



CENTRE FOR DEVELOPMENT IN SOCIAL JUSTICE (CDSJ)

HIV AND AIDS IN THE WORKPLACE POLICY



CENTRE FOR DEVELOPMENT
— IN SOCIAL JUSTICE —
A People-Centered Development

1. Title

This instrument shall be known as the **CDSJ HIV and AIDS in the Workplace Policy**.

2. Effective Date

This Policy takes effect on the date of approval by the competent governance authority of CDSJ and remains in force until amended or repealed.

3. Purpose

This Policy sets the rules for how CDSJ prevents discrimination related to HIV and AIDS, protects confidentiality, supports fair treatment in employment, promotes workplace awareness, manages reasonable accommodation, and responds appropriately to HIV-related issues affecting staff in the workplace.

This Policy is adopted because HIV remains both a workplace issue and a human rights issue. Even where treatment access has improved, employees may still face stigma, discrimination, fear of disclosure, misinformation, exclusion, and unfair assumptions about health, productivity, or suitability for work. In a rights-based organisation such as CDSJ, such treatment is unacceptable. At the same time, the organisation must manage HIV-related issues practically and lawfully in employment, including confidentiality, leave, workload adjustment, medical support access, and staff awareness. This Policy therefore establishes a clear framework to ensure that HIV is handled as a matter of dignity, fairness, non-discrimination, and responsible people management rather than fear, gossip, prejudice, or silence.

4. Application

This Policy applies to:

- a. all CDSJ employees, whether permanent, fixed-term, temporary, probationary, or part-time;
- b. managers and supervisors responsible for staff oversight;
- c. all CDSJ offices, branches, projects, and future country operations; and
- d. to the extent relevant, interns, volunteers, consultants, associates, and applicants where HIV-related conduct or information handling affects their treatment in a CDSJ process.

This Policy applies to all workplace-related matters involving HIV and AIDS, including recruitment, employment, promotion, retention, confidentiality, staff support, non-discrimination, awareness, and reasonable workplace adjustment.

5. Policy Statement

CDSJ shall maintain a workplace free from HIV-related stigma, discrimination, harassment, exclusion, and unfair treatment.

CDSJ shall:

- a. not discriminate against any person on the basis of real or perceived HIV status;
- b. not require HIV testing as a condition of recruitment, appointment, promotion, retention, deployment, or access to employment benefits, except where required by law in a narrowly lawful context;
- c. protect the confidentiality of HIV-related information;
- d. provide reasonable workplace support or adjustment where appropriate; and
- e. promote awareness and accurate information about HIV and AIDS in the workplace.

No employee may be treated as less capable, less trustworthy, unsafe, or less deserving of opportunity merely because of actual or perceived HIV status.

6. Guiding Rules

All implementation of this Policy must follow these rules:

- a. HIV is not a lawful basis for discrimination in CDSJ employment practice;
- b. confidentiality of HIV-related information must be strictly protected;
- c. no employee is required to disclose HIV status unless they choose to do so, or unless a narrowly defined lawful requirement applies;
- d. workplace decisions must be based on actual work requirements and performance, not assumptions or fear;
- e. managers must respond respectfully where an employee discloses HIV-related needs; and
- f. awareness, prevention, and support must be handled in a non-stigmatising manner.

7. Definitions

For purposes of this Policy:

HIV means Human Immunodeficiency Virus.

AIDS means Acquired Immunodeficiency Syndrome.

HIV-related information means any information concerning a person's HIV status, testing history, treatment, disclosure, or related medical condition.

Discrimination means unfair or unequal treatment based on actual or perceived HIV status.

Reasonable Workplace Adjustment means a practical adjustment to work arrangements, duties, schedule, or support measures that helps an employee continue working fairly and safely without imposing disproportionate operational burden on CDSJ.

8. Non-Discrimination Rule

No employee, applicant, intern, volunteer, associate, consultant, or other person covered by this Policy may be:

- a. refused recruitment or appointment;
- b. denied promotion or training opportunity;
- c. excluded from meetings, duties, or assignments;
- d. dismissed, transferred, or treated unfairly;
- e. harassed, mocked, or isolated; or
- f. denied a workplace benefit or process

because of actual or perceived HIV status.

This applies equally to direct discrimination and to indirect conduct, such as gossip, avoidance, role stripping, or silent exclusion based on HIV-related assumptions.

9. HIV Testing and Recruitment

9.1 No Mandatory Testing

CDSJ shall not require HIV testing:

- a. before recruitment;
- b. during recruitment;
- c. at appointment;
- d. during employment;
- e. before promotion;

- f. before international travel or deployment, unless a lawful and unavoidable external requirement clearly applies; or
- g. as a condition for receiving benefits or support.

9.2 Voluntary Testing

Nothing in this Policy prevents an employee from seeking voluntary HIV testing privately or through public or private health services. However, voluntary testing remains the individual's choice and may not be coerced by a manager or CDSJ process.

10. Confidentiality of HIV-Related Information

10.1 Strict Confidentiality

All HIV-related information must be treated as highly confidential.

10.2 Disclosure by Employee

An employee may choose to disclose HIV status to CDSJ for purposes such as:

- a. requesting workplace adjustment;
- b. seeking support or flexibility;
- c. managing treatment-related work arrangements; or
- d. addressing a related employment concern.

10.3 Use of Information

If HIV-related information is disclosed, CDSJ may use it only for legitimate employment support, HR administration, or other lawful and necessary purpose directly connected to the issue for which it was shared.

10.4 No Casual Disclosure

No manager, HR officer, colleague, or other person may disclose a staff member's HIV-related information casually, publicly, or beyond the need-to-know circle.

10.5 File Handling

Where HIV-related information is held in a personnel or support context, it must be stored securely and with restricted access.

11. Disclosure Is Voluntary

An employee is not required to disclose HIV status to CDSJ unless they choose to do so.

Where an employee does not disclose HIV status, CDSJ may not:

- a. force disclosure;
- b. speculate publicly;
- c. pressure the employee to explain medical matters beyond what is necessary for ordinary sick leave or support administration; or
- d. treat the absence of disclosure as dishonesty.

If an employee seeks a workplace adjustment or special support, CDSJ may ask only for enough information to understand the work-related need and not for intrusive personal detail beyond what is reasonably necessary.

12. Fair Treatment in Employment

All employment decisions must be based on:

- a. job requirements;
- b. actual performance;
- c. conduct;
- d. availability;
- e. capability; and
- f. lawful organisational need.

CDSJ may not make employment decisions based on HIV-related assumptions such as:

- a. that a staff member will automatically become unproductive;
- b. that a staff member cannot handle responsibility;
- c. that a staff member is unsafe to colleagues;
- d. that an employee should be moved out of visibility or leadership; or
- e. that a staff member should be denied progression because of possible future illness.

13. Workplace Adjustment and Support

13.1 General Rule

Where an employee living with HIV requires reasonable workplace support or adjustment, CDSJ may consider practical measures such as:

- a. temporary flexibility for treatment appointments;
- b. short-term workload adjustment;
- c. temporary leave support under the Leave Policy;
- d. temporary remote work or hybrid arrangement where appropriate;
- e. scheduling accommodation where feasible; or
- f. another practical support measure consistent with role and operational needs.

13.2 No Automatic Entitlement to Unlimited Adjustment

Support must be reasonable and feasible. CDSJ is not required to maintain an arrangement that fundamentally prevents the role from being performed, but it must consider good-faith options before refusing support.

13.3 Review of Adjustment

Any material workplace adjustment should be reviewed periodically to confirm whether it remains necessary and workable.

14. Leave and Medical Support Interaction

An employee living with HIV may use the normal leave framework under the Leave Policy, including:

- a. sick leave;
- b. annual leave;
- c. unpaid leave where appropriate; or
- d. other lawful leave categories where relevant.

HIV-related health management should be handled under the same fair employment principles as other health-related needs, subject to the additional confidentiality protections in this Policy.

15. Harassment, Stigma, and Workplace Conduct

The following conduct is prohibited:

- a. HIV-related jokes, rumours, insults, or mocking comments;
- b. spreading unverified information about a person's HIV status;
- c. isolating or avoiding a colleague because of actual or perceived HIV status;
- d. pressuring a colleague to disclose status;
- e. using HIV-related information to undermine, threaten, or shame a person; or
- f. disclosing HIV-related information as retaliation or gossip.

Any such conduct may be addressed under the Code of Conduct and Ethics Policy, the Grievance and Complaints Handling Policy, and the Disciplinary Policy.

16. Awareness, Education, and Workplace Information

CDSJ should periodically support HIV and AIDS awareness in the workplace, including:

- a. basic accurate information on HIV transmission and non-transmission;
- b. reduction of stigma and myths;
- c. workplace rights and non-discrimination;
- d. encouragement of voluntary testing and treatment access through appropriate channels; and
- e. promotion of respectful and supportive workplace culture.

Awareness under this Policy must not be moralising, coercive, or intrusive. It must be rights-based, factual, and respectful.

17. HIV Prevention and Health Information

CDSJ may support workplace awareness and prevention efforts through:

- a. awareness sessions;
- b. referral information to public or private services;
- c. health information materials;
- d. access to prevention information relevant to the operating context; or
- e. participation in broader workplace wellness activities.

Nothing in this Policy authorises intrusive monitoring of staff private lives. Prevention support must be education-based and voluntary.

18. Grievances and Complaints

Any employee or other covered person who believes they have experienced HIV-related discrimination, stigma, unfair treatment, disclosure breach, or harassment may raise the matter through:

- a. the line manager where appropriate;
- b. the next-level manager where necessary;
- c. the HR focal point or HR officer;
- d. the Grievance and Complaints Handling Policy; or
- e. another relevant internal policy mechanism depending on the facts.

Such complaints must be treated seriously and not dismissed as “personal sensitivity” or “private misunderstanding” where workplace conduct is involved.

19. Managers' Responsibilities

Managers and supervisors must:

- a. not ask inappropriate questions about HIV status;
- b. respond respectfully where a staff member discloses a need;
- c. protect confidentiality;
- d. stop stigma or discriminatory behaviour in their teams;
- e. not make assumptions about capability; and
- f. escalate support needs or serious discrimination issues appropriately.

A manager who mishandles HIV-related information or encourages discriminatory treatment breaches this Policy.

20. Occupational Exposure and First Response

Where a work situation involves possible exposure to blood, injury, or another health-related incident, the response must be guided by universal safety practice, health and safety procedures, and urgent medical referral where appropriate.

No person may single out or treat a colleague as a special danger merely because of known or suspected HIV status. Health and safety response must be based on proper universal precautions, not stigma.

21. Relationship to Medical Schemes and Wellness Support

Where CDSJ provides medical aid or wellness-related support under the Remuneration, Benefits, and Allowances Policy or the Employee Wellness, Mental Health, and Psychosocial Support Policy, employees living with HIV must be treated fairly and without discriminatory exclusion within the lawful terms of the approved scheme or support framework.

22. Records

Where an HIV-related support issue, accommodation request, or complaint is formally handled, a confidential record may be kept showing:

- a. the date the matter arose;
- b. the type of support or concern;
- c. the management response;
- d. any agreed adjustment or referral; and
- e. any review date.

No unnecessary or intrusive HIV-related documentation may be created.

23. Non-Retaliation

No employee may be punished, isolated, denied opportunity, or treated adversely because they:

- a. disclosed HIV status in confidence;
- b. requested reasonable support;
- c. complained of discrimination or stigma; or
- d. supported another person raising such a concern.

This does not prevent ordinary performance management or discipline where justified on independent grounds, but those processes must not be used to disguise HIV-related retaliation.

24. Misuse and False Disclosure Issues

This Policy must be applied in good faith.

Knowingly false allegations, malicious disclosure claims, or misuse of confidential health information processes may be addressed under the appropriate disciplinary or grievance process. However, the fact that a matter is difficult or sensitive is not a reason to assume bad faith.

25. Country Operations Clause

This Policy applies across all CDSJ operations.

Where a country of operation requires additional statutory protection, anti-discrimination measures, workplace HIV obligations, confidentiality requirements, medical testing restrictions, or employee rights protections, CDSJ shall issue a country annex. The annex may add requirements but may not reduce the minimum rights, confidentiality, and non-discrimination standards in this Policy unless mandatory local law requires a different arrangement.

26. Related Instruments

This Policy shall be read together with:

- the Constitution of CDSJ;
- the CDSJ Policy Framework;
- the Board Governance and Oversight Charter;
- Human Resources Policy;
- Employee Wellness, Mental Health, and Psychosocial Support Policy;
- Occupational Health and Safety Policy;
- Gender Equality, Employment Equity, Diversity, and Inclusion Policy;
- Grievance and Complaints Handling Policy;
- Disciplinary Policy;
- Remuneration, Benefits, and Allowances Policy;
- Leave Policy;
- Records Management and Document Retention Policy; and
- any approved workplace awareness tools, confidential support notes, or country annexes.

27. Review

This Policy must be reviewed at least once every three years, or earlier if required by legal change, repeated workplace discrimination concerns, workforce review, governance direction, or country expansion.

28. Approval

Approved by: Adv. Motlatsi J Mofolo
Approving Authority: Director and Boards Ex-Officio
Date of Approval: 10 February 2026
Effective Date: 1st March 2026