

[DOLE DEPARTMENT ORDER NO. 102-10, March 23, 2010]

GUIDELINES FOR THE IMPLEMENTATION OF HIV AND AIDS PREVENTION AND CONTROL IN THE WORKPLACE PROGRAM

To strengthen the workplace response in implementing the provisions of Republic Act 8504 otherwise known as the Philippine AIDS Prevention and Control Act of 1998 and its Implementing Rules and Regulations, and the DOLE National Workplace Policy, in collaboration with the Inter-Agency Committee (IAC) on STD, HIV and AIDs in the Workplace, the following guidelines are issued to provide directions for employers, employees and program implementers in the workplace.

I. COVERAGE

The guideline shall apply to all workplaces and establishments in the private sector.

II. FORMULATION OF WORKPLACE POLICY AND PROGRAM

A. It is mandatory for all private workplaces to have a policy on HIV and AIDS and to implement a workplace program in accordance with the RA 8504 and its Implementing Rules and Regulations, the goals of the DOLE National Workplace Policy, the provisions of the Labor Code and Other International Standards (e.g. ILO Code of Practice on HIV and AIDS and the World of Work).

B. The HIV and AIDS workplace policy and program may be a separate policy and program or integrated into existing occupational safety and health policy and program of the establishment.

C. There shall be collaborative efforts from the management and the workers representatives in the development and the implementation of the policy and program.

D. In establishment/workplace where there exists an organization of workers/workers union, the policy and program may be included as provisions of the Collective Bargaining Agreements.

E. The DOLE Inter-Agency Committee chaired by the Occupational Safety and Health Center shall assist the workplace/establishment in the formulation and implementation of HIV and AIDS Prevention and Control Policy and Program. The DOLE Regional Offices shall also serve as technical advisers in their respective areas on matters concerning HIV and AIDS prevention and control in the workplace.

III. COMPONENTS OF THE HIV AND AIDS PREVENTION AND CONTROL WORK- PLACE POLICY AND PROGRAM

Workplace policy and program shall include, among others, the following:

A. Advocacy, Information, Education and Training

1. All workers shall be provided with a standardized basic information and education on HIV and AIDS,
2. Employers shall be responsible for providing appropriate, accurate and updated information on HIV and AIDS. Topics for information and education activities shall include
 - a. Magnitude of HIV and AIDS Epidemic.
 - b. The nature of HIV/AIDS, its mode of transmission and causes
 - c. Ways to prevent HIV infection, to include responsible sexual behavior and condom promotion and/or provision.
 - d. Diagnosis, care, support and treatment of HIV and AIDS.
 - e. Impact of AIDS on individual, family, community and workplace.
 - f. Workplace policy and program on HIV and AIDS of the establishment
 - g. Salient features of national laws and policies
 - i. Republic Act 8504 or the Philippine AIDS Prevention and Control Act of 1998 and its Implementing Rules and Regulations (IRR), with emphasis on the provisions that concern workers and the workplace.
 - ii. The DOLE National HIV and AIDS Workplace Policy and its goals
3. Employers are encouraged to extend their HIV and AIDS advocacy, information, education and training activities to their contractors and supply chain, workers', families, the community and other establishments, as part of their Corporate Social Responsibility (CSR) and for strengthening the multi-sectoral partnership in the prevention and control of HIV and AIDS.
4. The workplace education package on HIV and AIDS based on the curriculum developed by the IAC shall be used extensively to intensify the information and education drive on HIV and AIDS. The module may be expanded based on the enterprise's need.
5. Program implementers, occupational safety and health personnel, training officers, human resource officers, employers, workers, DOLE trainers, labor standards enforcers shall continuously receive education and training on HIV and AIDS.

B. Social Policy

HIV and AIDS Workplace Policy and Program shall include:

1. Non-discriminatory Policy and Practices
 - a. Workers shall not be discriminated against, from pre to post-employment, including hiring, promotion or assignment, regardless of the HIV status, be it actual, perceived or suspected with HIV infection.
 - b. Workers shall not be terminated from work if the basis is the actual, perceived or suspected HIV status.
2. Confidentiality
 - a. Access to personal data relating to a worker's HIV status should be bound by the rules of confidentiality consistent with the provisions of RA