

**CODE OF PRACTICE ON
PREVENTION AND MANAGEMENT OF HIV/AIDS
AT THE WORKPLACE**

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GLOSSARY

Acquired Immune Deficiency Syndrome (AIDS) is a condition in which the body's immune system loses its ability to fight off infection and thus becomes vulnerable to opportunistic infections, and certain cancers. This condition is caused by infection with HIV.

Contract of service means any agreement, whether oral or in writing and whether express or implied, whereby one person agrees to employ another as an employee and that other agrees to serve his/her employer as an employee and includes an apprenticeship contract.

Discrimination means any distinction, exclusion or preference made on the basis of real or perceived HIV status that has the effect of nullifying or impairing equality of opportunity and treatment in employment or occupation. It covers access to training, access to employment and job security, and terms and conditions of employment. However, any distinction, exclusion or preference in respect of a specific job based on the inherent requirements of that job is not considered as discrimination.

Employee means a person who is employed for wages under a contract of service.

Employer means the owner of an industry or the person with whom an employee has entered into a contract of service.

Human Immunodeficiency Virus (HIV) refers to the virus that weakens the body's immune system thereby ultimately causing AIDS.

HIV-positive employee refers to an employee whose antibody-test indicates, that he/she is infected with HIV.

HIV transmission refers to the transfer of HIV from the infected person to an uninfected individual, most commonly through unprotected sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy.

Incubation period is the time span when the virus enters the body and lies dormant, without causing any visible harm to the patient until the collapse of the immune system.

Sharp object means needles, cannulas, scalpels or blades, end of dental wires, edges of instruments, broken glassware, bone fragments or any other items that might penetrate the skin or mucous membranes.

Universal precaution involves the routine use of safe work practices and protective barriers to minimise the spread of infectious diseases.

Workplace means the premises where the persons work.

1. OBJECTIVES

1.1 The objectives of this Code of Practice are to:

- i. Provide guidelines to employers and employees on appropriate and effective ways of preventing and managing HIV/AIDS at the workplace.
- ii. Promote education and awareness on HIV/AIDS.
- iii. Promote a non-judgemental, non-discriminatory work environment.

2. SCOPE OF APPLICATION

2.1 The Code of Practice applies to all employers and employees in any workplace.

3. MANAGING HIV/AIDS IN THE WORKPLACE

3.1. General

3.1.1. Every employer should adopt appropriate measures to prevent the spread of HIV infection and ensure that HIV positive employees are not discriminated.

The key principles of these measures are:

- i) Development of HIV/AIDS policies and programmes at the workplace;
- ii) Education, training and awareness programme;
- iii) Non-judgemental, non-discriminatory working environment;
- iv) Safety and health aspects;
- v) Confidentiality and privacy;
- vi) Prevention and control measures;
- vii) Counselling and social support; and
- viii) Gender equality.

3.1.2. The workplace programme on HIV/AIDS should take into account ethical, social and economic dimensions of HIV/AIDS. The programme may vary according to company size, resources, structure and employee culture, as well as public policy.

3.2. Developing A Workplace Policy on HIV/AIDS

3.2.1. An employer, in consultation with key stakeholders within the workplace including, but not necessarily limited to, trade unions or employee representatives, medical doctors, safety and health committee members, safety and health officers, employer representatives and HIV positive employees (if applicable) should develop consistent policies and procedures on HIV/AIDS at the workplace. The policy should outline the responsibilities of employers and employees and should reflect the nature and needs of the particular workplace. The policy should be:

- i) communicated to all concerned in simple, clear and unambiguous terms;

- ii) continually reviewed and updated in the light of epidemiological and other scientific information;
- iii) monitored for its successful implementation; and
- iv) evaluated for its effectiveness.

3.3. Responsibilities of Employers

3.3.1. Employer's Commitment

A workplace policy on HIV/AIDS should define the employer's position and practices related to HIV/AIDS issues. A written policy should clearly state the employer's commitment in preventing the spread of the virus as well as discrimination or stigmatisation of HIV positive employees in the workplace.

3.3.2. Information, Education and Training Programmes

Employers, in consultation with employees, should provide information, training, and education programme related to HIV/AIDS and preventive measures to their employees with view to promote awareness in order to prevent the spread of the disease and discrimination or stigmatisation of HIV positive employees. Such information and education should be an integral part of employee development and induction programmes and should be made accessible to all employees.

3.3.3. Safety and Health Aspects

Employers should provide and maintain, as far as is practicable, a working environment that is safe and without risk to the health of its employees. Every workplace should ensure that its policy deals with:

- i) The risk, if any, of occupational transmission of HIV within the particular workplace;
- ii) Appropriate education, training, and awareness on the use of universal infection control procedures in order to reduce the risk of HIV transmission at work;
- iii) Providing appropriate equipment and materials to protect employees from the risk of exposure to HIV;
- iv) The steps that must be taken following an occupational accident including the appropriate management of occupational exposure to HIV; and
- v) The reporting procedures of occupational accidents related with exposures to HIV.

3.3.4. Non-judgemental, Non-discriminatory Employment Practices

An employer should ensure that:

- i) Employment practices should be based on the scientific and epidemiological evidence that people with HIV/AIDS do not pose a risk of transmission of the virus to co-workers through ordinary workplace contact.
- ii) HIV-positive status should not be the sole criterion for disqualification from any form of employment.

- iii) HIV-positive employees should have the right to continue in employment as long as they are able to work and as long as they are able to work and as long as they do not pose any danger to themselves, their co-workers and other individuals in the workplace.
- iv) The procedure for termination of employment on medical grounds for HIV-positive employees should be the same as for any other disease.
- v) Disciplinary action should be taken against any employee who discriminates or stigmatises HIV-positive or perceived HIV-positive employees.

3.3.5. Confidentiality and Privacy

An employer should ensure that HIV-positive employee is not required to disclose his/her status to the employer or anyone at work. In situations where the employee needs to reveal his/her status, confidentiality and privacy regarding all medical information related to his/her HIV/AIDS status should be maintained at all times.

3.3.6. Screening/HIV-antibody Testing

Employers should not practice screening or HIV-antibody testing as a precondition to employment, promotion, or other employee benefits

3.4. Responsibilities of Employees

- a) An HIV-positive employee should act in a responsible manner so as not to expose to his/her co-workers to unnecessary risks by taking precautionary steps to prevent transmissions of the virus.
- b) An HIV-positive employee should be encouraged to inform his/her employer of his/her status if his/her occupation or work activities pose potential risks of HIV Transmission.
- c) All employees should work together and participate in all HIV/AIDS programmes.
- d) Employees should not discriminate against or stigmatise co-workers who are HIV-positive or perceived to be HIV-positive. Disciplinary action should be taken against any employee who discriminates against or stigmatises a co-worker who is HIV-positive or perceived to be HIV-positive.
- e) Every employee should comply with all instructions and procedures on control measures instituted by the employer, which includes but may not necessarily be limited to wearing or using any protective equipment or clothing.

3.5. Developing a Workplace HIV/AIDS Programme

3.5.1. General

- a) An employer, in developing and implementing a workplace HIV/AIDS programme, should aim at:
 - i) Promoting education and awareness among employers and employees on HIV/AIDS;

- ii) Creating an understanding environment towards HIV-positive employees in order to avoid discrimination and stigmatisation:
 - iii) Preventing transmission and providing care and support for employees who are infected or affected by HIV/AIDS; and
 - iv) Managing the impact of the HIV/AIDS on the organisation
- b) An employer should be guided by the needs and capacity of his workplace in establishing the nature and extent of a workplace HIV/AIDS programme. The key components of the programme may include the following elements:
- i) Education, training and awareness;
 - ii) Prevention and control measures,
 - iii) Emergency and first aid; and
 - iv) Counselling and social support.

3.5.2. Education, Training and Awareness Programme

- i) An employer should implement a workplace education, training and awareness programmes in order to fight the spread of disease and to foster greater tolerance for HIV-positive employees. Effective education can contribute to the capacity of employees to protect them against HIV infection, reduce HIV-related anxiety and stigmatisation, minimise disruption in the workplace, and bring about attitudinal and behavioural change
- ii) An employer should developed the programmes through consultation with employees and their representatives, and where appropriate, government and non-governmental organisations with expertise in HIV/AIDS education, counselling and care to ensure support at the highest levels and the fullest participation of all concerned. The programmes should be based on correct and up-to-date information about how HIV is and is not transmitted, the facts and myths of the disease, the impact of Aids on individuals, and possibilities for care and alleviation of symptoms. The programmes should be:
 - integrated into existing education and human resource programmes as well as occupational safety and health;
 - conducted as part of an orientation or induction programme for new employees;
 - regularly repeated to employees as an on-going basis;
 - related to the work activities in the workplace; and
 - regularly monitored, evaluated, reviewed and revised as necessary.
- iii) An employee should also be provided with standardised basic information and instruction on HIV/AIDS in order to improve understanding of HIV/AIDS issues, which may include but may not necessarily be limited to the following topics:
 - The company's policies, practices and guidelines concerning HIV/AIDS;
 - Universal precautions and measures;
 - Application of safe working procedures;
 - Confidentiality and privacy requirements regarding the medical condition of an employee;
 - Where to go for additional confidential information; and
 - Attitude towards HIV-positive employees.

3.5.3. Prevention and Control Measures

- i) An employer should ensure a safe and healthy working environment, including the application of universal precautions and measures such as provision of protective equipment and first aid.
- ii) An employer should identify occupations or work activities in his workplace, which put the employee at risk of transmission of HIV. If there is potential risk of exposure to HIV, employers should develop practical prevention and control programmes appropriate to their workplace to reduce the risk. The programme should include but may not necessarily be limited to the following methods (where applicable):
 - Eliminating work practices that involve unnecessary exposure;
 - Reducing risk by substitution, redesign of process, or improved work methods, e.g. needle-free intravenous system;
 - Segregation of a process to reduce the number of people exposed, e.g. handling blood products in the laboratory, using clinical waste disposal systems;
 - Safe work practices;
 - Information and training;
 - Good housekeeping;
 - Waste management; and
 - Personal protective equipment.
- iii) In occupations or work activities where there may be a potential risk of occupationally exposure to HIV, employers should provide a specific education and training programme as well as necessary equipment to reinforce appropriate infection control procedures and ensure that they are implemented. Details of the control programme are given in Appendix I.

3.5.4. Emergency and First Aid Programme

- i) An employer, in consultation with medical professionals familiar with HIV/AIDS, should develop a programme for managing employee who may be exposed to blood or body fluid during work. The programme should include procedures for:
 - Reporting to a "designated person" who will carry out investigation and record keeping of an accident where an employee has been exposed to blood or body fluid; and
 - Referring immediately to a doctor an employee at risk of exposure to HIV in order to assess the risk of transmission and discuss options for testing, counselling and treatment.
- ii) An employer should ensure that emergency and first aid procedures for management of bleeding and cardiopulmonary resuscitation (CPR) to workplace accident victims include precautionary measures to avoid risk of transmission of HIV.

3.5.5. Counselling and Social Support

- i) An employer should establish a mechanism to encourage openness, acceptance, and support for those employees who voluntarily disclose their HIV status, which should include but may not necessarily be limited to:

- Encouraging persons living with HIV/AIDS to be involved in education and awareness programmes;
 - Ensuring that there is no discrimination or stigmatisation toward HIV-positive employees, and
 - Encouraging the development of support groups for HIV-positive employees.
- ii) An employer, where applicable, should provide counselling services and facilities in the workplace. If this is not possible, then the employer should encourage his employees to utilise outside expertise and assistance for counselling by providing information on professionals, self-help groups, and services within the local community or region that specialise in HIV/AIDS-related matters and treatment of HIV/AIDS. Appendix II lists a few of these agencies or non-governmental organisations that provide these services.
- iii) A workplace counsellor appointed by the employer should be able to:
- Provide counselling on HIV/AIDS,
 - Develop a trusting relationship with an employee receiving the counselling; and
 - Identify and offer solutions to personal and work related problems.

4. DESIGNATED "PERSON IN CHARGE"

4.1. An employer should designate a "person-in-charge" in the workplace to deal with HIV/AIDS-related issues. The identity of this "person-in-charge" should be made known to all employees. The designated "person-in-charge" has to attend appropriate training related to HIV/AIDS. Duties of the "person-in-charge" should include but may not necessarily be limited to:

- i) Co-ordinating and monitoring the implementation of HIV/AIDS policies and programmes;
- ii) Being a resource person for education and training and any other workplace programme related to HIV/AIDS;
- iii) Being a workplace counsellor if qualified or capable;
- iv) Investigating and keeping records of any accidents related to occupational exposure to blood;
- v) Maintaining confidentiality of the identity of HIV-positive employees; and
- vi) Evaluating and reporting the progress of the HIV/AIDS programme to management.

5. ROLES OF SAFETY AND HEALTH COMMITTEE (if applicable)

5.1. An employer should encourage the safety and health committee (if applicable) to assist the employer in the implementation of HIV/AIDS policies and programmes. HIV-positive employees should, as far as possible, be invited to actively participate in any discussion on the implementation of HIV/AIDS policies and programmes. The roles of the safety and health committee should include but may not necessarily be limited to:

- The development, implementation and review of policies and programmes on HIV/AIDS;
- Investigation of any accidents involving exposure to blood;
- Recommendation of prevention and control measures to reduce risk of transmission; and

- Discussion of any complaints related to HIV/AIDS issues.
- In order for the safety and health committee to perform its role, members of the committee should be trained in the management of HIV/AIDS.

6. GENDER EQUALITY

- 6.1. An employer should recognise the gender dimensions of HIV/AIDS. Women are more likely to become infected and more often adversely affected by the HIV/AIDS epidemic than men due to biological, sociocultural and economic reasons. The greater the gender discrimination in societies and the lower the position of the women, the more negatively they are affected by HIV. Therefore, more equal gender relations and empowerment of the women are vital to more successfully prevent the spread of HIV infection and better enable women to cope with HIV/AIDS.

7. BENEFITS OF HIV/AIDS PROGRAMMES IN THE WORKPLACE

- 7.1. An employer should realise that a major impact of HIV/AIDS in the workplace would be the potential loss of skilled personnel and labour with prolonged employee illnesses, absenteeism, and deaths which will affect productivity, employee benefits, occupational safety and health, production costs and workplace morale. Proactive role-play by the employers to plan and develop HIV/AIDS programmes in the workplace will reflect the employer's response towards the disease. Implementation of the programmes will help to:
- Reduce employee fear;
 - Provide accurate information on HIV/AIDS;
 - Prevent work disruption;
 - Ensure a health workforce; and
 - Reduce stigmatisation and discrimination.
- 7.2. An employer should recognise that HIV/AIDS are workplace issue and be treated like any other serious illness in the workplace. This is necessary not only because it affects the workforce, but also because the workplace, being an integral part of the local community, has a very significant role to play in the wider struggle to limit the spread and impact of the problem.

APPENDIX 1

CONTROL PROGRAMME FOR PREVENTION OF TRANSMISSION OF HIV/AIDS

Employers should develop a four-stage control programme to prevent transmission of HIV at the workplace.

1. FIRST STAGE: RISK IDENTIFICATION

- a) The purpose of risk identification is to identify the activities and tasks in the workplace that put employees at risk of transmission of HIV. It can be done through:
 - i) Consultation with employees;
 - ii) Direct workplace observation; and
 - iii) Analysis of exposure reports.
- b) The process of risk identification involves identifying and placing in order of priority, the activities or tasks that require action to reduce the risk of transmission of HIV. If a likely risk to health and safety is identified, risk assessment should be carried out.

2. SECOND STAGE: RISK ASSESSMENT

- a) The purpose of risk assessment is to evaluate the safety and health risks to employees arising from exposure to blood in the workplace, and to determine the measures necessary to minimise those risks.
- b) Risk assessment should include consideration of:
 - i) The nature of the risk - consider modes of transmission of HIV/AIDS which may occur in the workplace;
 - ii) Frequency of exposures to blood;
 - iii) How employees are exposed to risks;
 - iv) Risk of exposure associated with current workplace layout and work practices;
 - v) Potential health effects of each risk;
 - vi) Assessment of knowledge and training of employers, supervisors and employees regarding HIV/AIDS;
 - vii) Medical assessment; and
 - viii) Adequacy of and need for control measures - assessment of the suitability of equipment for the tasks for which it is being used, whether the use of the equipment is likely to lead to exposure to blood; assessment of the need for control measures.

3. THIRD STAGE: RISK CONTROL

- a) The purpose of risk control is to minimise employee exposure to HIV/AIDS at the workplace.
- b) Risk control can be achieved by applying the risk control hierarchy, where appropriate:

- i) Elimination -
Work practices associated with exposures to HIV/AIDS risk that have been assessed as unnecessary should be eliminated;
- ii) Substitution -
Where elimination of a certain higher-risk work practice is not practicable, the employer should substitute the work practice with a suitable practice that presents a lesser risk of exposure:
- iii) Engineering control -
Engineering control may include isolation of the process, enclosure of the process, use of mechanical equipment or automation, or modification of tools and equipment;
- iv) Safe work Practices -
Employer should ensure that safe work practices are in place to minimise exposure to blood, which should include personal hygiene, universal precautions and infection control programmes. If accidents occur in the workplace, employers should establish a procedure for safe first aid;
- v) Information and Training
Enable employers to:
 - Ensure that employees at risk are informed about the transmission of HIV/AIDS;
 - Identify and anticipate situations where employees may be exposed to HIV/AIDS;
 - Uphold universal precautions and other workplace policies and practices;
 - Be aware of their legal obligations regarding occupational safety and health;
 - Report any incident where potential exposures to HIV may have occurred; and
 - Know where to refer employees for counselling and support when they have concerns about exposure.

And enable employees to:

- Understand modes of transmission of HIV;
- Identify and anticipate situations where they may be exposed to HIV;
- Follow universal precautions and other workplace practices;
- Use and handle equipment and personal protective equipment;
- Be aware of their legal obligations regarding occupational safety and health; and
- Report promptly and accurately to the "identified person" in the workplace any exposures to blood.

- vi) Personal Protective Equipment -

Suitable personal protective equipment should be made available to protect employees from exposure to HIV/AIDS.

4. FOURTH STAGE: MONITORING AND EVALUATION

Employers should regularly monitor and evaluate work practices and ensure that action is taken to modify practices if necessary (or when needed). The following should be considered:

- i) Effectiveness of workplace policies and procedure;
- ii) Level of compliance with universal precautions;
- iii) Effectiveness of information and training programmes;
- iv) Causes of exposures to HIV/AIDS risk;
- v) Evaluation of incident debriefing; and
- vi) Effectiveness of post-exposure follow-up.

There should be an identified person or group of people in the workplace to carry out monitoring and evaluation. The identity of this person, or group of people, should be made known to all employees.

(Adopted from the National Occupational Health and Safety Commission (Commonwealth of Australia) publication, "The National Code of Practice for Health Care Workers and Other People at Risk of the Transmission of Human Immunodeficiency Virus and Hepatitis B".)