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ILO Code of Practice on HIV/AIDS and the World of Work

AIDS and HIV affect people at all levels of society, but it has a profound impact on workers and their families, enterprises, employers, and national economies. As it affects the most economically active members of society, it reduces earnings, productivity, skills and experience while imposing huge costs on enterprises, labour and governments. Thus, AIDS is not only a workplace issue, but a challenge to development worldwide.

Juan Somavía, (former) Director General of the International Labour Organisation¹

Type Tripartite

Strength Addresses informal as well as formal sector

Keywords Tripartite • HIV/AIDS • Discrimination • Gender

13.1 Overview

The ILO Code of Practice on HIV/AIDS and the World of Work is a useful tool for companies, governments and trade unions. It represents an important contribution to the field of health and CR, a field that is poised to grow.

The ILO Code of Practice was launched in 2001, under the leadership of the visionary Director General of the ILO, Juan Somavía, who also chaired the UN

1 'ILO to launch new Code of Practice on HIV/AIDS and the world of work', press release, International Labour Organisation, 22 June 2001.

Social Summit in Copenhagen in 1995. The Code was developed in partnership between the tripartite bodies of the ILO: employers, employers' organisations and governments. The Code provides guidance to these diverse groups to allow for coherent and integrated implementation.

The key principles include:

- Recognising that HIV/AIDS is a workplace issue
- Non-discrimination in employment
- Gender equality
- Screening and confidentiality
- Social dialogue
- Prevention and care and support

The ILO Code of Practice seeks to:

- Manage and mitigate the impact of HIV/AIDS on the world of work
- Prevent the spread of HIV/AIDS
- Allow for the care and support of workers infected and affected by HIV/AIDS
- Eliminate the stigma and discrimination on the basis of real or perceived HIV status

The Code of Practice describes how the AIDS epidemic has become a business issue, as it affects the most productive segment of the workforce, can decrease productivity and loss of skills and experience.

The ILO has laid out an ambitious and comprehensive agenda in its Code of Practice, and references two other important codes in the field:

- The Code of Practice on the Protection of Workers' Personal Data
- The Universal Precautions, which deal with procedures for handling blood by healthcare workers

The latter was developed by the US Centers for Disease Control in 1985.

As with many codes and guidelines, the success of the initiative can be measured by its commitment to and investment in training. The Code specifies various groups who should be given training:

Testing for HIV should not be carried out at the workplace except as specified in this code. It is unnecessary and imperils the human rights and dignity of workers: test results may be revealed and misused and the informed consent of workers may not always be fully free or based on an appreciation of all of the facts and implications of testing.

Box 13.1 Key messages for companies

- Manager, supervisors and personnel officers
- Peer educators
- Workers' representatives
- Health and safety officers
- Factory and labour inspectors
- Workers who come into contact with human blood and other bodily fluids

13.2 Strengths and weaknesses

One of the strengths of the ILO Code of Practice is that it also addresses the informal sector, which is rare in the field of CR codes and standards: this is something that other codes and standards can learn from the ILO Code model. The Code of Practice also addresses the special needs of vulnerable groups, including women and children.

The definitions included in the Code are helpful, especially the term 'reasonable accommodation'. The Code also addresses the needs of affected persons: persons whose lives are changed due to HIV/AIDS.

The Code is to be commended for encouraging culturally appropriate and culturally sensitive content in the training.

The Code encourages all actors to include people with HIV/AIDS in the development of policies, procedures and training.

One weakness is how little attention it pays to following up how companies are using and implementing the Code. It would be useful to have statistics on companies offering training, for example, with a focus on lessons learned.

13.3 Opportunities and challenges

The ILO Code of Practice is one of the least well-known codes in the CR field, despite the importance of its subject matter. But its importance and relevance will continue to grow, as health risks in the workplace grow.

Many aspects of the Code of Practice are useful to others working on code development, especially as regards the role of governments in creating and enabling environments that support human rights.