



***The Recommendation concerning  
HIV and AIDS and the world of  
work , 2010 (No. 200)***

# ***The HIV and AIDS Recommendation***

- ***Was adopted on 17 June 2010 with full support and participation of EU member States and their social partners (civil society representatives were included in many cases)***
- ***Is the first international labour standard on HIV and AIDS for the protection of human rights in and through the world of work***
- ***Builds on the key principles established in the ILO Code of practice on HIV/AIDS and the world of work (2001) (and other relevant ILO Codes of practice)***



# *A New Tool for Civil Society*

- *The Recommendation establishes a range of human rights at work. Civil society organizations can advocate for these rights to be incorporated into EU legislation and policy*
- *Civil society can form alliances with the ILO constituents at the national level to lobby for change*
- *The Recommendation's principles can be mainstreamed into all aspects of civil society activities*
- *It is a tool to guide internal policy as well, given that the civil society organization is also a workplace*



# ***Implementation through national policies and programmes (1)***

***The Recommendation provides that Member States are to develop, adopt and implement national policies and programmes on HIV and AIDS and OSH that are integrated into national HIV strategies, development plans and poverty reduction strategies, including decent work and other strategies***

***(Recommendation, Part IV, paragraphs 4 through 8)***



## ***Implementation (2)***

***The Recommendation can be given effect through one or more of the following:***

***Adoption of national legislation and policies***

***Collective bargaining agreements***

***National and workplace policies and programmes***

***Sectoral strategies***

***Consultation should involve civil society actors***

***(Recommendation, Part V, paragraph 37, especially 37 (f))***

## *Who should be involved?*

- *Civil society actors, including organizations of persons living with HIV, have a key role to play*
- *Relevant sectors, especially the health sector*
- *The most representative employers' and workers' organizations*
- *Labour administration services, including the labour inspectorate and judicial authorities*

*(Recommendation, Part IV, paragraphs 4 through 8)*

# ***What should be included?***

- ***The key principles of the Recommendation, the Code of practice and other relevant ILO instruments***
- ***The special needs of children and young persons in the response to HIV and AIDS***
- ***The role of the workplace in prevention, treatment, care and support, including voluntary counseling and testing, collaborating with local communities***

***Every opportunity should be taken to disseminate information about national policies and programmes on HIV and AIDS and the world of work through organizations of employers and workers, other relevant entities and public information channels—here civil society is key***

***(Recommendation, Part IV, paras. 4 through 8 and para. 36)***



# *Content - Key Principles*

- *The response to HIV and AIDS is recognized as contributing to the realization of human rights and fundamental freedoms and gender equality for all*
- *There should be no stigma or discrimination in employment or occupation on the basis of real or perceived HIV status*
- *HIV and AIDS is a workplace issue and the workplace should be included as an essential element of the HIV response*

*(Recommendation, Part III, paragraph 3)*





# ***Access to Prevention, Treatment, Care and Support Services***

***Workers, their families and dependants should have access to and benefit from HIV prevention, treatment, care and support services and the workplace should play a role in facilitating this access***

***Workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related diseases such as TB***

***Measures should be taken to encourage workers' active participation and engagement in developing, implementing and evaluating workplace programmes.***

***(Recommendation, Part III, paragraph 3)***

# *Gender Equality*

*The Recommendation highlights the need to address the gender dimension in all aspects of the response to HIV and calls for measures to be taken in and through the workplace to:*

- *Ensure gender equality and the empowerment of women*
- *Promote the active participation of both men and women in the HIV response*
- *Promote the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group*
- *Promote the protection of sexual and reproductive health and sexual and reproductive rights of women and men*

*(Recommendation, Preamble, paragraphs 3, 14, 40)*

# ***Non Discrimination***

***Real or perceived HIV status should not:***

- ***prevent equal access to employment or occupation***
- ***affect terms and conditions of employment, including working conditions, remuneration and access to benefits***
- ***be a ground for termination of employment***

***Persons living with HIV-related illness should be able to continue to work as long as they are medically fit, with reasonable accommodation if needed***

***(Recommendation, Part IV, paragraphs 9 through 14)***

## ***Non Discrimination (2)***

***The Recommendation offers an important option for national implementation, providing that:***

***Governments, in consultation with the most representative employers and workers organizations, should consider affording protection equal to that available under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) against discrimination on the basis of real or perceived HIV status***  
***(Recommendation, Part IV, paragraph 9)***

# ***HIV testing, privacy and confidentiality***

***Mandatory HIV testing or screening should not be required of either job applicants or workers, including migrant workers***

- ***The results of testing should be confidential***
- ***HIV testing must be genuinely voluntary and respect guidelines on confidentiality, counselling and consent***
- ***Grievance procedures for alleged violations should be made available at the workplace***

*(Recommendation, Part III, paragraphs 3(h) and (i) and Part IV, paragraphs 24 through 29)*

## ***Non Discrimination (3)***

***There should be no discrimination on the basis of HIV status in access to social security systems, occupational insurance schemes or in relation to benefits under those schemes, including health care and disability and death and survivors' benefits***

***(Recommendation, Part IV, paragraphs 17 through 20)***



# ***Prevention: A fundamental priority***

## ***Programmes should include:***

- ***Comprehensive education programmes for men and women***
- ***Effective occupational safety and health measures***
- ***Measures to encourage workers to know their status as early as possible through voluntary counseling and testing***
- ***Access to all means of prevention including supplies and availability of post-exposure prophylaxis***
- ***Measures to reduce high-risk behaviours and harm reduction strategies***

***(Recommendation, Part IV, paragraphs 15 and 16)***

# ***Treatment and Care***

***All persons covered under the Recommendation should be entitled to free or affordable health services that include:***

- ***Voluntary counselling and testing;***
- ***Antiretroviral treatment and adherence education, information and support;***
- ***Proper nutrition consistent with treatment;***
- ***Treatment for opportunistic infections and sexually transmitted infections, and any other HIV-related illnesses, particularly TB***
- ***Support and prevention programmes for persons living with HIV, including psychosocial support***

***(Recommendation, Part IV, paragraphs 17 through 20)***



# *Support*

- *Programmes of care and support should include reasonable accommodation in the workplace*
- *Members should promote the retention in work and recruitment of PLHIV and extend support, including income-generating opportunities for persons living with or affected by HIV or AIDS*
- *Where a direct link can be established between an occupation and the risk of infection, HIV and AIDS should be recognized as an occupational disease or accident*

*(Recommendation, Part IV, paragraphs 21 through 23)*



# *A safe and healthy workplace*

- *The Recommendation incorporates the principle of the right to a safe and healthy work environment for all workers, including those with an occupational risk of transmission, calling for universal precautions, post-exposure prophylaxis and other safety measures*
- *Measures should be taken to protect workers in occupations particularly exposed to the risk of HIV transmission.*

*(Recommendation, Preamble, Part II, paragraph 3(g) and Part IV, paragraphs 30 through 34)*

# *Social Dialogue*

- *National HIV policies and programmes should promote social dialogue, including consultation and negotiation and other forms of cooperation among governments, employers and workers, organizations representing persons living with HIV and taking into account the views of other relevant actors.*
- *Organizations of employers and workers should promote awareness of HIV and AIDS among their members, including prevention and non-discrimination*

*(Recommendation, Part V, paragraphs 38 and 39)*

# ***International Cooperation and Follow-Up***



International  
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- ***International cooperation focuses on migrant workers' rights and calls for member States and international organizations to seek to reduce the price of supplies***
- ***A national tripartite mechanism should exist or be established for the development and monitoring of the national policy on HIV and AIDS and the world of work***
- ***Most representative organizations of employers and workers should participate equally in the mechanism and the views of PLHIV and expert studies should be considered***

***(Recommendation at paras. 46 through 54)***