

**DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION
DEPARTEMENT VAN STAATSDIENS EN ADMINISTRASIE**

No. R. 840**21 June 2002****AMENDMENT OF PUBLIC SERVICE REGULATIONS, 2001**

The Minister for the Public Service and Administration has, under section 41 of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), amended the Public Service Regulations, 2001 (promulgated under Government Notice No. R. 1 of 5 January 2001), as amended, as set out in the Schedule.

SCHEDULE

Part VI of Chapter 1 is hereby amended—

- (a) by the substitution for regulation VI A of the following regulation:

"A. PRINCIPLES

The working environment should support effective and efficient service delivery while, as far as reasonably possible, taking employees' personal circumstances, including disability, HIV (Human Immunodeficiency Virus, hereinafter referred to as HIV) and AIDS (Acquired Immune Deficiency Syndrome, hereinafter referred to as AIDS) and other health conditions into account."; and

(b) by the insertion after regulation VI D of the following regulations:

"E. HIV/AIDS AND RELATED DISEASES**E.1 Occupational exposure**

A head of department shall—

- (a) identify units or employees within the department that, due to the nature of their work, are at high risk of contracting HIV and other related diseases, and take reasonable steps to reduce the risk of occupational exposure to HIV and such diseases;
- (b) take all reasonable steps to facilitate timely access to voluntary counselling and testing and post-exposure prophylaxis in line with prevailing guidelines and protocols for employees who have been exposed to HIV as a result of an occupational incident; and
- (c) if the testing referred to in paragraph (b) indicates that an employee has become HIV-positive as a result of the occupational incident, ensure that the employee is assisted to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).

E.2 Non-discrimination

A head of department shall—

- (a) ensure that no employee or prospective employee is unfairly discriminated against on the basis of her or his HIV status, or perceived HIV status, in any employment policy or practice; and
- (b) take appropriate measures to actively promote non-discrimination and to protect HIV-positive employees and employees perceived to be HIV-positive from discrimination.

E.3 HIV testing

A head of department shall—

- (a) encourage voluntary counselling and testing for HIV and other related health conditions and, wherever possible, facilitate access to such services for employees in the department; and
- (b) ensure that no employee or prospective employee of the department is required to take a HIV test unless the Labour Court has declared such testing as justifiable in terms of the Employment Equity Act, 1998 (Act No. 55 of 1998).

E.4 Confidentiality and disclosure

All employees shall treat information on an employee's HIV status as confidential and shall not disclose that information to any other person without the employee's written consent.

E.5 Health promotion programme

A head of department shall—

- (a) introduce appropriate education, awareness and prevention programmes on HIV/AIDS and other sexually transmitted infections for the employees in the department and, where possible, their families, and as far as possible, integrate those programmes with programmes that promote the health and well-being of employees;
- (c) designate a member of the SMS with adequate skills, seniority and support to implement the provisions contained in regulation VI E within the department, and ensure that the member so designated is held accountable by means of her or his performance agreement for the implementation of the provisions;
- (d) allocate adequate human and financial resources to implement the provisions of regulation VI E, and, where appropriate, form partnerships with other departments, organisations and individuals who are able to assist with health promotion programmes;
- (e) establish an HIV/AIDS committee for the department with adequate representation and support from all relevant stakeholders, including trade union representatives, to facilitate the effectiveness of the provisions of regulation VI E; and
- (f) ensure that the health promotion programme includes an effective internal communication strategy.

F. MONITORING AND EVALUATION

A head of department shall introduce appropriate measures for monitoring and evaluating the impact of the health promotion programme among the employees of the department."