

SAPS: HIV & AIDS AND COMMUNICABLE DISEASES POLICY



1. PREAMBLE/ BACKGROUND

SAPS have a statutory obligation to provide leadership in the battle to combat HIV & AIDS and other Communicable Diseases and to ensure that HIV prevention programmes are effective and successful.

2. DEFINITION OF TERMS and ACRONYMS

AFFECTED EMPLOYEE: an employee who is affected in any way by HIV & AIDS and/or any Communicable Disease, e.g. having a partner, family member or friend who is HIV positive or diagnosed with a communicable disease.

AIDS: Acquired Immune Deficiency Syndrome

COMMUNICABLE DISEASE: is the contagious or infectious illness that is spread amongst human beings.

DISEASE MANAGEMENT PROGRAMME (DMP): It is a programme that provides preventative, control and curative quality care to SAPS employees in addressing HIV infection and communicable diseases.

HIV: Human Immunodeficiency Virus

INFECTED EMPLOYEE: an employee who has tested positive for HIV infection or who has been diagnosed as having AIDS or any other Communicable Diseases.

INTEGRATED HIV AND AIDS WORKPLACE PROGRAMME: It is a SAPS programme aimed at providing pro-active and reactive interventions to SAPS employees through internal and external stakeholders within Employee Health and Wellness (incl. medical) discipline.

SAPS: South African Police Service

SAPS EMPLOYEE: Refers to employees appointed within SAPS in terms of the South African Police Act No.68 of 1995 or Public Service Act No.103 of 1994

TB: Tuberculosis

VCT: Voluntary Counselling and Testing

HCT: HIV Testing and Counselling

3. LEGAL MANDATE

- Basic Conditions of Employment Act, No. 75 of 1997
- Compensation for Occupational Injuries and Diseases (COID) Act, No. of 1993
- Department of Health: HIV and AIDS Policy Guidelines, August 2000
- Employment Equity Act, No. 55 of 1998
- Labour Relations Act, No. 66 of 1995
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Equity and Prevention of Unfair Discrimination Act, No. of 2000
- Public Service Act, No. 103 of 1994
- South African Police Service Act, No. 68 of 1995
- The Constitution of the Republic of South Africa, No. 108 of 1996

4. SCOPE OF APPLICATION

This policy is applicable to all SAPS employees and management.

5. POLICY STATEMENT

The SAPS recognizes the seriousness of the HIV & AIDS and other Communicable Diseases and its impact within the organization. SAPS support the government efforts to reduce the spread of infection and minimize the impact of the diseases.

6. AIM OF THE POLICY

The aim of this policy is to ensure a consistent and equitable approach in managing HIV & AIDS and Communicable diseases within SAPS while providing employment practices and procedures which are non-discriminatory.

7. POLICY OBJECTIVES

The objectives of the policy is to provide the framework for :

- Creating a safe working environment for all employees.
- Promoting a supportive work environment in which the infected and affected employees are able to open up about their health status without fear of stigma, discrimination or rejection.
- Introducing measures to prevent the spread of HIV & AIDS and other Communicable Diseases.
- Creating a non-discriminatory work environment.
- Dealing with HIV and other Communicable Disease testing, confidentiality and disclosure.
- Providing equitable employee benefits.
- Raising understanding of HIV & AIDS and Communicable Disease.
- Providing free HIV counseling and support to the infected and affected employees so that they may continue to work productively for as long as possible.
- Developing strategies to assess and reduce the impact of the pandemic within SAPS.

8. POLICY PRINCIPLES

This policy will be guided by the following principles:

8.1 Human Rights, Respect and Dignity

The *HUMAN RIGHTS* of SAPS Employees who are infected and/or affected by HIV & AIDS and other Communicable Diseases shall be protected. They shall be treated with the same *RESPECT* and *DIGNITY* as other employees.

8.2 Confidentiality

The employees' HIV status shall remain *CONFIDENTIAL* and shall not be disclosed to any other person without a written consent from the tested employee.

8.3 Equal Opportunities and Non-Discrimination

The infected employees shall be given *EQUAL OPPORTUNITIES* as the non-infected employees. They shall *NOT* be *DISCRIMINATED* against in any way on recruitment and/or during employment. No employee can unjustifiably refuse to work with an infected and/or affected employee.

8.4 Availability and Accessibility

SAPS will make information, educational and other communication material *AVAILABLE* in order to increase awareness and *ACCESSIBILITY* to resources.

9. POLICY PROVISIONS

9.1 MEDICAL TESTING

- 9.1.1 No employee or prospective employee shall be required to undergo testing for HIV and other Communicable Diseases as part of recruitment and/or employment obligation; unless justifiable and permitted by the Labour Court.
- 9.1.2 HIV Testing is mandatory for external deployment placement as per United Nations Standards.
- 9.1.3 SAPS will provide testing facilities for employees to voluntarily access Counseling and Testing for HIV, TB and other wellness tests.
- 9.1.4 SAPS will provide HCT, VCT and Post Exposure Prophylaxis in an event of Occupational Accident carrying a risk of exposure to blood or other body fluids; including applying for compensation following such accidental exposure.

9.2 MEDICAL CARE

- 9.2.1 SAPS will provide psycho-social and spiritual counseling and support services for the infected and affected employees.
- 9.2.2 All employees will access medical treatment through their respective medical aids scheme and/or State hospitals/clinics depending on the diagnosed communicable disease and medical aid specifications. Employees on medical aid must register for the DMP with their respective medical aids.
- 9.2.3 In case of Occupational Accidental Exposure, the notification and registration for COID process will be followed.

9.3 IMPACT ASSESSMENT

9.3.1 Appropriate strategies shall be developed on impact assessment and

9.3.2 Ongoing impact analysis shall be conducted with regard to:

- Risk assessment and profiling
- Assessment of direct and indirect cost implication as a result of the pandemic
- Impact on service delivery

9.4 DISMISSAL and/or TERMINATION OF EMPLOYMENT

9.4.1 Employees with HIV & AIDS and/or Communicable Disease shall not be dismissed or have their employment terminated solely on the basis of their health status.

9.4.2 However, where an employee has become too ill to perform their occupationally required duties, the management shall follow the guidelines on dismissal due to Ill-Health Incapacity prior to termination of service, as stipulated in the Code of Good Practice on Dismissal contained in Schedule 8 of the Labour Relations Act.

9.5 EMPLOYEE BENEFITS and EMPLOYMENT CONDITIONS

9.5.1 Employees with HIV & AIDS and/or Communicable Disease will have same employment benefits and conditions like non-infected employees, with regard to leave, working hours, implementation of grievance and disciplinary procedures, etc.

9.5.2 Employees who become ill with AIDS and other Communicable Disease will be treated like any other employee with a life-threatening illness with regard to access to employee benefits.

9.6 BUDGET

SAPS shall make available reasonable budget to execute the HIV & AIDS, TB and other Communicable Diseases Workplace Programmes.

10. POLICY REVIEW

The policy shall be reviewed annually or if there is a reasonable need for amendments.

AGREEMENT

Signature of the employer
(Chairperson of National Wellness Strategic Forum)

