

Questions and Answers on the proposed Recommendation on HIV/AIDS and the world of work

The year's International Labour Conference will see the second, and final discussion on the development of a labour standard on HIV/AIDS and the world of work. If adopted, the recommendation will be the first international human rights instrument on AIDS in the workplace. ILO Online spoke to ILO/AIDS Director, Dr. Sophia Kisting about the Recommendation.

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ILO Online: This is the “second discussion” of the proposed new international standard. Why are two discussions needed?

Sophia Kisting: When the Governing Body of the ILO decided in 2007 to put discussions on a new international standard on HIV/AIDS and the world of work on the agenda of the ILC for 2009, they required that it would be on the basis of a double discussion. The ILO standard setting procedure requires that all proposed conventions and recommendations are deliberated over two years. The first round of discussions considers the question in general and the second works on the actual proposed text. The two year period therefore allows enough time for sufficient engagement and dialogue by the government and worker and employer organizations that make up the ILO.

ILO Online: Are there any differences between the text discussed last year, and this year's draft?

Sophia Kisting: The meetings last year and subsequent dialogue have helped refine the document. While its objectives remain the same, it is now much shorter and more focused. More than 300 amendments to the text were discussed at the Conference last year but through a process of dialogue, our constituents have reached a consensus on most issues. Of course there is an opportunity to submit further amendments during this year's discussion before a decision on adoption of the instrument.

ILO Online: The ILO already has a Code of Practice on HIV/AIDS and the world of work. How would a Recommendation be different and does it have the same weight as a Convention?

Sophia Kisting: The ILO Code of Practice adopted in 2001 is a set of principles that enjoys a great deal of support amongst ILO member States, as well as UN agencies and many organizations both within and outside the UN system. While there is no intention to change the Code, we have experienced that there can be selective implementation of its 10 principles and a new recommendation would strengthen the Code and create much greater harmonization of our work place programmes. If adopted it will be the first international human rights instrument to focus explicitly on HIV/AIDS.

A recommendation is one of the two kinds of labour standards that the ILO can adopt. While distinct from a convention in that it does not require ratification, under article 19 of the ILO constitution a recommendation still has to be communicated to national parliaments and to be discussed in terms of how it might be implemented through national policies and legislation. For the ILO, this engagement of governments and workers' and employers' organizations in the development of national tripartite workplace policies on HIV/AIDS will be the significant outcome of the new recommendation.

ILO Online: How will the application of the Recommendation be monitored, and what will be the role of ILO supervisory bodies that regularly review compliance with ILO Conventions?

Sophia Kisting: There is not the same obligatory reporting cycle as with a ratified convention: However the International Labour Conference can decide on a resolution to discuss a follow up mechanism if the recommendation is adopted.

The Office of the ILO also has other opportunities to work out, with our government, worker and employer constituents, a work plan on how to give effect to the recommendation. This is a route the Office is likely to take irrespective of whether a resolution is decided upon or not and we are confident of having a plan in place which can provide the frame work for much needed monitoring and follow up.

ILO Online: If adopted how would such a recommendation help in efforts to achieve the UN goal of universal access to HIV treatment, prevention, care and support?

Sophia Kisting: The global pandemic is still evolving and running ahead of us. In some areas it is already a profound human tragedy, in others it is an emerging crisis and in some countries where there is a low prevalence, new infections are slowly creeping up. Discussions on a recommendation have already drawn attention to how the work place and world of work can be utilized more optimally to prevent HIV and how having employment can actually help reduce HIV infections and vulnerability. This is even more relevant in times of economic and social crisis, when workplaces offer good entry-points for targeted, cost-effective and sustainable prevention programmes. We have an opportunity now, with the proposed recommendation to leverage the high profile it will bring to HIV/AIDS and the world of work, to build stronger partnerships and strengthen commitments to achieving the UN goal.

The ILO already works in collaboration with 9 other UN agencies as cosponsors of UNAIDS and through this recommendation we can strengthen our partnerships to extend the reach of prevention and access to treatment, care and support. It is not possible for one agency to do it on its own. Provided we partner adequately including networks of People Living with HIV we can find a greater sense of urgency to prevent children being born with HIV, to prevent more women and men being infected, to protect workers in sectors particularly at risk of exposure. The proposed recommendation has the potential to make a significant impact.

ILO Online: We know that people living with the HIV are frequently subject to discrimination and human rights abuses, how will this recommendation impact on their lives?

Sophia Kisting: One of the central reasons that a new recommendation was proposed by the ILO Governing Body was that our constituents wanted to find a way to help address stigma and discrimination. To this day stigma and discrimination still means job losses, it still means a lack of access to jobs, and it still means that through fear and going too late for an HIV test that potentially a life is lost. Through an international human rights instrument such as this proposed recommendation we can more confidently tackle stigma and discrimination, make sure that people could access voluntary counselling and testing and be referred for treatment in time and we can help save businesses and small enterprises and ultimately, lives.