

## 1. Scope

This policy applies to all operations in the Afrimat Limited group.

## 2. Purpose

Management of HIV/ AIDS, STI'S & TB are a national priority. This policy defines the company's position with regards to HIV/ AIDS, STI'S & TB, and addresses the Company's preparedness for- and handling of the incidence of HIV/ AIDS, STI'S & TB infection.

## 3. Introduction

Afrimat Limited ("Afrimat" or "Company") recognises that infection with diseases such as HIV/ AIDS, STI'S & TB represents an urgent problem with social, cultural, economic, ethical and legal implications.

The Company and Management are committed to addressing these diseases in line with The National Strategic Plan on HIV/AIDS, STI'S and TB, in a pro-active, supportive and non-discriminatory manner, with the informed support and co-operation of all employees and their direct families. The same principles that govern the Company's policy and approach to other chronic or life threatening conditions will apply to these diseases.

The Company will communicate and educate all employees and contractors, and where appropriate facilitate the process for their families and local communities on the consequences, the precautions and treatment of these diseases.

### Abbreviations:

- HIV – Human Immunodeficiency Virus
- AIDS – Acquired Immunodeficiency Syndrome
- STI's – Sexual Transmitted Infections
- TB – Tuberculosis
- VCT – Voluntary Counselling and Testing
- OMP – Occupational Medical Practitioner - Doctor
- OHP – Occupational Health Practitioner - Sister

### The Policy addresses the following issues:

- Current and prospective employees
- Responding to an employee infected with HIV/AIDS, STI'S or TB
- Disciplinary and grievance issues
- Confidentiality
- Benefits, special benefits and perks
- Education
- Management, care and counselling at work

## 4. Current and prospective employees

Prospective applicants for employment need to undergo an appropriate and confidential Pre-employment medical examination, excluding HIV/ AIDS tests, although VCT is available. Screening will be done to determine the prospective applicant's status with regard to TB. Referral of STI's will be done to the appropriate facility for treatment.

A specific question may, however, be incorporated in application forms to encourage the prospective applicant to reveal any knowledge of serious illness. In addition, the letter of appointment embodies a confidentiality clause and states that employees are required to report any known serious infection or medical disorder, whether or not symptoms are apparent to the Health Professionals (OMP's and/or OHP's).

No person shall be denied employment because he/she is infected with HIV/ AIDS, STI's or TB, provided he/she is deemed medically fit for the job in question.

All employees and contractors will be encouraged to confidentially participate in VCT. Continuous counselling and screening will be provided to diagnose and prevent the occurrence of TB and STI's. The result of the screening tests done annually will be used to monitor continuous improvement in the reduction of these diseases to which the Company and Management is committed.

Should it become known that a staff member is infected with any of these diseases, this information is regarded as private and confidential. Provision is to be made for adequate counselling of such employee.

Normal sick leave benefits will apply as well as the provisions of the Basic Conditions of Employment Act (Act 75 of 1997) and any other legal or company requirements and standards, together with patient/ doctor confidentiality.

Any HIV/ AIDS, STI's or TB -infected person is kept in employment for as long as practical and safe for the person concerned, his/ her colleagues and other individuals, and/ or the company.

No employee may refuse to work with a colleague living with HIV/ AIDS, STI's or TB infection solely on the basis of the latter's status. To pre-empt such a situation arising, all employees are to be educated in order to remove fears and prejudice. Such education should ideally take place before such a situation arises.

Employees may not be dismissed on the basis of HIV/ AIDS, STI's or TB infection, provided the incumbent is able to perform his/ her job. Should the disease progress to the stage where the person is incapacitated or unable to carry out his/ her duties, release of the employee from employment is fair in that contractual obligation cannot be met.

## **5. Responding to an employee infected with HIV/ AIDS, STI'S or TB**

The Company will assist employees with logistical arrangements in obtaining professional counselling and adequate and appropriate medical care if requested. This will take place in accordance with the rules of the medical aid scheme and in line with the National Strategic Plan on HIV/ AIDS, STI's and TB.

Where the employee voluntarily advise a manager that he/she is infected with HIV/AIDS, STI's or TB, a frank and open interview between the employee and the manager addresses concerns for both persons. Concluded and agreed points should be put in writing.

The manager should address the following:

- Psychological Counselling  
Encourage the employee to undergo counselling to deal with illness-related issues (e.g. medical, financial, legal, and emotional). This requires professional experienced intervention by persons trained in HIV/AIDS, STI's & TB counselling.

- Assessment of Work Situation  
Jointly assess career aspects and try achieving agreement on job-related issues.
- Financial Concerns  
Discuss the cost of treatment, and (if any) insurance, pension and other benefit funds.
- First Aid  
Standard universal first-aid treatment precautions are designed to minimise the risk of transmission of blood-borne infections, and all patients are to be treated as potential carriers of blood-borne diseases such as Hepatitis or HIV/AIDS, STI's & TB. Ensure that the first aider is properly trained and equipped to deal with the risk of blood-borne infection.

## 6. Disciplinary and grievance issues

Employees with HIV/ AIDS, STI's or TB condition are treated in the same manner as those with any serious illness. Disciplinary action will be taken against employees who victimize or discriminate against persons with HIV/AIDS, STI's or TB.

As the employee with HIV/ AIDS, STI's or TB eventually develops symptoms to the extent that he/ she is unable to perform as required, incapacity becomes a valid reason for dismissal. However, as with any other life threatening illness, dismissal is the very last option and prior to dismissal, the options listed below should have been exhausted.

### Issue: Performance

Where the person is not satisfactorily performing his/ her duties and where it is considered fair and reasonable to take disciplinary action, the following procedure should be adopted:

- Fully discuss the matter with the employee,
- Obtain agreement
- Put whatever has been agreed in writing

If, after full discussion, it is clear that the person is unable to work, his/ her services may be terminated in terms of the work conditions of the employment contract. Where this option is exercised, it must be carried out in a fair and caring manner, bearing in mind the deep anguish experienced by the illness (both to the person infected and his/ her family).

### Issue: Absenteeism

Where an employee has utilised all available sick (and other) leave and is unable to be present to perform his/ her duties due to illness, the following procedure is adopted:

- Consider the nature of the job and whether the work could be done by alternative means (e.g. distributed to other staff or a temporary worker), in which case unpaid leave could be considered. If not, the Employee can be considered for permanent disability if applicable on grounds of incapacity.
- Discuss the issue with the employee, obtaining his/ her permission for a report from his/ her medical practitioner on the prognosis and a possible date on which the employee will probably be able to resume his/ her duties.
- If personal discussion with the employee is not possible, written communication can be sent by registered post but careful wording is required to avoid increased anxiety.
- Taking into account previous communication with the practitioner and/ or employee, write to the employee setting out the situation, problems experienced and repercussion of the job requirements not met and setting/ confirming the date by which the employee must return to work.

- Clearly indicate that, should he/ she not return by that date, his/ her services will be terminated and a replacement appointed. The letter is sent by registered mail well in advance of the date of expected return. Notice of termination may not be given during the person's absence while he is entitled to sick leave under the Basic Condition of Employment act. Notice of termination can be sent when the employee's sick leave entitlement has been exhausted.

#### Discipline and Misconduct

An employee whose conduct offends others may be subject to disciplinary hearing which may lead to dismissal. Those with HIV/ AIDS, STI's or TB will not be treated as exceptions in this instance.

### **7. Confidentiality**

Confidentiality and privacy regarding employees and contractors suffering from these diseases will be respected. Employees and contractors who develop, disclose or are diagnosed with these diseases will not be prejudiced, victimised or discriminated against on account of their medical condition.

Persons in the workplace affected by these diseases will be protected from stigmatisation and discrimination by co-workers or clients.

Confidentiality regarding all medical information of an employee or prospective employee must be maintained, unless disclosure is legally required. Information regarding the employee's status shall not be disclosed without the employee's informed written consent.

It is considered to be gross misconduct for an employee who becomes aware of a colleague's condition to disclose this information without the individual's informed written consent. Such a person will be subjected to discipline in terms of the Company Disciplinary Procedures and may, dependent on the circumstances, be summarily dismissed after a disciplinary hearing.

### **8. Benefits, special benefits and perks**

Pension/ Provident Fund benefits or cover is available to all permanent employees, including those with life threatening diseases, subjected to the rules of the Pension/ Provident Fund in particular time. The Company will prevail on the Fund to provide usual benefits to persons living with HIV/ AIDS, STI's or TB infection and to treat such people in a similar manner to those affected by any other chronic illness. No person shall be denied access to the Fund provided they fulfil the usual initial criteria for admission.

### **9. Education**

As a responsible, progressive employer, it is recommended that the Company adopt an assertive educational program to equip with the knowledge they need to have. Education is the most effective measure for the prevention of HIV/ AIDS, STI's & TB infection and is the best way to reduce discrimination both in and out of the workplace.

The Company undertakes to address these factors as far as it is within our power by giving active support to education projects and to outside organizations involved in HIV/ AIDS, STI's & TB disease education and counselling services.

In communicating matters pertaining to HIV/AIDS, STI's & TB, several important tenets need to be observed:

- Sessions should be conducted in Company time.
- Attendance should be compulsory and comprise relatively small groups. The audience should be homogeneous to avoid embarrassment and communication problems.

Topics should include:

- ❖ Transmission, prevention and control treatments
- ❖ Counselling
- ❖ Resisting stigmatizing of HIV/ AIDS, STI's & TB, and the protection of such infected individuals.

**END.**