



## **TSSP HIV and AIDS WORKPLACE POLICY**

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### **Introduction**

This policy has been developed and will be implemented in consultation with employees at all levels. It is in compliance with existing legislation and practice regarding HIV and AIDS.

The purpose of this policy is to:

- Define TSSP's policy in respect of HIV (Human Immuno-Deficiency Virus) and AIDS (Acquired Immuno-Deficiency Syndrome)
- Provide a consistent and equitable approach to the prevention of HIV and AIDS among employees and their families, and to the management of the consequences of HIV and AIDS, including the care and support of employees living with HIV and AIDS.

### **Statement of Principle**

TSSP recognises the magnitude and severity of the development of the HIV and AIDS epidemic and its impact on the workplace in Papua New Guinea. Much has changed since the HIV and AIDS virus was discovered in the early 1980's and these days people living with HIV and AIDS (PLWHA) are living longer and healthier lives. Medical treatments and advancements allow PLWHA to either remain at work and/or return to work should they take medical leave. Yet more than 20 years into the HIV and AIDS epidemic the workplace remains remarkably quiet about the epidemic. Stigma and discrimination is largely to blame.

TSSP recognises that HIV and AIDS is a workplace issue not only because it affects the workforce, but also because the workplace has a role to play in the wider struggle to limit the spread and effects of the epidemic.

### **Commitment and Scope**

#### **What is TSSP's commitment with regard to HIV and AIDS?**

TSSP supports national efforts to reduce the spread of infection and minimise the impact of the disease.

TSSP is committed to:

- The development of policies and the implementation of procedures on HIV and AIDS non-discrimination, awareness, prevention and health support
- Providing a work environment that protects colleague health and safety, with a focus on employee value, and which provides a caring, equitable and professional working environment
- Maintaining a work place free of unfair discrimination or victimisation against employees living with or affected by HIV and AIDS
- Providing information to personnel, on the basis that informed personnel are less likely to react negatively or inappropriately to a colleague's illness.

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## General Information

*“The deployment of energies and resources; the unity and commitment to common goals – all these are needed if we are to bring AIDS under control,” Nelson Mandela, Honorary President of the Global Business Council on AIDS.*

## Facts and Information

- The HIV and AIDS epidemic poses one of the greatest challenges to business development and sustainable growth. Global health organisations have confirmed that the HIV and AIDS epidemic is no longer a distant threat, but an immediate reality
- Today’s invisible HIV epidemic will become tomorrow’s AIDS epidemic
- HIV-related absenteeism, loss of productivity and the cost of replacing workers lost to AIDS threaten the survival of business and all other sectors of the economy
- HIV and AIDS is not transmitted by casual contact between employees in the work place or in society in general
- As yet, there is no vaccination against HIV or cure for AIDS
- There is a direct link between HIV infection and sexually transmitted infections (STI’s)
- The spread of HIV infection can be controlled, through changes in behaviour
- There are opportunities to reduce the suffering and prolong the lives of people with HIV and AIDS.

## Definitions

<b>Adult</b>	A person aged 18 years or older
<b>Adult dependent</b>	A person in a legally recognised relationship (married or de facto) with a staff person, or; A person who has co-habited with a staff member for not less than one year and where there is a continuing relationship of emotional and financial interdependency.
<b>Child</b>	A person under 18 years of age
<b>Child dependent</b>	The biological or legally recognised child of a staff member, or; A child who lives in the same house as the staff member.
<b>HIV-related information</b>	Includes information that someone: <ul style="list-style-type: none"><li>• may have HIV</li><li>• has been asked to have an HIV test or has been counselled about having a test for HIV</li><li>• is receiving or has received treatment or counselling which suggests s/he may have HIV</li><li>• may have had experiences which put her/him at risk of contracting HIV</li><li>• has a close association or relationship with someone with HIV and AIDS.</li></ul>
<b>HIV screening</b>	Any measurement of potential or actual HIV infection, whether direct (HIV testing), indirect (assessment of risk-taking behaviour) or asking questions about tests already taken or about medication
<b>Reasonable accommodation</b>	Any modification or adjustment to a job or to the workplace which is reasonably practicable and which will enable a person living with HIV or AIDS to have access to, or participate or advance in, employment.

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## Workplace Policy Framework

The TSSP HIV and AIDS Workplace Policy includes provisions in three key areas:

- 1) The protection of the rights of those affected by HIV and AIDS
- 2) Prevention of HIV and AIDS through information, education and training
- 3) Care and support for workers and their families.

Overall responsibility for policy implementation resides with the Program Manager in consultation with the Office Manager.

## Implementation Practice

### HIV screening, recruitment and employment

- No staff member shall suffer adverse consequences, whether dismissal or denial of appropriate alternative employment opportunities, merely on the basis of HIV infection
- The only medical criterion for recruitment is fitness to work. HIV infection does not, in itself, constitute a lack of fitness to work
- Staff who may become infected with HIV or who may suffer from AIDS will be permitted to continue in their usual duties for as long as they are capable of normal performance requirements, with reasonable accommodation, where possible
- There is no obligation on applicants or staff to inform the TSSP of their HIV status. An employee with AIDS or HIV infection is under no obligation to disclose his/her condition to a supervisor, manager or any other employee
- Staff and/or their dependents, job applicants or other third parties are not required to undergo HIV testing as a condition of employment or receipt of benefits.

### Voluntary Counselling and Testing and Disclosure

TSSP encourages routine, confidential, voluntary testing and counselling as part of its education and awareness program.

No personal data will be released if staff volunteer to be tested. All testing will comply with accepted international standards on pre and post-test counselling, informed consent, confidentiality and support.

TSSP supports a work environment in which staff can discuss HIV and AIDS openly, including their own experience living with HIV and AIDS if they choose to.

### What about Confidentiality?

HIV and AIDS are treated confidentially as medical conditions, in accordance with applicable laws. Particulars of employees confirmed to have AIDS or to be HIV positive will be dealt with in strict confidentiality by management. Medical reports will not be shared with anyone without the employee's written consent.

Where staff disclose that they or their dependents are living with HIV/AIDS, the confidence will be respected with regard to the circumstances in which the information was shared. The person living with HIV and AIDS will be consulted before further disclosure takes place.

HIV-related information relating to applicants for employment, staff or dependents will be kept strictly confidential, and be kept only on medical files.

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Long term staff, associate consultants, and national staff working for TSSP shall sign a confidentiality agreement, and shall be informed that the unauthorised disclosure of HIV-related information is a disciplinary offence. It may also lead to legal proceedings against the person who disclosed the information, and TSSP.

With the voluntary and informed consent of the person concerned, HIV-related information may be disclosed strictly as necessary for the purposes of recruitment or assignment of staff living with HIV where the job description or task identifies this qualification.

### **HIV prevention (Information, Education and Communication) including training)**

TSSP will provide, either directly or through third parties, an integrated education and awareness program focusing on prevention. The major objective will be to ensure that all employees are aware of and understand the risks associated with HIV infection.

Staff training on HIV and AIDS will take place during paid working hours and attendance by all staff including senior staff shall be considered as part of work obligations.

Information and training will be gender sensitive, as well as sensitive to race, disability, and sexual orientation. Such programs could include:

- Training for managers and supervisors
- Inclusion of sensitive, accurate and up-to-date information to enable staff to protect themselves from HIV and other sexually transmitted or blood borne infections
- Medically accurate, relevant information on HIV and AIDS prevention and treatment, including on effective programs related to "A-B-C" (e.g., abstinence, be faithful, and condoms)
- Information on safe sexual practices, prevention of sexually transmitted infections and overall health promotion including information on substance abuse
- Information on voluntary HIV and AIDS testing, referral and counselling services; and, where appropriate to local conditions, measures to encourage the use and increased availability of high-quality condoms. Access will be free, simple and discreet.

### **What about stigma and discrimination?**

TSSP will provide a work environment that is free from harassment and/or discrimination and will adopt a zero tolerance approach towards any form of harassment and discrimination at the workplace, including towards employees with AIDS or HIV infection.

HIV-positive employees will be protected against discrimination, victimisation or harassment through the provision of grievance handling and disciplinary procedures.

Promotion of an open, accepting and supportive work environment will be encouraged for staff who choose to disclose their HIV status.

### **Occupational or other exposure**

- In the case of accidents involving the risk of exposure to human blood, universal precautions shall be used to minimize the risk of transmission of HIV or other blood borne infections

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- Procedures will include the provision of immediate referral for counselling, assessment and medical treatment for staff or dependants exposed to the risk of HIV infection (e.g. through accident or sexual assault), whether in the work place or elsewhere
  - Reasonable paid time off will be provided for counselling following occupational or other exposure.

### **Access to Treatment and Care**

- TSSP will respond to the changing health status of employees by making reasonable accommodation in the workplace for those infected with HIV.
- Staff may continue to work as long as they are able to perform their duties safely and in accordance with accepted performance standards. It is in the interest of the employer and employee if infected individuals are assisted to remain at work as long as possible.
- If an employee with AIDS is unable to perform his or her tasks adequately, the manager or supervisor will resolve the problem according to the ISP's normal procedures on poor performance/ill health
- TSSP will treat employees who are infected or affected by HIV and AIDS with empathy and care; and provide all reasonable assistance, which may include counselling, time off, sick leave, family responsibility leave, and information regarding the virus and its effect.
- TSSP will identify reputable organisations which staff may approach for testing, on a confidential basis, for HIV and AIDS if desired.

### **Reasonable accommodation**

- TSSP may reasonably accommodate the special needs of staff living with, or directly affected by, HIV and AIDS on a case-by-case basis, subject to the overall requirements of the Program
- Reasonable accommodation may include flexible working hours and time off for counselling and medical appointments, extended sick leave, part-time work, and return-to-work arrangements.

### **Termination of employment**

- HIV infection is not a cause for termination of employment. Staff with HIV-related illness will continue in employment as long as they are medically fit for available, appropriate work.
- In the case of termination of employment due to extended illness, staff with HIV and AIDS will be accorded the same benefits and conditions as apply to termination due to other serious illnesses.

### **Gender**

- TSSP acknowledges that HIV and AIDS impacts on male and female staff differently. This includes the recognition that women normally undertake the major part of caring for those with AIDS-related illnesses, and that pregnant women with HIV have additional special needs.
- Any staff and family assistance programs will be designed to accommodate these differing impacts, and as appropriate to redress gender inequalities, for example by encouraging and supporting men as carers.

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### **Counselling, grievance and disciplinary procedures**

- TSSP will provide information to all staff on where HIV-related advice, counselling and referral can be found outside the work environment.
- TSSP will provide procedures that can be used by staff for work-related grievances, including failure by the TSSP to implement any aspect of this policy.
- Disciplinary proceedings shall be commenced against any staff member who violates this policy.

### **Implementation of the Policy**

The TSSP Office Manager, and Assistant Office Manager will act as HIV Information Officers and hold responsibility for informing all personnel of the TSSP HIV and AIDS policy and implementation practice.

### **Revision of the TSSP HIV and AIDS Workplace Policy**

The TSSP HIV and AIDS Workplace Policy will be subject to regular monitoring and evaluation. An HIV and AIDS Consultant will review this policy periodically, in consultation with staff and management.