

1. SCOPE

This policy applies to all operations in the AFRIMAT group.

2. PURPOSE

HIV/AIDS is a national and international priority. This policy defines the company's position with regards to HIV/AIDS, and addresses the Company's preparedness for- and handling of the incidence of HIV/AIDS infection.

3. INTRODUCTION

HIV/AIDS, unlike other life limiting diseases does not have an established and publicly recognized treatment process and the disease is marked by high levels of myth and ignorance – resulting in people responding to the disease subjectively and biased, often resulting in that those infected or affected are feared and ostracized.

The Policy addresses the following issues:

- Current and prospective employees.
- Responding to an HIV-infected employee.
- Disciplinary and grievance issues.
- Education.
- Confidentiality.
- Benefits, special benefits and perks.
- Management, care and counselling at work.

4. CURRENT AND PROSPECTIVE EMPLOYEES

No person shall be denied employment because he or she is HIV infected, provided he/she is deemed medically fit for the job in question.

Pre-employment medical examinations, annual medical examinations as well as *ad hoc* medical examinations may be requested by the employer, payable by the employer, and only to be conducted with qualified medical personnel who are registered at a council established by parliament for this purpose.

No current or prospective employee shall be required to take an HIV antibody test against his/her will. A specific question may, however, be incorporated in application forms to encourage the prospective applicant to reveal any knowledge of serious illness. In addition, the letter of appointment embodies a confidentiality clause and states that employees are required to report any known serious infection or disorder, whether or not symptoms are apparent.

Testing with necessary pre- and post test counselling is recommended to any person who may feel at risk of infection.

Should a current employee be living with HIV infection he/she is not required to disclose this fact although it is strongly recommended that employer assistance is sought and offered.

Should it become known that a staff member is HIV infected, this information is regarded as private and confidential. Provision is to be made for adequate counselling of such employee.

Usual sick leave benefits are available to persons living with HIV infection.

Any HIV-infected person is kept in employment for as long as practical and safe for the person concerned, his/her colleagues and other individuals, and/or the company.

No employee may refuse to work with a colleague living with HIV infection solely on the basis of the latter's HIV status. To pre-empt such a situation arising, all employees are to be educated in order to remove fears and prejudice. Such education should ideally take place before such a situation arises.

Employees may not be dismissed on the basis of HIV infection, provided the incumbent is able to perform his/her job. Should the disease progress to the stage where the person is incapacitated or unable to carry out his/her duties, release of the employee from employment is fair in that contractual obligation cannot be met. Disciplinary procedures to be followed are covered in par 4 (“Disciplinary and Grievance issues”) of this policy.

5. RESPONDING TO AN HIV-INFECTED EMPLOYEE

The Company will assist employees with logistical arrangements in obtaining professional counselling and adequate and appropriate medical care if requested. Any such assistance is, however, for the employee’s own account, to be settled between employee and service supplier.

While HIV infection is a life threatening illness, the infected person often has many years of productive service after a diagnosed new infection. Consequently, managers may consider a range of options once the person begins to show advance signs of illness, including:

- retaining the employee in his/her present position;
- entering into an agreement with the employee on less demanding work and a duly reduced salary/wage;
- arranging for work which enables the employee to take leave of absence when required and when operationally possible; and
- taking steps to terminate employment.

Termination of employment is only considered where all other options are unworkable.

Where the employee voluntarily advise a manager that he/she is HIV positive or that he/she has an HIV related illness, a frank and open interview between the employee and the manager puts fears into perspective for both persons. Concluded and agreed points should be put in writing. The manager should address the following:

- Psychological Counselling

Encourage the employee to undergo counselling to deal with illness-related issues (e.g. medical, financial, legal, and emotional). This requires professional experienced intervention by persons trained in HIV/AIDS counselling.

- Assessment of Work Situation

Jointly assess career aspects and try achieve agreement on job-related issues. The option listed above may be an appropriate platform, depending on the person’s HIV status.

- Financial Concerns

Discuss the cost of treatment, and (if any) insurance, pension and other benefit funds.

First Aid

Standard universal first-aid treatment precautions are designed to minimise the risk of transmission of blood-borne infections, and all patients are to be treated as potential carriers of blood-borne diseases such as Hepatitis or HIV/Aids. Ensure that the first aider is properly trained and equipped to deal with the risk of blood-borne infection.

6. DISCIPLINARY AND GRIEVANCE ISSUES

Employees with HIV or a HIV-related condition are treated in the same manner as those with any serious illness. Disciplinary action will be taken against employees who victimize or discriminate against persons with HIV.

As the employee with HIV eventually develops symptoms to the extent that he/she is unable to perform as required, incapacity becomes a valid reason for dismissal. However, as with any

other life threatening illness, dismissal is the very last option and prior to dismissal, the options listed above should have been exhausted.

ISSUE: PERFORMANCE

Where the person is not satisfactorily performing his/her duties and where it is considered fair and reasonable to take disciplinary action, the following procedure should be adopted:

- fully discuss the matter with the employee, including the option listed above;
- obtain agreement;
- put whatever has been agreed in writing.

If, after full discussion, it is clear that the person is unable to work, his/her services may be terminated in terms of the work conditions of the employment contract. Where this option is exercised, it must be carried out in a fair and human manner, bearing in mind the deep anguish experienced by the illness (both to the person infected and hi/her family).

ISSUE: ABSENTEEISM

Where an employee has utilised all available sick (and other) leave and is unable to be present to perform his/her duties due to illness, the following procedure is adopted:

- Consider the nature of the job and whether the work could be done by alternative means (eg. distributed to other staff or a temporary worker), in which case unpaid leave could be required. If not, the Employee will be considered for disability if applicable on grounds of incapacity.
- Discuss the issue with the employee, obtaining his/her permission for a report from his/her medical practitioner on the prognosis and a possible date on which the employee will probably be able to resume his/her duties (permission can only be acted on after informed written consent from the employee)
- If personal discussion with the employee is not possible, written communication can be sent by registered post but careful wording is required to avoid increased anxiety.

Taking into account previous communication with the practitioner and/or employee, write to the employee setting out the situation, problems experienced and repercussion of the job requirements not met and setting/confirming the date by which the employee must return to work.

Clearly indicate that, should he/she not return by that date, his/her services will be terminated and a replacement appointed. The letter is sent by registered mail well in advance of the date of expected return. Notice of termination may not be given during the person's absence while he is entitled to sick leave under the Basic Condition of Employment act. Notice of termination can be sent when the employees sick leave entitlement has been exhausted.

Discipline and Misconduct

An employee whose conduct offends others may be subject to disciplinary hearing which may lead to dismissal. Those with HIV/AIDS will not be treated as exceptions in this instance.

7. CONFIDENTIALITY

The stigma, discrimination and ostracism involved with HIV infected and the potential social consequences demand complete confidentiality in respect of the employee with HIV (whether asymptomatic or symptomatic).

Persons with HIV/AIDS have the legal right to confidentiality about their HIV status. Confidentiality regarding all medical information of an employee or prospective employee must be maintained, unless disclosure is legally requires. An employee is under no obligation to inform the employer of his HIV/AIDS status. Information regarding the employee's HIV status shall not be disclosed without the employee's informed written consent.

It is considered to be gross misconduct for an employee who becomes aware of a colleague's condition to disclose this information without the individual's informed written consent. Such a person will be subjected to discipline in terms of the Company Disciplinary Procedures and may, dependent on the circumstances, be summarily dismissed after a disciplinary hearing.

8. BENEFITS, SPECIAL BENEFITS AND PERKS

Pension/Provident Fund benefits or cover is available to all permanent employees, including those with life threatening diseases, subjected to the rules of the Pension/Provident Fund in particular time. The Company will prevail on the Fund to provide usual benefits to persons living with HIV infection and to treat such people in a similar manner to those affected by any other chronic illness. No person shall be denied access to the Fund provided they fulfill the usual initial criteria for admission.

9. EDUCATION

As a responsible, progressive employer, it is recommended that the Company adopt an assertive educational program to equip with the knowledge they need to have. Education is the most effective measure for the prevention of HIV infection and is the best way to reduce discrimination both in and out of the workplace.

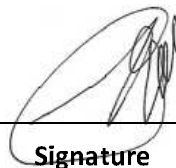
The Company undertakes to address these factors as far as it is within our power by giving active support to education projects and to outside organizations involved in HIV disease education and counselling services.

In communicating matters pertaining to HIV/AIDS, several important tenets need to be observed:

- Sessions should be conducted in Company time.
- Attendance should be compulsory and comprise relatively small groups. The audience should be homogeneous to avoid embarrassment and communication problems.
- Topics should include:
 - ❖ transmission, prevention and control treatments.
 - ❖ counselling.
 - ❖ resisting stigmatizing of HIV/AIDS, and the protection of HIV infected individuals.

10. CLOSING

HIV/AIDS is an incurable disease that causes loss of life. Ignorance causes an impediment of the quality of the limited life that HIV infected individuals have left. Proactive steps from the Company can assist with the growing epidemic of HIV/AIDS.

Approved by:			2008-11-10
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