REPORT OF THE SATELLITE MEETING

“EXPANDING THE RESPONSE TO HIV/AIDS: ADDRESSING THE EPIDEMIC THROUGH THE WORKPLACE”
I. Background

1. As part of its contribution to the XIV International AIDS Conference, which took place from 7-12 July 2002, in Barcelona, the ILO held a satellite meeting on the theme: "Expanding the response to HIV/AIDS: addressing the epidemic through the workplace ".

2. The aim of the meeting was to contribute to a better understanding of the role of the world of work in the control and impact mitigation of HIV and AIDS, and to identify effective approaches for the implementation of the ILO Code of Practice on HIV/AIDS and the world of work at national level (see attached agenda). A broad spectrum of stakeholders, including the social partners, government representatives and researchers from all regions, participated to share country experiences and good practices with respect to advocacy and workplace policies and programmes.

II. Welcoming remarks

3. Mr. Franklyn Lisk, Director of ILO/AIDS, chaired the meeting and welcomed the participants on behalf of the ILO. He presented an overview of the situation on HIV/AIDS and the world of work as well as the objectives of the meeting. He emphasised the importance of mobilizing governments, the social partners and their networks to implement the ILO Code of Practice.

4. Presentations highlighted different approaches to implementing the ILO Code of Practice, and analysed obstacles hampering its implementation. Concrete examples of the role of employers' and workers' organizations, as well as that of governments, were also discussed.

III. Key elements of the presentations and discussion

5. Implementing the ILO Code of Practice: the role of trade union organizations

- The international perspective was presented by Mr. Andrew Kailembo – General Secretary of International Confederation of Free Trade Union's Africa Region.
  - ICFTU-AFRO organized a meeting for trade unions from all over Africa in Gaborone, Botswana, in 2000. They issued the Gaborone Trade Union Declaration which led to the development of a Framework of Action on HIV/AIDS
  - ICFTU-AFRO has supported national trade union action on HIV and AIDS in countries all over the region
  - A manual for shop stewards on HIV/AIDS in Africa has now been produced
  - The ICFTU has a global policy and programme of action to guide the activities of national trade union centres and global union federations

- Mr. Ariel Castro, Director of Education, Trade Union Congress of the Philippines, described the steps his union had taken in the development of its HIV/AIDS programme and the benefits it brought:
  - 2001 Convention: TUCP adopted the ILO Code of Practice
- Success factors: support from the labour leaders; use of participatory methods and approaches in all stages of programme implementation; motivation and dedication of union staff; organisational commitment to address the problem
- Lessons learned: support of company management needs to be raised; joint workplace actions must be increased and sustained; managers, union leaders need to be engaged to speak favourably on HIV/AIDS prevention and control; union and/or workplace policy must become basis of programme implementation.

6. Implementing the ILO Code of Practice: the role of employers’ organizations

➢ Mr. Frederick Muia – Regional Adviser for Africa presented the International Organisation of Employers (IOE) response to HIV/AIDS in the workplace.
   - IOE: business network with 136 members (national employers’ organizations) in 132 countries
   - 2000: the IOE General Council took a policy position on HIV/AIDS, recognizing that it is not just a health issue, but also a societal problem affecting all sectors of the economy
   - HIV/AIDS affects the business environment and enterprises directly
   - Actions undertaken by the IOE:
     • Mobilisation and advocacy among its members;
     • Resolution on HIV/AIDS: submitted in June 2000 during the ILC calling on the ILO and its tripartite partners to join their efforts in the fight against HIV/AIDS;
     • Seminars: allows employers’ organisations and managers to share experiences and best practices
   - IOE Employers’ Handbook on HIV/AIDS: guide for action for employers’ organisations and company managers. Presents examples of activities undertaken by EOs and individual companies. Basic message to companies: every enterprise, big or small, can make a difference in the fight against HIV/AIDS.

➢ Ms Gillian Gresak – Corporate HIV/AIDS Manager, Anglo Platinum, South Africa presented an example from South Africa: Anglo Platinum HIV/AIDS workplace policy.
   - Company profile: 9 business units in 3 provinces, leading platinum producer, an operating division of Anglo American, known prevalence of 22%.
   - Policy development: integration of codes, policies and agreements; compilation of draft policy; meetings with management groupings; consultation with IR practitioners; consultation with unions and associations; consultation with Chamber of Mines and Industry; consultation with government structures; consultation with community structures; partnership forum structures
   - Policy contents: the rights and responsibilities of employers, employees, and unions and associations; access to employment; testing; prevention; training (of managers, peer educators, medical personnel); and care and support (parity with other serious illnesses, VCT and wellness programmes).
7. The role of government in creating an enabling environment for workplace action

- Dr. Paulo Teixeira – Director, National AIDS Programme, Brazil, shared the Brazilian government's response to HIV/AIDS, which is widely seen as a model approach.
  - Since 1991: policy of universal free access to antiretroviral therapy (Ministry of Health); initiated with the distribution of ZDV capsules; strengthened with a 1996 Law that guaranteed that all HIV-infected citizens would have free access to essential medication, including protease inhibitors. By end 2001, about 113,000 patients received ARV through the public health system.
  - Framework of action against AIDS in Brazil: early governmental response, strong civil society participation, multisectoral mobilization, prevention and treatment approach with human rights perspective, support for community projects, strong links among companies, employers’ associations, workers’ unions and NGOs.
  - Importance of civil society: government has invested US$ 40 million from 1994 to date in supporting more than 2300 projects.
  - AIDS and the world of work – an early partnership:
    - 1987: adoption of guidelines on HIV+ workers’ rights and norms on AIDS prevention at workplace;
    - 1988: mandatory prevention activities for companies with more than 100 employees;
    - 1992: consolidation of norms forbidding non-voluntary testing;
    - Special attention to vulnerable groups: truck drivers, seaport workers, mine workers.
  - Prevention and the world of work:
    - 1998: Creation of a “National Business Council” (NBC) on HIV/AIDS, composed of 20 national and multi-national companies representing all economic sectors that have undertaken exemplary preventive action. Council acts as an advisor to the Ministry of Health in the incorporation of adequate policies in the private sector;
    - 1995: implementation of “workplace committees”; 3,000 enterprises and 3 million workers reached;
    - May 2002: in cooperation with the ILO, distribution of the Brazilian translation of the “Code of Practice on HIV and the world of work”, and creation of a tripartite committee to implement its recommendations.

8. The legal and policy framework for workplace action: the role of the ILO

- Jane Hodges – InFocus Programme on Social Dialogue, Labour Law and Labour Administration, ILO - presented policy and legal issues relating to HIV/AIDS and the world of work:

The legal framework on HIV/AIDS at the workplace should cover, as a minimum:
Basic rights to non-discrimination at work; no dismissal based on HIV/AIDS until medically unfit to carry out adapted work; prohibition of non-consensual pre- and post-employment testing; medical confidentiality; prevention and containment of transmission risks; workplace accommodation in particular working time flexibility; benefits, including early retirement options, medical and funeral coverage; the role for negotiations of these issues; grievance and disciplinary procedures.
Enforcement issues: Importance of shared responsibility and understanding of HIV/AIDS; role of labour inspection in both prevention and protection against discrimination; role of courts in the enforcement of non-discriminatory law and practice and even in behavioural change.

ILO instruments relevant to HIV/AIDS:
- 2001 Code of Practice on HIV/AIDS and the world of work
- ILO 1998 Declaration on Fundamental Principles and Rights at Work
- Convention no. 111 on equality of opportunity and treatment in employment (thus prohibits discrimination)
- Convention no. 158 on termination of employment
- Convention no. 159 on vocational rehabilitation of workers with disabilities
- Convention no. 98 on protection of the right to organise and collective bargaining and Convention no. 154 on promotion of collective bargaining
- Convention no. 155 on occupational safety and health and Recommendation no. 160 and - Convention no. 161 on occupational safety and health services and Recommendation no. 171
- Convention no. 121 on occupational injury benefits and Convention no. 102 on social security policy
- Instruments covering specific groups of workers: Convention no. 149 on nursing personnel; Conventions nos. 97 and 143 on migrant workers; Convention no. 175 on part-time workers.

IV. Key issues based on the discussion following presentations included:
- The advantages and disadvantages of an ILO Convention on HIV/AIDS
- ILO policy on pre-employment testing and OSH medical checks
- Enterprise and company policies on the provision of treatment
- The importance of peer education
- The training of labour lawyers and judges about the virus and discrimination related to HIV status
- Time off for training and/or treatment
- Workers’ privacy and confidentiality of workplace information
- What can be done in countries where trade unions are weak
- How to convince countries with low prevalence rates of the need for active workplace policies of prevention at the workplace
- How ILO can be more active in the field, beyond advocacy.

V. Conclusions

9. There was a clear determination from all participants to continue to forge partnerships on HIV/AIDS with all those with a stake in the world of work. Such partnerships should be grounded in knowledge, in order to ensure that the ILO Code of Practice on HIV/AIDS and the world of work is implemented at the national, enterprise and community levels.

10. The nature of the participation and dialogue among all who attended demonstrated a clear commitment to debating and dealing with HIV/AIDS as a developmental and not just a public health issue. During the session, serious concern was voiced with regard to the stigma and
discrimination based on HIV/AIDS status which is still prevalent at the workplace. ILO/AIDS should continue to promote and facilitate the implementation of the Code of Practice in order to remove the obstacles keeping people from exercising their basic human rights. There is also hope that the battle can be won, and HIV/AIDS policy and programmes at the workplace can help workers and their families live decently with HIV/AIDS.

VI. Follow-up will focus on:

- Developing a broad strategy for effective implementation of the ILO Code of Practice on HIV/AIDS and the world of work;

- Mobilizing the ILO’s tripartite constituents and their development partners, and strengthening their capacity, to support HIV/AIDS prevention and care programmes at the workplace;

- Identifying and documenting effective interventions and workplace initiatives

- Establishing mechanisms and networks for follow-up throughout the year and beyond.