



## POLICY: HIV INFECTION AND AIDS

### Related documents

<p><b>Molemole Municipality documents</b> (e.g. Policies, Regulations, Guidelines, Contracts)</p> <ul style="list-style-type: none"> <li>• <b>Contract of Employment</b></li> </ul>	<p><b>Other</b> (e.g. Legislation, DoE and HEQC directives and guidelines)</p> <ul style="list-style-type: none"> <li>• <b>Constitution of South Africa Act (No. 108 of 1996);</b></li> <li>• <b>Basic Conditions of Employment Act (No.75 of 1997);</b></li> <li>• <b>Compensation for Occupational Injuries and Diseases Act (No.130 of 1993);</b></li> <li>• <b>Department of Health: HIV/AIDS and STI Strategic Plan for SA (2007-2011)</b></li> <li>• <b>Department of Labour: Code of Good Practice on Key Aspects of HIV/AIDS and Employment;</b></li> <li>• <b>Employment Equity Act</b></li> <li>• <b>Labour Relations Act (No. 66 of 1995)</b></li> <li>• <b>Occupational Health and Safety Act (No. 85 of 1993);</b></li> </ul>
<p><b>Stakeholders affected by this document (units and divisions who should be familiar with it):</b></p>	<ul style="list-style-type: none"> <li>• <b>All employees, councillors and prospective employees of the Molemole Municipality;</b></li> <li>• <b>All registered and prospective students of the Molemole Municipality</b></li> </ul>
<p><b>Website address of this document:</b></p>	

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# POLICY ON HIV INFECTION AND AIDS

## 1. PREAMBLE

The **Molemole Municipality** acknowledges the seriousness of the Human Immunodeficiency Virus (HIV) infection and Acquired Immunodeficiency Syndrome (AIDS) pandemic and its implications for employees and councillors as well as for the broader community. The **Molemole Municipality** is committed to pro-actively formulating and implementing strategies that maintain a work and learning environment that contain the spread and impact of the disease and contribute towards minimizing the social, economic and human consequences of the pandemic. Furthermore, in keeping with its vision of a developmental people driven organization that serves its people, the **Molemole Municipality** recognizes its role in developing employees and councillors who, through their respective disciplines and research, can make meaningful contributions to addressing the issues pertaining to HIV Infection and AIDS at all levels of employees.

## 2. PURPOSE

The purpose of the policy is to:

- 2.1 Establish a clear set of directives, guidelines, processes and procedures that ensure all employees and councillors of **Molemole Municipality** have a broad understanding of:
  - (a) The impact and effect of the HIV infection and AIDS pandemic;
  - (b) The nature of HIV infection and AIDS disease transmission;
  - (c) Behavioral activities related to the transmission and prevention of the disease and associated opportunistic infections and illnesses;
  - (d) Employees and councillor issues such as labour and equity legislation, human rights and productivity including that of employees success;
  - (e) The management of HIV infection and AIDS as a chronic life-threatening disease.
- 2.2 Make provision for programmes and services which incorporate:
  - 2.2.1 Sustained programmes and services for the prevention of HIV infection and AIDS, sexually transmitted disease and other related opportunistic infections such as Tuberculosis;

- 2.2.2 Management of and support services for employees and councilors who are living with HIV&AIDS;
  - 2.2.3 Engagement with external organisations at provincial and national levels and participation in community outreach projects where possible;
  - 2.2.4 Strategies to deal with the direct and indirect costs of HIV infection and AIDS at the Molemole Municipality with due regards to affordability.
- 2.3 Institute a HIV&AIDS Prevention and Control Programme to ensure the occupational risks of transmitting or contracting the disease are held in check.
  - 2.4 Establish an HIV and Aids Council with clearly defined charter.
  - 2.5 Make provision for subcommittees/working groups, as and when necessary, to engage representatives from all sectors (employees-Labour and councilors - Management) within the **Molemole Municipality** as full partners in the development and implementation of all prevention, intervention and care strategies.

### 3. **SCOPE**

This policy applies to all **Molemole Municipality** employees on all occupational categories and persons considered for employment as well as prospective and registered employees of the **Molemole Municipality**.

### 4. **HIV INFECTION AND AIDS**

- 4.1 AIDS is a life-threatening disease caused by infection with the HIV (virus) which creates a condition where the body gradually loses its ability to defend itself against other opportunistic and potentially life-threatening diseases. HIV infection is spread only when an adequate amount of infected body fluid enters the bloodstream of a non-infected person.
- 4.2 The dominant modes of transmission of the HIV virus are through:
  - 4.2.1 Unprotected sexual intercourse where an exchange of body fluids takes place;
  - 4.2.2 Accidental or deliberate shared use of HIV contaminated needles;
  - 4.2.3 Sharp object injuries, e. g needles, scalpels, glass, surgical instruments, contaminated with HIV-infected blood (in and out of health care settings);
  - 4.2.4 HIV-infected blood on cuts, grazes or in the eye for significant periods of time poses a possible risk;
  - 4.2.5 Infected mothers to unborn infants;
  - 4.2.6 Transfusion of infected blood or blood products.
- 4.3 The risk of HIV transmission in the **Molemole Municipality** is minimal. Persons at risk in the work all employees and councilors. A further source of possible risk is in the arena of contact sport.

- 4.4 The potential personal, social and economic impact of the HIV infection and AIDS pandemic on employees and councilors, if unchecked, will be felt in the areas of staff and councilors recruitment, employees enrolment and throughput rates as well as overall productivity.

## **5. POINT OF DEPARTURE**

- 5.1 The **Molemole Municipality's** Policy on HIV Infection and AIDS has been formulated within the context of the Constitution of South Africa and Bill of Human Rights, the Labour Relations Act, Basic Conditions of Employment Act, Promotion of Equality and Prevention of Unfair Discrimination Act, Compensation for Occupational Injuries and Diseases Act, Occupational Health and Safety Act and the Department of Health's HIV/AIDS and Sexually Transmitted Infections (STI) Strategic Plan.
- 5.2 By establishing partnerships with relevant external agencies and between employees and councilor internally, the **Molemole Municipality** commits itself to engaging actively with prevention and support programmes in efforts to combat the disease.
- 5.3 All employees and councillors of **Molemole Municipality** are responsible for their own health, for avoiding harming the health of others, where at all possible, and for contributing to the eradication of the disease.
- 5.4 The principle of sound corporate management with regard to financial management is applied.

## **6. PRINCIPLES**

The fundamental principle is that HIV infection and AIDS compromised persons are treated in all relevant respects like other persons with comparable life-threatening conditions.

### **6.1 Human Dignity**

All persons have the right to have their dignity respected and protected.

### **6.2 Equity, Rights and Responsibilities**

- 6.2.1 All employees and councilors have a right to a safe working environment and to be protected from infection, but also have the coexisting responsibility for maintaining this environment.
- 6.2.2 Employees and councilors living with HIV Infection and Aids have the same rights as all employees and councilors to lead as full a professional and/or educational life as possible and carry the obligation not to deliberately spread the infection.

### **6.3 Non-discrimination**

6.3.1 Employees/councilors who are HIV positive are protected against discrimination, stigmatization and victimization.

6.3.2 A supportive and non-discriminatory environment is created for all employees of **Molemole Municipality** infected with or affected by HIV and AIDS in order to counteract prejudice and discrimination.

#### **6.4 Informed Consent**

6.4.1 No employee and councilors at the Municipality shall be required to undergo HIV testing without informed consent.

6.4.2 Testing is accompanied by appropriate counselling.

6.4.3 Disclosure to third parties may only be made if informed written consent is obtained from the person concerned.

#### **6.5 Confidentiality**

6.5.1 The **Molemole Municipality** respects the right of individuals to confidentiality about their HIV&AIDS status unless legally otherwise indicated.

6.5.2 Testing and counselling on the Molemole Municipality is voluntary and confidential.

6.5.3 Any person to whom information about an individual's status is disclosed is legally required to keep this information confidential. Any breach of confidentiality may justify legal liability or disciplinary action against the discloser of such information.

#### **6.6 Openness, Acceptance and Support**

Openness, acceptance and support for employees and councilors who voluntarily disclose their HIV status is promoted by:

6.1.1 Encouraging persons openly living with HIV&AIDS to conduct or participate in education, prevention and awareness programmes;

6.1.2 Encouraging the development of support groups for employees and councilors living with HIV&AIDS and

6.1.3 Ensuring that persons who are open about their HIV status are not unfairly discriminated against or victimized/stigmatized.

### **7. MANAGEMENT OF HIV INFECTION AND AIDS**

#### **7.1 The Molemole Municipality HIV and AIDS Committee**

The **Molemole Municipality** HIV and AIDS Committee shall operate in accordance with the rules and regulations of all committees of the Municipality.

## **7.2 HIV Infection and AIDS Strategic Plan**

- 7.2.1 **Molemole Municipality** HIV Infection and AIDS Strategic Plan will be based on an integrated approach to the management of the HIV infection and AIDS pandemic and is developed in accordance with the provisions of this policy
- 7.2.2 The strategic plan will be monitored and updated on an ongoing basis and reviewed annually.

## **8. GENERAL PROGRAMMES AND SERVICES**

All HIV Infection and AIDS education, research, prevention, counselling, care and support programmes and services are viewed within the broader social context. In this regard, the **Molemole Municipality** commits itself to forming partnerships with governmental and non-governmental organisations and the private sector for the implementation of practicable, cost-effective and sustainable HIV Infection and AIDS Programmes.

### **8.1 Education Programmes**

- 8.1.1 All employees and councilors have access to HIV Infection and AIDS education and awareness programmes. Such programmes provide information and teach the skills necessary for the **Molemole Municipality** community to prevent themselves and others from becoming infected and to combat discrimination as well as providing guidance to employees and councilors on how to live, work and interact with people living with HIV&AIDS. Information about universal safety precautions in the work and learning environment are also provided.
- 8.1.2 Where appropriate, education about HIV&AIDS forms part of the **Molemole Municipality's** outreach programme.
- 8.1.3 Attention is paid to related issues such as gender sensitivity as well as rape, sexual abuse and violence.

### **8.2 Care and Support Services**

- 8.2.1 Voluntary HIV testing for employees and councilors;

- 8.2.2 Confidential pre- and post-test HIV counselling;
- 8.2.3 Support and counselling to infected and/or affected employees and councilors;
- 8.2.4 Where necessary, referral of employees and councillors for further management to appropriate divisions within the **Molemole Municipality** and/or appropriate professionals and institutions
- 8.2.5 The establishment of support groups for employees and councilors infected and/or affected by HIV&AIDS, where feasible;
- 8.2.6 Wellness programmes;
- 8.2.7 Condoms are available in easily accessible at all locations.


## **9. RISK REDUCTION**

- 9.1 In terms of the Compensation for Occupational Injuries and Diseases Act (130 of 1993), HIV infection may be regarded as an accident if such infection is acquired as a result of an incident that arises out of, and in the course of a person's employment, provided that the time, date, place and circumstances of the incident are ascertainable and reported as prescribed by the law.
- 9.2 In respect of employees and councilors the **Molemole Municipality** shall, as far as is reasonably practicable, provide a safe working environment.
  - 9.2.1 Provision is made for appropriate equipment, materials/barrier clothing (e.g. gloves);
  - 9.2.2 All HIV related incidents are reported to the Health and Safety committee in accordance with official procedures on the prerequisite form as soon as possible.
  - 9.2.5 Employees and councilors who have been exposed to infection in the course of their official duties will receive the appropriate assistance from the **Molemole Municipality** in accordance with the relevant protocols. This may include anti-retroviral medication (and associated counselling), under medical advice, in an emergency situation at a public or private hospital dependent on health insurance cover.
  - 9.2.6 If necessary post-exposure care and support is available in accordance with the provisions of this Policy.

## **10. POLICY AND PROTOCOL REVIEWS**

- 10.1 Regular review of the Policy is conducted in accordance with the approved **Molemole Municipality council**. The process takes place in consultation with the relevant quality assurance structures.
- 10.2 Protocols are reviewed on an annual basis in accordance with the latest scientific findings, amendments to national legislation and/or national and regional strategic plans.



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<b>Council Number:</b>	<b>Resolution</b>
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