



PERÚ

Ministerio
de Trabajo
y Promoción del Empleo

NATIONAL LABOR RELATIONS OFFICE

http://data.unaids.org/pub/GlobalReport/2008/JC1511_GR08_ExecutiveSummary_en.pdf



EXPERIENCES OF ACTIONS TO PREVENT HIV/AIDS IN THE WORKPLACE

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BACKGROUND – HIV/AIDS

Global emergence of AIDS: 1981 in the U.S.

Over 25 million deaths reported¹

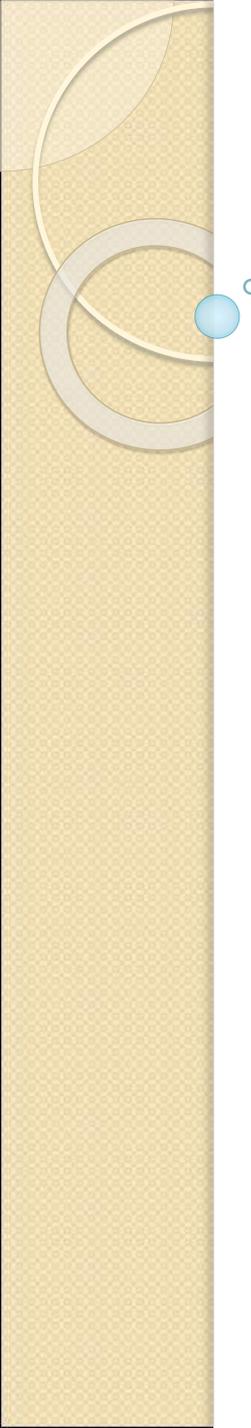
Emergence of AIDS in Peru: 1983

Reported as of August 2008²:

- *32,282 cases of persons infected with HIV.*
- *22,327 cases of persons diagnosed with AIDS.*

¹UNAIDS: 2008 Report on the global AIDS epidemic (August 2008).

² *Situación del VIH/SIDA en el Perú [Situation of HIV/AIDS in Peru]*. Monthly Epidemiological Bulletin. August 2008. General Epidemiology Office, Ministry of Health.



Impact of HIV/AIDS on the world of work

1. In Peru, the largest group of persons infected with HIV aged 20-49, an age group included in the economically-active population.
2. Lower company productivity.
3. Loss of skilled and experienced labor.
4. Stigmatization of and prejudice against persons living with HIV/AIDS promotes discriminatory behavior towards this group in the workplace.

Why is the workplace the perfect forum for actions on HIV/AIDS in the world of work?

- The workplace is the ideal scenario for actions on HIV/AIDS because workers are organized, are carrying out similar tasks, and have similar personal and professional profiles.
- For these reasons, the workplace facilitates workplace actions on HIV/AIDS, exceeding anticipated results.

LEGAL PROVISIONS ON HIV/AIDS IN THE WORKPLACE

1. Law to Combat AIDS – N° 26626, of June 20, 1996.
2. Regulations to the General Labor Inspection Act, Supreme Decree N° 019-2006-TR, of October 29, 2006.

Law to Combat AIDS

- Contains three aspects related to labor law on persons living with HIV/AIDS:
 1. Persons living with HIV/AIDS may continue working as long as they are capable of fulfilling their obligations.
 2. If a worker is dismissed for being HIV positive, the dismissal is **WITHOUT LEGAL EFFECT**.
 3. HIV diagnostic tests may not be required as a condition **for entry into or maintaining a labor relationship**.

Regulations to the General Labor Inspection Act

- Discriminatory acts whose objects are persons living with HIV in their place of work constitute very serious offenses, for which fines of 11 to 20 UITs may be imposed. The number of workers affected is taken into account.
- UIT = 3,500.00 new soles.

POLICIES ON HIV/AIDS IN THE WORKPLACE

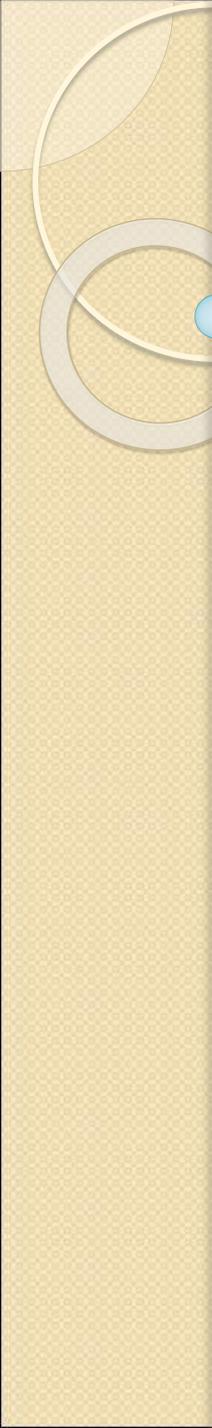
- One of the guidelines of the **National Policy on Inclusion, a mandatory national policy for national government entities**, is *a guarantee of respect for the inherent rights of vulnerable groups, eradicating all forms of discrimination.*

STRATEGY ON HIV/AIDS

- **Peru has in place the 2007-2011 Strategic Multisectoral Plan (PEM) for the Prevention and Control of Sexually-Transmitted Infections (STI) and HIV/AIDS.**
- One of its strategic objectives addresses aspects to counter discrimination against persons living with HIV. To that end, it involves the labor sector in carrying out actions in coordination with other entities working in this area to reduce the number of discriminatory acts in the workplace against this vulnerable group.

Draft Ministerial Resolution
“National Measures to Combat HIV/AIDS
in the World of Work”
With participation by the Tripartite Support Group
(GTA)

- A regulatory document on nondiscrimination, confidentiality, and protection in the workplace of the labor rights of persons living with AIDS.
- Reference: El Repertorio de Recomendaciones Prácticas sobre el HIV/AIDS y el Mundo del Trabajo [HIV/AIDS in the workplace. Practical recommendations of the International Labor Organization, prepared by the ILO].



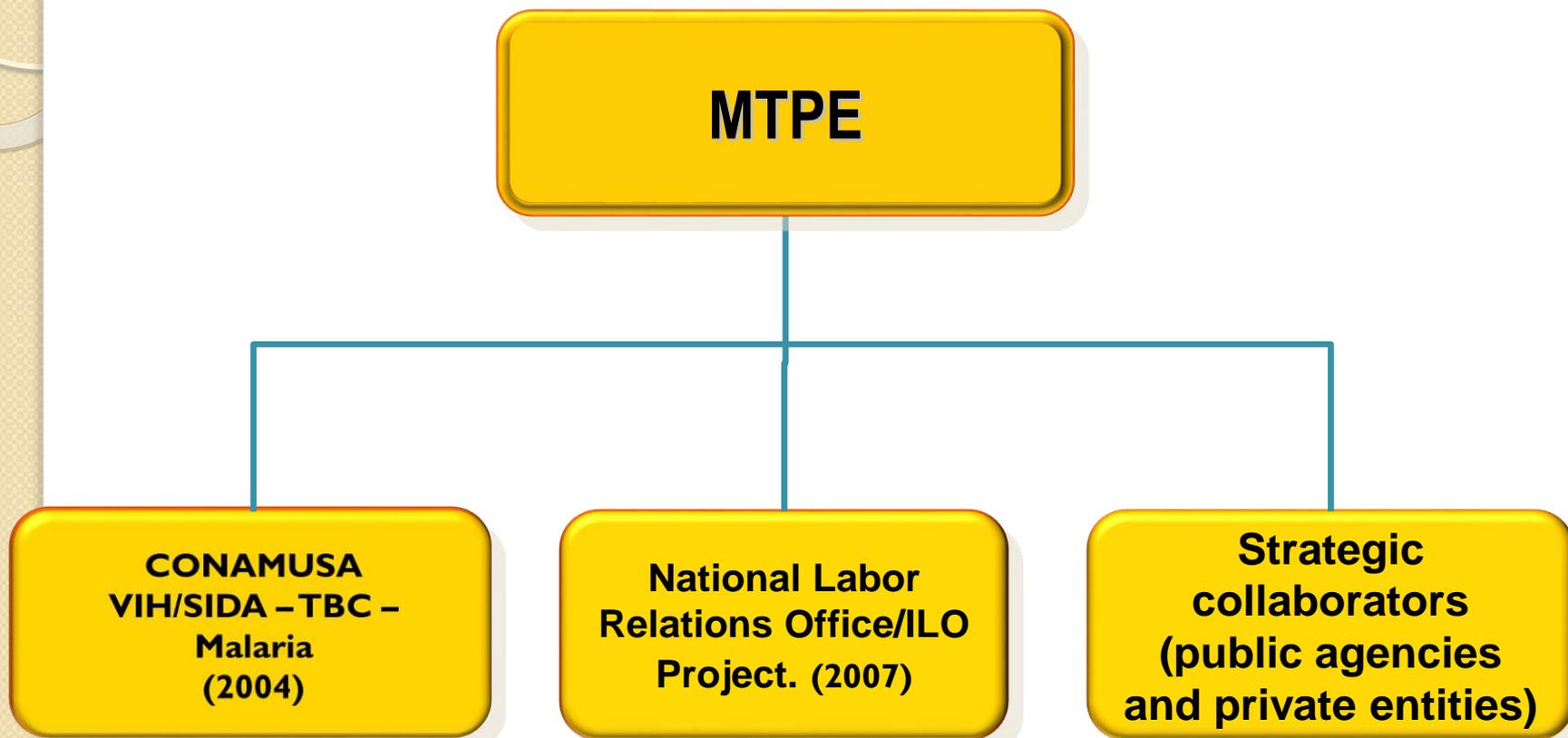
Draft
**“POLICIES AND PROGRAMS ON
HIV/AIDS IN THE WORKPLACE IN
PERU”**



**Actions carried out by the
National Labor Relations Office**

July 2007 – July 2008

Participation by the Ministry of Labor and Promotion of Employment (MTPE) in the “Policies and Programs on HIV/AIDS in the Workplace in Peru” project



“Policies and Programs on HIV/AIDS in the Workplace in Peru”

- The Ministry of Labor and Promotion of Employment is participating in the project **“Policies and Programs on HIV/AIDS in the Workplace in Peru,”** carrying out activities to raise awareness and train the labor sector regarding the impact of this illness in the workplace.

OBJETIVO GENERAL

- To reduce discrimination against infected and affected persons in order to prevent HIV/AIDS in the workplace.

SPECIFIC OBJECTIVES

- Promote by the MTPE of nondiscrimination against workers living with HIV/AIDS, and to propose regulatory reforms aimed at protecting this group.
- To inform union organizations and companies of the effects of HIV/AIDS in the world of work and how to reformulate nondiscrimination provisions and provide support to infected and affected individuals.
- To include the subject of HIV/AIDS on the work agendas of union and business organizations.
- To implement pilot experiences for the implementation of policies and programs in this area.

ACHIEVEMENTS

- Draft Ministerial Resolution **“National Measures to Combat HIV/AIDS in the Workplace.”**
- Conducting awareness workshops and providing training on HIV/AIDS in the world of work.
- Holding workshops to formulate policies and programs on HIV/AIDS in the workplace.
- Conducting “Training of Trainers” workshops.
- 30 labor inspectors trained, among them, inspectors of the Regional Directorates for Labor and Employment Promotion (DRTPE) of Ica, La Libertad, Loreto, Arequipa, and Piura.
- Preparation of informational material to disseminate in the workplace the message of nondiscrimination against workers living with HIV/AIDS.

ACHIEVEMENTS

- Organization of the competition “**Developing the basis for a response to HIV/AIDS in my workplace.**”
- Participation in the preparation of a research study on the reality of persons living with HIV/AIDS in Peru in the world of work.
- Preparation of an HIV/AIDS workplace prevention program manual.
- The seminar “**HIV/AIDS in the World of Work,**” in commemoration of World AIDS Day, an event in which employers and workers took part.