



# **MAASAI MARA UNIVERSITY**

## **HIV AND AIDS WORKPLACE POLICY**

Policy No.	MMU/RAD/P03
Version	01
Principal Responsibility	Registrar Administration
Effective Date	15 <sup>th</sup> January, 2018

## **Policy Approval**

This policy shall be known as the HIV and AIDS Workplace Policy of Maasai Mara University (herein after referred to as “the Policy”) which shall take effect on the date of approval by the University Council.

In exercise of the powers conferred by Statute 17 (2d) of Maasai Mara University, section 35(1) (a) (iii) of the Universities Act No. 42 of 2012 and section 19 of the Charter for Maasai Mara University 2013, Maasai Mara University Council affirms that this Policy has been made in accordance with all relevant legislations.

Dated the ..... day of .....2018

Signed: .....

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## **Foreword**

HIV/AIDS poses many challenges in the workplace which include loss of human capital through deaths and early retirement on medical grounds, low productivity, absenteeism, discrimination, stigmatization and general spending of organizational resources on the scourge instead of developmental programs. This is aggravated by the fact that HIV/AIDS affects people mainly in their ages of prime productivity (between 15 and 49 years). For a young institution of higher learning that is surrounded by a transitory community of tourists and large-scale commercial farmers as well as wealthy pastoralists on the one hand, and abject poverty on the other, the need for an HIV/AIDS work place policy cannot be overemphasized.

The government in response to the challenges posed by HIV/AIDS declared the pandemic a national disaster in 1999 and through sessional paper No 4 put in place a national policy, defined institutional frameworks and intensified intervention measures for prevention, control and mitigation of the HIV/AIDS impact. But it was not until 2005 that Public Service Commission through the Directorate of Personnel Management, developed a comprehensive workplace policy to provide guidance for specific response to the pandemic within the public sector.

The University has developed this policy against this backdrop. However, specific response strategies require the institution to make consideration of its unique constituents who include employees, students, and the surrounding community and where, the University is expected to play a leadership role. The response strategies are aligned to three thematic areas: resource mobilization, capacity building and effective and harmonized human resource management.

**Prof. Mary K. Walingo, PhD, MKNAS, EBS**

**Vice-Chancellor**

## **Definition of Terms**

**“Affected”** A person who is feeling the impact of HIV and AIDS through sickness or loss of relatives, friends or colleagues. AIDS Acquired Immune Deficiency

**Care”** Promotion of a person’s well-being through medical, physical, psychosocial, spiritual and other means.

**“Comprehensive”** A range of services offered to HIV positive persons Care including, treatment, clinical, physical, nutritional and psychosocial support.

**“Counseling”** A session where a person with difficulties is assisted to think through the problem and find a possible solution.

**“Confidentiality”** The right of every person, employee or job applicant to have his/her medical or other information, including HIV status kept secret.

**Evaluation”** The assessment of the impact of a programme at a particular point in time.

**“Syndrome”** a cluster of medical conditions often referred to as opportunistic infections.

**“Monitoring”** Continuous assessment of a programme.

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## **Acronyms and Abbreviations**

ACU            Aids Control Unit

APRECOREC Aids Prevention and Control Resource Centre

FGM            Female Genital Mutilation

ILO            International Labour Organization

NACC           National Aids Council

PLWHA        People Living with HIV/AIDs

## **1. Introduction**

Maasai Mara University is a successor of the then Narok University College which was established as a University College of Moi University in 2008. The university is located within Narok County. It attained full University status following the enactment of the University's Act, 2012 and the award of the charter on 12th February 2013 from which it draws its mandate. The University now operates five Schools namely: School of Science and Information Sciences, School of Education, School of Business and Economics, School of Tourism and Natural Resource Management and the School of Arts and Social Sciences.

HIV and AIDs represent one of the greatest public health challenges confronting the world today. The Government of Kenya declared the HIV and IADs pandemic and a national disaster on 25<sup>th</sup> November, 1999. Through the Legal Notice number 170 of November 1999. The National AIDS Control Council (NACC) was formed and mandated to provide policy and strategic framework for mobilizing and coordinating resources towards prevention and control of transmission of HIV and provision of care and support to infected and affected persons in Kenya. ON 30<sup>th</sup> January 2003, the Commission for Higher Education (CHE) mandated University to Coordinate HIV prevention activities in the higher education sector.

To this end, the University has a critical role to play in supporting the Kenya Government's efforts in addressing the HIV and AIDS pandemic and mitigating its impacts on the county's socio-economic development.

### **1.1 Vision, Mission and Core Values**

#### **Vision**

To be a world class university committed to academic excellence for development

#### **Mission**

To provide Quality University education through innovative teaching, research and consultancy services for development

#### **Core Values**

Excellence

Team Work

Professionalism

Equity and Social Justice

Creativity and Innovativeness

Transparency and Accountability

## **2. Purpose**

The impact of HIV and AIDS is similar in university population like in the general population in the country. Most importantly the university population is vulnerable and at great risk of contracting HIV. Since the future manpower dependent on such institutions, something urgently needs to be done to preserve this resourceful population

## **3. Policy Objectives**

The goal of ACU is to prevent and control the spread of HIV/AIDs and effectively mitigate against its impacts on University students, staff and the community.

**Specific Objectives of ACU's objectives are:**

### **i. Prevention**

- a. To reduce the transmission of HIV by providing appropriate information and education.
- b. To increase an environment in which staff and students through their involvement in teaching, research, service and social-cultural interaction are free from HIV infection.
- c. To identify, mobile and distribute resources to be used to fight HIV and AIDS.
- d. To create awareness and understanding on HIV and IDS in the University and its environs

### **ii. Care, Treatment and Support**

- a. To equip students and staff with positive attitudes, knowledge, skills and information to be able to live and work with PLWHA within the University and its environs
- b. To facilitate access to care and treatment



- c. To Establish structures and programs at all levels within the University that promote quality practices and provision of quality services to both HIV infected individuals and families.
- d. To create a University environment where non-disciplinary labour practices, terms and conditions of service are in place and with zero tolerance to any disciplinary practices on the basis of HIV and AIDS.

#### **4. Scope of the Policy**

This policy sets standards for managing HIV and AIDS for workplace Programmes and applies to all employees of the Ministry.

#### **5. Rights and Responsibilities of Staff and students**

##### **Rights of Staff**

- i. No employee or applicant for employment at the University shall be discriminated against whatsoever on the basis of his or her HIV and AIDS status.
- ii. HIV/AIDs status shall not be used as a criterion in human resource development including promotion and training.
- iii. If an employee is no longer physically or mentally fit to continue with his/her work due to HIV and AIDS, and related illness, the existing conditions and terms pertaining to disability or ill health shall apply.
- iv. HIV and AIDS status shall not be reflected in non-confidential personal files of employees
- v. Personal information on HIV and AIDS like any other medical information shall be handled according to the medical ethics.
- vi. The University shall provide a working environment in which employees with HIV and AIDS are accepted and are free from prejudice and stigma.
- vii. Persons with HIV and AIDS shall have the right to appropriate treatment and medication as per the University medical scheme.

##### **Rights of Students**

- i. No student shall be discriminated against whatsoever on the basis of his or her HIV and AIDS status
- ii. Students registration shall not be terminated on the grounds of their HIV and AIDS status unless the students is no-longer physically or mentally fit to continue his/her studies
- iii. Students have a right to supportive and safe learning and working environment in which persons with HIV and AIDS are accepted and not stigmatized.
- iv. No student may be required to take HIV test before field trips or other activities of the University unless a special circumstance warrants it.
- v. The university shall not use HIV and AIDS status when issuing loans, bursaries and scholarships.
- vi. The HIV and AIDS status of a student shall not be reflected in the non-confidential personal files.
- vii. Persons with HIV and or AIDS shall have rights to appropriate treatment and medication as per the students medical scheme.

### **Responsibilities of Staff and Students**

- i. Staff and students should develop a lifestyle in which they will not put themselves or others at risk
- ii. Staff and Students who are living with HIV and AIDs have a special obligation to ensure that they behave in such a way as to pose no threat or infection to any other person
- iii. No employee or student shall refuse to work, study with or be housed with other employee or students living with HIV and or AIDS.
- iv. Staff and Students who display discriminatory attitudes to colleagues living with HIV and/or AIDS will be counseled in the first instance, but if the discriminatory behavior persist, formal disciplinary procedures will be instituted.
- v. Health professional in the University and trainees who are living with HIV and/or AIDS have an obligation to choose professional paths that minimize risks of transmission to their patients.

- vi. Unless medically justified, no staff shall or Student may use VIV and/or AIDS as a reason for failing to perform work, complete assignments, attend lectures or field trips or write examinations.

## **6. Mainstreaming of HIV and AIDS into teaching, research and service activities**

The University provides teaching, research and consultancy services for development as its input to national development. Its obligation to create a conducive learning and working environment must be emphasized in all areas for effective prevention and control of HIV and AIDS. The key elements of any successful HIV program include but not limited to the following:

- i. Voluntary Counseling and Testing
- ii. Prevention and Control
- iii. Sustainability
- iv. Gender equity and equality
- v. Evaluation and Monitoring
- vi. Care, Support and Treatment
- vii. Information, Education and Communication
- viii. Public health and development strategies.
- ix. Ensuring that human rights and ethical principles are adhered to.

### **Mainstreaming HIV and AIDS in Counselling**

- i. The University Counsellors shall be trained to provide pre and post test counselling to staff and students
- ii. The university Health staff shall be trained to provide pre and post-test consoling and treatment to staff and students.
- iii. The University health staff, counsellors and students clubs and staff unions shall be involved in outreach activities around the University.
- iv. The University shall maintain continuous counselling to those who are HIV and AIDS infected and affected.

### **Mainstreaming HIV and AIDS in Research**

To encourage research on HIV and AIDS, the University Research Committee will have a special category of research grants for HIV and AIDS related interdisciplinary research and University Research Policy shall clearly articulate this concern. The mode of care, psychosocial support and community involvement in HIV and AIDs research will be emphasized. The University shall support the best practice model for use and establish laboratory ethics to evaluate and package new products.

## **7. Provision of Prevention, Care and Treatment in the University**

### **i. Prevention**

- a. Develop and provide appropriate information on health and counselling services to all students and staff including peer education.
- b. Eliminate negative gender stereotypes, attitudes, gender inequalities by encouraging involvement of both males and female
- c. Address factors leading to the spread of epidemic and increase of vulnerability in order to reduce HIV incidence among students and staff.
- d. Provide Prevention of Mother to Child Transmission (PMTCT) as a part of Antenatal Care (ANC) services at the University Health Clinic.
- e. Provide adequate and appropriate recreational facilities for infected students and staff.
- f. Provide access to essential commodities like condoms, sterile equipment's at the University health and recreational facilities.
- g. Encourage responsible sexual behaviour and emphasise abstinence before marriage and fidelity by all staff and students.

### **ii. Care, Support and Treatment**

The university shall;

- i. Facilitate support for orphaned students and vulnerable children of staff and surrounding community
- ii. Provide HIV and AIDS related drugs including antiretroviral
- iii. Ensure that strategies are developed in collaboration with Ministry of Health to strengthen the health care system and appropriate nutritional supplements

- iv. Improve conditions of health care personnel through training and provision of necessary safety equipment's
- v. Enhance community mobilization and sustainability of care, support and treatment through extension and outreach programmes

## **8. Management of Human Resource**

The Human Resource is the most important factor of production in any organization as it controls all the others. Success or failure of an organization depends largely on the human resource and there is therefore need to examine the issues that affect it. According to ILO, HIV and AIDS is a major threat to the world of work because it affects the most productive segment of the labour force. It is imposing huge costs on enterprises in all sectors through declining productivity and earnings, increasing labour costs and loss of skills and experience. It has also led to high staff turnover, high costs in training and replacement, high health care and employee welfare costs including funeral expenses.

In this regard, ACU has a particularly important role to play in response to HIV and AIDS. It shall be its responsibility to address the problems caused by HIV and AIDS in the workplace at both organizational and individual levels, recognizing that the dichotomy between organizational requirements and those of individuals living with or affected by HIV and AIDS makes this a challenging task.

This policy is the starting point for the management of HIV and AIDS in the University as it establishes a coherent approach in addressing the issues associated with the pandemic. It provides consistency in University's dealings with employees through the programmes, procedures and rules that flow from the policy.

The policy addresses the following human resource management issues:

### **a. Recruitment and Promotion**

HIV screening should not be a requirement for staff recruitment and/or promotion.

### **b. Sick Leave**

Sick leave will be provided for as stipulated in the relevant service regulations. However, additional sick leave days will be decided by the employer on case-by-case basis at the discretion of the Authorised officers/Chief Executives.

**c. Working Hours**

Normal working hours will continue to apply for all employees. However, a more flexible approach will be applied for those who are infected or affected.

**d. Counselling Services**

The University will ensure that each Department has a pool of skilled counsellors trained from among the staff to provide counselling and referral services.

**e. Termination of Employment**

The policies and procedures pertaining to termination of services will apply to all employees. No employee shall be dismissed or have employment terminated based solely on perceived or actual HIV status.

**f. Medical Privileges**

The normal provision of medical privileges will continue to apply. However, to reduce the negative effects of illness and incapacity on employees, the University will take steps to improve access to comprehensive care.

**g. Deployment and Transfers**

The University shall review current policies, **codes** and deployment and transfer practices of employees. In particular, the Government shall ensure that:

- i. Where possible, partners and spouses shall not be separated to minimize vulnerability;
  - ii. Where employees are deployed in remote areas, the period
  - iii. Served in such areas shall be limited to three years. Employees in these areas will also be facilitated to make frequent visits to their families;
  - iv. Staff requiring access to family support or medical care shall be deployed appropriately;
- and

- v. Where fitness to work is impaired by illness, reasonable alternative working arrangements shall be made.

#### **h. Training and Development**

The university shall:

- i. Educate and train all its employees on HIV and AIDS related issues;
- ii. Monitor and evaluate human resource so that there is adequate supply of appropriately skilled manpower to meet the needs for service delivery;
- iii. Mainstream HIV and AIDS in all curricula and undertake regular updates to respond to the dynamics of HIV and AIDS; and
- iv. Ensure there is appropriate recognition of HIV and AIDS related training and development of career paths that encourage staff to work and remain in HIV and AIDS related fields.

#### **i. Sexual Harassment, Abuse and Exploitation**

There shall be zero tolerance to sexual harassment, abuse and exploitation in the workplace. Involvement in these vices shall be treated as gross misconduct and where proven, shall lead to disciplinary action.

#### **j. Gender Responsiveness**

HIV and AIDS affects and impacts on women and men differently due to their biological, social, cultural and economic circumstances. Application of this policy should be responsive to their different needs.

#### **k. Exposure at the Workplace**

Employees who accidentally get exposed to HIV in the course of their duties shall be entitled to immediate Post-Exposure Prophylaxis (PEP) and follow up in the form of treatment in case of infection.

Provision shall be made to ensure safety and absence of risk to health, arising from the use, handling, storage and transport of articles and substances.

#### **l. Retirement on Medical Grounds**

HIV and AIDS is not a cause for termination of employment. As with many other illnesses, persons with HIV-related illnesses should be able to work as long as medically fit for available appropriate work, or until declared unfit to work by a Medical Board. Where an employee is medically unfit to continue working, the University shall hasten the retirement process.

**m. Confidentiality and Disclosure**

Disciplinary action, consistent with relevant legislation and regulations, will be taken against any employee who discloses a fellow employee's HIV status without consent.

Creating a climate of openness about HIV and AIDS is an effective prevention and care strategy. The University shall create a working environment in which employees can feel safe to disclose their HIV status.

**n. Grievances and Concerns**

All Authorized Officers/Chief Executives shall establish and maintain communication channels for employees to raise concerns and grievances and access support relating to HIV and AIDS.

**o. Guiding Principles**

The Principles that guide this policy are in accordance with international conventions, national laws, policies, guidelines and regulations. These principles are:

**p. Fair Labour Practices**

Every person, whether infected or affected shall have the right to fair labour practices in terms of recruitment, appointment and continued enjoyment of employment, promotion, training and benefits. HIV testing as a requirement for any of the above shall be prohibited.

**q. Workplace Ethics**

There will be zero tolerance to sexual harassment, abuse and exploitation.

**r. Terminal benefits for staff**

Staff who may be incapacitated by AIDS or any HIV/AIDS related condition shall be treated in exactly the same way as those incapacitated by any other medical condition. They shall therefore



be entitled to all the benefits accorded to those who retire on medical grounds as defined in the university terms and conditions of service.

**s. Confidentiality**

All medical personnel shall be under a strict duty of confidentiality and may not apply any health related information received except professionally and in the best interest of the patient, patient's family and the interest of public health. The same principle of confidentiality shall bind all officials and employees of organizations or departments handling the affairs of an employee who dies of AIDS or any other condition.

**t. Responses to HIV and AIDs**

An important aspect of HIV/AIDS Policy at the workplace is commitment to confidentiality and care for the infected and affected. This encourages people to come forward for VCT and care, and people to reach a level of self-disclosure. In order to respond to the problems of HIV/AIDS, the University will:

- i. Restructure and thoroughly reorganize the whole University Health Services in order to:
  - a. Maintain confidentiality of information.
  - b. Re-educate Health service providers and train them on the use of coded information for protecting confidentiality.
  - c. Promote patient-friendly services by adhering to the laid down procedures.
- ii. Develop a strategic research initiative using its own resources such that some of the findings where necessary can be kept secret and confidential, and use such findings to strengthen the programme.
- iii. Identify innovative intervention methods, strategies and activities to enhance behaviour change among the university community.
- iv. Provide comprehensive counselling services for family planning, STI prevention and management (including compliance, counselling, contact tracing and condom promotion).
- v. Initiate and enhance peer education among university students, staff and beyond.
- vi. Mobilize adequate resources for HIV/AIDS activities.

- vii. Integrate HIV/AIDS activities into teaching, research and service activities in all university sectors.
- viii. Develop strategies to promote a culture of openness on HIV/AIDS and beyond. It will provide AIDS-oriented services that are accessible to every member of the University community, that are client-friendly and adequately funded.
- ix. Continue to act as a Centre of excellence in strategic research in HIV/AIDS.
- x. Provide high level think tank and take a leading role in AIDS advocacy.
- xi. Establish a resource Centre for HIV/AIDS at the University Health Services.
- xii. Generate and disseminate up-to-date information about the HIV/AIDS situation and the impact of intervention measures in the university community.
- xiii. HIV/AIDS oriented modification in the curricular and teaching will be urgently undertaken by the Board of Common Undergraduate Courses.
- xiv. Develop short-term and long-term strategic plans in the context of HIV/AIDS.
- xv. Collaborate and network with Government, NGOs, private sector, UN organizations, other agencies and other stakeholders in line with HIV/AIDS National Strategic Plan.
- xvi. The University response to HIV/AIDS will be multi-sectoral and multi-disciplinary covering clinical, economic, spiritual, and other aspects of life.
- xvii. Network with other institutions engaged in HIV/AIDS activities and learn from success stories from other parts of Africa and the world.
- xviii. Set up various task forces to deal with emerging HIV/AIDS issues from time to time.

## **9. HIV/AIDS Prevention and Control Resource Centre (APRECOREC)**

The HIV/AIDS situation has psychosocial, health and economic effects on both the infected and the affected. It is against this background that the University has re-examined its health services and decided to establish not only Voluntary Counselling and Testing (VCT) for HIV/AIDS and care, but an AIDS Prevention and Control Resource Centre (**APRECOREC**) in order to assume a

more integrated and comprehensive approach. Action in this area would help create a more enabling environment for the achievement of the goals of this area.

When people receive VCT and care, discussions of HIV/AIDS in the workplace becomes more open and more positive enabling further behaviour change communication. Information regarding networking with relevant institutions and support groups will be disseminated.

Staff training in the area of supervision of service providers needs to be put in place. In this connection, the university will establish and train a supervisory team.

The following will need to be done: -

- i. University will set up a Centre within the health services at the main campus for counselling and subsequently will be scaled up to satellite clinics in all the campuses.
- ii. University will identify and train service providers in counselling.
- iii. There shall be established a Voluntary Counselling and Testing (VCT) and comprehensive care unit within the Centre.
- iv. The counselling Centre will have the following functions:
  - a. Service provision for staff and their dependents.
  - b. Education for the dissemination of information including preventive strategies for HIV/AIDS
  - c. Training on Advocacy.
  - d. Training of HTC counsellors in professional counselling skills.
  - e. Consulting and liaising with other university personnel.
  - f. Monitoring, evaluation and reporting of the effectiveness of the services.

At the VCT and care unit, the following will need to be done:

- i. Counselling and testing as stipulated in the National Guidelines for Voluntary Counselling

- ii. The VCT and care unit will strengthen the networking (internally and externally) for the care and support of those infected and affected by HIV/AIDS.
- iii. Confidentiality will be maintained in handling of clients 'medical records/laboratory reports, as well as the client's HIV zero-status.
- iv. Pre- and post-test counseling and treatment for clients will be provided.
- v. The VCT and care unit will be involved in outreach and training programs.
- vi. Post exposure prophylaxis shall be provided to staff, family members and students

**10. The functions of APRECOREC shall include:**

- a) Advocacy, Dissemination and coordination of the HIV/AIDS policy throughout the university and at all levels.
- b) Preparing budgets for implementation of the strategic plan.
- c) Developing, and periodically reviewing specific procedures, guidelines and plans necessary for the implementation of this policy.
- d) Development of educational materials and periodic review of such materials.
- e) Developing proposals and soliciting for funding.
- f) Mobilizing staff and student support and organizing regular consultative meetings with the University community about matters related to HIV/AIDS.
- g) Collaborating with communities, government, educational institutions and other stakeholders by networking and creating linkages.
- h) Periodically reviewing of this policy and refining where necessary to ensure ongoing appropriateness.
- i) Preparing quarterly progress reports for submission to the University Management Board.
- j) Collaborating with other HIV/AIDS projects and programmes in the University.
- k) Monitoring, evaluating the strategic plan, operationalization and updating it where necessary.

- l) Planning
- m) Formulating and Reviewing University of Nairobi HIV/AIDS Policy.
- n) Fundraising for the Centre.
- o) Approving and regulating the Centres Budget.
- p) Liaising with National and International Institutions and agencies

## **11. Structures and Processes for Implementation, Monitoring and Evaluation**

### **Implementation of HIV and AIDS Policy**

The overall responsibility for implementing HIV and AIDS Policy lies with all members of university who shall include the:

- i. University Council
- ii. University Management
- iii. Students and Staff Unions
- iv. University Senate
- v. Staff and Students

The University HIV and AIDS Control Unit working under the direction of the Vice- Chancellor shall coordinate the implementation, monitoring and evaluation process of HIV and Aids Policy.

## **12. Review**

This policy is subject to review from time to time.