HIV/AIDS WORKPLACE POLICIES

BUSINESS ACTION FUNDAMENTALS

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An HIV/AIDS workplace policy provides the basic framework for company action to reduce the spread of HIV/AIDS and to manage its impacts.

**Workplace HIV/AIDS policies should:**
- Make an explicit promise for corporate action.
- Commit to confidentiality and nondiscrimination for all employees.
- Ensure consistency with appropriate national laws.
- Encourage all employees (regardless of HIV status) to support an inclusive and nonstigmatizing working environment.
- Provide guidance to supervisors and managers.
- Explain to employees living with HIV/AIDS the type of support and care they will receive, so they are more likely to come forward for counseling and testing.
- Help stop the spread of the virus through prevention programs.
- Make the policy available to all employees, in a format that is easily understood.
- Manage the impact of HIV/AIDS with the ultimate aim of cutting business costs.

**10 KEY ELEMENTS OF AN HIV/AIDS WORKPLACE POLICY**

The International Labor Organization recommends the following key elements for every HIV/AIDS policy:

1. **Recognition of HIV/AIDS as a workplace issue**
   HIV/AIDS is a workplace issue because it affects workers and enterprises—cutting the workforce by up to 30 percent in some countries, increasing labor costs and reducing productivity. Recognizing the link between workplaces and the surrounding communities, business also has a role to play in the wider struggle to beat the epidemic.

2. **Nondiscrimination**
   HIV/AIDS should be treated like any other serious illness/condition in the workplace. There should be no discrimination against workers on the basis of real or perceived HIV status. The nondiscrimination principle extends to employment status, access to health insurance, pensions, and other staff entitlements. Stigmatization and discrimination against people living with HIV/AIDS actually inhibits prevention: if people fear the possibility of discrimination, they are less likely to undergo counseling and testing. As a result, they may unknowingly pass HIV on to others. Additionally, those who are positive are more likely to conceal their status for fear of being shunned by their coworkers or fired.

3. **Gender equality**
   The gender dimensions of HIV/AIDS should be recognized. Women are more likely to become infected and more often adversely affected by HIV/AIDS than men, for biological, sociocultural, and economic reasons. HIV/AIDS programs must therefore respond to the circumstances and needs of men and women separately, as well as together. Prevention, testing, and other support decrease the impact of the epidemic.

4. **Healthy work environment**
   The work environment should be healthy and safe, as far as is practicable, for all concerned parties. This means employers are responsible for providing information on HIV transmission and appropriate first aid in the event of an accident. It does not, however, give employers the right to test employees for HIV in the interest of public health, because casual contact in
the workplace presents no risk of HIV transmission. In addition, a healthy work environment tries to accommodate all workers (in consideration of their physical and mental health) and thereby mitigate the impact of AIDS on workers and the enterprise.

5. Social dialogue
Successful HIV/AIDS policies require cooperation and trust between employers, workers and their representatives, as well as government, where appropriate. This is fundamental, as policies are more likely to be used effectively if they have been developed with the full participation of all concerned parties.

6. No screening for purposes of exclusion from employment
Companies should not require HIV/AIDS screening of new applicants or current employees. HIV screening not only violates the right to confidentiality, but is impractical and unnecessary. At best, HIV test results are snapshots of individuals’ infection status today. It is no guarantee that they will remain HIV negative or that they will not become infected tomorrow, or next month. It is also important to remember that people with HIV are often healthy and are able to be productive workers for many years.

7. Confidentiality
Companies are never justified in asking job applicants or workers to disclose HIV-related information. Nor should coworkers be obliged to reveal such information about fellow workers. Access to personal information of this type should be strictly bound by confidentiality provisions (e.g., managers and health personnel can sign confidentiality pledges to show their commitment to this principle). Violating employee confidentiality will erode trust, employee morale, and productivity as well as encourage possible legal action.

8. Continuation of employment relationship
HIV infection cannot be a cause for termination of employment. Persons with HIV should be encouraged to work for as long as they are medically fit for available, appropriate work. This principle is based on the fact that being HIV positive is not the same as having AIDS and related opportunistic infections. Reasonable accommodation to help people continue working can include flexible working hours, special equipment, opportunities for rest breaks, time off for medical appointments, flexible sick leave, part-time work, and return-to-work arrangements. With the availability of antiretroviral therapy, ongoing employment is advantageous for both the employee and the employer.

9. Prevention
HIV infection is preventable. Prevention of all means of transmission can be achieved through a combination of strategies: informational materials, participatory education classes (including personal risk assessment and life skills), practical support for behavioral change (such as condom distribution and encouraging family living situations among employees), and treatment for other sexually transmitted infections.

10. Care and support
Solidarity, care, and support should guide the response to HIV/AIDS in the workplace. Prevention, care, and treatment should be seen on a continuum of workplace programming. Available treatment encourages confidential voluntary testing, which makes it easier to provide care and also encourage prevention. Care and support include voluntary testing and counseling; treatment for opportunistic infections, especially tuberculosis, and antiretroviral therapy, where affordable; workplace accommodation; employee and family assistance programs; and access to benefits from health insurance and occupational schemes.

Conclusion
Developing an HIV/AIDS workplace policy should be the initial step for any company in its commitment to address HIV/AIDS. Such policies will clearly state the company’s position on the issue and articulate a set of guidelines that management staff can follow in the future. HIV/AIDS workplace policies will also outline the responsibilities, rights, and expected behavior for management and employees.
A COMPREHENSIVE WORKPLACE HIV/AIDS POLICY OUTLINES COMPANY ACTION TO MANAGE THE IMPACT OF HIV IN THE WORKPLACE. THE FOLLOWING CHECKLIST IS A GUIDE FOR COMPANIES TO DEVELOP OR IMPROVE THEIR IN-HOUSE POLICY. IT IS BY NO MEANS AN EXHAUSTIVE LIST; FOR ADDITIONAL GUIDANCE ON POLICY DEVELOPMENT, GBC MEMBER COMPANIES MAY CONTACT THE GBC TEAM FOR ASSISTANCE.

POLICY COMPONENTS

Introduction: General Considerations
- Statement of company’s overall position on being a responsible global citizen (i.e., ethical/moral statement)
- Reason(s) why the company has decided to adopt an HIV/AIDS policy
- Persons covered by the policy (some or all employees, dependents)
- Statement as to whether the policy is HIV/AIDS-specific or whether it is a component of existing programs on life-threatening/chronic illnesses

Elements Relating to Employment Criteria
- Statement that job candidates and employees will not be screened for HIV as a condition of recruitment, continued employment, or promotion
- In certain instances, a company may request employee testing (e.g., for work-related travel to a country where HIV status must be documented for entry). If such testing or screening is requested, the following must be outlined:
  - Explanation of why an HIV test is required
  - Clear indication that pre- and post-test counseling is offered to employees (via company or third-party provider)
  - Statement of the company response if an employee refuses to be tested
  - Statement regarding confidentiality of medical records
  - Statement of company position towards HIV-positive employees who refuse to be tested or who, if tested, are found to be HIV positive (including those found positive after required test)

Provision that the company will maintain and enforce legal, acceptable, and recognized occupational safety precautions to minimize risk of workplace exposure to HIV
- Statement prohibiting stigmatization of and discrimination against employees who are (or who are suspected of being) HIV positive

Benefits and Provisions for Employees
- Statement that employees living with HIV/AIDS will receive the same type, level, and form of benefits as other employees with serious illnesses

Workplace Prevention
- Statement that HIV/AIDS prevention is the responsibility of all employees, including CEOs and other senior leaders and supervisors
- Statement about the leadership role of managers and worker representatives, both in the company and in the wider community, in addressing HIV/AIDS
- Statement of company responsibilities for providing all employees with timely, accurate, clear, and adequate information about HIV prevention, community support services, treatment options, and changes in company prevention activities
- Description of the HIV prevention components that will be available to employees, including: easy and regular access to male and female condoms, access to STI diagnosis and treatment, and training of male and female peer educators
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A South African woman enjoys her daily yoga practice. An AIDS survivor she couldn’t walk eight months earlier, with medication, she’s now healthier and more fit. Getty Images is a partner with the Global Business Coalition for Ongoing HIV/AIDS projects. 79504375, Brent Stirton/Getty Images

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