

NATIONAL WORKPLACE POLICY ON HIV AND AIDS

FEDERAL MINISTRY OF LABOUR AND PRODUCTIVITY

2013

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Nigeria
Good People, Great Nation

FOREWORD

The Government of Nigeria, through the Federal Ministry of Labour and Productivity, has continued to attach importance to the prevention and mitigation of the HIV and AIDS scourge in workplace across the country. This is because the negative effects of HIV related workplace stigma and discrimination can be substantial, both to the employers and to workers themselves. Along this line, the inspection machinery of the Ministry had been strengthened to address, in specific manner, the burden of stigma and discrimination against workers infected or affected by HIV and AIDS.

Both the management and the unions representing the workplace leaders face a variety of challenges in developing and implementing successful HIV and AIDS policies and programmes. Understanding these challenges is the first step to overcoming them.

The more worrisome of these challenges has been the rate of new infections especially among the economically active population. This indeed poses a huge threat to the nation's present and future workforce.

By taking into account these challenges and with a view to incorporating the International Labour organization (ILO) Recommendation Concerning HIV and AIDS (R.200), the Ministry in collaboration with the ILO Country Office in Abuja stepped up the review of the existing National Workplace Policy on HIV/AIDS in Nigeria. The review process was comprehensive involving all the

critical stakeholders, our traditional social partners and the civil society organizations whose inputs were so enriching.

This Policy provides guidelines for government, employers, workers and other stakeholders in the workplace and identifies strategies and programmes based on ILO Recommendation Concerning HIV and AIDS (No.200).

I therefore, recommend that all workplaces should use this Policy document as a guide in our response to the HIV and AIDS pandemic in the workplace

I also wish to pledge the commitment of my Ministry and that of the social partners to its effective implementation.



ALHAJI KABIRU TANIMU TURAKI SAN, FCI/Arb,
DAN MASANIN GWANDU
Supervising Minister, Labour and Productivity

PREFACE

In the three decades of global HIV/AIDS epidemic, more than 60 million people have been infected and over 30 million people have died from AIDS-related causes. Nigeria has the second highest burden of HIV, with over 3.2 million people living with HIV. HIV/AIDS constitutes one of the most serious socioeconomic and health issues facing the Nigerian society. The segments of the population most affected are the youths and people within the productive age bracket, most of whom constitute the nation's workforce.

Response to the HIV and AIDS epidemic within the workplace is crucial if progress is to be made in the prevention, impact mitigation and provision of care and support services for people living with HIV. In an effort to mitigate against the adverse impact of HIV/AIDS on the operations of many companies and employee households, the National Workplace Policy on HIV/AIDS was developed by the Federal Ministry of Labour and Productivity along with other critical stakeholders. The Policy is based on the principles of social justice, human rights and equity.

The outgoing national Workplace Policy on HIV and AIDS was developed in 2005 and has been implemented by stakeholders in multiple sectors to varying degrees. A lot still needs to be done to achieve meaningful results. Many changes, including new epidemiological evidence on HIV/AIDS as well as new international labour standards ILO Recommendation 200 (No.200) of 2010 concerning HIV and AIDS and the World of Work, have necessitated a review of the Policy.

This reviewed National Workplace Policy provides a framework for development of comprehensive and gender sensitive HIV and AIDS response in workplaces. The policy covers all workers working under all forms of arrangements and at all workplaces; all sectors of economic activity including the private and public sectors and the formal and informal economies; as well as the armed forces and other uniformed services.

I am confident that the use of this document by all stakeholders will contribute significantly to ensuring access to comprehensive services for all workers infected and affected by HIV/AIDS as well as promoting and protecting their rights and dignity.

Professor John Idoko
Director General, NACA

ACKNOWLEDGMENT

This review of the National Workplace Policy on HIV and AIDS became imperative because of the changing HIV epidemiology and the gaps in the existing policy. It is also essential because of the need to incorporate some relevant portions of the new International Labour organization (ILO) Recommendation on HIV and AIDS (No.200), National Strategic Plan on HIV and AIDS as well as the Presidential Emergency Response Plan on HIV and AIDS.

Undoubtedly, the review process was enormous involving wider consultations and inputs from different stakeholders traversing the six geopolitical zones and culminating in the validation which was the highpoint in the review process. These activities, no doubt, required commitment on the part of the social partners and other stakeholders to accomplish.

In this regard, on behalf of the Federal Ministry of Labour and Productivity, I would most profoundly express our deep appreciation to our social partners- Nigeria Labour Congress, Trade Union Congress, Nigeria Employers Consultative Association, National Agency for the Control of AIDS, State AIDS Control Agencies, Nigeria Business Coalition Against AIDS, Federal Ministry of Women Affairs and Social Development, Federal Ministry of Health and various Non-Governmental Organizations, UNAIDS, the Network of People Living with HIV and AIDS in Nigeria, Civil Society HIV/AIDS Network and our Development Partners.

The active participation and contributions of these various organizations were of immense significance to the entire review process. Indeed, the role played by various government agencies, particularly Federal agencies saddled with the responsibilities to implement workplace policies, was very fundamental to the successful outcome of the process.

At every point in the review process, the Ministry received maximum technical and financial support provided by the International Labour Organization (ILO) especially from the ILO Country Office, in Abuja. Their supports substantially enriched the review process.

I wish to convey the Ministry's appreciation to various National institutions, Civil Society Organizations and individual experts including the National consultant, whose roles facilitated the speedy review of the policy.

It is my hope that this reviewed policy would ignite our passion and commitment towards the prevention and mitigation of the HIV and AIDS scourge in all workplaces across the country. Thank you all.



Dr. O. C. Illoh
Permanent Secretary
Federal Ministry of Labour and Productivity.

TABLE OF CONTENT

FOREWORD2

PREFACE4

ACKNOWLEDGEMENT6

TABLE OF CONTENT8

ABBREVIATIONS9

GLOSSARY OF TERMS11

1.0 BACKGROUND INFORMATION15

2.0 GOAL20

3.0 OBJECTIVES20

4.0 SCOPE21

5.0 POLICY APPLICATION21

6.0 GUIDING PRINCIPLES22

7.0 POLICY THEMES AND STRATEGIES26

8.0 MONITORING AND EVALUATION44

9.0 BUDGET AND FUNDING45

10.0 GENERAL RIGHTS & RESPONSIBILITIES45

11.0 POLICY REVIEW54

12.0 DEVELOPMENT OF IMPLEMENTATION GUIDELINES AND ACTION PLAN54

ABBREVIATIONS

AIDS	-	Acquired Immunodeficiency Syndrome
ART	-	Antiretroviral Therapy
BCC	-	Behavioural Change Communication
BMO	-	Business Membership Organizations
CBOs	-	Community Based Organizations
CSOs	-	Civil Society Organizations
FML&P	-	Federal Ministry of Labour & Productivity
FMOH	-	Federal Ministry of Health
HCT	-	HIV Counselling and Testing
HIV	-	Human Immunodeficiency Virus
IEC	-	Information, Education and Communication
ILO	-	International Labour Organization
PLHIV	-	People Living with HIV
PMTCT	-	Prevention of Mother to Child Transmission
M&E	-	Monitoring and Evaluation

Employer: a person or organization employing women and men workers under a written or verbal contract of employment, which establishes the rights and duties of both parties, in accordance with national law and practice. Government, public authorities, private enterprises and individuals may be employers.

Employers' Organization: means any combination established by employers, the principal purposes of which are the representation and promotion of employers' interests and the regulation of relations between employers and workers.

Formal Sector: the sector of the economy in which women and men workers and employers are registered and/or organized into unions and associations, in which there are rules and regulations governing participation in the sector.

Gender: is a socially constructed definition of women and men based on culture, tradition etc. and it is a determinant of roles that are ascribed to individuals in that particular society.

HIV: refers to the human immunodeficiency virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures.

Informal Sector: small scale units producing and distributing goods and services, consisting largely of independent self-employed persons, some of whom also employ family labour and/or a few hired women and men workers or apprentices; which operate with very little capital or none at all; which use very low level of technology and skills; which therefore operate at a

low level of productivity; and which generally provide very low or irregular incomes and highly unstable employment to workers.

Informed Consent: means the process of obtaining consent from a patient/worker to ensure that the person fully understands the nature, implications and future consequences of HIV testing before such a person consents to take the test.

Persons living with HIV (PLHIV): means persons infected with HIV.

Reasonable accommodation: means any modification or adjustment to a job or to the workplace that is reasonably practicable and enables a person living with HIV or AIDS to have access to, or participate or advance in, employment.

Screening: refers to measures whether direct (HIV testing) or indirect (risk assessment), or asking questions about tests already taken or about medications.

Sexually Transmitted Infections: these are infections transmitted through sex and include among others HIV, syphilis, chancroid, chlamydia, herpes, and gonorrhoea. The term also includes conditions commonly known as sexually transmitted diseases (STDs).

Social Partners: means the government, employers and their organizations, and workers and their organizations

Stigma: means the social mark that, when associated with a person, usually causes marginalization or presents an obstacle to the full enjoyment of social life by the person infected or affected by HIV.

Vulnerability: means the unequal opportunities, social exclusion, unemployment or precarious employment, resulting from the social, cultural, political and economic factors that make a person more susceptible to HIV infection and to developing AIDS.

World of Work: means a working environment which persons are in some way or another associated with and also includes persons stated in section 4.1 of this policy.

Worker: refers to any persons working under any form or arrangement, or a person employed for wages under a contract of service.

Workplace: refers to any place in which workers perform their activities.

Workers' Organization: means any combination of persons, the principal purposes of which are the representation and promotion of workers' interests and the regulation of relations between workers and employers, and includes Nigeria Labour Congress and Trade Union Congress but not an organization or association that is dominated by an employer or employers' organization.

1.0 BACKGROUND INFORMATION

1.1 Introduction

The first case of Acquired Immunodeficiency Syndrome (AIDS) in Nigeria was reported in 1986. Since then, infection with Human Immunodeficiency Virus (HIV) has spread to become a generalized epidemic affecting all population groups and sparing no geographical area in the country. HIV and AIDS have negatively impacted every sector of the economy, and continue to threaten the national development gains of the past decades. The effect of HIV and AIDS remain great as they continue to devastate individuals, families and households, affecting their physical, social, psychological, and economic well-being. Unarguably, HIV and AIDS constitute a leading development challenge and a major threat to the general advancement of the nation as well as her capacity to achieve the Millennium Development Goals (MDGs).

Despite mounting responses over two decades, the challenge of HIV and AIDS has continued to increase in Nigeria, particularly in terms of the number of people infected and affected. The number of People Living with HIV (PLHIV) in Nigeria has risen from 2.9 million in 2010 to 3.5 million in 2012². With these estimates, Nigeria ranks as a country with the second highest

¹ National HIV and AIDS Policy, 2009

² NACA (2012): Global AIDS Response Progress Report

burden of HIV infection in the world only after South Africa. Though there has been progressive decline in the HIV prevalence rate from 5.0% in 2003 to 4.1% in 2010, the rate of annual infections has increased from 336,379 in 2010 to 388,864 in 2012 while annual AIDS death also increased from 192,000 to 217,148. Key drivers of the HIV epidemic in Nigeria include low personal risk perception, multiple concurrent sexual partnerships, intense transactional and intergenerational sex, ineffective and inefficient services for sexually transmitted infections (STIs), and inadequate access to and poor quality of health care services. Entrenched gender inequalities and inequities, chronic and debilitating poverty, and stubborn persistence of HIV and AIDS-related stigma and discrimination also significantly contribute to the continuing spread of the infection³.

The segments of the population most affected are the youths and people within the productive age bracket most of whom constitute the nation's workforce. Response to the HIV and AIDS epidemic within the workplace is crucial if progress is to be made in the prevention, impact mitigation and the provision of care and support for PLHIV. Given the multi-sectoral nature of the response, the Federal Ministry of Labour and Productivity (FML&P) and other major stakeholders including the employers, workers and the informal sector have been implementing some aspects of workplace policies but a lot still needs to be done to

³ NACA (2012): Global AIDS Response Progress Report

achieve meaningful results. Stigmatization of people living with HIV is rife both within the workplace and the community.

Awareness of the existence of HIV and AIDS is relatively high but the knowledge of employers and the workers about prevention, care and support is low. While there has been tremendous improvement in the options available for care and treatment of PLHIV, most people do not care to know their status as HCT coverage rate is still 18% and only about 33% of those who require ART are taking it. Given the importance of prevention in reducing HIV transmission, there is need to provide information, preventive education, quality care and support for the Nigerian worker and his/her family.

The effect of HIV and AIDS is not limited to a specific workplace. Among workers, HIV and AIDS leads to reduced labour supply, prolonged staff illness, absenteeism, increased medical expenditure and death. Moreover, the HIV and AIDS epidemic has had impact on workers' benefits, productivity, production costs, occupational health and safety, and workplace morale at both formal and informal sectors. The challenge of HIV and AIDS on our traditional social support system has also contributed to the escalating increase in the number of orphans and vulnerable children which rose from 2.17 million in 2010 to 2.19 million in 2012. Factors which contributed to the increased prevalence of HIV and AIDS include destabilization, poverty, rural-urban migration, rapid urbanization, and violence, with women being more vulnerable to HIV and AIDS where their right to sexual reproductive services is limited.

One of the effective ways of preventing and managing the impact of HIV and AIDS in the workplace is by ensuring effective implementation of workplace HIV and AIDS policies, and pragmatic programmes (geared towards HIV and AIDS prevention, treatment, care and support). The first National Workplace Policy on HIV and AIDS was developed in 2005 to address workplace response to HIV. Since then many things have changed that necessitated the revision of this document. This includes the changing epidemiological situation of HIV and AIDS, the revision of the National HIV and AIDS Policy from where the current National Workplace Policy on HIV and AIDS (NWWP) took roots, and more importantly the need to align the policy to the new and latest international labour standards ILO Recommendation 200 (No.200) of 2010 concerning HIV and AIDS and the World of Work. R 200 has set new standards and Nigeria is a signatory to this new standard which is largely right-based and aimed at contributing significantly in equipping and motivating employers and workers in formal and informal sectors as well as those in the private and public organizations to contribute towards preventing and controlling the spread of HIV and AIDS, and contributing to decent work.

1.2 Linkages with Other Relevant Policies and Legislations

The National HIV and AIDS Workplace Policy is being guided by the National HIV and AIDS Policy (2009); National HIV and AIDS Strategic Plan (2009-2015); President's Comprehensive HIV

Response Plan (PCRP- 2014-2015); the ILO Code of Practice on the Protection of Workers' Personal Data of 1997; the ILO Code of Practice on HIV and AIDS and the World of Work of 2001 (the "ILO code of practice"); the ILO Code of Practice on Managing Disability in the Workplace of 2002; and the ILO Recommendation (No.200) of 2010 concerning HIV and AIDS and the World of Work.

The National HIV and AIDS Policy (2009) provided the broad statement on the need for National Workplace Policy on HIV and AIDS by stating that "Government and partners, including networks of employers of labour and professional bodies, shall ensure that all private and public workplaces develop and implement workplace policies with strong communication-related components, which is well linked to other preventive services as well as to treatment, care and support". Perhaps it was envisaged that the Federal Ministry of Labour and Productivity would lead the process of developing the National Workplace Policy on HIV and AIDS to manage the impact of HIV and AIDS in the workplace.

The ILO Code of Practice on HIV and AIDS and the World of Work (2001), and the International Labour Organization Recommendation (No.200) of 2010 concerning HIV and AIDS and the World of Work provide guidelines to addressing prevention of HIV and AIDS, management and mitigation of the impact of HIV and AIDS, care and support of workers and persons living with HIV and affected by HIV and AIDS and elimination of stigma and discrimination on the basis of real or perceived HIV status in the world of work.

Various existing legislations in Nigeria have also been taken into account particularly those dealing with non-discrimination and respect for human rights and the rights of workers such as:

- The 1999 Constitution of the Federal Republic of Nigeria.
- Labour Act No 21 of 1 August 1971 (Chapter 198) as amended up to 1990.
- National Agency for the Control of HIV and AIDS (establishment) Act of 22 February, 2007.
- Worker's Compensation Act, December 2010.
- National Human Rights Commission (Amendment) Act of 16 December 2010.
- ILO Convention on Termination of Employment (No. 158) of 1982 as well as other ILO conventions ratified by Nigeria.

2.0 GOAL

Provide framework for development of comprehensive and gender-sensitive HIV and AIDS response in the workplaces.

3.0 OBJECTIVES

The objectives of this policy are to ensure the development of policies and programmes within the framework of decent work in the formal and informal sectors of the private and public sectors and specifically to:

- (a) Promote access to education including equitable worker benefits and employment protection;
- (b) Eliminate discrimination and stigmatization in the workplace based on real or perceived HIV status including dealing with HIV testing, confidentiality and disclosure;

- (c) Create a safe and healthy working environment;
- (d) Promote appropriate and effective ways of managing impacts of HIV and AIDS in the workplace;
- (e) Protect the rights of people living with HIV and AIDS and sensitize them to options for redress;
- (f) Manage grievance procedure in relation to HIV and AIDS;
- (g) Give effect to international obligations of Nigeria on HIV and AIDS in the World of Work; and
- (h) Facilitate the review and enactment of appropriate laws and statutes to mainstream HIV and AIDS issues.

4.0 SCOPE

This policy covers but is not limited to:

- (a) All workers working under all forms of arrangements and at all workplaces including
 - i. persons in any employment or occupation;
 - ii. those in training, including interns and apprentices;
 - iii. volunteers;
 - iv. job seekers and job applicants; and
 - v. laid-off and suspended workers.
- (b) All sectors of economic activity, including the private and public sectors and the formal and informal economies
- (c) Armed forces and uniformed services.

5.0 POLICY APPLICATION

- This policy provides guidelines, which should be used to:
- Develop and guide the implementation of workplace responses at the enterprise (formal and informal), community, state and national levels, including both private and government workplaces;
 - Promote social dialogue, consultations, negotiations and all forms of cooperation between networks of people living with HIV, governments, employers and workers, Civil Society Organizations and all other relevant stakeholders;
 - Strengthen the focus on key populations and workers at higher risk of acquiring HIV;
 - Develop each enterprise's workplace policies and action plan; and
 - Give effect to its content in national laws, legislations, policies and programmes of action and enterprise/workplace agreements.

6.0 GUIDING PRINCIPLES

The following general principles should apply to all actions involved in the national response to HIV and AIDS in the workplace and are in tandem with the Constitution of the Federal Republic of Nigeria and other relevant national laws, International Conventions and Recommendations particularly ILO Recommendation 200. They are as follows:

6.1 Respect for Human Rights, Fundamental Freedoms and Equality

The policy is based on the principles of fundamental human rights and freedoms, dignity, responsibility and equality for all, including workers and their dependants. It is also based on patient rights, WHO/ILO standards and guidelines, ethical principles, prudent business practice and humane and compassionate attitude to individuals.

6.2 HIV and AIDS is a Workplace Issue

HIV and AIDS is a workplace issue and must be treated like any other serious illness or condition in the workplace, not only because it affects the workplace, but also because the workplace, being part of the local community, has a role to play in the wider struggle to limit the spread and effects of the infection. HIV and AIDS must be included among the essential elements of the National, State, Local Government and sectoral response to the pandemic with full participation of all stakeholders.

6.3 Non-discrimination

Elimination of discrimination remains a key principle for protection of the rights of individuals. There must be no discrimination against or stigmatization of workers on the grounds of real or perceived HIV status. It is the responsibility of every worker and employer to eliminate discrimination in the workplace. A non-discriminative policy environment will create the background for workers to access information and commodities, such as condoms for HIV prevention,

and promote HIV testing and counselling and referral to health and other available services.

6.4 Gender Equality

The gender dimension of HIV and AIDS should be recognized. Women and girls are at greater risk and more vulnerable to HIV infection and are disproportionately affected by HIV compared to men as a result of gender inequality. Therefore more equal gender relations and the empowerment of women are vital to the successful prevention of the spread of HIV infection, and its management. Measures must be taken in the world of work to ensure gender equality, prevent violence and harassment, protect sexual and reproductive health and rights and involve workers, regardless of their sexual orientation, in the HIV response.

6.5 Promoting Healthy and Safe Work Environments

All workers will have equal opportunities to enjoy safe and healthy living at workplaces. They must benefit from programmes to prevent specific risks of occupational transmission of HIV and related transmissible diseases, such as TB, especially in jobs most at risk, including the health care sector.

6.6 Social Dialogue/Consultations

Implementation of policies and programmes on HIV and AIDS should be based on cooperation and trust amongst government, employers and workers, and their representatives. Employers and workers should engage in the design, implementation and

evaluation of national and workplace programmes, with the active involvement of persons living with HIV and AIDS.

6.7 The Right to Access and Continuation of Employment

People living with HIV shall continue to work in the current employment category as long as they are medically fit. Real or perceived HIV status is not a valid cause for termination of employment. As with many other conditions, workers with HIV and AIDS must be reasonably accommodated and be able to work for as long as they are medically fit. Medical examination should be limited to the capacity of a worker to perform the task(s) of a particular job and not the HIV status.

6.8 Prevention

The National Policy on HIV and AIDS acknowledges that prevention of HIV infection is the main strategy and that treatment, care and support is a reinforcing element for an effective response. Therefore workplaces must ensure that employers, workers and their immediate families have access to comprehensive up-to-date information and education to reduce the risk of HIV transmission and coping strategies.

6.9 HIV Testing, Confidentiality and Disclosure

HIV and AIDS screening – whether direct (HIV testing), indirect (assessment of risk-taking behavior's) or asking questions about tests already taken or about medication – should not be required of jobseekers and job applicants or persons in employment. A job

applicant or a worker is not obliged to disclose HIV-related personal information. Confidentiality of all health-related information of workers and their dependents, including HIV status and referrals for services will be adhered to at workplaces. The results of HIV test must be confidential and should not lead to exclusion, lack of opportunities, non-advancement training, job insecurity and tenure truncation.

6.10 Treatment, Care and Support

Treatment, care and support services on HIV and AIDS must be accessible to all workers and their dependents. All workers must have access to affordable health services, social security, insurance schemes or other employment-related benefits either through the employer, the State or Non-Governmental Organizations. Programmes of care and support must include measures of reasonable accommodation in the workplace for workers living with HIV.

7.0 POLICY THEMES AND STRATEGIES

7.1 Prevention

7.1.1 Rationale

Prevention remains the most important strategy as well as the most feasible approach for reversing the HIV epidemic since there are no vaccines and there is no medical cure for now. The majority of Nigerians are HIV-negative; keeping them uninfected is critical to

the future of the epidemic and underscores the importance of prevention as a cornerstone of the national HIV and AIDS response.

Majority of those infected and/or affected are in the workplaces; the national situation of persistent high level of HIV-risky behaviour in the face of high level of HIV awareness calls for continuous and

See National HIV and AIDS Policy 2009

concentrated focus on effective preventive interventions in the workplace. This will stimulate the adoption of appropriate behaviour that reduces the risk of HIV transmission. to reduce the incidence of HIV.

7.1.2 Goal

Reduce the incidence of HIV in workplaces through a healthy and safe working environment.

7.1.3 Objectives

To:

- a) Promote safer HIV and AIDS-related behaviour change in the workplaces.
- b) Promote access of all workers to comprehensive prevention interventions.
- c) Enhance the acceptance of individual and collective responsibility for prevention of HIV transmission.

7.1.4 Policy Statements

Prevention

- ✓ Government and partners, including networks of employers of labour and their organizations, worker organizations and their members and professional bodies, shall ensure that all private and public workplace policies shall have prevention programmes with strong HIV communication-related components, which is well linked to other preventive services as well as to treatment, care and support where practicable.
- ✓ Workplaces shall ensure that accurate and up-to-date relevant and timely information is made available and accessible to all in a culturally sensitive format and language through the different channels of communication;
- ✓ Workplaces should have comprehensive education programmes to help women and men understand and reduce the risk of all modes of HIV transmission. This must include mother-to-child transmission and understanding the importance of changing risk behaviours related to infection;
- ✓ Workplaces shall put in place effective occupational safety and health measures, including harm-reduction strategies as well as measures to encourage workers to know their own HIV status through voluntary counselling and testing;
- ✓ Workplaces shall ensure access to all means of prevention, including male and female condoms, medical male circumcision, elimination of mother-to-child transmission and where appropriate information about correct use and the availability of post-exposure prophylaxis; and

- ✓ Workplaces shall put in place effective measures to reduce high-risk behaviours, particularly for the most at-risk groups with a view to decreasing the incidence of HIV and AIDS.

Occupational Health and Safety

- ✓ An employer is obligated to provide and maintain a workplace that is safe and without risk to the health of its workers.
- ✓ HIV and AIDS should form an integral part of any workplace Occupational Health and Safety strategy.
- ✓ The working environment must be safe and healthy in order to prevent transmission of HIV and TB in the workplace.
- ✓ Every workplace shall ensure that it complies with the provisions of the Occupational Health and Safety Act. Every workplace shall also ensure that its policy deals with, amongst others, the risk of transmission, appropriate training, awareness and education on the use of universal infection control measures so as to identify, deal with and reduce the risk of HIV transmission in the workplace.
- ✓ All workers must be made aware of the procedures to be followed in applying for compensation for occupational infections and diseases and the reporting of all occupational accidents.
- ✓ Health and safety measures adopted at the workplace to prevent workers' exposure to HIV and TB and to minimize the risk of such workers contracting HIV and TB must include universal precautions, accident and hazard prevention strategies, work practice control, personal protective

equipment, environmental control measures and post exposure prophylaxis.

- ✓ Employers, workers and their organizations must take responsibility for contributing towards a safe and healthy working environment as per the Occupational Health and Safety Act.

Children and Young Persons

- ✓ Government, employers and workers, including their organizations, must adopt appropriate measures to combat child labour and child trafficking that may result from the death or illness of family members or caregivers due to HIV and AIDS and to reduce the vulnerability of children to HIV and AIDS. This is considered in view of the relevant International, Regional and National standards on Fundamental Principles and Rights of children and young persons. Special measures must be taken to protect these children from sexual abuse and sexual exploitation.
- ✓ Measures must be taken to protect children and young workers against HIV infection. Such measures must include the special needs of children and young persons in the response to HIV and AIDS in National, State, Local Government, sectoral, and workplace policies and programmes. These should include objective sexual and reproductive health education, in particular the dissemination of information on HIV and AIDS through vocational training and in youth employment programmes and services.

7.1.5 Strategies

- Development of HIV and AIDS workplace policies which are in tandem with the National Policy on HIV and AIDS in the world of work.
- Development of HIV and AIDS educational programmes in collaboration with government, employers, workers representatives, NGOs, Community Based Organizations and other stakeholders
- Mainstreaming HIV prevention education into events organized by the employers and/or workers' organizations and possibly with the host communities. HIV prevention education could also be mainstreamed into the orientation programme for new workers.
- Production and dissemination of gender and culturally sensitive BCC materials and literature on HIV prevention education in the workplace.
- Integration of HIV prevention into the existing workplace programmes, for example Human Resource Development, Corporate Social Responsibility, and health promotion programmes.
- Promotion of availability and accessibility to prevention commodities like condoms.
- Enhancement availability and accessibility to counselling at workplaces and referral to HCT and STI services
- Training of workers as Peer Educators in the workplace.
- Elimination of Mother-to-Child Transmission which is promoted through workplace structures.
- Establishment of HIV and AIDS workplace committees.

- Involvement of PLHIV and their families in HIV and AIDS prevention programmes, when feasible.

7.2 HIV Testing

7.2.1 Rationale

HIV testing and counselling is a very powerful tool in responding to the HIV epidemic as it is the gateway for prevention in terms of maintenance of safe sexual behaviour and accessing treatment, care and support services. For pregnant women who are HIV positive it enables them to access treatment to prevent transmission of the virus to the unborn babies.

7.2.2 Goal

Ensure all workers in the workplace know their HIV status.

7.2.3 Objectives

To:

- a) Promote and scale up HIV counselling and testing among workers in the workplace.
- b) Promote and scale up interventions for the prevention of mother-to-child transmission in the workplace
- c) Ensure that HIV test results are confidential and are not used for employment or advancement purposes

7.2.4 Policy Statements

Counselling and Informed Consent

- ✓ No employer may require a worker or an applicant for employment to undertake an HIV test in order to ascertain that worker's HIV status. Testing must be with consent of the worker and voluntary HIV testing of workers must be provided with informed consent and proper counselling.
- ✓ Where employers or workers facilitate provision of HIV testing facilities, they must ensure a conducive environment for counselling.
 - o Pre-Test counselling should take place prior to a worker being tested to determine his or her HIV status.
 - o Post-Test counselling should take place irrespective of whether a worker has tested negative or positive. Proper procedures (in line with National Policy guidelines on HCT) should be followed in advising the worker on the next steps, depending on the HIV test results. **HIV Testing**
- ✓ **Mandatory Testing** for HIV is not a requirement in the world of work, including the following circumstances:
 - o during an application for employment; o as a condition of employment;
 - o during procedures related to termination of employment; and

- o as an eligibility requirement for training or staff development programmes.
- ✓ Employers shall ensure that no worker undergoes mandatory HIV testing or HIV screening for employment purposes. The only medical requirement for any person to fill any vacancy at the workplace as a suitable candidate is fitness for the work assigned to that position and that one's HIV positive status shall not form part of medical criterion for such fitness.
- ✓ Anonymous, unlinked surveillance or epidemiological HIV testing in the workplace may be conducted provided it is undertaken in accordance with ethical and legal principles and the National HIV and AIDS Research Policy. The information obtained must not be used to unfairly discriminate against workers.
- ✓ Employer may encourage workers to go for HIV test as it as it motivates people towards positive behaviour change and offers an opportunity to access treatment, care and support services. Such testing is however voluntary.

Confidentiality and Disclosure

- ✓ All persons, including those with HIV and AIDS have the legal right to privacy. A worker is therefore not legally required to disclose his or her HIV status or related medical information to his or her employer or to other workers.
- ✓ The results of HIV testing must be confidential and not endanger access to jobs, tenure, job security or opportunities for advancement.

- ✓ Where a worker chooses to voluntarily disclose his or her HIV status to the employer or to other workers, this information must not be disclosed to others without the worker's express written consent. Where written consent is not possible, steps must be taken to confirm that the worker wishes to disclose his or her HIV status.
- ✓ Mechanisms must be created to encourage openness, acceptance and support for those employers and workers who wish to voluntarily disclose their HIV status within the workplace.
 - ✓ Access to personal data relating to a worker's HIV status and related medical data must be bound by the rules of confidentiality consistent with the relevant national laws.

7.2.5 Strategies

- Encouraging/motivating all workers to go for HCT services.
- Creation of awareness of the benefits of HIV testing in the workplace.
- Production and distribution of BCC materials on HIV testing

7.3 Treatment, Care and Support

7.3.1 Rationale

Prevention, treatment, care and support services are all mutually reinforcing elements of a continuum of an effective response to HIV and AIDS. Provision of high quality care and support to infected and affected people is not a drain on the organization's resources; rather, such care and support is a matter of human rights, and an investment in the sustenance of the quality of life of PLHIV and

PABA, and continued productivity which have significant added value to the social and economic status of the country.

One of the most effective ways of reducing and managing the impact of HIV and AIDS is through the implementation of HIV and AIDS programmes for treatment, care and support in the workplace in addition to prevention programmes.

7.3.2 Goal

Ensure sustainable, gender-sensitive and effective HIV and AIDS treatment, care and support programmes are in place in all workplaces.

7.3.3 Objectives

- a) To increase access of workers living with HIV and AIDS to quality treatment in workplaces;
- b) To expand access to gender-sensitive care and support programmes in the workplaces.

7.3.4 Policy Statements

- ✓ The national policy and programmes on workplace health interventions are determined in consultation with employers and workers, and their representatives and are linked to public health services. They should offer the broadest range of appropriate and effective interventions to prevent and manage the impact of HIV and AIDS in the workplace.

- ✓ Workers living with HIV and their dependants should benefit from full access to health care on HIV and AIDS, whether this is provided under public health, social security systems, private insurance or other schemes. Members should also ensure the education and awareness raising of workers to facilitate their access to health care.
- ✓ A comprehensive programme of care and support for workers living with HIV shall be implemented integrating treatment, hospital/clinical based care, home based care and support. Adequate attention should be given to educating and encouraging workers living with HIV to stay healthy. Access to ART (in line with the National Guidelines produced by the Federal Ministry of Health) and treatment of tuberculosis and other opportunistic infections will be improved on by forming linkages with health care delivery systems such as tertiary, secondary and primary health care institutions including the private sector.
- ✓ Care and support are critical elements that must guide a workplace in responding to HIV and AIDS. Mechanisms must be created to encourage openness, acceptance and support for workers infected and affected by HIV and AIDS and to ensure that they are not discriminated against nor stigmatized.
- ✓ Workplaces must endeavour to provide counselling and other forms of social support to workers infected and affected by HIV and AIDS. Where health care services exist at the workplace, appropriate treatment must be provided. Where these services are not possible, workers must be informed about the location of available outside services.

Referrals shall be made as appropriate. Such external services will include support groups, counselling services, clinical services including access to ART as well as HCT.

- ✓ Where a worker has been exposed to HIV as a result of on the-job accident the employer shall be obliged to provide PEP to that worker free of charge. Every employer shall ensure that workers have access to care, treatment and support services.

- ✓ Programmes of care and support should include measures of reasonable accommodation in the workplace for PLHIV-related illnesses, with due regard to national conditions. Work should be organized in such a way as to accommodate the episodic nature, as well as possible side effects of treatment.
- ✓ Retention in work and recruitment of persons living with HIV should be promoted. Members should consider extending support through periods of employment and unemployment, including where necessary income-generating opportunities for persons living with HIV or persons affected by HIV or AIDS.
- ✓ Where a direct link can be established between an occupation and the risk of infection, AIDS and infection by HIV should be recognized as an occupational disease or accident, in accordance with national procedures and definitions, and with reference to the List of Occupational Diseases Recommendation, 2002, as well as other relevant International Labour Organization instruments.

7.3.5 Strategies

- Provide access to appropriate current information on antiretroviral therapy (ART), PMTCT and other available care and support services.
- Development of linkages with health institutions at the primary, secondary and tertiary levels and other relevant organizations for referral, treatment, care and support.
- Development of linkages/partnerships with Civil Society Organizations (CSOs), which provide services for care and support and other HIV-related issues
- Provide referrals and linkages but strictly with the consent of the individual
- Creation of budget line for Care and Support by Employers, including both government and private sector.
- Establishment of workplace support groups.

7.4 Protection and Promotion of the Rights of Workers

7.4.1 Rationale

Discrimination against PLHIV worldwide has been perpetrated through practices such as dismissal, unfair termination of employment (redundancy or retrenchment) on the basis of being HIV positive, and denial of worker benefits if known to be persons living with HIV. Such practices are against fundamental principles of human rights. It is also essential that co-workers should protect PLHIV from stigmatization and discrimination.

It is common knowledge that the greater the gender discrimination, the more negatively women are affected by HIV, therefore, more equal gender relations and the empowerment of women to enjoy equal rights with men is vital to successful HIV and AIDS workplace response.

7.4.2 Goal

Ensure non-discrimination in the workplaces based on HIV status or gender.

7.4.3 Objective

- a) To promote practices where all workers have equal access to worker benefits and opportunities irrespective of HIV status or gender.
- b) To protect the rights of all workers and ensure that worker benefits and dismissal or redundancy are not based on the HIV status or gender of a worker.

7.4.4 Policy Statements

Worker Benefits

- ✓ The FML&P in collaboration with other stakeholders including workers' and employers' organizations, political structures such as National and State Houses of Assembly and Civil Society Organizations shall cause a review of and where appropriate, enactment of laws on HIV and AIDS in relation to the workplace to protect the rights of PLHIV among others. ✓ Workers living with HIV must not be

discriminated against in the allocation of worker benefits. A worker's HIV status shall not be a factor in deciding whether or not to promote that worker. For employment seekers, HIV status shall not be a factor in deciding whether or not to employ him or her.

- ✓ Where an employer offers a medical benefit, that employer must ensure that this benefit does not unfairly discriminate, directly or indirectly, against any worker on the basis of his or her real or perceived HIV status. They are afforded protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958, which prevents unfair discrimination against workers based on real or perceived HIV status.
- ✓ There should be no discrimination against workers or their dependants based on real or perceived HIV status to access social security systems and occupational insurance schemes or in relation to benefits under such schemes, including health care and disability, death and survivor's benefits.
- ✓ No worker shall be transferred based on his or her HIV status except in relation to reasonable accommodation

Gender and Sexual Harassment

- ✓ Employers shall ensure that they give equal opportunities in and access to employment in the workplace without regard to sex or other status.
- ✓ Employers shall not condone any form of sexual violence or harassment in their workplaces.

- ✓ Employers shall ensure that gender sensitive grievance procedures are put in place to enable workers who are sexually abused or harassed to lodge their complaints without hindrance or other impediments.
- ✓ Employers shall ensure that workers' legal rights are protected.

Termination of Employment

- ✓ Real or perceived HIV status in itself is not a valid cause for termination of employment. Workers with HIV-related illness must not be denied the opportunity of continuing to carry out their work. Temporary absence from work because of illness or care-giving duties related to HIV or AIDS should be treated in the same way as absences for other health reasons, taking into account the Termination of Employment Convention, 1982
- ✓ Where a worker has become too ill to perform his or her current work, an employer is obliged to explore alternatives, including reasonable accommodation and redeployment.
- ✓ Where a worker has become too ill to perform his or her current work, an employer is obliged to follow accepted guidelines regarding dismissal for incapacitating before terminating a worker's services as stated in the relevant Labour laws.
- ✓ The employer must ensure that as far as possible, the worker's right to confidentiality regarding his or her HIV status is maintained during any incapacity proceedings. A worker must not be compelled to undergo an HIV test

- or to disclose his or her HIV status as part of such proceedings unless directed by the courts.
- ✓ Where a worker alleges unfair dismissal because of HIV and AIDS, such a worker shall refer the matter to the Federal Ministry of Labour and Productivity.

Reasonable Accommodation

- ✓ The obligation to make reasonable accommodation may arise when a worker voluntarily discloses his or her HIV status.
- ✓ Employers must also accommodate workers when the work or the work environment changes or impairment varies which affects the worker's ability to perform the essential functions of the job.
- ✓ Reasonable accommodation includes but is not limited to:
 - o adapting existing facilities to make them accessible;
 - o adapting existing equipment or acquiring new equipment including computer hardware and software;
 - o re-organizing workstations;
 - o changing training and assessment materials and systems;
 - o restructuring jobs so that non-essential functions are reassigned;
 - o adjusting working time and leave; and
 - o providing specialized supervision, training and support in the workplace.

Grievance Procedures

- ✓ Grievance mechanisms and procedures must be easily accessible to ensure effective redress in cases of violation.
- ✓ Employers must make workers aware of the grievance procedures, particularly to address unfair discrimination relating to HIV in the workplace.
- ✓ Employers should ensure that the rights of workers with regard to HIV and AIDS, TB and other illnesses and the remedies available to them in the event of a breach of such rights, become integrated into existing grievance procedures.
- ✓ Where all internal dispute resolution process has been exhausted and the grievance remains unresolved, any party to the dispute may refer the dispute to the Federal Ministry of Labour and Productivity or the law courts.

7.4.5 Strategies

- Establish HIV and AIDS workplace policies which harmonize with the National Policy on HIV and AIDS in the world of work.
- Create an enabling environment, free of stigma and discrimination, based on real or perceived HIV status.
- Implement HIV prevention, care and support activities using evidence-based strategies, in order to reduce stigma and discrimination.
- Promotion of no screening for HIV infection for job applicants or at job recruitment and while in service.

- Involve PLHIV and their families in HIV and AIDS prevention programmes, when feasible.
- Provide statutory benefits and entitlements to all workers, irrespective of their HIV status.
- Support continuity of employment, as long as they are medically fit to carry out present work or available alternative work.

8.0 MONITORING AND EVALUATION

The FML&P in collaboration with other stakeholders will develop tools for monitoring and evaluation of workplace responses. Indicators appropriate to the workplace response which have been developed by some projects will be reviewed and integrated into the Nigerian National Response Information Management System (NNRIMS). Workers' participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced.

Government, employers, workers, other relevant stakeholders and research institutions shall facilitate the implementation of research into HIV and AIDS issues in the workplace in line with National HIV and AIDS Research Policy. A database on HIV and AIDS workplace programmes and researches shall be established by the Federal Ministry of Labour and Productivity in collaboration with NACA to provide information on the implementation of HIV and AIDS workplace programmes. The database should however be linked to the National Database Systems.

Employers will be encouraged to establish comprehensive workplace database management systems on human resources,

labour attrition, labour costs and related facilities in the fight against HIV and AIDS. This can serve as the needed evidence in improving the workplace response.

9.0 BUDGET AND FUNDING

The government and employers shall allocate adequate resources towards the implementation of the National HIV and AIDS Workplace Policy. The Federal Ministry of Labour and Productivity, National Agency for the Control of AIDS (NACA), State Agencies for the Control of AIDS and other social partners shall also mobilize additional funds and technical assistance from development and/or implementing partners in ensuring the implementation of the policy.

10.0 GENERAL RIGHTS AND RESPONSIBILITIES

10.1 Federal Ministry of Labour and Productivity shall:

- a) Ensure coherence of National HIV and AIDS strategy and programmes at the workplace.
- b) Ensure that the composition of HIV and AIDS Committees includes representatives of employers, workers and of Ministries responsible for labour and social matters.
- c) Mobilize and support broad partnership for protection and prevention, including public agencies, the private sector, workers and employers' organizations, Faith Based Organizations (FBO) and other NGOs so that the greatest number of actors in the workplace are involved.
- d) Facilitate and co-ordinate all workplace interventions and provide an enabling environment at National level.

Coordination shall build on measures and support services already in place at National, State and Local Government levels, for example State Agencies for the Control of AIDS (SACAs) that are charged with coordinating HIV and AIDS response at the State level.

- e) Initiate and promote awareness and prevention programmes to counter stigmatization and reduce the prevalence of HIV in the workplace.
- f) Ensure that benefits under National laws and regulations apply to workers living with HIV, no less favourably than to workers with other chronic illnesses.
- g) In designing and implementing social security programmes, take into account the progressive and intermittent nature of the disease and tailor schemes accordingly.
- h) Ensure that to achieve coherence with national AIDS plans, to mobilize the social partners, and to facilitate planning to mitigate its socio-economic impact, the competent authorities shall carry out and publish the findings of ethical and other research on HIV and AIDS and the workplace, including gender-sensitive analysis, using where appropriate, research from employers and their organizations and workers' organizations. Data collection shall to the extent possible, be sector-specific, and disaggregated by sex, age, employment, and occupational status among other key variables.
- i) Ensure that in consultation with the social partners and experts in the field of HIV and AIDS, the competent authority shall provide the relevant regulatory framework and revise labour laws.

- j) Supply technical information and advice to employers and workers concerning the most effective way of complying with legislation and regulations applicable to HIV and AIDS and the workplace. They shall strengthen enforcement structures and procedures, such as factory/labour inspectorates, labour courts and tribunals e.g. National Industrial Courts (NIC) and Industrial Arbitration Panel (IAP), so that protection and prevention laws are enforced and applied as far as practicable in the informal sector.
- k) Ensure that in extending HIV and AIDS prevention to the informal sector, work with informal sector groups shall, as far as possible, adapt and extend its programmes, and include income generation and social protection measures.
- l) Ensure care and support in the context of HIV and AIDS through public health care programmes and other appropriate government initiatives.
- m) Promote and support collaboration at regional and international levels, and through multilateral agencies, especially UNAIDS and ILO, so as to focus international attention on HIV and AIDS and on needs in the workplace.
- n) Enlist international assistance in support national programmes. It shall take initiatives aimed at supporting international campaigns to reduce the cost of and improve access to antiretroviral drugs.
- o) Ensure that responsibilities for monitoring, evaluation and review of the policy and its implementation shall lie with the social partners at National, State and Local Government levels and with relevant officers of government.
- p) Carry out the above functions, responsibilities and activities in line with the National HIV and AIDS Policy 2009 and the

National HIV and AIDS Strategic Plan (2010-2015) or any revisions for replacement thereof and other related documents and policy guidelines.

- q) Ensure that copies of this policy are available and accessible to employers, workers and their representative organizations and other stakeholders.
- r) Ensure that the labour inspectors and any other relevant officers undertake specialized training on HIV and AIDS prevention and protection strategies at the workplace as part of their advisory services, capacity building and training.
- s) In programmes to eliminate child labour, ensure that attention is paid to the impact of the epidemic on children and young persons whose parent or parents are ill or have died as a result of HIV and AIDS.
- t) Identify groups of workers who are vulnerable to infection, and adopt strategies to overcome the factors that make these workers susceptible and also endeavour to ensure that appropriate prevention programmes are in place for these workers.
- u) Ensure that the policy is translated into at least three (3) Nigerian languages.

10.2 Employers and their Organizations shall:

- a) Consult and agree with workers and their representatives to develop and implement an appropriate policy for their workplace which prevents the spread of the infection and protects all Workers from discrimination related to HIV and AIDS. Such policy shall adhere to the content of this policy.

- f) Support and encourage the employers in creating and implementing personnel policy or practices that treat workers with HIV and AIDS no differently from other workers.
- g) Develop and carry out training courses for their representatives on workplace issues raised by the epidemic, appropriate response, and the general needs of people living with HIV and AIDS.
- h) Have the right to access their own medical files. Employers' organizations should not have access to personnel data relating to a worker's HIV status. In all cases, when carrying out trade union responsibilities and functions, the rules of confidentiality set out in the ILO's Occupational Health Services Recommendation, 1985 (No. 171), shall apply.
- i) Extend their activities to the informal sector, in partnership with non-governmental and community-based organizations where appropriate, and support new initiatives that help both to prevent the spread and mitigate the impact of HIV and AIDS.
- j) Build solidarity across national borders by using sectoral, regional and international groupings to highlight HIV and AIDS and the workplace, and to include it in workers' rights campaigns.
- k) Carry out the above functions and responsibilities and activities in line with the National HIV and AIDS Policy, National HIV and AIDS Strategic Plan (2010-2015) and other related documents and policy guidelines.
- l) Ensure Trade Unions include the Policy in their education and training programmes of members.
- m) Make the policy available and accessible to workers in at least three major Nigerian languages provided that in case

of conflict between the different versions the English version shall rule. This shall be with the assistance of Government and Employers

- n) Make workers participate actively in the HIV and AIDS programmes and take the lessons learnt to their homes and communities.

10.4 The National Agency for the Control of AIDS shall:

- a) Support the Federal Ministry of Labour and Productivity in conducting advocacy for the National HIV and AIDS Workplace Policy in line with their mandate for advocacy of the National HIV and AIDS Policy.
- b) Provide technical support for the policy and programme development as well as implementation of this policy and Programme.
- c) Mobilize financial resource and channel funds for the implementation of the programme activities under the National HIV and AIDS Workplace Policy
- d) Ensure that this policy is consistent with the National HIV and AIDS Policy.
- e) Co-ordinate and link the monitoring and evaluation systems of the workplace policy as a component of the national monitoring and evaluation system for the National HIV and AIDS Policy.
- f) Be a resource centre for advice and technical support for all stakeholders in policy and programme activities.

10.5 The State Agency for the Control of AIDS shall:

- a) Support the State Labour Offices and other social partners in conducting advocacy for the National HIV and AIDS Workplace Policy in line with their mandate for advocacy of the National/State HIV and AIDS Policy.
- b) Provide technical support for the policy and programme development as well as implementation of this policy and programme.
- c) Mobilize financial resources and apply such funds for the implementation of the programme activities under the National/State HIV and AIDS Workplace Policy.
- d) Ensure that this policy (wherever adapted) is consistent with the National and State HIV and AIDS Policy;
- e) Co-ordinate and link the monitoring and evaluation systems of the workplace policy as a component of the State monitoring and evaluation system for the National and/or State HIV and AIDS Policy.
- f) Be a resource centre for advice and technical support for all stakeholders in policy and programme activities.

10.6 National Steering Committee on HIV Workplace Issues

The National Steering Committee on HIV Workplace (which includes the social partners, public and private sector representatives, development agencies and service providers) shall:

- a) Assist in the coordination of all workplace response.
- b) Provide guidance on implementation of workplace issues

- c) Provide technical support and advice on relevant issues
- d) Engage in advocacy to highlight workplace issues.

11.0 POLICY REVIEW

The FML&P in collaboration with the social partners and persons living with HIV shall review this policy every 5 (five) years and/or whenever substantial scientific and developmental concerns so dictate.

12.0 DEVELOPMENT OF IMPLEMENTATION GUIDELINES AND ACTION PLAN

It is expected that guidelines for the implementation of the national workplace policy will be developed and disseminated. The national action plan based on the strategies identified above will also be developed. It is expected that specific activities, which will be undertaken, shall be worked out at each level and by each stakeholder.

- b) Adhere to the relevant Labour laws and practice in relation to negotiating terms and conditions of employment about HIV and AIDS issues, and endeavour to include provisions on HIV and AIDS protection and prevention in national, sectoral and enterprise bargaining agreements.
- c) Initiate and support programmes at their workplace to inform, educate and train workers about HIV and AIDS and the enterprise's policy, including specific staff benefits and entitlements.
- d) Develop appropriate strategies to understand, assess and respond to the economic impact of HIV and AIDS on their particular workplace and sector. This shall be done in cooperation with workers' representatives.
- e) Not engage in or permit any personnel policy or practice that discriminates against workers infected with or affected by HIV and AIDS.
- f) In the spirit of good corporate citizenship, where appropriate, encourage fellow employers to act in accordance with this Policy, and encourage government to take all necessary action to stop the spread of HIV and AIDS and mitigate its effects. Other partnerships such as business membership organizations committees or coalition on HIV and AIDS should be encouraged to support these processes.
- g) Ensure formation of partnerships in informal sector and develop appropriate prevention, care and support programmes for their workers consistent with the guidelines provided in this policy. Government, NGOs and other stakeholders should endeavour to assist the informal sector to create such partnerships.

- h) Contribute to international partnerships in the fights against HIV and AIDS.
- i) Ensure that the policy is available and accessible by workers and their organizations and also ensure that they include the policy in their orientation, education and training programmes of workers.

10.3 Workers and their Organizations shall:

- a) Consult with their employers and agree on the implementation of an appropriate policy at their workplace, which prevents the spread of the infection and protects all workers from discrimination related to HIV and AIDS.
- b) Adhere to the labour laws and practice when negotiating terms and conditions of employment relating to HIV and AIDS issues, and endeavour to include provisions on HIV and AIDS protection and prevention in national, sectoral and enterprise bargaining agreements.
- c) Use existing union structures and facilities to disseminate information on HIV and AIDS in the workplace, and develop educational materials and activities appropriate for workers and their families, including regularly updated information on worker's rights and benefits.
- d) Cooperate with employers to develop appropriate strategies to understand, assess and respond to the economic impact of HIV and AIDS in their particular workplace and sector
- e) Encourage employers and their organizations to lobby Government to take all necessary action to stop the spread of HIV and AIDS and mitigate its impacts.