

# WORKPLACE POLICY ON HIV RELATED ISSUES

*Child In Need Institute - CINI*



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***Core Elements of the Policy***

- HIV/AIDS and Employment
- Stigma and Discrimination
- Confidentiality
- Infected and affected employees
- Precedence of local law.

***Prevention, Knowledge and training***

- Testing and Counseling
- Occupational Health and Safety
- Gender Equality
- Care and Support
- Employee Benefits
- Workplace Prevention

***Dissemination of the Policy***

***Revision of the policy Statements***

**GLOSSARY:**

AIDS: Acquired Immune Deficiency Syndrome

HIV: Human Immuno Deficiency Virus

HR: Human Resource

NGO: Non-government Organisations

PEP: Post Exposure Prophylaxis

PLWH: People Living with HIV

VCCT: Voluntary Confidential Counseling and Testing

## Preamble to the workplace policy

Child In Need Institute-CINI, a national level NGO, acknowledge the seriousness of the pandemic of HIV& AIDS in India and its significant impact on the workplace. It shares the understanding of AIDS as a chronic, manageable disease with socio-economic and human rights implications. The organization moreover seeks to minimize these implications through comprehensive proactive HIV&AIDS workplace programmes; and commits itself towards providing leadership in implementing such programmes.

### **Need for an HIV and AIDS Policy in the Workplace**

As an organization it is essential that CINI should lead by the principles and actions that it promotes HIV&AIDS prevention and support programmes. The organization seeks to provide leadership for raising awareness, promoting protective practices and reducing the stigma within its workforce, while ensuring that it meets local standards in obtaining treatment to the best possible resources and standards locally available for the employees who are living with HIV. This being a menace and CINI striving to break the social stigma, it is imperative that we ourselves are aware of the associated aspects and mental darkness. Hence the policy:

### ***Objectives for the Development of HIV&AIDS Workplace Policy:***

- 1) **To facilitate the process of policy development**
- 2) To foster an appropriate level of standardization<sup>1</sup> among CINI's state level Programs
- 3) To provide user friendly<sup>2</sup> information and guiding principles

### ***The objectives of CINI's HIV&AIDS workplace policy are as follows:***

- Address the need for HIV&AIDS awareness and prevention in the workplace.
- Ensure that staff living with HIV has the same rights and obligations as other staff i.e. to avoid discrimination and prejudice based on HIV status.
- Promote a non-discriminatory environment within the organization in which employees living with HIV are able to be open about their status (to the committee dealing with HR issues) without fear of stigma or rejection.
- Maintain the confidentiality and dignity of employees living with HIV.
- Take steps to enhance<sup>3</sup> the health of all employees, including those who are living with the virus

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<sup>1</sup> The organization will extend same benefit and facilities to all staff irrespective of their status. A uniform set of rules and regulation, as mentioned in the H.R Policy, will be applicable to all.

<sup>2</sup> The policy will be supported by glossary and technical jargons will be avoided to keep it as simple as possible.

### **Implementation and Coordination**

The committee (*meant for dealing HR issues*) will facilitate and coordinate the application of the *User's Guide*. This committee will serve as a “clearing house” of State Program policies, issues and best practices and serve as a resource in the development and application of the policy at every level. The committee will be responsible to support a non-discriminatory working environment. The same is going to update and revise the policy as and when required.



#### **CINI's Employee Policy on HIV Related Issues**

- Given that CINI is significantly involved in HIV prevention, care and support of those living with the virus;
- Given that an important element of effective HIV prevention, care and support is the knowledge of one's own HIV status;
- Given the importance of CINI as a role model for setting an example for optimal HIV related work, networking and advocacy;
- Given the sensitive nature of HIV related issues and the challenges posed by stigma, discrimination and misunderstanding about transmission;

CINI thus has established the following policy guidelines related to HIV in the workplace:

- No potential or existing employee shall be discriminated against, based on his/her HIV status.
- The confidentiality of employees living with HIV will be fully and carefully respected and maintained.
- CINI will provide available and appropriate informational material and psychosocial support to all staff, particularly employees who are affected by HIV. If an employee requires counseling which is not available within the particular unit, then the organization will facilitate access to services offered through its referral networks.
- An employee who is living/affected by the Virus will be encouraged to work for as long as he/she is able to do so.

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<sup>3</sup> To impart appropriate knowledge on HIV related issues, information about referral system.

## Workplace Policy on HIV related issues

- HIV infection will not be a cause for termination of employment. An employee who is living with the virus will continue working provided that he/she meets CINI's acceptable work performance standards and his/her condition and presence at work pose no risks to himself/herself or other employees.
- All employees are encouraged to utilize Voluntary Confidential Counseling and Testing services at their discretion.
- Employees are not required to disclose (forcefully) their HIV status to CINI.
- Employees living with the Virus will be actively encouraged to participate in all relevant program design, planning, implementation, evaluation and documentation efforts as per their skill.
- Through CINI networks, access to needed care and support services will be facilitated to those employees, living with the Virus and also to those who are suffering from HIV related disease.
- CINI acknowledges that HIV&AIDS impacts on men and women differently. So pregnant women with HIV will require additional special needs (Support for ART), referral will be done to govt. hospitals.

## ANNEXURE

### **Core Elements of the Policy / User's Guide**

This section includes the core elements that should be included in any workplace policy dealing with HIV related issues.

**HIV Related Issues and Employment:** In respect of the human rights and dignity of persons infected and/or affected by HIV, there shall be no discrimination among employees on the basis of real or perceived HIV status, and thus:

- Employees living with HIV will be entitled to same benefits, including the same sick leave, as other employees.
- CINI may reasonably accommodate the special needs of staff living with HIV on a case-by-case basis, including flexible scheduling, transfer to lighter duties, and time off for counseling and medical appointment.
- HIV infection will not be a cause for termination of employment. An employee who is living with the virus will continue working provided that he/she meets CINI's acceptable work performance standards, and medical authorities (as advised by the individual's physician which would be verified by CINI's medical team) indicate that his/her condition and presence at work pose no risks to himself/herself or other employees. The supervisor will have the decision to make necessary accommodation<sup>4</sup>.
- In case of termination of employment due to extended illness, and only under advice of a medical practitioner, staff living with HIV will be accorded the same benefits and conditions as applied to termination of other employees due to other serious illnesses. The committee, prior to termination of the staff, will follow all due processes. Every single meeting of the committee (to change the concerned person's job schedule) needs to be documented.

**Stigma and Discrimination:** No potential or existing employee shall be discriminated on the basis of his/her HIV-positive status with regards to job application, hiring, advancement, compensation, training or other terms, conditions or privileges of employment.

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<sup>4</sup> If necessity arises the employee might be shifted from field-based job to back office jobs as per the employee's qualification and efficiency.

## Workplace Policy on HIV related issues

- CINI will strive to reduce the stigma associated with HIV and will encourage a supportive work environment in which staff can discuss issues of HIV openly.
- CINI will not encourage any form of discrimination or harassment of employees living with the virus by or from co-staff and management. Where prejudice and victimization occurs, disciplinary procedure will be taken against those responsible.
- No employee can refuse to work along side or with employee living with the virus. CINI will expect all employees to ensure that the person living with HIV in a supportive work environment.

**Confidentiality:** All employees living with HIV have the legal right to privacy, therefore:

- Employees are not required to disclose their HIV status to CINI
- Should an employee choose to disclose his/her HIV status, the confidentiality will be fully and carefully respected.
- All medical, and relevant personal information will be kept confidential, and may only be disclosed if legally required or with prior written consent of the employee concerned.
- The respect of confidentiality will also apply to information about persons who no longer work for CINI

**Precedence of local law:** Should any of the policies outlined in this document be in conflict with local law, then, in every instance local law will take precedence.

### **Prevention, Knowledge and Training**

- CINI will strive to protect the rights of non-infected employees to remain safe from infection. The organization is committed to offer educational and training programs to raise awareness and knowledge about HIV for the benefit of its employees, and therefore:
- The organization will provide its staff with sensitive, accurate and up-to-date information and psychosocial support to enable them to protect themselves from HIV infection and other sexually transmitted or blood borne infections, and to cope with the presence of AIDS
- All information and training provided at the workplace will be gender sensitive, as well as sensitive to disability and sexual health.
- Staff training on HIV related issues will take place during paid working hours and attendance by all staff including management will be considered as part of work obligations.
- Information will include the availability of local support organizations for people living with HIV.
- CINI will provide information to staff as to where safe blood may be obtained.
- CINI will arrange for its staff to have free, simple and discreet access to male condoms only.

**Testing and Counseling:**

- Employees will be encouraged to utilize VCCT services at their discretion, so that they can know their HIV status and continue to protect themselves and their partners if negative, or stay healthy and plan appropriately if they are positive.
- Mandatory HIV testing will not be required either as a condition of recruitment or for continuation of employment.
- HIV testing will not be part of any regular physical examination, unless specifically asked for by an employee.
- Should an employee require counseling which is not available within that particular unit of CINI, the organization will facilitate access to services offered through its referral networks.

**Occupational Health and Safety:**

CINI is committed to providing a safe and healthy work environment for employees, and thus:

- Through CINI networks, access to needed care and support services will be facilitated to the employees living with the virus.
- To minimize accidents involving exposure to human blood, universal precautions will be used to ensure there is no risk of transmission of HIV or other blood borne infections.
- Gloves, disposable needles and syringes, and other protective equipment will be made available to employees those who are directly handling the blood and blood products.
- Counselling, assessment and medical treatment including PEP will be provided for employees exposed to the risk of HIV infection (through accidents, sexual assault or while administering first aid performance), in the workplace or while on work assignment.

**Gender Equality:**

- CINI acknowledges that impacts HIV& AIDS on men and women differently. **This includes the recognition that women especially pregnant women living with HIV have additional special needs (procurement of ART at the right time to prevent vertical transmission<sup>5</sup>)**

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<sup>5</sup> Mother to child transmission of HIV  
CINI-Bandhan

## Workplace Policy on HIV related issues

for which referral to be done to government hospitals through CINI's network.

### **Care & Support:**

- CINI will assist its employees living with the virus in obtaining care and support facilities.
- Any benefit, related to health, provided to all staff will also be accessible to the staffs living with HIV.
- The organization encourages the formation of support groups for people living with the virus

### **Employee Benefits:**

- CINI will treat employees, who are living with the virus or suffering from HIV related illness, the same way as other employees with potentially life-threatening illnesses.
- **Statement on availability of counselling and related social and psychosocial support services for staff living with the virus and also for those affected by the same.**
- An ongoing social dialogue will be there with socio-legal AIDS services and PLWH networks to safeguard the rights of the employees living with the virus.

### **Dissemination of the Policy**

The policy will be useful only if widely disseminated to employees and actually put in practice. The value of the policy will be seen as it acts as a guide to decision-making in difficult situations.

- Dissemination must occur at all levels – Board of Directors, Employees' representatives, human resources/personnel and clinic employees. This will be done following the distribution of the policy to employees (newsletters, display in public places, include in information packet for new employees).

### **Revision of the Policy**

All organizational policies are subject to periodic review and revision, this one being no exception. However, because the knowledge, experience, costs of prevention, care and support and advocacy related to HIV & AIDS changes at a faster pace, this policy might require frequent review with adequate social dialogue.