



## HIV, AIDS AND TB MANAGEMENT POLICY

### POLICY INFORMATION AND LOG

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## **1. INTRODUCTION**

This policy is developed to assist the Department of Culture, Sports and Recreation (DCSR) to effectively manage HIV, AIDS and TB by preventing new infections, accelerating access to treatment for those clinically eligible for treatment, reduces stigma and discrimination with special focus on TB stigma, and accurately monitor and evaluate all interventions for the workplace responses.

The policy provides guidelines to the department on how to implement HIV&AIDS and TB Management programmes in the workplace as part of the overall employee health and wellness initiatives.

## **2. SCOPE OF APPLICATION**

This policy is applicable to all employees of the Department of Culture, Sport and Recreation and their immediate families as well as applicants for employment.

## **3. OBJECTIVES**

The objective of this policy is to provide guidance to the department in order to:

- 3.1. Provide Prevention Programmes and Strategies
- 3.2. Provide Treatment, Care and Support
- 3.3. Manage Human and Legal Rights; and Access to Justice
- 3.4. Monitor, Research and Surveillance

## **4. LEGAL AND STRATEGIC FRAMEWORKS**

- 4.1 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- 4.2 Compensation for Occupational Diseases and Injuries Act, 1993 (Act No.130 of 1993)
- 4.3 Constitution of the Republic of South Africa Act, 1996
- 4.4 Disaster Management Act, 2002 (Act No. 57 of 2002)
- 4.5 Employment Equity Act, 1998 (Act No. 55 of 1998)
- 4.6 Health Act, 1977 (Act No. 63 of 1977)
- 4.7 Labour Relations, 1995 (Act No. 66 of 1995)
- 4.8 National Disaster Management Framework
- 4.9 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- 4.10 Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No.4 of 2000)
- 4.11 Public Service Act, 1994 (Proclamation No.103 of 1994)
- 4.12 Public Service Regulations, 2001
- 4.13 The Medical Schemes Act, 1998 (Act No. 131 of 1998)
- 4.14 Tobacco Products Control Act, 1993 (Act No. 83 of 1993)
- 4.15 HIV&AIDS and STI National Strategic plan
- 4.16 Provincial HIV&AIDS, STI and TB Strategic Plan
- 4.17 National TB Infection Control Guidelines
- 4.18 Management of Drug Resistant Tuberculosis in South Africa Policy guidelines



- 4.19 National Strategic Framework on Stigma and Discrimination
- 4.20 National Occupational Health and Safety Policy

## 5. ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
DCSR	Department of Culture, Sport and Recreation
DPSA	Department of Public service and Administration
DOH	Department of Health
EAP	Employee Assistance Programme
EH&W	Employee Health and Wellness
GEMS	Government Medical Scheme
HOD	Head of Department
HIV	Human Immunodeficiency Virus
HAST	HIV and AIDS/STI/TB
HCT	HIV Counselling and Testing
M&E	Monitoring and Evaluation
MPAC	Mpumalanga Provincial Aids Council
PLWHA	People Living with HIV and AIDS
SMS	Senior Management Service
STI	Sexually Transmitted Infection
TB	Tuberculosis
VCT	Voluntary Counselling and Testing

## 6. DEFINITIONS

- 6.1 **“HIV”** stands for **HUMAN IMMUNODEFICIENCY VIRUS**. It is a blood borne virus transmitted amongst human beings. HIV attacks the immune system and once it has rendered it incompetent, a person could develop various illnesses because the body will be too weak to defend itself.
- 6.2 **“AIDS”** stands for **ACQUIRED IMMUNE DEFICIENCY SYNDROME**. AIDS is a condition that is present when the body’s defense system is deficient and various life-threatening infections occur. These life-threatening infections are called opportunistic infections or diseases.
- 6.3 **“TB”** stands for **TUBERCULOSIS**. It is an infection caused by an organism called Mycobacterium Tuberculosis, characterized by fever, loss of weight, night sweat, and fatigue. When the infection is in the lungs the person presents with prolonged cough of more than two weeks
- 6.4 **“TB disease”** when a person develops symptoms of tuberculosis and is falling sick it is referred to as active TB.
- 6.5 **“The HIV&AIDS and TB Coordinator”** is an employee tasked with the responsibility to coordinate the implementation of HIV&AIDS and TB programmes. The HIV&AIDS Coordinator can be professionally trained to perform therapeutic interventions, if not trained, such cases should be referred.
- 6.6 **“The Head of Department”** means head of a provincial department, or a head of a provincial component, and includes any employee acting in such post.

6.7 **“The Designated Senior Manager”** means any member of the Senior Management Service in line with the provisions of the Public Service Act, 1994, who is tasked with championing the HIV&AIDS and TB management programme within the workplace.

6.8 **“The Employee”** means a person appointed in terms of the Public Service Act, 1994 but excludes a person appointed as a special adviser in terms of section 12(A).

6.9 **“The Employee Health and Wellness Committee”** is a committee that is established by the HOD to initiate, develop, promote, maintain and review measures to ensure the health and Wellness of employees at the workplace.

## 7. PRINCIPLES

The HIV&AIDS and TB Management programme is underpinned by the following principles:

### 7.1 Recognition of HIV&AIDS and TB co-infection as a workplace issue

HIV&AIDS and TB co-infection is a workplace issue, and should be treated like any other serious illnesses or conditions in the workplace. This is because it affects the workforce, which is also part of the local community. Interventions in the workplace have a role to play in the struggle against the control of spread of the dual epidemic in the general community.

### 7.2 Respect for human rights and dignity

The rights and dignity of employees infected and affected by HIV&AIDS and TB should be respected and upheld.

### 7.3 Gender equality

The gender dimensions of HIV/AIDS including TB and disability should be recognized. Women are more likely to become infected and are more often adversely affected by the HIV/AIDS epidemic than men due to biological, socio-cultural and economic reasons.

### 7.4 Healthy and safe work environment

Healthy and safe work environments should be created as much as practicably possible to prevent occupational exposure and transmission of HIV and TB.

### 7.5 Social dialogue

Successful implementation of this policy requires cooperation and mutual trust between employers, employees and their representatives with an active involvement of employees infected and affected by HIV&AIDS and TB.

### 7.6 Confidentiality and protection of employees' personal data



No employee or job-applicant will 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 no employer shall disclose such information without a written consent of the employee.

#### **7.7 Non-discriminatory workplace practices**

No medical testing or screening shall be required from job applicants or those in employment for purpose of exclusion from employment or work processes.

#### **7.8 Reasonable accommodation**

An employee with HIV-related illnesses, like any other illnesses, will continue to work for as long as he/she is medically fit in an available, appropriate work. The department must accommodate an employee in other posts if possible.

#### **7.9 Appropriateness and cultural sensitivity**

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

#### **7.10 Access to information and education**

Change of attitudes and behavior should be attained through provision of information, and education, addressing socio-economic factors.

#### **7.11 Equal access to all health entitlements**

Access to affordable health care and social security services for employees and their dependents will be promoted.

#### **7.12 Continuity of and partnerships**

Continuity of care for people infected and affected by HIV&AIDS and TB shall be promoted, including linkages with other health centre and well established referral mechanisms.

### **8. ROLE PLAYERS**

This policy involves the following role players and functions:

#### **8.1 The Head of Department shall:**

- 8.1.1 Include of HIV&AIDS and TB interventions into functions relevant to the core mandate of the department.
- 8.1.2 Take cognizance of the reality of TB which, together with HIV and AIDS, causes health-related problems for the employees and lowers productivity and shall therefore ensure effective implementation on intervention of prevention and treatment care and support.

8.1.3. Establish and maintain a safe and healthy environment for employees of the department

#### **8.1.4 HIV testing**

**The Head of Department shall:**

- a) Encourage voluntary counseling and testing for HIV, TB and other related health conditions and, wherever possible, facilitate access to such services for employees in the department; and
- b) Ensure that no employee or prospective employee of the department is required to take a HIV (TB or other disease) test unless the Labour Court has declared such testing as justifiable in terms of the Employment Equity Act, 1998 (Act No. 55 of 1998).

#### **8.1.5 Non-discrimination:**

**The Head of Department shall:**

- (a) Ensure that no employee or prospective employee is unfairly discriminated against on the basis of her or his HIV (TB or any other disease) status, or perceived HIV status, in any employment policy or practice; and
- (b) Take appropriate measures to actively promote non-discrimination and to protect HIV positive employees and employees perceived to be HIV-positive from discrimination.

#### **8.1.6 Confidentiality and disclosure**

**The Head of Department shall:**

- (a) Create an environment wherein all employees treat information on an employee's HIV status as confidential and shall not disclose that information to any other person without the employee's written consent; and
- (b) Ensure that employees utilizing the EH&W programme are assured of confidentiality, except in cases of risk to self and others or in terms of legislation.

#### **8.1.7 Health Promotion**

**The Head of Department shall:**

- (a) Introduce appropriate education, awareness and prevention programmes on HIV, AIDS and TB and other sexually transmitted infections for the employees in the department and, where possible, their families, and as far as possible, integrate those programmes with programmes that promote the health and well-being of employees



- (b) Create mechanisms within the workplace to encourage openness, acceptance, care and support for HIV-positive employees. Such mechanisms should preferably form part of a comprehensive employee health and wellness assistance programme or health promotion programme.
- (c) Designate a member of the SMS with adequate skills, seniority and support to implement the provisions contained in regulation E, Part VI, Chapter 1 of the Public Service Regulations, 2001 within the department, and ensure that the member designated is held accountable by means of her or his performance agreement for the implementation of the provisions;
- (d) Allocate adequate human and financial resources to implement the provisions of regulation E, Part VI, Chapter 1 of the Public Service Regulations, 2001, and, where appropriate, form partnerships with other departments, organizations and individuals who are able to assist with health promotion programmes
- (e) Establish a HIV/AIDS/TB committee for the department with adequate representation and support from all relevant stakeholders, including trade union representatives, to facilitate the effectiveness of the provisions of regulation E, Part VI, Chapter 1 of the Public Service Regulations, 2001; and
- (f) Ensure that the health promotion programme includes an effective internal communication strategy.

## **8.2 The HIV&AIDS and TB Coordinator:**

- (a) Coordinate the implementation of HIV&AIDS and TB management programmes, projects and interventions
- (b) Plan, monitor and manage workplace HIV&AIDS and TB according to strategies, policies and budgetary guidelines
- (c) Obtain and make condoms and femidom available at the workplace and provide usage education thereof
- (d) Initiate and arrange staff training with regard to HIV&AIDS and TB including its relationship
- (e) Make provision for counselling to individual employees and to their immediate family members
- (f) Promote work-life balance for employees
- (g) Ensure adherence to universal precautions, which include:
  - Displaying universal precaution notices;
  - Provision of condoms and dispensers;
  - Provision of first aid kits;
  - Wearing of latex gloves when administering first aid;
  - Washing of hands before administering first aid; and
  - Safe disposal of used materials such as needles etc.



### **8.3 The Employee Health and Wellness Committee:**

The Health and Wellness committee shall be appointed by the Head of the Department and shall be well represented by all sections including the Unions. Its role shall be amongst others:

- (a) Oversee the implementation of the HIV, AIDS and TB Policy and costing thereof.
- (b) Makes recommendations to the employer regarding any policy matter and the implementation procedure including any matters affecting the wellness of the employees.
- (c) Keeps records of each recommendation made to the employer.
- (d) Discusses any incident or condition of the workplace which might have a negative impact on the wellbeing of employees.
- (e) Serves as a vehicle of communication to promote HIV, AIDS and TB initiatives in the Department.

### **8.4 The employee**

- (a) Support effective HIV, AIDS and TB Programmes to lead healthy and productive lives.
- (b) Take reasonable care for his/her health and that of other employees who may be affected.
- (c) Contribute to the mitigation of the impact of HIV, AIDS and TB.
- (d) Contribute towards an enabling working environment for care, treatment and support.
- (e) Obey preventative measures as stipulated in the occupational health and safety policy.
- (f) Report as soon as practicable any unhealthy situation which comes to his/her attention, to the employer or to the HIV&AIDS and TB management practitioners for the workplace or section thereof.
- (g) If involved in any incident which may affect his/her health or which has caused injury to him/herself, report such incident to his/her employer as soon as practicable

### **8.5 ORGANISED LABOUR**

- (a) Represent employees in the Department
- (b) Ensure HIV, AIDS and TB Management policies meet the needs of all employees.
- (c) Ensure a non-discriminatory and supportive environment.

## **9. FINANCIAL IMPLICATIONS**

The cost associated with the implementation of this policy must be met from the department's budget.

#### **10. IMPLEMENTATION**

The implementation of this policy will follow a result-based model, outlining HIV&AIDS and TB management programme inputs, process, outputs, outcomes and impact indicators.

The pillars for the implementation should comprise the four functional pillars namely: Prevention; Treatment, Care and Support; Human Rights and Access to Justice; and Research, Monitoring and Surveillance.

#### **11. MONITORING AND EVALUATION**

The Head of Department shall introduce appropriate measures for monitoring and evaluating the appropriateness, cost effectiveness and impact of the health promotion programmes

#### **12. DISPUTE RESOLUTIONS**

All grievances about issues related to HIV, AIDS and TB shall be handled according to the grievance procedure of the Department.

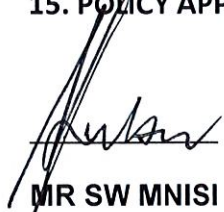
#### **13. REVIEW**

This policy shall be reviewed as and when there are new developments or after every three (3) years.

#### **14. POLICY AMENDMENT**

No amendment(s) may be made to any section of this policy without such amendment(s) duly approved and signed by the responsible authority or delegated official as per the HR's Delegation of Authority.

#### **15. POLICY APPROVAL**



MR SW MNISI

HEAD: CULTURE, SPORT AND RECREATION

DATE: 9/1/2017