



**HIV/AIDS POLICY**

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**Policy** : HIV/AIDS Policy  
**Manual** : Human Resources Policies and Procedures Manual  
**Applicability** : All Employees within the Digicall Group.

	<b>NAME</b>	<b>SIGNATURE</b>	<b>DATE</b>
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## 1. INTRODUCTION AND PURPOSE

- 1.1. It is the commitment of Digicall Group (hereinafter “the Company”) to provide and maintain a healthy working environment that protects the physical and emotional health and wellbeing of employees in the workplace. Furthermore, the Company endeavors to provide employment for individuals with physical disabilities who are able to work.
- 1.2. The Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) epidemic affects every workplace in a myriad of ways. The Company recognizes this reality and based on its commitments above, seeks to provide a workplace which deals with HIV/AIDS and the problems associated with the diseases in a compassionate, open manner.
- 1.3. The purpose of the HIV/AIDS policy detailed below is to:
  - 1.3.1. provide guiding principles in regard to creating a culture that responsibly and compassionately deals with the reality of HIV in the workplace; and
  - 1.3.2. provide a framework for education; infected employees’ rights and responsibilities; healthy employees’ and Managements’ rights and responsibilities; and interacting with employees who have been medically diagnosed or who are suspected of having the Human Immunodeficiency Virus (HIV)
- 1.4. A number of people have fears about contracting HIV that are based on misinformation or lack of knowledge about how HIV is spread, thus the purpose of the HIV/AIDS policy is to reassure employees that HIV is not spread through casual contact during normal work practices and to reduce unrealistic fears about contracting a HIV related condition. Education regarding HIV and its transmission is a key component in alleviating these fears; creating an informed and compassionate workplace culture; and helping to prevent the spread of HIV.
- 1.5. This policy also protects the legal right to work of employees who are diagnosed with a HIV related condition and provides guidelines for situations where infection with HIV is suspected. Our policy is to encourage sensitivity to and understanding for employees affected with a condition of HIV.

## 2. DEFINITIONS

The definitions listed in Table 1-1 apply to this document.

A capitalised item within the text indicates the availability of a definition.

Item	Definition
Company / Employer	Digicall Group
Managers / Supervisors / Management	The person responsible for planning and directing the work of individuals, monitoring their work, and taking corrective action when necessary
Employees	Permanent salaried staff on the Company payroll
Contractors	Contractors working for the Company in an individual capacity who are not considered to be Employees of the Company
AIDS: Acquired Immune Deficiency Syndrome	A syndrome resulting from a viral infection which suppresses, and could ultimately destroy, the body’s immune system.
An employee with AIDS	An employee who is HIV positive and who has signs, symptoms and other evidence of specific infections, cancers and other conditions associated with severe immune deficiency.
Acquired	HIV can be passed from one person to another. A person can acquire it

	through contact with an infected person's blood or sexual secretions.
AIDS test	An AIDS test does not exist. If people speak about such a test they usually mean the HIV antibody test or antigen test.
Antibody	The cells produced by white blood cells as a reaction to a virus in the body that normally attack and kill the virus.
Epidemic	The rapid spread of a disease for a period through a community or country.
False negative	This means an HIV antibody or antigen test indicated that an individual does not have HIV when in fact he/she does. This often occurs during the "Window phase".
False positive	This means an HIV antibody test indicated the presence of antibodies in an individual's blood when in fact they do not exist.
HIV negative	When a test does not indicate the presence of HIV antibodies or antigens.
HIV positive	When a test indicates the presence of HIV antibodies or antigens.
Immune deficiency	A compromised immunity system, meaning the body is too weak to defend itself against illnesses it would normally be able to fight off.
Immune system	The white blood cells normally responsible for protecting the body against organisms that threatens it.
HIV – Human Immunodeficiency Virus	The virus that causes AIDS.
HIV antibody test	A blood test that can detect antibodies developed against the HIV virus or the HIV antigen test that can detect the virus within the body.
Syndrome	The collection of illnesses that follow as a result of being infected by the HIV antigen. People who "die of HIV" are not killed by the HIV virus itself, but by other diseases which attack a person once the HIV antigen has destroyed the body's central immune system.
Virus	A microorganism that causes various infectious diseases and can only replicate within a living organism.
Window phase	The time lag between infection with HIV and the production of antibodies by the body – usually about three months. During this period an HIV antibody test will be negative although the individual has been infected with the virus. However, the antigen or the PCR test can identify the presence of the virus in this window period.

## 2. BACKGROUND AND MEDICAL OVERVIEW ABOUT AIDS

- 2.1. Medical experts on HIV related conditions have informed us that there is no known risk of HIV transmission between an affected employee and other employees through either casual or close contact that occurs during normal work activities.
- 2.2. A HIV related condition is not transmitted by breathing the same air, using the same lavatories, touching a common piece of paper, or using the same telephone. Transmission of the virus through oral secretions or tears is not a recognized risk according to medical authorities. Additionally, the virus is very fragile and has been found to be transmitted only through intimate exchange of bodily fluids (for example, blood or blood-contaminated tissue fluids such as semen or vaginal fluid).
- 2.3. The HIV virus attacks the immune system, causing a breakdown in a person's normal protection against infection. This leaves the body vulnerable to life-threatening illnesses. In addition, the virus by itself can affect the nervous system.

- 2.4. Individuals of all sexual preferences are at risk of contracting a HIV related condition. According to medical experts, HIV is transmitted in the following ways: sexual contact through transmission of semen or vaginal fluids; intravenous drug administration with contaminated needles; administration of contaminated blood or blood products; and passage of the virus from infected mothers to their fetus or newborn. However, there is no evidence to suggest that pregnant women are particularly susceptible to any HIV related illness or condition. Recent medical evidence suggests that a HIV related condition can have an incubation period of several weeks, months or years before symptoms appear. Medical findings indicate that a person who has a positive antibody test will not necessarily develop a HIV related condition. The presence of the HIV antibody is a sign of infection, not immunity.
- 2.5. As is true for any person with a life-threatening illness, a person diagnosed with a HIV related condition deserves and requires compassion and understanding. While that person is attempting to cope with his or her own vulnerability and fears, the support and understanding of friends and colleagues can be particularly valuable.

### **3. THE COMPANY'S POLICIES AND PROCEDURES REGARDING HIV/AIDS**

#### **3.1. General Policy**

- 3.1.1. We are committed to maintaining a healthy work environment by protecting the physical and emotional health and well-being of all employees in the workplace. We also have a continuing commitment to provide employment for people with physical disabilities who are able to work. This HIV/AIDS policy is a direct outgrowth of those commitments. It provides guidelines for situations when a question as to a HIV related condition arises.
- 3.1.2. The Company undertakes to deal with an HIV-infected employee and/or an employee with AIDS in the same manner as with employees suffering from any other life-threatening disease, with due consideration for the interests of all employees.
- 3.1.3. When employees request to be tested for HIV, counselling services should be made available.
- 3.1.4. Employees who are diagnosed with a HIV related condition may continue to work if they are deemed medically able to work and can meet acceptable performance standards. We will provide reasonable performance standards and reasonable accommodation if necessary to enable these employees to continue working.
- 3.1.5. We provide HIV/AIDS education for all employees to help them understand how the HIV virus is spread and to reduce unrealistic fears of contracting a HIV related condition.
- 3.1.6. The term "HIV related conditions" refers to the following four medically diagnosed conditions:
- presence of the HIV antibody without symptoms of HIV
  - presence of an AIDS-Related Complex (ARC)
  - AIDS
  - central nervous system infection
- 3.1.7. It is the Company's policy to promote a non-discriminatory working environment which includes any form of discrimination on the basis of an individual's HIV/AIDS status. No employee or prospective employee will be discriminated against based on their HIV/AIDS status in any manner, including any of the following policies or practices:
- Recruitment, advertising and selection criteria

- Appointments or the appointment process
- Job classification or grading
- Remuneration, employment benefits and terms and conditions of employment
- Job assignments
- Working environment and facilities
- Training and development
- Performance evaluation systems
- Transfers, promotions or demotions
- Disciplinary measures short of dismissal
- Termination of services

3.1.8. The Company promotes a company culture wherein Management and colleagues treat HIV positive employees like any other members of staff who have serious health problems or are terminally ill i.e. with compassion, understanding and support. The Company will ensure that employees with HIV/AIDS are not unfairly discriminated against by the fellow employees and are protected from victimization.

3.1.9. Digicall Group acknowledges the seriousness of HIV as a medical reality with both social and economic implications.

### **3.2. Infected Staff**

3.2.1. Infected employees should be treated empathetically and in exactly the same way as other terminally ill staff or other staff who have serious injury or health problems. An HIV positive employee should continue working under normal conditions in current employment for as long as he or she is fit to do so - provided they meet the required performance standards and are not a threat to their own safety or that of others. If a situation arises where an infected employee's performance is affected, it is management's duty to ensure that they are not simply discharged. This would be an unfair labour practice. When the individual is no longer able to carry out his or her present function, the Company will make whatever provisions it can reasonably take to accommodate the employee to help ensure that the individual maintains employment for as long as possible.

3.2.2. Management has a duty nevertheless to ensure that productivity and morale is not disrupted, and should take one of the following alternatives into consideration when it becomes clear that the employee is no longer able to carry out his present function or where it would be insensitive to colleagues or customers to leave the employee in his present position:

- Place the person in an alternative position if he is able to perform the function
- Adjust the salary and benefits in accordance with an alternative function offered to the employee
- Consider adjusting the work schedule (hours) or place of work, to provide for more convenient circumstances for the employee
- Consider alternative positions - bearing in mind sound business practice
- Where alternative positions are not available, an application for ill health retirement benefits may be considered.
- Alternative Sick leave allocations.

3.2.3. If an infected person is working in the kitchen or any department where there is a danger of being cut and blood subsequently contaminating food, then transfer of that staff member to another department must be affected. This should be done in consultation with the Chief Executive Officer.

### **3.3. Other staff**

- 3.3.1. The Company encourages open and free discussion regarding all aspects of HIV in the workplace. Thus any concerns or questions raised by any member of staff in regard to HIV will be handled sensitively and factually. Should there be negative reactions from colleagues of infected staff each situation will be assessed and dealt with appropriately as it arises. It may also be necessary to arrange for an informed professional to educate the staff. It is necessary to be sensitive and responsive to colleagues concerns.
- 3.3.2. If a healthy employee refuses to work with an employee who is diagnosed with a HIV condition and is medically approved as able to work; job transfer or other work accommodation for the healthy employee will only occur when medically indicated by written order of his/her physician. The medical order must be a signed medical statement requesting this job change. In the absence of a medical order, normal transfer procedures will be followed.
- 3.3.3. However, if employees remain unwilling to work with an HIV positive colleague, after the appropriate counselling; where the Company has taken all appropriate health and safety precautions and where there is clearly no risk and this has been communicated clearly to the employee concerned, he will be warned that such behaviour is unacceptable, unreasonable and scientifically unjustified and that his/her own employment situation may be placed in jeopardy. If the behaviour continues, the employee will be subjected to disciplinary action.
- 3.3.4. If an infected employee is being victimised or harassed at work, making working life intolerable or impossible, the Company has a duty to support the employee in order that he/she may work without disruption or harassment from fellow workers.

### **3.4. Testing for HIV/AIDS**

- 3.4.1. No employer can require an employee or applicant for employment to take an HIV test to ascertain HIV status unless authorization has been obtained from the Labour Court. The criteria to be used to verify whether testing is permitted is "suitability to fulfil the job requirements". This includes HIV testing:
  - during application for employment
  - as a condition of employment
  - as an eligibility requirement for training and development
  - as a requirement to obtain employee benefits
  - as part of Incapacity Proceedings in the disciplinary process
- 3.4.2. Testing will only be undertaken on a voluntary basis when requested by the employee and will be for the employee's own cost. However, in the event of prolonged or repeated sick leave, Digicall Group (at its cost) may request a medical examination by a medical practitioner of its choice as is the case with any other chronic or serious illness. The results of such an examination will be divulged to the Company, but must be handled on a confidential basis.
- 3.4.3. Where required, professional counselling services should be made available (see attached list).
- 3.4.4. This counselling service should also be used when a job performance problem indicates that testing for HIV is necessary.

### 3.5. When Results Are Positive

- Employees receiving HIV positive results are not under any obligation to inform the Company. However, HIV positive employees who work in the kitchens or whose work performance is affected are urged and encouraged to inform either their immediate manager or Human Resource Officer, so that the problem can be dealt with and employee assisted.

#### 3.5.1. Confidentiality

- 3.5.1.1 The results of tests are to be kept strictly confidential. Only management who need to know should be informed confidentially. Disclosure or a breach of confidence could be regarded as an unfair labour practice or a violation of the rights of the employee.

#### 3.5.2. Job Accommodation

- 3.5.2.1. If an employee needs to request job accommodation for his/ her medical condition, he or she should provide the employer with a written medical report from the doctor stating that he/she:

- is medically unable to work in his/her present position.
- needs reasonable job accommodation in order to maintain employment.

- 3.5.2.2. As stated above, the Company will accommodate HIV positive employees in the 3rd and 4th stages of AIDS as far as reasonably possible in helping them continue employment for as long as they are able to meet acceptable performance standards. Management and the employee's supervisor will try to carry out a reasonable job modification or transfer for the employee.

- 3.5.2.3. When the employee becomes too ill to work, the Company will follow accepted guidelines regarding Dismissal for Incapacity before terminating service. (See Labour Relations Act 66 of 1995, Schedule 8, Code of Good Practice: Dismissal, Section 10 Incapacity; Ill health or Injury.)

#### 3.5.3. Counselling

- 3.5.3.1. When the employee discloses test results to the Company, and where counselling has not taken place, this should be arranged and medical aid assistance should be explained. Counselling may also be required for the employee's family.

#### 3.5.4. Continued Employment

- 3.5.4.1. Aids will be treated like any other chronic or life threatening disease and employees may continue to work for as long as their condition allows, provided that they meet required performance standards and are not a threat to their own safety or that of others

#### 3.5.5. Company Retirement Fund

- 3.5.5.1. At present, AIDS is treated in the same way as any other terminal illness by the Retirement Fund. Ill-health retirement because of AIDS will be handled in the same way as any other case of ill-health retirement.

### **3.5.6. Medical Aid Benefits**

3.5.6.1. HIV positive employees should be encouraged to use their private medical practitioner or Provincial Hospital services which are multi-disciplinary in approach and include full counselling services.

3.5.6.2. At present Medical Aid pay only a limited amount per service:

- for hospital treatment,
- for medicines,
- for doctors,
- for testing, etc.

### **3.6. Education**

3.6.1. Currently the best way of preventing the spread of the HIV virus (in view of the lack of an antidote or vaccine) is through education. Professional services are available in most centres. These involve the use of talks, videos, discussion groups, etc. and management is advised to make use of these facilities so that staff is well informed about AIDS and HIV.

3.6.2.

Digicall Group does not have the facilities or expertise to mount a nation-wide campaign for its staff and available community facilities should be used for this purpose. (See below for list of these services).

3.6.3. Forcing AIDS and HIV education upon employees may be counterproductive. Therefore, it is recommended that staff be encouraged to participate in the planning of any educational activities to ensure that they succeed.

### **3.7. First Aid**

3.7.1. Every First Aid Box must contain disposable gloves for use by the First Aider when dealing with cuts and abrasions so that they cannot be infected. Employees providing assistance should wash their hands thoroughly with disinfectant, soap and water afterwards and destroy the gloves.

### **3.8. Supervisor's Responsibility**

3.8.1. The physical and emotional health and well-being of all employees must be protected, and reasonable accommodation for the medically impaired employee with a HIV related condition must be provided, as long as the employee is able to meet acceptable performance standards. To ensure these goals are met, the following guidelines are to be followed:

3.8.1.1. Any employee diagnosed with a HIV condition is entitled, as is any other employee, to confidentiality of their medical condition and medical records.

3.8.1.2. If an employee with a HIV condition requests job accommodation for his/her medical condition, the employee must obtain a written medical opinion that he/she (a) is medically able to work and (b) needs reasonable job accommodation in order to maintain employment.

3.8.1.3. If it is deemed medically necessary, based upon current physical impairment, the Company and the employee's supervisor will work to bring about any reasonable job modification or job transfer of the employee with a diagnosed condition of HIV.

3.8.1.4. If a healthy employee refuses to work with an employee who is diagnosed with a HIV condition and is medically approved as able to work, job transfer or other work accommodation for the healthy employee will only occur when medically indicated by written order of his/her physician. The medical order must be a signed medical statement requesting this job change. In the absence of a medical order, normal transfer procedures will be followed.

#### **4. TB AND HIV RELATED CONDITIONS [OPPORTUNISTIC INFECTIONS (OIS)]**

4.1. People with healthy immune systems can be exposed to certain viruses, bacteria, or parasites and have no reaction to them—but people living with HIV/AIDS can face serious health threats from what are known as “opportunistic” infections (OIs). These infections are called “opportunistic” because they take advantage of the weakened immune system, and they can cause devastating illnesses. OIs are the most common cause of death for people with HIV/AIDS.

4.2. Some of the most common OIs include, but are not limited to:

- Candidiasis of the bronchi, trachea, esophagus or lungs
- Invasive cervical cancer
- Histoplasmosis
- Lymphoma
- Pneumonia
- Cryptosporidiosis (causing diarrhea)
- Tuberculosis
- Chronic ulcer/s

4.3. Of these opportunistic diseases TB is the leading cause of death among HIV infected people. Because TB is highly infectious and spreads through the air either by the infected person sneezing or coughing it is required of all employees who have TB to report it directly to the HR manager who will deal with the matter confidentially and ensure that the infected person is moved out of the office. Furthermore it is required of all employees infected with various forms of TB, according to the Health Act no. 61 of 2003, that all cases of Tuberculosis and stages thereof be reported to the National Department of Health.

#### **5. HIV/AIDS – AVAILABLE RESOURCES**

##### **5.1. Aids Information**

The National Aids Information Service number is 0800 012 322

##### **5.2. Resources**

###### **5.2.1. Aids Training and Information Centre**

CAPE TOWN : Ground Floor  
Podium Block  
Civic Centre  
12 Hertzog Boulevard  
Tel: (021) 400-3400

PORT ELIZABETH : Ground Floor  
Bristol House

Main Road  
Tel: (041) 506-1911

DURBAN : 2nd Floor  
City Health Department  
9 Old Fort Place  
Tel: (031) 3003911/3104

JOHANNESBURG : SA Institute for Medical Research  
James Murray Building  
c/o Hospital & De Korte Streets  
Braamfontein  
Tel: (011) 489-9000

### **5.3. Information Services Unit**

Institute of Personnel Management (S.A.)  
4th Floor Liebridge  
25 Ameshof street  
BRAAMFONTEIN  
2001  
Tel: (011) 643-6762

### **5.4. Department of National Health and Population Development Regional Offices**

5.4.1. They provide experts to lecture on Aids and an Aids-line enquiry service:

Southern Transvaal	(011)836-2232	Pretoria	(012)312-0000
Northern Transvaal	(0151)295-2946	Western Cape	(021)948-8151
Eastern Cape	(041)56-0220	Northern Cape	(0531)29524
Natal	(031)305-6071	Free State	(051)47-2194

5.4.2. Counselling services for Aids patients and their families are provided by various organisations as well as by psychologists and social workers. Details can be obtained from the Aids Training and Information Centre.

### **5.5. The Pharmaceutical Society of South Africa:**

Pharmacy House  
6 de Veer Lane  
Arcadia  
Tel: (011)301-0820

### **5.6. Industrial Health Research Group**

Protem  
1 Lower Campus  
Private Bag University of Cape Town  
Rondebosch  
7700  
Tel: (021)650-3508

## **5.7. Legal Advice**

Centre of Applied Legal Studies  
University of Witwatersrand  
Tel: (011)716-8002

Labour Law Unit  
University of Cape Town  
Tel: (021)650-3709