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Department:
Co-operative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

POLICY ON HIV/AIDS, TUBERCULOSIS AND SEXUALLY TRANSMITTED INFECTIONS

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INTRODUCTION

1.(a) HIV, AIDS, Sexually Transmitted Infections and TB are currently one of the major health challenges facing the KwaZulu Natal Department of Co-operative Governance and Traditional Affairs.

(b) Through wellness screening sessions, the Department has been able to monitor the HIV trends and as such, put in place strategic interventions to post manage staff that are infected and affected by the HIV pandemic as well as develop preventative programmes to motivate HIV negative staff to remain negative.

(c) The introduction of a professional nurse to the Employee Health and Wellness Unit will assist with conducting follow ups sessions with staff that have tested positive during health screening sessions and will also accommodate staff that have voluntarily disclosed their HIV status.

(d) Staff presently on ARV's who disclose their status, will be supplied with immune boosting supplements to further aid in stabilizing their CD4 count as well as develop stronger immune systems to aid against common infections, and post management programmes also include counselling as well as the administration of flu vaccines for HIV positive staff within the Department.

DEFINITIONS

2. For the purpose of this policy, unless the context indicates otherwise–

“**AIDS**” means the Acquired Immune Deficiency Syndrome, which is a condition that is present when the body's defense system is deficient and various life-threatening infections occur;

“**care**” means a broad term referring to the steps taken to promote a person's well-being through medical, psychological, spiritual and other means;

“**Confidentiality**” means the right of every person, employee or job applicant to have their medical information, including HIV status kept private;

“**Department**” means the Kwa-Zulu-Natal Department of Co-operative Governance and Traditional Affairs;

“**Employee**” means an employee of the Department as defined in the Public Service Act, 1994 (Proclamation No. 103 of 1994;

“Head of Department” means the incumbent of a post mentioned in column 2 of Schedule 1, 2 or 3 of the Public Service Act, 1994 and includes any employee acting in such post;

“Health Promotion” means programmes aimed at ensuring the physical and mental health and well-being of employees;

“HIV” means Human Immunodeficiency Virus, being the name of the virus that undermines the human immune system and renders the body too weak to defend itself;

“HIV, AIDS and TB Coordinator” means an employee tasked with the responsibility to coordinate the implementation of HIV and AIDS and TB programmes, who is professionally trained to provide counselling, provided that in the event that the individual is not a trained counsellor, then such cases must be referred to an external service provider who is a trained HIV & AIDS and TB counsellor;

“HIV Testing” means any form of testing designed to identify the HIV status of a person, including blood tests or saliva tests;

“Immediate family” means an employee’s spouse or life partner, parents, adoptive parents, grand-parents, children, adopted children, grandchildren or siblings;

“Occupational Exposure” means the exposure to blood and other body fluids, which may be infected, during the course of carrying out working duties;

“Opportunistic Infections” means the infections that occasionally occur due to the weak immune system of the infected person;

“Peer Educator” means an employee who is trained to work with his or her peers, sharing information and guiding a discussion using his or her peer experience and knowledge;

“Policy” means this Departmental Policy on HIV and AIDS and TB Management and all Annexures attached hereto;

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“Senior Manager overseeing HIV, AIDS and TB within the Department” means any 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 within the workplace;

“Sexually Transmitted Infection” means an infection that is passed from one person to another during sexual intercourse, oral sex and exchange of bodily fluids;

“support” means the services and assistance that may be provided to help a person deal with difficult situations and challenges;

“treatment” means the medical term describing the steps being taken to care for and manage an illness; and

“Tuberculosis” means a potential fatal contagious disease that can affect any part of the body commonly affecting the lungs.

PURPOSE

3. The purpose of this policy is to—

(a) provide a framework that supports effective operationalisation of the following national strategies:

(i) The Employee Health and Wellness Strategic Framework 2008;

(ii) The HIV and AIDS and STI and TB Strategic Plan 2011-2012; and

(iii) The National Tuberculosis Strategic Plan for South Africa, 2011-2012 in the Public Service; and

(b) provide guidelines to the Department on how to implement HIV and AIDS and TB Management programmes in the workplace as part of the overall employee health and wellness initiatives.

ENABLING PROVISIONS

4. This policy is governed by the following legislation and policy documents—

(a) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

(b) The Constitution of the Republic of South Africa, 1996;

(c) Employment Equity Act, 1998 (Act No.55 of 1998);

(d) Labour Relations Act, 1995 (Act No. 66 of 1995);

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- (e) Medical Schemes Act, 1998 (Act No. 131 of 1998);
- (f) National Health Act, 2003 (Act No. 61 of 2003);
- (g) Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- (h) Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000);
- (i) Public Service Act, 1994 (Proclamation 103 of 1994) and Public Service Regulations, 2001;
- (j) Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (k) Employee Health and Wellness Strategic Framework for the Public Service, November 2008;
- (l) Managing HIV/AIDS in the Workplace, A guide for government departments, July 2002;
- (m) Management of Drug Resistant Tuberculosis in South Africa, Policy Guidelines June, 2007;
- (n) National TB Infection Control Guidelines, June 2007;
- (o) National Strategic Framework on Stigma and Discrimination;
- (p) National Strategic Plan on HIV and AIDS and Sexually Transmitted Infections, 2007-2011;
- (q) Provincial Strategic Plan on HIV and AIDS and Sexually Transmitted Infections, 2007-2011; and
- (r) Policy and Procedure on Incapacity Leave and Ill-health Retirement.

OBJECTIVES

- 5.** The objective of this Policy is to provide guidance to the Department in order to–
- (a) provide Prevention Programmes and Strategies;
 - (b) provide treatment, care and support;
 - (c) manage human and legal rights and; and
 - (d) provide monitoring, research and monitoring of HIV, AIDS, STI and TB trends.

APPLICATION

- 6.** This policy applies to all employees of the Kwazulu-Natal Department of Co-operative Governance and Traditional Affairs.



GUIDING PRINCIPLES

7. This Policy is underpinned by the following key principles–

(a) non-discrimination, in that no employee or prospective employee living with HIV, AIDS, Sexually Transmitted Infections or TB may be unfairly discriminated against on the basis of his or her status in any employment policy or practice, and no medical testing or screening for HIV and TB may be required from job applicants or those in employment for purpose of exclusion from employment or work processes;

(b) health and safety, in that healthy and safe work environments must be created as much as practicably possible to prevent occupational exposure and transmission of HIV, AIDS, Sexually Transmitted Infections and TB, and all reasonable steps must be taken to assess and manage any possible risk of occupational exposure to HIV, AIDS, Sexually Transmitted Infections and TB;

(c) confidentiality and disclosure, in that no employee or job-applicant may be expected to disclose HIV, AIDS, Sexually Transmitted Infections and TB personal information, and any such personal data relating to an employee's status will be bound by the rules of confidentiality, and no employer may disclose such information without the written consent of the employee, provided that any breach of confidentiality in relation to this clause will lead to disciplinary action being taken against the relevant employee;

(d) reasonable accommodation, in that an employee with HIV-related illnesses, like any other illness, will continue to work for as long as he or she is medically fit in an available, appropriate job, provided that he or she is able to perform his or her duties in accordance with the required performance standards;

(e) respect for human rights and dignity, in that the rights and dignity of employees infected and affected by HIV and AIDS, Sexually Transmitted Infections and TB must be respected and upheld;

(f) social dialogue, in that the 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, Sexually Transmitted Infections and TB;

(g) gender equality, in that the gender dimensions of HIV, AIDS, Sexually Transmitted Infections and TB, must be recognised, as women are more likely to become infected and are more often adversely affected by HIV, AIDS, Sexually Transmitted Infections and TB than men due to biological, socio-cultural and economic reasons;

(h) non-punitive nature of the HIV, AIDS, Sexually Transmitted Infections and TB Programmes, in that no employee may be dismissed solely on the basis of his or her HIV, AIDS, Sexually Transmitted Infections or TB status, and the provisions of the Labour Relations Act, 1995, must be adhered to in case of an employee who has

become incapable of performing his or her duties as a result of being diagnosed with HIV, AIDS, Sexually Transmitted Infections or TB;

(i) cultural sensitivity and context, in that the prevention of transmission of HIV, AIDS, Sexually Transmitted Infections and TB, must be conducted through a variety of appropriate and culturally sensitive prevention strategies; and

(j) accessibility, in that HIV, AIDS, Sexually Transmitted Infections and TB Management services, including affordable health care and social security services, must be easily accessible to all employees at all levels of employment either as referrals from supervisors and other colleagues or on a voluntary self-referral basis, and the referral of an employee's immediate family member requiring assistance to the appropriate Department or Institution for care and support.

HIV, AIDS, SEXUALLY TRANSMITTED INFECTIONS AND TB MANAGEMENT PROGRAMMES

8. The following HIV, AIDS, Sexually Transmitted Infections and TB Management programmes and services must be provided by the Department as part of broader employee health and wellness programmes—

(a) prevention, which includes—

(i) testing for HIV, AIDS, Sexually Transmitted Infections and TB;

(ii) promotion and encouragement of HIV and AIDS counselling and testing for HIV, AIDS, Sexually Transmitted Infections and TB and the provision of the details of the various testing sites to all employees;

(iii) the provision and facilitation of access to testing sites for employees;

(iv) the provision of pre- and post-test counselling, and adherence to the provisions of confidentiality and disclosure; and

(v) ensuring that the tests are in accordance with the applicable International and National HIV Testing Guidelines, and the Protocols for the Management of TB;

(b) health promotion and education, which includes—

(i) wellness programmes designed to promote physical and mental health, as well as the well-being of employees, including components such as counselling and nutritional supplements

(ii) the establishment of wellness education programmes with ongoing coaching and mentorship, material and motivational support for wellness educators; and

(iii) appropriate training, awareness and education of employees on the use of universal infection-control procedures;

(c) reduction of transmissions of HIV, AIDS, Sexually Transmitted Infections and TB, by way of prevention programmes designed to prevent HIV, AIDS, Sexually Transmitted Infections and TB, including components such as awareness, education and training, male and female condom distribution, medical male circumcision roll-out and occupational infection control within the workplace;

(d) HIV, AIDS, Sexually Transmitted Infections and TB behaviour change communication, by way of 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;

(e) treatment, care and support, by–

(i) increasing testing uptake;

(ii) providing access to confidential counselling and assistance to employees who are infected or affected by HIV, AIDS, Sexually Transmitted Infections and TB;

(iii) TB screening and TB and Sexually Transmitted Infections case detection and referral;

(iv) increasing Medical Male Circumcision uptake;

(v) increasing the coverage of comprehensive care and support package;

(vi) effective management of HIV, AIDS, Sexually Transmitted Infections and TB co-infection; and

(vii) addressing special needs of pregnant women;

(f) human rights and access to justice, by–

(i) increasing workplace knowledge and adherence to existing legal and policy provisions;

(ii) minimising work practices that create barriers to human rights; and

(iii) monitoring and addressing human rights violations;

(g) research, monitoring and evaluation, including–

(i) a data management system for relevant indicators developed for reporting purposes;

(ii) creating an enabling environment for research in support of HIV and AIDS, Sexually Transmitted Infections and TB management in the Departments;

(iii) the development, promotion and support of a comprehensive research agenda on operational behavioural change and policy; and

(iv) co-ordinating and strengthening monitoring systems on HIV, AIDS, Sexually Transmitted Infections and TB; and

(h) the management of Sick Leave, in that the normal sick leave provisions contained in the Determination on Leave of Absence in the Public Service issued by the Minister of Public Service and Administration, are applicable, provided that–

- (i) sick leave for HIV, AIDS, Sexually Transmitted Infections and TB related illnesses is not treated any different from other comparable chronic or life threatening conditions; and
- (ii) the procedures regarding incapacity leave contained in the Policy and Procedure on Incapacity Leave and Ill-health Retirement are instituted in the event that an employee is too ill to perform his or her current work.

ROLES AND RESPONSIBILITIES

9. This policy identifies the following role players, their functions and responsibilities –

(a) the Head of Department must–

- (i) mainstream the management of HIV, AIDS, Sexually Transmitted Infections 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 this Policy;
- (iii) ensure that the impact of HIV, AIDS, Sexually Transmitted Infections and TB is monitored and steps are 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; and
- (v) introduce appropriate measures for the monitoring and evaluation of the impact of HIV and AIDS, Sexually Transmitted Infections and TB management programmes in the Department;

(b) the Senior Manager overseeing HIV, AIDS, STI and TB Management must–

- (i) promote capacity development initiatives that include competence development of Employee Health and Wellness practitioners;
- (ii) ensure human resource planning and management;
- (iii) ensure financial planning and budgeting;
- (iv) establish an HIV and AIDS, Sexually Transmitted Infections and TB Management Committee and obtain stakeholder commitment for programme development;
- (v) manage HIV and AIDS, Sexually Transmitted Infections and TB strategies and policies;
- (vi) align and interface the HIV and AIDS, Sexually Transmitted Infections and TB management policy with other relevant policies and procedures; and

- (vii) monitor and evaluate the implementation of HIV and AIDS, Sexually Transmitted Infections and TB management interventions;
- (c) all Managers and Supervisors must–
- (i) ensure adherence to the provisions of this Policy;
 - (ii) provide an enabling environment with open communication channels concerning HIV and AIDS, Sexually Transmitted Infections and TB;
 - (iii) attend a training session on the management of HIV, AIDS, Sexually Transmitted Infections and TB in the workplace, as well as all other activities relating to HIV, AIDS, Sexually Transmitted Infections and TB programmes;
 - (iv) mainstream HIV, AIDS, Sexually Transmitted Infections and TB awareness into the core business of his or her Section, Directorate or Branch; and
 - (v) ensure that financial and human resources are allocated for the management and implementation of this Policy and associated programmes;
- (d) the HIV and AIDS, Sexually Transmitted Infections and TB Management Committee, which is hereby established, must–
- (i) meet at least quarterly;
 - (ii) be composed of trained HIV and AIDS, Sexually Transmitted Infections and TB practitioners, organised labour and representatives from each Chief Directorate within the Department;
 - (iii) assist with policy and strategy formulation;
 - (iv) formally and informally educate and train employees on HIV, AIDS, Sexually Transmitted Infections and TB management and related employee wellness issues;
 - (v) assist with the implementation and maintenance of HIV and AIDS, Sexually Transmitted Infections and TB programmes such as awareness, prevention and support programmes;
 - (vi) attend workshops and sessions aimed at improving knowledge and experience to educate employees in the Department;
 - (vii) refer affected and infected employees to the Employee Wellness programme;
 - (viii) assist with the conducting of surveys on attitudes and perceptions, in order to identify particular needs of employees; and
 - (ix) attend and report at the Employee Wellness Project Committee meetings about activities within the Department;
- (e) the HIV and AIDS, Sexually Transmitted Infections and TB Coordinator must:
- (i) coordinate the implementation of HIV and AIDS, Sexually Transmitted Infections and TB management programmes, projects and interventions;



- (ii) facilitate the referral of employees infected or affected by HIV, AIDS, Sexually Transmitted Infections and TB to support organisations or service providers;
 - (iii) identify appropriate service providers who specialise in HIV, AIDS, Sexually Transmitted Infections and TB related counselling and treatment;
 - (iv) provide managers, supervisors, peer educators and union representatives with appropriate information and training;
 - (v) provide current information to employees regarding HIV, AIDS, Sexually Transmitted Infections and TB, including information on transmission, prevention, risk reduction, testing resources, workplace rights and responsibilities; and
 - (vi) regularly audit immune boosting supplements procured by the Department;
- (f) Peer Educators must–
- (i) serve as the person responsible for the distribution of evidence based and generic HIV, AIDS, Sexually Transmitted Infections and TB promotional material at the workplace;
 - (ii) take initiatives to implement awareness activities, or to communicate HIV, AIDS, Sexually Transmitted Infections and TB information in the workplace;
 - (iii) act as a referral agents to the Departmental Employee Wellness Programme;
 - (iv) obtain and make condoms and femidoms available at the workplace and conduct advocacy campaigns;
 - (v) conduct peer information sessions; and
 - (vi) submit regular reports on activities to the HIV and AIDS, Sexually Transmitted Infections and TB Coordinator or Practitioner;
- (g) the Professional Nurse must–
- (i) serve on the Employee Wellness Project Committee;
 - (ii) conduct HIV and AIDS, Sexually Transmitted Infections and TB screening within the workplace;
 - (iii) conduct family planning clinics for young mothers and mothers to be;
 - (iv) provide HIV, AIDS, Sexually Transmitted Infections and TB health education to employees;
 - (v) provide constant support to employees infected and affected by HIV, AIDS, Sexually Transmitted Infections and TB;
 - (vi) facilitate the referral of employees infected or affected by HIV, AIDS, Sexually Transmitted Infections and TB to organisations or service providers providing support in this regard;
 - (vii) provide Immune Boosting supplements to employees who disclose their HIV and AIDS positive status;

- (viii) provide regular statistics to the Employee Health and Wellness Sub-Directorate and to the Employee Wellness Project Committee on HIV, AIDS, Sexually Transmitted Infections and TB;
 - (ix) ensure that a system is in place to keep employee records and files confidential; and
 - (x) complete regular inventory audits of HIV and AIDS, Sexually Transmitted Infections and TB drugs; and
- (h) all employees must–
- (i) familiarise themselves with and comply with the provisions of this Policy;
 - (ii) respect the rights of other employees at all times as no prejudicial or discriminatory attitudes or behaviour towards people living with HIV, AIDS, Sexually Transmitted Infections and TB will be tolerated;
 - (iii) voluntarily raise awareness for HIV, AIDS, Sexually Transmitted Infections and TB prevention.;
 - (iv) manage and prevent harmful myths and misconceptions; and
 - (v) minimise the risk of HIV, AIDS, Sexually Transmitted Infections and TB infection and transmission by taking appropriate precautions, such as abstinence, using condoms, and remaining faithful to one partner.

FINANCIAL IMPLICATIONS

10. The Head of Department must ensure that funds are available to implement this Policy.

IMPLEMENTATION

11.(1) The implementation of this Policy will require the Department to develop implementation plans outlining HIV and AIDS, Sexually Transmitted Infections and TB Management programmes, objectives, activities, outputs, indicators, time frames as well as entities responsible in respect of their employees.

(2) To ensure effective implementation, plans must comprise all four sub-objectives of HIV and AIDS, Sexually Transmitted Infections and TB Management, namely:

- (a) prevention,
- (b) treatment, care and support,
- (c) human rights and access to justice, and
- (d) research, monitoring and surveillance.

NO

MONITORING, EVALUATION AND REVIEW

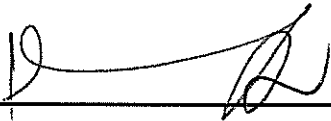
12.(a) The monitoring, evaluation and review of the implementation of this Policy are crucial elements of this Policy and must be conducted on an ongoing basis.

(b) The Department and Organised Labour represented will be requested to submit any inputs necessary to assist in the review process of this policy.

(c) The HIV, AIDS, STI and TB committee will review the policy as and when necessary as per mandates set out by DPSA and the National Strategic Plan on HIV, AIDs, STI's and TB.

IMPLEMENTATION DATE

13. This Policy comes into effect on the date of signature hereof by the Head of Department.



MS DN QHOBOSHEANE

HEAD OF DEPARTMENT

CO-OPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

DATE: 20/1/14.