

AIDS Brief

for Professionals



Human Resource Managers

Human Resource Managers have a particularly important role to play in an organisational response to HIV/AIDS. It is their responsibility to manage the problems caused by HIV/AIDS in the workplace at both an organisational and individual level. The dichotomy between organisational requirements and those of individuals living with or affected by HIV/AIDS make this a challenging task. This AIDS Brief defines the multiple roles that a Human Resource Manager has in respect of HIV/AIDS prevention, care and support.

Definition

Human Resource Managers are those professionals with the responsibility for the acquisition, allocation, maintenance and development of the people who work for an organisation and all related activities.

Background

Human Resource Managers are at the forefront of the HIV/AIDS response in the workplace. They are constrained in their actions by the legal framework that applies in their country, the need for humanity for infected and affected employees and the needs of the organisation for productive employees. Their responsibilities to both individuals and the organisation are sometimes in conflict and the resolution of this conflict is a delicate task. The Human Resource Manager has to bear in mind the following:

- When recruiting employees, the employment legislation in most countries precludes the exclusion of job applicants on the basis of their HIV status.
- The diminished physical capacity of employees with advanced HIV disease.
- Loss of employees because of HIV/AIDS.
- The effect that the prevalence of HIV in the organisation will have on benefit schemes such as medical aid and pension funds.
- Possible higher rates of absenteeism and increased requests for family leave because of sickness and deaths from HIV/AIDS, within or outside the organisation.
- Attendance at funerals by employees and managers.
- The costs to the organisation of replacing employees lost through HIV/AIDS including training costs for new employees.

Key Performance Areas

Development of an organisational HIV/AIDS policy

An HIV/AIDS policy is the starting point for the management of HIV/AIDS in the workplace. It forces management to confront and address often controversial issues, and to define the organisation's position on those issues. It helps to establish a coherent approach to HIV/AIDS and ensures consistency in the organisation's dealings with its employees through the programmes, procedures and rules that flow from the

policy. It must be prepared in co-operation with all stakeholders in the organisation and must be seen to be fair and non-discriminatory.

The policy must address issues such as:

- The organisation's position on voluntary counselling and testing (VCT) for HIV.
- Recruitment and selection policies in respect of persons infected with HIV.
- The training, education and development of employees infected with HIV.
- Dismissal for incapacity as a result of HIV/AIDS.





This implies that Human Resource Managers should not engage in nor permit any personnel policy or practice that discriminates against workers infected with or affected by HIV/AIDS.

- Measures to prevent the transmission of HIV in the workplace.
- The establishment of structures to manage the policy and its programmes.
- Organisational involvement in promoting good health in the workplace.
- The organisation's position on the provision of anti-retroviral and other medication either within or outside the framework of the organisation's medical aid scheme.
- The organisation's position on extended sick leave.
- The organisation's responsibility to the families and partners of infected employees.
- The organisation's position on involvement with the community.
- Ensure that work is performed free of discrimination or stigmatisation based on perceived or actual HIV status;
- Encourage persons living with HIV and those with AIDS-related illnesses to work as long as they are medically fit for appropriate work; and
- Provide that, where a worker with an AIDS-related condition is too ill to continue working and where alternative working arrangements, including extended sick leave, have been exhausted, the employment relationship may be terminated in accordance with legal and ethical workplace procedures.

Compliance with legal requirements

Any HIV/AIDS policy developed by an organisation must comply with the legal requirements of the country and be aligned with international codes of good practice. The legal framework is principally derived from the Constitution of the country and the labour legislation that regulates working relationships - such as legislation dealing with health, safety and compensation, and equity and fair labour practices. This, in turn, is supported by codes, such as the I.L.O. Code of Practice on HIV/AIDS and the World of Work.

The onus is on the Human Resource Manager to be well informed on and to stay abreast of any changes to the legislation and codes of practice which apply in the country or to the sector. It is also their duty to ensure that all the line managers in the organisation are kept fully informed of their legal obligations.

This implies that Human Resource Managers should not engage in nor permit any personnel policy or practice that discriminates against workers infected with or affected by HIV/AIDS.

In particular, Human Resource Managers should:

- Not require HIV/AIDS screening or testing;

estimate the impact of HIV/AIDS on the workforce at every level and across all occupational and age categories. This information is used to plan training and development programmes to ensure an adequate supply of qualified people.

- At a tactical level, the plan must utilise techniques such as multi-skilling, the use of a pool of "free" employees who can fill in for absentees and possibly flexi-time to allow infected employees to attend health and medical services.
- And finally, at an operational level, the plan must give rise to concrete programmes, procedures and rules for dealing as empathetically as possible with employees whose capabilities are diminished by the effects of HIV/AIDS.

Grievance management

Human Resource Managers should have established procedures that can be used by workers and their representatives for managing work-related grievances. These procedures should specify under what circumstances disciplinary proceedings may be commenced against any employee who discriminates against a fellow employee on the grounds of real or perceived HIV status or who violates the provisions of the workplace policy on HIV/AIDS.

Reasonable accommodation

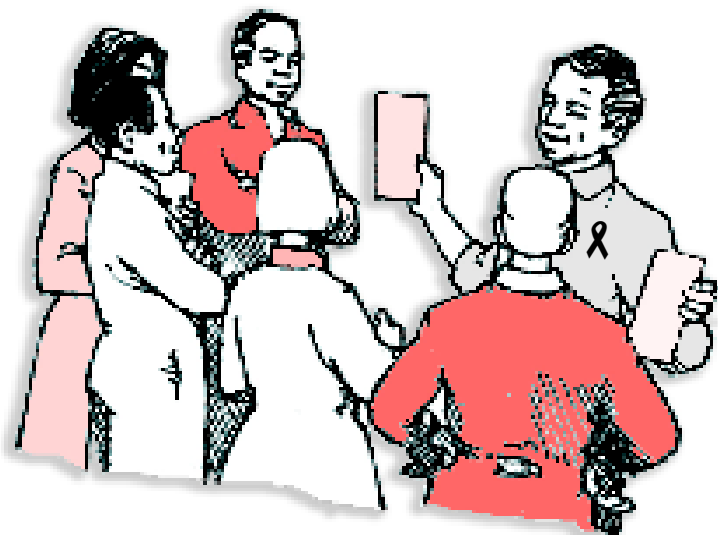
Human Resource Managers, in consultation with workers and their representatives, should take measures to reasonably accommodate any workers with AIDS-related illnesses. These could include rearrangement of working time, special equipment, opportunities for rest breaks, time off for medical appointments, flexible sick leave, part-time work and return-to-work arrangements. It could also include movement of affected employees to jobs that are more in keeping with their capabilities in the later stages of the disease.

Estimation of the impact of HIV/AIDS on the organisation: present and future

A fundamental responsibility of the Human Resource Manager is to develop a human resources plan for the organisation. Any such plan must take into consideration the possible impact of HIV/AIDS on the organisation in the short, medium and long term.

The human resource plan is generated at three levels; strategic, tactical and operational.

- At the strategic level, demographic and other data, together with organisational personnel records can be used to



Confidentiality

It is imperative that HIV/AIDS-related information of workers should be kept strictly confidential and only in medical files, where access to information complies with national laws and ethical practices. Access to such information should be strictly limited to medical personnel and disclosed only if legally required or with the consent, preferably signed, of the person concerned.

Identification of HIV/AIDS affected employees while maintaining confidentiality

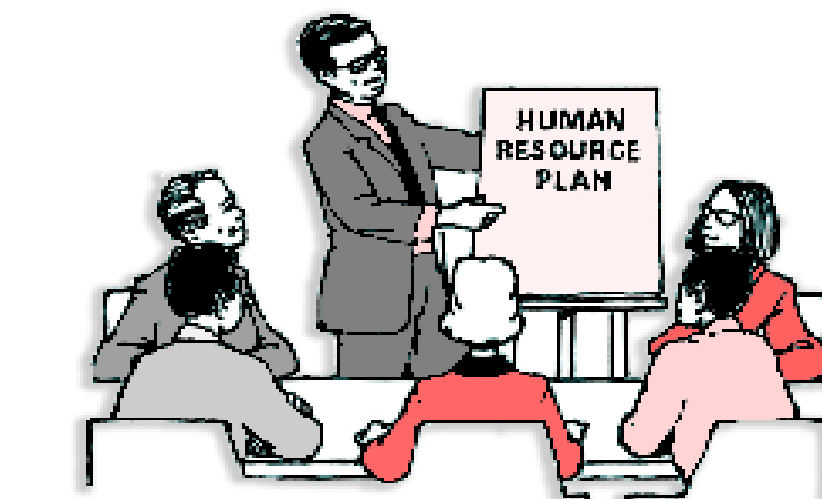
This is a major point of conflict between the employees' right to confidentiality as enshrined in both basic human rights and labour law and the organisation's need to know the levels of HIV infection in its workforce. Where the objective is to quantify the size of the HIV/AIDS problem in the workforce then anonymous testing is appropriate. However, this approach does not address the issue of helping employees learn their HIV status and is dependent for its success on a high level of trust in the integrity of the testing agency and process. The potential impasse can only be resolved with the co-operation of the employees. Such co-operation can be obtained by the demonstrated willingness of the organisation to act in an empathetic manner towards those employees who are living with HIV/AIDS. In such instances, the involvement of trade unions is essential in gaining the trust and co-operation of employees.

Establishment of a counselling service

Assuming that the organisation is successful in identifying those individuals who are living with HIV/AIDS, it is essential that they be provided with access to counselling to help them to deal with the consequences of the disease on both a physical and psychological level. It is in the best interests of the organisation to provide such a service as, given the legal impediments to dismissing employees, counselling represents the organisation's best hope for maximising the productivity of the employee.

A related issue is the provision of counselling in regard to the practical arrangements that have to be made for the dependents of the infected employee. Aspects such as wills, financial arrangements for the employee's spouse and custodial arrangements for children, where appropriate, should be discussed.

Those organisations that do not have the capacity to provide an in-house counselling service can consider entering into collaborative arrangements with other organisations to provide the service. Another alternative is to train certain employees as peer counsel-



When devising an HIV/AIDS awareness and education programme it is strategic for the Human Resource Manager to use existing training opportunities, such as induction training as a platform for the HIV/AIDS programme.

lors and to ensure that they receive the necessary monitoring and support to provide a quality service.

The introduction of an Employee Assistance Programme (EAP) should be considered. EAPs have the advantage that they cover the full spectrum of employee problems and are not specifically concerned with HIV/AIDS-related problems. Because of their wide-ranging character, employees may be more comfortable seeking help within the compass of an EAP rather than from an HIV/AIDS specific service.

Development of an HIV/AIDS awareness and education programme

Even though publicly funded HIV/AIDS awareness and education campaigns are routinely conducted in most countries, organisations should have their own in-house awareness and education programmes. The rationale for this is simply that it is in the organisation's best interests to ensure that it has the most highly aware and educated workforce possible. An aware and educated workforce is better equipped to avoid the problems arising from stigmatisation of employees living with HIV/AIDS and is better equipped to avoid HIV infection, either through sexual activity, or from exposure in the event of a workplace accident.

When devising an HIV/AIDS awareness and education programme it is strategic for the Human Resource Manager to use existing training opportunities, such as induction training as a platform for the HIV/AIDS programme. When deciding on content and methodologies, it is important to take into consideration all relevant culturally based knowledge, attitudes and practices. In multi-cultural environments it is unlikely that any campaign that is culturally skewed will be successful.

Awareness and education programmes should also accommodate any sector, industry or organisation specific characteristics. For example, health professionals are more exposed to needle-stick injuries than workers in the commercial or industrial sectors. This risk therefore needs to be a more important aspect of an awareness and education campaign for health care professionals than comparable campaigns for workers in other sectors.

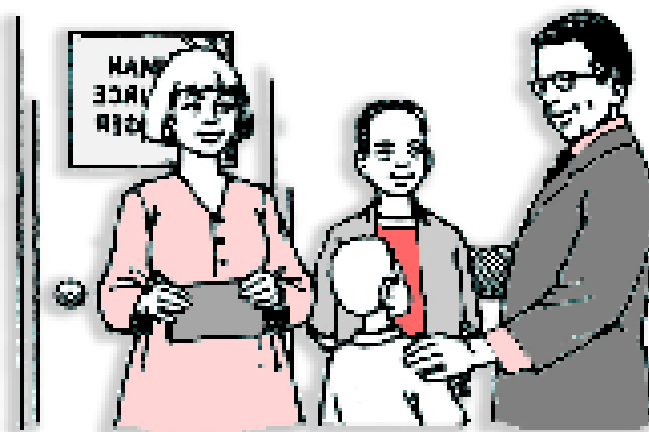
To support behavioural change by individuals, employers should also make available, where appropriate, male and female condoms, counselling, care, support and referral services. Where cost considerations render this difficult, employers and/or their organisations should seek support from government and other relevant institutions.

Accident prevention and management

A possible source of HIV transmission is through contact with infected blood or body fluids as the result of an accident. It is therefore important that all possible steps are taken to prevent accidents from occurring. One of the responsibilities of the Human Resource Manager, in association with Occupational Safety Professionals, is to ensure a safe and healthy environment for all employees. This includes the application of universal precautions and the provision and maintenance of protective equipment and first aid facilities.

The two prime causes of accidents are unsafe conditions and unsafe acts. Unsafe conditions include inadequately protected machinery, slippery surfaces, obstructions and spills of oil or other liquids. Unsafe acts include working without using the appropriate safety clothing or equipment and ignoring safety regulations. In all/most countries, employers are legally required to eliminate unsafe conditions and employees must be encouraged and trained to avoid unsafe acts. However, it is inevitable that accidents will occur and it is vital that all employees are made fully aware of the risks attendant on being exposed to blood. It is also vital that facilities, such as latex gloves, are readily accessible throughout the workplace to enable employees to go to the aid of an accident victim and that workers, especially first aiders, are trained in the use of personal protective equipment.

Where Occupational Safety Professionals are not appointed, it becomes the responsibility of the Human Resource Manager to ensure that all line managers fulfil their role in ensuring that accidents are prevented as far as possible and when they do occur that they are managed properly. This would include overseeing the procedures to be followed in the event of an occupational incident.



In the event of an accident leading to a worker becoming infected with HIV, the organisation should have a policy and procedures in place to determine the nature and extent of compensation due to the worker. The existence and use of such a policy and procedures is particularly relevant in workplaces where workers come into regular contact with human blood and body fluids.

The provision of care

The Human Resources Manager has an important role to play in guiding the decisions regarding the provision of care to employees living with HIV/AIDS. For organisations this is not an entirely philanthropic activity as an employee living with HIV/AIDS who is well cared for will be more productive for longer.

The care can take many forms ranging from advice on correct nutrition and how to adopt a healthy lifestyle to the provision of anti-retroviral treatment and the counselling and medical monitoring that needs to accompany the treatment.

The ideal or gold standard would be the provision of care in-house through a properly equipped and appropriately staffed clinic. The clinic could be part of an EAP programme, where one exists, or could be a stand-alone facility. One of the functions

of the clinic would be to monitor new cases of HIV infection in the organisation. Other functions could include the monitoring of employees living with HIV and the dispensing of appropriate medication.

In reality however, the majority of organisations do not have the resources or infrastructure to undertake the provision of care in-house. In such instances, there should be attempts to enter into partnership with appropriate bodies such as local hospitals and clinics or any other organisation that can assist in providing the required care.

Knowledge that an organisation is prepared to offer care, whether in-house, or in partnership with external health care providers, can be a potent force to encourage employees to enter into a voluntary testing and counselling programme.

Involvement with trade unions

Fighting HIV/AIDS in the workplace requires co-operation - success cannot be achieved by any form of coercion. It is therefore essential that all formal and informal groupings within the organisation be fully involved - and the Human Resources Manager is pivotal to ensuring that this happens. Trade unions are an important formal structure in the workplace and have a critical role to play in the fight against HIV/AIDS. Trade unions have the trust of their members and can therefore be a powerful ally for example in a drive to get voluntary counselling and testing accepted by employees. Trade unions can also be a powerful channel of communication with their members and can ensure that the policies, procedures and rules of the organisation as they apply to HIV/AIDS are communicated and understood by the workforce. Conversely, but equally important, trade unions can be an insurmountable obstacle should they feel inclined to oppose the policies of the organisation.

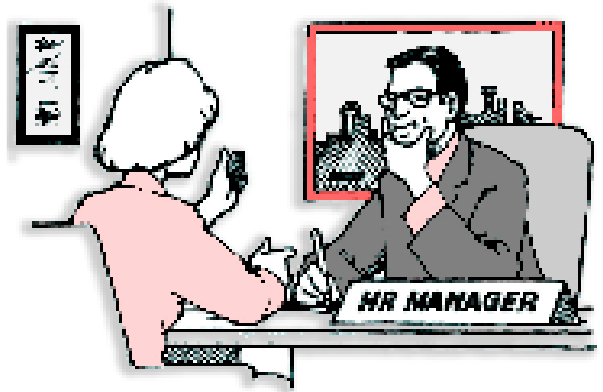
Development of partnerships

It makes good sense for organisations to embark on partnerships because by so doing they reduce the load on their man-

Knowledge that an organisation is prepared to offer care, whether in-house, or in partnership with external health care providers, can be a potent force to encourage employees to enter into a voluntary testing and counselling programme.



Many businesses that have addressed HIV/AIDS within their workforce have done so in partnership with NGOs and governmental organisations.



agers and gain access to specialist knowledge unrelated to their core business. The Human Resource Manager is the person in the organisation who is charged with the responsibility for investigating possibilities for partnerships and for formulating proposals for management to consider.

Many businesses that have addressed HIV/AIDS within their workforce have done so in partnership with NGOs and governmental organisations. These partnerships play an important role in accessing and sharing resources, and specialised knowledge and experience. In order to access the widest possible range of expertise it is important that the Human Resource Manager identifies and makes contact with external agen-

cies that have the specific expertise which is relevant to the organisation such as demographic and trend data for use in the human resource planning process.

Partnerships between large companies and small to medium sized enterprises are important. It is these relationships that must be established and fostered by the Human Resource Manager. Large corporations can co-operate to provide leadership, training, materials, advice and finance where appropriate. The benefits of co-operating on a non-competitive issue such as HIV/AIDS are numerous. Beyond the now obvious economic and social benefits of the reduced impact of HIV/AIDS, the pooling of limited resources reduces intervention costs and

large corporations can demonstrate leadership and enhance their reputations.

A principal beneficial feature of such linkages is that they can serve as a highly effective mechanism for the diffusion of information on business responses to HIV/AIDS, and can provide mechanisms for combining advocacy efforts. This creates an environment in which context-specific and appropriate programmes and policies can be devised and implemented in a mutually advantageous and cost-effective manner. Membership of, or access to, international business coalitions such as the Global Business Council, can allow an organisation to become part of a world-wide network and to harness the expertise available internationally.

HIV/AIDS Workplace Response Checklist

- Does the organisation have an HIV/AIDS policy?
- Does the organisation have well-defined programmes to assist employees living with HIV/AIDS?
- Does the organisation have rules to govern the treatment of employees living with HIV/AIDS?
- Does the organisation include matters related to HIV/AIDS in its induction programmes at all levels?
- Are all line managers and supervisors informed of the appropriate procedures and rules for dealing with employees living with HIV/AIDS?
- Has the organisation identified positions for employees living with advanced HIV disease?
- Does the organisation have a counselling service either in-house or outsourced?
- Are the first aid facilities throughout the organisation adequate to protect against occupational exposure to potentially infected blood or body fluids?
- Does the organisation have an appropriate AIDS awareness and prevention campaign?
- Is the organisation culturally aware and sensitive to cultural differences?
- Does the organisation have formal management/ trade union HIV/AIDS related communication channels?
- Does the organisation access and utilise appropriate demographic and other data to assist in human resource planning?
- Does the organisation build and maintain links with relevant governmental and non-governmental organisations - in general and specifically focusing on HIV/AIDS?
- Has the organisation entered into partnerships to provide care to employees living with or affected by HIV/AIDS?
- Does the organisation have a voluntary counselling and testing (VCT) programme?
- Does the organisation have an outreach programme to the wider community?
- Does the organisation have a mechanism for evaluating adherence to and the effectiveness of the HIV/AIDS policy?
- Are the line managers of the organisation fully informed of the legislative and policy framework in force at any given time as they relate to HIV/AIDS?

Involvement with the wider community

While the prime concern of the Human Resource Manager is with the situation within the workplace it is important to accept that the employees come from a wider community. The opportunities to contract HIV in the workplace are relatively restricted compared to those that exist in the community outside the workplace. It is therefore important for an organisation to identify the community from which it draws its employees and, either alone or in combination with other agencies, to become involved with the community.

When discussing the merits of fostering partnerships it is important for the company to recognise the value of what is termed 'social investment'. The benefits to

the business of social investment initiatives are less immediate and usually less measurable than the actions designed to protect employees; nevertheless, they can be substantial. Sustained involvement not only helps reduce risk to employees, but also promotes a healthy community, which in turn can enhance the company's reputation for social responsibility with public officials, local customers and other community members. This social investment can take the form of HIV/AIDS education and care projects, collaboration with church or other community structures, extending its counselling services to relatives of its employees or providing philanthropic grants to community initiatives as diverse as advertising campaigns or facilities to care for AIDS orphans within the community.

Action Checklist for Initiating an HIV/AIDS Workplace Response

- Set up an HIV/AIDS Committee with representatives of top management, supervisors, workers, trade unions, human resources department, training department, industrial relations unit, occupational health unit, health and safety committee, and persons living with HIV/AIDS, if they agree.
- Decide on the terms of reference and decision-making powers and responsibilities of the HIV/AIDS Committee.
- Review national laws and define their implications for the organisation.
- Formulate a draft policy. This can be done with the input of expert consultants if required. A draft is then circulated for comment, revised and adopted.
- Establish a plan of action, with timetable and lines of responsibility, to implement the policy.
- Disseminate the policy and plan of action widely through, for example, notice boards, mailings, pay slip inserts, special meetings, induction courses, training sessions.
- Assess the impact of the HIV/AIDS epidemic on the workplace and the needs of workers infected and affected by HIV/AIDS by carrying out or commissioning a confidential baseline study. This can be achieved through a voluntary counselling and testing (VCT) programme in conjunction with a knowledge, attitudes and practices (KAP) survey.
- Establish what health and information services are already available - both at the workplace and in the local community.
- Draw up a budget, seeking funds from outside the organisation if necessary.
- Monitor the impact of the policy and programme.
- Regularly review the policy and programme in the light of internal monitoring and external information about HIV/AIDS and its workplace implications.

Every step described above should be integrated into a comprehensive organisational policy that is planned, implemented and monitored in a sustained and ongoing manner.

Summary

Human Resource Managers have broad responsibilities for managing multiple aspects of their organisation's response to the HIV/AIDS epidemic. They are responsible for the formulation and implementation of policies and programmes and for the establishment of rules that ensure that those living with HIV/AIDS are provided with protection from discrimination and with the best possible care. At the same time, they have responsibilities to protect the interests of the employer. In most cases these seemingly divergent demands coincide as it is in the best interests of the employer to prolong the productive life of employees living with HIV/AIDS and to minimise the numbers of infected employees through intensive workplace prevention interventions as well as through partnerships with community-based organisations.

References

International Labour Organisation 2001: An ILO code of practice on HIV/AIDS and the world of work.

Contacts

HEARD: www.und.ac.za/und/heard

AIDS Law Project:
www.hri.ca/partners/alp/

International Labour Organisation:
www.ilo.org or ILOAIDS@ilo.org

The Global Business Council on HIV/AIDS:
www.businessfightsaids.org
and www.gbcaids.com

Written by: John MacDonald, Senior Lecturer, University of Natal, and Gavin George, Research Fellow, Health Economics and HIV/AIDS Research Division, University of Natal, Durban, South Africa.

Commissioning editor: Alan Whiteside, Health Economics and HIV/AIDS Research Division, University of Natal, Durban, South Africa.

Series editor: Rose Smart

Published: October 2002.

Funded by the USAID Bureau for Africa, Office of Sustainable Development: Award no. AOT-G-00-97-00375-04

The individual authors of the AIDS Briefs series are wholly responsible in their private capacity for content and interpretation.

HEARD

