



HIV & AIDS Policy

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HIV & AIDS Policy

1 Policy Objectives

- 1.1 One of the most effective ways of reducing and managing the impact of the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) in the workplace is through the implementation of an HIV/AIDS policy and programme, with the aim of creating awareness in the workplace. In light of this, this policy has been developed as a guide to the company's management and its employees.
- 1.2 This policy also forms part of the rules of the company and of the broader policy of the company to promote equal opportunity for all its employees.

2 Application

This policy applies to all company employees.

3 Introduction

- 3.1 HIV is a virus which damages the body's immune system. A damaged immune system leaves your body at risk to those illnesses and infections said to be AIDS-defining. Acquiring one of these infections means that a person is diagnosed with AIDS.
- 3.2 HIV is transmitted mostly in four (4) ways:
 - 3.2.1 Through unprotected sexual intercourse.
 - 3.2.2 From an infected mother to child during pregnancy, birth, or breastfeeding.
 - 3.2.3 Through contaminated (infected) blood products.
 - 3.2.4 Through sharing contaminated instruments such as sex toys or needles/injections.
- 3.3 Not all individuals who become infected with HIV will develop AIDS, and some may experience no symptoms at all, although they have the potential to infect others. HIV can live in our bodies without obvious effect. Most people with HIV feel healthy and can live productive, healthy lives for many years. HIV and AIDS do not usually cause immediate incapacity in a person.
- 3.4 The HIV/AIDS epidemic affects every workplace through prolonged staff illness, absenteeism, and death impacting on productivity, employee benefits, occupational health and safety, production costs, and workplace morale.
- 3.5 While HIV/AIDS knows no social, gender, class, or racial boundaries, it is accepted that socio-economic circumstances do influence disease patterns. HIV thrives in an environment of poverty, rapid urbanisation, violence, and destabilisation. Transmission is exacerbated by disparities in resources and patterns of migration from rural to urban areas.
- 3.6 HIV/AIDS is a disease still surrounded by ignorance, prejudice, discrimination, and stigma. In the workplace, unfair discrimination against people living with HIV has been perpetuated through widespread practices such as pre-employment HIV testing, dismissals for being HIV-positive, and the denial of employee benefits.

4 Promoting a Non-Discriminatory Work Environment

- 4.1 The company believes that a person with HIV/AIDS must be treated on a similar basis to any other employee suffering from a life-threatening disease. As such, employees who are HIV-positive or those with AIDS will not be subjected to any form of victimisation or discrimination.

- 4.2 The company is committed to fair, sound, and non-discriminatory employment practices. Employees who develop HIV/AIDS, choose to disclose their HIV-positive status, or are diagnosed as being HIV-positive will not be prejudiced, victimised, or discriminated against on account of their medical condition or status. This means that no person with HIV/AIDS shall be treated unfairly within the employment relationship or within any of the company employment policies or practices, including regarding:
- 4.2.1 Recruitment procedures, advertising, and selection criteria.
 - 4.2.2 Appointment and the appointment process.
 - 4.2.3 Job classification or grading.
 - 4.2.4 Remuneration, employment benefits, and terms and conditions of employment.
 - 4.2.5 Job assignments.
 - 4.2.6 Working environment and facilities.
 - 4.2.7 Training and development.
 - 4.2.8 Performance evaluation systems.
 - 4.2.9 Promotion, transfer, and demotion.
 - 4.2.10 Disciplinary measures short of dismissal.
 - 4.2.11 Termination of services.
- 4.3 No person employed by the company may unfairly discriminate against an employee, or an applicant for employment, based on his/her HIV status.
- 4.4 The company will adopt appropriate measures to ensure that employees with HIV/AIDS are not unfairly discriminated against and are protected from victimisation through positive measures such as:
- 4.4.1 Grievance procedures to deal with HIV-related complaints in the workplace.
 - 4.4.2 Taking disciplinary action against employees who victimise employees living with HIV/AIDS.
- 4.5 The company is committed to assisting employees wherever possible and necessary. Thus, employees who are aware that they have a life-threatening disease are encouraged to inform the company as soon as possible to enable the company to assist. This information will be treated with the highest level of confidentiality. No employee will be victimised or discriminated against.

5 HIV Testing

- 5.1 No person employed by the company may require an employee, or an applicant for employment, to undertake an HIV test to ascertain that employee's HIV status, unless authorisation has been obtained from the Labour Court. This includes HIV testing:
- 5.1.1 During an application for employment.
 - 5.1.2 As a condition of employment.
 - 5.1.3 During procedures related to termination of employment.
 - 5.1.4 As an eligibility requirement for training or staff development programmes.
 - 5.1.5 As an access requirement to obtain employee benefits.
- 5.2 Where HIV testing has been authorised by the Labour Court, it should be carried out in terms of the conditions prescribed by the Court with regard to:
- 5.2.1 The provision of counselling.
 - 5.2.2 The maintenance of confidentiality.
 - 5.2.3 The period during which the authorisation for HIV testing applies.

5.2.4 The category or categories of jobs or employees in respect of which the authorisation for HIV testing applies.

5.3 Anonymous and voluntary testing of employees may be conducted without consent of the Labour Court, provided that the results are kept confidential, and the tests are truly voluntary.

6 Confidentiality and Disclosure

6.1 The company recognises the fact that all persons with HIV/AIDS have the legal right to privacy. An employee is therefore not legally required to disclose his/her HIV status to the company or to other employees of the company.

6.2 In dealing with employees who are HIV-positive or have AIDS, the company regards confidentiality as of the utmost importance.

6.3 Where an employee chooses to voluntarily disclose his/her HIV status to the company or to other employees, this information may not be disclosed to others without the employee's express written consent. Where written consent is not possible, steps must be taken to confirm that the employee wishes to disclose his/her status.

6.4 All medical information regarding employees with HIV/AIDS will be kept strictly confidential, except where required by law to be disclosed to specified people or/with the consent of the employee.

6.5 Should any person within the company disclose such confidential medical information without legal authority or relevant consent from the employee, appropriate disciplinary action will be instituted.

7 Promoting a Safe Working Environment

7.1 The company is obliged to provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees.

7.2 While the risk of HIV transmission within most workplaces is minimal, occupational accidents involving bodily fluids may occur. These risks can be avoided by taking precautions. To this end, the company will ensure that:

7.2.1 Suitably qualified individuals will be available to deal with any occupational accidents where possible.

7.2.2 Appropriate equipment and materials are available to protect employees from the risk of exposure to HIV and to treat employees injured at work.

7.3 Employees are encouraged to always exercise care in the workplace and in particular when treating any employees who have suffered an injury at work e.g., always make use of surgical gloves.

8 Colleagues of Employees Identified or Suspected of Being HIV Positive

8.1 It is not possible for colleagues of an HIV-positive employee to become infected through normal contact in the workplace.

8.2 Unless an HIV-positive employee is acting in an inappropriate manner, it is not acceptable for colleagues to refuse to work with that person.

8.3 Should an employee, after reassurance and with all appropriate health and safety precautions being taken and supplied by the company, remain unwilling to work with the HIV-positive employee

and this refusal affects productivity, he/she will be warned that his/her reaction is unreasonable, medically unjustified and that disciplinary action may be taken against him/her.

- 8.4 Any colleague of an HIV-positive employee who embarks on any form of discrimination towards that employee may be subjected to the company's disciplinary procedure.

9 Dismissal

- 9.1 The company recognises that being HIV-positive or having AIDS is not a sufficient reason to dismiss a person. Employees with HIV/AIDS may not be dismissed solely based on their HIV status.
- 9.2 An employee with HIV/AIDS is expected to meet the same performance requirements that apply to other employees with reasonable accommodation where necessary i.e. HIV-positive employees will be governed by the same contractual obligations as all other employees.
- 9.3 Where an infected employee becomes incapable of working or incapable of carrying out his/her normal duties, such employee will be dealt with in accordance with the requirements of fair labour practices.
- 9.4 The company will follow accepted guidelines regarding dismissal for incapacity before terminating an employee's services. These include attempts to adapt the employee's duties, to accommodate the employee's disability and to find alternative employment for the employee. As far as possible, the employee's rights to confidentiality regarding his/her HIV status will be maintained during any incapacity proceedings.
- 9.5 The company will endeavour to accommodate an infected employee so that he/she is able to work for as long as he/she is medically able to, within the parameters of the operational requirements of the business and what is reasonable in the circumstances.

10 Agreement and Compliance

It is the employee's responsibility to contact management should he/she have any queries.

I, _____ (name), hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions herein.

Employee signature as receipt hereof	
Date	