

BARLOWORLD HIV / AIDS CODE OF GOOD PRACTICE

1. GENERAL STATEMENT

Barloworld recognises the serious nature and impact of the Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) and therefore seek to minimise the social, economic and developmental consequences of HIV/AIDS on its employees and businesses, and where practical on the families and communities where we operate.

Barloworld is committed to fair, sound and non-discriminatory employment practices. A culture of openness, trust and non-discrimination is essential in ensuring the success of the HIV/AIDS programmes. Employees are encouraged to take responsibility for their own health and participate in programmes to deal with the HIV/AIDS pandemic. The prevention of new infection is the primary focus of the Barloworld HIV/AIDS strategy. Employees who are HIV positive should take special precautions and refrain from any activities which might put themselves and their fellow employees at risk. Employees in the workplace affected by HIV/AIDS must also be protected from stigmatization and discrimination by co-workers or clients.

By addressing these issues raised by HIV / AIDS in the workplace Barloworld hopes to contribute actively to efforts to prevent and control HIV and AIDS in line with the creation of employee value.

The HIV / AIDS virus is transmitted in three ways:

- 1 Unprotected sexual intercourse.
- 2 Infected blood.
- 3 Infected mother to child during pregnancy, childbirth or breastfeeding.

From this it follows that in the normal course of duty it is highly unlikely that any employee can be infected by workplace exposure.

2. POLICY PRINCIPLES

The same principles that govern other chronic or life threatening conditions as regards employment apply to HIV/AIDS.

However, there is a requirement for a specific HIV/AIDS policy, due to the magnitude and impact of the-pandemic as well as the potential for victimisation.

Barloworld is therefore committed to address HIV and AIDS in a positive, supportive and non-discriminatory manner, in terms of the principles outlined below. Co-workers are required to continue normal working relationships with people living with HIV/AIDS (PLWHA).

3. POLICY DEVELOPMENT AND IMPLEMENTATION

Policy development and implementation is a dynamic process. Therefore the HIV/AIDS policies and strategies will be:

- a) communicated to all
- b) continually reviewed
- c) monitored for their successive implementation and
- d) evaluated for their effectiveness.

4. KEY ELEMENTS OF THE BARLOWORLD STRATEGY

Barloworld commits to the following:

4.1 VOLUNTARY COUNSELLING AND TESTING

Ideally all employees should know their status after pre- and post-test counselling with informed consent and with due regard to privacy:

- HIV negative employees should maintain their status
- HIV positive employees should, where indicated, have access to appropriate care and treatment that prolongs the quality and duration of life.

4.2 PREVENTION OF NEW INFECTION

The prevention of new infection amongst employees and their families is the primary focus of the Barloworld strategy.

Combined interventions that are being utilised include:

Effective and culturally appropriate information from peer educators and people living with HIV/AIDS to ensure a reduction in high risk behaviour.

Voluntary Counselling and Testing as outlined in 4.1

Treatment of sexually transmitted infections.

Condom distribution without embarrassment.

4.3 CARE AND TREATMENT INCLUDING THE PROVISION OF ANTIRETROVIRAL MEDICATION

4.3.1 Antiretrovirals

Antiretrovirals may be accessed through any of the following:

Medical aid schemes
State facilities, or
Company-sponsored programme.

1. Medical Aid Schemes

Employees and their dependants can access antiretroviral and other HIV/AIDS benefits such as hospitalisation. Currently, such benefits are provided via 'Aid for Aids' for the Barloworld Scheme, 'Lifesense' for Munimed and 'Yebolife' for Sizwe.

2. State facilities

Employees and their families who are not members of a medical aid scheme should access antiretroviral if they are readily available through State facilities.

3. Provision of antiretroviral drugs for non-medical aid employees, or where the medical aid scheme does not cater for this benefit, or where such treatment cannot be obtained from State facilities.

Principles:

The company pays up to what it would contribute to medical aid, subject to a maximum of 25% of salary or R 25000/ family/ annum subject to applicable territorial limits. This benefit is applicable to employees and immediate dependants.

Treatment will be administered via accredited practitioners and disease management organisations, or onsite clinics, using nationally accepted protocols.

Individuals must commit themselves to long-term treatment and maintain good adherence to therapy.

Benefits covered:

- Voluntary counselling and testing
 - Treatment of opportunistic infections
 - Antiretrovirals as per the protocols
 - Consultations and laboratory tests as per the protocols, via accredited practitioners,
- N.B. - Hospitalisation costs are excluded
- The above benefits will be maintained until such time as treatment becomes accessible through State facilities, after which individuals should obtain their treatment through these institutions.
 - Treatment will be provided in cases of emergency such as needlestick injuries or rape.

4.3.2 Counselling

Confidentiality will be maintained.

Assistance will be facilitated for concerned employees and their families to receive expert counselling and advice via the company's Employee Assistance Programme (EAP) where this is in place.

5. CONFIDENTIALITY AND DISCLOSURE

Employees are not legally bound to disclose their HIV/AIDS status

If an employee voluntarily discloses his/her status, this information should not be disclosed to others without the written consent of the said employee

All medical information about an infected employee will be kept confidential except where required by law to be disclosed to specific people, or with the written consent of the said employee

Medical practitioners and occupational health nurses may only disclose statistics to management, to assist the company in strategic planning and related issues. Such disclosure must be of a nature that the identification of individuals with HIV/AIDS is not possible.

Should any person within the company disclose confidential medical information about an employee without legal authority or relevant consent from the said employee, appropriate disciplinary action will be instituted against such person(s)

Barloworld and its businesses will strive to ensure that persons in the workplace with HIV/AIDS will be protected from stigmatisation and discrimination by co-workers or customers and suppliers.

6. EMPLOYMENT RELATED ASPECTS

6.1 Persons Applying for Employment

Invariably, employees of the company may be unavoidably exposed, during the course and scope of their employment of the company, to various hazards, substances and material which may adversely affect their health condition. Whilst the company does everything possible to minimise this, it is essential that each applicant for employment undergo a medical examination firstly, in order to ensure that such employee's health would not be affected as a result of his/her exposure to such substances at the workplace and, secondly, to make certain that any applicant for employment is physically able to perform the duties which would be required of him/her, as the case may be. This would avoid the possibility of his/her health being adversely affected as a result of the execution of such duties as may be required at the workplace. The pre-employment medical examination does not include an HIV test.

Employees who contract HIV will remain employed and no steps will be taken to terminate their employment until such time as they may become incapacitated to perform their functions or any other duties which are available for them to perform.

6.2 Persons in Employment

6.2.1 Performance Management

An employee living with HIV or AIDS is expected to meet the same performance requirements that apply to other employees, within the operational requirements of the business.

Where the employee becomes too ill to perform his/her agreed functions, and then the standard benefits and procedures for termination of service for incapacity will apply.

6.2.2 HIV Screening

No employee will, save and except as may be required in terms of any laws or Order of Court, have to undergo an HIV / AIDS test or be asked about results of tests already taken. However confidential HIV testing is available to all employees and the international guidelines of prior counselling, informed consent, support and confidentiality will apply. The company will pay for these investigations where the employee is not a member of a medical aid scheme. Should it be necessary to conduct HIV screening for special or research projects, these tests will only be done after consultation with employees and their recognised representatives, including trade unions, and with their full informed consent on an anonymous, confidential and private basis.

6.2.3 Benefits

Whilst employee benefits such as group life cover, retirement benefits and medical aid will be significantly affected by AIDS claims, there will not be unfair discrimination against HIV / AIDS individuals in these benefits, yet ensuring the viability of these schemes.

Sick Leave

The normal sick leave rules will apply.

Family Responsibility Leave (Compassionate Leave)

Employees who require time off work to attend to the needs of immediate family members, who are seriously ill or have died, will be entitled to their family responsibility leave as per their contracts of employment.

Care and Treatment including the Provision of Antiretroviral Medication

See 4.3

Ill Health Retirement / Disability

If employees are no longer able to continue in employment due to ill health, the appropriate Retirement Fund / Provident Fund rules governing ill health retirement will apply.

7. FIRST AID MEASURES

All first aid boxes must contain rubber gloves, airways and an antiseptic solution. The universal precautions of wearing gloves when attending to accidents or bleeding and the use of an airway when doing CPR must be adhered to.

Procedures to be followed after possible HIV contamination are available.

8. COMMUNITY OUTREACH

Barloworld and its businesses will communicate with and educate all employees, and where appropriate facilitate the process for their families, local communities, on the dangers of, ways to avoid contracting and the treatment of HIV/AIDS. Innovative and effective methods, where feasible, will be explored to involve families of employees in the prevention and care programmes.

9. EVALUATION AND MONITORING OF THE HIV/AIDS PROGRAMME

The impact of HIV/AIDS as well as the effectiveness of the programme will be regularly monitored and evaluated to ensure that the programme is appropriate and effective. Quantitative and qualitative indicators will be measured, and appropriate remedial action will be implemented where necessary.

10. DEFINITIONS

For the purpose of the medical and clinical treatments of HIV/AIDS, as contemplated in this policy, the following definitions would be applicable:

10.1 Employee

Individuals in the permanent employment of Barloworld and its businesses, with more than one year service, would be entitled to treatment and benefits as specified in this policy document.

The following individuals/employment categories are ***specifically excluded***:

Employees employed on a temporary basis or a fixed term contract
Independent Contractors

Individuals providing a service to the Company through a contractor, labour broker or temporary employment service; and/or individuals who do not receive employment benefits ordinarily indicative of permanent employment relationship.

10.2 Family / Dependants

Employee, life partner and natural born children of the employee. The onus is on the employee to ensure that company records are at all times updated with details of dependants as well as proof of dependency.

10.3 Life Partner

Individuals in a committed relationship with an employee where sufficient indications exist of a reciprocal duty to support, inter alia:

Joint ownership of property

Joint residence in any property owned or leased by the parties

The nomination of one of the parties as beneficiary for the purpose of insurance and other investment policies.

The listing as dependant for the purpose of any other benefit scheme

Any other evidence indicative of an intimate, committed and exclusive and permanent relationship

Where an employee permanently separates from his/her spouse or life partner (e.g. divorce or termination of relationship) that spouse or life partner's eligibility in terms of this policy will be terminated along with other benefits as per existing policies.

10.4 **Proof of dependency**

Certified copies of legitimate documentation confirming dependency.

11. TERMINATIONS

11.1 Death

In the event of death of an employee, benefits will continue for:

Registered family members for a period of 6 months after the date of death
Family members registered and participating on AID FOR AIDS at time of death

11.2 Disability

Benefits and treatment in terms of this policy will be available to employee and family for a period of 6 months.

Disability refers to disability process as per the relevant Provident Fund / Retirement Fund rules and regulations.

11.3 Retrenchment

An employee will be entitled to benefits in terms of this policy for six months after the last day of work as confirmed in the final retrenchment documentation.

11.4 Resignation

Benefits to cease on the last day of work.

11.5 Dismissal

Benefits to cease on date of dismissal.

12. REVIEW

This policy is regarded as a living document that will further be enriched as more clarity emerges surrounding the disease (the management of the disease and medical, academic, occupational, employment and government development regarding HIV/AIDS). Therefore all developments will be monitored and this policy will be adjusted or amended as appropriate. This policy will be reviewed on an annual basis and if antiretroviral treatment is readily available in state facilities, this programme may be stopped.