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WORKPLACE HIV AND AIDS POLICY

Signatories

The signatories hereof, confirm acceptance of the contents, recommendation, and adoption hereof.

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1. DEFINITIONS AND ACRONYMS

1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

#	TERM	DESCRIPTION
1.1	Counselling	A therapeutic intervention by a trained professional such as a Social Worker, Psychologist or Psychiatrist.
1.2	Employee	A permanent worker, contract worker, interns and learners working for the Municipality under the direction of or supervision of an employer
1.3	Immediate Family	Means employee's spouse or life partner, children, adoptive parents or children and siblings.
1.4	Intervention	Therapeutic and professional guidance to any employee to overcome his or her problems.
1.5	Peer Educator	An employee who is trained in working with his/her peers, sharing information and guiding discussions using his. Her peer experience, knowledge, and training.

1.2 ACRONYM

NO.	TERMS	DESCRIPTION
1.2.1	AIDS	Acquired Immune Deficiency Syndrome
1.2.2	ARV	Anti – retroviral
1.2.3	EAP	Employee Assistance Programme
1.2.4	EWP	Employee Wellness Programme
1.2.5	HIV	Human Immunodeficiency Virus
1.2.7	ILO	International Labour Organisation
1.2.8	KABP	Knowledge, Attitude, Behaviour and Perceptions.
1.2.9	PEP	Post Exposure Prophylaxis
1.2.10	STI	Sexual transmitted Disease

2. POLICY STATEMENT

- 2.1 Thulamela Local Municipalities is committed to strive and support the government's multi-sectoral approach to the fight against HIV and AIDS in the workplace. This policy is the result of the active participation of employees, councilors, community structures and organizations in promoting developmental local government.
- 2.2 In this regard, TLM has over the years increased awareness and knowledge of HIV and AIDS and the possible impact of the epidemic in and outside the workplace. In essence, development and support of this policy demonstrates the municipality's position, concern and commitment in taking active steps to help in managing, preventing and containing the disease.

3. PREAMBLE

- 3.1 Thulamela Local Municipality recognizes the seriousness and implications of HIV and AIDS, STI's and TB for the employees. The Municipality seeks to minimize the social, economic, and developmental consequences by committing to providing resources and leadership to implement the Workplace HIV and AIDS policy and programme. Furthermore, the municipality acknowledges the adverse impact of the epidemic on the employees, their families and consequently on the municipality's ability to deliver services to its constituencies in an efficient and effective manner according to its mandate.
- 3.2 HIV and AIDS, STI's and TB are serious health problems with adverse effects on the socio-economic situation, employment, and human rights. The HIV and AIDS epidemic if not managed and monitored shall affect every workplace with prolonged staff illness, absenteeism, high staff turnover and death, all of which shall impact on the ability of the Municipality to deliver on its mandate. Therefore, through this policy, the municipality seeks to minimize the social, developmental, and economic consequences to the municipality and its employees, whilst committing itself to providing resources and guidance to mainstream HIV and AIDS Programmer in the context of a Comprehensive

4. PURPOSE

- 4.1 The purpose of the HIV and AIDS policy is to set fair standard guidelines on the effective management of HIV and AIDS in the Thulamela Local Municipality

workplace environment, to minimize its adverse impact on individual employees, their immediate families, and the municipality at large.

- 4.2 This policy is applicable to all the employees of Thulamela Local Municipality including those in learnership, contract, internship and prospective employees appointed or recruited.

5. OBJECTIVES

- 5.1 This policy is applicable to all the employees of Thulamela Local Municipality including those in learnership, contract, internship and prospective employees appointed or recruited.

6. SCOPE

- 6.1 This policy applies to all municipal employees, Directors, Municipal Manager, interns, EPWP and councillors.

7. PRINCIPLES

The HIV and AIDS Policy of Thulamela Local Municipality is informed by the following principles which will be adhered to in the implementation of the Policy and related programs

7.1 NON-DISCRIMINATION

- 7.1.1 No employees and prospective employees shall be discriminated against on the basis of the HIV status or perceived HIV status.
- 7.1.2 No employee should suffer adverse consequences, whether dismissal or denial of appropriate alternative employment opportunities and benefits, merely on the basis of HIV infection. Employees will be able to continue to work in their current or alternate employment for as long as they are medically fit to do so.

7.2 NON-COMPULSORY HIV TESTING

- 7.2.1 No employee or prospective employee shall be required to take an HIV test as a prerequisite for recruitment, access to training or promotion. A prospective employee is also under no obligation to inform the municipality of his or her HIV and AIDS status

- 7.2.2 The municipality shall promote and facilitate access to voluntary confidential testing with counselling (HCT) for all employees. The counselling provided to employees shall include pre-test and post-test counselling.

7.3 RECRUITMENT: PRE-TESTING

- 7.3.1 The Municipality does not require applicants for employment to be tested for HIV/AIDS.

- 7.3.2 The criterion to use is "suitability to fulfil the job requirements".

7.4 CONFIDENTIALITY AND PROMOTION OF DISCLOSURE

- 7.4.1 Employees, their immediate family members and prospective employees have the right to confidentiality with regard to their HIV and AIDS status and their medical records in possession of the municipality.

- 7.4.2 An employee's status and that of immediate family member shall not be disclosed to anyone without his/her written consent. The municipality shall take appropriate measures to ensure that employee records are kept safe.

- 7.4.3 Any breach of confidentiality shall be subjected to disciplinary measures by the municipality. The employee shall have recourse to existing municipal grievance procedures in the event of a breach of any rights with regard to HIV and AIDS.

7.5 GENDER EQUALITY

- 7.5.1 The municipality recognizes the gender dimensions of HIV and AIDS. Women are more vulnerable to HIV infection and are more often adversely affected by the HIV and AIDS epidemic than men, for biological, socio-cultural and economic reasons.

- 7.5.2 The municipality shall provide education and awareness programmes aimed at preventing gender discrimination, sexual coercion and abuse of female employees.

7.6 PROMOTION OF A SAFE WORK ENVIRONMENT

- 7.6.1 The municipality recognizes the importance of a healthy work environment in general. The municipality shall provide and maintain workplace that is safe and without risk to the health of its employees.
- 7.6.2 The municipality recognizes that occupational accidents involving body fluids may occur especially in the health care settings where employees have direct contact with body fluids.
- 7.6.3 The Municipality shall comply with the provisions of the Occupational Health and Safety Act including the Regulations on Hazardous biological Agents. This will include the provision of awareness and education on the health and safety issues, and the provision of safety equipment to prevent occupational exposure to HIV.
- 7.6.4 The management of occupational exposure to HIV shall be done in terms of the 'National Guidelines on Occupational Exposure to HIV' published by the national Department of Health (DOH), 2002.

7.7 COMPENSATION FOR HIV INFECTION AT WORKPLACE

- 7.7.1 An employee may be compensated if he/she becomes infected with HIV as a result of an occupational accident. This shall be done in terms of the Compensation for Occupational Injuries and Diseases Act, 1993.
- 7.7.2 The municipality will therefore provide the employee with information on the procedure to be followed in order to lodge a claim.
- 7.7.3 The municipality shall endeavour to provide ongoing awareness and education programmes aimed at preventing new and secondary infections among employees. Such programmes will include:
 - 7.7.3.1 HIV Counselling and testing (HCT) programme
 - 7.7.3.2 Health Education and Promotion
 - 7.7.3.3 Condom promotion and distribution Sexually Transmitted Infections (STI) prevention and access to treatment.
 - 7.7.3.4 Infection control — through the Occupational - Health and Safety programme and Post Exposure Prophylaxis (PEP)

7.7.3.5 Training sessions to ensure effective management of HIV and AIDS

7.7.3.6 Peer education and training on HIV and AIDS and healthy living programmes

7.7.3.7 Meaningful Involvement of People Living with HIV and AIDS, aimed at mitigating stigma in the workplace

7.7.3.8 Moral regeneration programmes

7.8 EDUCATION AND AWARENESS PROGRAMMES

7.8.1 Currently the best way of preventing the spread of the HIV/AIDS virus (in view of the lack of an antidote or vaccine) is through education.

7.8.2 Professional services are available in most health care centres. These involve the use of talks, videos, discussion groups on the job training are provided through the Employee wellness Programme.

8. **LEGISLATIVE AND REGULATORY FRAMEWORK**

8.1 The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

8.2 Labor Relations Act, 1995 (Act 66 of 1995)

8.3 Employment Equity Act, 1998 (Act 55 of 1998)

8.4 Basic Conditions of Employment (Act 75 of 1997)

8.5 Occupational Health and Safety Act, 1993 (Act 85 of 1993)

8.6 Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)

8.7 The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)

8.8 The Medical Schemes Act, 1998 (Act 4 of 1998)

8.9 Disaster Management Act, 2002 (Act No. 57 of 2002)

8.10 Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999).

8.11 Mental Health Care Act, 2002 (Act No. 17 of 2002)

8.12 Mandate: National Strategic Plan on HIV, ST Is and TB 2012-2016.

9. STAKEHOLDER ENGAGEMENT (if applicable)

9.1 The municipality shall endeavour to ensure that all key stakeholders are engaged in the development, implementation, management and monitoring and review of the HIV and AIDS policy and related programmer. Key stakeholders include the following:

9.1.1 All employees irrespective of their HIV status, job category and level or any other form of categorization.

9.1.2 Registered Trade unions

9.1.3 Human Resource Management Division: Employee Wellness Programme Unit

9.1.4 Employee Wellness Committee

9.1.5 OHS Division

9.1.6 HIV and AIDS Division

9.1.7 Employee Wellness Professionals

9.1.8 Line management

9.1.9 People Living with HIV and AIDS

9.1.10 External Service providers

9.1.11 Finance

9.1.12 Human Resource Training and Development

10. COMMUNICATION

10.1 The municipality shall ensure that appropriate and effective communication mechanisms are put in place to ensure that all employees:

10.1.1. Are aware of the HIV and AIDS policies, programmes and other interventions

10.1.2. Understand the HIV and AIDS policies, programmes and other related interventions and how these impact on them and their rights.

- 10.1.3. Are informed of and explain their rights and obligations with regards to the workplace HIV and AIDS policies, programmes, interventions and other related activities.

11. IMPLEMENTATION: ROLES AND RESPONSIBILITIES

11.1 Municipal Manager

- 11.1.1. Provide oversight and support on the implementation of the policy.

- 11.1.2. To facilitate approval of this policy to the Council;

11.2 Employee Wellness Programme Unit

- 11.2.1. Promote condom distribution and use

- 11.2.2. Encourage health-seeking behaviour for STD's / Sexually transmitted infections.

- 11.2.3. Enforce the use of universal infection control measures.

- 11.2.4. Create an environment that is conducive to openness, disclosure, and acceptance amongst all staff.

- 11.2.5. Establish a wellness programme for affected employees.

- 11.2.6. Provide access to counselling and other forms of social support for affected people.

- 11.2.7. Universal hygiene precautions are required to prevent disease which includes High standards of personal hygiene, Surveillance of staff in high-risk areas, Appropriate sterilization and disinfecting procedures and avoidance of eating or smoking in risk areas

12. MONITORING AND EVALUATION

- 12.1 The Employee Wellness Programme Unit responsible for the implementation of this policy must ensure continuous monitoring and compliance.

- 12.2 This should be done on a continuous basis to assess if this policy is still effective and whether it has achieved its intended objectives.

13. CONCLUSION

13.1 This Policy outlines critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.

13.2 Thulamela Local Municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy and take necessary actions to fully participate to ensure compliance.

14. REVISION DATE

14.1 The policy shall be reviewed annually or as and when necessary.

15. ANNEXURES

15.1 Business process map.

15.2 Standard operating procedure.