



The Republic of Trinidad and Tobago

# The National Workplace Policy on **HIV** **AIDS**

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# National Workplace Policy on HIV & AIDS



# TABLE OF CONTENTS

Forward	4
Acronyms and Abbreviations	6
Executive Summary	7
Part 1: Background to the Development of the National Workplace Policy on HIV and AIDS	10
1.1 Overview of the HIV epidemic	11
1.2 The National Workplace Response to HIV and AIDS	11
1.3 Employment and HIV	12
Part 2: The National Workplace Policy on HIV and AIDS	14
2.1 General Statement	15
2.2 Goals	16
2.3 Objectives	16
2.4 Targeted Policy Areas	16
2.5 Implementation	20
2.6 Application and Scope	21
2.7 Guiding Principles	22
2.8 Management and Coordination	22
2.9 International Co-operation	23
3.0 Monitoring and Evaluation	24
Glossary	25
Appendix 1: How the Government, Trade Unions and Organisations should take Action in Trinidad and Tobago	27
Appendix 2: The National HIV/AIDS Workplace Advocacy and Sustainability Centre Services provided	28
Appendix 3: Demystifying the National Workplace Policy on HIV and AIDS	29
Appendix 4: Guidelines for Implementation	31
References	34



## FOREWORD

The work of the Ministry of Labour and Small Enterprise Development is premised on the decent work agenda. As part of its obligation to ensure that all citizens can access their right to decent work, the Ministry of Labour and Small Enterprise Development has undertaken a rigorous review of the National Workplace Policy on HIV and AIDS. The policy was updated following in-depth consultations with workers, employers, trade unions, employers' representatives, civil society, people living with HIV and other relevant stakeholders. The recommendations from these consultations helped to inform the drafting of this document. Initially adopted by Cabinet in 2008; the revision of the National Workplace Policy on HIV and AIDS in 2016 signals the Government of the Republic of Trinidad and Tobago's ongoing commitment to addressing HIV and AIDS as a workplace issue. This policy is in keeping with the United Nations Sustainable Development Goals which paves the way for post – 2015 development and the International Labour Organization (ILO) Recommendation 200 of 2010 Concerning HIV and AIDS and The World of Work. It is also in line with Government's National Development Strategy 2016-2030 and the role of the re-established National AIDS Coordinating Committee.

Of particular importance for the Ministry of Labour and Small Enterprise Development is Goal 8 of the Sustainable Development Goals which aims to "promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all". The goal of "decent work for all" cannot be attained without addressing the human rights of people living with HIV such as their right to work.

The rights of workers living with and affected by HIV and AIDS are often infringed upon which can undermine their access to employment, being retained and promoted in the workplace. Through the implementation of the National Workplace Policy on HIV and AIDS, the Government of the Republic of Trinidad and Tobago encourages the development of enterprise-level HIV and AIDS workplace policies and programmes. Workplace action on HIV and AIDS can provide a number of benefits such as: promoting a non-discriminatory environment; providing HIV prevention education to all workers and reducing risk of infection; keeping medical files and information confidential; and ensuring that hiring and promotions are based on experience, qualifications and fitness to work rather than HIV status. Overall, workplace policies and programmes reduce the impact of HIV and AIDS on the workplace ultimately benefitting both employees and employers.

A strong workplace response to HIV and AIDS will be essential as we work towards the goal of ending AIDS by 2030 – a target of the Sustainable Development Agenda. To support this target, the 2016 United Nations General Assembly Political Declaration on Ending AIDS set out a concrete plan to fast-track the AIDS response over the next 5 years. These goals include:



- Reduce new HIV infections to fewer than 500,000 globally by 2020.
- Reduce AIDS-related deaths to fewer than 500,000 globally by 2020.
- Eliminate HIV-related stigma and discrimination by 2020.

By facilitating access to HIV prevention, care, treatment and support in and through the workplace, and creating a supportive environment for people living with and affected by HIV, the workplace response directly contributes to the above targets.

In 2014, 64% of new HIV infections were diagnosed in the age group 15-49 (Ministry of Health 2014) representing a significant part of the working population. In 2016, the labour force in Trinidad and Tobago stood at 641,900 (Central Statistical Office 2016) representing approximately half of the population. We cannot afford to be complacent but must now double our efforts to ensure that as a country we contribute to the achievement of international targets to end the epidemic by 2030. The workplace is central to these efforts.

The Ministry of Labour and Small Enterprise Development pledges its contribution to the overall national HIV and AIDS response through the implementation of the National Workplace Policy on HIV and AIDS. This will be achieved by working in close partnership with representatives of employers and workers, civil society, people living with HIV, international organisations and government ministries. In particular, the Ministry of Labour and Small Enterprise Development will continue to work with the International Labour Organization and follow the guidelines it has set out for addressing HIV and AIDS as a workplace issue such as the Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200).

HIV and AIDS workplace initiatives play a critical role in expanding HIV and AIDS education and services, protecting the rights of workers and contributing to national efforts at reducing the spread of the epidemic. The Ministry of Labour and Small Enterprise Development assures that the National Workplace Policy on HIV and AIDS will be implemented in all workplaces throughout Trinidad and Tobago to provide a safe, healthier and more equitable workspace for all workers regardless of their HIV status.



## ACRONYMS & ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
BCC	Behaviour Change Communication
CARICOM	Caribbean Community and Common Market
EOA	Equal Opportunity Act
GBV	Gender -based violence
GoRTT	Government of the Republic of Trinidad and Tobago
HASC	The National HIV/AIDS Workplace Advocacy and Sustainability Centre
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
MLSED	The Ministry of Labour and Small Enterprise Development
NACC	National AIDS Co-ordinating Committee
NCD	Non-Communicable Diseases
NGO	Non-Governmental Organisation
NWP	National Workplace Policy on HIV and AIDS
PANCAP	Pan Caribbean Partnership Against HIV
SDGs	Sustainable Development Goals
S&D	Stigma and Discrimination
STI	Sexually Transmitted Infections
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV and AIDS
USDOL	United States Department of Labour



## EXECUTIVE SUMMARY

The National Workplace Policy on HIV and AIDS (NWP) was revised in 2016 to ensure its consistency with relevant national and international targets and commitments; new developments in HIV and AIDS interventions and alignment to the ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200), which builds on and reinforces the ILO Code of Practice on HIV/AIDS and the World of Work (2001). The Government of the Republic of Trinidad and Tobago (GoRTT) will ensure that the policy is implemented using the concept of social dialogue – including consultation and other forms of co-operation among representatives of employers and workers and the active involvement of people living with HIV.

The workplace is an important entry point to reach large groups of workers and their families with HIV prevention, care, treatment and support services. It is against this backdrop that the GoRTT, through the Ministry of Labour and Small Enterprise Development (MLSED), has revised the NWP which covers the following general principles:

- The response to HIV and AIDS is recognised as contributing to the realisation of human rights and fundamental freedoms and gender equality for all;
- There should be no stigma or discrimination in employment practices on the basis of real or perceived HIV status; HIV and AIDS are workplace issues and the workplace should be included as an essential element of the national response.

Trinidad and Tobago is categorized as having a generalized epidemic with the HIV adult prevalence rate greater than 1% in the general population and exceeding 5% in populations at higher risk of infection. Overall, HIV prevalence in the general population is 1.65%. The statistics also highlight the potential impact on the world of work. In 2014, 44.4% of new HIV cases were observed in the productive age group of 25-44 years (Ministry of Health 2014).

The HIV epidemic which affects persons in the prime of their working age, negatively impacts productivity in the workplace through the loss of skilled and experienced workers, increases costs due to the replacement and training of new staff and fuels stigma and discrimination.

As a member of the ILO since May of 1963, the Ministry continues to hold in the highest regard the work of the ILO in respect of international labour standards and the promotion of decent work for all. The Ministry's responsibility is the adoption of the Decent Work Agenda which is promoted by ensuring and protecting human rights at the workplace, creating employment opportunities for men and women, enhancing social protection and facilitating meaningful consultations amongst government, employers and workers' organisations.



The objective of the policy is to provide the framework for action that sets out the national standards to be adhered to by all employers, employees, employers' representatives and trade unions. It promotes and outlines the mechanisms necessary for responding to HIV and AIDS in the workplace and emphasises the need for co-operation between employers and workers and their representatives. The NWP guides the development of individual enterprise level workplace policies and specifies the following areas for targeted action:

- Discrimination and promotion of equality of opportunity and treatment
- Access to prevention, treatment, care and support
- Testing, Privacy and confidentiality
- Occupational Safety and Health

The targeted policy areas outline the core elements to be included in an HIV and AIDS workplace policy. The targeted areas include: the use of Behaviour Change Communication (BCC), non-discrimination of workers or job seekers on the basis of real or perceived HIV status; continuation of employment for people living HIV who are medically fit to work; reasonable accommodation for workers living with HIV-related illnesses should be provided as far as practicable if needed; gender equality and empowerment of all workers regardless of sexual orientation should be ensured; and safety and health measures should be put in place to prevent workers' exposure to HIV at work. Additionally, enterprise-level policies should facilitate HIV prevention education and access to care, treatment and support services including voluntary HIV counselling and testing.

The NWP specifies that there should be no mandatory HIV testing for purposes of employment or promotion and employees and job applicants should not be obligated to reveal their HIV status or that of their co-workers. All medical records and information for employees should be kept strictly confidential. The GoRTT encourages employers to ensure that procedures exist to address breaches of an HIV workplace policy including breaches of confidentiality and other violations against people living with HIV.

MLSED, through the HIV Workplace Advocacy Unit has overarching responsibility for the formulation and implementation of the NWP in workplaces. The Ministry is exploring all avenues that will sustain in the long term, the national workplace response to HIV and AIDS such as lobbying for labour legislation which will be supported by the ILO's Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ratified by Trinidad and Tobago in 1970.

"ILO Recommendation Concerning HIV and AIDS and The World of Work, 2010 (No. 200): Legal Gap Analysis – The Case of Trinidad and Tobago" prepared by Mr. Clive Pegus, in July 2013, examined gaps and deficiencies in employment and other relevant laws of Trinidad and Tobago and made recommendations for effective compliance with the ILO Recommendation No. 200, by way of amendments to the legal and regulatory framework in Trinidad and Tobago.





GoRTT in cognizance of its responsibility and role in addressing HIV and AIDS as a workplace issue remains firm in its resolve to decrease the spread of HIV and mitigate its impact on the world of work. Through continuous coordinated efforts and a commitment to strengthen the effective implementation of the NWP, it is possible for us to envision a workplace that is free from HIV-related stigma and discrimination.

## **The Structure of the Policy**

Part one provides a brief overview of:

- the HIV epidemic in Trinidad and Tobago;
- the National HIV and AIDS Workplace Response, and;
- employment and HIV.

Part two outlines:

- the NWP which is based on the ILO Recommendation 200;
- The appendices:
- provide additional information and guidelines on how companies and organisations can operationalise the NWP.



# Background to the Development of the National Workplace Policy on HIV and AIDS

## PART 1



# OVERVIEW OF THE HIV EPIDEMIC

## 1. Overview of the HIV epidemic

1.1.1 Between 1983 and December 2014, an estimated 27,207 persons diagnosed with HIV were living in Trinidad and Tobago. Newly diagnosed cases decreased from 1,284 in 2012 to 1,053 in 2014, and the number of AIDS cases identified was 47 in 2012 and 46 in 2014. These variances in newly diagnosed cases are against a background of increasing access to HIV testing nationally with 50,021 and 71, 485 having accessed testing in 2012 and 2014 respectively. AIDS related deaths which were reported increased from 55 in 2012 to 101 in 2014. This increase is a direct result of improved reporting from 2012 to 2014 (Ministry of Health 2014).

1.1.2 Overall, the Ministry of Health, Trinidad and Tobago estimates that HIV prevalence for adults 18 years and older is reported to be 1.65% as of 2013. In 2014, 44.4% of new HIV cases were observed in the productive age group of 25-44 years. With the HIV prevalence greater than 1% in the general population, and a prevalence exceeding 5% in populations at higher risk of infection, Trinidad and Tobago is categorised as having a generalised epidemic. In 2014, males accounted for 50.1% of new HIV cases while females accounted for 42.9% and 6.9% were of unknown sex. Whereas, in the same period, the total tested included 19,464 males, 51,210 females inclusive of 19,250 tested via the Prevention of Mother to Child Transmission Programme and 811 persons recorded with sex unknown (Ministry of Health 2014).

The implementation of comprehensive workplace policies on HIV and AIDS supported by the NWP would contribute to reducing HIV infection rates nationally.

## 2. The National Workplace Response to HIV and AIDS

1.2.1 The HIV Workplace Advocacy Unit of the Ministry of Labour and Small Enterprise Development was established to lead the implementation of the NWP for Trinidad and Tobago. The HIV Workplace Advocacy Unit advocates that the workplace is an ideal forum to address the issue of HIV and AIDS through the implementation of policies and programming to:

- reduce employment related stigma and discrimination against people living with or affected by HIV and AIDS, and
- reduce behaviours that put workers at risk of contracting HIV (and other sexually transmitted infections), by providing employers and employees with information and behaviour change strategies.



- 1.2.2 The GoRTT has committed to addressing the HIV epidemic. Cabinet agreed to the re-establishment of the National AIDS Co-ordinating Committee (NACC) and a supporting Secretariat in the Office of the Prime Minister, to co-ordinate and monitor the expanded response to the continuing problem of HIV and AIDS in Trinidad and Tobago. Therefore, the policy areas and the initiatives of the NWP will be aligned with the general policy guidelines of the NACC which has national oversight for HIV programming.
- 1.2.3 Under the Ministry of Labour and Small Enterprise Development the national HIV and AIDS response addresses initiatives in the workplace. These initiatives are implemented in the form of technical assistance for the development of enterprise level HIV and AIDS policy and programme development, seminars and workshops on HIV and AIDS and the world of work. The NWP will be implemented in the private and public sectors and the informal economy, in keeping with the role of the NACC, which is national in scope.
- 1.2.4 Eliminating stigma and discrimination of any kind in the workplace is critical to creating a safe, healthy and productive work environment and serves to ensure that the fundamental rights of workers are respected. This objective is directly linked to the work of the HIV Workplace Advocacy Unit.
- 1.2.5 At the International Labour Conference in June 2010, the ILO adopted the first International Labour Standard on HIV and AIDS. The Recommendation Concerning HIV and AIDS and the World of Work, 2010 (No. 200), (ILO 2010) (ILO Recommendation 200) strengthens the effectiveness of the ILO Code of Practice on HIV/AIDS and the World of Work (2001). The NWP reflects the principles of the ILO Recommendation 200 and takes into consideration other national, regional and international HIV and AIDS priorities, trends, terminology and research. It is also informed by the 2008 NWP and is aligned to the United Nations Sustainable Development Goals (SDGs) specifically Goals 3 and 8.

### **I.3 Employment and HIV**

- 1.3.1 It is widely recognised by the ILO and other sources (GNP+, ILO 2012) that stigma and discrimination against people living with or affected by HIV occurs in the workplace resulting from practices such as pre-employment HIV testing or screening, discriminatory terms or conditions of employment, breaches of confidentiality, unfair dismissals on the basis of real or perceived HIV status, and the denial of employee benefits. HIV work-related discrimination can also occur through the use of other probing questions or other information gathering strategies regarding the HIV-status of job applicants or employees.



- 1.3.2 A 2011 study by the University of the West Indies on Poverty, Employment and HIV and AIDS in Trinidad and Tobago, indicated that HIV and poverty reinforce each other, with poor and vulnerable women being significantly affected by the epidemic. It also reported that increases in the level of female unemployment are shown to have a strong positive impact on the growth rate of HIV incidence. The study also identified employment as a protective factor against new HIV infection, by way of maintaining economic viability and income. These findings support the importance of the workplace response to the epidemic within the broader human development objectives of Trinidad and Tobago (Scott, La Foucade, et al. 2011). Additionally, an ILO study revealed that people living with HIV who are employed are more likely to adhere to treatment (ILO 2013).

UNAIDS Global AIDS Report 2014 states that the "People Living with HIV Stigma Index" shows that people living with HIV experience unemployment rates three times higher than national unemployment rates—37.7% among people living with HIV compared to average national unemployment rates of 11.7% (UNAIDS 2014). Reasons reported for unemployment include stigma, discrimination, restrictive policies and practices and ill health. On average, one in eight persons living with HIV reports being denied health services and one in nine is denied employment because of his or her HIV-positive status. People living with HIV who are members of key populations face a double stigma because of their sexual orientation, gender identity, drug use or engagement in sex work. Their HIV-positive status increases their risk of experiencing violence, being denied services or being excluded from community activities.

- 1.3.3 The HIV epidemic affects persons in the prime of their working age. HIV and AIDS can impose huge costs on enterprises if left unmanaged and result in falling productivity, increased labour costs and the loss of skills and experience (ILO 2010).



# The National Workplace Policy on HIV and AIDS

## PART 2



# THE NATIONAL WORKPLACE POLICY ON HIV AND AIDS

## 2.1 General Statement

- 2.1.1 The impact of the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) on the workplace has been widely recognized. HIV and AIDS affect employers and employees in all economic sectors and at all levels, undermining the attainment of decent work and sustainable development.
- 2.1.2 The GoRTT recognises the significant role of the ILO and its constituents in responding to HIV and AIDS through the world of work. As a member country of the ILO Trinidad and Tobago continues to support ILO Recommendation 200 that was adopted by governments in June 2010.
- 2.1.3 The NWP covers the following general principles:
- The response to HIV and AIDS is recognised as contributing to the realisation of human rights and fundamental freedoms and gender equality for all;
  - There should be no stigma or discrimination in employment practices on the basis of real or perceived HIV status;
  - HIV and AIDS are workplace issues and the workplace should be included as an essential element of the national HIV response.
- 2.1.4 The NWP requires the establishment and effective implementation of a legal framework to support the policy within the Republic of Trinidad and Tobago. Such legislation should be aimed at promoting a safe and healthy work environment which is free from stigma and discrimination and ensures gender equality and fundamental freedoms for all. In this regard the MLS ED would seek to effectively develop and promote policies and practices that are anchored with decent work principles.
- 2.1.5 Respect for fundamental human rights and to improve the health and quality of life for the people of Trinidad and Tobago requires an undertaking by the tripartite constituents, composed of GoRTT, employers and employee representatives, by applying the Guiding Principles laid out in Section 2.7 of this policy.
- 2.1.6 The NWP promotes the establishment of mechanisms to foster co-operation between GoRTT, employers and workers in responding to HIV and AIDS in and through the workplace. It also promotes the inclusion of organisations representing people living with HIV. The implementation



of policies and programmes on HIV and AIDS should be based on co-operation and trust among employers and workers and their representatives, as well as the GoRTT, led by the Ministry of Labour and Small Enterprise Development, with the active involvement of people living with HIV in the workplace.

- 2.1.7 This Policy also encourages the inclusion of HIV and AIDS workplace programmes in already existing Employee Assistance Programmes and/or Health and Wellness programmes in organisations.

## 2.2 Goal

The goal of this policy is to reduce the spread of HIV in the workplace.

## 2.3 Objectives

The primary objective of the NWP is:

- 2.3.1 To provide the framework for action that sets out the national standards with respect to HIV and AIDS in the workplace to be adhered to by all employers, employees, employers' representatives and trade unions.

### Secondary Objectives

- 2.3.2 To provide equal access to employment for people living with HIV.
- 2.3.3 To provide equal opportunities for career advancement for people living with HIV.
- 2.3.4 To reduce stigma and discrimination in the workplace against persons living with or affected by HIV.
- 2.3.5 To promote safe sexual practices to the working population via access to accurate and current information on HIV and AIDS.
- 2.3.6 To facilitate workplace initiated referrals to care, treatment and support services for people living with and affected by HIV.

## 2.4 Targeted Policy Areas

In implementing the policy the GoRTT will focus on the following policy areas for targeted action:

- 2.4.1 Discrimination and promotion of equality of opportunity and treatment
- 2.4.1.1 Organisations need to afford protection equal to that available under the ILO's Discrimination (Employment and Occupation) Convention, 1958, No 111, (ILO Convention No. 111) which has been





ratified by Trinidad and Tobago, to prevent discrimination based on real or perceived HIV status (ILO 1958). There should be no discrimination against, or stigmatisation of workers, particularly job seekers and job applicants on the grounds of real or perceived HIV status, or segments of the population perceived to be at greater risk of HIV infection.

2.4.1.2 Real or perceived HIV status should not:

Prevent equal access to employment, training and promotion;

Affect terms and conditions including working conditions, remuneration and access to benefits;

Be grounds for termination of employment. According to ILO Convention No. 111, the employer must prove that the worker lacks the capacity to perform his or her duties, or is guilty of gross misconduct.

2.4.1.3 Persons living with HIV-related illnesses should be able to continue to work as long as they are medically fit with reasonable accommodation to manage their illness as far as practicable if needed.

**Gender Equality**

2.4.1.4 The GoRTT recognises and highlights the need to address the gender dimensions of the HIV epidemic in all aspects of the HIV response in the workplace and calls on employers and workers to take measures to:

- Ensure gender equality and empowerment of women;
- Ensure actions to prevent and prohibit violence and harassment in the workplace as a necessary component of a gender-sensitive response to HIV in the workplace;
- Encourage the participation of both men and women in the response;
- Promote involvement and empowerment of all workers regardless of sexual orientation and whether or not they belong to key populations;
- Promote sexual and reproductive health and rights of women and men.

2.4.2 Access to prevention, treatment, care and support

2.4.2.1 This NWP promotes appropriate and effective ways to facilitate and/or manage the universal access to HIV prevention, treatment, care and support services for workers and their families.

**Prevention**

2.4.2.2 The Government sees HIV prevention as a fundamental priority. HIV prevention strategies need to be comprehensive, culturally sensitive, suitable for both men and women, and should take into account social and economic concerns. Prevention programmes should be based on up-to-date



information and data, and cover modes of transmission, the importance of changing risk behaviour and measures to encourage workers to know their status through voluntary counselling and testing.

### **Treatment and Care**

2.4.2.3 Employers should provide workers living with HIV-related illnesses with reasonable accommodation in the workplace if necessary, as long as they are medically fit to work. All workers covered under this NWP, including their families and dependants, should benefit from full access to free and affordable health services, whether this is provided under public health, social security systems, private insurance or other schemes. These services include access to affordable:

#### **Voluntary counselling and testing;**

- Antiretroviral treatment and adherence education, information and support;
- Proper nutrition consistent with treatment;
- Treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related illnesses, in particular tuberculosis;
- Support and prevention programmes for people living with HIV, including psycho-social support.

2.4.2.4 The GoRTT also recognises that all workers and their dependents should have equal access to social security systems such as group health and life insurance coverage.

### **Support**

2.4.2.5 The GoRTT recognises that:

Workplace policies should include provision for reasonable accommodation for people living with HIV. This means providing appropriate and necessary accommodation so that the worker may enjoy the same rights as other employees.

Retention in work and recruitment of people living with HIV should be promoted;

Where a direct link can be established between an occupation and the risk of infection, AIDS and infection by HIV should be recognised as an occupational disease or accident.

2.4.3 Testing, Privacy and Confidentiality

2.4.3.1 HIV testing or screening should not be required of either job applicants or workers, including migrant workers. HIV testing must be voluntary and respect guidelines on confidentiality, counselling and consent.



- 2.4.3.2 All employee health records, notes and documents including HIV test results and other related information should be kept confidential and should only be made available to the employee. There is also no justification for an employee or job applicant to disclose his/her HIV-related personal information, nor should co-workers be obligated to reveal such personal information about fellow workers.
- 2.4.3.3 Employers should have procedures for use by workers and their representatives for work-related grievances. These procedures should specify the circumstances for disciplinary proceedings against any employee who discriminates on the grounds of real or perceived HIV status, or who violates the workplace policy on HIV and AIDS.
- 2.4.4 Behaviour Change Communication
- 2.4.4.1 The use of Behaviour Change Communication (BCC) is endorsed by the NWP. This process of BCC seeks to engage persons in the workforce by developing communication strategies aimed at promoting positive behaviour change. In designing BCC strategies enabling factors that affect the outcome must be taken into consideration. These factors include effective communication and having a supportive workplace environment in which human rights are respected. The use of BCC in the field of HIV and AIDS is critical to the success of targeted interventions geared toward the reduction of HIV infection. It plays an imperative role in increasing knowledge about HIV and AIDS and the legion of psychosocial issues surrounding the epidemic.
- 2.4.5 Occupational Safety and Health
- 2.4.5.1 The GoRTT recognises the principle of the right to a safe and healthy work environment for all workers in accordance with the Occupational Health and Safety Act Chapter 88:08.
- 2.4.5.2 Employers are therefore strongly encouraged to ensure that safety and health measures to prevent workers' exposure to HIV at work include Standard Precautions, as well as accident and hazard prevention measures.
- 2.4.5.3 Education, training and awareness-raising measures which emphasise modes of HIV transmission, and methods to prevent exposure to infection should be provided to workers. In particular, the awareness-raising measures in the workplace should clarify that HIV is not transmitted by casual physical contact and the presence of a person living with HIV should not be considered a workplace hazard.



## 2.5 Implementation

The HIV Workplace Advocacy Unit would implement this policy in collaboration with the private sector, employers, trade unions, NGOs, Persons living with HIV and AIDS, the NACC and other stakeholders. This multi-sectoral approach would engender the greatest opportunity for country wide participation and ensure that PLHIV and those affected have the opportunity to contribute to and participate in the design, delivery and evaluation of programmes and interventions emanating from the implementation of the policy. This approach would also strengthen and sustain partnerships between the Government and the relevant stakeholders, which is critical to the success of the policy. To ensure the above targeted policy areas are actualized the HIV Workplace Advocacy Unit would undertake the following:

- 2.5.1 The facilitation of collaborative relationships with key stakeholders via the members of the HIV Workplace Advocacy Unit Advisory Board advocating for buy-in from their respective sectors;
- 2.5.2 The provision of technical services to workplaces in the areas of outreach and training to address the following:
  - Stigma and discrimination;
  - HIV Testing, Health screening (NCD, STIs etc.) privacy and confidentiality;
  - HIV and AIDS and gender sensitivity (Psychosocial issues such as GBV, Disclosure of HIV Status and Communication ;
  - Prevention, treatment, care and support.
- 2.5.3 Provide assistance to organisations in the development and/or review of their workplace policies and programmes on HIV and AIDS;
- 2.5.4 The facilitation of follow-up with client organisations;
- 2.5.5 The development of a monitoring framework to continuously measure and report on stakeholder adherence to the NWP;
- 2.5.6 The development of a communications campaign by the MLSED targeting key stakeholders;
- 2.5.7 Advocate for the implementation of legislation to support the NWP.
- 2.5.8 Ensuring that activities are aligned with the national response as co-ordinated by the NACC



## 2.6 Application and Scope

### Application

- 2.6.1 It is strongly recommended that all employers, employees, and their respective organisations be guided by the NWP to formulate their workplace policies, to develop strategies for implementation and to engage in dialogue with all entities including public health services and other relevant agencies. The same process is also recommended when addressing other critical illnesses in the workplace.
- 2.6.2 This NWP can be implemented within organisations:
- As a stand-alone HIV policy document;
  - As part of an already existing policy, for example:
    - A Health and wellness policy;
    - An Occupational Health and Safety policy;
    - A Human Resource policy;
  - As part of an Employee Assistance Programme organisations can also develop HIV and AIDS workplace policies as a condition of collective bargaining agreements.
- 2.6.3 An HIV and AIDS workplace policy should be strategically designed to ensure equity in the treatment, care and support of all workers whether or not they are infected or affected by HIV and AIDS.

### Scope

- 2.6.4 For the purpose of this NWP, the term "workplace" should be interpreted as any place in which workers perform their activities during and arising out of work or employment. This applies to all workplaces and all sectors of economic activity, including the public and private sectors, the formal and informal economies, and the armed forces and uniformed services.
- 2.6.5 The NWP uses the Scope of Application set out in paragraph 2 of ILO Recommendation No. 200 which includes:
- Persons working under all forms or arrangements and includes those persons defined in section 2 sub-section 3 of the Industrial Relations Act Chapter 88:01;
  - Persons in any employment or occupation;
  - Those in training, including interns and apprentices;
  - Volunteers;
  - Jobseekers and job applicants;
  - Laid-off and suspended workers;
  - Armed forces and uniformed services.



## 2.7 Guiding Principles

- 2.7.1 The general rights and obligations reflected in this policy are aligned to the ILO Recommendation 200 which builds on the ILO Code of Practice on HIV/AIDS and the World of Work, 2001:
- The HIV response should be recognised as contributing to the realisation of human rights, fundamental freedoms and gender equality for all;
  - There should be no discrimination or stigmatisation of workers on grounds of real or perceived HIV status;
  - Prevention of all means of HIV transmission should be a fundamental priority;
  - Workplaces should facilitate access to HIV prevention, treatment, care and support;
  - Workers should be able to participate in the design, implementation and evaluation of HIV programmes;
  - Prevention efforts should address specific risks of occupational transmission of HIV, tuberculosis and related diseases;
  - Privacy and confidentiality should be ensured with regard to HIV status. Workers should not be required to disclose their HIV status or that of any other person;
  - There should be no mandatory HIV testing for job applicants or persons in employment;
  - The workplace response should be a part of national policies and programmes, including those related to labour and all terms and conditions of employment, education, social protection and health.

## 2.8 Management and Coordination

- 2.8.1 The GoRTT recognises that the implementation of the NWP will be led by the Ministry of Labour and Small Enterprise Development which is the competent organisation in labour and labour administration.
- 2.8.2 The Ministry of Labour and Small Enterprise Development will:
- Ensure that the HIV Workplace Advocacy Unit Advisory Board, chaired by the Permanent Secretary in the Ministry of Labour and Small Enterprise Development, continues to provide oversight for the implementation of the NWP. The HIV Workplace Advocacy Unit Advisory Board should include representation from relevant ministries, trade unions, private sector organisations and associations, Non-Governmental Organisations, as well as people living with HIV and representatives from key populations;
  - Consult with other ministries and relevant organisations to ensure that the NWP is realised through legislation and collective agreements;



- Ensure collaboration and coordination among public authorities and other concerned public and private entities including insurance and benefit programmes.

2.8.3 The GoRTT also recognises that the requisite human and financial services of the Ministry of Labour and Small Enterprise Development will need to be reviewed and strengthened to ensure the successful implementation of the NWP.

#### **Social Dialogue, Education, Information and Consultation**

2.8.4 The implementation of this NWP should be based on co-operation and trust among employers and workers and their representatives, and the GoRTT, as well as the active involvement of people living with HIV in the workplace.

2.8.5 This NWP will promote social dialogue including consultation, negotiation and other forms of co-operation among the GoRTT, employers, employees, trade unions, employers' organisations, national organisations representing people living with HIV and other relevant stakeholders.

2.8.6 Clear and accessible training and safety guidance should be provided to all workers and adapted to the characteristics of the workforce. Workers should be trained in HIV infection control procedures especially those workers whose occupations put them at risk of exposure to blood, blood products and body fluids.

#### **Legal Considerations**

2.8.7 The GoRTT will strive to provide measures in existing national laws and regulations such as the Equal Opportunities Act, Chapter 22:03, the Industrial Relations Act, Chapter 88:01 or the Occupational Safety and Health Act, Chapter 88:08, to support and promote the implementation of this NWP. Emphasis will be placed on legislation to address breaches of privacy and confidentiality to ensure that the rights of people living with HIV, those affected by HIV and those most vulnerable are protected in the workplace as well as providing for the effective and transparent implementation of measures taken. Revision of legislation will be supported by international labour standards ratified by Trinidad and Tobago such as ILO Convention No.111.

## **2.9 International Co-operation**

2.9.1 The GoRTT encourages co-operation among CARICOM member states, their national structures on HIV and AIDS and relevant international organisations through information exchanges; reduction of the price of supplies for the prevention, treatment and care of HIV and other opportunistic infections and cancers. Access to HIV prevention, treatment care and support services for migrant workers would be guided by the Ministry of Health's National Health Policy.



### **3.0 Monitoring and Evaluation**

- 3.0.1 Strategies for monitoring and evaluating the implementation, adoption and use of the NWP by organisations across the sectors will be developed in consultation with workers living with HIV and other key stakeholders such as the National AIDS Co-ordinating Committee. Monitoring and Evaluation strategies should adhere to international targets, ILO regulations and guidance from technical studies. The National Workplace Policy would be reviewed every five years and the corresponding implementation plan would include indicators which are defined and aligned to the National HIV and AIDS Monitoring and Evaluation Plan developed by the NACC.
- 3.0.2. Results of monitoring and evaluation of the NWP should be included in national HIV reports.





## GLOSSARY

For the purposes of this NWP:

### **"HIV"**

refers to the Human Immunodeficiency Virus, a virus that damages the human immune system. Infection can be prevented by appropriate measures;

### **"AIDS"**

refers to the Acquired Immune Deficiency Syndrome which results from advanced stages of HIV infection, and is characterised by opportunistic infections or HIV-related cancers, or both;

### **"Decent Work Agenda"**

refers to the balanced and integrated programmatic approach to pursue the objectives of full and productive employment and decent work for all at global, regional, national, sectoral and local levels. It has four pillars: standards and rights at work, employment creation and enterprise development, social protection and social dialogue.

### **"Stakeholder"**

means anyone who has an interest in or can be affected by the objectives of the policy;

### **"People living with HIV"**

means people infected with HIV;

### **"Stigma"**

means the social mark that, when associated with a person, usually causes marginalisation or presents an obstacle to the full enjoyment of social life by the person infected or affected by HIV;

### **"Discrimination"**

means any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, as referred to in the Discrimination (Employment and Occupation) Convention, 1958, and Recommendation, 1958;

### **"Grievance Procedure"**

means a dispute resolution process that can be used to address complaints of stigma, discrimination and breach of confidentiality by employees who may feel so affected by the actions of others within the workplace;

**"Affected persons"**

means persons whose lives are changed by HIV or AIDS owing to the broader impact of the pandemic;

**"Key populations"**

means populations that are at a higher risk of acquiring or transmitting HIV such as men who have sex with men, sex workers and prisoners.

**"Reasonable accommodation"**

means any modification or adjustment to a job or to the workplace that is reasonably practicable and enables a person living with or affected by HIV or AIDS to have access to, or engage in treatment, care and support and be allowed to participate or advance in employment. Reasonable accommodation may include, but not limited to, flexible schedules, job sharing, leave of absence and, working from home;

**"Vulnerability"**

means the unequal opportunities, social exclusion, unemployment or precarious employment, resulting from the social, cultural, political and economic factors that make a person more susceptible to HIV infection and to developing AIDS;

**"Workplace"**

refers to any place in which workers perform their activities;

**"Worker"**

refers to any persons working under any form or arrangement from the highest to lowest levels within any organisation. This includes but is not limited to e.g. Chief Executive Officers in organisations or Domestic Workers.

**"Informal Economy"**

refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.



## APPENDIX 1:

How the Government, Trade Unions and Organisations should take Action in Trinidad and Tobago

### **GoRTT can take action to:**

- Strive to provide measures in existing national laws and regulations such as the Equal Opportunities Act Chapter 22:03, the Industrial Relations Act Chapter 88:01, the Occupational Safety and Health Act Chapter 88:08 and promote the implementation of the National Workplace Policy on HIV and AIDS. Emphasis will be placed on legislation to address breaches of privacy and confidentiality to ensure that the rights of those living with HIV, those affected by HIV and those most vulnerable, are protected in the workplace and to provide for the effective and transparent implementation of measures taken;
- Promote and advocate for the implementation of this NWP in collaboration with employers' and workers' organisations and people living with HIV;
- Collaborate with the National AIDS Co-ordinating Committee to integrate workplace policies and programmes into the National HIV and AIDS Response;
- Integrate HIV into other relevant national schemes and programmes;
- Train Labour and Occupational Safety and Health inspectors, judges and magistrates and set up mechanisms to monitor the implementation of the NWP and grievance procedures.

### **Employers can take action to:**

- Develop HIV workplace policies and programmes for workers and their families, including contractual workers;
- Facilitate access to HIV prevention, treatment, care and support through their own mechanisms or through relevant partnerships;
- Develop HIV programmes and promote HIV education and training at all levels; set up public-private partnerships (PPP) to expand HIV programmes.
- Develop and implement a grievance policy and procedure which specifically addresses any violations of the workplace policy.

### **Trade unions can take action to:**

- Collaborate with the Ministry of Labour and Small Enterprise Development and employers to develop HIV workplace policies and programmes within the different sectors – private, public and informal;
- Promote awareness of HIV and AIDS through education and training among their affiliates;
- Participate in the HIV Workplace Advocacy Unit Advisory Board and the relevant sub-committees and play an active role in the implementation of HIV and AIDS policies and programmes;
- Engage with other affiliates to expand the National HIV and AIDS Workplace Programme to cover workers in the informal economy.



## APPENDIX 2:

### **The HIV Workplace Advocacy Unit**

The HIV Workplace Advocacy Unit, a unit in the Ministry of Labour and Small Enterprise Development, was established by Cabinet in 2009 to mount a strategic response to mitigate the impact of HIV and AIDS on the world of work. The Unit has been mandated to lead and co-ordinate the national response to HIV and AIDS in the workplace by providing technical support and guidance in policy and programme development for employers, employees, government ministries, trade unions, people living with HIV, civil society and other stakeholders. The HIV Workplace Advocacy Unit's structure includes a multipartite Advisory Board that provides advice and guidance to the HIV Workplace Advocacy Unit on plans and strategies for the implementation and monitoring of the NWP. The Unit provides assistance and services to all organisations in the workplace at all levels.

### **Services provided by the HIV Workplace Advocacy Unit**

The Unit provides the following core services to workplaces in all sectors:

- Provides guidance, training and technical support from the initial stages of the HIV and AIDS workplace policy and programme development to the monitoring and revision of the policies;
- Conducts sensitisation sessions with employers and employees on the core principles outlined in the NWP;
- Develops workplace-specific programmes and materials to inform and educate workers about HIV and AIDS;
- Establishes links to HIV-related services such as information on testing sites and information on non-governmental organisations (NGOs) that provide counselling and support services.



## APPENDIX 3:

### Frequently Asked Questions

What is an HIV and AIDS Workplace Policy?

- A workplace policy on HIV and AIDS provides and sets minimum standards for managing the impact of HIV and AIDS. The workplace policy can take the form of a stand-alone document, be part of an organisation's existing broader policy/agreement such as a human resource policy or an Employee Assistance Programme (EAP) or simply a short statement. A workplace policy on HIV and AIDS is strategically designed to ensure consistency and equity in the treatment, care and support of all workers; whether or not they are infected and/or affected by HIV and AIDS and should be developed by and implemented in consultation and collaboration with the employer, workers and their representatives.
- Essentially, an HIV and AIDS workplace policy commits the workplace to take action. The policy should also promote prevention efforts through education programmes and the creation of a non-discriminatory work environment.
- Benefits of HIV and AIDS Workplace Policy
- It provides the basis for establishing a comprehensive workplace programme, combining prevention, care and the protection of rights.
- Benefit to workers
- The implementation of an active workplace policy on HIV and AIDS ensures respect for human rights and fundamental freedoms and signifies a high level of commitment by the employer. Through its programming it promotes gender equality and seeks to inform, educate and train you, the worker, on protecting your sexual and reproductive health and rights.
- A workplace policy on HIV and AIDS further ensures that the working environment is safe, healthy and discrimination-free as HIV and AIDS affect us all.
- Benefit to employers
- The adoption of the NWP or the development of a workplace policy on HIV and AIDS that is tailored toward the needs and resources of the enterprise demonstrates your commitment to be part of the fight against HIV and AIDS. From the perspective of a cost-benefit analysis, the implementation of a workplace policy on HIV and AIDS can increase profit and productivity, maintain institutional memory and reduce high levels of absenteeism. Equally important, a workplace policy on HIV and AIDS ensures the inclusion of all categories of workers regardless of HIV status and can boost the morale of people infected with or affected by HIV and AIDS. Additionally, adopting an HIV and AIDS workplace policy signals a high level of social responsibility and can enhance an organisation's corporate image.



- What role can employees play to assist the organisation to develop an HIV and AIDS workplace policy?
- An employee can engage in advocacy initiatives that strongly encourage management to develop and implement an HIV and AIDS workplace policy that is inclusive of all workers regardless of HIV status. Additionally, one of the key principles of an HIV and AIDS workplace policy is social dialogue which affords employees the opportunity to contribute to the drafting and review of the organisation's policy. There may also be opportunities for employees to get involved in HIV and AIDS peer education via the organisation's training plan.
- What role can directors/managers play to assist the organisation to support the development of an HIV and AIDS workplace policy?
- An HIV and AIDS workplace policy is only effective if it has complete "buy-in" from management, since a manager's role will be to take the lead and provide the directive for the development and implementation of the policy. Apart from this, displaying an attitude of openness, support and acceptance towards workers infected with or affected by HIV and AIDS can go a long way to reduce HIV and AIDS-related fears, stigma and discrimination, and instil confidence in the worker that his/her job is secure, as well as offering the requisite support.
- Is there a cost attached to the development and implementation of an HIV and AIDS workplace policy?
- The costs that can be associated with the development of an HIV and AIDS workplace policy include sensitisation sessions for employees and employers, the development of informational material and the hosting of programmes and events centred on HIV and AIDS. Costs can also be measured in terms of the length of time taken from the development to the implementation stage, the availability of human resources and time allocated for training. Many resources and services necessary for the development and implementation of a policy can be sourced for free or at a low cost from community-based organisations and government agencies that specialise in HIV and AIDS education. In the absence of sufficient funding, other creative and resourceful actions can be taken. Source: Adapted from: The National HIV/AIDS Workplace Advocacy and Sustainability Centre. Frequently Asked Questions, 2014.



## APPENDIX 4:

### **An HIV and AIDS Workplace Policy - Guidelines for Development and Implementation**

An HIV and AIDS Workplace Policy – provides the framework for action to reduce the spread of HIV/AIDS and manage its impact (ILO 2004). The ILO (2004) highlights the importance of having a workplace policy on HIV and AIDS, as it:

- Makes an explicit commitment to corporate action;
- Ensures consistency with appropriate national laws;
- Lays down a standard of behaviour for all employees (whether HIV-positive or negative), Gives guidance to supervisors and managers;
- Helps employees living with HIV and AIDS to understand what support and care they will receive, so they are more likely to access voluntary testing;
- Helps to stop the spread of the virus through prevention;
- Assists an enterprise to plan for HIV and AIDS and manage its impact, so it ultimately saves money.

#### **If an organisation is interested in developing a workplace policy on HIV and AIDS**

##### **Sign a Memorandum of Understanding with the HIV Workplace Advocacy Unit.**

- The HIV Workplace Advocacy Unit will work with senior management within the organisation to outline the requirements and procedures for signing the MOU.

##### **Develop an HIV committee or integrate the HIV and AIDS agenda into existing health and safety/health and wellness committees.**

The main objectives of the committee are to:

- Reduce the impact of the epidemic on workers living with or affected by HIV;
- Promote a zero tolerance for HIV-related stigma and discrimination in the workplace;
- Encourage a healthy workforce, through HIV and AIDS programming, ultimately fostering improved worker well-being, and increasing productivity and profitability to the enterprise.

The establishment of a committee or the incorporation of HIV and AIDS into the existing health and safety/health and wellness committee demonstrates to employees that the organisation is committed to ensuring that the workplace is free from stigma and discrimination. The committee should include management, workers and workers representatives to ensure that buy-in occurs at all levels within the organisation.

**Appoint a focal point within the organisation.**

This person will sit on the committee and will be responsible for managing the HIV response in the workplace. The Focal Person will consult with management and workers in the performance of his/her duties. These duties include:

- Co-ordinating the development and implementation of the HIV and AIDS workplace programme;
- Disseminating the HIV and AIDS workplace policy as well as all educational material;
- Ensuring that community referral systems for confidential Voluntary Counselling and Testing (VCT), Sexually Transmitted Infections (STI) and care and support services are established and sustained;
- Ensuring that affiliations are established and sustained for the provision of condoms;
- Providing written reports to the HIV and AIDS Committee/Health and Wellness Committee and maintaining communication with the HIV Workplace Advocacy Unit to ensure support in implementing and sustaining HIV and AIDS programmes.

**Assess impact on the workplace and the needs of workers via a workplace survey**

A needs assessment is a systematic process used to identify the needs of the workers and priorities to be addressed in the HIV and AIDS programme in the workplace.

**Draft the policy**

Using the NWP, the organisation should develop a policy that begins with a general statement or introduction that gives reasons for its policy, how it relates to other policies in the organisation, and how it complies with national agreements and laws and international guidelines. The policy should mention certain key provisions which include the stipulation that HIV infection and AIDS should be treated like any other serious condition or illness that may affect employees, and take into account the fact that employees with HIV can live full and active lives for many years. Other specific provisions include preventing stigma and discrimination to ensure that no employee suffers adverse consequences, whether dismissal or denial of appropriate alternative employment opportunities, merely on the basis of HIV infection; raising awareness about HIV and AIDS; providing training and education for all employees; and facilitating access to care, treatment and support for those living with and affected by HIV. It should clearly state that HIV testing as a prerequisite for recruitment, access to training and benefits, promotion or continuation of work is rejected. However, access to voluntary confidential testing with counselling at appropriate facilities outside of the workplace for all employees should be promoted.

**For additional Guidance on HIV and AIDS Workplace Policy Development refer to:**

“Practical guidelines for developing and implementing workplace policies and programmes on HIV and AIDS”: Based on ILO experiences in the English-and Dutch-speaking Caribbean Countries, ILO 2015.





**Circulate the policy and consult all levels of staff and stakeholders (e.g. unions)**

Employees throughout the organisation should be encouraged to pledge their support for the implementation of the organisation's HIV and AIDS workplace policy.

**Develop action plan (programme) and budget**The organisation should make every effort to allot a budget for the HIV and AIDS programme or include HIV educational activities into other aspects of their health and wellness programme. Without such support, it may be difficult to implement the programme.

**Continuously monitor and evaluate the policy and programme**

The implementation of an HIV and AIDS workplace policy and programme should be monitored and evaluated to determine whether the policy and programme have been effective. Also, most of all, it needs to be determined whether discrimination in the workplace has been reduced, and the lives of persons living with HIV and AIDS in the workplace have improved.

Source: Adapted from: The National HIV/AIDS Workplace Advocacy and Sustainability Centre. Guidelines for the Establishment of HIV and AIDS Committees in Workplaces in Trinidad and Tobago, 2014 [unpublished].



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