



HIV & AIDS POLICY

2021/22

Summary

Publication Date	
Review Date	September 2021
Related Legislation/Applicable Section of Legislation	<ul style="list-style-type: none"> • Labour Relations Act • Basic Conditions of Employment Act • SALGBC Collective Agreements
Related Policies, Procedures, Guidelines, Standards, Frameworks	<ul style="list-style-type: none"> • The Constitution of the Republic of South Africa, 1996 (Act No, 108 of 1996) • The Labour Relations, 1995 (Act No. 66 of 1995) • Basic Conditions of Employment, 1997 (Act No. 75 of 1997) • Compensation of Occupational, Injuries and Disease, 1993, (Act 130 of 1993) • Employment Equity Act, 1998 (Act No. 55 of 1998) • Occupational Health and Safety Act, 1993 (Act No, 85 of 1993) • National Policy on testing as Gazetted by the Minister of Health, Gazette No, 20710 • The Code of Good Practice on Key Aspects of HIV AND AIDS and Employment • Charter of Rights on AIDS and HIV • National Patients Rights • Responsibilities of the patient
Policy Officer (Name/Position)	L. Nqawa
Policy Officer (Phone)	040-6733095
Policy Sponsor (Name/Position)	
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All employees
Key Words	HIV & AIDS
Status	Review
Council approval date	

Version	1
----------------	----------

REVISION RECORD

Date	Version	Revision Description

CONTENTS

1. TITLE	5
2. PURPOSE.....	5
3. SCOPE	5
4. PROCEDURE DETAIL.....	5-9
5. ROLES AND RESPONSIBILITIES	9-11
6. MONITORING, EVALUATION AND REVIEW	11-12
7. SUPPORTING DOCUMENTS	12
8. REFERENCES	12
9. APPENDIX	12

1. TITTLE

HIV & AIDS POLICY

2. PURPOSE

The purpose of this policy seeks to regulate the taking, usage, accumulation and management of leave by employees. It promotes common and uniform leave for employees within the Municipality and replaces or supersedes all existing leave policies. Policy provisions apply to all permanent, contract and temporary Ngqushwa Local Municipality employees.

3. SCOPE

This policy shall be applicable to the following categories of people:-

- Contract and permanent employees
- Casuals or temporary employees with over six months of accumulated service
- Councillors of the municipality

4. PROCEDURE DETAILS

4.1. HIV & AIDS

4.1.1 HIV & AIDS TESTING

- No employee or prospective employee shall be required to test for HIV as a condition of employment or a pre-requisite of employment practice
- The municipality shall encourage voluntary counselling and testing for HIV
- Details of the voluntary counselling and testing sites will be available to all employees
- The municipality will provide and facilitate access to voluntary counselling and testing sites for employees
- The EAP Practitioner/designate may provide employees with pre and post-test counselling, and will adhere to the provisions of confidentiality and disclosure
- The test will be in accordance with the Department of Health's guidelines on testing for HIV, issued in terms of the National Policy for Health Act, 1990 (Act no. 116 of 1990)

4.2 WORKPLACE HEALTH AND SAFETY

- The municipality shall assess and manage the risk, if any, of occupational exposure to HIV by ensuring that the employee receives prompt voluntary

counselling and testing and post-exposure prophylaxis

- In the event of an employee being tested HIV positive as a result of the occupational injury, the employee will receive assistance in applying for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) and Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

4.3 HIV & AIDS WORKPLACE PROGRAMMES

- The municipality shall provide the following workplace HIV & AIDS programmes, as part of its broader wellness programmes for all employees:-
- prevention programmes designed to prevent HIV transmission, including components such as awareness, education and training, male and female condom distribution, occupational infection control within the workplace
- knowledge, attitude, behaviour and perception surveys to provide an objective base for the design, development and monitoring of information, prevention programmes and to assess the needs of the municipality
- wellness programmes designed to promote physical and mental health, as well as the well-being of employees, including components such as counselling and nutritional supplements assistance
- establishment of peer education programmes with ongoing coaching and mentorship, material and motivational support for peer educators
- voluntary counselling and testing

4.4 EMPLOYEE COUNSELLING

- The municipality will provide employees who are infected and/or affected by HIV and AIDS access to confidential counselling and assistance
- The provisions of the EAP Policy will be adhered to with regard to counselling services.

4.5 MANAGEMENT OF INFECTED EMPLOYEES

- An employee must have had a rapid test to confirm that he/she is HIV positive
- Employees who do not know their status can be referred to one of the Provincial Testing Sites to have the test done
- Employees must furnish their informed consent to have the test
- An employee must voluntarily disclose his/her positive status to the EAP

officer/designate in order to qualify for the assistance

- Employees will only be tested if they give their informed consent to have their CD4 Count and Viral Load tested and employees must have received verbal pre and post-test counselling
- Medical Aid Members:-
 - will bear the cost of the CD4 Count and Viral Load tests
 - the municipality will provide the employee with assistance once the employee has consulted with his/her medical practitioner regarding the suitability thereof
 - the employee will have to furnish the said results to the EAP Officer/designate, who will discuss the results with the appointed service provider if there is any, who will make the correct recommendations about treatment
 - an employee's medical practitioner can consult with the service provider for professional advice regarding the assistance provided
 - in the event that the medical aid does not cover the cost of the blood tests, written proof of this must be furnished to the EAP Practitioner/designate before consideration by the municipality
- Non-medical aid members will be referred to the EAP Practitioner assistance for a maximum of four (4) CD4 Count and Viral Load tests per annum
- The municipality will afford employees access to the Provincial Health Department sites for antiretroviral medication should they require
- The municipality does not guarantee that assistance will improve an employee's health
- The complimentary assistance must not be regarded as a substitute for antiretroviral treatment, other medication or as a consultation with an employee's doctor/counsellor
- Employees must not share the assistance with others who may require the same
- The Municipality will not provide material assistance in respect of sexually transmitted infections or other illnesses
- Employees wishing to discontinue the programme must do so in writing to the EAP Officer/designate
- The supply of the assistance will stop once the employee exits service from the municipality
- If an employee is absent from duty as a result of illness for a continuous period of more than 6 months and the full recovery of the employee is questionable

according to the medical reports, the Manager: Corporate Services arranges either for the appointment of the Medical Council in accordance with the statute of the Pension Fund/Provident Fund with a view to institute retirement owing to lasting medical disability of the employee concerned, or that sick leave be granted for at most two further periods of not more than three months each, following which a medical council shall be appointed on condition that, if the physician is of the opinion at an early stage that the employee is going to remain medically unfit permanently, the matter shall be referred (without delay) to the relevant Pension/Provident Fund.

- For those employees who are not enjoying any benefits of pension/provident fund, the municipality will assist the employee in obtaining Social Security benefits from the Department of Social Welfare. The employee will enjoy the benefits of employment from the municipality until he/she receives the social grant

4.6 SICK LEAVE

- The normal sick leave provisions are applicable to an HIV positive employee
- Sick leave for HIV related illnesses will be treated no differently from other comparable chronic or life threatening conditions
- Where an employee is too ill to perform his/her current work the municipal procedure regarding incapacity will be adhered to
- The Manager/supervisor concerned will examine opportunities to reasonably accommodate such employees, in an endeavour to keep them economically active for as long as they are medically fit
- Persons dealing with an incapacity procedure will maintain the employee's right to confidentiality

4.7 CONFIDENTIALITY AND DISCLOSURE

- The municipality will ensure that an employee's HIV status is kept confidential, and that no employee or prospective employee shall be obliged to disclose his/her HIV status
- Employees can voluntarily utilise the Employee Assistance Programme for information or assistance
- The EAP Practitioner/designate will ensure the maintenance of confidentiality relating to HIV status
- The municipality will create an environment where openness, acceptance and support is encouraged for those employees who choose to disclose their HIV status in case of voluntary disclosure, such information will not be disclosed

without the employee’s written consent.

4.8 DISPUTE RESOLUTION

- Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to Local Labour Forum.
- Resolutions from the Local Labour Forum must be incorporated into the policy.

4.9 PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions

Notwithstanding clause 18.1 the Municipal Manger may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such walver or suspension to Council and Trade Unions

4.10 REVIEWAL OF THE POLICY

- It will be the responsibility of the Corporate Services Department to consider the provision of this policy on annual basis.
- The Corporate Services Department shall request all Departments to submit their proposed changes for submission to Council for approval.

4.11 COMPLIANCE AND ENFORCEMENT OF THIS POLICY

- Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken
- It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy

5. ROLES AND RESPONSIBILITIES

ROLE	AUTHORITY
Shall in terms of his/her performance agreement, be accountable for the implementation of the provisions of this policy and programmes aimed and fulfilling objectives of this policy	Municipal Manager
Shall in terms of their performance agreements ensure adherence to the provisions of the policy	Directors

<p>Must provide an enabling environment with open communication channels concerning HIV & AIDS and STI's</p> <p>It will be expected that managers attend the activities relating to HIV & AIDS programmes</p> <p>All managers must attend a training session on the managing of HIV & AIDS in the workplace</p>	<p>Managers</p>
<p>The function of the EAP Advisory Committee will be to:-</p> <ul style="list-style-type: none"> • assist with the policy and strategy formulation • educate (informal and formal training) and inform employees within their departments on the EAP and HIV & AIDS related issues • assist with the implementation and maintenance of EAP programmes i.e. awareness, prevention and support programmes • attend workshops and sessions aimed at improving knowledge and experience, and educate the employees in the departments • refer affected and infected employees to the EAP • facilitate an enabling environment with open communication channels concerning HIV & AIDS • assist with the conducting of surveys on attitudes/perceptions in order to identify particular needs of employees within their departments • attend and report at the EAP Advisory Committee meetings about activities within their departments 	<p>EAP Advisory</p>
<p>Employees are required to:-</p> <ul style="list-style-type: none"> • familiarise themselves with, and comply with the provisions of the HIV & AIDS policy • respect the rights of other employees 	<p>Employees</p>

<p>at all times</p> <ul style="list-style-type: none"> • should not have prejudicial or discriminatory attitudes or behaviour towards people living with HIV & AIDS • work with the parties to raise awareness and increase skills for HIV & AIDS prevention and management and reduce myths and misconceptions • minimise their risk of HIV & AIDS infection and transmission by taking appropriate precautions 	
<ul style="list-style-type: none"> • Facilitate the referral of employees infected/affected by HIV & AIDS in support of organisations or service providers • Identify appropriate service providers who specialise in HIV & AIDS related counselling and treatment • Manage the provision of Immune Boosting Supplements, if there are any to be provided • Undertake to provide managers, supervisors, peer educators and union representatives with appropriate information and training • Undertake to provide current information to employees regarding HIV & AIDS, including information on transmission, prevention, risk reduction, testing resources, workplace rights and responsibilities 	<p>EAP Practitioner</p>

6. MONITORING AND EVALUATION

- The monitoring and evaluation and review of HIV and AIDS programmes in the municipality are ongoing activities
- The EAP Practitioner/designate will undertake to research, monitor, evaluate and review such programmes to develop best practices
- This process will be undertaken without discrimination against any employee because of their HIV status

- The policy must be made available to all consulting parties for perusal and comment and must be circulated to all staff members by means of circulars, notices and notice boards

7. SUPPORTING DOCUMENTS

NONE

8. REFERENCES

NONE

9. APPENDIX

NONE

10. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by the full Ngqushwa Local Municipality Council for implementation



MUNICIPAL MANAGER

22/08/2022

DATE



MAYOR

30/08/2022

DATE