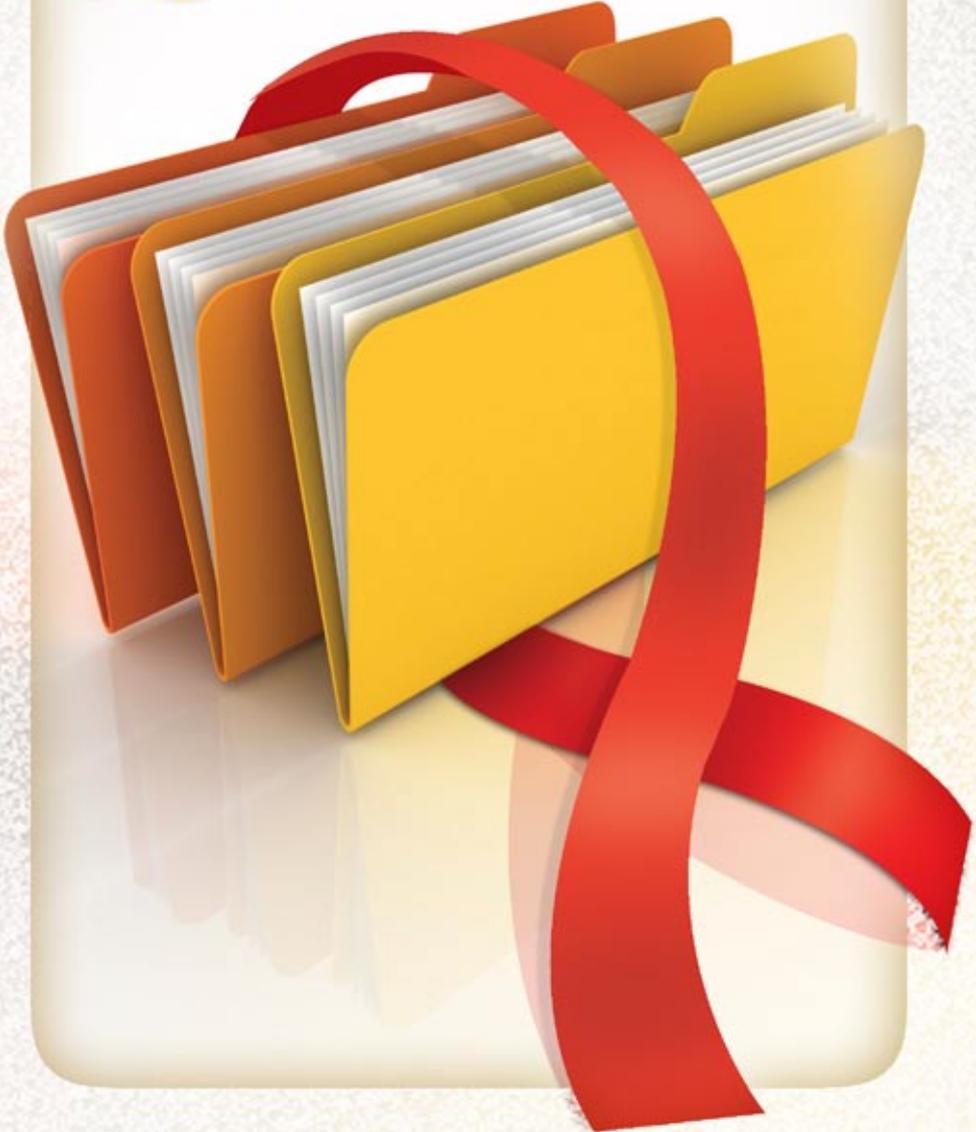




**Code of Practice on
HIV/AIDS and Other
Life Threatening Illnesses
for the Public Sector**



Ministry of Labour

Acknowledgement

This **Code of Practice on HIV/AIDS and Other Life Threatening Illnesses in the Public Sector** was developed by the Ministry of Labour in collaboration with its HIV/AIDS Core Group.

This group includes:

- Labour Department
- Barbados Vocational Training Board
- Technical and Vocational Education and Training Council
- National HIV/AIDS Commission
- Government Information Service
- Barbados Employers' Confederation
- Congress of Trade Unions and Staff Association of Barbados
- Barbados Small Business Association
- AIDS Society of Barbados Incorporated
- Barbados Christian Council
- Pinelands Creative Workshop
- CARE Barbados
- Ministry of Civil Service

Foreword

This Code of Practice is intended as a guide for Public Sector Managers in helping them to promote the development of a supportive, ethical and human rights work environment that protects the fundamental rights and freedoms of workers living with HIV and other life threatening illnesses. It calls for a consistent approach in dealing with public sector employees living with these illnesses.

The Ministry of Labour wishes that the guide be made available to all public sector employees so that they may be made aware of their rights and how they should be treated by both the management and their colleagues within the organisation.

The Code of Practice signifies a commitment by the Government of Barbados to treat its employees within the Public Sector in a fair and non-discriminatory manner regardless of their HIV status or any other life threatening illness.

ARNI B. WALTERS

Minister of Labour and Immigration

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1. Purpose

The purpose of this code is to:-

- promote the development of a supportive, ethical and human rights work environment that protects the fundamental rights and freedoms of workers living with HIV and other life-threatening illnesses;
- provide guidelines for the public sector in its effective management of HIV/AIDS and other life threatening illnesses;
- ensure a consistent approach in dealing with public sector employees living with HIV and other life threatening illnesses.

2. Scope

The code will apply to all workers in the public sector, including former and prospective workers, since the personal data of these workers are, or will be, records of the public service.

3. Implementation

All Ministries, Departments and State Agencies will be required to put mechanisms and processes in place in order to implement the Code efficiently and effectively. Moreover, Permanent Secretaries, Heads of Departments, Chief Executive Officers and Managers will be responsible for the maintenance of all personal data, including medical information on the employees. In addition, they will be required to:-

- (a) promote the development of a supportive, ethical and human rights work environment that protects the fundamental rights and freedoms of workers

living with HIV and other life threatening illnesses;

- (b) ensure that all workers are made aware of the policy and be given a personal copy of the document;
- (c) display the policy in a prominent location and ensure it is accessible at all times.

Critically, the right to privacy must be protected. Consequently, the officer responsible for human resource management information system and HIV/AIDS issues in particular, should be trained in the principles and application of personal data collection and be fully aware of the legislative framework that governs data management.

4. Definition of Terms

- (a) **AIDS** – Acquired Immunodeficiency Syndrome – a disease caused by infection with HIV that seriously damages a person’s immune system leaving it at high risk to infection.
- (b) **Confidentiality** – the right of every person to have their health and personnel information kept private.
- (c) **Discrimination** – unfair or unjust treatment meted out to a person because he/she belongs to a particular group.
- (d) **Employer** – refers to the Government of Barbados as represented by the Permanent Secretary, Head of Department, Chief Executive Officer or Manager.
- (e) **HIV** – Human Immunodeficiency Virus weakens the body’s immune system and ultimately causes AIDS.
- (f) **Life Threatening Illnesses** – any illness or condition which has the potential to result in the death of an individual is considered a life threatening illness. Examples of life threatening illnesses are cancers, heart disease, hypertension, HIV/AIDS, multiple sclerosis, emphysema, diabetes and lupus, to name a few.
- (g) **Philosophy** – principles related to how businesses deal with employees living with and affected by HIV and AIDS and other life threatening illnesses.
- (h) **Public Sector** – that entity which manages and regulates the affairs of the country under the Government of Barbados.
- (i) **Reasonable Accommodation** – any changes in the work environment or the way things are customarily

done that enable otherwise qualified/competent person living with HIV or any other life threatening illness to apply for a job, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by other employees without disabilities.

- (j) **Stigma** – a negative attitude, opinion or belief directed towards a person due to an ascribed attribute.
- (k) **Undue Hardship** – financial or other constraints imposed on the business due to the provision of reasonable accommodation for employees living with HIV or other life threatening illnesses.
- (l) **Universal Precautions** – are a standard of infection control precautions that must be used at all times. These precautions consist of:-
 - Careful handling and disposal of needles and other sharp objects.
 - Use of disposable gloves when handling cuts or wounds.
 - Use of ‘freshly’ diluted bleach (1 part bleach to 9 parts water) to clean spilled blood and bodily fluids.
 - Hand-washing as soon as possible after exposure to blood.
 - Proper disinfection of instruments, equipment and soiled linen.
- (m) **Worker** – refers to any current or former worker or applicant for employment in the public service.

5. Critical Policy Issues

There are various critical issues which must be addressed in dealing with persons living with or perceived to be living with HIV or any other life threatening illness. These issues relate to:

5.1. Non-discrimination

The employer shall not require employees or prospective employees to be tested or to produce evidence of testing for HIV or any other life threatening illness as a requirement for employment or continued employment.

The employer should not include on any application forms or ask at any interview for initial employment or promotion any question seeking information on whether applicants have HIV or any other life threatening illness.

5.2. Desire to Work

Recognizing the therapeutic importance of work in the remission or recovery process and to prolonging life, employees living with HIV or any other life threatening illness who desire to work and or continue working will be facilitated on a case by case basis in accordance with the rules and regulations that govern the public service.

5.3. Ability to Work

Where warranted, the employer shall have reserved the right to be satisfied, if necessary through a fitness evaluation, that continued attendance at work of employees living with HIV or any other life threatening illness will not impair their ability to perform their duties in a safe and reliable manner,

notwithstanding any expressed desire by such persons to continue to work.

5.4. Evaluation of Fitness to Work

The employer may advise the appropriate authority, if having been informed by an employee that he or she is living with HIV or any other life threatening illness, to arrange for a fitness evaluation by a Government Medical Officer or a Medical Board, provided always that such an evaluation is necessitated by problems at the work-place associated with infrequent attendance or unsatisfactory work resulting from inappropriate mental, emotional or physical behaviour caused by HIV or any other life threatening illness of which the employer has been informed. [It is necessary that the provisions of Section 5.21 of the General Orders of the Public Service be adhered to in all requests for evaluation and reporting].

The employer, if initiating discussion on the holding of a fitness evaluation, shall:

- pledge to ensure that the result of any medical evaluation will be confidential and will be discussed only with the employee involved;
- seek to ensure that the employee understands the reason for the evaluation, and that such an exercise is part of the employer's continuing efforts to assist, support and, where possible, to correct the problem which has been identified.

5.5. Reasonable Accommodation

The employer may, if having been informed by the employee that he or she is living with HIV or any other life threatening illness, carry out any work modifications to allow the employee to perform

his/her job for as long as possible, such individually determined modifications to include:

- flexible hours
- greater frequency of breaks
- time off for medical treatment
- job restructuring or job transfer
- work at home (e.g. provision of computer)
- job sharing or job rotation
- reassignment of tasks.

5.6. Education and Sensitization of Employees

The employer shall implement an employee health education programme which, inter alia, emphasizes prevention, as well as the care and treatment of persons living with HIV and other life threatening illnesses. The programme should include, but not be limited to:

- information on the transmission of HIV, AIDS and other life threatening illnesses;
- adherence to the agreed universal precautions for the handling of accidents in the workplace which may result in the exposure of employees to blood or other bodily fluids;
- the responsibility of all employees to safeguard their work colleagues by refraining from behaviour detrimental to the health and safety of others.

5.7. Support Programmes

The employer shall encourage employees to seek assistance and counselling from the appropriate Government agencies or established community groups and services and may invite representative

of agencies offering such counselling or support programmes to participate in the health education programme.

5.8 Safety and Health in the Workplace

A safety and health committee will be established in all public sector agencies in accordance with the provisions of the Safety and Health at Work Act, 2005. The committee will, inter alia, ensure that universal precautions (as defined) are adhered to through the use of first aid kits and other protective equipment.

5.9. Confidentiality

The employer must put measures in place to guard against breaches of security and ensure that the right to privacy of all employees must be respected. Any information volunteered by an employee that he or she is living with HIV or any other life threatening illness should not be disclosed without the written consent of the employee. To ensure strict confidentiality, the accountable officer will be made responsible for any breach of confidence.

5.10. Stigma and Discrimination

The employer undertakes not to stigmatise or discriminate against any employee living with or affected by HIV, AIDS or any other life threatening illness, and to protect their entitlements in the workplace with respect to job applications, hiring, upgrading, promotion, discharge, discipline, lay-offs, compensation, training or other terms and conditions of employment.

5.11. Responsibility of Employees

The employee undertakes:

- to take advantage of opportunities offered by the employer in any programme designed to provide information on all aspects of HIV and AIDS and other life threatening illnesses;
- to refrain from engaging in behaviour, including inappropriate words, comments and actions, that annoys, slanders or offends those persons living with, or perceived to be living with HIV;
- to adhere to the universal precautions for the handling, in the workplace, of accidents which may result in an exposure to blood and other body fluids;
- to safeguard work colleagues by refraining from behaviour detrimental to the health and safety of others;
- to ensure that the respect and dignity to be shown to co-workers is not adversely affected by the knowledge that the co-worker is living with HIV or any other life threatening illness.

6. Monitoring and Evaluation

It is recommended that the policy be reviewed by the Ministry of Labour in collaboration with its HIV/AIDS Core Group and the Social Partners every five (5) years to take into account any new medical and or policy developments relating to HIV and AIDS and other life-threatening illnesses.

7. Dissemination

The Code of Practice will be disseminated through the use of the Barbados Government Information Service and the Ministry of Labour websites with links to other Government and relevant stakeholders' websites.

8. Support Services

In cases where guidance or advice is required and services are needed to carry out the HIV/AIDS activities of the various ministries, departments or agencies the following support services may be contacted:

Government

Ministry of Labour
Ministry of Civil Service
(Employee Assistance Programme)
Ministry of Health
National HIV/AIDS Commission
Ministry of Education
Ministry of Social Care
Community Development Division
Government Information Service
Training Administration Division
Office of the Attorney General

Unions

National Union of Public Workers
Barbados Workers' Union
Barbados Registered Nurses Association
Barbados Association of Nursing Assistants
Barbados Union of Teachers
Barbados Secondary Teachers Union

Regional/International Agencies

International Labour Organisation
UNAIDS
PANCAP

Non-Governmental Organisations

CARE Barbados
Family Care
United Gays and Lesbians Association of Barbados
AIDS Society of Barbados Incorporated
AIDS Foundation of Barbados Incorporated

Faith Based Organisations

Barbados Christian Council
Barbados Evangelical Association





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