



Department of Public Works, Roads and Transport
Mpumalanga Provincial Government

**POLICY ON HIV AND AIDS, TB AND STI'S MANAGEMENT IN THE
WORKSPACE**

Issue:3.0
Responsible Section: Employee Health and Wellness
Date of Approval: 20/11/2023

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ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ARV	Antiretroviral
DOTS	Directly Observed Treatment Strategy
DPSA	Department of Public Service and Administration
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
NDP	National Development Plan
SANS	South African National Standards
STI	Sexually Transmitted Infection
TB	Tuberculosis



DEFINITIONS

Accounting Officer	means	a person mentioned in Section 36 of the Public Finance Management Act, 1999 (Act No.1 of 1999) and includes any person acting as the Accounting Officer;
Acquired Immune Deficiency Syndrome	means	a condition that is present when the body's defence system is deficient and various life threatening infections occur;
Department	means	Department of Public Works, Roads and Transport;
Designated Senior Manager	means	a member of the Senior Management Service in line with the provisions of the Public Service Act, 1994, who is tasked with championing the HIV&AIDS and TB management programme in the Department;
Employee	means	a person appointed by the Department in terms of the Public Service Act, 1994 (Act No. 103 of 1994) but excludes a person appointed as a special advisor in terms of Section 12(A);
Health and Safety Committee	means	A committee that is appointed by the Accounting Officer to initiate, develop, promote, maintain and review measures to ensure the health and safety of employees in the Department. Such committee must be constituted by the employer, health and safety representatives and organized labour union;
HIV & AIDS ,TB and STI's Coordinator	means	an employee tasked with the responsibility to coordinate the implementation of HIV, TB and STI's programmes within the Department. The HIV, TB and STI's coordinator shall be professionally trained to perform therapeutic interventions, if not trained such cases must be referred;
Human Immunodeficiency Virus	means	blood borne virus transmitted amongst human beings;

Peer Educator	means	an employee who is trained to work with peers, sharing information and guiding a discussion using peer experience and knowledge within the Department;
Sexually Transmitted Infection	means	an infection transmitted through sexual contact, caused bacteria, viruses or parasites; and
Tuberculosis	means	disease that usually affects the lungs and is passed on by coughing.



1. INTRODUCTION

1.1 The Human Immunodeficiency Virus (HIV), Tuberculosis (TB) and Syndrome Treatment Immune (STI) are serious public health problems which have socio-economic, employment and human rights implications. It is recognized that the HIV& Acquired Immune Deficiency Syndrome (AIDS), TB and STI's epidemic affects every workplace with prolonged staff illness, absenteeism and death impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale.

1.2 It is in this regard that the Department wants to reduce and manage the impact of the epidemic in the workplace by effecting the HIV&AIDS, TB and STI's management policy and programmes. The implementation must therefore enable the employer and organized labour to effectively and actively contribute towards Local, Provincial, National and International efforts to prevent and control the spread of these epidemics.

2. OBJECTIVES

The objective are to:

- 2.1. Address the social and structural drivers of HIV&AIDS, TB and STI's, and link these efforts to the National Development Plan (NDP);
- 2.2. Accelerate prevention to reduce new HIV and TB infections and STI's;
- 2.3. Sustain health and wellness; and
- 2.4. Ground the response to HIV&AIDS, TB and STI's in human rights principles and approaches.

3. SCOPE OF APPLICATION

This policy is applicable to all employees of the Department and their immediate families.

4. LEGAL FRAMEWORK

- 4.1. Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

- 4.2. Employment Equity Act, 1998 (No. 55 of 1998): Code of Good Practice on Key Aspects of HIV and AIDS and Employment, December 2000;
- 4.3. Labour Relation Act, 1995 (Act No. 66 of 1995);
- 4.4. Medical Schemes Act, 1998 (Act No. 131 of 1998);
- 4.5. Occupational Health and Safety Act, 1996 (Act No. 29 of 1996);
- 4.6. Compensation for Occupational Injuries and Diseases Act, No. 1993 (Act No. 130 of 1993);
- 4.7. Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No.4 of 2000); and
- 4.8. Public Service Act, 1994 (Act No.103 of 1994).
- 4.9. Constitution of the Republic of South Africa, 1996.

5. POLICY STATEMENT

The HIV&AIDS, TB and STI's management policy is underpinned by the following principles:

5.1. RECOGNITION OF HIV AND TB CO-INFECTIONS AS A WORKPLACE ISSUE

HIV&AIDS, TB and STI.s co- infection shall be treated like any other serious illness or conditions in the workplace.

5.2. GENDER EQUALITY

The gender dimensions of HIV&AIDS, including TB and disability shall be recognized. Women are more likely to be infected and are more often adversely affected by the HIV&AIDS, TB and STI's epidemic than men due to biological, socio-cultural and economic reasons.

5.3. SOCIAL DIALOGUE

Successful implementation of the policy requires cooperation and mutual trust between the employer, employees and the representatives with active involvement of employees infected and affected by HIV&AIDS, TB and STI.s.

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5.4. REASONABLE ACCOMMODATION

An employee with HIV&AIDS, TB & STI related illness shall continue to work for as long as is medically fit and available/appropriate to work. In case where an employee has been declared medically unfit the existing policies and prescripts shall apply.

5.5. APPROPRIATENESS AND CULTURAL SENSITIVITY

Prevention of all means of transmission shall be through a variety of appropriate and culturally sensitive prevention strategies.

5.6. ACCESS TO INFORMATION AND EDUCATION

Change of attitude and behaviour shall be attained through provision of information, education and addressing of socio economic factors.

5.7. SPECIAL CIRCUMSTANCES REQUIRING HIV TESTING

In case of persistent illness an employee must be advised to voluntary go for medical examination which must also include an HIV&AIDS, TB and STI's testing. Any information on the employee state of health shall only be divulged with the employee's consent in writing.

5.8. CONFIDENTIALITY [DISCLOSURE OF HIV&AIDS, TB AND STI's RESULTS]

No employee or job applicant shall be expected to disclose HIV- related personal information. Access to personal data relating to an employee's HIV- status shall be bound by the rules of confidentiality, and no employer shall disclose such information without a written consent of the employee.

5.9. NON-DISCRIMINATION

No medical testing or screening shall be required from job applicants or those in employment for purpose of exclusion from employment or work processes.

5.10. TRANSPARENCY

The Department shall adopt a consultative and transparent approach to the management of HIV&AIDS, TB and STI's.

5.11. GRIEVANCES

All grievances about issues related to HIV&AIDS, TB and STI's shall be handled according to the grievance procedure that exists within the Department to deal with complaints and grievances of employees.

5.12. EXPOSURE IN THE WORKPLACE

The Department shall provide guidelines regarding the implementation of precautionary health and safety measures to minimize the risk of exposure to HIV&AIDS, TB and STI.s in the work environment. The provisions of the Compensation for Occupational Injuries and Diseases Act and Occupational Health and Safety Act shall be followed with regard to infection with HIV&AIDS, TB and STI's in the course and scope of employee duties in order that such infection shall qualify as an injury on duty.

5.13. EQUAL ACCESS TO ALL HEALTH ENTITLEMENTS

Access to affordable health care and social security services for employees and the dependants must be promoted.

5.14. CONTINUITY OF AND PARTNERSHIP

Continuity of care for employees infected and affected by HIV, TB STI's shall be promoted including linkages with other health centre and well established referral mechanisms.

5.15. RESPECT FOR HUMAN RIGHTS AND DIGNITY

The rights and dignity of employees infected and affected by HIV, TB STI's shall be respected and upheld.

5.16. ETHICAL BEHAVIOUR

5.16.1 EH&W professionals who are registered with their respective professional bodies shall have to adhere to codes of conduct of such bodies as well as the code of conduct of the Departments; and

5.16.2 As far as possible the generic principles of respect for autonomy, non-maleficence, beneficence, and distributive justice will guide the actions of policymakers, programme managers, researchers and all professionals working in the field of employee health and wellness.

6. ROLES AND RESPONSIBILITIES

6.1. EDUCATOR

6.1.1 Take the initiative to implement awareness activities or to communicate HIV&AIDS, TB and STI's information

6.1.2 Act as a referral agent of employees to relevant internal and external stakeholders.

6.2. HEALTH AND SAFETY COMMITTEE

6.2.1. Oversee the implementation and monitoring of the HIV&AIDS, TB and STI's policy and programmes in the workplace, including research activities.

6.2.2. Ensure adherence to standards as set by legislation, regulations, SANS 16001, International Labour Organization (ILO) and the Department Health.

6.3. ACCOUNTING OFFICER

The Accounting Officer is responsible for the effective and efficient implementation of this policy as part of the internal controls within the department.

7. MONITORING AND EVALUATION

The Employee Health and Wellness Section must monitor and evaluate the implementation of this policy.

8. POLICY REVIEW

8.1 The policy must be reviewed every three years or as and when there are changes in legal frameworks, organizational developments, political and economic trends.

8.2 When there are changes on the envisaged outputs of the Medium Term Expenditure Framework as well as outcomes of monitoring and evaluation.

9. DEVIATIONS

Any deviation from this policy shall be subject to the approval of the Accounting Officer.

10. IMPLEMENTATION DATE

This policy shall come into effect from the date of approval by the Accounting Officer.

11. APPROVED



MC MOROLO

HEAD: PUBLIC WORKS, ROADS AND TRANSPORT

DATE 20/11/2023.