

Collective Bargaining Agreement: Printing, Packaging and
Newspaper Industry

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare has, in terms of section 80 of the Labour Act [*Chapter 28:01*], published the Collective Bargaining Agreement set out in the Schedule, which has been registered in terms of section 79 of the Labour Act [*Chapter 28:01*].

SCHEDULE

WORKPLACE POLICY ON HIV AND AIDS

1. *Title*

These regulations shall be cited as the National Employment Council (NEC) for the Printing, Packaging and Newspaper Industry Workplace Policy on HIV and AIDS.

2. *Purpose*

The purpose of this policy is to serve as a guide on the management of HIV and AIDS at the workplace in the NEC for the Printing, Packaging and Newspaper Industry.

3. *Scope*

To include employees, employers in the Printing, Packaging and Newspaper Industry as well as job seekers and applicants.

4. *Objectives*

This policy seeks to provide clarity on the National Employment Council for the Printing, Packaging and Newspaper Industry's views and commitments on HIV and AIDS. The policy also seeks to provide comprehensive management of HIV positive employers and employees living with AIDS. The policy also aims at focusing on aspects of HIV and AIDS which, if not carefully addressed may impact negatively on the Industry's business and or the well-being of employees. The Industry recognises the

seriousness and implications of HIV and AIDS on employees and employers.

5. *Responsible persons*

- (i) The HIV and AIDS Committee;
- (ii) Federation of Master Printers of Zimbabwe;
- (iii) Zimbabwe Graphical Workers' Union;
- (iv) All levels of management;
- (v) All employees.

6. *Definitions/Explanation of terms*

- 6.1 **Acquired Immune Deficiency Syndrome (AIDS)** – is a condition that follows an infection with a virus known as Human Immune Deficiency Virus (HIV); which causes a breakdown of the body's natural defense mechanisms leaving the carrier increasingly vulnerable to opportunistic infections and malignant tumors. It is caused by our body being unable to fight infections. At present, there is neither vaccination nor cure for it.
- 6.2 **Confidentiality** – not disclosing private or personal information without consent.
- 6.3 **Counselling** – interpersonal interaction between the counsellor and the client that enables the client to deal with and make informed decision about his/her situation.
- 6.4 **Discrimination** – any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity, or treatment in employment or occupation.
- 6.5 **HIV is transmitted mostly in four ways—**
- (i) Through unprotected sexual intercourse
 - (ii) From an infected mother to child during pregnancy, birth or breastfeeding

- (iii) Through contaminated (infected) blood products
- (iv) Through sharing contaminated instruments such as sex toys or needles/injections

Not all individuals who become infected with the HIV virus will develop AIDS, and some may experience no symptoms at all although they have the potential to infect others. HIV can live in our bodies without obvious effect. Most people with HIV feel healthy and are capable of living productive, healthy lives for many years. HIV does not usually cause immediate incapacity in a person.

- 6.6 **Industry** – means the Printing, Packaging and Newspaper Industry.
- 6.7 **Infected** – refers to an individual living with HIV and AIDS virus.
- 6.8 **Stigma** – means the social mark, that when associated with a person usually causes marginalisation or presents an obstacle to the enjoyment of social life by the person affected or infected by HIV.
- 6.9 **Workplace** – refers to any place in which workers perform their activity in the formal or informal sector.

7. *Policy*

- 7.1 The Industry commits itself to this policy.
- 7.2 The Industry acknowledges the seriousness of the HIV and AIDS epidemic and seeks to minimise the social, economic and developmental consequences to the employers and employees through comprehensive, proactive HIV and AIDS workplace programmes, therefore committing itself to providing leadership in implementing such programmes. The Industry is fully committed to protect its employees, create awareness, encourage behaviour changes e.g. use of condoms and abstinence, where necessary as well as

ensure that all employees are treated with the necessary dignity, fairness and equality.

- 7.3 HIV positive employees will be governed by the same contractual obligations as all other employees.
 - 7.4 HIV and AIDS education and awareness training will be made available to all employees and employers by the N.E.C. through N. A. C. and other relevant authorities.
 - 7.5 Pre and post-test counselling services will be provided for employees wishing to be tested or for those who are infected with the virus.
 - 7.6 The Industry will ensure that where necessary/appropriate, affected employees and their colleagues and or line managers receive appropriate advice and guidance should such a colleague wish to disclose their status.
 - 7.7 The company will also ensure that affected employees are referred to appropriate professionals, treatment centres for support.
 - 7.8 Consultation with affected employees in managing their illness will also be ensured.
8. *Confidentiality*
- 8.1 Persons with HIV or AIDS have the legal right to confidentiality and privacy concerning their health and HIV status. Under no circumstances will employees be obliged to disclose their HIV status.
 - 8.2 Where an employee chooses to voluntarily disclose his/her HIV status to the employer, this information shall not be disclosed to any other party without the employee's expressed consent.
 - 8.3 All medical information regarding employees with HIV and AIDS will be kept strictly confidential, except where required by law to be disclosed to specified people or

with the consent of the employee. Should any person within the Industry disclose such confidential medical information, without legal authority or relevant consent from the employee, appropriate disciplinary action will be instituted.

- 8.4 The diagnosis of HIV status is confidential. Should an employee wish to disclose to the company that he/she is HIV positive, appropriate counselling service by the employer shall be offered.

9. *Testing*

- 9.1 No employer shall require, whether directly or indirectly, any person to undergo HIV testing or any other forms of screening for HIV as a precondition to the offer of employment.
- 9.2 Subsection 1 shall not prevent the medical testing of persons for fitness for work as a precondition to the offer of employment.
- 9.3 No employer shall require any employee, and it shall not be compulsory for any employee, to disclose, in respect of any matter whatsoever in connection with his/her employment, his/her HIV status.
- 9.4 No person shall, except with the written consent of the employee to whom the information relates, disclose any information relating to the HIV status of any employee unless the information is required to be disclosed in terms of any other law.

10. *Non-discrimination and victimisation*

- 10.1 HIV and AIDS is a disease that shows no racial, gender or class boundaries. The Industry notes that a person with HIV or AIDS must be treated on a similar basis to any other employee suffering from a life threatening disease.

As such, employees who are HIV positive or those with AIDS will not be subjected to any form of victimisation or discrimination.

10.2 The Industry is committed to fair, sound and non-discriminatory employment practices. Employees who develop, choose to disclose, or are diagnosed as HIV and AIDS positive will not be prejudiced, victimised or discriminated against on account of their medical condition or status. The presence of HIV and AIDS does not justify termination of employment, demotion, or discrimination in employment. The compulsory conditions of service, including pension/provident funds, medical aid, stated benefits, sick leave, housing, training and development would continue, as amended from time to time. Employees living with HIV and AIDS, have the same rights and obligations as all staff.

11. *Present employees*

The Industry acknowledges that employees with HIV and AIDS as well as other life threatening diseases may sometimes need continued therapeutic assistance in order to continue performing their duties. The employer may assist employees wherever possible and necessary. Thus employees who are aware that they have a life threatening disease are encouraged to inform the company (through the company's Health and Safety Committee/appropriate officials) as soon as possible to enable the company to assist. This information will be treated with the highest level of confidentiality. No employee will be victimised or discriminated against. All situations will be handled in accordance with the company's Health Occupational Policy as well as the Company's Occupational Safety Policy, as read with the prevailing legislation on Health and Safety.

12. *Incapacity to perform normal duties*

Once an employee's disease starts to impact on his/her ability to perform his/her duties or attendance, the normal incapacity procedures will apply as defined in the Labour Act.

13. *Colleagues of employees identified as HIV positive*

13.1 It is not possible for colleagues of an HIV positive employee to become infected through normal contact in the workplace. Educational programmes in the workplace informing employees of the facts of AIDS should encourage the appropriate attitudes in this regard. Unless the HIV positive employee is acting in an inappropriate manner, it is not acceptable for colleagues to refuse to work with that person.

13.2 Should an employee, after reassurance and with all appropriate safety and health precautions being taken and supplied by the company, remain unwilling to work with the HIV positive employee and this refusal affects productivity, he/she will be warned that his/her reaction is unreasonable, medically unjustified and that disciplinary action may be taken against him/her.

13.3 Any colleague of an HIV positive employee who embarks on any form of discrimination towards that particular employee may be subjected to the company's disciplinary procedure.

14. *Employees at risk*

14.1 Certain employees, such as health care workers, occupational health nurse, and safety representatives may be at a minimal risk of contracting a life threatening disease such as HIV and AIDS. However, this risk can be avoided by taking precautions or following infection control procedures. The industry will ensure that correct equipment is provided where necessary.

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14.2 There are no grounds for health care workers to refuse to treat an HIV positive employee and such refusal may lead to disciplinary action.

15. *Rights and responsibilities*

This policy is in compliance with existing Zimbabwean laws regarding HIV and AIDS, as well as with the Southern African Development Community (SADC) Code on HIV and AIDS and Employment. All employers are required to provide/display this policy at an accessible place so that all employees have access to it.

Signed at Harare on the 5th day of April, 2018.

KUDAKWASHE M. SIBANDA,
N.E.C. Printing Chief Executive.

BENISON J. NTINI,
F.M.P.Z.—Chairman.

CLARENCE MUGARI,
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