



HIV and AIDS Policy



MMI HOLDINGS



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1 DEFINITIONS AND ACRONYMS:

1.1 **AIDS:** “Acquired Immune Deficiency Syndrome”

When a person’s immune system has weakened because of the replication of HIV in the body, it cannot fight infections. This stage is called “Acquired Immune Deficiency Syndrome” or AIDS. Opportunistic infections (illnesses that take advantage of the body’s weakened immune system) include thrush, tuberculosis (TB), skin rashes, shingles and others.

1.2 **Confidentiality:** Confidentiality means keeping medical information about an employee private and not disclosing it to someone else.

1.3 **EAP**

Employee Assistance Programme

1.4 **SRC**

Staff Representative Committee

1.5 **HIV:** “Human Immunodeficiency Virus”

This virus slowly damages a person’s immune system (the immune system which protects the body against infections and diseases). When it reaches the stage where it can no longer protect the body, the virus starts taking over and the body is less able to fight off opportunistic infections such as TB.

1.6 **Immune deficiency:** A condition where the body’s defence system is compromised.

1.7 **Informed consent:** This means that an employee agrees to make a knowledgeable (well informed) and voluntary decision after being given all the necessary information.

1.8 **Pre-test counselling:** A process whereby a trained counsellor discusses HIV & AIDS, how HIV is transmitted, what the risk of HIV infection is, what it means to be HIV positive or negative as well as all other relevant information about why it is important to test for HIV.

1.9 **Post-test counselling:** This is when a counsellor informs an employee of the results of an HIV test. The counsellor will also discuss ways in which the employee can live a healthier and more productive life, regardless of whether he/she is HIV positive or negative.

1.10 **STI's: Sexually Transmitted Infections**

Infections passed from one person to another during sexual intercourse, including syphilis, gonorrhoea, chancroid and HIV.

1.11 **TB:** Tuberculosis

2 POLICY PRINCIPLES

2.1 Objectives

- To facilitate the prevention of new infections by providing information about HIV & AIDS, as well as support and training for all employees.
- To ensure that individuals living with HIV & AIDS are not unfairly discriminated against in the workplace.
- To encourage employees to take up voluntary counselling and testing and to access care, support and treatment as soon as possible if they test HIV positive.
- To maintain maximum stability and productivity in the workplace by keeping employees healthy and productive.
- To ensure that confidentiality will be maintained in all employee related matters.
- To provide Management and employees with a framework within which to identify, prevent, understand, and come to terms with dealing with the reality of HIV / AIDS.
- To create a work environment that will facilitate disclosure and access to benefits for care and support.
- To identify and implement HIV / AIDS projects as part of the MMI Holdings CSI (corporate social involvement) programme.

2.2 Scope (*Who does this apply to?*)

- The policy will apply to all current employees as well as prospective permanent MMI Holdings employees as from date of employment.

2.3 Non-Discrimination

- MMI Holdings is aware of the stigma attached to HIV / AIDS and is accordingly committed to the creation of a non-discriminatory environment. This is in accordance with existing labour legislation and practices, whereby discrimination against employees with HIV / AIDS is deemed an unfair labour practice.

2.4 RECRUITMENT / PRE-EMPLOYMENT

- ### **2.4.1**
- Routine, mandatory HIV testing is not a pre-condition for employment and is not required for any position, promotion, training or travel opportunity.

- 2.4.2** In the event that MMI Holdings regards a specific position as one that requires the relevant job applicant or existing employee to be tested, it will request such applicant or employee to undergo voluntary testing, and in the event of the request being declined, seek authorisation for the testing from the Labour Court, pursuant to South African labour laws that outlaw unauthorised HIV testing. In the event that the Labour Court authorises such testing, MMI Holdings will abide by the conditions set by the Labour Court.
- 2.4.3** Employees who are tested for HIV at the request of MMI Holdings on the grounds of an “inherent job requirement” will receive information on HIV and AIDS, an explanation of HIV antibody tests, and the meaning of HIV positive and HIV negative test results. MMI Holdings will ensure that the prospective employee gets the appropriate pre- and post-test counselling.
- 2.4.4** Indirect screening methods such as questions in verbal or written form inquiring about previous HIV tests will not be permitted on application forms or during job interviews.

3 JOB SECURITY

3.1 Workplace testing

- There will be no mandatory or routine HIV testing in the workplace.
- Voluntary counselling and testing (VCT) will be offered to all employees as a means to assist that employees who test negative remain negative
- MMI will support employees who test positive by making them aware of the benefits and support available through the Employee Wellness Programme.
- In the event of a workplace injury or accident (occupational exposure) employees will be advised by the relevant Human Resources department to undergo a voluntary HIV test to access; and submit, if necessary, a claim for compensation.
- MMI urges all employees to make use of counselling and/or advisory services in any HIV testing scenario. This is provided by an independent employee assistance service provider..

3.2 Confidentiality

- All medical information about employees will remain confidential and will only be released to a specified third party with the written consent of the employee.

- Employees living with HIV & AIDS have a legal right to confidentiality about their medical status. Employees have no obligation to inform their employer of their HIV /AIDS status.
- Refer to point 6.4.2 above for legal procedure

3.3 Job status

- HIV status will not be a factor in job status, training/education, promotion or transfer. Any changes in job status will be based on the existing criteria of equality of opportunity, merit and capacity to perform the work to a satisfactory standard.

3.4 Managing ill health

- No employee will be dismissed merely on the basis of their HIV status, nor will HIV status be a factor in retrenchment procedures.
- Employees will not be removed from their position or from their normal duties on the grounds of their HIV status.
- In the event that an employee can no longer perform the functions of his/her job on the grounds of ill health, the employee may be asked to confirm this by submitting a medical report from a registered health practitioner.
- In the event of the above, MMI Holdings will reasonably accommodate the employee in another position after consulting with the employee.
- If the employee becomes too ill to perform any function, then the standard benefits, conditions and procedures for possible termination of employment on the grounds of disability or incapacity based on ill health will apply.

3.5 Employee benefits

- Counselling and advisory services will be made available by the relevant Human Resources departments to inform employees with HIV & AIDS about their rights and benefits relating to medical scheme coverage, life insurance policies, pension/provident policies and unemployment insurance. Such services will include information about any proposed changes to the rules of the scheme or policy, whichever is applicable.
- The trustees of the various MMI Holdings staff benefit funds, as well as the Employment Equity Forum (EEF), will ensure that employee benefits are non-discriminatory, sustainable and provide support to all employees living with HIV & AIDS.
- Benefit schemes administered by MMI Holdings will ensure that all medical information about its employees remain confidential.

- The employee will be advised about alternative public treatment facilities.

4 RISK MANAGEMENT, FIRST AID AND COMPENSATION

- Recognising that occupational exposure of HIV may occur, appropriate precautionary measures will be taken to reduce any such risk, including the use of universal precautions and the appointment of a first aid officer in the work environment, and the dissemination of clear and accurate information about reducing such risk in the workplace.
- If an employee is occupationally exposed to HIV, he/she will be offered immediate access to post exposure prophylaxis.
- Please refer to the COID ACT for further information

5 HIV & AIDS, STI and TB EDUCATION AND PREVENTION

- HIV & AIDS, STI (Sexually Transmitted Infection) and TB (tuberculosis) education and prevention programmes will be conducted at the workplace.
- The programme will be conducted in a user-friendly manner that takes into account the levels of education and literacy that are appropriate for the particular workplace.
- The education and prevention programme will include formal and informal prevention education and training activities for all employees, the provision of information to ensure access to appropriate prevention and treatment services, and appropriate counselling and support services for employees and their families.
- Condoms will be made freely available in the workplace.
- Employees who have specific questions regarding the employee assistance and / or employee education must approach their company Occupational Health Registered Nurse or MMI Holdings Regional Business Unit: HR in this regard. (Access to a specific website like REDRIBBON - www.redribbon.co.za - is made available to all MMI Holdings employees.)

6 PROTECTION AGAINST UNFAIR DISCRIMINATION AND VICTIMISATION

6.1 All reasonable steps will be taken to protect employees living with or affected by HIV & AIDS from stigmatisation and discrimination by other employees or clients.

6.2 Disciplinary action will be taken against employees who refuse to work with (an) employee(s) with HIV & AIDS and/or who intentionally or negligently breaches the medical confidentiality of another employee who is living with HIV & AIDS.

7 GRIEVANCE HANDLING AND DISCIPLINARY ACTION

The MMI Holdings Grievance Handling Policy will also apply to any HIV related employee grievance. At all times, medical information will remain confidential. (DISCIPLINARY ACTION MENTIONED ABOVE IN POINT 10.2)

8 MONITORING AND REVIEW

This policy will be reviewed annually. All stakeholders will be consulted regarding any revision made to this policy.

9 EDUCATION

9.1 MMI Holdings will educate and communicate its HIV/AIDS workplace policies and practices to all employees in simple, clear and unambiguous terms. The Employer policy on HIV / AIDS policy and procedure will also form part of the MMI Holdings Employee policy and procedure guide.

10 LABOUR AND OTHER LEGISLATION GOVERNING THIS POLICY

10.1 As far as possible, this policy will comply with international human rights standards as well as with the prohibition of unfair discrimination. This policy will also be read in conjunction with and where applicable, be subject to the following South African legislation:

- Basic Conditions of Employment Act (75: 1997)
- Compensation for Occupational Diseases and Injuries Act (130:1993)

- Employment Equity Act (55:1998) (Including the South African Code of Good Practice on HIV and AIDS and the World of Work)
- Labour Relations Act (66:1995)
- Medical Schemes Act (131:1998)
- Occupational Health and Safety Act (85:1993)
- Promotion of Equality and Prevention of Unfair Discrimination Act (4:2000)
- The Constitution of the Republic of South Africa (108:1996)

10.2 The principles set out in South African legislation may also apply to employees in countries such as Botswana, Namibia and Lesotho unless the laws of those countries offer more favourable protections.