



NACA HIV/AIDS *Workplace* POLICY

Contents

FOREWORD	3
ACKNOWLEDGEMENTS	4
ACROYNMS AND ABBREVIATIONS	5
GLOSSARY	6-7
1.0 INTRODUCTION	8
1.1 Rationale of the Policy	9
1.2 Goal and Objectives	9
1.3 Scope of Application	9
1.4 Policy Application	10
2.0 GUIDING PRINCIPLES	11
2.1 Respect for Human Rights, Fundamental Freedoms and Equality	11
2.2 HIV and AIDS is a Workplace Issue	11
2.3 Non-discrimination	11
2.4 Gender Equality	11
2.5 Promoting Healthy and Safe Work Environments	12
2.6 Social Dialogue/Consultations	12
2.7 The Right to Access and Continuation of Employment	12
3.0 RIGHTS AND RESPONSIBILITIES	13
3.1 Management Responsibility	13
3.2 Employee Responsibility	14
4.0 POLICY FRAMEWORKS	15
4.1 Prevention	15
4.1.1 Rationale	15
4.1.2 Goal	15
4.1.3 Objectives	15
4.1.4 Policy Statements	15-17
4.2 HIV Testing Services	17
4.2.1 Rationale	17
4.2.2 Goal	17

4.2.3 Objectives	17
4.2.4 Policy Statements	17-19
4.3 Treatment, Care and Support	19
4.3.1 Rationale	19
4.3.2 Goal	19
4.3.3 Objectives	19
4.3.4 Policy Statements	20-21
4.4 Protection and Promotion of the Rights of Workers	21
4.4.1 Rationale	21
4.4.2 Goal	21
4.4.3 Objective	21
4.4.4 Policy Statements	21-23
5.0 HIV /AIDS PROGRAMME IMPLEMENTATION IN NACA	24
5.1 Policy Implementation Committee	24
5.2 Prevention	24-25
5.2.1. Strategies	25
5.3 HIV Testing Services (HTS)	25
5.3.1 Strategies	25-26
5.4 Care & Support Programmes	26
5.4.1 Strategies	26
5.5 Protection and Promotion of the Rights of Workers	26
5.5.1 Strategies	26-27
6.0 MONITORING AND EVALUATION	28
6.1 Implementation Tracking	28
6.2 Policy Review	28

FOREWORD

The National Agency for the Control of AIDS (NACA), as the lead agency charged with the multisectoral response to the HIV epidemic in Nigeria, has continuously advocated for the elimination of stigma and discrimination of all kinds in relation to HIV and AIDS. The effects of stigma and discrimination in the workplace, if left unchecked, poses a great threat to Nigeria's growth and productivity in the form of increasing new infections and loss of valuable workforce. As such, NACA has over the years provided a neutral work environment that has protected and promoted the rights of its staff, especially in relation to confidentiality and non-disclosure. Additionally, NACA has put in place measures that have taken into consideration the needs of those living with or affected by HIV and AIDS in order to ensure their health is safeguarded so as to enable them adequately perform the functions for which they were employed.

NACA has developed this HIV Workplace Policy to provide structured guidance on dealing with HIV-related issues in the workplace and to set an example for all other organizations across all levels of government and sectors of Nigeria. This policy is intended to provide guidance and serve as a tool with which employers can protect themselves and their employees, and for employees to use in advocating for the rights accorded to them by the constitution of the Federal Republic of Nigeria. This is also essential to ensuring all persons working in Nigeria are well informed on prevention and management of HIV and AIDS, as well as available programmes and resources.

On behalf of the agency, I therefore encourage all organizations and institutions in the public and private sector to adapt this policy for their various places of work. NACA remains committed to providing necessary guidance and assistance to this process as part of our mandate towards protecting the rights of people living with or affected by HIV. Together, we can ensure Nigeria retains a healthy and productive workforce in safe environments without fear of stigma or discrimination.



Dr. Gambo G. Aliyu MBBS, MS, PhD
Director-General
NACA

ACKNOWLEDGEMENTS

The development of the NACA HIV and AIDS Workplace Policy was an iterative process that required the technical inputs and guidance of several stakeholders, both within and outside the HIV response, in Nigeria. The process involved wider consultations for expertise in order to ensure proposed policy statements and all aspects of the policy are in alignment with the Constitution of the Federal Republic of Nigeria, as well as the International Labour Organisation (ILO) recommendation on HIV and AIDS in the workplace.

In this regard, the agency wishes to acknowledge, with gratitude, the technical inputs and support of the Federal Ministry of Labour and Productivity, the Nigeria Labour Congress; and the ILO Nigeria/Anglophone West Africa Office. The technical support and coordination provided by the NACA Policy, Planning and Coordination Department, under the leadership of Dr. Effiong Eno, which includes Dr. Chukwugozie Ujam, Mrs. Ime Mukolu, Femi Olukoya, Mr. Desmond Aso, Mr. Oluwaseun Oshagbami, Mr. Collins Aneke, Mr. Seun Sodipe, Miss Priscilla Odangla and Miss Fatima Zanna is worthy of mention. The active participation and contribution of these entities was instrumental to the development of this policy.

The support and guidance of visionary leadership of the Director General of NACA, Dr. Gambo G. Aliyu in ensuring a healthy, motivated and productive workforce is a strong motivation for this document and is highly appreciated.

Lastly, we must also acknowledge the contributions and guidance of the NACA Directors, management staff and Zonal Coordinators for their inputs to the development process. It is our hope that this policy would serve as a reminder to eliminate workplace HIV and AIDS stigma and discrimination and also ignite commitment towards ensuring HIV and AIDS ceases to be a barrier towards active participation in the Nigerian workforce.



Dr Kayode Ogungbemi
Director
Policy, Planning and Stakeholders' Coordination
NACA

ACROYNMS AND ABBREVIATIONS

AIDS	-	Acquired Immunodeficiency Syndrome
ART	-	Anti-Retroviral Therapy
BCC	-	Behaviour Change Communication
HCV	-	Hepatitis C Virus
HIV	-	Human Immunodeficiency Virus
HTS	-	HIV Testing Services
IEC	-	Information, Education and Communication
ILO	-	International Labour Organisation
M&E	-	Monitoring and Evaluation
NACA	-	National Agency for the Control of AIDS
NSF	-	National Strategic Framework
NSP	-	National Strategic Plan
OIs	-	Opportunistic Infections
PLHIV	-	People Living with HIV and AIDS
PSR	-	Public Service Rules
SBCC	-	Strategic Behaviour Change Communication
SDGs	-	Sustainable Development Goals
STI	-	Sexually Transmitted Infections

GLOSSARY

Affected persons: means persons whose lives are changed by HIV or AIDS owing to the broader impact of the epidemic.

AIDS: refers to the acquired immunodeficiency syndrome, which results from advanced stages of HIV infection, and is characterised by opportunistic infections or HIV-related cancers, or both.

Confidentiality: means the right of every person, including workers, job applicants, job seekers, interns, apprentices, volunteers, and laid-off and suspended workers to have their information, including medical records and HIV records kept private.

Counselling: means a confidential interactive session between a professional and a client aimed at exploring and identifying the risks of the client to HIV and AIDS.

Discrimination: means any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as referred to in the Discrimination (Employment and Occupation) Convention, 1958, and Recommendation, 1958.

Employer: a person or organisation 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.

Public Sector: the part of the economy composed of both public services and public enterprises. Usually comprised of organisations that are owned and operated by the government and exist to provide services for its citizens. Public sector do not seek to generate a profit.

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.

Private Sector: is the part of the economy that is run by individuals and companies for profit and is not state controlled. It encompasses all for-profit businesses that are not owned or operated by the government

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

1.0 INTRODUCTION

National Agency for the Control of AIDS (NACA) is the coordinating entity that interfaces and engages with various sectors in the fight against HIV and AIDS. This includes promoting awareness and attitudinal change through appropriate programmes to mitigate the impact of HIV and AIDS in Nigeria. The vision of the agency is to equip people with functional knowledge of HIV and AIDS and provide care and support to individuals, families and communities. The National HIV and AIDS Strategic plan also aims to achieve an AIDS-free Nigeria, with zero new infections, zero AIDS related discrimination and stigma. The effect of HIV and AIDS continue to affect the physical, social, psychological and economic well-being of a people especially the productive age, most of whom constitute the nation's workforce. The agency, therefore, intends to actualize this vision through its workforce by developing a workplace policy on HIV and AIDS.

This policy reflects on the negative effects of HIV and AIDS on the productivity of a workforce. Negative effects such as management succession problems, loss of skilled and experienced manpower due to disability or death, loss of man hours due to prolonged illness, absenteeism, reduced performance, increased stress, stigma, discrimination and loss of institutional memory, amongst others, have a huge impact on the development of any economy. However, as a workplace issue, HIV and AIDS and related infections should be treated like any other serious illness or condition that affects members of the workforce. The workplace should also serve as a platform to educate the workforce on minimising the spread and mitigating the impact of HIV and AIDS.

This policy will therefore serve as a comprehensive, coherent and consistent NACA HIV and AIDS workplace policy that will facilitate a work environment that protects the rights of staff infected or affected by the epidemic. It will also serve as a sample HIV and AIDS workplace policy that can be adapted by State Agencies for the Control of AIDS (SACAs), other ministries, departments and agencies (MDAs), as well as private sector organisations.

1.1 Rationale of the Policy

The development of this policy is intended to provide guidance on a positive and productive workplace environment and outline management and employee's rights, responsibilities and expected behavior in the workplace. This workplace policy document is a strategic and appropriate setting to educate and promote efforts for prevention and control of the spread of HIV and AIDS. This policy will stipulate the appropriate institutional framework as well as a monitoring, evaluation and review mechanism. It will further provide guidance for departments and units of the agency to ensure activities/programmes are sensitive to the policy statements. The policy statements will be reflected in strategies outlined in the HIV and AIDS National Strategic Plan (NSP).

1.2 Goal and Objectives

The goal of this policy is to provide a comprehensive framework to address issues related to HIV and AIDS within the agency.

The specific objectives for achieving this goal are:

- To strengthen the legal framework for HIV and AIDS as a workplace issue;
- To set minimum standards for managing HIV and AIDS related issues within the agency;
- To establish and implement HIV and AIDS programmes that will instill knowledge and ensure HIV competency among staff;
- To contribute to national efforts towards mitigating the impact of HIV and AIDS;
- To guide employees on their rights and responsibilities as regards HIV and AIDS.

1.3 Scope of Application

The policy applies to all staff of NACA and prospective staff of the agency actively going through recruitment processes.

1.4 Policy Application

This policy provides guidelines, which should be used to:

- Ensure compliance with appropriate policies, extant rules, laws and legislations
- Set standard of behaviour for all employees of the agency, irrespective of HIV status
- Give guidance to the rights and responsibilities of all employees of the agency
- Help employees, living with or affected by HIV and AIDS, understand and access available support and care
- Propagate programmes to prevent the spread HIV and AIDS in the agency.

2.0 GUIDING PRINCIPLES

In alignment with the Constitution of the Federal Republic of Nigeria, the HIV Anti-Discrimination ACT (2014), National Workplace Policy on HIV and AIDS 2013, the Sustainable Development Goals and other relevant national laws, International Conventions and Recommendations particularly ILO Recommendation 200, the NACA Workplace Policy on HIV and AIDS is underpinned by the following guiding principles:

2.1 Respect for Human Rights, Fundamental Freedoms and Equality

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

2.2 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. This is not only because it affects the workplace, but 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 Agency's response to the epidemic with full participation of all stakeholders.

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

2.4 Gender Equality

The gender dimension of HIV and AIDS should be recognized. Due to gender inequality, women and girls are at greater risk and more vulnerable to HIV. 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 to involve workers in the HIV response.

2.5 Promoting Healthy and Safe Work Environments

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

2.6 Social Dialogue/Consultations

Implementation of policies and programmes on HIV and AIDS should be based on cooperation and trust amongst the employer, the employees and their representatives. Employers and employees should engage in the design, implementation and evaluation of national and workplace programmes.

2.7 The Right to Access and Continuation of Employment

People living with HIV will continue to work in the current employment category as long as they are medically fit. Real or perceived HIV status is not a threat and therefore 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 their HIV status.

3.0 RIGHTS AND RESPONSIBILITIES

3.1 Management Responsibility

Safe & Healthy work environment

The Agency shall ensure the work environment is healthy and safe, as far as is practicable, for all concerned parties. This means the Agency is responsible for providing information on HIV transmission and appropriate first aid in the event of an accident. The Agency is also saddled with the task of ensuring all staff understand their roles and responsibilities, consult with staff regarding decisions that impact workplace safety, as well as provide necessary protective gear and equipment. It does not, however, give employers the right to test employees for HIV in the interest of public health, since casual contact in the workplace presents no risk of HIV transmission.

In addition, a healthy work environment tries to accommodate all workers (in consideration of their physical and mental health) and thereby mitigate the impact of HIV and AIDS. Therefore, providing necessary health and safety instruction, supervision & training for employees, especially when working in dangerous conditions, are also responsibilities of the Agency.

Grievance and concerns

The Agency, through the Policy Implementation Committee, will/shall ensure that the rights of employees with regard to HIV and AIDS and remedies available to them in the event of a breach of such rights become integrated into the grievance procedure. Furthermore, in responding to all grievances, management will/shall ensure swift and decisive action, keep an open mind, evolve alternative course(s) of action, keep all communication lines open, document every step of the grievance resolution process, and strengthen grievance resolution systems through regular evaluation of the processes and lessons learned.

Confidentiality

The Agency shall keep confidential any medical information it learns about an employee or job applicant, as they both have a right to confidentiality. It is therefore illegal for anyone to disclose that an employee or applicant is living

with HIV and AIDS without the employee or applicant's permission.

In limited situations (defined by an approved medical board), the Agency may share medical information when addressing requests for special work needs. Consequently, the specific individuals within the Agency who need to be involved in order to address the issue will be informed. Overall, ensuring the medical confidentiality of an employee who has HIV and AIDS protects the Agency by helping prevent possible discrimination, harassment, and potential lawsuits.

Gender Equality

The gender dimensions of HIV and AIDS should be recognised. Women are more likely to become infected and more often adversely affected by HIV and AIDS than men, for biological, sociocultural, and economic reasons. The Agency will/shall, therefore, ensure HIV and AIDS programmes respond to the circumstances and needs of both men and women.

3.2 Employee Responsibility

Grievances and Concerns

An employee has the right to seek redress with the Policy Implementation Committee where there is perceived non-compliance to the HIV and AIDS policy. Furthermore, the employee can avail him/herself of petitioning to Agency's management when not satisfied with the resolution of the Policy Implementation Committee on the grievance filed. However, the employee must adhere strictly to the policies, guidelines and codes of the Agency.

Safe and Healthy Work Environment

The employee shall have the right to demand a safe and healthy work environment, have a right to any medical record the Agency possesses concerning him/her, file a complaint about workplace hazards, and will/shall not be discriminated against for exercising his/her health and safety rights. It is also the duty of the employee to ensure the safety of the work environment and not constitute harm to co-workers, as well as promptly report any risk in the workplace.

4.0 POLICY FRAMEWORKS

4.1 Prevention

4.1.1 Rationale

Prevention remains the most important strategy as well as the most feasible approach for reversing the HIV epidemic since there are currently no vaccines and there is no medical cure. 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 workplace; the national situation of persistent high level of HIV-risky behaviour in the face of high level of HIV awareness calls for continuous and concerted focus on effective preventive interventions in the workplace. This will stimulate the adoption of appropriate behavior that reduces the risk of HIV transmission to reduce the incidence of HIV.

4.1.2 Goal

Reduce the incidence of HIV in the National Agency for the Control of AIDS (NACA) through a healthy and safe work environment.

4.1.3 Objectives

- a) To promote safer HIV and AIDS-related behaviour change in NACA.
- b) To promote access of all staff to comprehensive prevention interventions.
- c) To enhance the acceptance of individual and collective responsibility for prevention of HIV transmission.

4.1.4 Policy Statements

Prevention

- NACA shall ensure that all prevention programmes have strong HIV communication-related components, which is well linked to other preventive services as well as to treatment, care and support where practicable;
- NACA 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;

- NACA should have comprehensive education programmes to help its staff understand and reduce the risk of all modes of HIV transmission. This must include mother-to-child transmission and understanding the importance of changing risky behaviours related to transmission and infection;
- NACA 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;
- NACA shall ensure access to all means of prevention, including male and female condoms, elimination of mother to-child transmission;
- Where appropriate, information about correct use and the availability of post-exposure prophylaxis shall be provided; and

Occupational Health and Safety

- NACA management is obligated to provide and maintain a workplace that is safe and without risk to the health of its staff;
- The work environment must be safe and healthy in order to prevent transmission of HIV in the workplace;
- NACA management shall ensure that it complies with the provisions of the Occupational Health and Safety Act. It 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;
- Staff 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 shall include universal precautions, accident and hazard prevention strategies, work practice control, personal protective equipment, environmental control measures and post exposure prophylaxis; and

- Management and staff of NACA must take responsibility for contributing towards a safe and healthy work environment in line with the Occupational Health and Safety Act.

Young Persons

- Management shall protect young persons against HIV infection. Measures addressing the special needs of young persons in the Agency shall be included in workplace policies and programmes. These should include objective sexual and reproductive health education.

4.2 HIV Testing Services

4.2.1 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 access to treatment for prevention of transmission of the virus to the unborn babies.

4.2.2 Goal

Ensure that all staff of NACA know their HIV status.

4.2.3 Objectives

- a) To promote and scale up HIV counselling and testing among staff.
- b) To promote and scale up interventions for the prevention of mother-to-child transmission in the Agency.
- c) To ensure that HIV test results are confidential and are not used for employment or career advancement purposes.

4.2.4 Policy Statements

Counselling and Informed Consent

- NACA Board/Management shall not require a staff or an applicant for employment to undertake a HIV test in order to ascertain that individual's suitability for the job. Testing must be with consent of the staff/individual and voluntary HIV testing of staff must be provided with informed consent and proper counselling.

- Where management or staff facilitates provision of HIV testing facilities, they must ensure a conducive environment for counselling.

HIV Testing

- **Mandatory Testing** for HIV is not a requirement in the world of work, including the following circumstances:
 - during an application for employment;
 - as a condition of employment;
 - during procedures related to termination of employment; and
 - as an eligibility requirement for training or staff development programmes.
- Management 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 criteria.
- Anonymous, unlinked surveillance or epidemiological HIV testing in the agency 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.
- Management may encourage workers to go for HIV test as it motivates people towards positive behaviour change and offers an opportunity to access treatment, care and support services. Such testing shall be voluntary.

Confidentiality and Disclosure

- 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.
- 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 and informed consent. Where written and informed consent is not possible, steps must be taken to confirm that the worker wishes to disclose his or her HIV status.
- 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.

4.3 Treatment, Care and Support

4.3.1 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 people affected by AIDS (PABA), and continued productivity which have significantly 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 in addition to prevention programmes, is the implementation of programmes for treatment, care and support in the workplace.

4.3.2 Goal

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

4.3.3 Objectives

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

4.3.4 Policy Statements

- NACA policy and programmes on workplace health interventions shall be determined in consultation with management and staff be linked to public health services. They shall 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 AID Sand their dependents shall benefit from full access to HIV and AIDS services. The agency shall also ensure education and raising awareness of it's staff to facilitate their access to health care.
- Adequate attention shall be given to educating and encouraging workers living with HIV to stay healthy. Access to ART (in line with the National Guidelines) will be improved by forming linkages with health care delivery systems such as tertiary, secondary and primary health care institutions including the private sector.
- Management shall facilitate the creation of mechanisms to encourage openness, acceptance and support for workers infected and affected by HIV and AIDS and to ensure that they are not discriminate against nor stigmatized.
- Management shall provide counselling and other forms of social support to workers infected and affected by HIV and AIDS. Where healthcare services exist at the workplace, appropriate treatment must be provided. Where these services are not possible, staff 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 HTS.
- Where a staff makes a timely report of exposure to HIV as a result of on-the-job accident, management shall be obliged to facilitate the provision of post exposure prophylaxis (PEP) and any necessary ancillary care to that staff free of charge.
- Management shall ensure that workers have access to care, treatment and support services.
- Programmes of care and support shall include measures of reasonable accommodation in the workplace for PLHIV related illnesses, with due regard to national guidelines. Work shall be organized in such a way as to accommodate the episodic nature, as well as possible side effects

of treatment.

- 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 (ILO) instruments.

4.4 Protection and Promotion of the Rights of Workers

4.4.1 Rationale

Employment, redundancy or retrenchment on the basis of HIV status and denial of worker benefits, if known to be PLHIV, must be avoided. Such practices are against fundamental principles of human rights. It is also essential that co-workers should protect PLHIV from stigmatization and discrimination.

4.4.2 Goal

Ensure non-discrimination based on HIV status or gender.

4.4.3 Objective

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

4.4.4 Policy Statements

Worker Benefits

- Staff living with HIV shall 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 employment.
- Where management offers a medical benefit, it must ensure that it does not unfairly discriminate, directly or indirectly, against any staff on the basis of his or her real or perceived HIV status. Management shall ensure 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 shall be no discrimination against staff or their dependents based on real or perceived HIV status to access social security systems and the National Health Insurance Scheme (NHIS) or in relation to benefits under such schemes, including health care and disability, death and survivor's benefits.
- No staff shall be transferred based on his or her HIV status.

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 and AIDS shall be treated in the same way as absence for other health reasons, taking into account the provisions the Public Service Rules and the 1982 Termination of Employment Convention.
- Where a staff has become too ill to perform his or her current work due to HIV and AIDS and related complications, management shall explore alternatives, including reasonable workplace adaptation and/or redeployment.
- Where a staff has become too ill to perform his or her current work as a result of HIV and AIDS, management shall follow accepted guidelines regarding termination/retirement on grounds of incapacitation.
- Management shall ensure that 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 disengagement because of HIV and AIDS status, such a worker shall refer to relevant guidelines outlined in the Public Service Rules.

Reasonable Accommodation

- The obligation to make workplace adaptations may arise when a staff voluntarily discloses his or her HIV status. Management shall also make such adaptation for 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 workplace adaptation shall be determined by the medical board.

Grievance Procedures

- Grievance mechanisms and procedures must be easily accessible to ensure effective redress in cases of violation.
- NACA Management shall make staff aware of the grievance procedures, particularly to address unfair discrimination relating to HIV in the workplace.
- Management shall ensure that the rights of staff with regard to HIV and AIDS and other related 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 processes have been exhausted and the grievance remains unresolved, any party to the dispute may refer guidelines on dispute resolution as stipulated in the PSR.

5.0 HIV AND AIDS PROGRAMME IMPLEMENTATION IN NACA

5.1 Policy Implementation Committee

A committee shall be constituted with membership from different departments of the agency, which shall be independent. Members of the committee will be sworn in on terms highlighting the importance of non-discrimination, non-disclosure and need confidentiality. Members will also be trained on these principles and also on how to manage communication between staff of the agency and the management, as well as how to ensure their functions on the committee does not interfere with their roles and responsibilities in the agency.

The committee shall be responsible for overseeing adherence to the policy statements in the HIV and AIDS Workplace Policy and implementation of activities derived from the policy. The committee will be responsible for receiving grievances from members of staff in matters relating to this HIV and AIDS Workplace Policy and following up to ensure management and/or any other relevant body addresses these identified issues adequately.

The committee shall submit reports to the agency's management on all grievance issues whilst ensuring the confidentiality of the persons involved in order to avoid possible stigma and discrimination.

A mechanism, independent of the committee, shall be instituted that will enable staff to provide feedback and make recommendations on the HIV and AIDS workplace policy statements and implementation. These feedback and recommendations will form part of the information that will be considered during the subsequent evaluation and review of the policy.

5.2 Prevention

The agency shall organise and provide access to prevention programmes for its staff. Educational programmes shall be organised to educate staff on basics of prevention, modes of transmission, pre exposure and post exposure prophylaxis. There shall also be education on safer sexual practices and access to information through the National Call Center on HIV and AIDS & Related Diseases by calling the toll free number 6222. Education on the Anti-discrimination act will equally be prioritised.

Departments preparing activities shall ensure the activities are gender sensitive and have respect for human rights.

The agency shall provide free access to SBCC and IEC materials for all staff of the agency on different aspects of HIV and AIDS, including information on stigma and discrimination in the work place. The agency shall provide access to free condoms and peer education programmes for staff.

5.2.1. Strategies

- Establishment of HIV and AIDS workplace committees.
- Main streaming HIV prevention education into programmes, activities and events organized by the Agency.
- HIV prevention education should 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.
- Promotion of availability and accessibility to prevention commodities like condoms.
- Enhancing availability and accessibility to counselling at the work place and referral for HCT and STI services.

5.3 HIV Testing Services (HTS)

The agency will provide access to voluntary comprehensive HTS for staff, family members and the general public including quality pre-test and post-test counselling on site where possible, with linkage to a health care facility. Testing will be voluntary and the principle of non-disclosure will be strongly emphasized so as to ensure confidentiality in the release of test results.

Access to testing services will be provided along with general health checks and tests for STIs and other OIs. Staff will have the option of having their tests in alternative sites to assuage fears of leaked information on test status.

5.3.1 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
- Pre-Test counselling should take place prior to a staff/applicant being

tested to determine his or her HIV status.

- Post-Test counselling should take place irrespective of whether a staff has tested negative or positive. Proper procedures (in line with National guidelines on HCT) should be followed in advising the worker on the next steps depending on the HIV test results.

5.4 Care & Support Programmes

Staff shall have access to care and support services as the need arises and with utmost confidentiality, with guidance of the medical board as stipulated in the PSR. There will be programmes on treatment literacy and access to ART services and STI treatment for staff members. Access will also be provided to adherence counselling services.

The National Call Center on HIV and AIDS & Related Diseases – 6222 - operated by the agency will be a source of information for staff members on access to care and support programmes.

5.4.1 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.
- Linkages/partnerships with Civil Society Organizations (CSOs), which provide services for care and support and other HIV-related issues
- Creation of budget line for Care and Support by the agency.

5.5 Protection and Promotion of the Rights of Workers

5.5.1 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 non screening for HIV infection for job applicants or at job

recruitment and while in service.

- Involve PLHIV 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.

6.0 MONITORING AND EVALUATION

6.1 Implementation Tracking

The implementation committee, in order to ensure compliance with the HIV and AIDS workplace policy effectively, will routinely track and monitor the implementation of relevant programmes and activities designed for ensuring compliance to the policy.

The committee shall be responsible for generating activities geared towards implementing the policy, with detailed budgets, for inclusion in the agency's annual work plan. Representatives on the committee from other departments shall be responsible for reporting on compliance of their departments' to the HIV and AIDS workplace policy.

The implementation committee shall develop a monitoring and evaluation (M&E) framework with different levels of indicators for tracking milestones over time. The committee shall generate biannual reports of their activities to the management.

This policy, and related information on HIV and AIDS, will be communicated and made available to all NACA Staff.

6.2 Policy Review

The policy will be evaluated annually to determine knowledge, attitudes and behaviour/ practices as a result of its implementation.

This policy shall be reviewed after 5 years and revised as necessary in light of changing conditions and findings of surveys/studies conducted.