

HOW TO TACKLE STIGMA AND DISCRIMINATION

Stigma and discrimination, both inside and outside the workplace, are significant barriers to effective prevention, treatment and care. HIV-related stigma is fed by fear, misconceptions and denial, and needs to be addressed as an integral part of workplace programmes.

“My colleagues didn’t openly say anything to me, but the environment was no longer the same,” says Daljit, a 25 year-old factory worker in India, describing the reaction when her HIV status became known at work. “If I entered the room they would leave abruptly. Then they asked me to keep a separate glass for water. I decided to quit the job.”

What can you do at the workplace?

Policy

Draw up an HIV/AIDS policy or check that existing policies protect the rights of those affected by HIV/AIDS. Policies should refer to the *ILO Code of Practice on HIV/AIDS and the world of work*, and:

- protect workers against discrimination, victimization or harassment,
- safeguard employment (no dismissal on the grounds of HIV status),
- prohibit compulsory testing during or pre-employment, and
- ensure confidentiality and privacy.

Be aware of national laws and international conventions (especially ILO Convention no. 111 on discrimination in employment) which can be used to protect rights and provide a basis for redress in the event of discrimination.

Education

- The workplace policy should be supported by information and education to help workers learn about the facts and myths of HIV transmission, and understand that they have nothing to fear from casual contact with an infected co-worker. Learning activities can provide insights into the situation and needs of people living with HIV.
- All managers, supervisors, educators, counsellors and care providers should also receive HIV/AIDS information and be part of education activities. They should be trained in how to implement the workplace policy and how to support workers who disclose they are HIV-positive.

Confidentiality

Respect for privacy and confidentiality helps create an atmosphere of trust and encourages voluntary testing. The *ILO Code of Practice* states that:

- there is no justification for asking job applicants or workers to disclose HIV-related personal information,
- workers should not be obliged to reveal personal information about co-workers,
- access to data relating to a worker’s HIV status should be bound by the rules of confidentiality consistent with the *ILO Code of Practice on the Protection of Workers’ Personal Data*.

*«All medical information on an employee will be treated as confidential. Strict precautions will be taken to protect information regarding an employee's health records...
An employee who is infected with HIV is not obliged to inform the Company...
The Company does not require applicants for employment to undergo a pre-employment HIV/AIDS test and will not require employees to undergo the test whilst in employment.»*

HIV/AIDS policy of the Debswana Diamond Company, Botswana

What can governments do?

- Review existing legislation and revise as necessary, in consultation with the social partners, to eliminate workplace discrimination. Over 70 countries have included AIDS-related provisions in their labour and discrimination laws and policies.
- Actively enforce relevant laws and codes, including through training and support for labour inspectors, other enforcement agencies and the judiciary on HIV-related discrimination.
- Integrate strong messages on stigma and discrimination in national HIV policies, education and prevention programmes, and include people living with HIV in relevant advisory and decision-making bodies.

What can employers' and workers' organizations do?

- The social partners can play significant leadership and advocacy roles, including setting a personal example. In Swaziland, for example, two trade union leaders underwent public HIV testing in support of the country's 'Know Your Status' campaign.
- Employers' and workers' organizations can develop policies for their own organizations and encourage workplace policies that take a stand against discrimination. For instance the South Africa Chamber of Mines and National Union of Mineworkers have a collective agreement which states, "HIV-positive employees will be protected against discrimination, victimization or harassment."
- Workers' and employers' organizations can provide advice for members and training, including representing members who experience discrimination.

Further information:

- *ILO Code of Practice on HIV/AIDS and the world of work*
- *Implementing the ILO Code of Practice on HIV/AIDS and the world of work, an education and training manual – module 2*
- *HIV/AIDS Behaviour Change Communication: A toolkit for the workplace* (ILO and FHI)
- *Promoting human rights through the ILO Code of Practice on HIV/AIDS and the world of work*
- *A handbook on HIV/AIDS for labour and factory inspectors*
- *Guidelines on HIV/AIDS for labour judges and magistrates*
- *Employers' organizations & HIV/AIDS: Information, tools and good practice for workplace action against HIV/AIDS*, CD-ROM
- *Using the ILO Code of Practice on HIV/AIDS: guidelines for trade unions*

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