



**CENTRAL MEDICAL STORES TRUST**

*Trusted Partner in Healthcare*

# HIV AND AIDS WORKPLACE POLICY



June 2016



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## FOREWORD

The need to mainstream HIV and AIDS and the related gender and human rights issues into the CMST policies and programs arises from the dramatic impact of the pandemic on productivity, service provision, employees and their families. At the institutional and workplace levels, frequent deaths and illness of both employees and their family members undermine the growth of an organisation.

“HIV and AIDS has a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependents, on the employers and worker’s organisations and public and private enterprises and undermine the attainment of decent work and sustainable development (Ministry of Labour National HIV and AIDS Workplace Policy, June 2010).

Workers have the right to work in an environment that protects them from stigma, discrimination, unwarranted dismissals and other workplace related abuses as stipulated in ILO Conventions, ILO Code of Practice on HIV and AIDS and the World of Work of 2001 and the ILO Recommendation concerning HIV and AIDS and the World of Work (No.200) of 2010, the Constitution of the Republic of Malawi and other national laws and policies.

CMST recognises the urgency of the current HIV and AIDS situation and intends to reverse the following trends:-

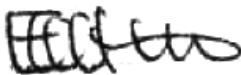
- Increasing incidence of HIV and AIDS from lack of risk aversion, poor health-seeking behavior, and unequal gender relations;
- Increasing attrition rates from frequent and prolonged illness and frequent AIDS-related deaths; and
- Increasing disruptions in the work place that reduce productivity including individual productivity – psychosocial complexes and gender relations resulting in denial, stigmatization and discriminatory practices; and also work place productivity – Human Resource Management, programming and delivery of services are not reoriented to take into account the resource dynamics brought about by the impact of HIV and AIDS.

The overall situation is made even worse because employees within CMST are not trained [as of April 2016] on how to address HIV and AIDS in the work place and are not encouraged to seek testing and counseling services to deal with their status.

Providing care and support for infected employees and their families, reducing the adverse impacts of HIV and AIDS and preventing the spread of HIV infection are central components in the response to HIV and AIDS epidemic. However, achieving the goals of these components with desired behavior change is not an easy task. Different categories of people - women, men, girls and boys – have different patterns of risk behavior with regard to HIV and AIDS, and they experience the consequences of the pandemic differently. CMST therefore is concerned about all its employees and their families, and wishes to ensure a healthy and productive workforce. Having HIV and AIDS workplace policy is CMST's way of meeting its responsibility towards its employees and their dependents' wellbeing.

This policy has therefore been prepared after extensive literature review of other policies, and predominantly, the Malawi National HIV and AIDS policy and the National HIV and AIDS Workplace Policy.

I am confident that this policy will provide for a conducive environment for the attainment of a workplace that, through awareness, prevention and management of HIV and Aids among staff and their families, creates a CMST that is a Trusted Partner in Healthcare.



Mrs. Evelyn Itimu

**Chairperson of the CMST Board of Trustees**

## PREFACE

Overall, HIV prevalence in Malawi is declining, with new infections reducing from 55,000 in 2011 to 34,000 in 2013 (National HIV Prevention Strategy, 2015-2020). Whilst this is encouraging, there still is a need to address issues related to HIV and AIDS at workplace, including CMST. These issues include stigma and discrimination at a workplace, prolonged employee illness, reduced employee morale, productivity, absenteeism and death and unwillingness of some employees to undergo HIV Testing and Counselling.

It is worth mentioning that this policy is incorporated in CMST's Conditions of Services. This is to ensure that the CMST HIV and AIDS work place policy has a backing within the Terms and Conditions of Service. The CMST management and its employees shall be bound to operate within the provisions specified policy framework and ensure that it is adhered to. The policy establishes the general principles that are critical to achieving the broader goals such as: to consider HIV and AIDS like any other serious condition or illness that affects employees; to eliminate discrimination against employees on the basis of their HIV sero status; to recognize that employees living with HIV may live a full and productive life; to promote effective and appropriate mechanisms for managing HIV related illnesses among employees and their registered dependents. The policy is subject to review after period of three years. It is my expectation that CMST employees shall treat this policy with the seriousness it deserves so that the goals, herein mentioned should be realised.



Feston Kaupa

**Chief Executive Officer**



## ACKNOWLEDGEMENTS

The Chief Executive Officer of the CMST would like to commend the Director of Finance and Administration, Mr. Washington Kaimvi, for providing leadership and guidance in the development of this policy. Appreciation also goes to the Human Resources Manager, Mr. Mtamandeni Joe Kalilangwe for coordinating the process of the development of this workplace policy.

A special acknowledgement thanks go to the Task Team that put together this final CMST HIV and AIDS workplace policy. The team includes the following members;

- Mr. Enock Foster** : **Pharmacist In-charge (RMS Centre)**
- Mr. Innocent Mbowela** : **Pharmacist-In-charge (Manobec)**
- Mr. Hermes Mlambe** : **Acting Pharmacist In-charge (RMS North)**
- Mrs. Beatrice Banda** : **Acting Pharmacist-In-charge (Receipt)**
- Mrs. Tiwonge Ngonda** : **Pharmacist (RMS South)**
- Mr. Rapiyao Singano** : **Human Resources and Administration Officer (HRAO)**
- Mr. Owen Mkwinda** : **Accounts Assistant**
- Ms. Susan Banda** : **Personal Assistant to Director of Finance and Administration**
- Mr. Kwacha Hara** : **Driver**

The Trust is also indebted to Mr. Mahara Longwe – Partnership and Liaison Officer, National AIDS Commission and Mr. Leonard Chakwawa, HIV and AIDS coordinator for AHL Group Limited for providing technical expertise in the development of this workplace policy.

*Thank you all for the good work. Bravo!!*

## ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immuno Deficiency Syndrome
ARV	Antiretroviral
CEO	Chief Executive Officer
CMST	Central Medical Stores Trust
DFA	Director of Finance and Administration
HRAO	Human Resource and Administration Officer
HTC	HIV Testing and Counselling
HIV	Human Immuno-deficiency Virus that causes AIDS
IEC	Information, Education and Communication
ILO	International Labour Organisation
NAC	National AIDS Commission
OIs	Opportunistic Infections
ORT	Other Recurrent Transactions
PA	Personal Assistant
PEP	Post Exposure Prophylaxis
PLHIV	People Living with HIV
VMMC	Voluntary Male Medical Circumcision

## DEFINITIONS

In this policy, unless the context otherwise requires, meaning of the following words and terms are as follows:

**“Affected Employee”**— employee who is affected in any way by HIV and AIDS by way of a registered dependent who is HIV positive.

**“Beneficiaries”**— bonafide verifiable close relations of the deceased employee.

**“Counseling”** — the provision of necessary information to an individual to assist with informed choice.

**“Employees”** — all members of staff for Central Medical Stores Trust

**“HIV Positive”** — having tested positive for HIV.

**“HIV Testing”** — taking a medical test to determine a person’s sero-status.

**“Infected Employee”** — an employee who has tested positive for HIV

**“Informed Consent”** — a process of obtaining consent from a client, which ensures that every person fully understands the nature and implications of the test before giving his or her agreement to it.

**Pre-and-Post-HIV Test Counseling”** — the process of providing information which facilitates an understanding of the nature and purpose of the HIV test before and after the test. It allows the person to understand what the test is, its necessity, the benefits, risks, alternatives and any possible social implications of the outcome.

**“Registered Dependent”** — the list of names submitted by the employee to the employer and put on the employees record.

# 1. INTRODUCTION

## 1.1. Background

The Central Medical Stores Trust (CMST) was established as a Public Trust by the provisions of Trustees Incorporation Act of 1969 by CMST Trust Deed in August, 2010 with the mandate to ensure continuous, uninterrupted and adequate supply of approved quality and affordable medicines and medical supplies to the health facilities in Malawi. In line with the broad mandate, CMST's vision is to be the choice public sector supplier of efficacious, good quality, affordable and safe medicines and medical supplies in Malawi.

## 1.2. Rationale

HIV and AIDS is a serious public health problem which has socio-economic, gender and human rights implications. In workplaces, unfair and discriminatory practices against People Living with HIV (PLHIV) has been perpetuated through practices such as pre-employment HIV testing, dismissals for being HIV positive and denial of employee benefits and employment opportunities such as trainings. The HIV and AIDS pandemic affects every workplace with such adverse effects as prolonged employee illnesses, absenteeism, and death impacting on productivity, employee benefits, occupation safety and health, costs and workplace morale.

The spread of HIV can be reduced or eliminated by changes in behavior of employees and their registered dependents. Hence initiation of HIV and AIDS awareness and education programmes is a must in any workplace to ensure behavior change. Further, the CMST HIV and AIDS workplace policy shall go a long way to reduce the sufferings and improve the quality of life of PLHIV.

## 1.3. Objectives

### 1.3.1. Overall Objective

To ensure effective prevention and reduce the impact of HIV and AIDS among employees, their spouses and registered dependents.

### 1.3.2 Specific Objectives

- 1.3.2.1. To reduce the incidence of HIV and other sexually transmitted infections at CMST;
- 1.3.2.2. To improve the quality of life of those infected and affected by HIV and AIDS at CMST as a workplace;
- 1.3.2.3. To mitigate the impact of HIV and AIDS on the CMST as a workplace; and
- 1.3.2.4. To manage any emerging issues related to HIV and AIDS at CMST

## 1.4. Linkages with other relevant policies and documents

This policy has linkages with other relevant policies and documentation such as International Labour Organisation Code of Practice on HIV and AIDS and the World of Work of 2001, The International Labour Organisation Recommendation (No.200) of 2010 concerning HIV and AIDS as well as The 1997 SADC Policy of Conduct on HIV and AIDS in the workplace. Furthermore, this policy is linked to the national HIV and AIDS policy 2015-2020 and the National HIV and AIDS workplace policy for Malawi. The policy is also linked to labour legislation such as Employment Act, Labour Relations Act and Occupational Health and Safety Act.

## 1.5. Guiding principles

This policy shall be guided by the following principles:

**1.5.1 Promotion and protection of human rights of all employees infected and affected by HIV and AIDS:**

It is internationally accepted that the promotion and protection of human rights of People Living with HIV strengthens both prevention and care programs. It facilitates an environment where people are more willing to go for HTC and also encourages openness on HIV and AIDS.

**1.5.2. Promotion of gender equality:** Women, men, girls and boys are vulnerable to HIV and AIDS and therefore the policy guidelines and programs shall seek to address the underlying causes of gender imbalance and vulnerability.

**1.5.3. Confidentiality regarding HIV status of any employee shall be maintained:** This is necessary to ensure there is no victimization of PLHIV's but also encourages HTC.

**1.5.4. The greater involvement of People Living with HIV:** PLHIV's should be enabled to play a meaningful role in the planning and implementation of HIV and AIDS policies and programs in CMST.

**1.5.5. Commitment and Leadership by top management:** Management shall demonstrate clear commitment to the HIV and AIDS Workplace Policy.

**1.5.6. Transparency and accountability:** The CMST shall adopt a consultative and transparent approach in the management of HIV and AIDS programs at its workplace.

## 2. PREAMBLE TO THE HIV AND AIDS WORKPLACE POLICY

**WHEREAS** the CMST and its employees acknowledge and realise that responding to HIV and AIDS requires a multi-sectoral approach, the CMST and its employees recognise the seriousness of the HIV and AIDS epidemic on the workplace. In the Terms and Conditions of Service for its employees, CMST has incorporated an HIV and AIDS in the Workplace policy framework as one way of supporting national efforts to reduce the spread of infection and minimise the impact of the epidemic. Specifically, CMST and its employees recognise that:

- 2.1 HIV and AIDS epidemic affects every workplace i.e. prolonged employee illness, reduced employee morale and productivity, increased absenteeism and death;
- 2.2 HIV and AIDS is an epidemic still surrounded by ignorance, prejudice, discrimination and stigma;
- 2.3 Employees living with HIV are equally productive and can live longer lives if given proper treatment, care and support.

**AND WHEREAS** the CMST and its employees, in an effort to effectively address the issues highlighted above and in view of the Trust's leading role in the procurement, warehousing and distribution of medicines and medical supplies, with respect to national and international labour laws that promote equity at the workplace, has decided to formulate an HIV and AIDS Workplace Policy.

**THEREFORE** CMST and its employees hereby promulgate the policy herein and further undertake to abide and be bound by the said policy and to treat the same as part of the Terms and Conditions of Service.

### 3. POLICY FRAMEWORK

This HIV and AIDS Workplace Policy is for the CMST. The CMST management and its employees shall be bound to operate within the specified policy framework and ensure that it is adhered to. The policy establishes the general principles that are critical to achieving the following broader goals:

- 3.1 To consider HIV and AIDS like any other serious condition or illness that affects employees;
- 3.2 To eliminate discrimination against employees or job applicants on the basis of their HIV sero status;
- 3.3. To recognise that employees with HIV may live a full and productive life.
- 3.4. To promote effective and appropriate mechanisms for managing HIV related illnesses among employees and their registered dependents;
- 3.5 To comply with the Malawi Republican Constitution and various other international and regional obligations including International Labour Organisation (ILO) Conventions on the Code and Conduct of HIV and AIDS in the Workplace and the Universal Declaration of Human Rights, National HIV and AIDS Policy and National HIV and AIDS Work Place Policy.



## 4. POLICY GUIDELINES

The policy sets out guidelines for the CMST to implement as part of Conditions of Service for its employees, and these are:

- 4.1. Protect the rights of employees affected and infected by HIV;
- 4.2. Prevent the spread of HIV through information, education, communication and behavior change;
- 4.3. Facilitate the provision of treatment, care and support for employees and their registered dependents infected and affected by HIV and AIDS;
- 4.4. Develop practical and effective strategies that reduce the impact of HIV and AIDS among CMST employees and their dependents;
- 4.5. Deal with HIV sero status, shared confidentiality and disclosure in a professional manner according to the guidelines in this policy;
- 4.6. Put in place an employer guaranteed medical scheme that will mitigate HIV and AIDS related illness;

## 5. APPLICATION OF THE POLICY

- 5.1. This policy, being part of the Terms and Conditions of Service, shall be binding to both CMST and its employees;
- 5.2. By extension, this policy shall also apply to the registered dependents of employees, temporary employees, interns, volunteers, casual labourers, contractors and consultants.

## 6. HIV TESTING AND COUNSELLING

### 6.1 Problem Statement

Some Employees are unwilling to go for HIV testing and counseling because:

- 6.1.1. of stigma and discrimination
- 6.1.2. they are not aware of the benefits of knowing one's HIV zero-status
- 6.1.3. of fear of the unknown

### 6.2 Objectives

Through this policy, CMST intends to:

- 6.2.1 Ensure that HIV counseling and testing is accessible to all employees and their registered dependents as an important intervention to HIV and AIDS prevention and care;
- 6.2.2 Encourage HIV counseling and testing for employees and their registered dependents
- 6.2.3 Offer psycho-social support to enable those infected and affected by HIV and AIDS to deal with a wide range of emotional, social, and medical problems subject to CMST Terms and Conditions of Service;

## 6.3 Guiding Principles

- 6.3.1 Compliance with legal/constitutional rights of employees to fair labour practices;
- 6.3.2 HIV Testing and Counseling is a vital component for HIV and AIDS prevention, and access to treatment, care and support.
- 6.3.3 HIV counseling and testing should be made accessible to all employees and their registered dependents
- 6.3.4 HIV testing is subject to individual consent

## 6.4 Strategies

The CMST undertakes to:

- 6.4.1 Provide information, education and communication to its employees and registered dependents on the advantage of HTC
- 6.4.2 Promote high quality, confidential HIV counseling and testing services, which are accessible to all employees and their registered dependents;
- 6.4.3 Ensure that testing is only carried out with the informed consent of the employees or the registered dependents;
- 6.4.4 Ensure that there is pre and post – HIV test counseling;

## 7. WORKPLACE CONFIDENTIALITY AND DISCLOSURE

### 7.1 Problem Statement

In this policy, CMST recognises that:

- 7.1.1 The rights to privacy and confidentiality of employees and their registered dependents are often not recognised and respected, resulting in unlawful disclosure.

### 7.2 Objectives

In this policy the CMST intends to:

- 7.2.1 Respect employees' rights to privacy and confidentiality;
- 7.2.2 Ensure shared confidentiality over HIV and AIDS in line with human rights and medical ethics;

### 7.3 Guiding Principle

- 7.3.1 Compliance with legal/constitutional right to privacy and confidentiality.

### 7.4 Strategies

The CMST undertakes to:

- 7.4.1 Ensure that employees' and dependents' information regarding HIV and AIDS is kept and managed by a qualified medical practitioner recognised by CMST medical scheme;
- 7.4.2 Ensure that custodians of employee's personal data take an oath of Secrecy and Confidentiality; and
- 7.4.3 Ensure that there are effective mechanisms for enforcement of this policy in line with CMST's Terms and Conditions of Service.

## 8. AWARENESS AND PREVENTION PROGRAMMES

### 8.1 Problem Statement

There is assumed limited awareness among employees and their registered dependents on issues of prevention of HIV.

### 8.2 Objectives

In this policy the CMST intends:

8.2.1 To enhance employees' awareness of HIV prevention.

### 8.3 Guiding Principles

8.3.1 HIV infection is preventable and prevention can be enhanced through knowledge, treatment, creation of a non-discriminatory working environment and changes in behavior;

8.3.2 Social relationships can play a critical role in promoting the prevention efforts, particularly in relation to changing attitudes and behaviors and in addressing socio-economic factors, through the provision of information and education;

8.3.3 Efficacy of workplace information and education programmes in combating the spread of HIV;

8.3.4 Minimising HIV and AIDS related anxiety and stigmatisation and disruption at the work place through attitudinal and behavioral change.

## 8.4 Strategies

The CMST undertakes to:

- 8.4.1 Provide awareness and education on HIV prevention to employees and their registered dependents;
- 8.4.2 Introduce compulsory HIV and AIDS awareness programmes for all employees such as VMMC.
- 8.4.3 Provide condoms and various IEC materials to employees and their registered dependents to be sourced by CMST using its own resources as well as placing the said items in strategic places;
- 8.4.4 Provide information about treatment and management of HIV and AIDS cases;

## 9. RECRUITMENT, PROMOTION, TRAINING AND DEVELOPMENT

### 9.1 Problem Statement

Employees infected or affected by HIV and AIDS are usually discriminated against with respect to recruitment, training and development, and promotion at the workplace.

### 9.2 Objective

In this policy the CMST intends:

9.2.1 To promote equal employment opportunity and career development to ensure that there is no discrimination, victimisation and stigmatisation against employees on the basis of their real or perceived HIV status.

### 9.3 Guiding Principles

9.3.1 One's HIV status, real or perceived, should not be a determining factor in job status, promotion or transfer. Any changes in job status should be based on existing criteria of equal opportunity, merit and capacity to perform the work to satisfactory standards;

9.3.2 There should be no direct or indirect pre-employment test for HIV. Employees should be given the normal medical tests of current fitness for work and these tests should not include testing for HIV;



- 9.3.3 HIV and AIDS should be treated like any other serious illness/condition in the workplace;
- 9.3.4 Discrimination and stigmatisation of people living with HIV and AIDS inhibits efforts aimed at promoting HIV and AIDS prevention.

## 9.4 Strategies:

The CMST undertakes to:

- 9.4.1 Ensure that the HIV status of an employee or prospective employee will not form the basis for recruitment, selecting, training, promoting, or renewing contract of employment.
- 9.4.2 Ensure that an employee's HIV status or family responsibilities relating to HIV and AIDS will not be used as a basis for terminating the employee's services or as a selection criterion for retrenchment purposes;
- 9.4.3 Consider HIV and AIDS just like any other chronic illnesses or condition in determining issues of incapacity and period of accommodation, poor performance and incompatibility.

## 10. JOB SECURITY AND LEAVE ENTITLEMENT

### 10.1 Problem Statement

When dealing with issues of job security and leave entitlement, most employers usually fail to recognise that AIDS is just like any other chronic illness.

### 10.2 Objectives

In this policy the CMST intends to:

- 10.2.1 Ensure that HIV and AIDS infected or affected employees are as equally secure on the job as other personnel suffering from other chronic illnesses and conditions that they are available to work for as long as they are medically fit and available in appropriate work environments.
- 10.2.2 Ensure that an employee living with or affected by HIV and AIDS shall be subject to the same conditions relating to sick, compassionate and unpaid leave as those applicable to any other employee suffering from chronic illnesses in line with CMST's Terms and Conditions of Service.

### 10.3 Guiding principles

- 10.3.1 Employees infected or affected with HIV and AIDS should be entitled to similar periods of compassionate, sick, annual and unpaid leave as any other employee in terms of the Terms and Conditions of Service;
- 10.3.2 Any changes in the employment status of an HIV and AIDS infected or affected employee should

be based on the criteria of equal opportunity, merit and the capacity to perform the work to a satisfactory standard.

## 10.4 Strategies

The CMST undertakes to:

- 10.4.1 Implement Terms and Conditions of Service that accord all employees, including those infected or affected by HIV and AIDS, job security.
- 10.4.2 Ensure that employees living with HIV are entitled to continue in their positions for as long as they are medically fit to perform their appropriate work; and when on medical grounds they cannot continue with their present employment efforts should be made to offer them alternative employment without prejudice to their benefits.
- 10.4.3 Ensure that when an employee suffering from AIDS becomes too ill to perform their functions, the standard benefits, conditions and procedures for termination of contract of employment for comparable life threatening conditions apply without discrimination.
- 10.4.4 Adapt the workplace to accommodate employees with illnesses by applying the appropriate measures such as rearrangement of working time, job-sharing, the modification of the employee's duties, special equipment, opportunities for rest breaks, time off for medical appointments and counselling, flexible sick leave, part-time work, accepting a less than ideal level of performance as long as standards are met.

## 11. Managing Illness

### 11.1 Problem Statement

Most employers and employees are not aware that HIV infection is manageable through a treatment package comprising medical care, psycho-social support and nutrition.

### 11.2 Objective

In this policy, CMST intends:

- 11.2.1 To ensure that employees with HIV related illnesses are medically, physically and psychologically fit to perform their duties for as long as they can.

### 11.3 Guiding Principles

- 11.3.1 HIV related illnesses shall be managed to improve employee quality of life and productivity;
- 11.3.2 Employees and registered dependants with HIV related illnesses shall have access to free medical treatment for OIs including ARVs;
- 11.3.3 Registered dependents who are HIV positive and unmarried shall continue to be on the CMST medical scheme up to the age of 18.

### 11.4 Strategies

The CMST undertakes to:

- 11.4.1 Put in place effective, optional and confidential mechanism(s) that provide treatment to employees and registered dependants for HIV related illnesses in line with CMST medical scheme;

- 11.4.2 Ensure that employees have a medical scheme with a wide range of optional treatment sources;
- 11.4.3 Provide education to employees on the adherence to treatment compliance of ARVs in managing HIV and its related illnesses;
- 11.4.4 Provide information to employees and their registered dependants on positive living.
- 11.4.5 Provide nutrition education to all employees and their registered dependents.

## 12. OCCUPATIONAL BENEFITS

### 12.1 Problem Statement

Some employers deny occupational benefits to employees because of their real or perceived HIV sero status.

### 12.2 Objectives

In this policy the CMST intends to:

- 12.2.1 Have occupational and other benefit schemes that are neither discriminatory nor conditional upon an employee's HIV sero status;
- 12.2.2 Provide occupational and other benefit schemes that protect the rights and benefits of dependents of HIV and AIDS infected or affected employees.

### 12.3 Guiding Principles

Confidentiality of medical information of employees in benefit schemes shall be safeguarded and such information shall not be used to affect any aspect of the employment relationship

- 12.3.1 Occupational and other benefits shall be equitably distributed to all employees without discrimination;

## 12.4 Strategies

The CMST undertakes to:

- 12.4.1 Ensure that counseling and advisory services are made available to inform all employees on their rights to occupational and other benefit schemes;
- 12.4.2 Adopt policies that are non-discriminatory and that regard HIV and AIDS as any other chronic medical conditions;
- 12.4.3 Distribute benefits regardless of HIV sero status of employees and registered dependents;
- 12.4.4 Ensure that the existing benefits and conditions are not altered to the disadvantage of an employee and his or her registered dependents because of HIV sero status

## 13. TERMINAL BENEFITS

### 13.1 Problem Statement

Most beneficiaries of employees who die, including those that die as a result of HIV related illnesses are victimised with respect to terminal benefits and most employers do not take interest in the plight of such beneficiaries.

### 13.2 Objective

In this policy the CMST intends:

- 13.2.1 To protect the interests of CMST employees and their registered beneficiaries, on the demise of an employee.

### 13.3 Guiding Principle

- 13.3.1 Beneficiaries of HIV and AIDS infected or affected employees shall be protected from terminal benefits exploitation in the event of the demise of such employee.

### 13.4 Strategies

The CMST undertakes to:

- 13.4.1 All Employees must write and submit wills including the deliberate provision of draft simple will;
- 13.4.2 Provide periodic awareness programmes on the advantages of making wills and various modes of transferring property to their dependents whilst the employee is still alive;
- 13.4.3 Offer Occupational Benefit Schemes to protect and promote the rights and benefits of dependents of employees infected or affected by HIV and AIDS without discrimination.



## 14. WORKPLACE EXPOSURE TO HIV

### 14.1 Problem Statement

Most employers do not have mechanisms to facilitate access to treatment, care and support for their accidentally exposed employees to HIV in the course of performing their duties.

### 14.2 Objectives

In this policy the CMST intends:

- 14.2.1 To ensure that all employees are provided with information on exposure to HIV at the workplace.
- 14.2.2 To ensure that all employees are duly protected from contracting HIV at the workplace and in the course of performing their duties;
- 14.2.3 To facilitate provision of PEP to all employees that will be exposed to HIV.
- 14.2.2 To facilitate access to fair compensation in the event of contracting HIV in the course of performing their duties in accordance with prevailing Labour Laws.

### 14.3 Guiding principles

All employees should be protected from contracting HIV in the course of performing their duties;

- 14.3.1 All employees shall be assisted to properly access compensation for workplace exposure to HIV in accordance with prevailing Labour Laws.

## 14.4 Strategies

The CMST undertakes to:

- 14.4.1 Ensure that employees are provided with adequate information and means to minimize the risk of acquiring HIV infection in the course of performing their duties;
- 14.4.2 Ensure provision of First Aid Kits in all CMST establishments and facilitate PEP to all exposed employees;
- 14.4.3 Ensure that procedures for risk assessment and management are in place and implemented.

## 15. PROTECTION AGAINST VICTIMISATION

### 15.1 Problem Statement

15.1.1 Most employees are victimised and discriminated against on the basis of their perceived HIV sero status and most employers take little or no initiative to protect their employees from such victimisation and discrimination

### 15.2 Objective

In this policy the CMST intends:

15.2.1 To eliminate stigma and discrimination based on one's perceived HIV sero status.

### 15.3 Guiding Principles

15.3.1 Stigma and discrimination in whatever form, including on the basis of one's perceived sero status, is unacceptable and a violation of human rights;

15.3.2 All employees should be treated equally regardless of their HIV sero status.

### 15.4 Strategies

The CMST undertakes to:

15.4.1 Ensure that employees are given adequate and credible information and education on the rights of employees infected and affected with HIV and AIDS;

15.4.2 Ensure that appropriate disciplinary measures are taken against employees not willing to work, gossip, or label other employees infected by HIV;

15.4.3 Treat all employees equally regardless of their HIV sero status or any other medical conditions.

## 16. GRIEVANCE HANDLING

### 16.1 Problem Statement

Most employers do not have effective mechanisms to address employee grievances related to HIV and AIDS.

### 16.2 Objective

In this policy the CMST intends:

- 16.2.1 To incorporate HIV and AIDS related grievances in line with CMST Terms and Conditions of Services applicable to all workers while ensuring that all medical information of the complainants is kept confidential

### 16.3 Guiding Principle

- 16.3.1 Timely redress of HIV and AIDS related complaints without compromising the confidentiality of complainants

### 16.4 Strategies

The CMST undertakes to spell out and implement timely procedures in the Terms and Conditions of Service to be used by employees with HIV and AIDS related grievances whilst ensuring that the workers' medical information is kept confidential.

## 17. MISCONDUCT AND PUNISHMENTS

### 17.1 Problem Statement

Unacceptable workplace behavior related to HIV and AIDS is treated lightly by employers and does not normally constitute misconduct in the Terms and Conditions of Service.

### 17.2 Objective

In this policy the CMST intends:

- 17.2.1 To uphold the CMST Code of Conduct and any violation constitutes disciplinary action.

### 17.3 Guiding Principles

- 17.3.1 Every employee has a right to a just, undiscriminatory and fair working environment;
- 17.3.2 Every employee has an obligation to take measures to promote a just, undiscriminatory and fair working environment;
- 17.3.3 Every employee must uphold the honour and dignity of all employees according to the CMST Code of Conduct and the provisions in this policy.

### 17.4 Strategies

The CMST undertakes to:

- 17.4.1 Expedite the investigations and redress of complaints related to HIV and AIDS.
- 17.4.2 Include all violations of this policy as misconduct in the Terms and Conditions of Service of CMST.
- 17.4.3 Take appropriate disciplinary measures to employees violating the policy;
- 17.4.4 Sensitize all CMST employees on their respective rights and obligations.

## 18. GENDER AND HUMAN RIGHTS DIMENSIONS

### 18.1 Problem Statement

Most employers do not recognise the vulnerability of women, men, girls and boys in the HIV and AIDS pandemic and have taken little or no steps at all to address human rights violations of the infected and affected employees.

### 18.2 Objective

In this policy the CMST intends:

- 18.2.1 To ensure that gender and human rights of all employees are upheld and respected at the workplace with reference to HIV and AIDS.

### 18.3 Guiding Principle

Gender equality and equity should be addressed as one of the key determinants in the management of HIV and AIDS at the work place.

### 18.4 Strategies

The CMST undertakes to:

- 18.4.1 Ensure that employees receive appropriate and gender sensitive information and education;
- 18.4.2 Empower employees with the necessary information and skills to HIV prevention more especially to challenge the existing attitudes and stereotypes towards upholding gender and human rights issues.
- 18.4.3 Protect male and female employees rights including the right to equality;

- 18.4.4 Ensure that education for male and female employees includes awareness raising, risk assessment and strategies to promote their responsibilities regarding HIV and AIDS prevention;
- 18.4.5 Not to condone any form of sexual violence or harassment and to include the same as misconduct in the Terms and Conditions of Service;
- 18.4.6 Provide adequate support to female employees, who have babies aged below six months and are on exclusive breastfeeding, and have to travel on duty away from duty station.

## 19. IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW

### 19.1 Problem Statement

Policies are not effective if not implemented, monitored, evaluated and reviewed.

### 19.2 Objectives

In this policy the CMST intends:

- 19.2.1 To establish an HIV and AIDS workplace programme that will spearhead the implementation of the policy
- 19.2.2 To monitor, evaluate and review the implementation and applicability of the policy
- 19.2.3 To ensure that HIV policy issues are incorporated in the conditions of service

### 19.3 Guiding principles

- 19.3.1 HIV and AIDS are evolving rapidly and therefore workplace programmes must be dynamic.
- 19.3.2 Workplace programmes are not effective if not implemented and incorporated in the conditions of service.
- 19.3.3 Workplace programmes must be monitored, evaluated and reviewed for effectiveness and efficiency.

### 19.4 Strategies

The CMST undertakes to:

- 19.4.1 Establish an HIV and AIDS Workplace Committee to monitor, evaluate and review the implementation of this policy.



- 19.4.2 CMST shall designate an office or officer to coordinate the implementation of HIV and AIDS work place programmes.

## 19.5 HIV and AIDS Workplace Committee Guidelines

- 19.5.1 This policy recognizes the office of the Chief Executive Officer as a Patron for the CMST HIV and AIDS Workplace Committee.
- 19.5.2 The **Workplace Committee** shall develop an HIV and AIDS work place programme and an annual Budget.
- 19.5.2.1 Workplace Committee shall comprise; employees representing cadres of all levels and duty stations
- 19.5.2.2 Policy dissemination through notice boards, pay slip inserts, special meetings and, induction courses among others;
- 19.5.2.3 CMST shall provide a minimum of two percent (2%) of Other Recurrent Expenditure (ORT) to support HIV and AIDS Workplace Programmes;
- 19.5.2.4 Put in place programmes of information, awareness and behavioral change through structures that promote advocacy. This shall include talks by internal and external experts including persons living with HIV.
- 19.5.2.5 CMST shall observe National HIV and AIDS events at designated occasions such as International AIDS Candlelight Memorial and commemoration of World AIDS Day.

- 19.5.2.6 Provide and train Peer Education Counsellors in CMST establishments
- 19.5.3 The **Workplace Committee** will periodically monitor the incidence of HIV and make recommendations for policy review.  
Various monitoring indicators will be used and will include but not be limited to the following:
  - 19.5.3.1 HIV and AIDS related absenteeism and sick leave
  - 19.5.3.2 Deaths in service as per Human Resource Data.
  - 19.5.3.3 Treatment uptake and support programmes
  - 19.5.3.4 Female and male condoms collected and provided
  - 19.5.3.5 Openness and number of cases of disclosure around HIV and AIDS issues
  - 19.5.3.6 STI prevalence among others;
- 19.5.4 The Workplace Committee shall encourage quarterly reports from all the cost centers of CMST establishments
- 19.5.5 The **Workplace Committee** will periodically facilitate review of the policy at least every three years to assess the impact of the policy, and revise it accordingly in respect of emerging issues in HIV and AIDS.
- 19.5.6 The policy shall be disseminated to all employees, once approved.



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