



## **HUMAN RESOURCE POLICY HIV / AIDS**

<b>Policy No: NLMHREP006</b>	<b>Effective Date: 01 April 2008</b>
<b>Approved:</b>	<b>Review Date: 01 April 2009</b>

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

### **1. SCOPE**

This policy outlines the interacting with employees who have been medically diagnosed with or who may have HIV/AIDS (Acquired Immune Deficiency Syndrome)

### **2. PREAMBLE**

The purpose of this policy is to:

- Provide Ngwathe with a normative framework within which to understand, come to terms with and deal with the reality of AIDS;
- Acknowledge that by dealing with the AIDS issue it is dealing with sensitive behaviour, which is personal to all employees. Ngwathe Local Municipality does not presume to encroach on personal practices but wishes to promote a responsible attitude and understanding of the risk of AIDS.

This is in line with the Ngwathe Local Municipality policy of being proactive rather than reactive in its approach to AIDS. This policy will therefore be adapted and updated when the need arises.

- To establish the fundamental principle that HIV+ and AIDS shall be treated like any life threatening condition.
- Protect the legal right of the employees who are diagnosed with HIV/AIDS at work;
- Provide a safe environment;
- Provide for the emotional and physical well-being of infected employees;
- Minimise the disruption of any impact on productivity that HIV/AIDS might have in the workplace; and,
- Protect the rights of both infected and uninfected employees

### **3. POLICY**

Ngwathe is committed to maintaining a healthy work environment by protecting the physical and emotional health and well being of all employees in the workplace, as well as a continuing commitment to provide employment for the people with physical disabilities who are able to work.

This policy is a direct outgrowth of those commitments. It provides guidelines for situations when questions as to the management of HIV/AIDS –related issues arise.

There are three major points:

- Employees who are diagnosed with AIDS may continue to work if they are deemed medically able to work and can meet acceptable performance standards.
- Ngwathe will provide HIV/AIDS awareness for all employees to help them understand how the virus is spread and to reduce unrealistic fears of contracting HIV/AIDS.

- The term “HIV” refers to the following four medically diagnosed conditions:
  1. Presence of the HIV/AIDS antibody without symptoms of HIV/AIDS.
  2. Presence of an HIV/AIDS-Related Complex (ARC)
  3. HIV/AIDS
  4. Central nervous system infection as a result of HIV/AIDS.

#### **4. PROCEDURES**

##### **Medical Overview**

Medical experts on HIV/AIDS have informed us that there is *no* known risk of HIV/AIDS transmission between an infected person and other people through casual or close contact that occurs during normal working activities.

The virus is not transmitted by breathing the same air, using the same lavatories, touching a common piece of paper, or using the same telephone. Transmission of the virus through saliva, mucous or tears is not a recognised risk according to medical authorities. Additionally, the virus is very fragile and has been found to be transmitted only through intimate exchange of bodily fluids (for example, blood or blood-contaminated tissue, and sexual fluids such as semen or vaginal fluid).

The virus attacks the immune system, causing a breakdown in a person’s normal protection against infection. This leaves the body vulnerable to life-threatening illnesses. In addition, the virus by itself can affect the nervous system.

Individuals of all sexual preferences are at risk of contracting HIV/AIDS. According to medical experts, the HIV/AIDS virus is transmitted in the following ways: sexual contact through transmission of semen or vaginal fluids; intravenous drug administration with contaminated needles; administration of contaminated blood or blood products; and passage of the virus from an infected mother to her foetus or newborn. However, there is *no* evidence that suggests that pregnant women are particularly susceptible to the virus.

A delay of several weeks, months or years can occur before symptoms appear. The presence of the HIV/AIDS antibody is a sign of the infection, not immunity.

As is true for any person with a life-threatening illness, a person diagnosed with HIV or AIDS deserves and requires compassion and understanding. While that person is attempting to cope with his or her own vulnerability and fears, the support and understanding of friends and colleagues can be particularly valuable.

Some people have fears about contracting HIV/AIDS based on misinformation or lack of knowledge about how it is spread. Education providing accurate medical information can best alleviate fears of contracting the disease.

### **Infected Staff**

Infected employees should be treated empathetically and in exactly the same way as our other staff that have serious injury or health problems. If a situation arises where the employee is found to be HIV positive and where his or her performance is affected, it is the management's duty to ensure that this person is not simply discharged. This would be unfair dismissal. Management has a duty nevertheless to ensure that productivity and morale is not disrupted, and should take one of the following alternatives into consideration, after consultation with the infected employee, when it becomes clear that the employee is no longer able to carry out his or her present functions or where it would be insensitive or dangerous to colleagues or customers to leave the employee in his present position.

- Place the person in an alternative position if he/she is able to perform the function.
- Adjust the salary and benefits in accordance with an alternative function offered to the employee

- ☑ Consider adjusting the work schedule (hours) or place of work, to provide for more convenient circumstances for the employee.
- ☑ Consider alternative positions – bearing in mind sound business practice.
- ☑ Where alternative positions are not available, an application for ill health/ disability retirement benefits may be considered.

If an infected person working in a kitchen or any department where there is a possibility of being cut and blood subsequently contaminating food, then transfer of that staff member to another department ***must be effected***. This should be done in consultation with and with approval of the Municipal Manager.

### **Other Staff**

Should there be negative reactions from colleagues to affected staff each situation will be assessed and dealt with appropriately as it arises. It may also be necessary to arrange for an informed professional to educate the staff. It is necessary to be sensitive and responsive to colleagues' concerns.

However, where there is no risk to other employees, and employees remain unwilling to work with an HIV positive colleague, after reassurance and with all appropriate safety and health precautions having been taken by Ngwathe, they will be warned that such behaviour is unreasonable and scientifically unjustified and that their own employment situation may be placed in jeopardy.

If an infected employee is being victimised or harassed at work, making working life intolerable or impossible, Ngwathe has a duty to support the employee in order that he/she may work without disruption or harassment from fellow workers. In this regard, the infected employee will have recourse to the Grievance Procedure of the Municipality. Ngwathe will take special measures to ensure the confidentiality of the complainant during such proceedings.

### **Recruitment: Pre-Testing**

Ngwathe does not require applicants for employment to be tested for life threatening diseases or HIV, unless this is an inherent job requirement and in line with the Medical Examinations Policy. The criterion to use is “suitability to fulfil the job requirements”. Ngwathe Pension/ Provident Funds may however require medical underwriting where cover exceeds the free cover limit.

### **Testing Of Employees**

It is the personal decision of an employee to undergo testing on a voluntary basis. No employee may be forced to divulge to Ngwathe any information relating to their HIV status, whether such information originates from testing or otherwise. It is essential that before and after all diagnostic testing employees should undergo professional counselling.

### **HIV/AIDS Information**

The National HIV/AIDS Information Service number is 0800 012 322

### **Continued Employment**

HIV/AIDS will be treated like any other life-threatening disease and employees may continue to work for as long as their condition allows, provided that they meet required performance standards and are not a threat to their own safety or that of others.

## **Medical Aid Benefits**

HIV positive employees should be encouraged to use their private medical practitioner or Provincial Hospital services which are multi disciplinary in approach and include full counselling services.

Employees should check with their Medical Aid before agreeing any testing or treatment. At present Medical Aid pay only a limited amount per service:

- For hospital treatment;
- For medicines;
- For doctors;
- For testing, etc.

## **Ngwathe Retirement Fund**

At present, HIV/AIDS is treated the same way as any other terminal illness by the Retirement Fund. Ill-health retirement because of HIV/AIDS will be handled in the same way as any other case of ill-health retirement.

## **Supervisor's / Manager Responsibilities**

The physical and emotional health and well-being of all employees must be protected, and reasonable accommodation for the medically impaired employee with HIV/AIDS must be provided, as long as the employee is able to meet acceptable performance standards. To ensure that these goals are met, the following guidelines are to be followed:

- Any employee diagnosed with an HIV/AIDS condition is entitled, as is any other employee, to confidentiality of their medical condition and medical records.

- If an employee with an HIV/AIDS condition requests job accommodation for his/her medical condition, the employee must obtain a written medical opinion that he/she (a) is medically able to work and (b) needs reasonable job accommodation in order to maintain employment.
- If it is deemed medically necessary, based upon current physical impairment, that Ngwathe and the employee's supervisor/manager will work together to bring about any reasonable job modification or job transfer of the employee with a diagnosed condition of HIV/AIDS.

## **5 AUTHORITY**

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services



## **Annexure A**

# **EMPLOYEE INFORMATION**

## **Understanding AIDS**

HIV and AIDS affects everyone in South Africa, no matter who you are, or where you live. Most people with HIV or AIDS are between the ages of 15 and 50 with the highest numbers in the 17 to 30 year age group. This is very serious because many people who are infected work and earn money for their families.

Many people do not know that they are HIV positive. It is only once you have been tested that you will know for sure. This is because you can look and feel very healthy with the virus for a long time. The virus travels in your blood and attacks your body's immune system. Your immune system is what keeps you healthy and fights diseases inside your body. Unfortunately the virus is stronger than your immune system. When your immune system is destroyed your body is not able to fight sicknesses like a cold or other infections or cancers.

While the virus is attacking your immune system, making it weaker, you will start getting sick more often. This is when you are said to have AIDS. The sicknesses you get will depend on what kind of viruses – like the flu virus – you come into contact with. The more common symptoms or sicknesses you can get easily, because of your weak immune system, are pneumonia, tuberculosis, diarrhoea, mouth ulcers, skin rashes and sores, fevers and sweats, weight loss and general weakness.

## **HIV Negative**

Sex with a condom is safe, where the condom is used correctly and applied prior to intercourse. If you have had unsafe sex at any time, you are in danger of having contracted HIV. If after a HIV test you are told that you are free of the virus you are still in danger of contracting the virus if you have unsafe sex after the test.

There is also a delay of three months after you have contracted the virus where and HIV test cannot detect if you are HIV positive. The test may show that you are negative when you are actually positive. If you are unsure, go for two tests, three months apart.

## **HIV Positive**

When you are tested for HIV and told that you are HIV positive, it is recommended that you have a second test to confirm your HIV status. If the second test also comes back positive, it means that you have been infected with the HIV virus. The test cannot tell you how you got the virus or when you will become sick with AIDS.

## **How HIV is Passed On**

People will tell you different things about how you get HIV or AIDS. Not all of what you are told will be true. If you are unsure, go to your local clinic and speak to someone there. HIV is a sexually transmitted disease (STD) and you can get it by having unprotected sex with someone who already has the virus.

When Ngwathe talk about having unsafe sex we mean having penetrative sexual intercourse without a condom or without using a condom correctly. When you have sex without using a condom you are putting yourself and your partner in danger of getting HIV. People who have HIV can still look healthy. Because they do not know that they are HIV positive, they can pass the virus on to other people without even knowing it. This is why it is very important for everyone to have an HIV test.

The virus can also be passed from a mother to her unborn child or while she breastfeeds the child. Babies who are born HIV positive get sick often and usually die before they are five years old.

You can become HIV positive if infected blood enters your bloodstream during a blood transfusion or when you share a needle or razor with someone who is HIV positive.

### **Avoiding HIV – Safe Sex**

There are many things you can do to stop yourself from becoming infected with HIV. The only way that is 100% safe is to not have sex at all – this is called abstinence. Because many people cannot abstain, there are a few guidelines which can help you protect yourself and your partner.

You need to ensure that both you and your partner are negative. Then you need to ensure that you only have sex with your partner, and that your partner only has sex with you. If either of you have sex with anyone else, you are putting each other at risk of being infected. If you are both HIV negative and only have one partner, you do not need to use a condom.

If you are not sure whether you or your partner are HIV positive, you need to use a condom every time you have sex.

## **Testing for HIV**

Everyone should have an HIV test, even if it is for your own peace of mind. If you are worried that you are HIV positive, go for a test as soon as possible before leaving it too late. There are many things which you can do if you are HIV positive to stay healthy for a long time.

Woman who want to have a baby should first have a test because the virus can be passed on to the child during pregnancy. Discuss the options you have with your doctor.

There is only one way to find out if you are HIV positive and that is by having a test. To test for HIV you will need to visit a clinic or your doctor for a blood test. Be sure that someone counsels you before you take a test. This is called pre-test counselling. During the test a small amount of your blood will be taken using a syringe. The blood will be sent for testing and the results will come back after a week. You then have to go back for the result. You must also request post-test counselling to help you whether you are HIV negative or HIV positive.

The result of your HIV test is private. You do not have to tell anyone if you don't want to. HIV tests are free at clinics if you are not sure where to go, phone the AIDS Helpline on 0800 012 322.

If you do not want to have an HIV test done, then you do not have to.

## **Coming to terms with HIV and AIDS**

It is not easy for anyone to be told that they are HIV positive. Other people may treat them differently. The reason for this is that people become scared that they might get HIV from using the same cups and plates, lavatories, or telephones as well as by touching, hugging or kissing. This is not true as the virus is only spread through sexual contact or by using infected needles or by blood to blood contact or when passed from mother to child.

## **The Window Period**

There is a period called the window period. This is a three month period when the virus may not show up on the test. If you have contracted HIV within the three month period before the test, your test may come back as negative, when you are actually HIV positive. If there is a chance you have been exposed to the virus within this three month period, it may be necessary to go for another test after three months.

***It is important for you to know that the HIV test and the results thereof are private.***

## **Living with HIV and AIDS**

Even if you feel strong and healthy you can still have the virus. The virus can be in your body for a long time before you get sick. If you are fit and healthy, your body is able to fight the virus a lot better. You can help fight the virus by eating healthy foods, getting sufficient rest and exercise. Foods such as brown rice, brown bread, pap and samp give you energy. Rather steam, grill, bake or boil your food. Eating fried food can weaken your immune system. You should also stop smoking and drinking because this weakens your immune system.

You also need to take special care when having sex. If you have sex with a person who is also HIV positive, you may contract another strain of the virus which would make it even more difficult for your body's immune system to fight.

### **Support Groups**

If you are HIV positive you do not have to tell anyone about it, but it may be a good idea to tell someone you trust and is qualified to help you. If you are finding it hard to deal with being HIV positive, there are support groups you can join. The person responsible for the Human Resources issues within your Municipality has a list of contacts or you can find information on a number of websites – do a search on AIDS on the web and you will find loads of information and resources. Be very careful to ensure the integrity of such information.

### **Helping a person with AIDS**

If you work with, or know someone who is HIV positive you can help them by not discriminating against them. You cannot get HIV from working with an HIV positive person. HIV positive people also need love and acceptance.

### **Women and HIV/AIDS**

Condoms have been proven effective against preventing the transmission of HIV/AIDS if used correctly. A woman should speak to her partner about using one and explain the benefits. It is also a good idea for a woman and her partner to have an HIV test if they are planning to have a child. By staying faithful to one another, couples will not be putting each other at risk. Make sure that you both understand the dangers of HIV/AIDS.

### **Contact Details**

People who are living with HIV should contact the HIV Helpline on 0800 012 322. Talk to your Human Resources Manager or manager if you are not sure what to do.