



Department:  
Community Safety & Transport Management  
**North West Provincial Government**  
**REPUBLIC OF SOUTH AFRICA**

# **HIV & AIDS AND TB POLICY**

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**NORTHWEST PROVINCE:**

**DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT  
HUMAN RESOURCES POLICY**

**POLICY NO. : HR 2016/003**  
**NAME OF POLICY : HIV & AIDS AND TB MANAGEMENT POLICY**  
**EFFECTIVE DATE : MAY 2016**  
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## **PREAMBLE**

The North West Department of Community Safety and Transport Management with its goal to reduce and manage the impact of the epidemic in the workplace, deemed it necessary to effect the HIV and AIDS and TB Management policy. Furthermore the Department in line with its constitutional and legal obligations:-

Recognises the human rights and dignity of each individual, as enshrined in the South African Constitution;

Aligns itself with government's international and national commitments on combating HIV and AIDS while caring for employees that are affected;

Acknowledges the seriousness of the HIV and AIDS and TB and that if not managed, it can have a devastating impact on the workplace and broader society;

Believes that it has a responsibility as a state entity and as an employer to manage and minimise the impact of HIV and AIDS and TB among its employees and served communities with a view to protecting human rights, preventing a further spread of HIV and AIDS and TB ensuring that its impact on human potential and productivity is minimized.

Further believes that there is a compelling need for protecting the human rights of and taking care of all affected employees by enforcing values, norms and principles that will engender a better understanding of HIV and AIDS, STI's and TB and effective management thereof in the workplace;

**IS CONVINCED** that a people's contract against HIV and AIDS, STI's and TB is the most sound on the basis of collective action against the scourge of HIV and AIDS, STI's and TB.

**Pledges** to do everything in its power to contribute to the prevention of HIV and AIDS and minimizing its impact on employees of the department and to the extent, possible, communities served by the Department;

**COMMITTS** itself to providing resources, guidance and monitoring support to a departmental HIV and AIDS, STI's and TB programme;



**COMMITTS** itself to the creation of a supportive non-discriminatory working environment that eliminates stereotyping and enables affected employees to perform their duties and develop to their full potential;

Calls upon all infected and affected by HIV and AIDS, STI's and TB to break the silence; and;

Calls upon all employees to join hands and take part in all HIV and AIDS, STI's and TB related programmes and to commit to non discrimination, prevention and a stigma free environment.

## **1. PURPOSE AND OBJECTIVES**

1.1 The purpose of this policy is to provide guidance on managing departmental responses to HIV and AIDS, STI's and TB in a manner that complies with the Constitution and applicable laws, eliminates unfair discrimination and enables the harnessing of each person's full potential.

### **1.2 The objectives include to:**

- 1.2.1 Provide a framework that is understandable and deal with the reality of HIV and AIDS and TB in the workplace.
- 1.2.2 Provide awareness, prevention programmes and strategies with regard to the management of HIV and AIDS, STI's and TB.
- 1.2.3 Provide care and support to infected and affected employees.
- 1.2.4 Advocate for, clarify and balance employee rights and responsibilities with regard to the management of HIV and AIDS, STI's and TB.
- 1.2.5 Prohibit and prevent unfair discrimination on the ground of HIV and AIDS, STI's and TB in the workplace environment.
- 1.2.6 Monitor, Research and surveillance on the implementation of the HIV and AIDS, STI's and TB management.
- 1.2.7 Maximise workplace stability and minimize the impact of HIV and AIDS, STI's and TB in the workplace.
- 1.2.8 Promote responsible attitude and behaviour of the risk of HIV and AIDS and TB in the workplace.

## **2. SCOPE OF APPLICATION**

This policy applies to all staff members of the Department of Community Safety and their immediate families.

### **3. POLICY STATEMENT**

- 3.1 The Department values all its employees and believes that all employees, including those that are infected or affected by HIV and AIDS, STI's and TB can remain productive and contribute to effective service delivery if supported, treated with dignity and managed effectively.
- 3.2 Accordingly:
  - 3.2.1 Unfair discrimination on the ground of HIV and AIDS, STI's and TB is prohibited.
  - 3.2.2 Pre-employment testing for HIV and AIDS, STI's and TB is prohibited except where such is an inherent requirement of the job and sanctioned by law.
  - 3.2.3 All employees and prospective employees have a right to confidentiality with regard to HIV and AIDS, STI's and TB status.
  - 3.2.4 Openness about HIV and AIDS, STI's and TB status shall be encouraged but disclosure of one's status shall be a voluntary decision for each infected person.
  - 3.2.5 Breach of confidentiality through the disclosure of another's HIV and AIDS, STI's and TB status without their consent shall be subject to disciplinary action, which may culminate in dismissal.
  - 3.2.6 All managers have to create an affirming non-discriminatory environment and to ensure policy implementation and compliance within their area of responsibility;
  - 3.2.7 It is the responsibility of every employee to comply with this policy.
  - 3.2.8 HIV and AIDS, STI's and TB infected and affected persons have the right to equality as well as fair and consistent treatment with regard to recruitment, selection, development, promotion, retention and other employment practices.

### **4. LEGAL FRAMEWORK**

- 4.1 The principle that governs the management of HIV and AIDS, STI's and TB emanate from international and national laws, policies and codes of good practise.

#### **4.2 International standards that influence and regulate HIV and AIDS, STI's and TB management include the following:**

- 4.2.1 The ILO Code of Practice on HIV and AIDS, STI's and TB and the world of work (2001);
- 4.2.2 The SADC Code of Good Practice on HIV and AIDS, STI's and TB and Employment (1997); and

4.2.3 HIV and AIDS and Human Rights International Guidelines (United Nations 1998).

**4.3 South African laws and policy frameworks that underpin the policy include the following:**

- 4.3.1 Constitution of the Republic of South Africa; No. 108 of 1996;
- 4.3.2 Employment Equity Act, Act 55 of 1998;
- 4.3.3 Promotion of Equality and Prevention of unfair Discrimination Act, No. 4 of 2000;
- 4.3.4 Public Service Act, No. 103 of 1994;
- 4.3.5 Labour Relations Act, No. 66 of 1995;
- 4.3.6 Occupational Health and Safety Act, No. 85 of 1993;
- 4.3.7 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- 4.3.8 Basic Conditions of Employment Act, No. 75 of 1997;
- 4.3.9 Public Service Regulations of 2001 as amended in 2006;
- 4.3.10 National Policy Health Act, 1990;
- 4.3.11 PSCBC Resolution 1 of 2007;
- 4.3.12 PSCBC Resolution 8 of 2001 and other relevant PSCBC Resolutions;
- 4.3.13 Medical Schemes Act, No. 131 of 1998;
- 4.3.14 Health Act, 63 of 1977;
- 4.3.15 The Code of Good Practice on Key Aspects of HIV and AIDS and Employment;
- 4.3.16 DPSA policy framework on Employee Health and Wellness of 2008
- 4.3.17 National Strategic Plan on HIV and AIDS and STI's and TB of South Africa;
- 4.3.18 National TB Control Guidelines;
- 4.3.19 DPSA EHW Strategic Framework;
- 4.3.20 National Strategic Framework on Stigma and Discrimination.

**5. ABBREVIATIONS**

- 5.1 HIV** "means Human Immunodeficiency Virus;"
- 5.2 AIDS** "means Acquired Immuno Deficiency Syndrome;"
- 5.3 TB** "means Tuberculosis;"
- 5.4 HOD** "means the Head of Department, him/ herself or his delegated authority;"
- 5.5 ARV** "means Antiretroviral;"
- 5.6 STI** "means Sexually Transmitted Infections;"
- 5.7 DPSA** "means the department of Public Service and Administration;"
- 5.8 LRO** "means Labour Relations Office/er;"

**5.9 EHW** "means Employee Health and Wellness;"

## **6. DEFINITIONS**

- 6.1 Department** "means the department of Community Safety and Transport Management";
- 6.2 Employee** "means all employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees";
- 6.3 AIDS** "means the condition that is present when the body's defence system is deficient and various life threatening infections occur;"
- 6.4 HIV** "means the blood borne virus transmitted amongst human beings;"
- 6.5 TB** "means the disease that usually affects the lungs and is passed on by coughing;"
- 6.6 HIV Testing** "means any form of testing designed to identify the HIV/AIDS status of a person, including blood tests, saliva tests or medical questionnaires;"
- 6.7 Unfair Discrimination** "means unfair discrimination in employment occurs when an employee is unfairly accorded less favourable treatment with regard to employment opportunities or benefits on the basis of one or more grounds that are prohibited by law;"
- 6.8 Wellness Programme** "means a programme designed by and within the Department to promote the physical, psycho-social and mental health as well as the well-being of employees and includes components such as counselling support groups, nutritional supplements, provision of treatment for opportunistic infections, provision of antiretroviral therapy and other therapy that will be available;"
- 6.9 HIV and AIDS STI's and TB coordinator** "means an employee tasked with the responsibility to coordinate the implementation of HIV and AIDS, STI's and TB programmes within the Department;"
- 6.10 Health and Safety Committee** "means the committee that is established by the HOD to initiate, develop, promote, maintain and review measures to ensure the health and safety of employees at the workplace. Such committee shall be constituted by the employer, Health and Safety Representatives and labour movements.
- 6.11 Peer Educator** "means an employee who works with his or her peers, sharing information and guiding a discussion using his or her peer experience and knowledge;"



## **7. PRINCIPLES**

HIV and AIDS, STI's and TB Management programme is underpinned by the following principles:

### **7.1 RECOGNITION OF HIV and AIDS, STI's and TB**

The HIV and AIDS, STI and TB co-infection is a workplace issue, and shall be treated like any other serious illness or conditions in the workplace.

### **7.2 GENDER EQUALITY**

The gender dimensions of HIV and AIDS, STI's and TB and disability shall be recognised.

Women are more likely to be infected and are often adversely affected by the HIV and AIDS, STI's and TB epidemic than men due to biological, socio-cultural and economic reasons.

### **7.3 SOCIAL DIALOGUE**

Successful implementation of the policy requires cooperation and mutual trust between the employer, employees and their representatives with an active involvement of employees infected and affected by HIV and AIDS, STI's and TB.

### **7.4 REASONABLE ACCOMODATION**

An employee with HIV and AIDS, STI's and TB illnesses, like any other illnesses, shall continue to work for as long as he/she is medically fit and available to work. The Department shall accommodate an employee in other posts that will suit his/her condition (lighter duties). This will be considered with the recommendations of the Medical Practitioners. In case of absenteeism due to the illness, the normal sick leave procedures shall be followed like in a case of any other illnesses.

### **7.5 APPROPRIATENESS AND CULTURAL SENSITIVITY**

Prevention of all means of transmission shall be through a variety of appropriate and cultural sensitivity.



## **7.6 HIV and AIDS, STI's and TB**

Employees shall be provided with information pertaining to HIV and AIDS, STI and TB through awareness campaign, information sessions and distribution of promotional materials, pamphlets and brochures. This is aimed at establishing a reservoir of information and knowledge that shall be available to all employees and which shall better enable them to make informed decisions. The information shall be updated from time to time.

## **7.7 NON DISCRIMINATION**

No employee shall be discriminated against based on his/her HIV and AIDS, STI's and TB status. Discrimination against HIV and AIDS, STI's and TB positive employees by fellow employee, based on their status, shall not be condoned and such action shall render employees involved subject to a formal disciplinary hearing which may culminate in a possible dismissal from the department.

## **7.8 TRANSPARENCY**

The Department shall adopt a consultative and transparent approach to the management of HIV and AIDS, STI's and TB.

## **7.9 GRIEVANCES**

All grievances about issues related to HIV and AIDS, STI's and TB shall be handled according to the grievance procedure that exists within the department to deal with the complaints and grievances of employees.

## **7.10 EXPOSURE IN THE WORKPLACE**

The department shall provide guidelines regarding the implementation of precautionary health and safety measures to minimize the risk of exposure to HIV and AIDS, STI's and TB in the work environment. The provisions of the Compensation for Occupational Injuries and Diseases Act and Occupational Health and Safety Act shall be followed with regard to infection with HIV and AIDS, STI's and TB in the course and scope of employee duties in order that such infection shall qualify as an injury on duty.

## **8. ROLES AND RESPONSIBILITIES**

### **8.1 THE HEAD OF DEPARTMENT**

- 8.1.1 Acknowledge that HIV and AIDS, STI's and TB causes lower productivity.
- 8.1.2 Ensure a safe and healthy environment for employees of the Department.
- 8.1.3 Ensure that the policy on HIV and AIDS, STI's and TB management is endorsed and accordingly implemented.
- 8.1.4 Support departmental programmes that are focusing on HIV and AIDS, STI's and TB in the department.

### **8.2 THE DESIGNATED SENIOR MANAGER**

- 8.2.1 Promote capacity development initiatives.
- 8.2.2 Establish organizational support initiatives.
- 8.2.3 Develop governance and institutional development initiatives.
- 8.2.4 Provide physical resources.
- 8.2.5 Mobilise management support.

### **8.3 EMPLOYEE ASSISTANCE PROGRAMME**

- 8.3.1 The EAP practitioner will assist in monitoring of voluntary counselling, general support of HIV and AIDS, STI's and TB related matters at the workplace and promotion of wellness.

### **8.4 THE HIV and AIDS, STI's and TB COORDINATOR**

- 8.4.1 Coordinate the implementation of HIV and AIDS, STI's and TB management programmes, projects and interventions.
- 8.4.2 Plan, Monitor and manage workplace HIV and AIDS, STI's and TB according to strategies, policies and budgetary guidelines.
- 8.4.3 Obtain and make condoms available at the workplace and provide usage education thereof.
- 8.4.4 Initiate and arrange staff training with regard to HIV and AIDS, STI's and TB including its relationship.
- 8.4.5 Make provisions for counseling of individual employees and to their immediate family members.
- 8.4.6 Identify personal development needs for individual employees.
- 8.4.7 Analyze and evaluate data and communicate information, statistics and results to various stakeholders and management.
- 8.4.8 Promote work-life balance for employees.
- 8.4.9 Provide information on healthy living lifestyle.

## **8.5 THE HEALTH AND SAFETY COMMITTEE**

- 8.5.1 Make recommendation to the employer about matters affecting employees' health.
- 8.5.2 Where recommendations fail to resolve the matter, the Inspector from the Department of Labour shall be consulted.
- 8.5.3 Any person injured, became ill or died a report on the incident must be written to the Department of Labour.
- 8.5.4 Oversee the implementation of the HIV & AIDS and TB policy and programmes in the workplace.
- 8.5.5 Keep record of each recommendation made to the employer.
- 8.5.6 Ensure adherence to standards as set by legislations or regulations.

## **8.6 THE EMPLOYEE**

- 8.6.1 Take reasonable care for his/her health and that of other employees who may be affected.
- 8.6.2 Obey universal precautions as laid down by his/ her employer or any authorized person in the interest of prevention of HIV and AIDS, STI's and TB.
- 8.6.3 Report as soon as possible any unhealthy situation which comes to his/her attention, to the employer/the HIV and AIDS, STI's and TB coordinator.
- 8.6.4 Contribute to the mitigation of the impact of HIV and AIDS, STI's and TB.
- 8.6.5 Contribute the enabling of a working environment for care, treatment and support.

## **8.7 ORGANIZED LABOUR**

- 8.7.1 Represent employees in the workplace as well as ensuring compliance with legal obligations towards members.
- 8.7.2 Make representation to the employer on agreed issues affecting the health and safety of employees in the department.
- 8.7.3 Being involved in and consulted on the development of policies and ensure that policies reflect principles such as non-discrimination.
- 8.7.4 Ensure fair grievance and disciplinary procedures for HIV and AIDS, STI's and TB.
- 8.7.5 Assist the IEH&W sub-directorate in the effective implementation of HIV and AIDS, STI's and TB policy.

## **8.8 EXTERNAL SOCIAL PARTNERS**

- 8.8.1 It is imperative to join in partnership with key non-governmental agencies, private sector, religious groups and professionals in order to share information and expertise on HIV and AIDS, STI's and TB regarding the unfair discrimination and stigmatization intended to curb the spread of HIV and AIDS, STI's and TB.
- 8.8.2 The department will endeavour to uphold the spirit of partnership on a continuous basis to strive for a better and healthy workplace.

## **9. HUMAN RESOURCE PRACTISES AND PROCESSES**

### **9.1 GENERAL STATEMENT**

All human resource processes and practises should promote an affirming non discriminatory environment that fosters respect for the dignity of all while ensuring the maximum productivity of each employee regardless of their HIV and AIDS, STI's and TB status.

### **9.2 RECRUITMENT AND SELECTION**

- 9.2.1 A prospective employee will not be required to disclose his/her HIV and AIDS, STI's and TB status, except in accordance with section 7(2) of the Employment Equity Act.
- 9.2.2 According to the DPSA policy framework on Employee Health and Wellness of 2008, HIV is not a pre-requisite to employment; therefore; the department shall not conduct HIV and AIDS, STI's and TB testing as a pre-requisite for employment.

### **9.3 LEAVE OF ABSENCE**

- 9.3.1 Subject to public service regulations regarding incapacity leave, existing leave of absence policy and procedures shall apply to all employees without discrimination.

### **9.4 RECORD MANAGEMENT**

- 9.4.1 Information on HIV and AIDS, STI's and TB status of an employee shall only be kept in the EAP referral and counselling file.
- 9.4.2 All records of a grievance procedure emanating from a breach of rights will be integrated in the existing grievance procedures, such records will be kept confidentially; and

- 9.4.3 The grievance proceeding will be held in private i.e. (secluded hearing) so declared by the HOD at the request of the affected and infected person to ensure the utmost confidentiality of the complainant during the proceedings.

## **9.5 INFORMATION SHARING AND PROMOTION OF HIV AND AIDS, STI's AND TB AWARENESS**

### **9.5.1 INFORMATION SHARING**

- 9.5.1.1 Information on the prevention of the spread of HIV and AIDS, STI's and TB will be provided to employees.
- 9.5.1.2 The information will include the establishment of a help desk in the districts and the Head office.

## **9.6 PROMOTING HIV AND AIDS, STI'S AND TB AWARENESS**

### **The department shall**

- 9.6.1 Participate in the promotion of HIV and AIDS, STI's and TB awareness amongst employees and the immediate families.
- 9.6.2 Ensure a better understanding of HIV and AIDS, STI's and TB in the workplace through information, education communication.
- 9.6.3 Establish and maintain an active Integrated Employee Health and Wellness Committee, which will assist in implementation of this policy.
- 9.6.4 Continue to support research on how best the health and safety of employees can be improved.
- 9.6.5 Liaise with relevant institutions with and outside public service including professionals, to access relevant and updated information, support and resources; and
- 9.6.6 Promote the practise of occupational safety and hygiene in the workplace for the protection of all employees and customers and prevention of diseases.

## **10. CONFIDENTIALITY AND DISCLOSURE**

- 10.1 All persons infected and or affected by HIV and AIDS, STI's and TB have the legal right to privacy. An employee is therefore not legally required to disclose his/ her HIV status to their employer or other employees.
- 10.2 Where an employee chooses to voluntarily disclose his/her HIV and AIDS, STI's and TB status to the employer, this information may not be disclosed to others without employees' written consent. Where written consent is not possible, steps must be taken to confirm that the employee wishes to disclose his/her status; and



10.3 All the testing should be conducted in accordance with the department of Health's National Policy on Testing for HIV and AIDS, STI's and TB, issued in terms of National Policy Health Act.

## **11. MANAGING HIV and AIDS, STI's and TB IN THE WORKPLACE**

### **11.1 STRATEGIC OVERVIEW**

The Department is convinced that effective management of HIV and AIDS, STI's and TB in the workplace requires an integrated strategy that incorporates the following elements:-

- 11.1.1 An understanding and assessment of the impact of HIV and AIDS, STI's and TB in the workplace;
- 11.1.2 Long and short term measures that deal with and reduce this impact including;
  - 11.1.2.1 An HIV and AIDS, STI's and TB for the workplace,
  - 11.1.2.2 A prevention programme, treatment, care and support, and
  - 11.1.2.3 A management strategy to deal with the direct and indirect costs of HIV and AIDS, STI's and TB.

### **11.2 IMPACT AND ACTION**

The Department commits itself to:-

- 11.2.1 Establish an HIV and AIDS, STI's and TB committee together with a help desk which will be responsible for all aspects of the workplace response through an HIV coordinator.
- 11.2.2 Collect and analyze data to inform the integrated human resource planning. Regularly apply monitoring systems for compliance with labour and other relevant forms of legislation;
- 11.2.3 Demonstrate leadership and management commitment for the workplace HIV and AIDS, STI's and TB response.
- 11.2.4 Develop, manage and evaluate HIV and AIDS, STI's and TB prevention and awareness programmes and events.

## **12. FINANCIAL IMPLICATIONS**

The Department commits itself to avail a percentage of its overall budget for HIV and AIDS, STI's and TB management programmes, and this will be adjusted annually to ensure a responsive programme.



## **13. DISPUTE RESOLUTION**

### **13.1 GENERAL STATEMENT**

- 13.1.1 All HIV and AIDS, STI's and TB disputes will be dealt with expeditiously and with due regard to fairness (procedural and substantive) and human dignity.
- 13.1.2 Any HIV and AIDS, STI's and TB related grievance will be attended to respectively and confidentially, in the shortest possible time.

### **13.2 GRIEVANCE PROCEDURES**

- 13.2.1 An employee who feels that his/ her rights relating to HIV and AIDS, STI's and TB have been violated shall follow normal departmental grievance or dispute procedure and it shall be dealt with in accordance with normal grievance procedures in terms of the relevant Collective Agreement or dispute resolution mechanisms in the Public Service.

## **14. MONITORING, EVALUATION AND REVIEW**

- 14.1 An Integrated Health and Wellness committee will monitor, evaluate and advise on the implementation of the HIV and AIDS, STI's and TB policy,
- 14.2 The Integrated Employee Health and Wellness Committee will be coordinated by an HIV and AIDS coordinator and the IEH&W unit.
- 14.3 The HIV and AIDS coordinator will be a member of the committee.  
The policy shall be reviewed to factor in changes in legal frameworks, organizational development, political and economic trends, and envisaged outputs by the Medium Term Expenditure Framework as well as outcomes of monitoring and evaluation.

## **15. RELATED POLICIES**

Effective implementation of this policy requires that it be read together with other Departmental policies.





**16. COMMENCEMENT OF THE POLICY**

This policy shall be implemented by the Department with effect from the date of approval and signature by the HOD.

**APPROVED**

  
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**OAGENG MOSIANE (MR)**  
**ACTING HEAD OF DEPARTMENT**

**SIGNED THIS DAY.....06.....OF.....JUNE.....2016.**