



telecommunications  
& postal services

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Department:

Telecommunications and Postal Services

**REPUBLIC OF SOUTH AFRICA**

# **HIV AND AIDS AND TB MANAGEMENT POLICY AND PROCEDURE**

**2021**

## **ABSTRACT:**

The Department is committed to the reductions of the HIV epidemic and promote the prevention of HIV and AIDS and TB Management thus reducing deaths and discrimination related to the scourge of these diseases.



Action taken	Designation	Initials and Surname	Signature	Date
Prepared by:	DD: EWH	<del>Tony Shakwane</del>		
Recommendation by Responsibility/ Programme Manager:				
Discussed with bargaining council				
Recommended for approval by Operations Committee:	<b>Chairperson: Operations Committee</b>	<del>MS TG MANZINI</del>		
Approved:	<b>Director- General</b>	<del>MR ROBERT NKUNA</del>		



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## 1. Background/Introduction/Overview

1.1 HIV and AIDS and TB are one of the major challenges facing South Africa today. The knowledge of the epidemic and modes of transmission are important to inform all interventions in a mainstreamed fashion to address responses to HIV and AIDS and TB. Tackling HIV should include tackling tuberculosis, while preventing tuberculosis should include prevention and management of HIV since both infections are so closely connected.

1.2. The greatest challenge is to prevent new infections, accelerate access to treatment for those clinically eligible for treatment, reduce stigma and discrimination, and accurately monitor and evaluate all interventions for workplace responses of HIV and AIDS and TB.

1.3. This policy serves as guide in responding to HIV and AIDS and TB management and how to implement programmes in the world of work as part of the employee health and wellness initiatives.



## 2. Purpose

- 2.1 The Department recognises that HIV and AIDS and TB are workplace issue, and should be treated like any other serious illness or condition in the spirit of creating a decent working environment which respects the human rights and dignity of persons infected or affected by HIV and AIDS as well as TB.
- 2.2 The purpose of this policy is to demonstrate the Department's commitment to manage the impact of HIV and AIDS and TB among employees and prevent further infections while ensuring quality service delivery.

## 3 Scope

- 3.1 The policy is applicable to all employees (permanent, contract and Interns) of the Department as contemplated in the Public Service Act 1994.

### 3. OBJECTIVES

The objective of this policy is to provide guidance to the department in order to:

- 3.1. Address social and structural barriers that increase vulnerability to HIV, STI and TB infection
- 3.2. Prevent new HIV, TB and STI infections
- 3.3. Sustain health and wellness
- 3.4. Increase the protection of human rights and improving access to justice.

## 4. Definitions and Abbreviations

### 4.1 Definitions

- 4.1.1 **AIDS** (Acquired Immune Deficiency Syndrome): is a disease that slowly destroys the body's immune system, resulting in an inability to fight off infections and cancers.
- 4.1.2 **Confidentiality:** right of every person, employee or job applicant to have their medical information, including HIV status, kept private.



- 4.1.3 **HIV:** Human Immunodeficiency Virus, is a virus that weakens the immune system, ultimately causing AIDS.
- 4.1.4 **HIV testing:** any form of testing designed to identify the HIV status of a person, including blood tests, saliva tests or medical questionnaires.
- 4.1.5 **Informed consent:** is defined as a circumstance where an individual has been provided with information, understands it and based on this has agreed to undertake an HIV test or treatment.
- 4.1.6 **Pre-test counselling:** refers to counselling given to an individual before an HIV test, to make sure that the individual has sufficient information to make an informed decision about having an HIV test.
- 4.1.7 **Post-test counselling:** is the counselling provided when an individual receives his or her test results, to ensure understanding of the results.
- 4.1.8 **Reasonable accommodation:** any modification or adjustment to a job or to the workplace that is reasonably practicable and will enable a person living with HIV and AIDS to have access to or participate or advance in employment.
- 4.1.9 **Tuberculosis:** an contagious and infectious disease that usually affects the lungs.
- 4.1.10 **Unfair discrimination:** an employee is treated differently due to their real or perceived HIV status, in a way that impairs their fundamental dignity.
- 4.1.11 **Voluntary Counselling and Testing:** refers to testing that is lawful, done with the consent of an individual, where counselling is provided, is confidential and done accurately.

## 4.2 Abbreviations

- 4.2.1 **AIDS:** Acquired Immune Deficiency Syndrome
- 4.2.2 **HIV:** Human Immunodeficiency Virus
- 4.2.3 **VCT:** Voluntary Counselling and Testing
- 4.2.4 **TB:** Tuberculosis



## 5. Legislation and guidelines/Legislative framework

- 5.1. Labour Relations Act, No. 66 of 1995
- 5.2 Basic Conditions of Employment, No.75 of 1997
- 5.3 Employment Equity Act, No 55 of 1998
- 5.4 Occupational Health and Safety Act, No 85 of 1993
- 5.5 Compensation for Occupational Injuries and Diseases Act, No 130 of 1993
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## 6. PRINCIPLES

The HIV&AIDS and TB Management programme is underpinned by the following principles:

### 6.1 Recognition of HIV&AIDS and TB co-infection as a workplace issue

HIV&AIDS and TB co-infection is a workplace issue, and should be treated like any other serious illnesses or conditions in the workplace. This is because it affects the workforce, which is also part of the local community. Interventions in the workplace have a role to play in the struggle against the control of spread of the dual epidemic in the general community.

### 6.2 Respect for human rights and dignity

The rights and dignity of employees infected and affected by HIV&AIDS and TB should be respected and upheld.



### **6.3. Gender equality**

The gender dimensions of HIV/AIDS including TB and disability should be recognized. Women are more likely to become infected and are more often adversely affected by the HIV/AIDS epidemic than men due to biological, socio-cultural and economic reasons.

### **6.4. Healthy and safe work environment**

Healthy and safe work environments should be created as much as practicably possible to prevent occupational exposure and transmission of HIV and TB.

### **6.5. Social dialogue**

Successful implementation of this policy requires cooperation and mutual trust between employers, employees and their representatives with an active involvement of employees infected and affected by HIV&AIDS and TB.

### **6.6. Confidentiality and protection of employees' personal data**

No employee or job-applicant will be expected to disclose HIV-related personal information. Access to personal data relating to an employee's HIV-status shall be bound by the rules of confidentiality, and no employer shall disclose such information without a written consent of the employee.

### **6.7. Non-discriminatory workplace practices**

No medical testing or screening shall be required from job applicants or those in employment for purpose of exclusion from employment or work processes.

### **6.8. Reasonable accommodation**

An employee with HIV-related illnesses, like any other illnesses, will continue to work for as long as he/she is medically fit in an available, appropriate work. The department must accommodate an employee in other posts if possible.

### **6.9. Appropriateness and cultural sensitivity**

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HIV/AIDS AND TB MANAGEMENT

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Prevention of all means of transmission will be through a variety of appropriate and culturally sensitive prevention strategies.

#### **6.10. Access to information and education**

Change of attitudes and behaviour should be attained through provision of information, and education, addressing socio-economic factors.

#### **6.11. Equal access to all health entitlements**

Access to affordable health care and social security services for employees and their dependents will be promoted.

#### **6.12. Continuity of and partnerships**

Continuity of care for people infected and affected by HIV&AIDS and TB shall be promoted, including linkages with other health centre and well established referral mechanisms.

#### **6.13. Alignment to national protocols**

All treatment interventions should be aligned to relevant approved national protocols for treatment, care and support

### **7. HIV/AIDS AND TB PREVENTION**

#### **7.1. Awareness**

The objectives of awareness programmes are:

- 7.1.1 To impart general knowledge about the disease and information on prevention of the disease.
- 7.1.2 To provide information on the rights of and services available to infected/affected employees.
- 7.1.3 To protect persons potentially exposed to HIV in the pursuance of their duties.



7.1.4 To proactively eliminate discriminatory behaviour

7.1.5 To protect persons who may potentially be exposed to TB infection.

## 7.2 Education and information

7.2.1 HIV and TB infection are preventable. Therefore, prevention of all means of transmission will be promoted through a variety of strategies that are appropriately targeted and culturally sensitive. HIV and AIDS and TB education and information will be provided on an on-going basis through the Employee Wellness and Health Programme.

7.2.2 Departmental employees will be educated and informed about HIV and AIDS and TB through on-going health and peer education programmes.

7.2.3 Education and information programmes will be developed in cooperation with appropriate stakeholders and will involve the utilisation of community-based organisations and resources where possible and available.

7.2.4 HIV and AIDS and TB programmes will be integrated with the departmental wellness initiatives to prevent stigmatisation and promote participation.

7.2.5 Information will be provided through brochures and posters, and condoms will be distributed to all employees.

7.2.6 The effectiveness of the HIV and AIDS and TB programmes will be evaluated, monitored and updated on an on-going basis.

## 8. PROTECTION AGAINST UNFAIR DISCRIMINATION

8.1 In line with ethical management practices and respecting human rights and dignity of persons infected or affected by HIV and AIDS and TB, there shall be no victimisation, stigmatisation and unfair discrimination against employees and prospective employees based on an HIV status.

8.2 Employees living with HIV and AIDS and or infected with TB have an equal right to education, training and development opportunities like all other employees.



8.3 Discrimination and stigmatisation of people living with HIV and AIDS and or infected with TB inhibits efforts aimed at promoting HIV and AIDS prevention and cure for TB. Therefore, information and education will form an essential component of measures to maintain an environment of mutual understanding.

8.4 Employees who have contracted TB, voluntarily disclosed, and willing to be supported by the department will be provided a reasonable support to complete his/her treatment regime.

## **9. HIV TESTING AND TB SCREENING**

9.1 Pre-employment HIV testing is discriminatory and an unfair labour practice. HIV and AIDS screening will not be a requirement for job applicants, unless it is an inherent requirement of the job and is authorised by the Labour Court.

9.2 Employees with HIV and AIDS have the legal right to confidentiality about their HIV status in any aspect of their employment.

9.3 A suitably qualified person in a health care facility will conduct voluntary testing for HIV on the request of the employee. HIV testing will only be done after pre-test counselling has been provided and informed consent is obtained from the employee, in accordance with normal medical and ethical rules. Post-test counselling will be scheduled for conveying the test result and providing further support and assistance.

9.4 Without coercing employees into taking HIV tests, the departmental programmes will promote voluntary counselling and testing (VCT).

9.5 Employees with HIV and AIDS shall be governed by the same contractual obligations as all other Services employees. If a person makes his or her HIV status known voluntarily, it shall not be a basis for refusing to conclude or to continue or renew an employment contract.

9.6 HIV infection is not a cause for the termination of employment. As with other conditions, persons with HIV-related illnesses should be able to work for as long as medically fit in available and appropriate work. HIV shall not be a reason for



unilateral medical boarding of an employee.

- 9.7 An employee living with HIV and AIDS is expected to meet the same job performance requirements that apply to all other employees, with reasonable accommodation when required.
- 9.8 Any deployment or transfer within the workplace will be effected in consultation with the relevant employee.
- 9.9 No employee will be removed from his/her position at work for as long as medical opinion indicates that he/ she can still fulfil his/ her job requirements. When an employee with HIV and AIDS is no longer being able to continue to perform according to reasonable standards, the procedures governing discharge based on incapacity due to ill- health will apply.
- 9.10 The conditions of service, including pension fund, medical aid, stated benefits, sick leave, and housing will be applicable to persons with HIV and AIDS.
- 9.11 TB Screening shall be conducted by a professional health practitioner and employees suspected to have contracted TB shall be further referred to the medical hospital for a conclusive testing.

## 10. SAFE WORKING ENVIRONMENT

- 10.1 Occupational risk of contracting HIV and TB through the normal course of work exists mostly in occupations which involve contact with human blood and other bodily fluids. However, the Department acknowledges that although the risk of HIV and TB transmission during the course of duty is minimal in the Department, compliance with the Occupational Health and Safety should still be ensured.
- 10.2 Where there may be an occupational risk of acquiring or transmitting HIV infection and TB, appropriate precautionary measures will be taken to reduce such risk, including clear and accurate information and training on health hazards, first aid, safe work procedures and safety standards.
- 10.3 Health and safety officers will be appropriately trained to assess the work environment, identify challenges to reduce risk factors and monitor the



implementation of measures to reduce risks.

## 11 EMPLOYEE BENEFITS

- 11.1 Employees with HIV and AIDS and TB will not be unfairly discriminated against in the allocation of employee benefits.
- 11.2 Employees who become ill with HIV and AIDS and TB will be treated like any other employees with comparable life threatening diseases with regard to access to employee benefits.
- 11.3 Information from benefit schemes regarding the medical status of an employee will be kept confidential and will not be used to unfairly discriminate.

## 12. ROLES AND RESPONSIBILITIES

### 12.1 Employees

- 12.1.1 Use existing structures and facilities available in the workplace to access information on HIV and AIDS and TB.
- 12.1.2 Cooperate and participate in raising awareness on HIV and AIDS and TB prevention, treatment and management.
- 12.1.3 Support the implementation of policies and practices that do not discriminate against employees with HIV and AIDS and TB.
- 12.1.4 Employees have the right to take up issues through grievance procedures should discrimination based on HIV and AIDS and TB occur.
- 12.1.5 Advocate for and cooperate in maintaining a healthy working environment.

## 13.2 Managers

11.2.1 Adherence to legislation and practices in relation to the terms and conditions of employment relating to HIV and AIDS.

11.2.2 Institute disciplinary action, in line with the applicable disciplinary policies of the Department, when a grievance has been lodged due to discrimination on the grounds of real or perceived HIV status or violation of the HIV and AIDS and TB policy.

11.2.3 Take measures in consultation with employees and their representatives, to reasonably accommodate workers with HIV and AIDS-related illnesses. These could include rearrangement of working time, special equipment, sick leave, and return-to-work arrangements.

## 11.3 Director responsible for Employee Wellness and Health

11.3.1 Ensure the implementation of an HIV and AIDS and TB policy and programme in consultation with relevant stakeholders.

11.3.2 Initiate workplace programmes to inform, educate and train employees about HIV and AIDS and TB prevention, care, support and the policy, including measures to prevent discrimination against people infected or affected by HIV and AIDS and TB.

11.3.3 Develop appropriate strategies to assess and appropriately respond to the impact of HIV and AIDS and TB in the workplace.

11.3.4 Ensure a safe and healthy working environment including the provision of first aid equipment. Make available condoms, counselling, care, support and referral services to promote and support behavioural changes by individuals.

11.3.5 Encourage and support access to voluntary counselling and testing services that are provided by qualified health service providers.

11.3.6 Contribute and participate in partnerships to fight against HIV and AIDS and TB.

11.3.7 Ensure confidentiality of information of employees utilising the programme.

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SIGNATURE: \_\_\_\_\_



## 12.1 Sports, Wellness and Safety Committee:

12.1.1 The committee shall be guided by Terms of Reference and shall consists of the following members:

- Chairperson
- Wellness co-ordinators
- Sport coordinators from active and recognised departmental sporting codes
- First Aiders
- Fire Marshalls
- Safety Representatives

## 12. PROCEDURE

### 12.1 Confidentiality and disclosure

12.1.1 Persons with HIV and AIDS and TB have the right to confidentiality and privacy concerning their health and HIV status. There is no justification for asking job applicants or employees to disclose HIV-related personal information. Nor should co-workers be obliged to reveal such personal information about fellow employees.

12.1.2 Information obtained from a voluntary disclosure may only be disclosed to others with the written and informed consent of the infected or affected employee.

12.1.3 Disclosure without consent will lead to disciplinary measures that will not prejudice an employee's rights to legal action.

12.1.4 While ensuring that no employee is compelled to disclose his/her HIV status, any employee suffering from a chronic health condition, that could seriously impair his/her performance in the foreseeable future, will be encouraged to provide reasonable information to the employer on his/her current and likely



health status. This will facilitate responsiveness to the needs of the employee and succession, or other planning, to maintain service efficiency.

## 12.2 Compensation for occupationally acquired HIV

12.2.1 An employee may be compensated if he/ she becomes infected with HIV and TB as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.

12.2.2 Steps to assist employees with the application for benefits will be taken, including:

12.2.2.1 Providing information to affected employees on the procedures that will need to be followed in order to qualify for a compensation claim.

12.2.2.2 Assisting with the collection of information that will assist with proving





that the employees were occupationally exposed to HIV infected blood.

### 12.3 Care, support and counselling

12.3.1 Care and support will guide the response to HIV and AIDS and TB through access to employee assistance and counselling, which will be provided internally and in partnership with other services providers.

12.3.2 Infected or affected employees will access support and counselling services as per the Employee Wellness and Health Programme policy and guidelines.

12.3.3 Counselling services will inform employees of their rights, treatment facilities and life-skills programmes that may help them cope with HIV and AIDS and TB.

12.3.4 Employees may contact the Employee Wellness and Health Programme for assistance on their own, by means of self-referrals. Alternatively, managers or supervisors can encourage or advise employees to seek assistance and participate in the counselling services provided by the EWHP or external organisations, after they have been informed by the employee about his/her HIV status.

12.3.5 Information relating to HIV and TB infected employees will be handled in strict confidentiality and with the necessary sensitivity, as with all other employees utilising the EWHP.

12.3.6 The wellness needs of employees living with HIV and AIDS and TB will be reasonably accommodated through time-off for counselling and treatment according to the provisions of the leave policy and procedures and incapacity policy.

12.3.7 Access to VCT and TB screening will be promoted and facilitated as part of the EWH programme to ensure proactive management of the disease.

### 12.4 Grievance and disciplinary procedures

12.4.1 Awareness and understanding of the grievance procedures and how employees can utilise them will be created to ensure the rights of employees



with regard to HIV and AIDS and TB, and access to remedies available to them in the event of a breach of such rights.

- 12.4.2 All employees will receive education and information on HIV and AIDS and TB, addressing the realities and misconceptions of working with infected/affected employees. In instances where co-workers become reluctant to work with an infected/affected colleague, they will be counselled in an effort to alleviate their fears and concerns and cautioned that their attitude, in appropriate circumstances, is unwarranted and not justified.
- 12.4.3 Should a person with HIV and AIDS and TB who has disclosed his/her status be discriminated against, such person should lodge a grievance and disciplinary measures will be instituted.
- 12.4.4 Confidentiality regarding the identity of the complainant will be protected during grievance and disciplinary proceedings.

### 13. POLICY REVIEW

- 13.1. The policy will be reviewed every second year or as and when required .