




**KWAZULU NATAL  
PROVINCIAL TREASURY**



**HIV & AIDS  
AND TB MANAGEMENT POLICY**

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<b>Designation:</b>	HEAD OF DEPARTMENT
<b>Date:</b>	04/03/2017

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## 1. INTRODUCTION

The KwaZulu-Natal Provincial Treasury acknowledges the seriousness of the HIV and AIDS epidemic and that there is no cure yet **but it is manageable with treatment. The spread of HIV and AIDS is not only limited to sexual contact but can also be exacerbated by disparities in resources and people's mobility.**

The Department recognizes its human resources as its important asset and is committed to their protection, health and maintenance of a healthy working environment, hence among other reasons it has become crucial that such a policy be formulated. HIV & AIDS is one of the major challenges facing South Africans nowadays and it is one of the 22 countries that contribute approximately 80% of the total global burden of all TB cases.

TB and HIV infections are also closely connected and that the term "co-epidemic" is often used to describe their relationship. Each disease speeds up the process of the other, and the two diseases represent a deadly combination, since they are more destructive together than either disease is alone. Tackling HIV should therefore include tackling tuberculosis, while preventing tuberculosis should include prevention and management of HIV.

Studies have shown that a person with TB who coughs without covering his or her mouth poses a greater risk to someone close by than sitting across the room. This policy serves as a guide for the Department in responding to HIV & AIDS and TB Management. It provides guidelines on how to implement HIV & AIDS and TB Management programmes in the world of work as part of the overall employee health and wellness initiatives. This policy should be read in conjunction with the Employee Health and Wellness Strategic Framework (2008).

## 2. PURPOSE

The purpose of this policy is to provide a framework in preventing and managing HIV & AIDS and TB in the workplace.

## 3. SCOPE OF APPLICABILITY

This policy applies to all employees of the KwaZulu-Natal Provincial Treasury employed in terms of the Public Service Act, 103 of 1994 as amended.

## 4. AUTHORIZATION

- 5.1 Constitution of the Republic of South Africa, 108 of 1996.
- 5.2 Basic Conditions of Employment Act, 75 of 1997.
- 5.3 Compensation for Occupational Injuries and diseases Act, 130 of 1993.
- 5.4 Employment Equity Act, 55 of 1998.
- 5.5 Labour Relations Act, 66 of 1995.
- 5.6 Occupational Health and Safety Act, 85 of 1993.
- 5.7 Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000.
- 5.8 Public Service Act, 103 of 1994.
- 5.9 Public Service Regulations, 2016.
- 5.10 The Medical Schemes Act, 131 of 1998.
- 5.11 Tobacco Products Control Act, 83 of 1993.
- 5.12 Health Act, 63 of 1977.
- 5.13 Disaster Management Act, 57 of 2002.
- 5.14 Employee Health & Wellness Strategic Framework for the Public Service, November 2008.
- 5.15 National Health Care Health, 2003 (Act no. 61 of 2003).
- 5.16 Promotion of Access to Information Act, 2000 (Act no. 02 of 2000).
- 5.17 Public Finance Management Act, 1999 (Act no. 01 of 1999).
- 5.18 Managing HIV & AIDS in the workplace, a guide for Government Departments, July 2002.
- 5.19 Management of Drug Resistant Tuberculosis in South Africa, Policy Guidelines June 2007.
- 5.20 National TB Infection Control Guidelines, June 2007.
- 5.21 National Strategic Framework on Stigma and Discrimination.
- 5.22 Policy and Procedure on Incapacity Leave and Ill Health Retirement (PILIR).

## 5. OBJECTIVES

The objectives of the HIV & AIDS and TB Management policy are to:

- Provide Prevention Programmes and Strategies.
- Provide Treatment, Care and Support initiatives.
- Ensure compliance with Human and Legal Rights and Access to Justice.
- Provide mechanisms to monitor and conduct surveys.

## 6. DEFINITIONS AND ABBREVIATIONS

<b>Acquired:</b>	a condition which is not inherited.
<b>Affected employee:</b>	means an employee who has a partner or a family member who is HIV positive.
<b>AIDS:</b>	means Acquired Immune Deficiency Syndrome. AIDS is a condition where the body's defense system is deficient and various life-threatening infections (opportunistic infections) occur.
<b>Employer</b>	KZN Provincial Treasury.
<b>HIV:</b>	means Human Immunodeficiency Virus. It is a blood borne virus transmitted amongst human beings. HIV attacks the immune systems and once it has rendered it incompetent, a person could develop variable illnesses because the body will be too weak to defend itself.
<b>HIV testing:</b>	means any form of testing designed to identify the HIV status of a person, including blood tests or saliva tests.
<b>HIV positive:</b>	means having tested positive for HIV infection.
<b>Infected employee:</b>	means an employee who has tested positive for HIV or has been diagnosed as having HIV & AIDS.
<b>Sero-conversion:</b>	means when the status of a person changes from HIV negative to HIV positive.

<b>Tuberculosis or TB:</b>	means a potential fatal contagious disease that can affect any part of the body commonly affecting the lungs.
<b>Latent TB/TB Infection:</b>	means the state of having a small number of mycobacterium tuberculosis bacilli/bacteria present in the body that are unable to grow due to control by the immune system.
<b>VCT</b>	means Voluntary Counseling and Testing.
<b>Immediate family</b>	For the purpose of this policy means an employee's spouse or life partner, parents, adoptive parents, children, adopted children, grandchildren or siblings.
<b>Employee Health &amp; Wellness Practitioner</b>	means an employee tasked with the responsibility to coordinate the implementation of wellness programmes and TB programmes. The Wellness Coordinator can be professionally trained to perform therapeutic interventions, if not trained, such cases should be referred.
<b>The Health and Wellness Committee</b>	means a committee that is established by the Head of Department to initiate, develop, promote, maintain and review measures to ensure the Health and Safety of employees in the workplace.
<b>Asymptomatic</b>	means infected by the disease agent but exhibiting no medical symptoms.
<b>Care</b>	means a broad term referring to the steps taken to promote a person's well-being through medical, psychological, spiritual and other means.
<b>Confidentiality</b>	means the right of every person, employee or job applicant to have their medical information, including HIV status kept private.
<b>Health Promotion</b>	means programmes aimed at ensuring the physical and mental health and well-being of employees.
<b>Informed Consent</b>	means prior consent of an employee to have an HIV test performed, in circumstances where the

employee understands the nature and purpose of the test and where the employee has been given verbal counseling by a trained HIV & AIDS and TB counselor.

<b>Occupational Exposure</b>	means the exposure to blood and other body fluids, which may be HIV infected during the course of carrying out working duties.
<b>Opportunistic Infections or OIs</b>	means the infections that occasionally occur due to a weak immune system of the infected person.
<b>Prevalence of HIV</b>	means the number of people with HIV at any given point in time, often expressed as a percentage of the total population or work population.
<b>Designated Director</b>	means a member of the Senior Management Service in line with the provisions of the Public Service Act, 1994 who is tasked with championing the HIV and AIDS and TB management programme in the department.
<b>Sexual Transmitted Infection or STI</b>	means infection that is passed from one person to another during sexual intercourse.
<b>Support</b>	means the services and assistance that may be provided to help a person deal with difficult situations and challenges.
<b>Treatment</b>	means the medical term describing the steps being taken to care for and manage an illness.
<b>Workplace Programme</b>	means an intervention to address a specific issue within the workplace.
<b>Post exposure prophylaxes</b>	means short-term antiretroviral treatment to reduce the likelihood of HIV infection after potential exposure, either occupationally or through sexual intercourse.

## **7. PRINCIPLES**

The Department will adhere to the following principles:-

### **7.1 Recognition of HIV & AIDS and TB co-infection as a workplace issue:**

HIV & AIDS and TB co-infection is a Departmental issue, and it should be treated like any other serious illness or condition within the Department. This is because it affects the workforce, which is also part of the local community.

### **7.2 Respect for Human Rights and Dignity**

The rights and dignity of employee(s) infected and affected by HIV & AIDS and TB within the Department should be respected and upheld.

### **7.3 Gender equality**

The gender dimension of HIV & AIDS, TB and persons with disability must 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.

### **7.4 Healthy and safe working environment**

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

**For the protection of others, employees suspected of having TB will be required to undergo screening and testing. Should an employee be diagnosed with TB, they will be required to undergo treatment while at home until certified fit for work.**

### **7.5 Social Dialogue**

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

### **7.6 Confidentiality and protection of employee's 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 the Department shall not disclose



such information without the written consent of the employee/prospective employee.

All health related issues to be reported to EHWP or to the OHS representative.

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

No employee or prospective employee living with HIV & AIDS and TB shall be unfairly discriminated against on the basis of his or her HIV or TB status in an employment policy and practice.

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

#### **7.8 Reasonable accommodation**

An employee with HIV-related illnesses, like any other illness, will continue to work for as long as he/she is medically fit in an available, appropriate job. The Department must accommodate an employee in another more suitable post if possible.

#### **7.9 Cultural Sensitivity and Context**

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

#### **7.10 Access to information and education**

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

#### **7.11 Continuity of care and partnerships**

Continuity of care for employees infected and affected by HIV & AIDS and TB shall be promoted, including linkages with other health centres and well established referral mechanisms. Openness, acceptance, care and support for employees living with HIV/AIDS and related diseases must be provided.

**The department shall provide support to employees through the wellness clinic.**

#### **7.12 Alignment to national protocols**

The Department shall align all treatment interventions to relevant approved national protocols for treatment, care and support.

## **8. HIV & AIDS AND TB MANAGEMENT PROGRAMMES**

The following HIV & AIDS and TB Management programmes and services must be provided as part of broader employee health and wellness programmes.

### **8.1 Prevention**

#### **(a) Testing for HIV and TB**

- (i) Promotion and encouragement of Voluntary Counseling and Testing (VCT) for HIV & AIDS and TB and the provision of the details of the VCT Sites to all employees.
- (ii) Provision and facilitation of access to VCT Sites for employees.
- (iii) Provision of pre-and post-test counseling and adherence to the provisions of confidentiality and disclosure.
- (iv) Ensuring that the Test is in accordance with the applicable International and National HIV Testing Guidelines as well as Protocols for the management of TB.

#### **(b) Health promotion and education**

- (i) Wellness programmes designed to promote physical and mental health, as well as the well-being of employees, including components such as counseling and nutritional supplements.
- (ii) Establishment of wellness education programmes with ongoing coaching and mentorship, material and motivation support for wellness educators.
- (iii) Appropriate training, awareness and education of employees on the use of universal infection-control procedures.

#### **(c) Reduce transmission**

Prevention programmes must be designed to prevent HIV and TB transmission, including components such as awareness, education and training, male and female condom distribution and occupational infection control within the workplace.

#### **(d) HIV & AIDS and TB behavior change communication**

Knowledge, attitude, behaviour and perception surveys to provide an objective base for the design, development and monitoring of information, prevention programmes and to assess the needs of the department.

### **8.2 Treatment, Care and Support**

- (a) Increasing VCT uptake.

- (b) Provision of access to confidential counseling and assistance by employees who are infected or affected by HIV & AIDS and TB.
- (c) TB screening and TB and STI case detection and treatment.
- (d) Scaling up coverage of comprehensive care and treatment package.
- (e) Effective management of TB and HIV co-infection.
- (f) Addressing special needs of pregnant women and children.

### **8.3 Human Rights and Access to Justice**

- (a) Increasing workplace knowledge and adherence to existing legal and policy provisions.
- (b) Minimize work practice that create barriers to Human Rights.
- (c) Monitoring and addressing human rights violations.

### **8.4 Research, Monitoring and Evaluation.**

- (a) Data management system for relevant indicators developed for reporting purposes.
- (b) Creating an enabling environment for research in support of HIV & AIDS and TB Management.
- (c) Development, promotion and supporting of Comprehensive Research Agenda (Operational, Behavioral Change and Policy).
- (d) Coordinating and strengthening surveillance system on HIV & AIDS and TB including STIs.

### **8.5 Management of Sick Leave**

- (a) The normal sick leave provision contained in the Determination of Leave of Absence in the Public Service issued by the Minister of Public Service and Administration, is applicable provided that:
  - (i) The sick leave for HIV & AIDS and TB related illnesses is not treated any different from other comparable chronic or life threatening conditions, and
  - (ii) The procedures regarding incapacity leave as contained in the PILIR are instituted in the event that an employee is too ill to perform his or her current work.

## **9. MANAGEMENT OF HIV & AIDS AND TB WITHIN THE DEPARTMENT**

### **9.1 PROMOTION OF A NON-DISCRIMINATORY WORK ENVIRONMENT**

- 9.1.1 The Department will ensure that all employees with HIV & AIDS are not discriminated against.

- 9.1.2 An employee who has taken an initiative of disclosing his or her HIV status shall be treated in a humane and life-affirming manner.
- 9.1.3 An employee will not be discriminated against, dismissed or terminated purely on the basis of his or her HIV status.
- 9.1.4 All employees with HIV & AIDS are eligible for all conditions of service.

## **9.2 TESTING, CONFIDENTIALITY AND DISCLOSURE**

- 9.2.1 The department will not subject employees to an HIV test, however should an employee, in his or her own accord, undergo such a test, assistance and counselling will be provided to the employee through the Employee Health & Wellness Unit.
- 9.2.2 All employees are encouraged to test and be aware of their HIV status so as to start taking life-changing decisions such as treatment programme, living a healthier lifestyle, protecting their sexual partners and planning for the future.

All suspected cases are to be reported to EHWP in order to maintain confidentiality.

- 9.2.3 An employee who wishes to disclose his or her HIV or TB status must first receive counseling through EWP.
- 9.2.4 All matters relating to the employee's status will be treated with strict confidentiality.
- 9.2.5 In cases where an employee chooses to voluntarily disclose his or her status to the employer or other employee, this information may not be disclosed to others without the employee's written consent.
- 9.2.6 An employee who discloses information relating to the HIV & AIDS or TB status of another will be charged with misconduct.

## **9.3 COMPENSATION FOR OCCUPATIONALLY ACQUIRED HIV**

- 9.3.1 An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.
- 9.3.2 The Department should take reasonable steps to assist employees with the application for benefits including:

- (i) Providing information to infected employees on the procedures that need to be followed in order to qualify for a compensation claim; and
- (ii) Assisting with the collection of information which will assist with proving that the employees were occupationally exposed to HIV infected blood.

9.3.3 The following measures must be adopted should an employee be exposed to HIV during occupational accidents.

- (i) An accident report should be completed and submitted to the Employee Wellness Coordinator.
- (ii) The employee should be tested for HIV to determine his / her baseline status.
- (iii) The affected employee must have an HIV test within 48 hours of exposure so as to receive post exposure prophylaxes should it happen that he/she is still negative.
- (iv) Any other person who has been involved in the accident should be tested with his /her informed consent,
- (v) If the employee was negative at the time of accident, he/she should be re-tested at the third and the sixth month after the accident;
- (vi) If he/she sero-converts during this period, an application for compensation may be made.

#### **9.4 INCAPACITY**

HIV/AIDS shall not be used as a justification for the non-performance of duties agreed to between the parties. Where an employee has become too ill to perform their current work, an employer is obliged to follow the accepted guidelines regarding dismissal on grounds of incapacity (due to ill health) prior terminating an employee's service, as set out in the new Procedure on Incapacity Leave and Ill Health Retirement (PILIR). Options may be explored such as alternative suitable work or temporary incapacity leave.

#### **9.5 GRIEVANCE**

Any complaint and or grievance that may arise around HIV & AIDS and TB issue should be handled confidentially, privately and with empathy. The normal grievance procedures shall be strictly adhered to.

#### **9.6 MEDICAL COSTS**

The department shall incur the cost of CD4 count and viral load tests of employees who voluntarily disclose their HIV status twice a year. The Departmental Employee Health & Wellness Unit must provide easy access to counselling and other forms of psycho-social support for employees infected and

affected so as to alleviate the impact of HIV & AIDS. All medical related treatment of infected employees shall be borne by the employee's medical aid.

## **9.7 RECORD KEEPING**

All HIV&AIDS and TB records will be kept in the EWP Unit and access will be restricted to the qualified and registered wellness coordinators.

## **10. ROLES AND RESPONSILITIES**

### **10.1 The Head of Department must:**

- (i) Mainstream the management of HIV & AIDS and TB into the strategic objectives of the Department.
- (ii) Establish and maintain a safe and healthy environment for employees of the department and ensure effective implementation of and compliance with the policy.
- (iii) Ensure that the impact of HIV & AIDS and TB is monitored and steps implemented to mitigate the negative impact on service delivery.
- (iv) Allocate human and financial resources to ensure successful implementation of the said policy and programmes.
- (v) Introduce appropriate measures for the monitoring and evaluation of the impact of HIV & AIDS and TB management programmes in the Department/Workplace.

### **10.2 The Designated Director must:**

- (i) Promote capacity development initiatives which include competence development of practitioners.
- (ii) Ensure human resource planning and management.
- (iii) Ensure financial planning and budgeting.
- (iv) Establish an HIV & AIDS and TB Management Committee and obtain stakeholder commitment for programme development.
- (v) Manage HIV & AIDS and TB strategies and policies.
- (vi) Align and interface HIV & Aids and TB management policy with other relevant policies and procedures.
- (vii) Monitor and evaluate the implementation of HIV & AIDS and TB management interventions.

### **10.3 Employee Health & Wellness Practitioner should:**

- (i) Render advice to line managers and employees within the Department.
- (ii) Attend HIV and AIDS Provincial Interdepartmental meetings and National meetings or events.

- (iii) Encourage open communication regarding HIV & AIDS to promote the elimination of stigma attached to this epidemic.
- (iv) Develop HIV & AIDS and TB workplace programmes to be undertaken by the Department and prepare inputs on the required budget.
- (v) Coordinate the implementation of HIV & AIDS and TB Management programmes, projects and intervention.
- (vi) Plan, monitor and manage workplace HIV & AIDS and TB according to strategies, policies and budgetary guidelines.
- (vii) Obtain and make condoms and femidoms available within the Department and provide usage education thereof.
- (viii) Initiate and arrange staff training with regards to HIV & AIDS and TB including its relationship.
- (ix) Make provision for counseling to individual employees and to their immediate family members.
- (x) Identify personal development needs for individual employees.
- (xi) Promote work-life balance for employees.

**10.4 All Managers and Supervisors must:**

- (i) Integrate HIV & AIDS and TB as part of the annual training programme for employees.
- (ii) Ensure that there are no discriminatory practices.
- (iii) Ensure adherence to the provisions of this policy.
- (iv) Provide an enabling environment with open communication channels concerning HIV & AIDS and TB, as well as STIs.
- (v) Attend a training session on the management of HIV & AIDS and TB in the workplace, as well as all other activities relating to HIV & AIDS and TB programmes.
- (vi) Mainstream HIV & AIDS and TB into the core business of his/her Section, Directorate or Branch.
- (vii) Ensure that financial and human resources are allocated for the management and implementation of the policy and programmes.

**10.5 Employee Health and Wellness Committee should:**

- (i) Oversee the implementation and monitoring of the HIV & AIDS and TB Management within the Department.
- (ii) Make recommendation(s) to the employer on any matter affecting the wellness of the employee and keep record of each recommendation made to the employer.
- (iii) Monitor implementation of this policy.
- (iv) Ensure adherence to standards as set by legislation, regulations, SANS 16001, International Labour Organization and the Department of Health.

## **10.6 Employees:**

- (i) To request their supervisors to send them to courses on HIV & AIDS and other related diseases such as TB etc.
- (ii) To keep themselves informed about HIV & AIDS, TB and related diseases.
- (iii) Take reasonable care for their health and safety and other persons who may be affected by their acts or omissions.
- (iv) Report as soon as practically possible any unhealthy situation which comes to his/her attention, to the employer or HIV & AIDS and TB Management Practitioners/EWP Practitioner.
- (v) Adhere to the provisions of this policy.
- (vi) Respect the rights of other employees at all times as no prejudicial or discriminatory attitudes or behavior towards people living with HIV & AIDS and TB will be tolerated.

## **10.7 Organised Labour Representatives must:**

- (i) Respect employees in the workplace,
- (ii) Ensure that the employer fulfills the mandates of Public Service Act, 1994 and the Public Service Regulations, 2016 in order to optimize the Management of HIV & AIDS and TB in the workplace.
- (iii) Attend meetings of the HIV & AIDS and TB Committee meetings.
- (iv) Make representation to the employer on agreed issues affecting the health and safety of employees at the work place.

## **11. COMMUNICATION**

The Directorate: Human Resource Management and Development is responsible for communicating this Policy to all the employees within the Department.

## **12. MONITORING, EVALUATION AND REVIEW**

The Directorate: Human Resource Management and Development is responsible for the development and ongoing monitoring thereof.

Any inputs and amendments to this policy can be directed to the **Director: Human Resources.**