

# **HIV /Aids and Chronic Life Threatening Disease Policy**

for

**Eqstra Holdings Limited**

## **1 Mission Statement**

Eqstra Holdings Limited will endeavour to limit the economic and social consequences to Eqstra staff and their beneficiaries through effective HIV/AIDS programmes.

## **2 Preamble**

The HIV and Aids epidemic is a challenge to development and socio-economic progress. It is affecting our society and the most productive sector of our labour force. This not only destabilises societies and consumer markets, but also depletes human resources is leading to reduced earnings and imposing huge costs in all sectors through declining productivity and loss of skilled labour. HIV knows no social, gender, age or racial boundaries

Eqstra is concerned with the well being of all employees and acknowledges the seriousness of the HIV/AIDS epidemic and the prevalence of other life threatening diseases.

In accordance with the recommendations of the King report on Corporate Governance for South Africa (2002), Eqstra acknowledges the need to update the HIV/Aids Policy ,in collaboration with the relevant stakeholders to approach the HIV and Aids epidemic.

To this effect, the company recognise that HIV and Aids:

- Will affect the workplace with prolonged staff illness, absenteeism and death. This in turn will have an impact on productivity, employee benefits, occupational health and safety production costs and workplace
- HIV and Aids is still surrounded by prejudice, stigma and discrimination. This can add to the difficulties and distress of people living with this infection and their families.
- In compiling this policy, every effort has been made to ensure that the principles contained herein, comply with the relevant legislation and constitutional codes, which govern the workplace and employment practices of South Africa.

### **3 Purpose**

The purpose of this policy is to provide clarity on the company's views and commitments with regard to assisting employees who may contract a chronic or life threatening disease. Eqstra policy encourages employees, managers and supervisors to convey sensitivity and understanding to employees who are known to be infected and to treat them in a compassionate and non-discriminatory way.

#### 3.1 Key principles of the policy are:

- To provide consistent guidelines to the management of Eqstra with respect to dealing with the HIV and Aids epidemic in the workplace
- To ensure the fair and consistent treatment of all employees who are infected with HIV
- To protect the legal rights of employees who are HIV positive or who have Aids related illnesses
- To provide a framework for the education of employees and management with respect to HIV and Aids
- To encourage the use of counselling and other support services by those employees who are infected, so as to improve their overall health.

### **4 Scope**

This policy applies to all employees of Eqstra.

### **5 Mandatory Provisions**

- Respect for the rights of employees.
- All information regarding an employee's HIV status will be kept confidential
- The company will not be judgemental towards HIV infected individuals and individuals with chronic/life threatening illnesses
- Employees with HIV/AIDS will be treated with compassion and respect and will not be discriminated against.
- The company will endeavour to reduce and manage the impact of HIV/Aids on the workplace and where possible on the lives of employees and their dependants

## **6 Creating a Non-Discriminatory and Caring Environment**

### 6.1 Discrimination

Through the provision of education and communication about HIV and Aids and normal company disciplinary and grievance procedures, the policy aims to protect all HIV positive employees and employees with chronic illnesses from discrimination and stigmatisation by co-workers.

No employee shall be entitled to refuse to work with an employee with HIV/AIDS. Any prejudice or discrimination will be dealt with through established disciplinary procedures.

In the event of an employee/s refusing to work with someone who is suspected to be, or is known to have HIV/AIDS, such an employee shall be counselled in particular with regard to the fact that working alongside an employee with HIV/AIDS poses no danger to employees.

If after such efforts the employee/s still refuses to work alongside someone who had HIV/AIDS, then appropriate disciplinary action may be taken against the employee/s.

Employees or job applicants may not be discriminated against on the basis of their actual or suspected HIV status or that of their relatives

Any employee with HIV/AIDS should receive the same other illness consideration in the working environment while symptom free, as any other able-bodied employee. Once the person becomes HIV ill, the employee will receive the same consideration as any other illness

Employees with HIV/AIDS should be dealt with in the same way as other employees. Unfair discrimination, insensitivity or rejection of employees known to have HIV/Aids is not acceptable and disciplinary procedures of Eqstra will apply with respect to any contraventions in this regard.

Employees with HIV will be afforded the usual opportunities for career development, such as training, conference attendance, as well as promotion opportunities. There will be no unfair discrimination towards employees with HIV or unfair withholding of such opportunities.

An employee with HIV/AIDS is expected to meet the same performance requirements that apply to other employees, with reasonable, negotiated accommodation, as described in the Labour Relations Act, regarding incapacity.

## 6.2 HIV testing / screening of employees and prospective candidates

In line with the principle of non-discrimination, employees and applicants for employment should not be required;

- to have an HIV test, whether this is for employment, promotion or merit assessment.
- to disclose their own HIV status, or any member of the family's HIV status
- standard medical tests will not include HIV testing.

When an employee is too ill to continue working his/her services can be terminated on grounds of incapacity after consultation with the relevant human resources and medical personnel. This should be done in line with the provisions of the Labour Relations Act and the company's standard procedures in this regard.

All employees may be required to undergo periodic or regular medical check ups by management or by law, where this relates to an inherent requirement of the job. However, such tests should exclude HIV testing except in cases where the employees HIV status relate to an inherent requirement of the job, in which case approval should be obtained from the Labour Court as provided for in Section 50 (4) of the Employment Equity Act 55 of 1998.

## 6.3 Benefits

Employees with HIV/AIDS will be eligible for all the standard employee benefits.

An HIV test shall not be required for admission to any benefit scheme.

However, certain Group benefit schemes may require pre-benefit HIV testing, (as required by the insurance companies who provide such benefits), resulting in limitations, exclusions or premium loading. In these cases, employees should be informed accordingly.

#### 6.4 Changes to benefits

The Group shall endeavour, within budgeting constraints, to use agencies that offer the most favourable benefits, and that are, as far as possible, non-discriminatory and balancing the interests of all parties.

#### 6.5 Sick leave

Employees, who require sick leave as a result of illnesses related to chronic/life threatening diseases including Aids will be entitled to the statutory leave allowed within the 3 year cycle. If any additional sick leave is required, annual leave may be used in lieu of. In the event that all leave allowed is depleted, additional leave is at the discretion of the Directors.

#### 6.7 Compassionate leave / Family Responsibility

Employees who require time off work to attend to the needs of immediate family members will be entitled to four (3) days annually.

If additional leave is required, annual leave may be used in lieu of. In the event that all leave allocated is depleted, special leave is at the discretion of the Directors.

#### 6.8 Death and disability benefits

Employees of Eqstra Holdings Limited are entitled to death and disability benefits as per current Pension/Provident fund rules.

Should an individual become too ill to work due to chronic illness they may apply for the disability benefit. This will be subject to evaluation.

#### 6.9 Confidentiality and disclosure

This right to privacy is a basic human right and also applicable to the employment situation. The following broad guidelines should assist the Eqstra in dealing with sensitive matters, and especially with HIV and Aids

Eqstra is committed to a workplace in which rights and obligations are recognised and where confidentiality and privacy are maintained.

An employee who is aware that he/she has HIV/AIDS is not required to disclose his/her HIV/AIDS diagnosis to anyone in the workplace at any stage.

The employee may only be required to furnish the employer with a report on the fitness of the employee to do his/her normal job (i.e. Medical personnel can only report on the employee's fitness to work, and not the actual diagnosis).

All personal details of all employees, including the actual or suspected HIV status of any employee, shall be strictly confidential.

Any information about an employee's HIV status shall be revealed only with their express written consent, after counselling regarding the rights of and consequences for the employee.

If an employee with HIV/AIDS decides to disclose his/her diagnosis to a colleague, supervisor or manager, that person shall take all reasonable measures to ensure that this information remains private and confidential

Any employee who breaches such confidentiality shall be subjected to appropriate disciplinary measures.

## **7. Performance management**

Employees living with HIV and Aids may continue to work as long as they are able to perform their duties in accordance with their job requirements. When an employee, due to medical reasons is no longer be able to continue with his or her usual employment duties, the company will make efforts to reasonably accommodate an employee in another position in line with existing legislation and company policies.

In the event that an employee is placed in a position with a salary grading different from that of his/her current position, remuneration will only be adjusted by mutual agreement.

## **8. Counselling and support of employees with HIV/Aids**

Employees with HIV/AIDS shall have access to suitable counselling and treatment. This could be done, through the medical aid or via referral to suitable community based services.

Where possible, this counselling will also be available for employees whose partners may have HIV/AIDS, or who may have other infected family members.

Eqstra will make employees aware of the existence and availability of facilities or services such as Hospice, and possibly assist them with gaining access to these.

There are certain measures which may extend the lifespan of a person with HIV/AIDS (e.g. good healthcare and nutrition). Eqstra, where possible, will inform employees of facilities which provide such services and assist employees in gaining access thereto.

## **9. Grievance and disciplinary procedures**

An employee with HIV has the same rights, duties and responsibilities and shall be subject to the same rules of disciplinary and performance standards. They will be subject to reasonable accommodation as with all forms of illness or incapacity among all employees.

Where discrimination or prejudice occurs in consequence of an employee's HIV status, that employee shall have recourse to the usual mechanisms and remedies for redress both with respect to internal remedies and in terms of labour legislation.

## **10. Termination of employment due to ill health**

Employees who contract HIV whilst in employment will continue in such employment until medically unfit to work.

No employee shall be dismissed solely on the basis of his/her HIV status.

As with other severe life limiting or life threatening conditions and permanent disability: employment may only be terminated as a result of HIV/AIDS if and when;

- An employee is unable to carry out their normal work function or
- If the employee is unable to attend the required number of working days (provided all the sick leave and other appropriate leave is fully utilised).

Incapacity to do the job will be the major criterion for terminating the service of the employee. This will be dealt with in accordance with the schedules to the Labour Relations Act regarding incapacity (e.g. attempting to find suitable alternative employment, etc.) and the procedures of Eqstra in this regard.

The HIV status of an employee shall not play a role in retrenchment procedures.

## **11. Workplace HIV/Aids programme**

### 11.1 Education and training

The implementation of education programmes in Eqstra with respect to HIV/AIDS is essential *inter alia* to ensure that employees with HIV/AIDS are better equipped to deal with their problem and to provide employees who are not affected with an understanding of HIV/AIDS and how it is transmitted so that they can avoid being infected. Education programmes should also provide management with a better understanding of HIV/AIDS and how to deal with it in the workplace.

### 11.2 Voluntary HIV testing

It is recognised that there may be employees who would like to know their HIV status for personal reasons, and Eqstra should endeavour to make such services available and accessible to employees, either directly or through referral to suitable community-based services

Eqstra will endeavour to make employees aware of services for HIV testing, counselling and treatment.

Where feasible, all services used for HIV testing will be selected on the basis that they comply with the HIV Testing Guidelines of the Medical Association of South Africa (MASA).

## 11.2 Treatment

Employees on the Eqstra Medical Aid have access to treatment for HIV/Aids and other chronic illnesses. Information can be obtained directly from the medical aid.

## 11.3 Workplace safety

Guidelines on workplace safety and on accidents involving occupational exposure to blood shall be developed, disseminated and implemented

The Company commits itself to ensuring that employees are provided with a safe and healthy working environment, as far as is reasonably possible.

Where applicable, appropriate protective equipment will be provided by the company for general working use and protection

Health care workers and first-aiders that are involved in the treatment of employees may be at a very minimal risk of being infected with HIV.

Following infection control procedures will alleviate the risk

Correct protective equipment will be provided and guidelines on workplace safety and in accidents involving occupational exposure to blood shall be developed, disseminated and implemented

## **12. Management strategies**

### 12.1 Commitment

Management shall regularly demonstrate commitment to the HIV/AIDS programme e.g. training interventions; surveys; etc.

Management shall be responsible for creating a culture within the organisation of non-discrimination, openness and support around HIV/AIDS

Eqstra is committed to maintaining a healthy work environment by protecting the physical and emotional health and wellbeing of all employees in the workplace

## 12.2 Integrating HIV/Aids into management practices

All Policies and Employment Practices shall comply with relevant legislation with regard to fair treatment of infected and affected employees.

Strategies aimed at managing the epidemic at Eqstra, such as conducting risk profiles, impact assessments, and developing the Company skills succession plans shall be implemented

Existing data shall be regularly reviewed in order to identify trends within the Company

## **14 Policy Implementation**

### 14.1 Communication

The policy will be communicated to all employees through the existing communication structures.

### 14.2 Policy Review

This policy will be reviewed and updated in order to reflect changes in legislation, medical, academic, occupational and employment developments with regards to HIV and Aids

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## **DEFINITION OF TERMS USED IN THIS POLICY DOCUMENT**

<b>HIV</b>	Human Immunodeficiency Virus
<b>HIV positive</b>	An HIV blood test that is positive indicating that a person is infected with HIV
<b>HIV status</b>	Refers to whether the person is or is not infected with HIV
<b>HIV test</b>	HIV antibody test that determines if an individual is Infected with HIV
<b>AIDS</b>	Acquired Immune Deficiency Syndrome- the terminal clinical phase of HIV infection
<b>VCT</b>	Voluntary Counselling and Testing
<b>Immune system</b>	The body's internal system to defend against infection
<b>Immune deficiency</b>	A weakening in the defence system of the body thereby rendering the body vulnerable to various infections and compromising the healing process
<b>STI</b>	Sexually transmitted infection. Infections that are spread from one person to another during sexual Intercourse
<b>Discriminate</b>	To treat a person differently and to focus on differences rather than on similarities
<b>Unfair discrimination</b>	No person with HIV/AIDS and chronic life threatening diseases may be unfairly discriminated against within the employment relationship or policies
<b>Reasonable accommodation</b>	As defined in schedule 8 of the Labour Relation's Act,1995. No. 66 of 1995 (Code of Good Practice:Dismissal)

### **Legislation**

- Employment Equity Act (no 55 of 1998)
- Labour Relations Act (no 66 of 1995)
- Occupational Health and Safety Act (no 85 of 1993)
- Basic Conditions of Employment Act (no 75 of 1997)
- Medical Schemes Act (no 131 of 1998)