

MINISTRY OF LABOUR HUMAN SERVICE AND SOCIAL SECURITY

A close-up photograph of a hand holding a bright yellow flower with multiple petals. The background is blurred, showing what appears to be a person's face in profile.

HIV/AIDS IN THE WORKPLACE

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Ministry of Labour – Guyana HIV/AIDS Projects

- ILO/USDOL/GOG HIV/AIDS
Workplace Education and Prevention Programme
- Ministry of Labour
Human Services and Social Security/UNAIDS
(MOLHSSS/UNAIDS)

ILO/USDOL/GOG HIV/AIDS Workplace Education and Prevention Programme

- Strategic HIV/AIDS Responses by Enterprises (SHARE) Project
- One of the most comprehensive programme in the Caribbean Region
- Relies on a Tripartite Approach - Government, Employers and Workers Organizations
- The primary objective is to prevent the spread of HIV/AIDS in the workplace environment and reduce the adverse consequences on society and economic development.

ILO/USDOL/GOG HIV/AIDS Workplace Education and Prevention Programme

SHARE Project Objectives

- Enhance workplace protection
- Reduce the HIV/AIDS risk behaviours among employees
- Diminish employment-related discrimination against PLWHA
- Ensure PLWHA employment is protected and facilities access to care, treatment and support

ILO/USDOL/GOG HIV/AIDS Workplace Education and Prevention Programme

- SHARE **Targets** enterprises in employment sectors such as Service, Manufacturing, Forestry, Security services, Mining, Hospitality, Banking and Agriculture.
- **Implementation** of SHARE is in close consultation with the Ministry, Employers and Trade Unions

ILO/USDOL/GOG HIV/AIDS Workplace Education and Prevention Programme

- SHARE worked with its partners to increase capacity building i.e. to improve the scope and quality of the Intervention and is made possible with the provision of technical support

Ministry of Labour Human Services and Social Security/UNAIDS

- 2005 - 2007: Work addressing HIV/AIDS as a workplace issue started through the UNAIDS funded HIV/AIDS Workplace Education Project with the Ministry of Labour, Human Services and Social Security.

Ministry of Labour Human Services and Social Security/UNAIDS Programme

Objectives:

- To Ensure company ownership and sustainability of HIV/AIDS workplace programme
- To establish procedures for dealing with HIV/AIDS issues in the workplace
- Support HIV/AIDS prevention, non-discrimination and care and support activities
- Manage the project and ensure results

Ministry of Labour Human Services and Social Security/UNAIDS

The Process:

- Focal Point Person: Identification, Training and Monitoring at the workplace.
- Memorandum of Co-operation: This was created using the ILO Template as a guide

Ministry of Labour Human Services and Social Security/UNAIDS

- Workplace HIV/AIDS Policy: drafting of policy with regular review, briefing of managers and ongoing training of occupational safety and health personnel and workers.
- Services: Provision of condoms and referrals to care and support services.

Ministry of Labour Human Services and Social Security/UNAIDS

Many Enterprises signed on to the Memorandum of Cooperation but with the conclusion of the programme, the activities at most of the enterprises ended.

Some of the Enterprises entered into arrangements with other Projects in order to sustain the work that they had commenced.

Ministry of Labour Human Services and Social Security/UNAIDS

2007 – 2008

The new Ministry of Labour Project falls under the Line Ministries component of the Guyana HIV/AIDS Prevention and Control project.

Despite not having a signed Policy in force, training and sensitization activities are still on going with the Ministry's staff.

Also, Training and awareness workshops are held at 3 times per week across the Regions of Guyana.

Ministry of Labour Human Services and Social Security/UNAIDS

Key Target Groups:

- Working with youths and apprentices (work-study students, etc.) of different organizations, the population of job-seekers registered with the recruitment arm of the Ministry of Labour, Minors and associates of the Interior Community.

Memorandum of Cooperation/Understanding

- In excess of 20 Enterprises have signed
- Many of these enterprises still work with other Projects.
- Most have continued their established programmes
- An average of 60 samples are distributed daily
- Approximately 50% are received signed

Memorandum of Cooperation/Understanding

- The Ministry of Labour, Human Services and Social Security will actively pursue the distribution, signing and implementation of the Memorandum of Cooperation and Understanding, being fully aware of our HIV/AIDS status in the Caribbean.

HIV/AIDS

National Policy - Guyana

- Policy is intended to form the basis of HIV/Aids Workplace Policies
- Policy concerns Prevention measures relating to OSH, Protection and Support for infected and affected employees
- Use the workplace as a forum to disseminate Information and Awareness

Policy Objectives – Establishing Guiding Principles

- To protect PLWHA from discrimination and unfair judgment at their workplace.
- To manage and prevent HIV and AIDS in the world of work
- To promote HIV and AIDS information, education, communication and general awareness

Policy Objectives – Establishing Guiding Principles

- On universal infection control procedures
- On employer/employee responsibilities
- To promote cooperation among employers, trade unions and workers
- To ensure compliance with statutory and constitutional provisions

The Scope of the Policy

- Employers, Trade Union and Government shall use this policy as the basis for their workplace policies on HIV/AIDS
- This Policy shall not carry any legal obligation beyond those encapsulated in the Statutes, Constitutional provisions and common laws.
- Non-compliance with this Policy shall not make any employer liable barring violation of other laws, but this Policy maybe used as evidence as best practice.
- The Policy shall be interpreted in association with other stipulations and best practice produced by the MOLHSSSS.

The Legal Framework

This Policy shall be interpreted in tandem with the following Statutes and Constitutional provisions and enacted to reverse discrimination and stigmatization of actual and perceived PLWHA **Article 24, Constitution of Guyana with Amendment Inserted 2002**. Every citizen has a right to free medical attention, including old age and disability.

The Legal Framework

- (i) **Article 22, Construction of Guyana with Amendments Inserted 2002** Every citizen had the right to work.
- (ii) **Prevention of Discrimination Act 1997.** This law prohibits discrimination, including in employment. HIV/AIDS would currently fall under disability discrimination.

The Legal Framework

Article 149 Constitution of Guyana with Amendments inserted 2002. This Article prohibits discrimination on the grounds of 'disability'; 'disability' in modern human rights law is interpreted as inclusive of HIV and AIDS. HIV is categorized as a 'disability', in as much as other diseases as so classified.

The Legal Framework

(v) **Occupational Safety and Health Act 1997**

This law mandates the provision of suitable materials, and protective devices and clothing; provision of information, instruction, supervision, and training to workers to protect their safety and health.

(vi) **Termination of Employment and Severance Pay Act 1997** determines how an employee may be terminated. This law prohibits sickness as a basis of termination.

The Legal Framework

(vii) **National Insurance and Social Security**

Act. This law provides for a mandatory insurance scheme established for employed persons aged between 16 and 60; PLWHA if incapacitated can receive benefits from this insurance scheme.

(viii) **Public Health Ordinance (1834)** This was enacted to regulate reporting of infectious diseases; but its provision violate the current norms of privacy and confidentiality, significant HIV/AIDS concerns.

The Legal Framework

National AIDS Policy (1998/2006)

This Policy enables people to have Voluntary Counselling and Testing for HIV and AIDS, rejection of isolation and detention treatment, and universal access to treatment.

The Legal Framework

The National Policy Principles were guided by the ILO Code of Practice on HIV/AIDS in the World of work.

The Legal Framework

Employers Responsibilities

- Prevention Education
- Non-discrimination and absence of stigma at the Workplace.
- Healthy work environment.
- HIV Voluntary Confidential Counselling and Informed Consent.
- Impact Assessment of HIV/AIDS at the Workplace.

In addition to the HIV/AIDS National Policy, the Ministry of Labour, Human Services have completed and finalized a draft **HIV and AIDS Workplace Regulations 2001**, which was made under the Occupational Safety and Health Act of 1997.

This is expected to be made Law very shortly.

Thank you
kindly for your
Attention