

# 广东省工作场所防治艾滋病实施办法

## **Guideline of HIV and AIDS Prevention in the Workplace, Guangdong Province**

### **第一条**

为了预防、控制广东省工作场所艾滋病的发生和流行，保障人体健康和公共卫生，根据《艾滋病防治条例》，制定本办法。

I. This policy was formulated based on the “National HIV and AIDS Regulation” and its objectives are to prevent and control the HIV and AIDS epidemic in the workplace and protect public health.

### **第二条**

广东省内企业、个体经济组织、民办非企业单位、国家机关、事业单位、社会团体的所有工作场所，适用本办法。

II. This policy will be implemented in all workplaces including companies, self-employed workplaces, non-profit organizations, government bodies, semi-government bodies and associations.

### **第三条**

工作场所艾滋病防治工作应坚持预防为主、防治结合的方针，建立政府组织领导、部门各负其责、全社会共同参与的机制，加强宣传教育，采取行为干预和关怀救助等措施，实行综合防治。

III. Workplace HIV and AIDS prevention and control should focus on prevention first and then a combination of prevention and treatment. It should be based on a multi-sector based mechanism, led by Government with participation of related sectors. It should strengthen education and training, promote behaviour change, provide care and support, and carry out comprehensive prevention and control measures.

## 第四条

县级以上人民政府应当指导、监督用人单位工作场所艾滋病的宣传教育工作，对有关单位、组织和个人开展工作场所艾滋病防治的公益宣传教育工作提供支持和帮助。

IV. Governments at the county level and above should guide and monitor the HIV and AIDS prevention and control programmes in workplaces and provide support to companies, organizations and individuals to conduct workplace HIV and AIDS advocacy and education activities.

## 第五条

制定工作场所艾滋病防治政策，应当由用人单位与工会或者职工代表通过集体协商确定。

工作场所艾滋病防治政策应包括以下内容：

- （一）宣传与预防
- （二）权利与保护
- （三）关爱与支持

V. Individual Workplace HIV and AIDS policies should be formulated through collective bargaining between employers and trade unions or representatives of workers.

These policies should include at least three components:

Advocacy and prevention

Protection of rights

Care and support

## 第六条

用人单位应建立艾滋病防治工作小组，工作小组成员包括用人单位经营管理者代表、工会代表或职工代表、行政或人力资源部门代表、医疗代表，主要职责包括：

- （一）起草制定本单位工作场所艾滋病防治政策；
- （二）将工作场所艾滋病防治工作纳入本单位人力资源发展战略；

(三) 组织开展本单位工作场所艾滋病宣传教育和防治活动。

VI. Workplaces should establish task forces on HIV and AIDS that involve their management, trade unions or representative of workers, administration officials or HR managers and clinical workers. The main responsibilities of the task force include:

Drafting HIV and AIDS Workplace Policy

Integrating HIV and AIDS prevention and control into the workplace HR development strategy

Organizing workplace HIV and AIDS education and training activities

### 第七条

用人单位不得歧视感染艾滋病病毒的职工及其家属；并对所有职工在晋升以及各类有关福利待遇、劳动权益方面一视同仁，而不论职工是否感染艾滋病病毒。

VII. Discrimination of workers infected with HIV is not allowed in the workplace; workers with HIV and AIDS will be treated the same as other workers.

### 第八条

用人单位不得以职工感染艾滋病病毒为由解除劳动合同，应对这些职工给予适宜的支持，包括调整工作职责和工作条件等，以便使感染艾滋病病毒的职工按照自己的意愿尽可能长地工作，并能完成劳动合同规定的任务。

VIII. HIV status is not a cause to terminate labour contracts. Workplaces should provide appropriate support for workers with HIV including adjustment of working responsibilities and working conditions so that the HIV positive workers can work as long as possible and fulfill the tasks specified in their labour contract.

## 第九条

用人单位应当对本单位所有职工和求职者对包括艾滋病在内的健康信息保密。

IX. The workplace should keep confidential all health information including the HIV status of their workers and applicants.

## 第十条

用人单位应当严格管理感染艾滋病病毒的职工的医疗档案，并将人事档案与医疗档案分别保存；只有为艾滋病感染者提供帮助的人士才能接触职工医疗档案，并且必须获得职工许可。

X. HIV and AIDS related information on workers should be kept strictly confidential and filed separately from the workplace personnel documents. Access to such information should be strictly limited to personnel, who will provide assistance to the HIV positive worker. Other personal may only have access to this information with the consent of the HIV positive worker.

## 第十一条

用人单位应当积极配合政府及其有关组织和个人推广预防艾滋病的行为干预措施，帮助有感染艾滋病病毒危险行为的职工改变危险行为。

XI. Workplaces should work closely with the government, related organizations and individuals to promote HIV prevention and assist workers at risk to change their behaviours.

## 第十二条

用人单位不得强迫职工或求职者进行艾滋病病毒检测，但鼓励和支持他们到相关医疗卫生机构进行艾滋病病毒自愿咨询检测。

XII. Workplaces are not allowed to conduct compulsory HIV testing among workers or applicants but should instead

encourage workers and applicants to conduct Voluntary Counseling and Testing in health settings.

### 第十三条

用人单位应当将艾滋病知识培训纳入职工岗前培训；并定期向职工提供准确、翔实的艾滋病防治的国家法规和政策，提供有关艾滋病防治的知识、信息和培训教育。

考虑到妇女对艾滋病知识的不同需求以及她们对艾滋病的敏感性，用人单位对女性职工应重点安排预防培训。

XIII. Workplace should integrate HIV and AIDS education into the workers pre-post training; provide workers with accurate, and detailed information on HIV and AIDS laws, regulations and policies. Knowledge and information on HIV and AIDS should be provided through regular and on going education and training sessions.

Considering the unique vulnerability of women for HIV infection, workplaces should arrange special prevention initiatives and trainings for women.

### 第十四条

用人单位应当对感染艾滋病病毒的职工及其家属给予适宜的关爱和支持。

关爱和支持活动的内容包括以下方面：

（一）创造支持性、没有歧视、工作富有弹性的工作氛围

；

（二）及时将感染艾滋病病毒的职工转诊到提供保密的自愿咨询检测服务的机构；

（三）对职工及其家庭提供援助；

（四）落实国家的“四免一关怀”政策。

XIV. Workplace should provide care and support for workers infected and affected by HIV and AIDS.

Appropriate care and support may includes:

Establishing a non-discriminatory working environment with flexible work time arrangements for HIV positive people  
Referring workers infected with HIV to qualified health settings, which provide Voluntary Counseling and Testing  
Providing support for workers and their families infected or affected by HIV and AIDS  
Implementing the national “four free and one care policy”