



REPUBLIC OF KENYA

OFFICE OF THE PRESIDENT

DIRECTORATE OF PERSONNEL MANAGEMENT



PUBLIC SECTOR WORKPLACE POLICY

ON

HIV AND AIDS

April 2005

TABLE OF CONTENTS

Preface	ii
Forward	iii
Glossary of Terms and Concepts	iv
Acronyms	vi
1.0 INTRODUCTION	1
2.0 RATIONALE	2
3.0 OBJECTIVES	3
4.0 SCOPE	3
5.0 LEGAL AND REGULATORY FRAMEWORK	4
6.0 GUIDING PRINCIPLES	6
7.0 MANAGEMENT OF HUMAN RESOURCE	9
8.0 HIV AND AIDS PROGRAMMES IN THE WORKPLACE	15
9.0 IMPLEMENTATION	16
10.0 MONITORING, EVALUATION AND RESEARCH	21
11.0 POLICY REVIEW AND DEVELOPMENT	21
Appendices	
Institutional Framework for Public Sector	22
Minimum Internal Requirements	23

PREFACE

The development of this policy has been necessitated by the challenges posed by HIV and AIDS in the workplace. HIV and AIDS affect people mainly in their prime ages, between 15 and 49 years, who constitute the workforce. The illness and subsequent deaths of workers resulting from HIV and AIDS, has an enormous impact on the national productivity and earnings. Resources that would have been used for wealth creation and poverty reduction are diverted to treatment, care and support for HIV and AIDS related illnesses.

The Government as a response to these challenges, declared the pandemic a national disaster in 1999. Through Sessional Paper No. 4 of 1997 on AIDS in Kenya the Government put in place a national policy, defined an institutional framework and intensified intervention measures for the prevention, management, control and mitigation of HIV and AIDS impact. However, no comprehensive workplace policy guiding the response in the public sector was formulated.

This policy has harmonized the approach to various Human Resource issues and takes cognizance of the fundamental issues that come from the attrition of the human resource in the public sector. The policy emphasizes the need for HIV and AIDS activities to be mainstreamed into the core activities of all the Public Sector organizations. To achieve this, there is need to ensure adequate allocation of budgetary resources for HIV and AIDS programmes.

The policy provides guidance for those who deal with the day-to-day HIV and AIDS related issues and problems that arise within the workplace and also outlines employee's rights, responsibilities and expected behavior in the workplace. The strategies outlined in this policy aim at minimizing the effects of the pandemic in the public sector and providing the means towards greater efficiency in service delivery. The Policy's emphasis is on performance improvement as officers will be healthier and live longer regardless of their HIV status once properly managed.

The implementation of this will go along way in mitigating the impact of the pandemic in the Public Service.

**Amb. Francis K. Muthaura, EGH
Permanent Secretary/Secretary to the
Cabinet and Head of Public Service**

FOREWORD

Two decades since the first case of HIV and AIDS was diagnosed, the country has witnessed enormous devastation and erosion of socio-economic gains that have taken years to put together. The public sector has not been spared. This has inevitably affected the level of service delivery especially in certain key sectors of the public service.

As part of its duty and being the largest single employer in the country, the Government realized the need to have a co-ordinated intervention strategy in the public sector workplace. The aim is to mitigate the impact of the pandemic on the specific sectors. Consequently, an inter-ministerial task force, spearheaded by Directorate of Personnel Management was constituted to develop the Public Sector workplace policy on HIV and AIDS. The policy will be a handy reference to tackle the challenges brought into the occupational settings by the effects of HIV and AIDS. It will guide each sector on developing workplace programmes to facilitate effective and planned response to the management and prevention of HIV and AIDS at the workplace. The policy will be a re-affirmation of the Government's commitment to intensify its campaign against the spread of HIV and ensure a harmonized response in the public service.

Ultimately, a healthy workforce will result in better services to the citizens as well as better lives for those who directly or indirectly depend on the public servants.

I wish to thank the inter-ministerial task force on Public Sector Workplace Policy on HIV and AIDS for their effort and commitment in the development of this policy. I also wish to thank all stakeholders involved in the preparation of this policy for their important contributions to the contents of the Policy. Lastly, I wish to acknowledge the important role played by the National AIDS Control Council for funding the policy development.

Simon P. Njau, CBS
PERMANENT SECRETARY/DIRECTOR
OF PERSONNEL MANAGEMENT

GLOSSARY OF TERMS AND CONCEPTS

Affected	A person who is feeling the impact of HIV and AIDS through sickness or loss of relatives, friends or colleagues.
AIDS	Acquired Immune Deficiency Syndrome: a cluster of medical conditions often referred to as opportunistic infections.
Care	Promotion of a person's well-being through medical, physical, psychosocial, spiritual and other means.
Comprehensive Care	A range of services offered to HIV positive persons including, treatment, clinical, physical, nutritional and psychosocial support.
Counselling	A session where a person with difficulties is assisted to think through the problem and find a possible solution.
Confidentiality	The right of every person, employee or job applicant to have his/her medical or other information, including HIV status kept secret.
Evaluation	The assessment of the impact of a programme at a particular point in time.
HIV	Human Immunodeficiency Virus: a virus that weakens the body's immune system, ultimately causing AIDS.
HIV Screening	A medical test to determine a person's sero-status.
Infected	A person who is living with the virus that causes AIDS.
Manager	A person who is in charge of staff and other resources.

Monitoring Pandemic	Continuous assessment of a programme. An epidemic occurring simultaneously over a wide area and affecting many people.
Policy	A statement setting out a department's or organization's position on a particular issue.
Post Exposure Prophylaxis	Immediate treatment given to a person who is presumed to have been exposed to HIV.
Prevalence of HIV	The number of people with HIV at a particular point in time, often expressed as a percentage of the total population.
Prevention	A programme designed to combat HIV infection and transmission.
Programme	A plan of action which includes planning, resource allocation, implementation, monitoring and evaluation.
Support	Services and assistance that are provided to help a person cope with difficult situations and challenges.
Treatment	A medical term describing the steps taken to manage an illness.
VCT	Voluntary Counselling and Testing: A process that enables people to willingly know their sero-status to help them plan their lives and make informed decisions.
Workplace	Occupational settings, stations and places where workers spend time for gainful employment.
Workplace Programme	An intervention to address a specific issue within the workplace.

ACRONYMS AND ABBREVIATIONS

ACU	Aids Control Unit
AIDS	Acquired Immune Deficiency Syndrome
CEO	Chief Executive Officer
DPM	Directorate of Personnel Management
HAPC	HIV and AIDS Prevention and Control
HIV	Human Immunodeficiency Virus
HOD	Head of Department
IEC	Information, Education and Communication
ILO	International Labour Organization
MIR	Minimum Internal Requirements
MTEF	Medium Term Expenditure Framework
NACC	National AIDS Control Council
PEP	Post Exposure Prophylaxis
PLWHA	People Living with HIV and AIDS
PS/D	Permanent Secretary/Director
PS/SP	Permanent Secretary/Special Programmes
PSCK	Public Service Commission of Kenya
STIs	Sexually Transmitted Infections
VCT	Voluntary Counseling and Testing

(P) PUBLIC SECTOR WORKPLACE POLICY ON HIV AND AIDS

The Ministry of State for Public Service has been Co-ordinating the implementation of Public Sector Workplace Policy on HIV and AIDS. The ultimate goal of the policy is to ensure that the Public Service is able to sustain the provisions of quality service despite the challenges posed by HIV and AIDS.

The Ministry is undertaking the following activities:

- Identify training needs and build capacity in ACUs in the Ministries/Department to enable them implement the workplace policy.
- Advise ACUs in the Public Sector organizations and Human Resource issues related to HIV and AIDS.
- Organize bi-annual consultative meetings for public sector organizations and other stake holders to review progress made in the implementation of the workplace policy.
- Establish and maintain HIV and AIDS human resource related data base for the public sector for purposes of Human Resource planning.

1.0 INTRODUCTION

The HIV and AIDS pandemic is now a global crisis and constitutes one of the most formidable challenges to development and social progress. It is eroding decades of development gains, undermining economies, threatening security and destabilizing societies.

HIV and AIDS profoundly disrupt the economic and social bases of families. It mainly affects people in their prime years of life, the hardest hit being those in the productive ages of between 15 and 49 years. It is also affecting the fundamental rights at the workplace, particularly with respect to discrimination and stigmatisation of people living with and affected by HIV and AIDS.

The illness and subsequent deaths of workers resulting from HIV and AIDS, has an enormous impact on the national productivity and earnings. Labour productivity drops, the benefits of education are lost, and resources that would have been used for wealth creation and poverty reduction are diverted to treatment, care and support. Savings are declining, and loss of human capital is affecting production and quality of life. The sum total of these has a negative impact on the National Gross Domestic Product.

As a response to this calamity, the Government adopted a multi-sectoral strategy and declared the pandemic a national disaster. Through *The Sessional Paper No. 4 of 1997 on AIDS in Kenya*, the Government put in place a national policy and defined an institutional framework and intensified intervention measures for the prevention, management, control and mitigation of impact of HIV and AIDS. The National AIDS Control Council (NACC) within this framework is charged with the responsibility of resource mobilization, policy development and co-ordination of multi-sectoral HIV and AIDS response campaign. In addition, the Government has established a Cabinet Committee on National Campaign against HIV and AIDS under the Chairmanship of His Excellency the President.

This policy has been developed to address the crisis imposed by the pandemic in the public sector. It aims at providing guidance to the management of employees who are infected and affected by HIV and AIDS and prevention of further infections. The policy also defines the public sector's position and practices for the multi-sectoral response to HIV and AIDS pandemic. In addition, it provides guidance for those who deal with the day-to-day HIV and AIDS related issues and problems that arise within the workplace and outlines employee's rights, responsibilities and expected behavior in the workplace.

The policy covers key areas such as legal and regulatory framework, guiding principles, management of human resource HIV and AIDS programmes in the workplace and implementation.

RATIONALE

HIV and AIDS present the greatest challenge to the development of this country and have put immense pressure in the workplace. It has led to loss of skilled and experienced manpower due to deaths, loss of manhours due to prolonged illnesses, absenteeism, reduced performance, increased stress, stigma, discrimination and loss of institutional memories, among others. Consequently, businesses and organizations suffer economic loss due to decreased productivity and increase in health care costs.

As a result of the negative impact of HIV and AIDS in the workplace, the Government as a major employer has the challenge to provide a policy framework for the prevention, treatment, care and support of the infected and affected in the public sector.

So far, there has been no comprehensive public sector workplace policy to guide employers and employees to address HIV and AIDS issues. There is therefore, need to develop a clear, consistent, coherent and harmonized policy framework on HIV and AIDS for all public sector organizations.

This policy not only demonstrates the Government's concern and commitment in taking concrete steps in the management of HIV and AIDS pandemic, but also provides guidance on the development of sector specific workplace policies.

3.0 OBJECTIVES

The main objective of this policy is to provide a framework to address HIV and AIDS in the public sector.

Specifically, the policy aims at:

- Setting Minimum Internal Requirements (MIR) for managing HIV and AIDS in the public sector;
- Establishing structures and promoting programmes to ensure non-discrimination and non-stigmatisation of the infected and affected;
- Contributing to national efforts to minimizing the spread and mitigating against the impact of HIV and AIDS;
- Ensuring adequate allocation of resources to HIV and AIDS interventions;
- Guiding employers, managers and employees on their rights and obligations regarding HIV and AIDS; and
- Providing a framework for development of sector specific workplace policies.

4.0 SCOPE

This policy sets standards for managing HIV and AIDS for workplace programmes. It applies to all employers and employees in the public sector including Ministries/Departments, Statutory Bodies, Parastatals, State Corporations, Local Authorities, the Teaching Service and Disciplined and Uniformed Services.

5.0 LEGAL AND REGULATORY FRAMEWORK

Kenya has a number of statutes for responding to HIV and AIDS related issues in the workplace though the current acts do not specifically refer to HIV and AIDS. However, it is recognized that an enabling legal and regulatory environment is imperative to create the desired impact in the fight against HIV and AIDS pandemic. In this regard, the Government is committed to continue with legislative reforms which are responsive to the needs of HIV and AIDS infected and affected persons. This is in line with international obligations including the *International Labour Organization (ILO) Code of Practice on HIV and AIDS and World of Work (2001)*. This policy shall be implemented within the framework of the Constitution of Kenya and other relevant legislation in place as well as proposed legislation which includes the following:

5.1 The Constitution of Kenya

The Constitution of the Republic of Kenya is the supreme law of Kenya and all other laws must comply with it. The fundamental rights in the constitution provide every person with the right to equality and non-discrimination.

5.2 Service Commissions Act Cap 185 (1985 Revised)

The Act prohibits discrimination in appointment, promotion and transfer. In particular the Act provides in regulation 13 of the Public Service Commission (PSC) Regulations that the appointment, promotion and transfer of a public officer shall take into account only the merit, ability, seniority, experience and official qualifications of the candidate.

Under regulation 19, the Act provides that if a public officer is incapable by reason of any infirmity of mind or body of discharging the functions of his public office, he/she may present himself/herself before a Medical Board with a view to it being ascertained whether or not he/she is incapable as aforesaid.

Any employee who is ill should seek and obtain permission from the relevant authority for absence from the workplace on account of the ill health. Absence from duty without permission is actionable in accordance with Service Regulations.

Further under part IV of the PSC Regulations, an officer must be informed and given a chance to respond and appeal to the Public Service Commission of Kenya in accordance with the provisions laid down in the Regulations in respect of disciplinary proceedings or any termination of employment. No punishment shall be inflicted on any public officer which would be contrary to any law.

These provisions cover other public officers under their respective Service Commissions in accordance with the relevant regulations.

5.3 The Employment Act Cap. 226

The Employment Act sets out the minimum standards applicable for conditions of employment relating to wages, leave, health and contracts of service including termination of the contract.

Under the Act, the employer shall provide proper healthcare for his employees during serious illness. The employer can only discharge this function if the employee notifies the employer of the illness.

The Act implies that there should be no discrimination on the grounds of HIV and AIDS status.

5.4 HIV and AIDS Prevention and Control Bill (2004)

The HIV and AIDS Prevention and Control (HAPC) Bill was gazetted in August 2004 and should be considered by the implementers of the policy pending the passing of the Bill by Parliament. The Bill makes specific reference to HIV and AIDS in relation to discrimination, privacy, confidentiality and personal rights. Specifically the Bill provides:

- Under section 13, no person shall compel another to undergo an HIV test save where a person is charged with an offence of a sexual nature under Chapter XV of the Penal Code;
- Section 22 prohibits the disclosure of an HIV test result of another person without his written consent; and
- In Part VIII, the Bill makes it an offence for any person to be discriminated against on the grounds of actual, perceived or suspected HIV status, in relation to employment, access to education, credit, insurance, healthcare, travel, habitation or seeking public office.

5.5 Factories and Other Places of Work Act Cap. 514

The Government is in the process of repealing the Factories and Other Places of Work Act, Cap 514 with a view to enact a new law which will provide for safety, health, and welfare of persons employed and all persons lawfully present at workplaces and for matters incidental thereto and connected therewith purposes.

The Act requires of the employer, as far as it is reasonably practicable, to create a safe working environment for the employees. The implication of the Act regarding HIV is that the employer needs to ensure that the risk of possible infection in the workplace is minimised.

All regulations governing public service organizations will be amended in line with this policy.

6.0 GUIDING PRINCIPLES

The Principles that guide this policy are in accordance with international conventions, national laws, policies, guidelines and regulations. These principles are:

6.1 Recognition of HIV and AIDS as a workplace issue

HIV and AIDS is a workplace issue and should be treated like any other serious illness/condition in the workplace. This is necessary not only because it affects the workforce but the workplace, being part of the local community, has a role to play in the wider struggle to limit effects of the pandemic.

6.2 Non-Discrimination

There should be no discrimination and/or stigmatisation of workers on the basis of real or perceived HIV status. Discrimination and stigmatisation of the infected inhibits efforts aimed at promoting HIV prevention.

6.3 Gender Equality

Gender dimensions of HIV and AIDS should be recognised. Women are most likely to become infected and are more often adversely affected by the HIV and AIDS pandemic than men due to biological, socio-cultural and economic reasons. The greater the gender discrimination in societies and the lower position of women, the more negatively they are affected by HIV. Therefore, equal gender relations and the empowerment of women are vital to successful prevention of the spread of HIV infection and enable women to cope with HIV and AIDS.

6.4 Safe and Healthy Work Environment

The work environment should be healthy and safe and adapted to the state of health and capabilities of workers. All managers have a responsibility to minimize the risk of HIV transmission by taking the appropriate first Aid/Universal infection control precautions at the workplace.

6.5 Social Dialogue

A successful HIV and AIDS policy requires co-operation, willingness and trust between employers, workers and Government, cultivated through dialogue of the parties concerned.

6.6 Screening for purpose of Employment

HIV and AIDS screening should not be required of job applicants or persons in employment and testing for HIV should not be carried out at the workplace except as specified in the National HIV and AIDS policy on testing.

6.7 Confidentiality

Access to personal data relating to a worker's HIV status shall be bound by the rules of confidentiality consistent with existing ILO code of practice and medical ethics.

6.8 Continuation of Employment Relationship

HIV infection is not a cause for termination of employment. Persons with HIV related illnesses should be allowed to work for as long as medically fit in available appropriate work.

6.9 Prevention

HIV infection is preventable. Prevention of all means of transmission can be achieved through behavior change, knowledge, treatment, and the creation of a non-discriminatory environment. Social partners are in a unique position to promote prevention effort, particularly in relation to changing attitudes and behavior through the provision of information and education and in addressing socio-economic factors.

6.10 Care and Support

Solidarity, care and support should guide the response to HIV and AIDS at the workplace. All workers are entitled to affordable health services and to benefits from statutory and occupational schemes.

6.11 Management Responsibility

The Government will ensure the highest-level of leadership as part of the national campaign against the pandemic.

6.12 Partnerships

The Government will be responsible and accountable for implementation of this policy. It will at all times develop effective partnerships to enhance the success of the policy implementation.

6.13 Fair Labour Practices

Every person, whether infected or affected, has the right to fair labour practices in terms of recruitment, appointment and continued enjoyment of employment, promotion, training and benefits. HIV testing as a requirement for any of the above is prohibited.

6.14 Workplace Ethics

There will be zero tolerance to sexual harassment, abuse and exploitation.

6.15 Greater involvement of People Living with HIV and AIDS (PLWHA)

The involvement of PLWHA in educating and informing other workers shall be promoted at all levels of the public sector.

7.0 MANAGEMENT OF HUMAN RESOURCE

The Human Resource is the most important factor of production in any organization as it controls all the others. Success or failure of an organisation depends largely on the human resource and there is therefore need to examine the issues that affect it. According to ILO, HIV and AIDS is a major threat to the world of work because it affects the most productive segment of the

labour force. It is imposing huge costs on enterprises in all sectors through declining productivity and earnings, increasing labour costs and loss of skills and experience. It has also led to high staff turnover, high costs in training and replacement, high health care and employee welfare costs including funeral expenses.

In this regard, managers in the public sector have a particularly important role to play in an organisation's response to HIV and AIDS. It is their responsibility to address the problems caused by HIV and AIDS in the workplace at both organisational and individual levels. The dichotomy between organisational requirements and those of individuals living with or affected by HIV and AIDS makes this a challenging task.

This policy is the starting point for the management of HIV and AIDS in the workplace as it establishes a coherent approach in addressing the issues associated with the pandemic. It provides consistency in an organisation's dealings with employees through the programmes, procedures and rules that flow from the policy.

The policy addresses the following human resource management issues:

7.1 Recruitment and Promotion

HIV screening should not be a requirement for staff recruitment and/or promotion.

7.2 Sick Leave

Sick leave will be provided for as stipulated in the relevant service regulations. However, additional sick leave days will be decided by the employer on case-by-case basis at the discretion of the Authorised Officers/Chief Executives.

7.3 Working Hours

Normal working hours will continue to apply for all employees. However, a more flexible approach will be applied for those who are infected or affected.

7.4 Counseling Services

The Government will ensure that each Ministry/Department /State Corporation has a pool of skilled counselors trained from among the staff to provide counseling and referral services.

7.5 Termination of Employment

The policies and procedures pertaining to termination of services will apply to all employees. No employee shall be dismissed or have employment terminated based solely on perceived or actual HIV status.

7.6 Medical Privileges

The normal provision of medical privileges will continue to apply. However, to reduce the negative effects of illness and incapacity on employees, the Government will take steps to improve access to comprehensive care.

7.7 Deployment and Transfers

The Government shall review current policies, codes and deployment and transfer practices of employees. In particular, the Government shall ensure that:

- Where possible, partners and spouses are not separated to minimise vulnerability;
- Where employees are deployed in remote areas, the period served in such areas is limited to three years. Employees in

these areas will also be facilitated to make frequent visits to their families;

- Staff requiring access to family support or medical care are deployed appropriately; and
- Where fitness to work is impaired by illness, reasonable alternative working arrangements are made.

7.8 Relief Services

The Government shall introduce relief workforce programme to offer relief services in essential sectors. Where an employee is temporarily unable to perform essential duties, reasonable alternatives through employee relief services shall be made.

7.9 Housing and Accommodation

The prevailing Government policy on housing will continue to apply. Suitable accommodation for employees requiring institutional housing will be provided and where this is not possible, employees will be allowed to reside outside the institutions and be provided with house allowance.

7.10 Training and Development

The Government will:

- Educate and train all its employees on HIV and AIDS related issues;
- Monitor and evaluate human resource so that there is adequate supply of appropriately skilled manpower to meet the needs for service delivery;
- Mainstream HIV and AIDS in all training institutions' curricula and undertake regular updates to respond to the dynamics of HIV and AIDS; and

- Ensure there is appropriate recognition of HIV and AIDS related training and development of career paths that encourage staff to work and remain in HIV and AIDS related fields.

7.11 Sexual Harassment, Abuse and Exploitation

There shall be zero tolerance to sexual harassment, abuse and exploitation in the workplace. Involvement in these vices shall be treated as gross misconduct and where proven, shall lead to disciplinary action.

7.12 Gender Responsiveness

HIV and AIDS affects and impacts on women and men differently due to their biological, social, cultural and economic circumstances. Application of this policy should be responsive to their different needs.

7.13 Exposure at the Workplace

- Employees who accidentally get exposed to HIV in the course of their duties shall be entitled to immediate Post-Exposure Prophylaxis (PEP) and follow up in the form of treatment in case of infection.
- Provision shall be made to ensure safety and absence of risk to health, arising from the use, handling, storage and transport of articles and substances.

7.14 Retirement on Medical Grounds

HIV and AIDS is not a cause for termination of employment. As with many other illnesses, persons with HIV-related illnesses should be able to work as long as medically fit for available appropriate work, or until declared unfit to work by a Medical Board. Where an employee is medically unfit to continue working, the Government will hasten the retirement process.

7.15 Terminal Benefits

Whenever an employee retires or dies due to HIV and AIDS or other reasons the Government will facilitate speedy processing of terminal benefits. Accordingly, it will be necessary for both the employers and employees to ensure that the next of kin records are updated regularly.

7.16 Confidentiality and Disclosure

- Disciplinary action, consistent with relevant legislation and regulations, will be taken against any employee who discloses a fellow employee's HIV sero status without consent.
- Creating a climate of openness about HIV and AIDS is an effective prevention and care strategy. The Government shall create a working environment in which employees can feel safe to disclose their HIV status.

7.17 Discrimination and Stigma

- All employees have the same rights and obligations as stipulated in the terms and conditions of service.
- No employee or job applicant shall be discriminated against in access to or continued employment, training, promotion and employee benefits on the basis of their actual or perceived HIV status.
- Employees shall not refuse to work or interact with fellow colleagues on the grounds that the latter are infected or perceived to be infected. Such refusal shall constitute misconduct.

7.18 Grievances and Concerns

All Authorised Officers/Chief Executives shall establish and maintain communication channels for employees to raise concerns and grievances and access support relating to HIV and AIDS.

7.19 Management Responsibility

A manager has an obligation and a responsibility to:

- Show leadership as part of the national campaign to address the pandemic;
- Be educated and informed about the pandemic including developments in respect of prevention and treatment;
- Implement this policy, as well as to continuously disseminate information about HIV and AIDS to all employees; and
- Include HIV and AIDS workplace issues in the organization's Strategic Plan.

7.20 Employee Responsibility

- It is the responsibility of an employee to take appropriate action on being informed about HIV and AIDS, to protect him/herself and the family and seek guidance and counseling.
- All employees must comply with the HIV and AIDS workplace policy. In addition, all employees are required to attend, lend support to and participate in all activities aimed at combating HIV and AIDS.
- It is the moral responsibility of infected employees to take care of themselves and others to avoid re-infection and infecting others.

8.0 HIV AND AIDS PROGRAMMES IN THE WORKPLACE

The main thrust of this policy revolves around initiating and carrying out programmes in the workplace. The component of the programmes will include but not limited to the following:

8.1 Prevention and Advocacy

The programmes will be sector specific and will involve creation of HIV and AIDS awareness and promotion of positive cultural and behavioral change among employees. Some of these are:

- Promotion of testing and support programmes in the workplace;
- Provision of information on safe sex practices;
- Promotion of attitude and behavior change;
- Establishment of HIV and AIDS resource centers;
- Incorporation of HIV and AIDS education curricula in training institutions;
- Encouraging HIV and AIDS peer education and counseling programmes at the workplace; and
- Creating a pool of resource persons on HIV and AIDS intervention programmes.

8.2 Care and Support of the Infected and Affected

Comprehensive care of the infected and affected calls for a collaborative approach involving various stakeholders. This will also help mitigate the negative socio-economic impact. Some of the critical components include:

- Establishment of appropriate linkages, networks and referral systems for comprehensive care and support;
- Setting up and strengthening social support structures;
- Linking infected employees to support groups;
- Strengthening of institutional health facilities where available; and
- Provision of counseling services at the workplace.

9.0 IMPLEMENTATION

The ultimate goal of this policy is to ensure that the public service is able to sustain the provision of quality service in spite of the challenges posed by HIV and AIDS. The success of this policy will therefore depend on its effective implementation and a co-ordinated effort of stakeholders. The following components will form the implementation modalities:

9.1 Institutional Framework

An Institutional Framework is necessary for the implementation of the workplace policy particularly with respect to human and financial resource management. This calls for high level commitment by Permanent Secretaries and Chief Executives in terms of allocation of adequate resources for HIV and AIDS under the Medium Term Expenditure Framework (MTEF) to facilitate effective implementation of this policy. A HIV and AIDS Secretariat will be established at the Directorate of Personnel Management, while the ACUs in Ministries and other public sector organizations will be strengthened by designating officers on full time basis to coordinate HIV and AIDS activities and policy implementation.

The HIV and AIDS Secretariat will initially be manned by three (3) senior officers. The Secretariat will be responsible to the Permanent Secretary/Director of Personnel Management for the

formulation and review of HIV and AIDS workplace policies in the public sector. It will advise ACUs in all public sector organizations with regard to implementing HIV and AIDS human resource workplace policies in liaison with NACC.

The ACUs will be manned by at least three (3) senior officers and report directly to their respective Permanent Secretaries/Chief Executive.

All Authorized Officers/Chief Executives are responsible and accountable for implementing this policy and development of appropriate HIV and AIDS programmes and practices in their workplaces. They shall also take immediate and appropriate corrective action when provisions of this policy are violated.

9.2 Responsibility and Accountability

The institutions responsible for implementing this policy are:

9.2.1 Role of NACC

The National AIDS Control Council was established under a Legal Notice No. 170 of 26th September, 1999 to mobilize resources and co-ordinate the multisectoral response to the epidemic. Its main following are:

- Mobilize resources;
- Mobilize and co-ordinate HIV and AIDS intervention in all sectors;
- Develop policy, strategy and guidelines;
- Support the development of sector specific programmes;
- Develop national Management Information Systems (MIS);
- Collaborate with local and international agencies;
- Develop mechanisms and guidance for implementing agencies on selection of activities, monitoring and evaluation of activities; and

- Play a leadership role in advocacy for the prevention of spread and provision of care and support to those infected and affected by HIV and AIDS.

9.2.2 Role of Permanent Secretaries/CEOs/HODs in the Implementation of this policy

Permanent Secretaries/CEOs/HODs will:

- Develop, implement and review sector specific policies;
- Advocate for HIV and AIDS issues in decision making at all levels;
- Ensure allocation of resources and evidence based budgeting;
- Monitor and evaluate the policies;
- Strengthen commitment at all levels of management;
- Create partnerships with and across Ministries, development partners and stakeholders;
- Provide support to ACUs;
- Link HIV and AIDS to the MTEF budgeting process;
- Chair Ministerial HIV and AIDS committee; and
- Mobilize resources.

9.2.3 Role of Permanent Secretary/Director of Personnel Management

The responsibilities of the Permanent Secretary/Director of Personnel will be to:

- Ensure HIV and AIDS workplace policy is implemented in the public sector;

- Formulate and review HIV and AIDS workplace policies in the public sector;
- Build capacity in ACUs to implement workplace policies; and
- Monitor and evaluate implementation of workplace policies.

9.2.4 Role of HIV and AIDS Secretariat in the Directorate of Personnel Management

The functions of the HIV and AIDS Secretariat will be to:

- Co-ordinate implementation of the HIV and AIDS workplace policy in the public sector;
- Identify training needs and build capacity in ACUs;
- Advise ACUs in public sector organisations on Human Resource issues as relates to HIV and AIDS;
- Develop and review HIV and AIDS workplace policy in the public sector;
- Maintain linkages with ACUs;
- Organize bi-annual consultative meetings for public sector organizations and other stake-holders to review progress in the implementation of the workplace policy; and
- Establish and maintain HIV and AIDS human resource related data base for the public sector.

9.2.5 Role of AIDS Control Units

ACUs will be responsible to their respective PSs, CEOs and HODs for implementation of the workplace policy.

The functions of the ACUs will be to:

- Ensure that HIV and AIDS is mainstreamed into the core functions of the Ministries/Departments/Organizations;
- Provide information necessary for planning and budgeting for HIV and AIDS programmes;
- Ensure that HIV and AIDS policies are implemented within the specific sector;
- Develop and adopt guidelines for the use of allocated resources for HIV and AIDS activities;
- Make proposals for enhancing HIV and AIDS policies;
- Develop operational objectives and prepare Action Plans for the fight against HIV and AIDS in the public service;
- Constitute Secretariat for the ministerial/departmental/organizational HIV and AIDS committee and co-ordinate activities for the sub-ACUs;
- Conduct statistical analysis and compile data for use by the sector;
- Liaise with NACC, DPM HIV and AIDS Secretariat and other ACUs for best practices sharing and implementation;
- Introduce new services or models of service delivery to deal with the dynamics of HIV and AIDS;

- Advocate for legislation to protect the infected from discrimination and to encourage effective roles in prevention and care by all relevant stakeholders; and
- Develop sector specific Information, Education and Communication (IEC) materials.

10.0 MONITORING, EVALUATION AND RESEARCH

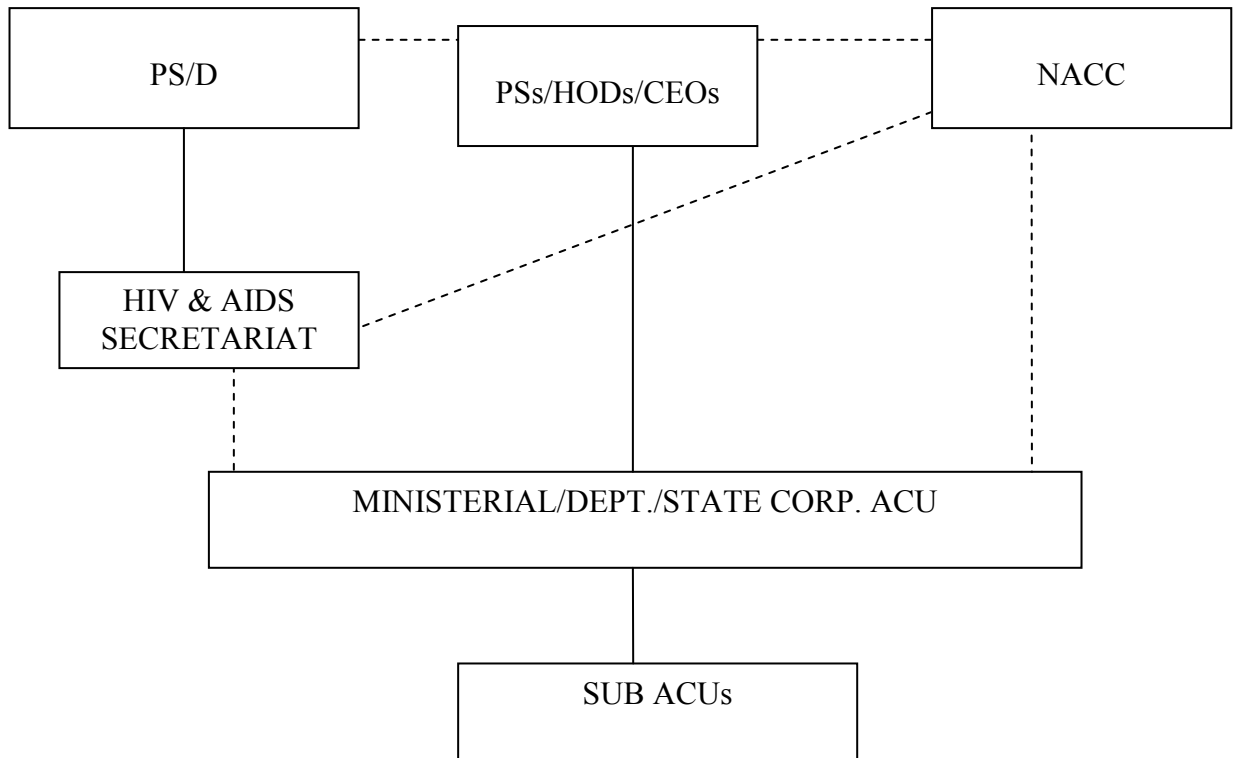
Each sector shall generate information on staff welfare and service delivery through monitoring, evaluation and research for planning, decision-making, resource allocation and managing the sector's response to HIV and AIDS.

11.0 POLICY REVIEW AND DEVELOPMENT

This policy will be reviewed from time to time to ensure it remains relevant to the needs of the public sector. Individual sectors will develop policies in line with this policy to reflect sector specific mandates and needs.

ANNEX I

INSTITUTIONAL FRAMEWORK FOR PUBLIC SECTOR WORKPLACE POLICY ON HIV AND AIDS



Key

PS/D -Permanent Secretary/Director of Personnel Management

PSs - Permanent Secretaries

HODs - Heads of Department

ANNEX II

Minimum Internal Requirements

Each public sector organisation will be responsible for developing an annual HIV and AIDS Work Plan that addresses both the internal and workplace domain clientele. The aspects of the workplan that address the external domain will differ in focus and intensity across sectors. The internal aspects of the plan will be built upon the foundation of Minimum Internal Requirements (MIR) to be implemented by each public sector organization. Additional activities can be planned and implemented based on each sector's mandate and needs, but all sectors will be responsible for developing and implementing appropriate activities based on the key areas outlined in the Minimum Internal Requirements below:

- a) Introduce and intensify appropriate education, awareness and prevention programmes on HIV and AIDS and where possible, integrate those programmes with others that promote the health and well-being of employees;
- b) Create mechanisms within the workplace to encourage openness, acceptance, care and support for HIV-positive employees;
- c) Designate an officer or officers with adequate skills, seniority and support to implement provisions of this policy and ensure that the officer(s) so designated is/are held accountable by means of performance indicators in the implementation of the policy;
- d) Form partnerships with other departments, organizations and individuals who are able to assist with health promotion programmes;
- e) Establish a HIV and AIDS committee in each Ministry/ Department/Organization with adequate representation from all the departments and support from all relevant stakeholders;

- f) Ensure that all programmes include an effective internal communication strategy;
- g) Collect and disseminate routine information on absenteeism, morbidity and mortality for purposes of Human Resource Planning;
- h) Provide guidance and counseling services;
- i) Mainstream HIV and AIDS into the organisation's overall strategic plans;
- j) Develop and enforce workplace policies;
- k) Allocate adequate human and financial resources to implement the policy and establish a sector budget line for HIV and AIDS programmes; and
- l) Monitor and evaluate the impact of HIV and AIDS and intervention programmes.