



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

## **HIV AND AIDS POLICY**

**POLICY ADOPTED BY COUNCIL ON 25 NOVEMBER 2010  
AT ITEM C.14.7**



## CAPE WINELANDS DISTRICT MUNICIPALITY

### HIV AND AIDS POLICY

#### 1. OBJECTIVES

- 1.1 Set out guidelines for the employer and its employees to ensure that individuals with HIV infection are not unfairly discriminated against in the workplace;
- 1.2 To provide mechanisms for the management of HIV and AIDS within the workplace.

#### 2. PRINCIPLES

- 2.1 The promotion of equality and non-discrimination between individuals with HIV infection and those without and between HIV and AIDS and other comparable health/medical conditions;
- 2.2 The creation of a supportive environment so that HIV-infected employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so;
- 2.3 The protection of human rights and dignity of people living with HIV and AIDS is essential to the prevention and control of HIV and AIDS;
- 2.4 Consultation, inclusively and encouraging full participation of all stakeholders are key principles, underpinning CWDM HIV and AIDS policy and programme;
- 2.5 Raising awareness of the Human Immune Deficiency Virus ("HIV"), AIDS and Sexually Transmitted Diseases ("STD");
- 2.6 Maintaining a healthy work environment by protecting the physical and emotional health and well being of all employees in the workplace;
- 2.7 Seeking to minimize the social, economic and developmental effect of HIV and AIDS on the municipality and its employees;
- 2.8 Promote gender sensitive programs that empower employees to be able to protect themselves from HIV and AIDS.

3. APPLICATION OF THIS POLICY

3.1 This policy shall apply to all councillors, officials and prospective employees of the Municipality.

4. PROMOTING A NON-DISCRIMINATORY WORKPLACE

4.1 No person with HIV and AIDS shall be treated unfairly in respect to any employment relationship;

4.2 Appropriate measures shall be adopted to ensure that employees with HIV and AIDS are not unfairly discriminated against and are protected from victimization;

4.3 Everyone at workplace shall work together to create a supportive workplace environment to ensure that employees with HIV are able to continue working as long as they are able to do so.

5. HIV TESTING, CONFIDENTIALITY AND DISCLOSURE

5.1 The employer may not require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain the employee's HIV status;

5.2 The employer may approach the Labour Court to obtain authorization for testing;

5.3 All testing, including both authorized and permissible testing, should be conducted in accordance with the Department of Health's National Policy on Testing for HIV;

5.4 The employer shall promote Voluntary Counseling and Testing (VCT) for HIV and where possible provide access to VCT thereof;

5.5 An employee is not legally required to disclose his/her HIV status to the employer or to other employees;

5.6 Where an employee chooses to voluntarily disclose his/her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's express written consent;

5.7 Mechanisms should be created to encourage openness, acceptance and support for those who voluntarily disclose their HIV status within the workplace.

6. **PROMOTING A SAFE WORKPLACE**

- 6.1 The employer will provide and maintain as far as is reasonably practically possible, a working environment that is safe and without risk to the health of its employees;
- 6.2 The risk of HIV transmission in the workplace is minimal;
- 6.3 Every workplace should ensure that it complies with the provisions of the Occupational Health and Safety Act, including the regulations of Hazardous Biological Agents.

7. **GENDER EQUALITY**

- 7.1 The employer recognizes the gender dimensions of HIV and AIDS. Women are more likely to become infected and are more often adversely affected by the HIV and AIDS epidemic than men, for biological, socio-cultural and economic reasons;
- 7.2 The employer will provide education and awareness programmes aimed at preventing gender discrimination, sexual coercion and abuse of female employees.

8. **HIV AND AIDS WORKPLACE PROGRAMME**

- 8.1 The employer shall provide an integrated and holistic management of HIV and AIDS, where practically possible, by ensuring a synergistic interrelationship between the HIV and AIDS policy and the broader Employee Wellness Programme.

The programme will include the following:

- 8.1.1 Awareness, Prevention, Education, Training and Information,
- 8.1.2 Occupational Health, Safety, Treatment, VCT and Wellness,
- 8.1.3 Mainstreaming Human Resource Management Practices
- 8.1.4 Maintenance, Care and Support,
- 8.1.5 Council, Management, Labour Support and Communication,
- 8.1.6 Partnership Development and Sustainability,
- 8.1.7 Research, Implementation, Monitoring, Evaluation and Improvement,

8.2 The employer shall ensure that effective communication mechanisms are put in place to ensure that all employees are aware of the HIV and AIDS related policies and programmes

**9. RECRUITMENT AND SELECTION**

9.1 Prospective employee is under no obligation to inform the Municipality of his or her HIV and AIDS Status;

9.2 Relevant legislative arrangements, codes and policies shall govern all employees and prospective employees with HIV and AIDS;

9.3 Pre-employment testing for HIV and AIDS shall not be allowed, unless legally so, permitted;

9.4 HIV and AIDS status shall not be the reason for refusing to promote, train and develop an employee;

9.5 HIV and AIDS status shall not deny an employee participation in activities of the municipality;

**10. COMPENSATION FOR HIV INFECTION AT WORKPLACE**

10.1 An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act;

10.2 The employer shall take reasonable steps to assist employees with the application for benefits.

**11. EMPLOYEE BENEFITS**

11.1 Employees with HIV and AIDS may not be unfairly discriminated against in the allocation of employee benefits;

11.2 Employees who become ill with AIDS-related illnesses shall be treated like any other employee with a comparable life-threatening illness with regard to access to employee benefits.

**12. MANAGING HIV POSITIVE EMPLOYEE**

- 12.1 Employees with HIV shall continue to work under normal conditions for as long as they are medically fit to do so;
- 12.2 The employer will work to maximize the performance of all employees including reasonable accommodation measures;
- 12.3 The employer will take reasonable steps to provide and/or to refer employees to appropriate health, welfare and psychosocial services;

**13. GRIEVANCE PROCEDURE**

- 13.1 The employer shall create an awareness and understanding of the grievance procedures and how employees can utilize them;
- 13.2 The employer shall ensure that such proceedings are confidential.

**14. DISMISAL**

- 14.1 Employees with HIV and AIDS may not be dismissed solely on the basis of such status;
- 14.2 Where an employee has become too ill to perform his/her current work, the employer is obliged to follow provisions as provided for in the Labour Relations Act and /or any other collective agreement.;
- 14.3 The employer shall ensure that as far as possible, the employee's right to confidentiality regarding his/her HIV status is maintained during such proceedings.

**15. MONITORING AND EVALUATION**

- 14.1 The employer shall ensure that monitoring and evaluation mechanisms are developed to assess the impact and efficacy of the HIV and AIDS Workplace Policy and Programme.

**16. POLICY IMPLEMENTATION AND REVIEW**

- 17.1 The implementation and review of this HIV and AIDS Workplace Policy will be co-ordinated by an HIV and AIDS Workplace Committee (unless otherwise determined by the Municipal Manager) convened by the HIV and AIDS Workplace Co-ordinator. This committee will comprise of representatives from various sectors from the Cape Winelands District Municipality.