



TEACHERS SERVICE COMMISSION



SUB-SECTOR WORKPLACE POLICY ON HIV AND AIDS

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PREFACE

The development of this policy has been necessitated by the challenges posed by HIV and AIDS in the workplace. HIV and AIDS has affected the teachers and secretariat staff in their prime age. The illness and subsequent deaths of Commission employees resulting from HIV and AIDS has enormous impact on the performance and production. A lot of working hours are diverted to treatment, care and support for HIV and AIDS related illness leading to erosion of resources and underachievement.

The Teachers Service Commission as a response to these challenges initially established the sub-ACU in September 2000 which was later upgraded to a full fledged ACU in March 2004. This was in line with the Government's position of having declared the pandemic a National Disaster in 1999. The Government had already put in place a national policy, defined an institutional framework and intensified intervention measures for the prevention, management, control and mitigation of HIV and AIDS impact. As was in the whole Public Sector, the Teachers Service Commission has been carrying out HIV and AIDS intervention programmes but without a comprehensive workplace policy to guide, strengthen and co-ordinate these programmes.

This sub-sector policy has harmonized the approach to various Human Resource issues and takes cognizance of the fundamental issues that come from the attrition of the Human Resource in the teaching sub- sector. The policy also recognises that addressing stigma and discrimination is a critical element in combating HIV and AIDS pandemic in the workplace. The policy emphasizes the need for HIV and AIDS activities to be mainstreamed in the core activities of the Teachers Service Commission. To achieve this, there is need for strong leadership, sustained commitment and adequate allocation of budgetary resources for HIV and AIDS programmes.

The policy provides guidance for those who deal with the day-to-day HIV and AIDS related issues and problems that arise within the workplace and also outlines employees rights, responsibilities and expected behaviour in the workplace. The strategies outlined in this policy aim at minimizing the effects of the pandemic in the Commission and providing the means towards efficiency in service delivery.

The policy's emphasis is on performance improvement as teachers and secretariat staff will be healthier and live longer regardless of their HIV status once properly managed.

The implementation of this policy will go along way in mitigating the impact of the pandemic in Teachers Service Commission.

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COMMISSION CHAIRMAN
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FOREWORD

Education has a key role to play both in preventing HIV and AIDS and in mitigating its effects on individuals, families, communities and society. HIV and AIDS has affected the most productive and energetic group of 20-49 years where the levels of infection peak and this population includes the Teachers Service Commission employees- teachers as well as secretariat staff.

The Dakar Framework for Action for “Education for All” (EFA), adopted by the international education community during the World Education Forum (Dakar, Senegal – April 2000), draws attention to the urgent need to combat HIV and AIDS if EFA goals are to be achieved. Gains made by Governments in terms of access, quality and retention is seriously threatened by the HIV/AIDS epidemic and its impact on the demand for, and supply of, education. EFA goals and the Millennium Development Goal for Education cannot be achieved without urgent attention to HIV and AIDS.

In Kenya, the HIV and AIDS pandemic is a major national challenge and in 1999 it was declared a national disaster. The pandemic impacts adversely on the education sector as a whole and it affects quality, access, equity, supply and demand for education services.

At present there is no cure or vaccine for HIV and AIDS and the only way to stop its spread is through attitudinal and behavioural changes as well as management that can be secured effectively through education.

For the Teachers Service Commission to respond effectively to the challenges of this pandemic there is need to develop a policy for addressing HIV and AIDS issues as they affect the entire education and teacher provisioning system.

The Teachers Service Commission policy on HIV and AIDS formalizes the rights and responsibilities of every person involved, directly or indirectly, with regard to HIV and AIDS.

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GLOSSARY OF TERMS AND CONCEPTS

Affected	A person who is feeling the impact of HIV/AIDS through sickness or loss of relatives, friends or colleagues.
AIDS	Acquired Immune Deficiency Syndrome: a cluster of medical conditions often referred to as opportunistic infections.
Care	Promotion of a person's well being through medical, physical, psychosocial, spiritual and other means.
Comprehensive	A range of services offered to HIV positive persons including treatment, clinical, physical, nutritional and psychosocial support.
Counselling	A session where a person with difficulties is assisted to think through the problem and find a possible solution
Confidentiality	The right of every person, employee or job applicant to have his/her medical or other information, including HIV status kept secret.
Evaluation	The assessment of the impact of a programme of a particular point in time.
HIV	Human Immunodeficiency Virus: a virus that weakens the body's immune system, ultimately causing AIDS.
HIV Screening	A medical test to determine a person's sero- status
Infected	A person who is living with the virus that causes AIDS
Manager	A person who is in charge of staff and other resources.
Monitoring	Continuous assessment of a programme
Pandemic	An epidemic occurring simultaneously over a wide area and affecting many people.
Policy	A statement setting out a department's or organization's position on a particular issue.
Post Exposure	Immediate treatment given to a person who is Prophylaxis presumed to have been exposed to HIV.
Prevalence of HIV	The number of people with HIV at a particular point in time, often expressed as a percentage of the total population.
Prevention	A programme designed to combat HIV infection and transmission.

Support	Services and assistance that are provided to help a person cope with difficult situations and challenges.
Treatment	A medical term describing the steps taken to manage an illness.
VCT	Voluntary counselling and Testing: A process that enables people to willingly know their sero-status to help them plan their lives and make informed decisions.
Workplace	Occupational settings, stations and places where workers spend time for gainful employment.
Programme	An intervention to address a specific issue within the workplace.

ACRONYMS AND ABBREVIATIONS

ACU	AIDS Control Unit
AIDS	Acquired Immune Deficiency Syndrome
CE	Chief Executive
CS	Commission Secretary
HAPC	HIV and AIDS Prevention and Control
HIV	Human Immunodeficiency Virus
HOD	Head of Department
IEC	Information, Education and Communication
ILO	International Labour Organization
MIR	Minimum Internal Requirements
MTEF	Medium Term Expenditure Framework
NACC	National AIDS Control Council
PEP	Post Exposure Prophylaxis
PLWHA	People Living with HIV and AIDS
STIs	Sexually Transmitted Infections
Sub-ACUs	Sub-AIDS Control Units
TSC	Teachers Service Commission
VCT	Voluntary Counselling and Testing
PS/DPM	Permanent Secretary/Directorate Personnel Management

1.0 INTRODUCTION

The HIV and AIDS is now a global crisis and constitutes one of the most formidable challenges to development and social progress. It is eroding decades of development gains, undermining economies, threatening security and destabilizing societies.

HIV and AIDS profoundly disrupt the economic and social basis of families. It mainly affects people in their prime years of life, the hardest hit being those in the productive ages of between 20 and 49 years. It is also affecting fundamental rights at the workplace, particularly with respect to discrimination and stigmatization of people living with and affected by HIV and AIDS.

As a response to this calamity, the Government adopted a multi-sectoral strategy and declared the pandemic a national disaster. Through *the sessional Paper No.4 of 1997 on AIDS in Kenya*, the Government put in place a national policy and defined an institutional framework and intensified intervention measures for the prevention, management, control and mitigation of impact of HIV and AIDS. The National AIDS Council Control (NACC) within this framework is charged with the responsibility of resource mobilization, policy development and co-ordination of multisectoral HIV and AIDS response campaign. In addition, the Government has established a Cabinet Committee on National Campaign against HIV and AIDS under the Chairmanship of His Excellency the President.

The Teachers Service Commission workforce has not been spared by the HIV/AIDS pandemic and in response the Commission has developed a policy to address this crisis. The sub-sector policy aims at providing guidance to the management of employees who are infected and affected by HIV and AIDS and prevention of further infections. The sub-sector policy also defines the TSC's position and practices within the multisectoral response to HIV and AIDS pandemic. In addition, it provides guidance for those who deal with the day-to-day HIV and AIDS related issues and problems that arise within the TSC workplace and outlines employee's rights, responsibilities and expected behaviour in the workplace.

The sub-sector policy covers key areas such as legal and regulatory framework, guiding principles, management of human resource, HIV and AIDS programmes in the workplace and their implementation.

2.0 RATIONALE

HIV and AIDS presents the greatest challenge to service provision in the Commission and has put immense pressure in the workplace. It has led to loss of skilled and experienced manpower due to deaths, loss of man hours due to prolonged illness, absenteeism, reduced performance, increased stress, stigma, discrimination and loss of institutional memories, among others. Consequently, there is a decrease in productivity and an increase in health care costs for both the employer and employees.

As a result of the negative impact of HIV and AIDS in the workplace, the Teachers Service Commission as an employer has the challenge to provide a sub sector policy framework for the prevention, treatment, care and support of the infected and affected employees.

It has been found necessary to develop a clear, consistent, coherent and harmonized policy framework on HIV and AIDS in line with the Public Sector and Education Sector policies on HIV and AIDS. This

sub-sector policy demonstrates the Teachers Service Commission's concern and commitment in taking concrete steps in the management of HIV and AIDS pandemic but also provides guidance on the development of workplace guidelines.

3.0 POLICY STATEMENT

HIV/AIDS pandemic is a national disaster and is impacting greatly on the Teachers Service Commission in terms of performance and loss of personnel. The scourge therefore, requires a multi-dimensional attack and hence the commission shall endeavour to put in place all possible measure geared towards containing the spread and effect of the disease at the workplace.

The Commission shall give the necessary care and support for people living with HIV/AIDS among its employees by providing the necessary structures and programmes aimed at ensuring non-discrimination and distigmatization of the infected and affected employees.

The Commission is committed in taking bold steps in the management of HIV/AIDS pandemic as well as providing guidance on how to handle those infected and affected. To achieve this the Commission shall establish Minimum Internal Requirements (MIR) for its employees (infected and affected) and endeavour to ensure that all employees enjoy working productively irrespective of their status in a non-discriminatory environment.

4.0 OBJECTIVES

The main objective of this policy is to provide a framework to address HIV and AIDS in the workplace.

Specifically, the policy aims to:

- Set Minimum Internal Requirements (MIR) for managing HIV and AIDS in the workplace;
- Establish structures and promoting programmes to ensure non-discrimination and non-stigmatization of the infected and affected;
- Establish Monitoring and Evaluation of HIV and AIDS Programmes and activities at the workplaces;
- Contribute to national efforts to minimizing the spread and mitigating against the impact of HIV/AIDS;
- Guide managers and employees on their rights and obligations regarding HIV and AIDS; and
- Provide a framework for development of workplace guidelines.

5.0 SCOPE

This sub-sector policy sets standards for managing HIV and AIDS for workplace programmes. It applies to all TSC employees-who include policy makers, secretariat staff and all teachers but excludes university staff.

6.0 LEGAL AND REGULATORY FRAMEWORK

Kenya has a number of statutes for responding to HIV and AIDS related issues in the workplace though the current acts do not specifically refer to HIV and AIDS. However, it is recognized that an enabling legal and regulatory environment is imperative to create the desired impact in the fight against HIV and AIDS pandemic. In this regard, the Government is committed to continue with legislative reforms, which are responsive to the needs of HIV, and AIDS infected and affected persons. This is in line with international obligations including the *International Labour Organization (ILO) Code of Practice on HIV and AIDS and World of Work (2001)*. The public sector policy and all sub-sector policies shall be implemented within the framework of the Constitution of Kenya and other legislation in place as well as proposed legislation which includes the following:

6.1 The Constitution of Kenya

The Constitution of the Republic of Kenya is the supreme law of Kenya and all other laws must comply with it. The fundamental rights in the constitution provide every person with the right to equality and non- discrimination.

6.2 Service Commissions Act Cap 185 (1985 Revised)

The Act prohibits discrimination in appointment promotion and transfer. In particular, the Act provides in regulation 13 of the Public Service Commission (PSC) regulations that, the appointment, promotion and transfer of a public officer shall take into account only the merit, ability, seniority, experience and official qualifications of the candidate.

Under regulation 19, the Act provides that if a public officer is incapable by reason of any infirmity of mind or body of discharging the functions of his public office he/she may present himself/herself before a Medical Board with a view to it being ascertained whether or not he/she is incapable as aforesaid.

Any employee who is ill shall seek and obtain permission from the relevant authority for absence from the workplace on account of the ill health. Absence from duty without permission is actionable in accordance with Service Regulations.

Further under part IV of the PSC Regulations, an officer must be informed and given a chance to respond and appeal to the Public Service Commission of Kenya in accordance with the provisions laid down in the Regulation in respect of disciplinary proceedings or any termination of employment. No punishment shall be inflicted on any public officer, which would be contrary to any law.

6.3 The Employment Act Cap.226

The Employment Act sets out the minimum standards applicable for conditions of employment relating to wages, leave, health and contracts of service including termination of the contract.

Under the Act, the employer shall provide proper healthcare for his employees during serious illness. The employer can only discharge this function if the employee notifies the employer of the illness.

The Act implies that there shall be no discrimination on the grounds of HIV and AIDS status.

6.4 Factories and Other Places of Work Act Cap.514

The Government is in the process of repealing the Factories and Other Places of Work Act. Cap 514 with a view to enact a new law which will provide for safety, health and welfare of persons employed and all persons lawfully present at workplaces and for matters incidental thereto and connected therewith purposes.

The Act requires of the employer, as far as it is reasonably practicable, to create a safe working environment for the employees. The implication of the Act regarding HIV is that the employer needs to ensure that the risk of possible infection in the workplace is minimized.

6.5 The TSC Act Cap 212, Codes of Regulations and Code of Conduct and Ethics

These provisions cover TSC employees as also specified in the TSC Act Cap 212 and Codes of Regulations and the Code of Conduct and Ethics.

7.0 PRINCIPLES

The Principles that guide this sub-sector policy are in accordance with international conventions, national laws, policies, guidelines and regulations. These principles are:

7.1 Recognition of HIV and AIDS as a workplace issue

HIV and AIDS is a workplace issue and shall be treated like any other serious illness/condition in the workplace. This is necessary not only because it affects the workforce, but also the workplace being part of the local community, has a role to play in the wider struggle to limit effects of the pandemic.

7.2 Non-Discrimination

There shall be no discrimination and/or stigmatization of employees on the basis of real or perceived HIV status. Discrimination and stigmatization of the infected inhibits efforts aimed at promoting HIV prevention.

7.3 Gender Equality

Gender dimensions of HIV and AIDS shall be recognized. Women are most likely to become infected and are more often adversely affected by the HIV and AIDS pandemic than men due to biological, social-cultural and economic reasons. The greater the gender discrimination in societies and the lower position of women, the more negatively they are affected by HIV. Therefore, equal gender relations and the empowerment of women are vital to successful prevention of the spread of HIV infection and enable women to cope with HIV and AIDS.

7.4 Safe and Healthy Work Environment

The work environment shall be healthy and safe and adapted to the state of health and capabilities of workers. All managers have a responsibility to minimize the risk of HIV transmission by taking the appropriate First Aid/Universal infection control precautions at the workplace.

7.5 Social Dialogue

A successful HIV and AIDS policy requires co-operation, willingness and trust amongst the employer, employees and stakeholders through dialogue.

7.6 Screening for purpose of Employment

HIV and AIDS screening shall not be required of job applicants or persons in employment and testing for HIV shall not be carried out at the workplace except as specified in the National HIV and AIDS policy on testing.

7.7 Confidentiality

Access to personal data relating to a worker's HIV status shall be bound by the rules of confidentiality consistent with existing ILO code of practice and medical ethics.

7.8 Continuation of Employment Relationship

HIV infection is not a cause for termination of employment. Employees with HIV related illnesses will be allowed to work for as long as medically fit in available appropriate work.

7.9 Prevention

HIV infection is preventable. Prevention of all means of transmission can be achieved through behaviour change, knowledge, treatment, and the creation of non-discriminatory environment. Social partners are in a unique position to promote prevention effort, particularly in relation to changing attitudes, through the provision of information and education and in addressing socio-economic factors.

7.10 Care, Treatment and Support

All infected and affected employees have the right to access holistic care, treatment and support in line with available resources. The TSC shall work in partnership with agencies offering support and care including institutions, communities, private and public health care systems.

7.11 Management Responsibility

The TSC shall ensure the highest level of leadership as part of the campaign against HIV and AIDS.

7.12 Partnerships

The TSC shall be responsible and accountable for the implementation of this sub-sector policy. It will at all times seek to develop effective partnerships to enhance the success of the sub-sector policy implementation.

7.13 Fair Labour Practices

Every employee whether infected or affected has the right to fair labour practices in terms of registration, recruitment, appointment and continued enjoyment of employment, promotion, training and benefits. HIV testing as a requirement for any of the above is prohibited

7.14 Workplace ethics

There shall be zero tolerance to sexual harassment, abuse and exploitation.

7.15 Greater involvement of People Living With HIV and AIDS (PLWHA)

The involvement of PLWHA in educating and informing other employees shall be promoted at all workplaces of the TSC.

8.0 MANAGEMENT OF HUMAN RESOURCE

The Human Resource is the most important factor of production in any organization as it controls all the others. Success or failure of an organization depends largely on the Human resource and there is therefore need to examine the issues that affect it. According to ILO, HIV and AIDS is a major threat to the world of work because it affects the most productive segment of the labour force. It is imposing huge costs on enterprises in all sectors through declining productivity and earnings, increasing labour costs and loss of skills and experience. It has led to high staff turnover, high costs in training and replacement, high health care and employee welfare costs including funeral expenses.

In this regard, managers in the TSC have a particularly important role to play in its response to HIV and AIDS. It is their responsibility to address the problems caused by HIV and AIDS in the workplace at both institutional and individual levels. The dichotomy between institutional requirements and those of individuals living with or affected by HIV and AIDS makes this a challenging task.

This sub-sector policy is the starting point for the management of HIV and AIDS in the workplace as it establishes a coherent approach in addressing the issues associated with the pandemic. It provides consistency in dealings with its employees through the programmes, procedures and rules that flow from the policy.

This sub-sector policy addresses the following human resource management issues:

8.1 Recruitment and Promotion

HIV screening shall not be a requirement for staff recruitment, and /or promotion.

8.2 Sick leave

Sick leave shall be provided for as stipulated in the TSC Codes of Regulations. However, any additional sick leave days will be decided on case-by-case basis at the discretion of Commission.

8.3 Working hours

Normal working hours shall continue to apply for all TSC employees. However, a more flexible approach may be applied for those who are infected or affected.

8.4 Counselling services

The TSC shall ensure that each of its workplaces has a pool of skilled counselors trained from among the staff to provide counselling and referral services.

8.5 Termination of Employment

The policies and procedures pertaining to termination of services shall apply to all employees. No employee shall be dismissed or have employment terminated based solely on perceived or actual HIV status.

8.6 Medical Privileges

The normal provision of medical privileges shall continue to apply. However, to reduce the negative effects of illness and incapacity on employees, the TSC shall advocate to the Government to take steps to improve access to comprehensive care.

8.7 Deployment and Transfers

The TSC shall from time to time review current policies, codes and deployment and transfer practices of employees. In particular, the Commission shall ensure that:

- Where possible, partners and spouses are not separated to minimize vulnerability;
- Where employees are deployed in remote areas, the period served in such areas is limited to five (5) years.
- Where possible, staff requiring access to family support or medical care are deployed appropriately; and
- Where fitness to work is impaired by illness, reasonable alternative working arrangements may be made.

8.8 Relief Services

The Commission shall advocate for adequate resources from the Government for relief workforce to offer relief services. Where an employee is temporarily unable to perform their duties, reasonable alternatives through employee relief services may be made.

8.9 Training and Development

The TSC shall:

- Educate and train all its employees on HIV and AIDS related issues;
- Monitor and evaluate human resource so that there is adequate supply of appropriately skilled manpower to meet the needs for service delivery;
- Mainstream HIV and AIDS in all its workplaces and undertake regular updates to respond to the dynamics of HIV and AIDS; and
- Ensure there is appropriate recognition of HIV and AIDS related training and development of career paths that encourage staff to work and remain in HIV and AIDS related fields.

8.10 Sexual Harassment, Abuse and exploitation

There shall be zero tolerance to sexual harassment, abuse and exploitation in the workplace. Involvement in these vices shall be treated as gross misconduct and where proven, shall lead to disciplinary action.

8.11 Gender Responsiveness

HIV and AIDS affects and impacts on women and men differently due to their biological, social, cultural and economic circumstances. Application of this sub-sector policy shall be responsive to their different needs.

8.12 Exposure at the Workplace

- Employees who accidentally get exposed to HIV in the course of their duties shall be entitled to immediate Post-Exposure Prophylaxis (PEP) and follow up in the form of treatment in case of infection.
- Provision shall be made to ensure safety and absence of risk to health, arising from the use, handling, storage and transport of articles and substances.

8.13 Retirement on Medical Grounds

HIV and AIDS is not a cause for termination of employment. As with many other illnesses, persons with HIV related illnesses should be able to work as long as medically fit for available appropriate work, or until declared unfit to work by a Medical Board. Where an employee is medically unfit to continue working, the Commission will hasten the retirement process.

8.14 Terminal Benefits

Whenever an employee retires or dies due to HIV and AIDS or other reasons, the Commission will facilitate speedy processing of terminal benefits. Accordingly, it will be necessary for both the employer and employees to ensure that the next of kin records are updated regularly.

8.15 Confidentiality and Disclosure

- Disciplinary action, consistent with relevant legislation and regulations, will be taken against any employee who discloses a fellow employee's HIV sero status without consent.
- Creating a climate of openness about HIV and AIDS is an effective prevention and care strategy. The Commission shall create a working environment in which employees can feel safe to disclose their HIV status.

8.16 Discrimination and Stigma

- All employees have the same rights and obligations as stipulated in the terms and conditions of service.
- No employee or job applicant shall be discriminated against in access to or continued employment, training, promotion and employee benefits on the basis of their actual or perceived HIV status.

- Employees shall not refuse to work or interact with fellow colleagues on the grounds that the latter are infected or perceived to be infected. Such refusal shall constitute misconduct.

8.17 Grievances and Concerns

The Chief Executive shall establish and maintain communication channels for employees to raise concerns and grievances and access support relating to HIV and AIDS.

8.18 Management Responsibility

A manager has an obligation and a responsibility to:

- Show leadership as part of the Commission's campaign to address the pandemic;
- Be educated and informed about the pandemic including developments in respect of prevention and treatment;
- Implement this sub-sector policy, as well as to continuously disseminate information about HIV and AIDS to all employees; and
- Include HIV and AIDS workplace issues in the Commission's strategic plan.

8.19 Employee Responsibility

- It is the responsibility of an employee to take appropriate action on being informed about HIV and AIDS, to protect him/herself and the family and seek guidance and counselling.
- All employees must comply with the HIV and AIDS sub-sector workplace policy. In addition, all employees are expected to attend, lend support to and participate in all activities aimed at combating HIV and AIDS.
- It is the moral responsibility of infected employees to take care of themselves and others to avoid re-infection and infecting others.

9.0 HIV AND AIDS PROGRAMMES IN THE WORKPLACE

The main thrust of this sub sector policy revolves around initiating and carrying out programmes in the workplace. The component of the programmes will include but not limited to the following:

9.1 Prevention and Advocacy

The programmes will be sub-sector specific and will involve creation of HIV and AIDS awareness and promotion of positive cultural and behavioral change among employees. Some of these are:

- Promotion of testing and support programmes in the workplace;
- Provision of information on safe sex practices;
- Promotion of attitude and behaviour change;

- Establishing of HIV and AIDS resource centres;
- Encouraging HIV and AIDS peer education and counselling programmes at the workplace; and
- Creating a pool of resource persons on HIV and AIDS intervention programmes.

9.2 Care and Support of the Infected and affected

Comprehensive care of the infected and affected calls for a collaborative approach involving various stakeholders. This will also help mitigate the negative socio- economic impact.

Some of the critical components include:

- Establishment of appropriate linkages, networks and referral systems for comprehensive care and support;
- Setting up and strengthening social support structures;
- Linking infected employees to support groups;
- Strengthening of institutional health facilities where available; and
- Provision of counselling services at the workplace.

10.0 IMPLEMENTATION

The ultimate goal of this sub-sector policy is to ensure that the Commission is able to sustain the provision of quality service in spite of the challenges posed by HIV and AIDS. The success of this sub sector policy will therefore depend on its effective implementation and a co-coordinated effort of stakeholders. The following components will form the implementation modalities

10.1 Institutional Framework

An Institutional Framework is necessary as illustrated in Annex 1, for the implementation of the workplace sub-sector policy particularly with respect to human and financial resource management. This calls for high level commitment by the Chief Executive in terms of allocation of adequate resources for HIV and AIDS programmes under the Medium Term Expenditure Framework (MTEF) to facilitate effective implementation of this policy. The TSC's ACU will be strengthened by designating officers on full time basis to co-ordinate HIV and AIDS activities and the HIV and AIDS sub-sector workplace policy. It will link up with HIV and AIDS Secretariat at the DPM for formulation and review of the HIV and AIDS workplace policy in the public sector.

The HIV and AIDS Secretariat at the DPM will advice the Commission's ACU with regard to implementing HIV and AIDS sub-sector policy in liaison with National AIDS Control Council (NACC).

The ACU will be manned by at least three (3) senior officers who report directly to Secretary/Chief Executive.

The Chief Executive is responsible and accountable for implementing this sub-sector policy and development of appropriate HIV and AIDS programmes and practices in the workplace. The Chief Executive shall also take immediate and appropriate corrective action when provisions of this sub-sector policy are violated.

10.2 Roles, Responsibilities and Accountability

The institutions responsible for implementing this sub sector policy are:

10.2.1 Commission Secretary/Chief Executive

The responsibilities of the CS/CE, TSC in the Implementation of this sub-sector policy shall be to:

- Develop, implement and review the sub-sector specific policy;
- Advocate for HIV and AIDS issues in decision making at all levels;
- Ensure allocation of resource and evidence based budgeting;
- Monitor and evaluate the sub sector policy;
- Strengthen commitment at all levels of management;
- Create partnerships with and across Ministries, development partners and stakeholders;
- Provide support to the ACU and sub-ACUs;
- Link HIV and AIDS to the MTEF budgeting process;
- Mobilize resources.

10.2.2 Senior Deputy Secretary (Administration)

The responsibilities of the Senior Deputy Secretary (Adm) in the Implementation of this sub- sector policy shall be to deputise CS/CE, TSC in:

- Developing, implementing and reviewing the sub-sector specific policy;
- Advocating for HIV and AIDS issues in decision making at all levels;
- Ensuring allocation of resource and evidence based budgeting;
- Monitoring and evaluating the sub sector policy;
- Strengthening commitment at all levels of management;
- Creating partnerships with and across Ministries, development partners and stakeholders;

- Providing support to the ACU and sub-ACUs;
- Linking HIV and AIDS to the MTEF budgeting process;
- Mobilizing resources.

10.2.3 AIDS Control Unit (ACU) in the Commission

The ACU shall be responsible to the Chief Executive for implementation of this sub-sector policy.

Functions of ACU shall be to:

- Ensure that HIV and AIDS is mainstreamed into the core functions of the Commission;
- Provide information necessary for planning and budgeting for HIV and AIDS programmes;
- Ensure that HIV and AIDS sub- sector policy is implemented within the Commission;
- Develop and adopt guidelines for the use of allocated resources for HIV an AIDS activities;
- Make proposals for enhancing the HIV and AIDS sub-sector workplace policy;
- Develop operational objectives and prepare Action Plans for the fight against HIV and AIDS in the Commission;
- Constitute Secretariat for the Commission's HIV and AIDS committee and co-ordinate activities for the sub-ACUs;
- Conduct statistical analysis and compile data for use by the sub-sector;
- Liaise with NACC, DPM, HIV and AIDS Secretariat and other ACUs for best practices sharing and implementation;
- Introduce new services or models of service delivery to deal with the dynamics of HIV and AIDS;
- Advocate for legislation to protect the infected from discrimination and to encourage effective roles in prevention and care by all relevant stakeholders; and
- Develop sub-sector specific Information, Education and Communication (IEC) materials.

11.0 MONITORING, EVALUATION AND RESEARCH

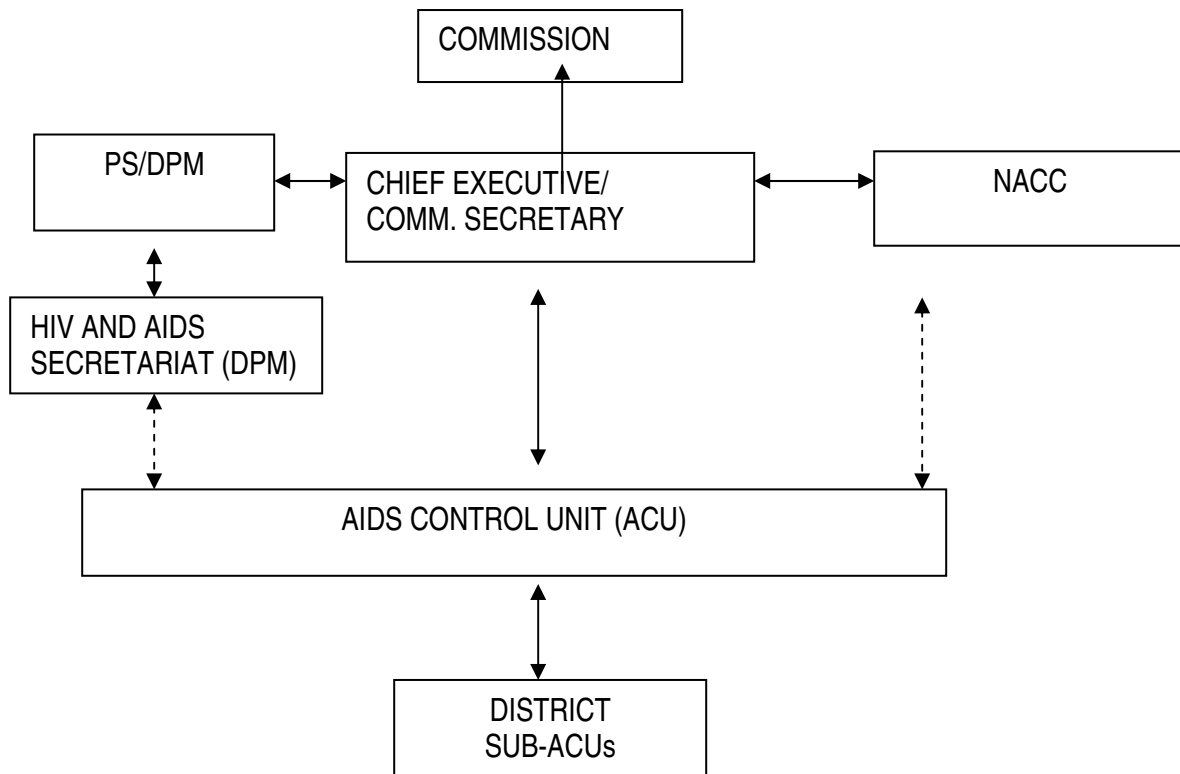
The Commission shall generate information on staff welfare and service delivery through monitoring, evaluation and research for planning, decision-making, resource allocation and managing the sub-sector's response to HIV and AIDS.

12.0 POLICY REVIEW AND DEVELOPMENT

This sub-sector policy will be reviewed from time to time to ensure it remains relevant to the needs of the Commission. Individual workplaces will develop guidelines in line with this sub-sector policy to reflect workplace specific mandates and needs.

ANNEX 1

INSTITUTIONAL FRAMEWORK FOR SUB-SECTOR WORKPLACE POLICY ON HIV AND AIDS INCLUSIVE OF EXTERNAL PARTNERS

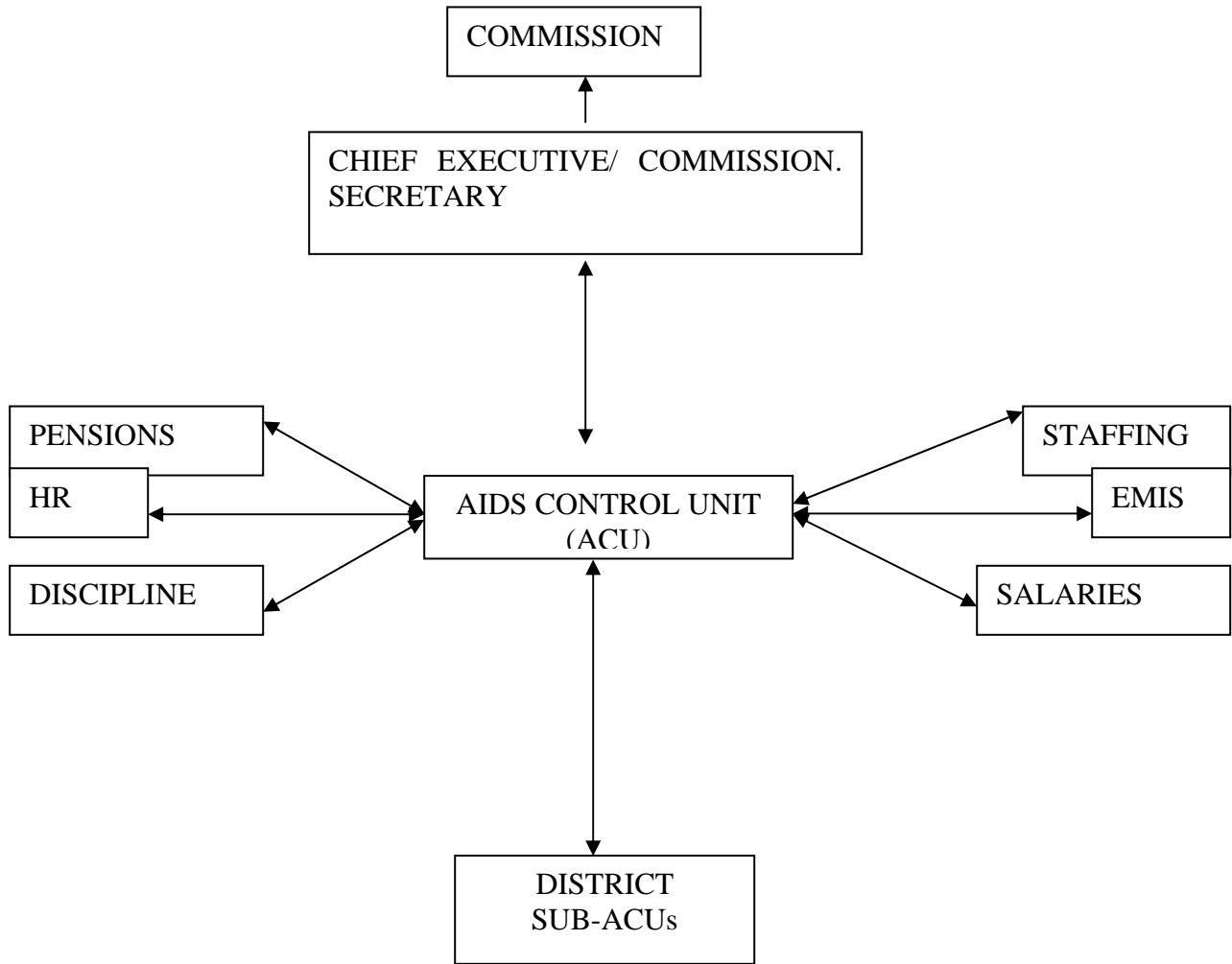


Key:

- | | |
|------------|---|
| PS/DPM | -In charge of HIV and AIDS Human Resource Planning |
| CEO & NACC | -In charge of Sub-sector specific HIV and AIDS programmes |

ANNEX 2

**INSTITUTIONAL FRAMEWORK FOR SUB-SECTOR WORKPLACE POLICY ON HIV AND AIDS
WITHIN THE TEACHERS SERVICE COMMISSION**



ANNEX 3

Roles and responsibilities of external partners in the workplace sub-sector policy implementation process (see Annex 1)

NACC

The National AIDS Control Council was established under a Legal Notice No.170 of 26th September 1999 to mobilize resources and co-ordinate the multisectoral response to the epidemic. Its main roles are to:

- Mobilize resources;
- Mobilize and co-ordinate HIV and AIDS intervention in all sectors;
- Develop policy, strategy and guidelines;
- Support the development of sector specific programmes;
- Develop National Management Information Systems (MIS);
- Collaborate with Local international agencies;
- Develop mechanisms and guidance for implementing agencies on selection of activities, monitoring and evaluation of activities; and
- Play a leadership role in advocacy for the prevention of spread and provision of care and support to those infected and affected by HIV and AIDS.

Permanent Secretary/Director of Personnel Management

The responsibilities of Permanent Secretary/Director of Personnel shall be to:

- Ensure HIV and AIDS workplace policy is implemented in the public sector;
- Formulate and review HIV and AIDS workplace policies in the public sector;
- Build capacity in the ACUs to implement workplace policies; and
- Monitor and Evaluate implementation of workplace policies.

HIV and AIDS Secretariat in the Directorate of Personnel Management

The functions of the HIV and AIDS Secretariat shall be to:

- Co-ordinate implementation of the HIV and AIDS workplace policy in the public sector;
- Identify training needs and build capacity in ACUs;
- Advise ACUs in public sector organizations on Human Resource issues as relates to HIV and AIDS;

- Develop and review HIV and AIDS workplace policy in the public sector;
- Maintain linkages with ACUs;
- Organize bi-annual consultative meetings for public sector organizations and other stakeholders to review progress in the implementation of the workplace policy; and
- Establish and maintain HIV and AIDS human resource related database for the public sector.

ANNEX 4

Minimum Internal requirements

The Commission will be responsible for developing an annual HIV and AIDS Work Plan that addresses both the internal and workplace domain clientele. The aspects of the work plan that address the external domain will differ in focus and intensity across workplaces. The internal aspects of the plan will be built upon the foundation of Minimum Internal Requirements (MIR) to be implemented by the Teachers Service Commission. Additional activities can be planned and implemented based on each workplace's mandate and needs, but the Commission will be responsible for developing and implementing appropriate activities based on the key areas outlined in the Minimum Internal Requirements below:

- a) Introduce and intensify appropriate education, awareness and prevention programmes on HIV and AIDS and where possible, integrate those programmes with others that promote the health and well-being of employees;
- b) Create mechanisms within the workplace to encourage openness, acceptance, care and support for HIV-positive employees;
- c) Designate an officer or officers with adequate skills seniority and support to implementation provisions of this sub-sector policy and ensure that the officer(s) so designated is/are held accountable by means of performance indicators in the implementation of the policy;
- d) Form partnerships with other departments, organizations and individuals who are able to assist with health promotion programmes;
- e) Establish a HIV and AIDS committee in the Commission with adequate representation from all the departments/divisions/institutions and support from all relevant stakeholders;
- f) Ensure that all programmes include an effective internal communication strategy;
- g) Collect and disseminate routine information on absenteeism, morbidity and mortality for purposes of Human Resource Planning;
- h) Provide guidance and counselling services;
- i) Mainstream HIV and AIDS into the organization's overall strategic plans;
- j) Develop and enforce workplace policies /guidelines;
- k) Allocate adequate human and financial resources to implement the policy and establish a sub-sector budget line for HIV and AIDS programmes; and
- l) Monitor and evaluate the impact of HIV and AIDS and intervention programmes.