment and care. HIV-related stigma is fed by fear, misconceptions and denial, and needs to be addressed as an integral part of workplace programmes.

“My colleagues didn’t openly say anything to me, but the environment was no longer the same,” says Daljit, a 25 year-old factory worker in India, describing the reaction when her HIV status became known at work. “If I entered the room they would leave abruptly. Then they asked me to keep a separate glass for water. I decided to quit the job.”

What can you do at the workplace?

Policy

Draw up an HIV/AIDS policy or check that existing policies protect the rights of those affected by HIV/AIDS. Policies should refer to the *ILO Code of Practice on HIV/AIDS and the world of work*, and:

- protect workers against discrimination, victimization or harassment,
- safeguard employment (no dismissal on the grounds of HIV status),
- prohibit compulsory testing during or pre-employment, and
- ensure confidentiality and privacy.

Be aware of national laws and international conventions (especially ILO Convention no. 111 on discrimination in employment) which can be used to protect rights and provide a basis for redress in the event of discrimination.

Education

- The workplace policy should be supported by information and education to help workers learn about the facts and myths of HIV transmission, and understand that they have nothing to fear from casual contact with an infected co-worker. Learning activities can provide insights into the situation and needs of people living with HIV.
- All managers, supervisors, educators, counsellors and care providers should also receive HIV/AIDS information and be part of education activities. They should be trained in how to implement the workplace policy and how to support workers who disclose they are HIV-positive.

Confidentiality

Respect for privacy and confidentiality helps create an atmosphere of trust and encourages voluntary testing. The *ILO Code of Practice* states that:

- there is no justification for asking job applicants or workers to disclose HIV-related personal information,
- workers should not be obliged to reveal personal information about co-workers,
- access to data relating to a worker’s HIV status should be bound by the rules of confidentiality consistent with the *ILO Code of Practice on the Protection of Workers’ Personal Data*.

*«All medical information on an employee will be treated as confidential. Strict precautions will be taken to protect information regarding an employee's health records...
An employee who is infected with HIV is not obliged to inform the Company...
The Company does not require applicants for employment to undergo a pre-employment HIV/AIDS test and will not require employees to undergo the test whilst in employment.»*

HIV/AIDS policy of the Debswana Diamond Company, Botswana

What can governments do?

- Review existing legislation and revise as necessary, in consultation with the social partners, to eliminate workplace discrimination. Over 70 countries have included AIDS-related provisions in their labour and discrimination laws and policies.
- Actively enforce relevant laws and codes, including through training and support for labour inspectors, other enforcement agencies and the judiciary on HIV-related discrimination.
- Integrate strong messages on stigma and discrimination in national HIV policies, education and prevention programmes, and include people living with HIV in relevant advisory and decision-making bodies.

What can employers' and workers' organizations do?

- The social partners can play significant leadership and advocacy roles, including setting a personal example. In Swaziland, for example, two trade union leaders underwent public HIV testing in support of the country's 'Know Your Status' campaign.
- Employers' and workers' organizations can develop policies for their own organizations and encourage workplace policies that take a stand against discrimination. For instance the South Africa Chamber of Mines and National Union of Mineworkers have a collective agreement which states, "HIV-positive employees will be protected against discrimination, victimization or harassment."
- Workers' and employers' organizations can provide advice for members and training, including representing members who experience discrimination.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual – module 2*
- *HIV/AIDS Behaviour Change Communication: A toolkit for the workplace* (ILO and FHI)
- *Promoting human rights through the ILO Code of Practice on HIV/AIDS and the world of work*
- *A handbook on HIV/AIDS for labour and factory inspectors*
- *Guidelines on HIV/AIDS for labour judges and magistrates*
- *Employers' organizations & HIV/AIDS: Information, tools and good practice for workplace action against HIV/AIDS*, CD-ROM
- *Using the ILO Code of Practice on HIV/AIDS: guidelines for trade unions*

All published by ILO/AIDS, www.ilo.org/aids



HOW TO PROVIDE A PREVENTION PROGRAMME

Workplace information and education programmes are essential to help ensure universal access to prevention. Effective education can reduce fear and stigma, and help workers protect themselves and others. Investment in prevention will save costs in terms of treatment and care.

“HIV prevention, like treatment, is for life.” UNAIDS

First steps

- The workplace develops an HIV/AIDS policy and commits to a comprehensive programme covering prevention, care and the protection of rights (see fact sheet ‘A workplace policy and programme: how to get started’).
- The workplace agrees an action plan and sets up a structure for implementing the programme (an existing or new committee, an HIV/AIDS focal person).
- Prevention is integrated as far as possible in existing activities, especially ones which target women and young people: occupational safety and health structures, vocational training and apprenticeship programmes, in-service training, job creation schemes, entrepreneurship and business development services, trade union training, income-generating projects...
- Key staff (senior management, supervisors, workforce representatives/shop stewards, human resource and occupational health personnel) are trained to support the prevention programme, including addressing stigma and discrimination and providing support for those affected by HIV/AIDS.
- A survey of existing attitudes and behaviours provides baseline information to help monitor and review the effectiveness of the programme.

Key components of workplace prevention:

Education builds on basic information and awareness. It helps people apply general messages to their own situation and behaviour, and gives them the tools to assess and reduce their personal risk.

Practical measures include the provision of condoms, access to treatment for other sexually transmitted infections (STIs), and occupational safety and health.

An atmosphere of trust and open discussion of HIV and AIDS, based on the full involvement of the workforce, will make a great difference to the success of your programme. The involvement of people living with HIV in planning and implementation will also increase its effectiveness.

1. Education

Basic facts and awareness-raising

Provide key facts about HIV transmission and how to prevent it to all employees, their families, and extend to others in the local community if you can. Messages must be consistent, clear and accurate, provided in a variety of forms (not just written), and tailored to the workforce, taking into account age, gender, risk factors and cultural context.

Find out what resources are available locally, from materials to trainers and advisers: consult your national AIDS commission or UN office.



Behaviour change communication

The 2006 Report on the global AIDS epidemic (UNAIDS) says that behaviour change interventions have been found to reduce sexual risk behaviours in many different settings. Behaviour change communication is a form of participatory education which encourages people to understand their own attitudes to HIV, assess their risk, and build skills – such as negotiating the conditions of sex. Programmes work by tailoring messages and approaches to the needs of a particular group – this could be the workers at a factory or a sector such as mining.

Peer education

Peer education is one of the most effective ways of conducting HIV/AIDS education and inspiring behaviour change. Peer educators come from the same workplace or sector as the target group, and are trained to provide information on HIV/AIDS, organize education programmes and – in some cases – to do counselling as well.

2. Practical measures to support behaviour change

- Workplace campaigns that encourage people to know their HIV status: voluntary confidential testing with counselling supports prevention and provides access to care and treatment, if needed.
- HIV education in working hours.
- Provision of free or low-cost male and female condoms, ensuring people know how to use them.
- Early and effective STI and TB diagnosis, treatment and management (if your company does not have the resources to provide it, refer employees to public health services).
- Access to sterile needle and syringe exchange programmes, where relevant.
- Standard or universal precautions in place to protect workers from the risk of infection through occupational exposure or workplace accidents.

In the long run the best prevention is access to decent work and, for that purpose, access to appropriate education and skills training – especially for young people and women, who have the greatest deficit in economic security and who are at greatest risk of HIV.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual* – module 6
- *HIV/AIDS behaviour change communication: a toolkit for the workplace* (ILO and FHI)
- *Employers' organizations & HIV/AIDS: Information, tools and good practice for workplace action against HIV/AIDS*, CD-ROM
- *Using the ILO Code of Practice on HIV/AIDS: guidelines for trade unions*
- *Joint ILO-WHO guidelines on health services and HIV/AIDS*

All published by ILO/AIDS, www.ilo.org/aids



HOW TO PROVIDE CARE, SUPPORT AND TREATMENT

Access to care, support and treatment reinforces effective prevention, and is an important motivation for voluntary testing.

Where an occupational health service is in place, this can be adapted to provide treatment and prevention education. Smaller enterprises fear that providing care will be costly. But in the long run it is more costly not to invest in the health of the workforce.

In practice, many aspects of care and support do not require much investment. Having a policy of “zero tolerance” for discrimination and retaining HIV-positive employees as long as they are fit to work makes a vital contribution. It means that enterprises not only reduce disruption to production and maintain morale, but also set an example to the community at large.

“If you take away our jobs, you kill us faster than the virus. Work is more than medicine to us. It keeps us going, and enables us to bring home food and medicine.”

Naveen Kumar, India

Depending on the size of the enterprise and available resources, care and support involves a range of services responding to the needs of workers for medical treatment, material and psychological support, and protection against discrimination and dismissal. Your workplace policy should make clear what the company or public sector workplace is committed to providing in terms of care and support.

Providing care and treatment

Your workplace can help extend access to care and treatment by taking action in one or more of the following areas:

- Encourage confidential voluntary counselling and testing so that workers know their status and can take informed decisions;
- Provide information on and referral to community testing and treatment services;
- Provide palliative care and treatment for common opportunistic infections – including taking part in TB control programmes where these exist;
- Provide facilities for the delivery of antiretroviral treatment (ART) which is funded or subsidized by the state/donors;
- Develop a programme to support treatment adherence and encourage healthy living, including information on nutrition, rest and exercise.

Know your status

The ILO recommends that voluntary testing should be carried out by public health services and not at the workplace, but recognizes that some larger companies have good facilities in place. It should be strictly confidential and carried out with the informed consent of the worker, who must understand the implications of taking the test and be counselled before and afterwards. Follow-up care and support must be available for those who test positive.

Providing support

The *ILO Code of Practice on HIV/AIDS and the world of work* says that HIV/AIDS «should be treated like any other serious illness or condition» that may affect a worker. Keeping an employee at work is the best support an employer can give.

Workers with HIV can also be assisted by:

- An open, accepting and supportive environment for workers who disclose their HIV status, and provisions against stigma and discrimination;
- Reasonable accommodation: adjustments to tasks, the work environment, working hours and conditions of work, including rest breaks, to help affected workers continue in their jobs – this should be applied to employees who are carers as well as those living with HIV;
- Ensuring access to social security, health insurance and other statutory or company benefits, as well as encouraging the development of micro-insurance and income support schemes;
- Providing facilities for self-help support groups and counselling, as appropriate, and information on services in the community.

Ensuring confidentiality

Protecting the privacy of affected workers and ensuring confidentiality of medical data is a key component of your company's HIV response.

Extending access through partnerships

Employers do not have to take action on their own. They can work with local trade unions to develop joint workplace programmes as well as liaising with the Ministry of Labour and national AIDS bodies. Other possibilities include:

- Linking up with NGOs and community organizations such as networks of people living with AIDS and home-based care groups,
- Joining with other enterprises to pool resources and set up a joint programme,
- Taking part in public-private partnerships involving other actors, including the state and donors such as the Global Fund: the co-investment approach helps extend workplace facilities to the families of employees and the local community.

“Our experience is that the people who get on to treatment see an improvement in health. The vast majority of them go back to work and they continue with normal lives.”

James Steele, Manager of the AngloGold Ashanti AIDS programme.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual – module 7*
- *Employers' organizations & HIV/AIDS: Information, tools and good practice for workplace action against HIV/AIDS, CD-ROM*
- *Using the ILO Code of Practice on HIV/AIDS: guidelines for trade unions*
- *HIV/AIDS workplace programmes and public-private partnerships through co-investment – extension of treatment and care into the community (ILO, GTZ, GBC, GHI, World Bank, Global Fund)*

All published by ILO/AIDS, www.ilo.org/aids

HOW TO TACKLE GENDER INEQUALITY

HIV affects women and men differently both in terms of vulnerability and of impact. Biological factors make women more susceptible to infection than men, and structural inequalities in the status of women make it harder for them to protect themselves. Women are becoming infected with HIV at a faster rate than men, and young women are particularly at risk. Women carry a greater share of the burden of care.

Three quarters of adults with HIV in Sub-Saharan Africa are young women (aged 15-24), and nearly three-quarters of those in the Caribbean.

AIDS is the leading cause of death among African-American women in the USA.

2006 Report on the global AIDS epidemic, UNAIDS

Generally speaking women have less income and property than men, less access to information and education, and fewer rights – including in marriage and sexual relations. Laws often discriminate against women especially in areas such as inheritance. Women's lack of economic security can force them into high-risk situations, such as sex work. Social norms tend to condone men having multiple partners, and different work situations can add to the pressures on them by separating them for substantial periods from home and family.

In a review of 79 countries, women's participation in the development and review of national AIDS frameworks was non-existent in eight nations and inadequate in 64.

UNAIDS

In the world of work women face particular problems including:

- Fewer opportunities for education
- Greater concentration in the informal economy
- Discrimination in hiring, training and promotion
- Unequal pay and access to productive resources, including credit
- Sexual harassment and abuse.

The world of work has a key role to play. Trade unions, employers' organizations and national authorities can play a crucial role in reducing the vulnerability of women to HIV by increasing their economic security and promoting their rights. Through leadership, advocacy and practical actions in the workplace they can make a real difference by:

- challenging attitudes and structures that disadvantage women, and protecting their rights through laws and policies;
- increasing the representation of women on decision-making bodies at all levels;
- encouraging the education, training and recruitment of women;
- giving women more options in order to ensure a secure income.

The different situations, attitudes and needs of women and of men mean that HIV/AIDS programmes – in the workplace as in the community – should be gender aware.



Workplace programmes for HIV prevention, care and treatment – gender checklist:

- baseline survey disaggregates knowledge, attitudes and behaviours of men and of women
- workplace policy is gender-specific, specifies zero tolerance for sexual harassment, and has clear complaints procedure
- enterprise avoids practices that encourage risk-taking behaviour, for example in entertaining clients
- workplace programme targets men and women explicitly:
 - education for women explains their risk and empowers them to protect themselves
 - education for men promotes responsibility in sexual behaviour
- gender balance exists on relevant HIV committees and among peer educators
- women have equal access to and uptake of confidential voluntary testing and ARV treatment
- reasonable accommodation (adjustments to tasks, work station and rest breaks) takes into account care-giving demands on women employees
- deployment of staff away from home is reduced, family housing provided where relevant
- workplace programmes include the families of employees:
 - prevention programmes for spouses and children, including information on mother-to-child transmission
 - insurance schemes cover employees and dependants
 - links with community-based credit and savings schemes strengthen the economic security of the household.

Some trade unions and enterprises have campaigns and education programmes to combat workplace harassment. Others provide special training programmes for women. Workers and employers have developed agreements to improve women's pay and working conditions (including child care support).

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual – module 5*
- *HIV/AIDS Behaviour Change Communication: A toolkit for the workplace* (ILO and FHI)
- *ILO/AIDS brief: Women, girls, HIV/AIDS and the world of work*

All published by ILO/AIDS, www.ilo.org/aids

See too the Global Coalition on Women and AIDS (www.unaids.org)



THE LEGAL AND POLICY FRAMEWORK

“If you take away our jobs, you will kill us faster than the virus...” Naveen Kumar, India, living with HIV and working to reduce employment-related discrimination

The legal and policy framework in a given country has the potential to provide significant encouragement and support for workplace action. This framework is provided by a combination of instruments starting with national laws. These may be ‘hard’ or binding laws, or ‘soft’ laws such as codes and policies. Regional instruments may also apply, such as the Southern Africa Development Community (SADC) Code of Conduct on HIV/AIDS and Employment, and sector-specific agreements. The national framework also draws on global instruments such as international human rights instruments and ILO Conventions. Although no Conventions or Recommendations deal specifically with HIV/AIDS, several cover relevant areas (see box).

ILO Conventions

Many instruments cover both protection against discrimination and the prevention of infection, and these can be and have been used in domestic courts. The Conventions which are particularly relevant in the context of HIV/AIDS at work include: Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Occupational Safety and Health Convention, 1981 (No. 155); Occupational Health Services Convention, 1985 (No. 161); Termination of Employment Convention, 1982 (No. 158); Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); Social Security (Minimum Standards) Convention, 1952 (No. 102); and Labour Inspection Convention 1947, (No. 81) and Labour Inspection (Agriculture) Convention 1969 (No. 129).

Taking account of these Conventions, and other codes and instruments, the *ILO Code of Practice on HIV/AIDS in the world of work* was developed through tripartite consultations – between governments, employers and workers – in all regions of the world. It was finalized by a tripartite meeting of experts and adopted by the ILO Governing Body in June 2001. It is a voluntary instrument, but provides the basis for legislation as well as policies at all levels.

HIV/AIDS legal and policy action in the world of work

All countries, whatever the HIV prevalence, can benefit from a legal framework that spells out workplace issues, protects against employment discrimination, prevents occupational risk of HIV transmission, and ensures the participation of stakeholders in the national response to HIV/AIDS. Labour laws are a good entry point.

The strategy promoted by the ILO emphasizes participation of the social partners – workers and employers – in the elaboration of legislation and policy. The ILO Code of Practice states that, in order to eliminate workplace discrimination and promote workplace action, governments in consultation with social partners should provide a relevant regulatory framework and, where necessary, revise labour laws and other legislation to improve action against HIV/AIDS.

More than 70 countries have now adopted legislation and/or national policy that deal specifically with employment aspects of HIV/AIDS. Some countries have opted to do this through the adoption of specific AIDS laws, and others through equality laws, disability laws or employment and labour relations laws, including adoption of codes of conduct known as ‘soft’ law because they offer guidance rather than prescription.



The ILO Code of Practice sets out ten key principles to provide the basis for policy and legislation:

1. Recognition of HIV/AIDS as a workplace issue
2. Non-discrimination
3. Gender equality
4. A safe and healthy work environment
5. Social dialogue
6. Prohibition of screening for purposes of exclusion from work
7. Confidentiality
8. Continuation of employment relationship
9. Prevention
10. Care and support, including treatment.

Implementing legislation

Labour legislation is widely used both to directly regulate employer-employee relationships and to provide a framework within which workers and employers can define their relations by means of social dialogue, including collective bargaining.

Legislation serves to keep in mind and guarantee fundamental principles and rights at work, to serve as a deterrent to discrimination and to punish offenders.

Anti-discrimination laws and human rights legislation have the specific objective of ensuring the protection of fundamental rights and freedoms. They do not aim primarily to punish perpetrators for prohibited acts, but rather to uphold values, and to educate and provide remedies to repair the prejudices caused by rights' violations. Complaints under these laws are often filed before specialized courts that are well versed in discrimination and rights-based issues.

The labour inspection service also has a key role in advising on the implications of labour legislation and helping enforce it. In practice the inspectors often help workplaces develop relevant policies: traditionally these have related to health and safety and labour relations, but increasingly now include HIV/AIDS.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual* – modules 2 and 4
- *Guidelines on HIV/AIDS for labour judges and magistrates*
- *Legal initiatives to address HIV/AIDS in the world of work*
- *A handbook on HIV/AIDS for labour and factory inspectors*

All published by ILO/AIDS, www.ilo.org/aids – and see the database of legislation and policies at <http://mirror/public/english/protection/trav/aids/laws/index.htm>

