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Objectives

The Electronic Papers published by the Portuguese Observatory for Good Labour Practices (OPBPL) aim to bring accessibility and high-speed readability to essential information and good practices relating to work organisation, collective bargaining, human resources management, labour relations, inclusion and sustainability, corporate social responsibility, and labour market statistics.

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Work and AIDS: what about workers' rights?

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Abstract

HIV, Aids and the problems associated with this infection are intrinsically connected with the world of work, where governments and employers' and workers' associations play a dominant role in the search for common solutions. This OPBPL Electronic Paper presents some of the projects in Portugal on this topic and – briefly – ILO Recommendation No. 200 concerning HIV and Aids and the World of Work.

1 | The response of the world of work to HIV/AIDS

Associated with HIV/AIDS infection, more than any other disease/infection, are issues of disinformation, fear and discrimination, which may obstruct the management of this problem in the workplace.

This infection has a special impact on the world of work since, in 9 out of 10 cases, the people infected are of working age.

Moreover, if it is true that the workplace continues to manifest unacceptable processes of discrimination, it is also true that it is the ideal environment for developing HIV prevention, training and information programmes.

The project Plataforma Laboral contra a Sida (Platform of the World of Work against AIDS) emerged in 2004 as an urgent and necessary response, by all the parties involved in the work sphere, to the challenges of HIV/AIDS infection. The platform is coordinated by the Coordenação Nacional para a Infecção VIH/Sida (National Coordination for HIV/AIDS Infection) and includes employers', business and trade union associations, other social partners, non-governmental organisations working with people who live with the infection, and the Lisbon office of the International Labour Organisation (AEP, AIP, CAP, CNJAP, CCP, OIT, Ser+, Associação Positivo, CIP, ACT, CGTP-IN, UGT, CTP, USI).

This broad partnership seeks the active involvement of employers, workers and all those involved in the world of work, in designing and implementing programmes and/or activities centred on preventing HIV/AIDS and combating discrimination against people who have been infected and are part of the work sphere.

2 | The Code of Conduct “Enterprises and HIV”

Within the scope of the Plataforma Laboral various projects have already been carried out. The last, launched in 2008, was directed at Portuguese enterprises or those operating in the Portuguese market, in addition to enterprises active in the Community of Portuguese-speaking Countries (CPLP). Its aim was to obtain their

commitment to guarantee decent working conditions for people living with HIV, from its three perspectives: (1) non-discrimination; (2) prevention; (3) access to treatment.

It is clear that enterprises associated with this project acquire a position of reference in the Portuguese and international setting, on account of both the public recognition of a socially responsible attitude and the pedagogical and informational dimension of a decent and supportive corporate posture.

The enterprises signing the Code of Conduct commit themselves to:

Avoiding discrimination against people living with HIV, whether they are workers or applicants for posts in the enterprise;

Guaranteeing equal access by men and women to HIV prevention and treatment;

Facilitating initiatives to provide workers with information material on HIV infection, in addition to taking part in prevention programmes involving their representatives;

Recognizing that HIV testing, as an important public health measure, may not compromise the admission or career progress of any worker;

Respecting and guaranteeing respect for the voluntary nature of HIV tests and the confidentiality of their results;

Facilitating access to health care and social protection, on an equal footing, for every person in the enterprise.

The enterprises signing the Code of Conduct also undertake to promote dissemination of the principles that it enshrines and to co-operate with the initiatives carried out to publicise good practice.

Enterprise involvement in this project has been highly positive. Since the public session to present the Code of Conduct “Enterprises and HIV” at the Belém Cultural Centre on 21 November 2008, over 100 enterprises have become involved, especially large and medium-sized enterprises. They operate in the most varied sectors of the Portuguese economy and encompass a highly significant number of workers.

To support the enterprises involved, training activities are being carried out and supporting consultation and information documents have been drawn up by the Platform. However, without prejudice to the support provided by this partnership, it is intended that – ideally – the participating enterprises organise training and dissemination activities and implement good practice in their workplaces, with a view to fully accomplishing the commitments to which they bound themselves when signing the Code of Conduct.

3 | The ILO Recommendation concerning HIV/AIDS infection

Finally, regarding this topic, it is important to stress the historic milestone passed on 17 June 2010 at the 99th International Labour Conference. This took the form of the first international human rights norm devoted to HIV/AIDS and the World of Work, with a noteworthy vote of 439 votes in favour, and only 4 against.

Recommendation No. 200, referred to as the “2010 Recommendation on HIV and AIDS”, and the Resolution relating to its promotion and application contain clauses on prevention programmes and non-discrimination measures applicable at the national and enterprise levels. They strengthen the contribution of the world of work to – and its role in – universal access to prevention, treatment and support in the fight against HIV and AIDS.

The aim of this international norm is to guide governments and employers’ and workers’ organisations in the definition of functions and competencies at all levels. The Recommendation also stresses that HIV and AIDS “have a serious impact on society and economies, on the world of work in both the formal and informal sectors, on workers, their families and dependants, on the employers’ and workers’ organizations and on public and private enterprises, and undermine the attainment of decent work and sustainable development.”

It is precisely on account of the serious impact of this infection on the world of work that the scope of the application of the Recommendation is as wide as possible. It covers all workers, irrespective of the type or system of labour or the place where they

carry out their occupational activity, and includes, for example, volunteers, job seekers and job applicants. It also covers all sectors of economic activity, including the public and private sectors, the formal and informal economy and, finally, agents of authority and the Armed Forces.

It now remains for governments – by drawing up national policies and programmes – and employers’ and workers’ associations to guarantee the implementation of Recommendation No. 200.

4 | References for further study

ILO Recommendation No. 200

http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/recomendacao_200.pdf

Code of Conduct

http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/codigo_conduta.pdf



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