

Effective as from 1 January 2018

HIV/AIDS POLICY

1. PREAMBLE

The Legal Assistance Centre (the "Centre") recognises the seriousness of the HIV/AIDS epidemic in Namibia. The Centre commits itself to providing resources and leadership to implement an HIV/AIDS programme in the workplace, and to create a supportive and non-discriminatory working environment by dispelling the myths and stereotypes associated with HIV/AIDS. The Centre will offer appropriate counselling and education services to employees and their families in order to minimise the social, economic and developmental consequences of the epidemic to the Centre and its staff.

The Centre commits itself to integrating an understanding of the HIV/AIDS epidemic in all planning processes, including planning regarding employee benefits and employee benefit schemes.

2. PRINCIPLES:

The Legal Assistance Centre affirms that it will be directed by the Namibian Constitution and the provisions of the applicable labour legislation when dealing with HIV/AIDS related issues. The Centre affirms that:

- 2.1 There is an undeniable relationship between a successful public health response to the HIV/AIDS epidemic and the promotion and protection of the rights of people living with HIV/AIDS;
- 2.2 Employees living with HIV/AIDS have the same rights and obligations as all other employees;
- 2.3 Employees living with HIV/AIDS shall not be discriminated against in access to or continued employment as well as in access to training, promotion and employee benefits on the basis of their HIV status and shall be protected against such discrimination as well as stigmatisation by employer and employees alike;



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- 2.4 Both the Centre and its staff have a mutual responsibility to prevent discrimination and stigmatisation on the basis of HIV status in the workplace.
- 2.5 There shall be no compulsory testing for HIV in the workplace. Voluntary testing for HIV on the request of the employee should be done by a suitably qualified person in a health facility with informed consent of the employee in accordance with normal medical ethical rules and with pre- and post-test counselling.
- 2.6 Employees with HIV/AIDS have the legal right to confidentiality about their HIV status in any aspect of their employment. To disclose the HIV status of another employee without his or her informed consent shall constitute an offence that warrants disciplinary intervention. An employee is under no obligation to inform the Centre of his/her HIV status.
- 2.7 Employees with HIV/AIDS should continue to work under normal conditions in their current employment for as long as they are medically fit to do so. When on medical grounds they are unable to continue with normal employment, the normal rules regarding incapacity should apply.
- 2.8 The Centre shall provide a safe and healthy working environment for employees, including the provision of the necessary equipment, information, adequate training and the implementation of universal precautions to prevent transmission of the virus in the workplace.
- 2.9 Where an employee accidentally contracts HIV in the course and scope of his or her employment, he or she shall be entitled to employee's compensation in terms of the provisions of the Employees Compensation Act.
- 2.10 The Centre will provide employee benefits on a non-discriminatory basis to its employees. The Centre will ensure that these benefit schemes will be managed in a sustainable manner, taking into consideration the interests of all its employees.

3. HIV/AIDS PROGRAMME IN THE WORKPLACE:

The Legal Assistance Centre shall appoint a representative to:

- 3.1 Communicate the contents of this policy to all employees and to ensure that employees are informed - both verbally and in writing - of HIV/AIDS programmes in the workplace;



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- 3.2 Design and implement, without delay, an appropriate HIV/AIDS education and awareness programme for the workplace in consultation with and aimed at all levels and categories of employees, which shall include:
- 3.2.1 Basic information about HIV/AIDS, how it is spread and how it can be prevented;
 - 3.2.2 The promotion of non-discriminatory, supportive and sensitive attitudes towards people living with HIV/AIDS;
 - 3.2.3 Information on the rights and services, including counselling and support, available in the workplace to people living with or affected by HIV/AIDS;
 - 3.2.4 Information on condom use and other safer sexual practices and the provision of condoms in the workplace; and
 - 3.2.5 Information on the precautions necessary for and training in attending to injured and/or bleeding personnel and the provision of accessible disposable gloves, aprons and bleach at strategic places in the workplace.
- 3.3 Administer, monitor and evaluate HIV/AIDS programmes in the workplace, the training of key personnel about HIV/AIDS as well as the proper management of employees affected by the disease;
- 3.4 Reflect the progress in scientific and medical knowledge regarding the evolving HIV/AIDS epidemic by reviewing this policy on a regular basis and effect changes where necessary;
- 3.5 Ensure that sufficient resources are made available to deal with HIV/AIDS issues in the workplace;
- 3.6 Advise management regarding the programme implementation and progress;
- 3.7 Liaise with local AIDS Service Organisations and other resources in the community to explore means of making a broader range of services and support available to employees living with or affected by HIV/AIDS.



4. RESPONSIBILITY

- 4.1 All employees are required to comply with this policy. HIV/AIDS training programmes will take place during working hours. Employees will be required to attend one compulsory workshop, and will be encouraged to attend and participate in follow-up programmes;
- 4.2 Coordinators shall be responsible for the implementation of this policy, ensuring compliance with and knowledge about its provisions and for taking immediate and appropriate corrective action where provisions of the policy are not complied with. Coordinators shall open and maintain appropriate communication channels to enable employees to raise concerns and grievances concerning HIV/AIDS. Coordinators are encouraged to attend HIV/AIDS programmes in the workplace and to lend visible support to these programmes.

5. INTERACTION WITH MEMBERS OF CIVIL SOCIETY

The Legal Assistance Centre commits itself to:

- 5.1 The establishment of effective partnerships with AIDS Service and other community based organisations to co-ordinate and combine efforts in addressing all aspects of HIV/AIDS in the workplace;
- 5.2 Interacting with other employers to share experiences and knowledge in effectively and appropriately responding to HIV/AIDS in the workplace and to ensure that the HIV/AIDS epidemic is dealt with in a co-ordinated and united fashion.

