



REPUBLIC OF NAMIBIA

PARLIAMENTARY STATEMENT

BY

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ON THE INTERNATIONAL LABOUR ORGANIZATION RECOMMENDATION

200 CONCERNING HIV AND AIDS AND THE WORLD OF WORK

29 MARCH 2011

**Hon Comrade Speaker
Hon Members**

Allow me to table the International Labour Organization's (ILO) Recommendation 200 concerning HIV and AIDS and the World of Work for this August House to note, adopted recently at the 99th International Labour Conference in Geneva. The Namibian Delegation was led by myself. And it is now my honor to inform this house on the Recommendation 200, its contents and how we intend to domesticate the provisions of this Recommendation.

Background

HIV and AIDS pandemic is one of the most Catastrophic challenges to health, development, economic and social progress facing the world today. In the countries that are worst affected, the impact of HIV and AIDS has eroded decades of development gains, undermined economies and destabilized societies. HIV is expected to continue to be a leading cause of mortality and morbidity in many countries and populations. HIV poses a significant obstacle to the attainment of decent work and sustainable development. It has led to the loss of livelihoods of millions of persons living with or affected by HIV and AIDS. Its effects are concentrated among the most productive age groups and it imposes huge costs on enterprises through falling productivity, increased labour costs and the loss of skills and experience workforce. In addition, fundamental rights at work are often violated on the basis of real or perceived HIV status, particularly through discrimination and stigmatization directed at workers living with and affected by HIV and AIDS. To make matters worse, the pandemic tends to move along the fault lines of society, particularly affecting groups that are already disadvantaged or marginalized.

The world of work is playing a crucial role in addressing HIV and AIDS. It offers a valuable entry point to reach women and men workers in the setting where they spend much of their lives: the workplace. The development and implementation of workplace policies and programmes on HIV and AIDS facilitate access to prevention, treatment, care and support services for workers and their families and dependants, thereby also reaching out to the larger community. And yet, the important role of the world of work in addressing the pandemic has not been optimally utilized. If it is to make its full contribution to addressing the pandemic, it is essential for action in the world of work to form an integral part of national HIV and AIDS policies, programmes and strategies.

The resulting Recommendation Number 200 constitutes an unequivocal commitment by the ILO's constituency of member States and the representatives of employers and workers, in close collaboration with organizations of people living with HIV and partner international organizations, in particular UNAIDS, to tap into the immense contribution that the world of work can make to ensuring universal access to prevention, treatment, care and support.

The Recommendation reflects the need to strengthen workplace prevention efforts and to facilitate access to treatment for persons living with or affected by HIV and AIDS. It calls for the design and implementation of national tripartite workplace policies and programmes on HIV and AIDS to be integrated into overall national policies and strategies on HIV and AIDS and on development and social protection. It calls for respect for the fundamental human rights of all workers, including observance of the principle of gender equality and the right to be free from compulsory testing and disclosure of HIV status, while encouraging everyone to undertake

voluntary confidential HIV counseling and testing as early as possible, where workers are free from stigma and discrimination on the basis of real or perceived HIV status, they and their dependants benefit from improved access to HIV education, information, treatment, care and support at the national and workplace levels.

Hon. Comrade Speaker
Hon Members

This Recommendation covers; All workers working under all forms or arrangements, and at all workplaces, Including: persons in any employment or occupation; those in training, including interns and apprentices; volunteers; jobseekers and job applicants; and laid-off and suspended workers; all sectors of economic activity, including the private and public sectors and the formal and informal economies; and armed forces and uniformed services.

Given the scope of coverage, the Recommendation equally provides for the following General Principles amongst others; That HIV and AIDS should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of organizations of employers and workers;

Furthermore, there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to regions of the world or segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;

Moreover, the Recommendation calls for the adoption of national policies and programmes on HIV and AIDS and the world of work and on occupational safety and health, and integrate their policies and programmes on HIV and AIDS and the world of work in development plans and poverty reduction strategies, including decent work, sustainable enterprises and income-generating strategies, as appropriate.

In respect to discrimination, the Recommendation calls for measures to ensure that Persons with HIV-related illness should not be denied the possibility of continuing to carry out their work, with reasonable accommodation if necessary, for as long as they are medically fit to do so. Measures to redeploy such persons to work reasonably adapted to their abilities, to find other work through training or to facilitate their return to work should be encouraged, taking into consideration the relevant International Labour Organization and United Nations instruments.

Similarly, the Recommendations encourages member states to implement measures to encourage workers to know their own HIV status through voluntary counseling and testing; access to all means of prevention, including but not limited to guaranteeing the availability of necessary supplies, in particular male and female condoms and, where appropriate, information about their correct use, and the availability of post-exposure prophylaxis; and testing must be genuinely voluntary and free of any coercion and testing programmes must respect international guidelines on confidentiality, counseling, and consent. Moreover, that the results of HIV testing should be confidential and not endanger access to jobs, tenure, job security or opportunities of advancement.

In the end, the Recommendations strongly encourages interventions such as training, safety instructions and any necessary guidance in the workplace that relate to HIV and AIDS be provided in a clear and accessible form for all workers and, in particular, newly engaged or inexperienced workers, young workers and persons in training, including interns and apprentices.

Given the above, and in line with the provisions of our Labour Act, 2007 (Act No 11 of 2007) Section 5 extensively prohibits discrimination in employment on the basis amongst others HIV and AIDS. Thus, we have a law in place that is meeting the expectations of the ILO Recommendations.

It is therefore our commitment to ensure that we use the provisions of the Recommendation 200 to amend, with the intention to improve our National Code on HIV and AIDS and Employment to meet the international expectations. In this cause, we shall be involving our social partners and all stakeholders.

I thank you all