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KENYA ROADS BOARD HIV & AIDS POLICY
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ABBREVIATIONS & ACRONYMS

Aids  Acquired Immune Deficiency Syndrome
ARV's  Anti Retro Virus
HIV  Human Immunodeficiency Virus
PLWHA  People Living with HIV and AIDS
VCT  Voluntary Counseling and Testing
KRB  Kenya Roads Board
HoDs  Heads of Departments

Definition of Concepts

Care  Promotion of a person’s well being through medical, physical, psychological, spiritual and other means
Confidentiality  The Right of every person, employee or job applicant to have his/her medical or other information, including HIV Status kept secret
HIV Screening  A medical test to determine person’s sero-status
Workplace  Occupational settings, stations and places where workers spend time for gainful employment
Programm  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 terms describing the steps taken to manage an illness
Prevention  A programme designed to combat HIV infection and transmission
KENYA ROADS BOARD
HIV AND AIDS WORKPLACE POLICY

1.0 INTRODUCTION

AIDS (short for Acquired Immune Deficiency Syndrome) is caused by a virus known as Human Immune Deficiency Virus (HIV) which weakens the body’s immune system making it difficult to fight infection. Once the virus enters the body, it stays forever and the damage is permanent. AIDS has, therefore, no cure so far, and no vaccine has been identified for it as yet.

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 mainly affects people in their prime years of life, the hardest hit being those in their productive ages of between 15 and 49 years of age. It is also affecting the fundamental rights at work, particularly with respect to discrimination and stigmatization aimed at workers and people living with and affected by HIV and AIDS. It profoundly disrupts the economic and social bases of families. When a family loses its primary income earner, its survival is severely threatened.

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 of Kenya 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 prevention and spread of HIV in the country.
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 for National Campaign against HIV and AIDS under the Chairmanship of His Excellency The President.

The 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.

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

2.0 RATIONALE

HIV and AIDS presents the greatest challenge to the development of this country and it has 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, business and organisations suffer an economic loss due to decreased productivity and increase in health care costs.

3.0 MANDATE OF KRB

“The object and purpose for which the Board is established is to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the fund and to advise the Minister on all matters related thereto.”
4.0 OVERALL POLICY STATEMENT (AS AT 30TH JUNE, 2007)

KRB has a strong and enduring commitment to addressing social, health and human rights issues confronting the employees, their families and the community in which it operates.

KRB recognises that its principle competitive advantage is gained through its employees and this advantage is sustainable if they are healthy, skilled and motivated.

KRB has developed a HIV / AIDS policy which is to be adopted in its operations, to its staff and their families in a manner consistent with the existing medical cover.

5.0 KEY ELEMENTS OF THE HIV / AIDS POLICY

Non Discrimination

- Employees will not be discriminated against on the basis of their actual or perceived HIV/AIDS status
- We will maintain the confidentiality of infected or affected employees
- We will manage all our employees with progressive and debilitating illnesses in the same manner including those who are HIV positive or living with AIDS

Prevention, Education and Awareness

- We will provide information and education to all employees on HIV/AIDS to promote awareness of the scale of the problem and how to prevent and control it. This includes providing for subsidised condom distribution where appropriate.
- We will approach individuals who have HIV/AIDS in the same manner as those with other progressive or debilitating illness.

Voluntary Counselling and Testing
• We will support and promote the provision of voluntary counselling and testing of employees through contracted clinical services wherever this is available.

Care, Support and Treatment

• We will provide access to Anti-Retroviral Therapy. By preference this will be within the country’s local medical policy

Advocacy

• We will form communication partnerships with the government, non-government organisations and other corporate companies to alleviate the impact of HIV/AIDS.

Monitoring and Evaluation

• An essential part of the programme is to monitor and evaluate the policy’s implementation. We will collect data and information to assess the impact of the policy and keep it under constant review.

6.0 GUIDING PRINCIPLES

The principles that guide this policy are in accordance with International Conventions, National Laws, Policies, Guidelines and Regulations.

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.

6.2 Non-Discrimination

There should be no discrimination or stigmatisation of workers on the basis of real or perceived HIV status. Discrimination and stigmatisation of people living with HIV and AIDS inhibits efforts aimed at promoting HIV and AIDS 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 epidemic 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, more 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 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 minimise the risk of HIV transmission by taking the appropriate first Aid/Universal infection control precautions at the workplace.

6.5 Screening for Purpose of Employment

HIV and AIDS screening will 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.

6.6 Confidentiality

KRB employees are under no obligation to notify the Board of their HIV / AIDS status or infection. Access to personal data relating to a worker's HIV status should be bound by the rules of confidentiality consistent with existing ILO code of practice and medical ethics.

6.7 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 they are medically fit in available appropriate work.

6.8 Prevention
HIV infection is preventable. Prevention of all means of transmission can be achieved through changes in behaviour, 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 behaviours through the provision of information and education, and in addressing socio-economic factors.

6.9 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 KRB medical scheme.

6.10 Partnership

The management will be responsible and accountable for implementation of this policy. However, it will at all times seek to develop effective partnerships to enhance the success of its implementation.

6.11 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.

6.12 Safe Workplace

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

6.13 Greater Involvement of People Living With HIV and AIDS (PLWHA)

The involvement of PLWHA to educate and inform shall be promoted at all levels.

6.14 Management Responsibility

- The Board will ensure the highest level of leadership as part of the national campaign against the pandemic.
- Implement this policy as well as to continuously disseminate information about HIV and AIDS to all employees; and
- Include their commitment regarding HIV and AIDS workplace issues in the strategic policies of their respective departments.
6.15 Employee Responsibility

- All employees have the responsibility to protect themselves and others from HIV infection through all means possible. They have the responsibility to become informed about all aspects of HIV/AIDS prevention measures, care and support, and alleviation of impact.

- Members of the KRB community living with HIV and AIDS are ethically, morally and legally obliged to behave in such a way as to pose no threat of infection to others. They are urged to seek medical advice to ensure a healthy and productive life as possible.

- All employees will be held responsible and accountable for complying with the HIV and AIDS workplace policy. In addition, all employees are required to attend, lend support to and participate in all HIV and AIDS activities.

7.0 MANAGEMENT OF HUMAN RESOURCE

The Human Resource is the most important factor of production in any organisation as it controls all the others. An organisation’s success or failure largely depends on the human resource. HIV and AIDS is a major threat to the world of work because it affects the most productive segment of the labour force. It has 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 KRB have a particularly important role to play in managing the response to HIV and AIDS. It is their responsibility to address the problems caused by HIV and AIDS in the workplace at both organisation and individual levels.

This policy is the starting point for the management of HIV and AIDS in KRB as it establishes a coherent approach in addressing the issues associated with the pandemic. It provides consistency in the organisation’s dealings with employees through the programmes, procedures and rules that flow from the policy. It addresses the human resource management issues stated below:

7.1 Recruitment and Promotion

HIV screening will not be a requirement for staff recruitment and / or promotion.
Sick leave will be provided for as stipulated in the relevant service regulations. KRB may introduce relief workforce where an employee is temporarily unable to perform essential duties.

7.2 Working Hours

Normal working hours will apply for all employees.

7.3 Termination of Employment

No employee shall be dismissed or have employment terminated based solely on perceived or actual HIV status.

7.4 Medical Privileges

The normal provision of medical privileges will continue to apply. KRB will also take steps to improve access to comprehensive care in order to reduce the negative effects of the illness and incapacity on employees.

7.5 Training and Development

With regard to training and development, KRB will ensure that:

- All its employees are educated and trained in HIV and AIDS related issues;
- Adequate planning and monitoring of the human resource is undertaken so that there is adequate supply of appropriately skilled manpower to meet the needs for service delivery;
- HIV and AIDS education is mainstreamed in all training activities and regular updates undertaken to respond to the dynamics of HIV and AIDS.

7.6 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 they are medically fit until declared unfit to work by a medical practitioner. Where an employee is medically unfit to continue working, the retirement process will be done as per existing regulations.
7.7 Confidentiality and Disclosure

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

7.8 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 and promotion or employment 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 they are infected or perceived to be infected. Such refusal shall constitute misconduct.

7.9 Grievances and Concerns

The Executive Director shall establish and maintain communication channels to enable employees to raise concerns and grievances and access support relating to HIV and AIDS.

8.0 HIV AND AIDS PROGRAMMES IN THE WORKPLACE

8.1 Prevention and Advocacy

The Board will create HIV and AIDS awareness programmes and positive cultural and behavioural change among employees. This will include but not limited to the following:

- Promotion of testing and support programmes in the workplace;
- Provision of information on safe sex practices;
• Promotion of behaviour change;
• Establishment of HIV and AIDS committee; and Encouraging HIV and AIDS peer education and counselling programmes at the workplace.

8.2 Care and Support of the Infected and Affected

To mitigate the negative socio-economic impact caused by HIV and AIDS, the Board will:

• Establish appropriate linkages, networks and referral systems for comprehensive care and support;
• Set up and strengthen social support structures;
• Link infected employees to support groups; and
• Provide counselling services at the workplace.

9.0 ROLE OF THE HIV AND AIDS COMMITTEE

The HIV and AIDS committee will be responsible to the Executive Director and HoDs for implementation of the workplace policy. Its functions will be:-

• Ensure that HIV and AIDS is mainstreamed into the core functions of the Board;
• Provide information necessary for planning and budgeting for HIV and AIDS programmes;
• Ensure the implementation of HIV and AIDS policies;
• Develop and adopt guidelines for 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 KRB;
• Introduce new services or changing models of service delivery to deal with the dynamics of HIV and AIDS; and
• Advocate for legislation to protect the infected from discrimination or to encourage effective roles in prevention and care by all relevant stakeholders.

10.0 IMPLEMENTATION
The overall responsibility for implementing this HIV / AIDS Policy lies with the senior management of KRB. The ultimate goal of this policy is to ensure that the Board is able to sustain the provision of quality service in spite of the progression of HIV and AIDS in KRB. The success of this policy will largely depend on the effective implementations of the provisions therein.

11.0 RESPONSIBILITY AND ACCOUNTABILITY

The Executive Director is responsible and accountable for implementing this policy and development of appropriate HIV and AIDS programmes and practices in the workplace. He shall also take immediate and appropriate corrective action when provisions of this policy are violated. On implementation, there will be Bi-Annual reports to the Board.

12.0 POLICY REVIEW AND DEVELOPMENT

This policy will be reviewed after every two years to ensure it remains relevant to the needs of Kenya Roads Board.