

Collective Bargaining Agreement: Brickmaking and Clay Products
Industry HIV-AIDS and TB Policy

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ACROYNMS

AIDS	Acquired Immuno-Deficiency Syndrome
ARV	Antiretroviral
ART	Antiretroviral Therapy
HIV	Human Immunodeficiency Virus
FACT	Family AIDS Caring Trust
IEC	Information, Education and Communication
ILO	International Labour Organisation
MoHCC	Ministry of Health and Child Care
NAC	National AIDS Council
PEP	Post Exposure Prophylaxis
PLWHIV	People Living With HIV
PSI	Population Services International
SADC	Southern African Development Community
SAFAIDS	Southern African HIV and AIDS Information Dissemination Service
STI	Sexually Transmitted Infections
TB	Tuberculosis
UNAIDS	Joint United Nations Programme on HIV and AIDS
UNICEF	United Nations International Children's Emergency Fund
VCT	Voluntary Counselling and Testing
ZAPSO	Zimbabwe AIDS Prevention and Support Organisation
ZBCA	Zimbabwe Business Council on AIDS
ZNFPC	Zimbabwe National Family Planning Council
ZNNP+	Zimbabwe National Network of People Living with HIV and AIDS

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*], approved the following Collective Bargaining Agreement:—

Title

1. This agreement may be cited as the Collective Bargaining Agreement for the Brickmaking and Clay Products Industry HIV AIDS and TB Policy.

Interpretation

2. In this agreement, unless inconsistent with the context—

“affected person” means a person whose life has been changed due to the broader impact of HIV and AIDS;

“AIDS” means Acquired Immuno Deficiency Syndrome is a cluster of medical conditions referred to as opportunistic infections that arise from severely weakened immune system. AIDS is caused by advanced stages of HIV infection;

“antiretroviral drugs (ARV)” means these are drugs used to suppress the effects of HIV virus in body;

“antiretroviral therapy” means this is the management of HIV by taking drugs as well as understanding the disease, adhering to treatment, ensuring proper nutrition, psychosocial support, and palliative care as well as caring for carers of people living with HIV;

“confidentiality” means this entails ensuring privacy of information regarding patients and clients especially that obtained in the course of employment or duty;

“counselling” is a process whereby there is interpersonal interaction between a client with a problem and a counsellor which enables the client to talk about, cope and deal with the problem presented in trust and confidentiality;

“discrimination” means the exclusion, distinction or preference that has the effect of nullifying or impairing equal

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opportunities or treatment in employment against a person based on their real or perceived HIV status;

“employee” means any person who performs work or service for another person for remuneration or reward on such terms and conditions agreed upon by the parties or as provided for in the Labour Act [*Chapter 28:01*], and includes a person performing work or services for another person;

“employer” means any person or organisation who employs or provides work for another person and remunerates or expressly or tacitly undertakes to remunerate him or her;

“epidemic” means an outbreak of disease on a scale not normally seen in a given population;

“gender” means social roles between men and women which are learned and acquired through socialisation and vary according to culture and place. Gender roles are affected by age, race, ethnicity and religion, geographical, economic, cultural and political environments;

“HIV testing” means any direct analysis of blood or body fluid of a person to determine the presence of HIV or antibodies to HIV or any indirect method, other than testing of blood or other body fluid, through which an inference is made as to the presence of HIV;

“Human Immunodeficiency Virus (HIV)” means the virus that causes the weakening of the body’s immune system ultimately leading to AIDS;

“prevention” means the act of keeping from infection;

“stigma” refers to the act of marginalising a person because of their real or perceived HIV status thereby presenting an obstacle to the full employment of the socio-economic life by the person infected or affected by HIV.

Policy goal

3. This policy aims to give direction and to guide effective interventions against HIV and AIDS at the workplace thereby

improving quality of life of those infected and affected, whilst enhancing productivity in the Brickmaking and Clay Products Manufacturing Industry of Zimbabwe.

Objectives of the policy

4. The objectives of this HIV, AIDS and TB Policy are as follows—

- (a) to elucidate the response mechanism to HIV/AIDS and TB for the Brickmaking and Clay Products Industry in Zimbabwe.
- (b) to protect the rights of HIV/AIDS infected employees and ensure that they are treated fairly and equitable;
- (c) to cultivate supportive work environments of compassion and understanding that are free of stigma and discrimination associated with real or perceived HIV/AIDS status whilst ensuring that employees affected by HIV/AIDS receive adequate support in the form of information, counselling and medical services;
- (d) to reduce the impact of HIV/AIDS and TB on employees, families and institutions in the Brickmaking and Clay Products Manufacturing Industry through comprehensive prevention, treatment, care and support programmes.
- (e) to ensure compliance by stakeholders in the industry to local, regional and international regulations and guidelines pertaining to HIV, AIDS and TB at the workplace.

Scope of the policy

5. This policy applies to all employees in the Brickmaking and Clay Products Sector employed under all forms of contracts and; by companies in the Brickmaking and Clay Products Sector, including—

- (a) casual, fixed term, seasonal and contracts without limit of time;
- (b) interns and apprentices;
- (c) volunteers;
- (d) laid-off and suspended workers.

Legal framework

6. This policy was guided by the following policies and regulations—

- (a) Zimbabwe National HIV, AIDS and TB Policy for the World of Work (ZNHATWP). This is the workplace response framework to HIV, AIDS and TB. It pronounces the interventions towards the prevention of new infections, how to mitigate the impact of AIDS and TB at the workplace whilst promoting productivity and sustainable economic development;
- (b) Labour Act [*Chapter 28:01*] which outlines and declares fundamental rights of employees and spells out the prevention of unfair labour practices including discrimination of employees at the workplace;
- (c) Labour Relations (HIV and AIDS) Regulations, 2014, published in Statutory Instrument 105 of 2014, which covers the prevention, management, care, support and reasonable accommodation of employees affected with HIV, AIDS and TB. It further provides for the rights and responsibilities of both employers and employees at the workplace;
- (d) Labour Relations (General) (Amendment) Regulations, 2008 (No. 2), published in Statutory Instrument 64 of 2008, which contains the inspection form for labour inspectors to assess among other things, the existence as well as the level of HIV interventions at the workplace;
- (e) Factories and Works Act [*Chapter 14:08*] which specifies the registration and control of factories. It also regulates the conditions of work in all factories, the supervision of the use of machinery and the prevention of accidents at the workplace;
- (f) Code of Conduct on HIV and AIDS and Employment in Southern African Development Community (SADC) which represents the common standard by which countries in the SADC region should deal with the rights and duties relating to HIV, AIDS and Employment;

- (g) an ILO code of practice on HIV or AIDS and the world of work. The international code that provides guidelines to address the HIV and AIDS in the world of work within the framework of the promotion of decent work. The guidelines cover prevention of HIV and AIDS; management and mitigation of the impact of HIV and AIDS on the world of work; care and support of workers infected and affected by HIV and AIDS; and elimination of stigma and discrimination;
- (h) recommendation Concerning HIV and AIDS and the World of Work, 2010 (No. 200). An international labour standard. It reflects the need to strength workplace HIV prevention efforts and to facilitate access to treatment for persons living with HIV. It also calls for the respect of the workers' human rights.

Guiding principles and strategies

7. This policy takes cognisance of the principles and shall utilise strategies outlined in sections 8 to 17.

Recognition of HIV, AIDS and TB as a workplace issue

8. The Brickmaking and Clay Products Industry recognises that it is by no means immune to the disastrous effects of HIV, AIDS and TB and thus acknowledge the pandemic is an issue that has to be addressed in the workplace. With this background—

- (a) this policy shall provide a framework in which HIV, AIDS and TB shall be addressed within the Brickmaking and Clay Products Industry. All company policies within the industry shall be in line with the requirements of this policy;
- (b) employers should consult with employees and their representatives to develop and implement appropriate workplace policies and programmes aimed at preventing the spread of HIV infection and mitigating its impact;
- (c) companies should commit the necessary resources for the implementation of HIV, AIDS and TB policies and programmes.

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*Non-discrimination of employees in all work processes on the basis
of HIV status*

9. Employers have a responsibility to ensure that workplaces are free from discrimination against infected or affected workers—

- (a) ensure that HIV screening is not precondition for employment or any other work related activity;
- (b) educate management and employees on the provisions of Statutory Instrument 105 of 2014 as well as provide copies of the statutory instrument;
- (c) develop policies at the workplace or organisation or company and procedures that protect employees against all forms of discrimination;
- (d) ensure grievance procedures provided in the Brickmaking and Clay Products Industry are adhered to.

Gender equality

10. Taking cognisance that women historically have been marginalised and due to their biological makeup and multiple roles are more vulnerable to HIV, AIDS and TB, the workplace policies should be gender sensitive—

- (a) ensure that HIV and AIDS programmes target both men and women, educate and train them as peer educators and home based caregivers;
- (b) encourage both men and women and their partners to go for testing and counselling;
- (c) programmes should help men and women to understand their rights and roles, both within the workplace and outside, empower them to protect themselves from HIV, AIDS and TB;
- (d) workplace should adopt policies that discourage sexual harassment.

Health and Safe Environment—HIV and TB risk reduction and management

11. Companies shall ensure healthy and safe work environment through—

- (a) implementation of health and safety programmes that help minimise accidental exposure to infection;
- (b) application of universal precautions and measures such as the provision and maintenance of protective equipment or clothing and first aid;
- (c) provision of male and female condoms, counselling, care, support and referral services at the workplace where appropriate;
- (d) provision of information on PEP and additional training in exposure prevention to workers whose occupations put them at risk of exposure to human blood, blood products and other body fluids;
- (e) provision of appropriate training together with accurate information and guidelines on modes of transmission and measures to prevent exposure to infection for persons employed in occupations where they may be at risk of transmitting or acquiring HIV and TB;
- (f) design of workplace conditions and procedures to ensure optimal hygiene precautions to prevent the spread of HIV and TB;
- (g) issuance of appropriate personal protective clothing and equipment free of charge to persons who are at risk of exposure to transmission or acquiring HIV and TB.

Social dialogue

12. This policy encourages the establishment of programmes and strategic linkages among Unions, Employers' Organisation, individual employers and other relevant stakeholders for purposes of an effective response to the HIV, AIDS and TB pandemic—

- (a) companies are encouraged to involve all the key stakeholders in the development implementation,

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- monitoring and evaluation of their workplace HIV, AIDS and TB programmes to ensure transparency, trust, cooperation, ownership and commitment;
- (b) clarify the roles of stakeholders in the fight against HIV, AIDS and TB in the Brickmaking and Clay Products Industry to foster from all parties;
 - (c) promote openness and information sharing and reports paying attention to issues of confidentiality;
 - (d) ensure meaningful involvement of employees living with HIV, AIDS and TB in the workplace.

HIV screening for purposes of employment

13. (1) Companies in the Brickmaking and Clay Products Industry shall adhere to labour regulations pertaining HIV screening and testing.

(2) Where HIV screening and testing is provided at the workplace employers shall ensure that—

- (a) screening and testing is performed by suitably qualified health personnel;
- (b) participation is voluntary and with written consent;
- (c) testing adheres to strict confidentiality and disclosure requirements;
- (d) testing is accompanied by pre- and post- testing counselling.

(3) Companies shall provide regular HIV and AIDS information, education including information on how and where to access testing and counselling services.

(4) Disciplinary procedures and penalties for violating HIV and AIDS policies shall be clearly defined and conveyed to all parties.

Continuation of the employment relationship

14. HIV and AIDS is a workplace issue and shall be treated like any other terminal illness. As long as employees infected are

physically fit and certified medically that they can work, they should be continued to be considered as assets to the organisation by—

- (a) ensuring transfers of employees to appropriate positions to suit changed medical status without loss of benefits in a manner that rules out the possibility of discrimination in regard to employment;
- (b) applying normal procedures on ill health or capacity in cases of employees living with HIV and AIDS who become incapable of adequately performing their tasks as a result of their condition;
- (c) providing education and training to management and workers on HIV and AIDS to eliminate fear, discrimination and stigmatisation so that those infected and affected know their rights and obligations in the workplace.

Confidentiality

15. Every individual has a right to confidentiality of his or her health status. Companies shall—

- (a) provide adequate and secure facilities for safekeeping of employees' personal medical related information;
- (b) adhere to the labour regulations pertaining to the management of employees' health information;
- (c) encourage shared confidentiality for the benefit of accessing care and support services at organisational level;
- (d) develop appropriate procedures for voluntary disclosure of HIV status and support for those who choose to disclose their status to their employers or colleagues;
- (e) companies shall formulate clear disciplinary procedures for dealing with breach of confidentiality through code of ethics and use of the existing grievances procedures in the code of conduct.

Prevention

16. Companies shall provide comprehensive education for employees to make informed choices and understand HIV risks on

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transmission (the various codes of transmission). In order to prevent transmission, companies shall—

- (a) use their existing structures and facilities to provide information on HIV, AIDS and TB in the workplace in collaboration with relevant stakeholders;
- (b) develop appropriate educational materials and activities for workers that promote positive behaviour and curb the spread of HIV, AIDS and TB;
- (c) promote testing and counselling in accordance with the national guidelines;
- (d) promote and encourage male employees to voluntarily go for male circumcision;
- (e) encourage workers to go for Sexually Transmitted Infections (STI) diagnosis and management.

Treatment, care and support

17. Companies shall—

- (a) ensure that all persons covered by this policy including workers and their immediate dependents (spouse and children) living with HIV have a right to access free and affordable services;
- (b) endeavour to provide counselling and other forms of psychosocial support to workers infected and affected by HIV and AIDS;
- (c) encourage workers to be on medical aid schemes that cover chronic conditions;
- (d) establish appropriate linkages, networks and referral systems for comprehensive care, treatment and support for workers living with HIV;
- (e) establish a functional and effective referral system to ensure workers access information, resources which may include ARVs, treatment services and counselling services;
- (f) encourage formation of informal social clubs and company-based support groups for workers;

- (g) promote and make available female and male condoms at workplace and provide accurate information on correct use and consistent use of condoms.

Budgeting and sustainability

18. In order to allow continued workplace HIV, AIDS and TB programmes companies shall—

- (a) incorporate HIV, AIDS and TB programmes in their annual budgets;
- (b) mainstream HIV, AIDS and TB in all workplace activities, policies and programmes to ensure sustainability;
- (c) the NEC for Brickmaking and Clay Products Industry shall mobilise resources for HIV, AIDS and TB programmes at sectoral level.

Monitoring and evaluation

19. To ensure monitoring and evaluation and review of HIV, AIDS and TB policies and programmes—

- (a) the NEC shall set up an HIV and AIDS and TB committee that shall be responsible for spearheading the monitoring and evaluation of policies and programmes at enterprise level;
- (b) similarly, companies shall set up committees that shall be responsible for the monitoring and evaluation of policies and programmes at company level;
- (c) the NEC shall ensure there is a continual system of monitoring and evaluation and review of policies and programmes both at sectorial level and in the workplace.

Constitution of committees

20. HIV, AIDS and TB committees shall be as set out below—

- (a) at industry level the committee shall be comprised of the following persons—
 - (i) chairperson (NEC Chair or his or her appointee);

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- (ii) two members from the Employers Association (HR practitioners);
- (iii) two officers from the Trade Union;
- (iv) the General Secretary;
- (b) at workplace or company level—
 - (i) representative of the Human Resources Department (who shall be the chairperson of the committee);
 - (ii) two employer representatives;
 - (iii) two Workers Committee Members.

Implementation of policy

21. The HIV-AIDS and TB committee for the Brickmaking and Clay Products Industry shall implement, monitor and evaluate the policy by—

- (a) ensuring that the policy is launched and fully disseminated;
- (b) formulating and coordinating industry—wide programmes;
- (c) providing support to workplace HIV and AIDS committee;
- (d) creating strategic partnership and the following are some of the organisations that could be networked with—
 - (i) Zimbabwe AIDS Prevention and Support Organisation (ZAPSO);
 - (ii) Zimbabwe National Network of People Living with HIV and AIDS (ZNNP+);
 - (iii) Zimbabwe National Family Planning Council (ZNFPC);
 - (iv) Southern African HIV and AIDS Information Dissemination Services (SAFAIDS);
 - (v) Population Services International (PSI);
 - (vi) Family AIDS Caring Trust (FACT);
 - (vii) Zimbabwe Business Council on AIDS (ZBCA);

- (viii) National AIDS Council (NAC);
- (ix) Government and Local Authority Clinics;
- (e) developing and implementing plans as well as monitoring and evaluation indicators for this policy.

Copy of the policy for each employee

22. Each company shall ensure that a copy of the policy is availed to each employee.

Offences and penalties

23. Failure to comply with the provisions of this policy shall be an offence and the penalty shall be as in terms of section 16 of the Labour (HIV and AIDS) Regulations, 2014, published in Statutory Instrument 105 of 2014.

Declaration

24. The employers' organisation and trade union having arrived at the agreement set forth herein, the undersigned officers of the Council hereby declare that the foregoing is the agreement arrived at and affix their signatures, hereto.

Dated at NEC Brickmaking Boardroom this 17th of July, 2020.

D. ZISWA,
Brick and Clay Products Employers of Zimbabwe.

P. MANYEMWE,
Brick and Clay Products Workers Union of Zimbabwe.

J. MUTARE,
Chairman, National Employment Council for Brickmaking and
Clay Products Industry.

T. T. MAKAVANI,
General Secretary for the National Employment Council for the
Brickmaking and Clay Products Industry.

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