



## Policy on HIV&AIDS, TB and STI Management

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**Policy Aim:**

1. This Policy aims seeks to outline the position of the Department in relation to the threat of HIV and AIDS, TB and ST infection in the workplace and mainstream issues of these diseases in the daily operation of the Department.

**Policy Scope**

2. This policy applies to all employees of the Department of Transport Safety and Liaison as well as structures, bodies and organisations that operate within the parameters of the Department.

**Legislative Framework**

3. This policy draws upon the following legislation:
  - The Constitution of the Republic of South Africa of 1996
  - Employment Equity Act, 1998 (Act No.55 of 1998)
  - Basic Conditions of Employment Act, 1997 (Act No. 75 of 1996)
  - Labour Relations Act, 1995 (Act No. 66 of 1995)
  - Medical Schemes Act, 1998 (Act No. 131 of 1998)
  - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
  - Compensation for Occupational injuries and Diseases Act, 1993 (Act No. 130 of 1993)
  - Promotion of Equality and prevention of unfair Discrimination,2000 (Act No 4 of 2000)
  - National Health Care Act, 2003 (Act No. 60 of 2003)
  - Public Service Act, 1994 (Act No. 103 of 1994) as amended

**Policy Statement**

4. It is the policy of the Northern Cape Department of Transport, Safety and Liaison:
  - 4.1. It will recognise HIV & AIDS, STIs and TB as workplace issues and should be treated like any other serious illnesses or conditions in the workplace, as it affects the workforce.
  - 4.2. It will respect and uphold the rights and dignity of employees infected and affected by HIV & AIDS, STI and TB.
  - 4.3. It will recognise the gender dimensions of HIV/AIDS, STI including TB and disability, and that 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.

- 4.4. It will create as much as practicably possible a healthy and safe working environment to prevent occupational exposure and transmission of HIV and TB.
- 4.5. It will ensure that no employee or job applicant will be expected to disclose HIV related personal information and that testing may not be used to determine whether an applicant gets employed or not.
- 4.6. It will ensure that medical history/information remains confidential.
- 4.7. It will ensure that an employee with HIV & AIDS and TB shall continue to work for as long as the employee is medically fit to do so. The Department shall accommodate an employee in other posts that will suit the employee's condition during recovery. The normal sick leave procedures shall be followed.
- 4.8. It will ensure prevention by all means through a variety of appropriate and culturally sensitive means.
- 4.9. Employees shall be provided with information pertaining to HIV&AIDS and TB, through awareness campaign, information sessions and distribution of promotional materials, pamphlets and brochures. This is aimed at establishing a reservoir of information and knowledge that shall be available to all employees and which shall better enable them to make informed decisions. The information shall be updated from time to time.
- 4.10. In order to prevent the further spread of TB in the workplace an employee diagnosed with TB shall communicate with the Employee Health and Wellness practitioner and to management so that immediate colleagues can be referred for testing.
- 4.11. All grievances about issues related to HIV and AIDS, TB and STI shall be handled according to the grievance procedure of the Department.
- 4.12. Continuity of care shall be promoted including linkages with other health centres and well-established referral mechanisms.
- 4.13. That the **HIV and AIDS, TB and STI programme** shall comprise of the following components:

**4.13.1. Prevention, Awareness and Education:**

- Appropriate awareness and education programmes shall be conducted to empower employees with information to prevent HIV, TB, and STI infections.
- Practical measures to support behaviour change and risk management shall include the referral to STI and TB treatment services in the community and the distribution of male and female condoms.
- Provision of Training for key staff including managers, supervisors, and personnel officers, union representatives, peer educators and occupational health and safety officers to be incorporated into the Workplace Skills Programme of DTSL.
- Reasonable time off will be given to officials to participate in education and training programs.

**4.13.2. Care and Support:**

- The Department will treat employees infected and affected by HIV/AIDS with empathy and care. The department will provide all reasonable assistance which may include counselling, time off, sick leave, family responsibility leave, and information regarding the virus and its effect.
- As the health status of an employee changes due to HIV infection, reasonable accommodation will be applied for as long as the employee is able to perform his/her duties safely and in accordance to performance standards. When the employee suffering from AIDS is unable to continue working, the manager or supervisor must resolve the problem according to the department's normal procedure on poor performance due to ill health.
- Employees living with HIV will be treated equally with all staff suffering from any other serious illness/conditions in terms of statutory and departmental benefits, and workplace compensation
- Employees will be assisted to locate appropriate medical and other support services locally with reasonable time off being granted for counselling and treatment.



#### 4.13.3. **Stigma, Rights and Non-Discriminatory Work Environment**

- No rights of any employee shall be affected by their HIV status, real or suspected.
- HIV positive employees will be protected against discrimination, victimization or harassment. Normal departmental disciplinary and grievance procedures shall apply equally to all employees, as will all provision of information and education about HIV and AIDS.
- No Employee may be deprived of employment and growth opportunities or be dismissed because of their HIV status.
- The department promotes and facilitates access to voluntary confidential testing and counselling for all employees. No employee will be subjected to HIV testing for the purposes of recruitment, access to training or promotion.
- Where the employee infected with HIV decides to voluntarily disclose, the employer or coordinator may not disclose to others without the employee's expressed written consent.

#### **Roles and Responsibilities**

5. The **Accounting Officer** or his/her delegate shall:

- 5.1. Provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of employees.
- 5.2. Take cognisance of the reality of TB which, together with HIV & AIDS, causes health-related problems for the employee and lowers productivity for the organisation.
- 5.3. Appoint a designated senior manager in writing to champion HIV & AIDS, STI and TB programmes in the workplace.

6. The **Designated Senior Manager** shall:

- 6.1. Establish HIV&AIDS, STI and TB Management Steering Committee and obtain Stakeholder commitment and development.
- 6.2. Manage HIV and AIDS, STI and TB strategies and policies, e.g. Prevention, Treatment, Care and Support and Human Rights.
- 6.3. Align and interface the HIV and AIDS, STI and TB management policy with other relevant policies and procedures.

- 6.4. Liaise with, manage and monitor external service providers.
- 6.5. Develop and maintain an effective communication system.
- 6.6. Monitor and evaluate implementation of HIV and AIDS, STI and TB management interventions.
- 6.7. Develop and implement a system for monitoring, evaluation and impact analysis.

7. The **Employee Health and Wellness Officer** shall:

- 7.1. Coordinate the implementation of HIV & AIDS, STI and TB management programmes, projects and intervention.
- 7.2. Plan, monitor and manage workplace HIV & AIDS, STI and TB management according to the strategies, policies and budgetary guidelines.
- 7.3. Initiate and arrange staff training with regard to HIV&AIDS, STI and TB.
- 7.4. Make provision for counselling to individual employees and to their immediate family members.

8. The **Health and Wellness Committee** shall:

- 8.1. Make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or any section thereof for which such committee has been established.

9. The **Employee** shall:

- 9.1. Comply with universal precautions as laid down by the employer or any authorised person in the interest of prevention of HIV & AIDS, TB and STI.
- 9.2. Report as soon as possible any unhealthy situation which comes to his/her attention, to the employer or the Employee Health and Wellness Officer.
- 9.3. Support effective HIV, STI and TB prevention programmes and people living with HIV&AIDS to lead healthy and productive lives
- 9.4. Contribute to the mitigation of the impact of HIV&AIDS, STI and TB, and contribute to the enabling of a social environment for care, treatment and support.

10. The **Labour Representatives** shall:

- 10.1. Represent employees in the workplace.
- 10.2. Ensure compliance with the legal obligations towards members.
- 10.3. Sit in HIV&AIDS and TB management steering committee meetings.
- 10.4. Make representations to the employer on agreed issues affecting the health and safety of employees in the department.
- 10.5. Ensure a non-discriminatory and supporting environment for all public servants.

**Review and Distribution**

1. The senior manager for Corporate Services is responsible for this policy and for ensuring that it is reviewed and updated.
2. This policy will be reviewed no sooner than 18 months but not later than 3 years after the last publication date. If necessary, an updated version will be issued, if not a formal cover letter will be issued to supplement the cover of this Policy (identifying a revised publication date).
3. The senior manager for Policy and Planning will distribute updated versions to:
  - Member of the Executive Council
  - Head of Department
  - All senior managers who will in turn distribute to their staff as appropriate.

