

Annexure F

CHRONIC ILLNESS POLICY

DEFINITION

For the purpose of this policy unless the context otherwise indicates –

“**chronic illness**” means a condition that is long-lasting (e.g., more than 4-6 weeks and in many cases lifelong), which needs to be managed on a long-term basis.

A. GENERAL

Objectives

The aim of the policy is to:

- Set out guidelines for the employer and his employees to ensure that individuals with a chronic illness (e.g. Hypertension, diabetes, epilepsy etc) are not unfairly discriminated against in the workplace.
- Create a supportive environment so that employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.
- To maximise the performance of all employees, including reasonable accommodation measures.
- To take reasonable steps to provide and/or to refer employees to appropriate health, welfare and psychosocial services.

Application and scope

All employees.

Confidentiality and disclosure

- An employee is not legally required to disclose his/her illness to the employer and/or to other employees.
- Where an employee chooses to voluntarily disclose his/her illness to the employer or the other employees this information must be treated confidentially.
- Mechanisms should be created to encourage acceptance and support for those who disclose their illness.
- The medical practitioner is not allowed to disclose the diagnosis without the employees' express written consent.

Promoting a safe workplace

- The employer will provide and maintain as far as is reasonably practically possible, a working environment that is safe and without risk to the health and safety of the ill employee and other employees.
- Every workplace should ensure that it complies with the provision of the Occupational Health and Safety Act.

Employee benefits

- Employee with a chronic illness may not be unfairly discriminated against in the allocation of employee benefits.
- Like any other employee they must have access to employee benefits.

Dismissal / Termination of Services

- Employees with a chronic illness may not be dismissed solely on the basis of such status.
- Where an employee has become too ill to perform his/her current work, the employer is obliged to follow the Council Policy regarding dismissal/termination of services for Incapacity/ill health.
- The employer shall ensure that as far as possible, the employees' right to confidentiality regarding his ill health shall be maintained during such proceedings.

B. SPECIFIC

B1. Tuberculosis

The aim of the policy is to:

- Set out guidelines for the employer and its employees to ensure that individuals with Tuberculosis are not unfairly discriminated against in the workplace.
- To provide mechanisms for the management of Tuberculosis in the workplace.
- To protect healthy employees from contracting Tuberculosis.

Principles

- The creation of a supportive environment so that Tuberculosis infected employees are able to continue working under normal conditions in their current employment, whilst:
 - being on Tuberculosis treatment
 - for as long as they are medically fit to do so
 - and supporting employees to and take their daily medication
- The protection of human rights and dignity of people with Tuberculosis is essential to the prevention and control of the disease.
- Education and protection of a healthy workplace.

Application and scope

All employees.

Promoting non-discriminatory work environment

- No person with Tuberculosis shall be treated unfairly in respect to any employment.
- Appropriate measures shall be adopted to ensure that employees with TB are not unfairly discriminated against and are protected from victimisation.

Promoting a safe workplace

- All employees must be educated and informed about the infectivity of Tuberculosis.

- Should an employee present with symptoms, which could be construed as being attributed to Tuberculosis, the employee should immediately be referred for medical attention.
- The employer will provide and maintain as far as is reasonably practically possible a working environment that is safe and without risk to the health of its employees.
- All employees should be encouraged to practice safe and hygienic standards especially regarding coughing, sneezing, spitting and doing away of phlegm.
- Every workplace should ensure that it complies with the provisions of the Occupational Health and Safety Act (especially regarding ventilation).

Testing, Confidentiality and Disclosure

- The employer may not require an employee or an applicant for employment to undertake a sputum test or chest X-ray to ascertain the employee's Tuberculosis status.
- **MUNICIPALITY** abides by the national guidelines as laid down by the Department of Health with regard to the treatment of Tuberculosis.
- An employee is not legally required to disclose his/her TB status to the employer or to the other employees.
- Where an employee chooses to voluntarily disclose his/her TB status to the employer or to the other employees, this information may not be disclosed to others without the employee's written consent.

Mechanisms should be created:

- To encourage openness acceptance and support for those who voluntarily disclose their TB status.
- To support and encourage them to take the daily medication and to complete the full treatment regime.

Compensation for TB infection at work:

- An employee may be compensated if he/she becomes infected with TB at the workplace, in terms of the Compensation for Occupational Injuries and Diseases Act.
- The employer should take reasonable steps to assist employees with the application for benefits.

B2. HIV / AIDS WORKPLACE POLICY

Objectives

The aim of the policy is:

- Set out guidelines for the employer and its employees to ensure that individuals with HIV infection are not unfairly discriminated against in the workplace.
- To provide mechanisms for the management of HIV/AIDS within the workplace.

Principles

- The promotion of equality and non-discrimination between individuals with HIV infection and those without and between HIV/AIDS and other comparable health/medical conditions.
- The creation of a supportive environment so those HIV-infected employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.
- The protection of human rights and dignity of people living with HIV/AIDS is essential to the prevention and control of HIV/AIDS.

- Consultation, inclusively and encouraging full participation of all stakeholders are key principles, which should underpin every HIV/AIDS policy and programme.

Application and Scope

All employees.

Promoting a non-discriminatory work environment

- No person with HIV/AIDS shall be treated unfairly in respect to any employment relationship.
- Appropriate measures shall be adopted to ensure that employees with HIV/AIDS are not unfairly discriminated against and are protected from victimisation.

HIV Testing, Confidentiality and Disclosure

- The employer may not require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain that employee's HIV status. The employer may approach the Labour Court to obtain authorisation for testing.
- All testing, including both authorised and permissible testing, should be conducted in accordance with the Department of Health's National Policy on Testing for HIV.
- An employee is not legally required to disclose his/her HIV status to the employer or to other employees.
- Where an employee chooses to voluntarily disclose his/her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's express written consent.
- Mechanisms should be created to encourage openness, acceptance and support for those who voluntarily disclose their HIV status within the workplace.

Promoting a safe workplace

- The employer will provide and maintain as far as is reasonably practically possible, a working environment that is safe and without risk to the health of its employees.
- The risk of HIV transmission in the workplace is minimal. However, occupational accidents involving body fluids may occur, particularly in the health care professions.
- Every workplace should ensure that it complies with the provisions of the Occupational Health and Safety Act, including the regulations of Hazardous Biological Agents.

Compensation for HIV Infection at workplace

- An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.
- The employer should take reasonable steps to assist employees with the application for benefits.

Employee Benefits

- Employees with HIV/AIDS may not be unfairly discriminated against in the allocation of employee benefits.
- Employees who become ill with AIDS should be treated like any other employee with a comparable life-threatening illness with regard to access to employee benefits.

Managing HIV Positive employee

- HIV-treated employees should continue to work under normal conditions for as long as they are medically fit to do so.
- The employer will work to maximise the performance of all employees including reasonable accommodation measures.
- The employer will take reasonable steps to provide and/or to refer employees to appropriate health, welfare and psychosocial services.

Grievance procedure

- The employer shall ensure that the rights of employees with regard to HIV/AIDS and remedies available to them in the event of a breach of such rights become integrated into existing grievance procedures.
- The employer shall create an awareness and understanding of the grievance procedures and how employees can utilise them.
- The employer shall develop special measures to ensure confidentiality of the complainant during such proceedings, including ensuring that such proceedings are held in private.

Dismissal

- Employees with HIV/AIDS may not be dismissed solely on the basis of such status.
- Where an employee has become too ill to perform his/her current work, the employer is obliged to follow Council policy regarding Dismissal for Incapacity: Ill Health/Injury.
- The employer shall ensure that as far as possible, the employee's right to confidentiality regarding his/her HIV status is maintained during such proceedings.

Policy Implementation and Review

- The implementation and review of this HIV/AIDS Workplace Policy will be co-ordinated by an HIV/AIDS Workplace Committee (unless otherwise determined by the Municipal Manager) convened by the HIV/AIDS Workplace Co-ordinator. This committee will comprise representatives from various sectors from the Municipality.

C. POLICY FOR OCCUPATIONAL EXPOSURE TO BLOOD OR HUMAN BODY FLUIDS

C1. General

- The average risk of HIV transmission after exposure to HIV-infected blood is very low, higher after membrane exposure, and the highest risk with concomitant wounding.

Objectives

The aim of the policy is:

- To set out guidelines for the employer and employees who are exposed to blood or human body fluids to be:
 - properly educated what to do
 - immediately and correctly managed
 - supported and assisted to reach medical care within the critical post exposure timeframe

Principles

- The creation of a safe workplace with post exposure measures in place.
- Consultation, inclusively and encouragement of all stakeholders which should underpin help and support to all employees.

Application and Scope

All employees.

HIV Testing/ Confidentiality and Confidentiality

In case of occupational exposure to blood:

- Provision of emergency kits on strategic places in the workplace to provide immediate care to the exposure site/wound.
- Urgent medical care must be arranged, within the critical timeframe.
- Determine risk associated with exposure by type of fluid and type of exposure.
- All testing should be conducted in accordance with the Department of Health's National Policy on Testing for HIV.
- An employee is not legally required to disclose his/her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's express written consent.
- Mechanisms should be created to encourage openness, acceptance and support for those who voluntarily disclose their HIV status within the workplace.

C2 HIGH RISK SERVICE PROVIDERS

- The main problem confronting a service provider is not knowing beforehand if a case is suffering from a particular communicable disease.
- In considering precautions for high-risk service providers, it is essential that universal precautions be taken with service at all times.

Objectives

The aim of the policy is:

- To set out guidelines for the employer and employees who are at high risk to being exposed to blood or human body fluids.
- To properly educate and train high-risk employees in basic hygienic principles.
- To prevent transmission at all times, to minimise the risk as far as possible.
- To immediately and correctly manage any exposure.
- To support and assist high-risk employees to reach medical care within the critical post-exposure timeframe.
- To apply strict disinfection and sterilisation procedures for all blood and body fluid, contaminated equipment and devices.
- To create and maintain a safe environment so as to observe the service receiver's health.
- To entrench the safety of employees to which they are entitled, despite the high-risk of infection.

Application and Scope

All employees who are at high risk of contracting an infectious disease.

Testing, Confidentiality and Disclosure

- All employees who are at high risk should be encouraged to have themselves tested for HIV/AIDS regularly at a medical facility of their own choice.
- Employees are not legally required to disclose their HIV status to the employer or to other employees.
- Employees who test positively for HIV should preferably NOT be exposed to service receivers with Tuberculosis.