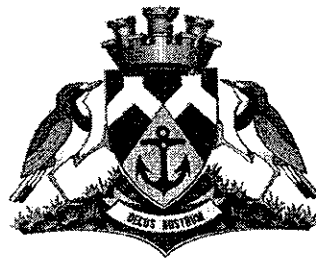


OVERBERG DISTRICT MUNICIPALITY

HIV/AIDS WORKPLACE POLICY



Council Resolution No	: A 28
Date	: 18-06-2012
Municipal Manager	: [Signature]
Executive Mayor	: [Signature]
Reference No	: 9/1/11B
Municipal Code No	: P-H-01

COUNCIL POLICY

SUBJECT: HIV/AIDS WORKPLACE POLICY

REFERENCE: 9/1/13

RESOLUTION NO: A 28 18.06.2012 **DATE:** 18 June 2012

POLICY OBJECTIVE: The Overberg District Municipality (ODM) as employer recognises the importance of its employees and its responsibility. To care for their personal wellbeing in the workplace the employer is committed to address the psycho-social issues which may disturb employees infected and affected by HIV/AIDS and to create a supportive and caring environment for those affected and infected by HIV/AIDS

1. DEFINITION:

HIV stands for the Human Immune –deficiency Virus. In 1983 HIV was found to be the cause of the Acquired Immune Deficiency Syndrome (AIDS). It is unclear where the virus comes from or why it appeared. Reasons why HIV has spread rapidly world wide are:

- The movement and migration of people across distances
- Socio- economic instability
- Sexual activity
- Other sexually transmitted diseases(STDs)
- Intravenous drug use

HIV attacks and slowly destroys the immune system by entering and destroying important cells that control and support the immune response and system These important cells are called CD4 or TC4 cells

2. PREAMBLE AND POLICY STATEMENT:

The Overberg District Municipality being a caring Municipality recognises the seriousness and implications of HIV infection and AIDS for the individual, his/her family, its employees as well as for co-workers of affected individuals.

The Overberg District Municipality is committed to address HIV and AIDS in a positive, supportive and non-discriminatory manner, with informed support and cooperation of all employees in terms of the principles and guidelines set out below.

The HIV&AIDS policy provides clear guidelines to all Overberg District Municipality employees, both management and workers.




The Overberg District Municipality recognises that the HIV&AIDS pandemic will affect every workplace and institution to some extent and this includes the Overberg District Municipality, and its employees. The effect of HIV&AIDS on employees will be through prolonged illness, absenteeism and death. This will have an impact on productivity, employee benefits, occupational health and safety and morale of the workplace.

- 2.2 HIV knows no social, gender, age or racial boundaries.
- 2.3 HIV&AIDS is still surrounded by ignorance, prejudice, stigma and discrimination. This adds to the distress and difficulty of those infected and affected by HIV&AIDS and their families.
- 2.4 The Overberg District Municipality believes that one of the most effective ways of managing the impact of HIV&AIDS is through implementing an HIV&AIDS policy, education programme and sustainable intervention strategies. By having such a programme, the Overberg District Municipality, its Management and employees are actively contributing towards local, national and international efforts to deal with HIV&AIDS.
- 2.5 This policy provides a framework for dealing with HIV&AIDS within the workplace as it pertains to all staff employed by the Overberg District Municipality.
- 2.6 This policy has the following legal references:
- The National Department of Education;
 - The National Department of Health;
 - Employment Equity Act, No 55 of 1998;
 - Labour Relations Act, No 66 of 1995;
 - Occupational Health And Safety Act, No 85 of 1993;
 - Basic Conditions of Employment Act, No 75 of 1997 and
 - Medical Schemes Act , No 131 of 1998
 - Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000.
- 2.7 This policy should also be read together with other Human Resource Policies and procedures of the Overberg District Municipality:
- Leave policies
 - Grievance and disciplinary procedures
 - EAP
- 2.8 The policy has been drawn up in accordance with reference to the Department of Labour Code of Good practice on Key Aspects of HIV&AIDS and Employment.

3. POLICY:

3.1 EDUCATION AND INFORMATION



All Overberg District Municipality employees should be informed and educated through on-going education and information programmes, for example workshops, awareness programmes and presentations, condom distribution, pamphlets and posters.

The education and training programmes shall be administered by the Overberg District Municipality Human Resource Employee Assistance Practitioner (Social Worker) and facilitators i.e. employees who have been trained in HIV&AIDS education and training programmes e.g. such as a peer education programme.

The objectives of the Education and information programmes are:

- Imparting basic knowledge about the disease and its prevention;
- Eliminating discrimination against persons HIV&AIDS;
- Information on the rights in the workplace of those infected with HIV&AIDS
- Making information available to infected and affected employees
- Protection of employees potentially exposed to HIV in their duties.

Education and information programmes should be developed in co-operation with all stakeholders and community based organisations.

Special training will be provided to managers and other key personnel to enable them to perform their duties relating to HIV&AIDS in the most appropriate manner.

3.2 CONFIDENTIALITY

Employees with HIV or AIDS have the right to confidentiality and privacy concerning their health.

The HIV&AIDS status of an employee shall not be reflected in any form on the records of the employee being at the Human Resource section of the Overberg District Municipality. .

Disclosure of HIV&AIDS status requires the written consent of the employee and, after death, the written consent of the spouse or family.

NOTE: Breach of confidentiality is dealt with under 3.10.

3.3 EMPLOYEE ASSISTANCE TO HEALTH SERVICES

The Overberg District Municipality Human Resource Section will facilitate the implementation of the SALGA Guideline on HIV/Aids for Local Government. The Employee Assistance Practitioner and/or Peer Educators, in conjunction with external organisations and/or institutions will be available for counselling employees effected and infected with HIV&AIDS. Where this is physically or practically not possible, the affected employee is at liberty to consult with a person of his/her choice within the region.

The Peer Educators, and/or other persons consulted by the affected employees are subject to the same confidentiality requirements under 3.2.

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The Overberg District Municipality will also provide the following **assistance** to those infected or affected by HIV&AIDS:

- Prophylaxis treatment(through the local clinic) for the prevention of Mother-to-child transmission to pregnant employees who are HIV-positive
- Treatment to employees who have been raped or to employees who have been exposed to blood products, or accident in the workplace.

3.4 CONDITIONS OF SERVICE AND EMPLOYEE BENEFITS

3.4.1 CONDITIONS OF SERVICE

Conditions of service with regards to leave, sick leave and family responsibility leave, will apply to employees with HIV&AIDS as it does for any other medical or life-threatening condition.

There will be no unfair discrimination of employees with HIV&AIDS in relation to the condition of service. Such employees will not be discriminated against for promotion, training opportunities etc, based on their HIV-status. Employees with HIV will be treated in a fair manner. The sole criteria for employment selection, continued employment and opportunities for training and promotion will remain the capability to meet the inherent job requirements.

3.4.2 EMPLOYEE BENEFITS

The following applies to all current employee benefits provided by the Overberg District Municipality including retirement, death and disability benefits, health care and others.

The rules for employee benefits will apply to employees with HIV&AIDS without any unfair discrimination against employees with HIV&AIDS.

Medical Aid benefits will apply to HIV&AIDS as per the rules of each scheme.

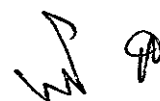
3.4.3 LEAVE AND SICK LEAVE

As provided by the Bargaining Council, none other.

3.5 HIV TESTING

3.5.1 VOLUNTARY CONFIDENTIAL HIV TESTING

Voluntary confidential HIV antibody testing with pre and post-test counselling shall be available to all employees (through the local clinic) with the full support of the Overberg District Municipality..



Results shall remain confidential -as per 3.2 and employees who have been tested HIV-positive shall have access to continuing support and health services.(Local Clinic) No employee can be forced to undergo testing for HIV.

3.5.2 PRE/POST EMPLOYMENT TESTING

There shall be no requirement for pre-employment testing for HIV&AIDS, in line with the Labour Relations Act. In the event of a person voluntarily undergoing testing and found to be positive, the findings shall not be taken into consideration for employment and results shall be kept confidential.

Any voluntary medical testing either before commencing or during employment shall only assess here-and-now functional performance and prognosis with regard to fitness to perform.

3.6 NON-DISCRIMINATORY EMPLOYMENT PRACTICES

The Overberg District Municipality is committed to fair, sound and non- discriminatory employment practices. The rights of employees who suffer from HIV&AIDS, like the rights of employees who suffer from other life-threatening or dreaded diseases, are the same as of employees of sound health.

Employees with HIV&AIDS will not be prejudiced, victimised or discriminated against.

The objective is to provide full and secure employment until the employee is incapacitated and/or functionally, unfit to perform his/her job with reference to provisions pertaining to salary continuation or disability. All conditions of service, including pension and provident retirement funds, medical aid, sick leave, training and development etc. as amended from time to time remain in place.

3.7 WORKING WITH HIV POSITIVE EMPLOYEES

The Overberg District Municipality is committed to fair, sound and non-discriminatory employment practices. In addition to the education and information programmes on HIV and AIDS under 3.1, all employees shall be briefed on the realities of working with employees with HIV&AIDS.

NOTE: Reluctance, unwillingness or resistance is dealt with in 3.10.

3.8 ROLES AND RESPONSIBILITIES RELATED TO HIV&AIDS

3.8.1 Roles and Responsibilities of Management/Employer

All managers are encouraged:

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- To manage employees with HIV&AIDS and related situations with sensitivity and a spirit of supportiveness, ensuring confidentiality in all dealings;
- To uphold the contents of this policy;
- To seek help and advice as required;
- To act as role models;
- To support the work of EAP Practitioner.

3.8.2 Roles and Responsibilities of Employees

All employees are encouraged:

- To comply with the contents and spirit of the policy and support the HIV&AIDS programme;
- To make use of the facilities and education provided by Overberg District Municipality to inform themselves of relevant facts particularly those related to the workplace;
- To take steps to maintain health and wellness;
- To be supportive of anyone infected with or affected by HIV&AIDS;
- To act as role models.

3.8.3 Roles and responsibilities of Persons infected with or affected by HIV&AIDS

All persons infected or affected by HIV&AIDS are encouraged:

- To make use of facilities, services and education provided in the community so that they:
- Can take all possible steps to avoid transmitting HIV to others;
- Remain as healthy as possible;
- Live positively

3.9 RISK MANAGEMENT AND COMPENSATION

Where there may be an occupational risk of acquiring or transmitting HIV-infection in the workplace, appropriate precautionary measures should be taken to reduce such risk. This includes clear and accurate information and training of the hazards and procedures for safe work.

Employees who contract HIV-infection during the course of their employment should follow compensation procedures and receive the relevant compensation benefits.

3.10 GRIEVANCE/DISCIPLINARY PROCEDURES

Non-compliance with the guidelines set out in this policy will be treated in terms of the company's grievance and disciplinary procedures.

Employees, who feel that they have been discriminated against or are being treated unfairly in terms of the guidelines as set out in this policy, are entitled to make use of the Overberg

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District Municipality grievance procedure, according to the Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000.

Employees who are reluctant, unwilling or resist working with HIV-infected employees, or in any way discriminate unfairly against these employees, shall be treated in terms of the progressive provisions of the Overberg District Municipality's disciplinary procedure and must commence with documented counselling, followed by a written warning and counselling. Thereafter, a formal disciplinary enquiry would be held, the outcome of which could be a final written warning and counselling.

If necessary another formal disciplinary enquiry can take place which could lead to dismissal.

Breach of confidentiality by any person who is entrusted with an HIV-infected employee's positive status, shall be treated as a mandatory offence in terms of the municipality's disciplinary procedure / relevant collective agreement.

3.11 POLICY REVIEW AND MONITORING

This policy should be reviewed bi-annually in order to reflect changes in legislation, and medical, academic, occupational and employment developments with regard to HIV&AIDS. This should be done by the HR department in consultation with Management, Unions and EAP Practitioner.

5. EFFECTIVE DATE

This policy shall come into effect on the date which it was adopted by Council and shall remain in full force and effect until it is reviewed, revoked or amended by Council.

ROLES:

All Councillors
All Employees

RELATED POLICIES/LEGISLATION

Disciplinary Code and Procedure
Employment Equity Act, No 55 of 1998;
Labour Relations Act, No 66 of 1995;
Occupational Health and Safety Act, No 85 of 1993;
Basic Conditions of Employment Act, No 75 of 1997 and
Medical Schemes Act, No 131 of 1998
Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000;
The Constitution of the Republic of South Africa, Act 108 of 1996, section 9.



Item A28. 18.06.2012

POLICIES

G Spangenberg: Human Resources

PURPOSE

To approve the policies.

BACKGROUND

A meeting was held as per resolution taken during the LLF meeting held on 18th April 2012.

On the 19th April 2012 and the 7th of June during the workshop held, it was decided that the following policies will be submitted to Council for approval:

- HIV/Aids in the Workplace
- Dress Code Policy
- Smoking in Municipal Buildings and –vehicles
- Travel and Subsistence Policy
- Cellular Phones for Officials in key positions

UNANIMOUSLY RESOLVED: (Proposed by cllr I Sileku and seconded by cllr K Tiemie)

Council approves the following attached policies :

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- HIV/Aids in the Workplace
 - Dress Code Policy
 - Smoking in Municipal Buildings and –vehicles
 - Travel and Subsistence Policy
 - Cellular Phones for Officials in key positions

