

# **SIYANCUMA MUNICIPALITY**

## **HIV/AIDS POLICY**

## **HIV/AIDS POLICY FOR SIYANCUMA MUNICIPALITY**

### 1. Preamble

- 1.1. HIV disease and its terminal stage, AIDS, is a condition caused by infection with a retrovirus (HIV) which systematically destroys the body's immune system, rendering it defenseless against infection and certain cancers.
- 1.2. AIDS is a disease that affects million of South Africans. A virus called HIV, which stands for Human Immune Deficiency Virus, causes it. This virus slowly weakens a person's ability to fight off other diseases, by attaching itself to and destroying important cells that control and support the Human Immune System (CD 4 + cells). After a person is infected by HIV, he or she although infectious to others can look and feel fine for many years before AIDS is developed.
- 1.3. There is no question among the majority of the world's scientists that HIV causes AIDS. The average period between getting infected with HIV and developing AIDS is 5 to 7 years in the absence of treatment.
- 1.4. Although antiretroviral drugs can prolong life and improve the general health of the **person living with AIDS (PWA)**, there is no cure at present.

### 2. Purpose of the policy

#### 2.1. **The HIV/AIDS policy for the Siyancuma Municipality has the following objectives:-**

- 2.1.1. To ensure and maintain fair and non – discriminatory treatment of employees and prospective employees with HIV/AIDS, in keeping with international standards and with the prohibition of unfair discrimination on the grounds of disability in the Constitution (1997) and Labour Relations Act (1995).
- 2.1.2. To educate all employees, including Management, so as to prevent discrimination, industrial action and unfair labour practice based on fear and ignorance;
- 2.1.3. To prevent litigation against the employer by employees who have been subjected to discrimination.
- 2.1.4. To minimize the physical, psychological, social and financial impact of AIDS for the employee and his/ her family.

### 3. Application of the policy

- 3.1. The policy shall apply to all candidates who apply to the Municipality for employment.
- 3.2. The policy shall also apply to all current employees of the Municipality.

#### 4. Policy roles

- 4.1. Employees with HIV/AIDS have the same rights and duties as other employees.
- 4.2. Testing for HIV, with informed consent (as required by the SA Medical and Dental Council) and pre-test counseling shall be offered to any employee who feels he/she may be at risk.
- 4.3. Employees are not required to divulge their HIV status to the employer. However, should such information become known, it is regarded as confidential. Provision should be made for post-test counseling for such employees. No flags or symbols shall appear on any employee's medical or personnel records to indicate HIV status. Disclosure to persons other than the person to whom the initial disclosure was made requires the employees' written consent.
- 4.4. Employees, known to have HIV/AIDS shall remain in their normal employment positions. All Managers must ensure a safe working employment positions. All managers must ensure a safe working environment through the promotion of universal precautions.
- 4.5. An employee with HIV/AIDS is entitled to the same sick leave benefits as any other employee.
- 4.6. HIV/AIDS shall not be used as a justification for refusal to perform normal duties.
- 4.7. An employee has the right to seek recourse in the event of discrimination, in line with Municipalities grievance procedure.
- 4.8. The law does not require that a death certificate indicate a person's HIV status. Therefore the employer has no right to know whether the employee has died of an AIDS – related illness.

#### 5. Promotion and training opportunities

- 5.1. An employee who is known to have HIV/AIDS is entitled to the same promotion and training opportunities as any other employee.
- 5.2. No employee shall be required to take an HIV test as a pre – requisite for promotion.

#### 6. Regulations

##### 6.1. **Light duty, Transfers and Termination of Employment:-**

- 6.1.1. No employee shall have his/ her employment terminated solely on the basis of his/ her HIV status provided that he/ she are medically fit to continue such employment.
- 6.1.2. Employees who are judged unfit shall be dealt with in terms of the Labour Relations legislation. Each case is to be dealt with on its own merit.

6.1.3. Council shall ensure that the procedures referred to in 4.4.1. and 4.4.2. protect the employee's right to confidentiality. Disclosure of the employee's HIV status shall be deemed an offence in terms of the Council's Disciplinary Code and Code of Conduct.

## 6.2. **Employees at 'Risk':-**

6.2.1. 'Risk' refers to those employees who could be exposed to **HIV/ AIDS** by the nature of their employment.

6.2.2. Health care workers, staff of emergency services and First Aid persons is considered to be at risk of occupational exposure to HIV infection.

6.2.3. A procedure for the management of needle stick injuries and other contamination with body fluids can be found in the 'Safety Regulations and Procedure's.

6.2.4. 'At Risk' employees must be provided with the appropriate personal protective equipment and failure to wear such protective equipment shall be deemed as an offence under the Council's Disciplinary Code.

6.2.5. Employees who are infected occupationally can claim under the provisions of the Compensation of Occupational Injuries and Diseases Act (130/1993) as amended which defines an injury as any injury or disease, which arise out of and happen during the course of employment. Initial diagnosis and treatment will be for the expense of the Municipality.

## 6.3. **Education:-**

6.3.1. The Municipality supports the implementation of ongoing education and awareness programmes for all employees so as to reduce the spread of HIV infection and to combat ignorance and discrimination. Such education shall be compulsory for all employees, including Management.

6.3.2. A, booklet with answers to common questions about HIV/ AIDS shall be circulated to all employees, and shall also form part of the induction process. In this way, the Municipality participates in the **HIV/ AIDS** awareness programme of the broader community.

## 6.4. **Implementation:-**

6.4.1. The Municipality agrees that staff resources time and funding will be made available for the full implementation of the policy across all Municipal Services.

6.4.2. The Municipality shall establish an Interdepartmental Task Team to drive the Aids Awareness Programme. Councilors will be represented on the Task Team.

6.4.3. Employee Organizations and the Interdepartmental Task Team shall be consulted in the implementation of the policy and in all matters pertaining to policy formulation and revision.

6.4.4. It is recognized that the policy shall need revision on an intermittent basis and the Interdepartmental Task Team is charged with this responsibility.

6.4.5. As a basis for the implementation of a comprehensive **HIV/ AIDS** strategy within the Municipality, it will be necessary to establish the prevalence of **HIV/ AIDS** within the Municipality, in order to establish this prevalence The Council encourages staff to do a once off “blind testing” of Municipal Staff.

**MAYOR :**

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**DATE POLICY APPROVED :**

**04 NOVEMBER 2010**

**RESOLUTION :**

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