

BLOUBERG MUNICIPALITY

POLICY ON HIV/AIDS

1. PREAMBLE

Blouberg Municipality is committed, as a responsible employer, to the well-being of all its employees. This commitment includes ensuring equal treatment of employees notwithstanding their differing physical and/or health conditions. This commitment is necessitated by constitutional and legislative provisions, including Section 9 of the Constitution of the Republic of South Africa, Act 108 of 1996, Section 8 of the Occupational Health and Safety Act of 1993 and Sections 6 and 7 of the Employment Equity Act 55 of 1998.

One of the major health threats today is HIV/AIDS. The pace at which this pandemic is spreading for-warns employers to put in place precautionary measures and develop practical policies on the manner in which their unfortunate employees should be dealt with in as much as the law prohibits what would have been the short-cut, viz relieving them of their positions.

This policy, while protecting the rights of HIV/AIDS positive employees, closely keeps sight of the employer's principal concern/business, by practice principles arrangements are made, sound business practice principles are not adversely compromised. In the same way the rights of uninfected employees are jealously taken custody of

2. POLICY OBJECTIVES

This policy seeks to

- 2.1 reassure employees that AIDS is not contracted through casual contact during normal work practices and thereby arresting unrealistic fears about contracting AIDS virus-related condition,
- 2.2 affirm the legal duty to work with HIV/AIDS infected employees, and thereby protecting the latter's corresponding legal right
- 2.3 provide guidelines for situations where infection with HIV is suspected
- 2.4 promote sensitivity to, and understanding for employees

- affected with a condition of the AIDS virus
- 2.5 provide a workplace that assist and support infected employees to accept and cope with their status.

3. POLICY CONTENTS

3.1 Infected staff

- a) Infection with an HIV/AIDS shall have no effect on the status or conditions of employment of an employee unless as a result of the infection:
- i) It becomes clear that the employee is no longer able to carry out his/her present function or where
 - ii) It would be insensitive to colleagues or customers to leave the employee in his/her current position.
- b) In the event of inevitability of changes having to be effected as dictated by (i) and/or (ii) immediately herein supra the Municipality shall consider the following options:
- i) Placement of the infected in an alternative position if he/she is able to perform the function, and without losing sight of sound business practice.
 - ii) Accordingly adjust the salary and benefits of the infected employee.
 - iii) Consider adjusting the work schedules or place of work to provide for more convenient circumstances for the employee.
 - iv) Where alternative positions are unavailable, an application for ill health retirement benefits may be considered.
- c) In the event of an infected person working in the kitchen or any department where there is a danger of being cut and blood subsequently contaminating food then transfer of that staff member to another department must be affected.

3.2 Other Staff

- a) Relevant and informed professionals shall be outsourced to educate staff members on basics such as

ways in which HIV/AIDS is transmitted, sensitivity and understanding for infected staff members.

- b) In the event of employees remaining unwilling to work with infected colleagues despite the education provided in terms of 3.2 (a) immediately herein supra, such employees will be warned that such behavior is unreasonable and scientifically unjustified and that his/her own employment may be placed in jeopardy.
- c) If an infected employee is being victimized or harassed at work, making life intolerable or impossible, the Municipality has a duty to support the employee in order that he/she may work without disruption or harassment from fellow workers.

3.3 Testing of employees

- a) Testing will only be undertaken voluntarily by employees.
- b) In the event of a prolonged or chronic sick leave, the Municipality (at its cost) may request a medical examination by a medical practitioner of its choice.
- c) The results of the examination conducted in terms of 3.3 (b) immediately herein supra will be divulged to the Municipality.
- d) The results of the examination shall be handled with confidentiality and an unauthorized disclosure could be regarded as an unfair labour practice or a violation of the rights of the employee.
- e) Where required, professional counseling services should be made available.
- f) The medical examination as contemplated in this section should be preceded by professional counseling.

3.4 Recruitment: Pre-testing

- a) The Municipality does not require applicants for employment to be tested for HIV/AIDS.
- b) The health section of the medical Aid Application Form and the Employee Application Form must be accurately completed.

3.5 When results are positive

- a) Employees receiving HIV positive results are not under any obligation to inform the Municipality.