



social development

Department:
Social Development
PROVINCE OF KWAZULU-NATAL

POLICY ON HIV, AIDS AND TB MANAGEMENT

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1. INTRODUCTION

The Department recognises the serious nature of HIV, AIDS and TB and commits itself to managing these diseases in the working environment. It is imperative for the Department to set out the Policy on HIV, AIDS and TB Management as a conscious commitment to the wellness of its Employees.

2. PURPOSE

The purpose of this Policy is to provide guidelines in managing HIV, AIDS and TB in the workplace.

3. OBJECTIVE

The objectives of this Policy are to provide measures for the:-

- (a) prevention programmes and strategies;
- (b) treatment, care and support;
- (c) management of human and legal rights and access to justice; and
- (d) monitoring, evaluation and research.

4. SCOPE OF APPLICABILITY

This Policy is applicable to all employees of the Department.

5. LEGISLATIVE FRAMEWORK

- 5.1 Constitution Act, 1996 (Act No.108 of 1996);
- 5.2 Public Service Act, 1994 (Proclamation No.103 of 1994);
- 5.3 Public Service Regulations, 2001;
- 5.4 Labour Relations Act, 1995 (Act No.66 of 1995);
- 5.5 DPSA Policy Framework on Employee Health and Wellness 2008;
- 5.6 Medical Schemes Act, 1998 (Act no 131 of 1998);
- 5.7 National TB infection control guidelines, June 2007;
- 5.8 Employment Equity Act, 1998 (Act No.55 of 1998);
- 5.9 Occupational Health and Safety Act, 1993 (Act no 85 of 1993);
- 5.10 National Health Care Act, 2003 (Act no 61 of 2003);
- 5.11 Promotion of equality and Prevention of unfair discrimination Act, 2000 (Act no 4 of 2000);
- 5.12 National Strategic Framework on stigma and discrimination;
- 5.13 National Strategic Plan on HIV/AIDS and STIs, 2007-2011;
- 5.14 Policy and Procedure on Incapacity Leave and ill-health Retirement (PILIR); and
- 5.15 Tobacco Products control amendment Act, 1999 (Act no 12 of 1999).

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

For the purpose of this Policy:

- 6.1 **“AIDS” or “Acquired Immune Deficiency Syndrome”** means a condition that is present when the body’s defence system is deficient and various life-threatening infections occur;
- 6.2 **“Care”** means the steps taken to promote a person’s well-being through medical, psychological, spiritual and other means;
- 6.3 **“Department”** means the KwaZulu-Natal Provincial Department of Social Development;
- 6.4 **“Employee”** means any person in the employ of the Department;
- 6.5 **“HOD”** refers to the Head of Department;
- 6.6 **“HIV”** refers to Human Immunodeficiency Virus;
- 6.7 **“HIV Testing”** means any form of testing designed to identify the HIV status of a person, including blood tests or saliva test;
- 6.8 **“Immediate Family”** means an Employees’ spouse or life partner, parents, adoptive parents, grandparents, children, adopted children, grandchildren or siblings;
- 6.9 **“Peer Educator”** means an employee who is trained to work with his/her peers, sharing information and guiding a discussion using his/her experience and knowledge;
- 6.10 **“Sexually Transmitted Infection” or “STI”** means infection that is passed from one person to another during sexual intercourse;
- 6.11 **“TB” or “Tuberculosis”** means a potential fatal contagious disease that can affect any part of the body commonly affecting the lungs; and
- 6.12 **“VCT”** refers to Voluntary Counselling and Testing.

7. PRINCIPLES

The HIV, AIDS and TB Management Policy is underpinned by the following key principles:

7.1 **Non discrimination**

Employee and Prospective Employee living with HIV/AIDS and TB shall not be discriminated against on the basis of his/her HIV or TB status in any employment.

7.2 **Health and Safety**

Health and Safe work environment must be created to prevent occupational exposure and transmission of HIV and TB. All reasonable steps must be taken to assess and manage any possible risk of occupational exposure to HIV/AIDS and TB.

7.3 Confidential and Disclosure

Employee or job applicant will not 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 the employer shall not disclose such information without the written consent of the Employee. A breach of confidentiality in relation to HIV, AIDS and TB will lead to a disciplinary action being taken.

7.4 Reasonable accommodation

An Employee with HIV-related illness, like any other illness, will continue to work for as long as he/she is medically fit in an available, appropriate job, provided that he/she is able to perform his/her duties in accordance with the required performance standards.

7.5 Respect for human rights and dignity

The right and dignity of Employees infected and affected by HIV, AIDS and TB should be respected and upheld.

7.6 Social dialogue

Successful implementation of the Policy requires cooperation and mutual trust between Employer and Employees.

7.7 Gender equality

The gender dimension of HIV, AIDS including TB and disability should be recognised.

7.8 Non-punitive nature of the HIV, AIDS and TB programmes

An Employee may not be dismissed solely on the basis of his/her HIV, AIDS or TB status. The provisions of Labour Relations Act must be adhered to in case of an Employee who has become incapable of performing his/her duties.

7.9 Cultural sensitivity and context

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

7.10 Accessibility

HIV, AIDS and TB Management services shall be accessible to all Employees at all levels of employment and their immediate family members either as referrals from supervisors other colleagues or on a voluntary self-referrals basis.

8. HIV, AIDS AND TB MANAGEMENT PROGRAMMES

The following HIV, AIDS and TB Management programmes and services must be provided by the Department as part of broader Employee Health and Wellness programmes.

8.1 Prevention

(a) Testing for HIV, AIDS and TB, including:-

- (i) the promotion and encouragement of Voluntary Counselling and Testing (VCT) for HIV, AIDS and TB and the provision of the details of the VCT sites to all Employees;
- (ii) the provision and facilitation of access to VCT sites for Employees;
- (iii) the provision of pre and post-test counselling and adherence to the provisions of confidentiality and disclosure; and
- (iv) ensuring that the test is in accordance with the applicable International and National HIV Testing guidelines as well as Protocol for the Management of TB.

(b) Health promotion and education, including:-

- (i) the 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;
- (ii) the establishment of wellness education programmes with ongoing coaching and mentorship, motivational support for wellness educators; and
- (iii) appropriate training, awareness and education of Employees on the use of infection-control procedures.

(c) Reduce Transmission

Prevention programmes designed to prevent HIV, AIDS and TB transmission including components such as awareness, education and training, male and female condom distribution and occupational infection control within the workplace.

(d) HIV, AIDS and TB behaviour change communication

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 Department.

8.2 Treatment, Care and Support

(a) Increasing VCT uptake;

(b) Provision of access to confidential counselling and assistance by Employees who are infected or affected by HIV, AIDS and TB;

(c) Referral for TB screening and TB and STI case detection and treatment;

- (d) Scaling up coverage of comprehensive care and treatment package;
- (e) Effective management of TB and HIV, AIDS infection; and
- (f) Addressing special needs of children and pregnant women.

8.3 Human Rights and Access to Justice

- (a) Increasing workplace knowledge and adherence to existing legal and Policy provisions;
- (b) Minimise work practices that creates barriers to Human Rights; and
- (c) Monitoring and addressing human rights violation.

8.4 Research, Monitoring and Evaluation

- (a) Developing data management system for relevant indicators for reporting purposes;
- (b) Creating an enabling environment for research in support of HIV, AIDS and TB Management; and
- (c) Coordination and strengthen surveillance system on HIV, AIDS and TB including STIs.

8.5 Management of Sick Leave

- (a) The normal sick leave provisions contained in the Determination on Leave of Absence in the Public Service are applicable provided that:-
 - (i) the sick leave for HIV, AIDS and TB related illness is not treated any different from other comparable chronic or life threatening conditions; and
 - (ii) the procedures regarding incapacity leave as contained in the PILIR are instituted in the event that an Employee is too ill to perform his/her duties.

9. ROLES AND RESPONSIBILITIES

9.1 The Head of Department is responsible for:-

- (a) the inclusion of HIV, AIDS and TB management into the strategic objectives of the Department;
- (b) establishing and maintaining a safe and healthy environment for Employees and ensure effective implementation of and compliance with the Policy;
- (c) ensuring that the impact of HIV, AIDS and TB is monitored and steps implemented to mitigate the negative impact on service delivery;
- (d) allocating human and financial resources to ensure successful implementation; and
- (e) introducing appropriate measures for monitoring and evaluating the impact of HIV, AIDS and TB Management programmes.

- 9.2 Manager for Employee Health and Wellness programmes is responsible for:-
- (a) promoting capacity development initiatives which include competence development of practitioners;
 - (b) ensuring human resource planning and management;
 - (c) ensuring financial planning and budgeting;
 - (d) establishing an Employee Health and Wellness Committee;
 - (e) establishing and maintaining partnership with other business units and stakeholders for program development and implementation;
 - (f) managing HIV, AIDS and TB strategies and policies;
 - (g) aligning, interface HIV, AIDS and TB Management Policy with other relevant policies and procedures; and
 - (h) monitoring and evaluating the implementation of HIV, AIDS and TB Management intervention.
- 9.3 Supervisors are responsible for:-
- (a) ensuring adherence to the provisions of this Policy;
 - (b) providing an enabling environment for Employees infected or affected by HIV, AIDS, TB and STIs;
 - (c) attending to activities relating to HIV, AIDS and TB programmes; and
 - (d) mainstreaming HIV, AIDS and TB into the core business of his/her business unit.
- 9.4 Employee Health and Wellness Committee is responsible for:-
- (a) assisting with the implementation and maintenance of HIV, AIDS and TB programmes such as awareness, prevention and support programmes; and
 - (b) assisting with conducting surveys on attitudes and perceptions in order to identify particular needs of Employees.
- 9.5 Employee Health and Wellness Practitioner is responsible for:-
- (a) coordinating the implementation of HIV, AIDS and TB Management programmes, projects and interventions;
 - (b) facilitating the referral of Employees infected or affected by HIV, AIDS and TB to support organisations or service providers;
 - (c) identifying appropriate service providers who specialise in HIV, AIDS and TB related counselling and treatment;
 - (d) providing supervisors, peer educators and union representatives with appropriate information and training;

- (e) providing current information to Employees regarding HIV, AIDS and TB including information on transmission, prevention, risk reduction, testing resources, workplace rights and responsibilities;
- (f) managing HIV, AIDS and TB Strategies and Policies;
- (g) aligning and interfacing HIV, AIDS and TB Management Policy with other relevant Policies and procedures; and
- (h) monitoring and evaluating the implementation of HIV, AIDS and TB Management interventions.

9.6 All Employees are responsible for:-

- (a) familiarising themselves with, and comply with the provisions of this Policy;
- (b) respecting the rights of other Employees at all times. Prejudicial or discriminatory attitudes or behaviour towards people living with HIV, AIDS and TB will result in disciplinary actions being instituted;
- (c) working with relevant stakeholders to raise awareness and increase skills for HIV, AIDS and TB Management;
- (d) managing and preventing harmful myths and misconceptions; and
- (e) minimising the risks of HIV, AIDS and TB infection and transmission, by taking appropriate precautions.

10. MONITORING, EVALUATION AND REVIEW

The Policy will be monitored, evaluated and reviewed after three years or as and when the need arises.

11. EFFECTIVE DATE

This Policy is effective from the date of approval.

12. POLICY VERSION

This Policy is available in English Version.

13. TITLE OF THE POLICY

This Policy shall be called the Policy on HIV, AIDS and TB Management.

14. POLICY APPROVAL

This Policy is approved with effect from the 20 day of October in the year 2014.



ACTING HEAD OF DEPARTMENT
DEPARTMENT OF SOCIAL DEVELOPMENT