



Aids Policy

Background

HIV and AIDS is one of the major challenges to all South Africans. It is estimated that almost 25% of the general population will be HIV positive by the year 2010. In South Africa HIV is spread mainly through:

- Sexual contact
- Breast feeding
- Mother to child

This policy, in keeping with International standards and in accordance with education law and the constitutional, guarantees of the right to a basic education, the right not to be unfairly discriminated against, the right to life and bodily integrity, the right to privacy, the right to a safe environment and the best interests of the child.

The constitutional rights of all learners and educators must be protected on an equal basis.

PREMISES

- 1.1 Although there are no known cases of the transmission of HIV in schools or institutions, there are learners with HIV/ AIDS in schools. HIV cannot be transmitted through day-to-day social contact. Because of the increase in infection rates, learners and educators with HIV/AIDS will increasingly form part of the population of schools and institutions. Since many young people are sexually active, increasing numbers of learners attending primary and secondary schools might be infected. Moreover, there is a risk of HIV transmission as a result of sexual abuse of children in our country. Intravenous drug abuse is also a source of HIV transmission among learners.
- 1.2 Because of the nature of HIV antibody testing and the 'window period' or 'apparently well period' between infection and the onset of clearly identifiable symptoms, it is impossible to know with absolute certainty who has HIV/AIDS and who does not. Although the Department of Health conducts tests among women attending antenatal clinics in public health facilities in South Africa as a mechanism of monitoring the progression of the HIV epidemic in South Africa, testing for HIV/AIDS for employment or attendance at schools is prohibited.

- 1.3 In case of a disclosure of a learner's or educator's HIV/AIDS status to school authorities the educators should be prepared to handle such disclosures and be given support to handle confidentiality issues.
- 1.4 Learners with HIV/AIDS should lead full life as possible and not be denied the opportunity to receive an education to the maximum of their ability. Likewise, educators with HIV/AIDS should lead a full life as possible as other educators and with no unfair discrimination being practiced against them.
- 1.5 Strict adherence to universal precaution under all circumstances in Ethembeni Enrichment Centre is advised.
- 1.6 Adequate wound management has to take place in the classroom and laboratory or on the sports field or playground when a learner sustains an open bleeding wound.
- 1.7 Besides sexuality education, morality and life skills education being provided by educators, parents should be encouraged to provide their children with healthy morals, sexuality education and guidance regarding sexual abstinence. Sexually active persons should be advised to practice safe sex and to use condoms. Learners should be educated about their rights concerning their own bodies, to protect themselves against rape, violence, inappropriate sexual behaviour and contracting HIV.
- 1.8 The constitutional rights of all learners and educators must be protected on an equal basis. If a suitably qualified person ascertains that a learner or educator poses a medically recognised significant health risk to others, appropriate measures should be taken. A medically recognised significant health risk in the context of HIV/AIDS could include the presence of untreatable contagious (highly communicable) diseases, uncontrollable bleeding, unmanageable wounds, or sexual or physically aggressive behaviour, which may create the risk of HIV transmission.
- 1.9 Furthermore, learners with infectious illnesses such as measles, German measles, chicken pox, whooping cough and mumps should be kept away from the school especially those whose immune systems may be impaired by HIV/AIDS.
- 1.10 The school should inform parents of vaccination/inoculation programmes and of their possible significance for the wellbeing of learners with HIV/AIDS. Local health clinics will be approached to assist with immunisation.
- 1.11 Learners must receive education about HIV/AIDS and abstinence in the context of life-skills education on an ongoing basis. Life-skills and HIV/AIDS education should not be presented as isolated learning content, but should be integrated in the whole curriculum.

1.12 Learners should acquire age and context-appropriate knowledge and skills in order that they may adopt and maintain behaviour that will protect them from HIV infection. The guidance educator should provide education about HIV/AIDS.

Non-discrimination and equality with regard to learners and Staff with HIV/AIDS

- (a) No learner or staff member with HIV/AIDS may be unfairly discriminated against directly or indirectly. Educators should be alert to unfair accusations against any person suspected to have HIV/AIDS.

HIV/AIDS testing and admission of learners and appointment of educators and non-teaching staff

- (a) No learner may be denied admission to or continues attendance at a school or an institution on account of his or her HIV/AIDS status or perceived HIV/AIDS status.
- (b) No staff member may be denied the right to be appointed in a post, to teach or to be promoted or to work on account of his or her HIV/AIDS statuses or perceived HIV/AIDS status.
- (c) HIV/AIDS status may not be a reason for dismissal of any staff member, nor for refusing to conclude, or continue, or renew a staff member's employment contract, nor to treat him or her in any unfair discriminatory manner.

Disclosure of HIV/AIDS related information and confidentiality

- a. No learner (or parent on behalf of a learner) or staff member, is compelled to disclose his or her HIV/AIDS status to the school or employer.
- b. Voluntary disclosure of a learner's or staff member's HIV/AIDS status to the appropriate authority should be welcomed and an enabling environment should be cultivated in which the confidentiality of such information is ensured and in which unfair Care Act, 1983 (Act 74 of 9183), any learner above the age of 14 years with HIV/AIDS, or if the learner is younger than 14 years, his or her parent, is free to disclose such information voluntarily.
- c. A member of the staff or learner may disclose his or her HIV/AIDS status to the principal.
- d. Any person to whom any information about the medical condition of a learner or staff member with HIV/AIDS has been divulged, must keep this information confidential.
- e. Unauthorized disclosure of HIV/AIDS related information could give rise to legal liability.
- f. No applicant for a job may be required to undergo an HIV test before he/she is considered for employment. An employee cannot be dismissed, retrenched or refused a job simply because he or she is HIV positive.

Refusal to study with or teach a learner with HIV/AIDS, or to work with or be taught by an educator with HIV/AIDS

- a. Refusal to study with a learner or to work with or be taught by an educator or other staff member with or perceived to have HIV/AIDS should be preempted by providing accurate and understandable information on HIV/AIDS to all educators, staff members, learners and their parents.
- b. Learners who refuse to study with a fellow learner or be taught by an educator or educators and staff who refuse to work with fellow educator or staff member or to teach or interact with a learner with or perceived to have HIV/AIDS and are concerned that they themselves will be infected, should be counselled.
- c. The situation should be resolved by the principal and educators in accordance with the principles contained in this policy, the code of conduct for learners, or the code of professional ethics of educators. Should the matter not be resolved through counselling and mediation, disciplinary steps may be taken.

SIGNED ON: _____

SGB CHAIRPERSON: _____

PRINCIPAL: _____

TREASURER: _____

SECRETARY: _____
