



HIV/AIDS AND TB NEWSLETTER

NEWSLETTER FROM THE NATIONAL HIV/AIDS AND TB PROGRAMME, PRETORIA

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EDITOR'S NOTES

For contributions, please submit contributions and suggestions to serenc@health.gov.za.

DRAFT GUIDELINES ON PWA DISCLOSURE

The Department of Health with input from other departments in the Interdepartmental Committee on HIV/AIDS has prepared the following draft guidelines on PWA disclosure.

GUIDELINES ON THE MANAGEMENT OF DISCLOSURE IN NATIONAL GOVERNMENT DEPARTMENTS

(Department of Health PWA Project Steering Committee, October 2001)

I. INTRODUCTION

The aim of this document is to provide guidelines on how deal with disclosure where persons working in Government Departments have chosen to voluntary disclose or partially disclose their positive HIV status.

Despite more than one fifth of South Africa's population being infected with HIV, HIV/AIDS is still a highly stigmatised disease. To date only a small minority of people who know that they are infected with HIV have chosen to disclose their status. Stigma and discrimination make it necessary to put strategies in place, which promote openness around the disease. Such strategies include the promotion of a supportive environment, voluntary testing, counselling and support.

Any breach in confidentiality related to HIV and pressurising HIV positive employees to disclose can increase stigma and discrimination. Such strategies are counterproductive to the promotion of openness.

II. CODE OF GOOD PRACTICE

The following are extracts of the Department of Labour Code of Good Practice: Key Aspects of HIV/AIDS and Employment, December 2000. This code provides broad and general guidelines to employers on how to manage HIV/AIDS at the workplace.

(5.3,10) " In accordance with both the common law and Section 14 of the Constitution of South Africa Act, No 108 of 1996, all persons with HIV or AIDS have a right to privacy, including privacy concerning their HIV or AIDS status. Accordingly there is no general legal duty on an employee to disclose his or her HIV status to their employer or other employees."

(7.2.2) "Where an employee chooses to voluntary disclose his or her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's expressed written consent. Where written consent is not possible, steps must be taken to confirm that the employee winches to disclose his or her status."

III. LEVELS OF DISCLOSURE

Disclosure is not a single step. For most people disclosure is a gradual process that happens over time:

- At the beginning of this process a



person who is infected with HIV starts speaking about his/her status with another trusted person who is usually requested to treat this information with the highest level of confidentiality.

- Once trust is gained and the PWA becomes more self secure in dealing with his/her condition, the circle of friends who are informed will be widened.
- A person living with HIV needs to be reasonably confident and operate in a protective environment to be able to disclose his/her HIV status at the workplace.
- The next level of disclosure would be to even wider groups such as community gatherings at HIV awareness events.
- Disclosure in on electronic media, particular television. Requires the greatest level of confidence and a secure personal environment. Once appearing on TV the person concerned must assume that potentially everybody he/she meets in future may know of his/her HIV status.
- Not every person living >openly= with HIV is willing or able to cope with such wide publicity.

IV. RISKS ASSOCIATED WITH DISCLOSURE

Something said can never again be unsaid. The risk associated with disclosure is that of stigma and discrimination. Stigma and discrimination is more than explicit rejection. Any form of unnatural behaviour, including insensitive curiosity, uninvited and unwelcome compassion and comforting can be experienced as stigma. A person infected with HIV may not be prepared to confront his/her condition at all times. A person infected with HIV may not define himself/herself as a sufferer in need of pity of relative strangers. A person living with HIV may not be prepared to be an educator to his compatriots at all times.

The stigma experienced by a PWA can potentially also be experienced by his/her partner, child, family and friends. For

example: A person living openly with HIV may be able to speak freely about the infection but his/her child may be teased at school. A partner of an openly HIV positive person may not want to be confronted about his/her relationship.

Disclosure by a third party (for example when a Government official informs a group about the HIV status of another person) means that, that third party does not have to deal with the consequences of the disclosure. Third party disclosure potentially oversteps the comfort level of the PWA concerned.

V. PRINCIPLES OF DEALING WITH DISCLOSURE IN NATIONAL GOVERNMENT DEPARTMENTS

General:

- If any member of staff has information related to the HIV infection of another employee, this information has to be treated with the highest level of confidentiality.
- The principle of confidentiality also applies where a staff member voluntarily disclosed his/her HIV status to some of his/her colleagues. It cannot be assumed that a person who discloses his/her HIV status to some people gives his/her consent for disclosure to other people.
- Any process of disclosure should be led by the PWA concerned and not by any other official of the Department.

Speaking about the HIV status of another employee:

- Where another official intends to speak about the HIV status of a PWA, the written or otherwise specific expressed consent of the PWA concerned is required. This consent is to be obtained ahead of time of the event at which the disclosure should take place.
- Disclosure to external stakeholders, the community and the media requires the written or otherwise specific expressed consent of the PWA concerned. This consent is to be



obtained ahead of time of the event at which the disclosure should take place.

- Disclosure on behalf of another employee should be handled in a sensitive way. Disclosure should be avoided in situations that promote stigmatisation, sensationalism or victimisation of the PWA.

PWAs seconded to selected National Government Departments:

The Department of Health has contracted persons living openly with HIV/AIDS and seconded them to selected National Government Departments. These PWAs are tasked to strengthen the internal HIV/AIDS programmes of the hosting Departments. One condition for their appointment was that they must be prepared to disclose their HIV status to the staff of their hosting Department. For these PWAs the following special guidelines apply:

- Disclosure can be expected in relation to the employees of the hosting department and in the context of HIV/AIDS orientated activities.
- Disclosure cannot automatically be expected to the public, the media or external stakeholders of the hosting department. Consent for such a disclosure must be obtained ahead of time of the event at which the disclosure should take place.

The Department is very keen to have comments on these draft guidelines.
You are encouraged to submit comments to Niko Knigge on fax: 323-7323 or e-mail: makhab@health.gov.za.



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