

Samuel Gikandi and Curtis Vaderpiuje Workplace Discrimination

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1. Introduction

This paper will act as a guideline for companies on dealing with workers that are living with HIV/AIDS. The goal of the paper is to help formulate legislation that will guard the rights of these people and enhance their experience as they deal with the disease.

The need for a policy on HIV/AIDS at the workplace cannot be over emphasized. Workers living with the disease are continuously disenfranchised and they need legal protection at the workplace to enable them lead normal lives while coping with the

disease. A workplace policy also provides the framework to contain and manage the spread of the disease and its impact in the workplace.

The main goals of the policy will include:

- Making an explicit commitment for corporate action to curb the scourge
- Provide guidance to managers on how to deal with workers that are affected by the disease.
- Help those infected with the disease understand their rights and what support systems are in place to help them live with the disease at their workplace.
- Enable the management of prevention programs that limit the spread of the disease.
- Enhance a consistent and efficient way of managing the disease and its impact.
- Provide incentives for workers to undergo testing and publicly divulge information about their status to others at the workplace, and hence curb the spread of the disease amongst co-workers.

2. Specific Provisions

The main areas covered by the policy can be grouped into three broad categories:

- Protection of the rights of those affected by HIV/AIDS.
- Prevention through information, education and training.
- Care and support of affected workers and their families

2.1 Stigma, discrimination and rights

An individual's HIV status should not affect his/her rights in any way. This is because stigma and discrimination will affect the working environment. The following guidelines should be followed regarding this issue:

2.1.1 Rights of employees who are HIV Positive

The fact that a worker has HIV should not impede on his/her personal rights. This knowledge shall also not be used to single out and discriminate workers.

2.1.2 Employment opportunities and termination of employment

A company shall not hire employees differently based on their HIV status. The company shall also not terminate the employment of a specific worker based on the worker's HIV status.

2.1.3 Testing

The company shall not require HIV status testing for any of its opportunities. Nonetheless, workers will be continuously encouraged to use HIV testing facilities and encourages confidential HIV status testing and counseling for its employees.

2.1.4 Confidentiality

The company should recognize and respect every employee's right to his/her confidentiality regarding their HIV status. If the management learns of an employee's HIV status, such information should be treated discreetly by the management. However,

the company will encourage employees who are willing to do so to voluntarily make public their HIV status.

3. Awareness Raising and education

Education is among the most effective approaches that should be used in the fight against HIV/AIDS. Despite the efforts of education outside the workplace, it is imperative that the workplace bolsters the campaign against HIV through various programs at the workplace.

The education programs should be conducted to not only teach the employees about HIV/AIDS, but should fully encompass responsible behavioral patterns, the attitudes expected of the employees not just at the workplace but outside the workplace. The programs should treat the HIV/AIDS pandemic from a top-down approach as a problem affecting the entire society and not simply the workplace. This should lead to very responsible behavior and changes in attitudes for the good of all.

An effective approach to take in creating awareness and educating employees is to include the employees in the HIV/AIDS education programs. By include, this refers to seeking the involvement of the employees in the creation, evaluation and running of the programs. This should lead to a comprehensive program that is very well suited for the company as the employees will include their personal experiences and views based on the existing dynamics at the company. For instance, employees can be peer evaluators, presenters or teachers and incorporate personal anecdotes from their communities. This should tailor the program effectively for the company as the employees can identify with the teaching methods.

The training programs at the workplace can be made optional to employees. It should be encouraged rather than forced and shown as the responsible thing to do. Incentives such as time off, paid vacations or even free lunches can be used as perks to encourage the employees to attend. Also by involving the staff at the workplace in the training programs, they can encourage each other to attend the sessions and make it semi-formal, fun and a relaxing break from the usual activities of work. If this form of training is too informal, special sessions can be held for higher management or even low level staff. Everyone at the workplace under a company's payroll should be encouraged to participate in the HIV/AIDS awareness programs.

In addition to the educational programs, the company should facilitate access to resources that prevent or help treat employees with HIV/AIDS. The company should certainly distribute both male and female condoms freely to employees. These should be made available regularly and easily accessible to the employees. The company should also provide some funding for testing and treatment of STIs and HIV/AIDS depending on the resources at its disposal. These changes should improve the behavioral patterns among the employees.

4. Care and Support for workers and their families

The company should institute measures to ensure that workers afflicted with the disease remain productive for as long as possible. The company should put in place measures to support those affected by its employees HIV status information, such as the immediate family. Some of the areas that legislation can cover include:

4.1 The promotion of an employee's well being

The company should provide a conducive environment for employees that are affected by the disease, including appropriate support services and programs that are aimed at helping individuals cope with the disease. This should include measures such as counseling, time off and sick leaves.

4.2 Work performance and reasonable accommodation

The company should not use HIV positive status as an excuse for dismissing the worker as incompetent in their work, unless the status is likely to endanger the clients such as in a hospital. The company should make reasonable accommodations for diseased workers and assess their performance as they would that of other employees. Dismissals should only be used where the workers state of health has deteriorated to the condition where the worker can no longer discharge his/her duties effectively, a point that should be independent of the worker's HIV status.

4.3 Benefits

The HIV status of an employee should not be used to deny him/her benefits that are normally available to other employees.

4.4 Healthcare

The company should make the best effort to avail the most comprehensive medical coverage for employees living with HIV/AIDS, including access to ARV's, testing facilities and counseling facilities. The company should also aim at making these facilities available to the dependents of those living with the disease.

5. Implementation and monitoring

Companies should create a committee (or a position for a smaller company) to take charge of the HIV/AIDS awareness campaign at the workplace. This committee should be taken very seriously and should meet regularly with higher management to report progress or shortcomings of the program. The committee should include employees from all levels of hierarchy within the company from upper management to low level personnel so as to effectively deal with all issues for the entire demography of the company.

The HIV/AIDS awareness program should be continually evaluated. Surveys should be given out to employees on a regular basis that should be set by the committee. These surveys can include behavioral questions, attitudes about HIV/AIDS, knowledge about HIV/AIDS and others that are relevant to the company. The employees taking the survey should be assured of strict confidentiality to ensure that they provide accurate and truthful information. It can even be made anonymous and given after training programs. The results of these surveys would enable the training team to better focus the

seminars/lectures and the entire program as a whole to cater for the needs of the employees at the company. Also these would ensure that the committee presents accurate information to higher management about the awareness program to ensure that requisite adjustments to the program are made in a timely fashion.

This policy on HIV/AIDS should be revised yearly. This should be done collaboratively with employees, the committee and higher management. The changes should reflect the changes in the community and the immediate and extended environment outside the company. The changes should also reflect the changes in the country and the world as a whole. Most importantly, the changes should incorporate the feedback received from the employees about the program in order to improve the training program for the following year.

6. Budgets and Finance

Companies should incorporate the HIV/AIDS awareness campaign in their budgets. Most of the training programs can use resources that the companies have already acquired. Additional resources usually cost only minimal amounts. However, for programs that give medical support to employees for testing or treatment, companies can consult the government or many NGOs including the Global Fund to fight AIDS, UN Theme Group on HIV/AIDS or UNAIDS. These resources usually go beyond financial support and include technical support as well. Most large companies can usually be self sufficient but for the smaller companies, an effective approach for using the resources mentioned could be through the establishment of associations. This way, several small companies can collaboratively work to utilize the numerous resources available for the fight of this deadly pandemic.

7. Conclusion

The main focus of the policies outlined above is to ensure that a worker's HIV status does not impede his/her treatment at the workplace. This is a different approach as opposed to making provisions that treat HIV/AIDS afflicted workers as special cases, and it helps eliminate the stigma that such an approach might foster.

Making the recommended provisions at the workplace would also encourage workers to be more proactive in seeking information about their HIV status, as they would be attracted by the benefits in place at the company that support those with the disease and the existence of an environment that encourages their treatment as normal employees. We believe that this in particular will be crucial in managing the spread of the disease at the workplace, and encourage those carrying the disease to be more responsible.

Reference

1. ILOAIDS, a workplace policy on HIV/AIDS: what it should cover, www.ilo.org/aids

MIT OpenCourseWare
<http://ocw.mit.edu>

ES.253 AIDS and Poverty in Africa
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