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Province of the Eastern Cape  
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## Education Sector Policy on HIV and AIDS

# Draft for public comment

February 2005



## FOREWORD

In 2002, the Office of the Premier initiated a drive towards developing and implementing sector specific policies for all government departments in the Eastern Cape focused specifically on HIV and AIDS in the workplace. In education that initiative led to the development of a draft workplace policy which has subsequently been adapted to cover a broader range of issues affecting the sector in the context of HIV and AIDS.

I am pleased to present this draft document for public comment to all education stakeholders. It reflects a deeply felt commitment within the government of the Eastern Cape Province to a comprehensive response to the HIV and AIDS epidemic. The range of new initiatives in the education sector has grown significantly over the past few years. It is my hope that this policy will help us to work more closely and purposefully within the sector and with a common framework for action.

This draft document draws on our own experience in South Africa and the experience a number of other African countries facing the onslaught of the epidemic. Our task is to make the policy a workable document within the cultural, social, economic and educational context of our province. Parents, learners, school governing bodies, educators, managers or NGOs all have differing roles to play in making this policy a reality in the context of the classroom, the staff room and the community. Let us use this consultation process to ensure that the policy is indeed a realistic and living document.

Once the public consultation period has ended officials of the Eastern Cape Department of Education will synthesise all comments and prepare an updated draft. The final draft will be presented to a stakeholder consultation convened by the Department before the policy is adopted. I urge all education stakeholders and citizens of the province to take this opportunity to join hands with us in this important process.

Honourable M Matomela  
MEC: Education  
February 2005

## ABBREVIATIONS

ABET	Adult Basic Education and Training
AIDS	Acquired immune deficiency syndrome
ART	Antiretroviral therapy
DPSA	Department of Public Service and Administration
DCH	Department of Health
DSD	Department of Social Development
EAP	Employee Assistance Programme
ECD	Early Childhood Development
ECDOE	Eastern Cape Department of Education
EFA	Education for All
FBO	Faith-based organisation
FET	Further Education and Training
GET	General Education and Training
GIPA	Greater involvement of people living with HIV and AIDS
HAART	Highly active antiretroviral therapy
HIV	Human immunodeficiency virus
HRD	Human Resource and Development
IDHAC	Interdepartmental HIV and AIDS Committee
ILO	International Labour Organisation
LTSM	Learning and teaching support materials
M&E	Monitoring and evaluation
MTT	Mobile Task Team on the impact of HIV/AIDS on education
NDDE	National Department of Education
NGO	Non-governmental organisation
NSNP	National School Nutrition Programme
OVC	Orphans and other vulnerable children/learners
PLWHA	Person/people living with HIV and AIDS
PMTCT	Prevention of mother to child transmission (of HIV)
PSCBC	Public Service Co-ordinating Bargaining Council
RC	Representative Council of Learners
SACE	South African Council of Educators
SGB	School Governing Body
SMT	School Management Team
STI	Sexually transmitted infection
VCT	Voluntary counselling and testing

DEFINITIONS	
Affected	Refers to a person who experiences the impact of HIV/AIDS through loss or sickness of family members, friends or colleagues.
AIDS	Acquired Immune Deficiency Syndrome (AIDS) is the final phase of HIV infection and is a condition characterised by a combination of signs and symptoms caused by HIV which attacks and weakens the body's immune system making the affected person susceptible to other life threatening diseases.
Child	A person who is below the age of 18 years
Discrimination	Any measure entailing any arbitrary distinction among persons depending on their confirmed or suspected HIV serostatus or state of health
Education Sector	Refers to all organisations, persons, programmes, activities and role players in the field of education and training.
Educator	Any person employed under the provisions of Employment of Educators Act, No 76 of 1998.
Employee	Any person engaged in the Education Sector to perform a certain task for the purpose of earning a wage or salary or any other form of remuneration.
Employer	A person or body that engages others to perform certain tasks for payment of a wage or salary or any other form of remuneration.
Gender	All attributes associated with women and men, boys and girls, which are socially and culturally ascribed and which vary from one society to another and over time.
HIV	Means the 'Human Immunodeficiency Virus' - the virus that causes AIDS.
Infected	Refers to a person living with HIV, the virus that causes AIDS
Learner	A learner is a person receiving instruction and training from a learning institution or programme.
Learning institution	A place where formal or informal instruction is carried out following a prescribed programme.
Mainstreaming	Accepting a Department's or an organisation's core business to cope with the realities of HIV/AIDS. The key principles of mainstreaming include: (i) understanding/being aware of the impact that the issue is having on development, (ii) identifying focussed entry points, (iii) working within existing structures and strategies, (iv) working to your comparative advantage (v) identifying and working through strategic partnerships, and (vi) understanding the impact of HIV/AIDS on the ministry or organisation.
Multi-sectoral approach	A policy programming strategy, which involves all actors and sections of society in a holistic response to the HIV/AIDS epidemic.
Orphan	A child below the age of 18 years who has lost one or both parents
Psychosocial Support	The support meant to address challenges of isolation, depression, anxiety, other psychiatric impairment and serious interpersonal problems as a result of HIV/AIDS. The purpose of psychosocial support is to ensure that quality of life and motivation to live are effectively optimised. Psychosocial support is understood to include spiritual support.

Stigma

Stigma is a powerful and discrediting social label that radically changes the way individuals view themselves and are viewed as persons. People who are stigmatized are usually considered deviant or shameful, and as a result are shunned, discredited, rejected, or penalized. People with HIV/AIDS are stigmatized because: HIV/AIDS is a life-threatening disease, people are afraid of contracting HIV; HIV/AIDS is associated with behaviours that are already stigmatized or considered deviant, particularly homosexual sex and injection drug use; people with HIV/AIDS are often thought to be responsible for having contracted the disease; and religious or moral beliefs lead some people to conclude that having HIV/AIDS is the result of a moral fault, such as promiscuous or deviant sex, that deserves punishment.

## 1.0 PREAMBLE

Responses to HIV and AIDS in the education sector in the Eastern Cape have been developing steadily for more than a decade. Since 1996, the Eastern Cape Department of Education (ECDOE) has implemented policy on HIV and AIDS in schools and further education and training institutions. A Life Skills and HIV and AIDS Education Programme focused on curriculum related interventions became operational in primary schools shortly afterwards in 1997. In higher education, universities and technikons were also active in prevention and advocacy efforts. Likewise, NGOs have a significant track record in a range of interventions in the sector.

Until recently these interventions have been guided by the *HIV/AIDS and STD Strategic Plan for South Africa (2000-2005)* and other national policies, especially the National Policy on HIV/AIDS, for learners and educators in public schools, and students and educators in further education and training institutions, 1999, and *The HIV/AIDS Emergency, Department of Education Guidelines for Educators, 1999*.

In 2002, the Office of the Premier began a drive towards developing and implementing provincial level policies on HIV and AIDS for all government departments with an emphasis on workplace issues. As a department responsible for 8 314 schools, 85 000 educators and almost 1.9 million learners at different levels, the Eastern Cape Department of Education acknowledges the seriousness of the epidemic and recognises the important role that it can play in mounting a comprehensive response to HIV and AIDS. In education, the ECDOE has taken the initiative to develop a policy for the sector that covers all aspects of HIV and AIDS in the education context.

The epidemic has reached alarming levels throughout the Eastern Cape and it knows no social, gender or racial boundaries. Women in particular are more vulnerable to infection due to economic and gender imbalances and certain cultural practices.

The impact of the epidemic is felt in every sphere of life – educational, social, political and economic. Within the education sector, all educators and learners may be affected as the epidemic has the potential to negatively affect the supply, demand and quality of education.

This draft policy is intended to provide all education stakeholders with a clear framework for collective action against HIV and AIDS. Based on a set of core principles, it articulates a comprehensive response to the epidemic within four broad areas which form a continuum: (1) prevention, (2) treatment care and support, (3) HIV and AIDS in the workplace and lastly (4) management of the response. The policy is derived from and is consistent with all national legislation and regulations on HIV and AIDS, as well as provincial priorities and strategies. It is also backed by an HIV and AIDS Strategic Plan (2005-2009) developed by a number of education stakeholders in December 2004.

## 2.0 PURPOSE

The purpose of this HIV and AIDS policy is to promote and ensure a clear understanding of:

- a comprehensive approach to HIV and AIDS in the education sector which comprises effective prevention, treatment care and support, and impact mitigation at the level of the workplace and in the management of the epidemic
- the rights and responsibilities of all stakeholders in the sector
- expected standards of ethical and social behaviour
- commitments by the Department of Education and other institutions in terms of human and financial resources

- responsibility for implementing the policy and programmes
- management, monitoring and mechanisms through which the policy will be reviewed

### 3.0 SCOPE OF APPLICABILITY

The scope of application of this HIV and AIDS policy for the education sector shall include all:

- learners
- employees
- managers
- employers
- administrators

and other providers of education and training in all public and private, formal and non-formal learning institutions at all levels in the Eastern Cape Province.

### 4.0 LEGAL FRAMEWORK

The HIV and AIDS policy has been developed and will be implemented in accordance with all relevant national laws, codes, regulations, policies and collective agreements, in particular:

- The Constitution of the Republic of South Africa, Act 108 of 1996;
- The Labour Relations Act, No 66 of 1995;
- The Basic Conditions of Employment Act, No 137 of 1993;
- The Employment of Educators Act, No 76 of 1998;
- The Compensation for Occupational Injuries Act, No 130 of 1993;
- The Occupational Health and Safety Act, No 29 of 1995;
- The Employment Equity Act, No 55 of 1998;
- The Promotion of Equality and the Prevention of Unfair Discrimination Act, No 4 of 2000;
- The Medical Schemes Act, No 131 of 1998 and regulations, Government Gazette 20656 of 1999;
- The Department of Labour's, Code of good practice on key aspects of HIV/AIDS and employment (2000);
- The Department of Labour's Code of good practice on dismissal, Schedule 5, Labour Relations Act, No 66 of 1995;
- Amendment to the Public Service Regulations, 2002;
- National Policy on HIV/AIDS, for learners and educators in public schools, and students and educators in further education and training institutions, 1999;
- The national policy on testing for HIV (2000) as gazetted by the Minister of Health, Gazette No 20710;
- South African Schools Act, No 84 of 1996;
- The HIV/AIDS Emergency, Department of Education Guidelines for Educators, 1999.

## 5.0 GUIDING PRINCIPLES

The HIV and AIDS policy is founded on and guided by the following principles:

### ACCESS TO EDUCATION

Every person has the right to education. No learner shall be denied access to education on the basis of his or her actual or perceived HIV status. In particular access to education shall be facilitated for orphans and vulnerable learners.

### ACCESS TO INFORMATION

Every person has the right to relevant and factual HIV and AIDS information, knowledge and skills that is appropriate to their age, gender, culture, language and context.

### GREATER INVOLVEMENT OF PEOPLE LIVING WITH HIV AND AIDS (GLWA)

The involvement of People Living With HIV/AIDS (PLWA) to educate and inform shall be promoted at all levels of the education sector.

### PRIVACY AND CONFIDENTIALITY

Every person has the right to privacy and confidentiality regarding their health, including information related to their HIV status. The health status of an individual employee or learner shall not be divulged without his or her written consent.

All medical information and test results of an employee are confidential. No employee or learner is compelled to disclose his or her HIV status to the school institution or employer.

No institution or workplace is permitted to require a learner or employee to undergo an HIV test.

No person may disclose information relating to the HIV status of another person, without his or her consent. In the case of a minor the best interest of the child shall guide decisions concerning disclosure.

Every person has a moral responsibility to protect themselves and others from HIV infection.

Every person has the right to know their HIV status and openness and disclosure are encouraged within a safe, supportive and accepting environment.

### FAIR LABOUR PRACTICE

Every person, whether infected or affected, has the right to fair labour practices in terms of recruitment, appointment and continued enjoyment of employment, promotion, training and benefits. HIV testing as a requirement for any of the above is prohibited.

### CONSULTATION

The HIV and AIDS policy and programmes will be developed and implemented in on-going consultation with employees, learners, parents and all relevant stakeholders of the sector.

### EQUITY AND EQUALITY

Employees and learners living with HIV and AIDS have the same rights and obligations as all other people and will be protected against all forms of discrimination arising from their HIV status.

### GENDER RESPONSIVENESS

HIV and AIDS affect and impact on women and men differently due to their biological, socio-cultural and economic circumstances. Application of all aspects of this policy should be responsive to the different needs of men and women, boys and girls.



#### **SAFETY IN WORKPLACE AND LEARNING INSTITUTIONS**

All workplace and learning institutions have a responsibility to minimise the risk of HIV transmission by taking the appropriate first aid/universal infection control precautions.

#### **SAFE WORKPLACE AND LEARNING INSTITUTIONS**

There will be zero tolerance for sexual harassment, abuse and exploitation or other behaviours that perpetuate the spread of HIV/AIDS within education sector institutions.

#### **ACCESS TO CARE, TREATMENT AND SUPPORT**

All infected and affected learners, educators and other personnel in the education sector have the right to access holistic care, treatment and support in line with available resources. The education sector will work in partnership with agencies offering support and care including institutions, communities and private and public health care systems.

## **6.0 PREVENTION**

### **6.1 Provision of HIV/AIDS Preventive Services**

The majority of younger learners in the education system are not sexually active. Abstinence is the best-known means of keeping youth free of infection. In keeping with this principle, the sector shall focus its efforts on the promotion of abstinence, particularly amongst children at primary and secondary level education.

Young people have the right to knowledge about condoms as a method of keeping them safe from sexually transmitted infections and HIV infection. However, condom use shall not be promoted at the primary and secondary levels, and condom promotion shall take due consideration of age appropriateness and parental guidance at all times.

Sexually active young people and adults shall be educated about the need for correct and consistent use of condoms. Delaying the onset of sexual activity is a critical part in developing the life skills of young people and in reducing the spread of HIV, sexually transmitted infections (STIs) and unplanned pregnancies. HIV and AIDS related interventions in the education sector should promote the practice of delayed sexual debut and responsible sexual behaviour.

Through partnerships, appropriate learning materials on HIV and AIDS prevention will be developed and made available to learning institutions and education sector structures.

Linkages shall be created with partners to:

- o develop and build on the capacity of learners, employees and employers to utilise, access and/or offer HIV and AIDS preventive services
- o support educators to utilise materials provided and develop their own materials and programmes to support HIV and AIDS education
- o promote peer education and related activities
- o encourage the involvement of PLWHA's
- o support education sector national and institutional programmes on HIV and AIDS
- o provide effective preventive services.

Young people are known to respond better to prevention services which understand and cater for their needs and concerns. In keeping with these principles, education and health sector prevention programmes shall expand and implement youth friendly services with a focus on the training for teachers and young people.

In the provision of HIV and AIDS services emphasis shall be given to the specific needs of girls, orphans, people with special needs and other vulnerable groups.

Education institutions shall develop and implement a Code of Ethics guiding the provision of all services.

## **7.0 TREATMENT, CARE AND SUPPORT**

### **7.1 Provision of basic assistance**

The education sector will liaise with local and international agencies and the private sector to address nutritional support for infected and directly affected individuals within the sector.

The education sector shall build partnerships and networks with line ministries and civil society organisations in order to facilitate access to treatment and related services for employers, employees, learners at all levels. Where they meet minimum quality standards, school sick bays and other health facilities shall offer basic health services and support to learners and employees.

ECDOE shall encourage institutions and other stakeholders in the education sector to provide support including feeding schemes, uniforms, books, fees, shelter, and supervision that enables infected and directly affected learners to complete their education.

Learning institutions shall facilitate access to any available internal resources and work with communities to address the needs of learners with disabilities and other special needs particularly in infected and directly affected families and households.

## **7.2 Identification and support**

Education sector institutions shall liaise with appropriate partners to identify areas of need, particularly where orphans and other vulnerable children are at risk, as well as infected and directly affected persons, families and households requiring assistance. Community based support networks shall facilitate monitoring.

Education sector institutions are encouraged to use existing fora with other partners to evaluate the impacts of the epidemic and mitigation interventions in the sector.

## **7.3 Psychosocial support**

Both infected and affected people in the education sector need psychosocial support in coping with HIV and AIDS. In the education sector, the needs of children – particularly those orphaned by AIDS or from AIDS affected families – are of primary importance. In addition to the responsibilities that this policy outlines for institutions, young people should be sensitised to the needs of their affected and infected peers and mobilised around a common responsibility for care and support.

The education sector shall facilitate access to psychosocial and spiritual support. Teachers, managers and learners at learning institutions should be encouraged to train in guidance and counselling, psychosocial support, to mobilise assistance and act as a point of referral to community based sources such as lay counsellors and faith-based organisations.

Training in psychosocial support and counselling, particularly for lay practitioners shall be conducted according to the accepted professional standards.

The provision of psychosocial and counselling services within education institutions shall be guided by accepted professional norms and standards.

Education institutions are encouraged to work with organisations representing People Living with HIV and AIDS (PLWHA) to encourage openness and promote positive living strategies in the sector.

Post test clubs should be encouraged and supported in the education sector as a means of accessing ARVs, guidance and counselling, social support and promoting behaviour change and positive living amongst affected and infected individuals.

Disclosure of a person's serostatus must always be voluntary and agreed to within the accepted norms of confidentiality. Matters concerning the health status of a child shall in all cases take primary consideration of the rights of a child and the legal responsibilities of the parent/guardian.

Psycho-social support strategies shall pay specific attention to children and adults with special needs

#### **7.4 Voluntary Counselling and Testing (VCT)**

Voluntary Counselling and Testing (VCT) shall be promoted by education institutions/organisations as a means of prevention and accessing treatment, care and support. Knowing your status enables uninfected people to continue the behaviours and practices that keep them safe from HIV infection. For infected people, VCT allows them to access all the care and support that is necessary to remain healthy and productive.

The provision of VCT for learners and employees through institutions or organisations in the sector shall be in accordance with the norms, standards and requirements of the national guidelines on VCT. Young people under the age of eighteen have a legal right of access to VCT and other reproductive health services. Counselling of children in the case of VCT shall be provided with full consideration of the rights of the child.

Institutions in the sector that meet the requirements for providing VCT services, in accordance with the national VCT guidelines, shall be encouraged to expand and strengthen their capacity in partnership with health facilities in the public sector and non-government partners. Voluntary counselling and testing programmes shall:

- facilitate access and referrals to confidential VCT services;
- ensure effective pre- and post-test counselling;
- include family members who need to play a role in providing care and support to infected individuals;
- encourage HIV positive employees to disclose within a secure and enabling environment; and
- equip union leadership with counselling skills.

Existing infrastructure for counselling and other services based at education institutions shall be strengthened and expanded.

Higher education institutions shall provide adequate health facilities for employees and learners and take responsibility for these services within their own institutional policies.

#### **7.5 Gender and child protection**

ECCOE shall develop and distribute guidelines for the protection of learners against all forms of abuse. Special attention shall be given to the protection of girls in relation to child labour and where they are compelled to care for children and adults. Support shall be provided to protect girls and women who are vulnerable to poverty and to enable them to remain in education institutions and complete their education.

Cultural practices concerning sex and sexuality, which increase the risk of HIV infection amongst learners, should be discouraged. Specific attention will be given to the practices of initiation schools and youth in the care of traditional healers.

#### **7.6 Learner and employee welfare**

ECCOE will promote the establishment of schemes targeting infected learners, orphans and other vulnerable groups that include education bursaries/scholarships, material support and training of earners to initiate and manage income-generating activities.

Directly affected and infected learners, their families and guardians will be encouraged to make use of state supported and voluntary microfinance schemes to mitigate the socio-economic impact of HIV and AIDS

## **8.0 HIV/AIDS IN THE WORKPLACE**

### **8.1 Non-discrimination**

All education sector employees and job applicants living with HIV and AIDS shall not be discriminated against in terms of access to or continued employment, training, promotion or employee benefits on the basis of their HIV status. They shall be protected against stigmatisation by their employer, fellow employees, learners, parents, managers and communities.

### **8.2 Recruitment, deployment, etc**

Education institutions shall review current policies, codes and practice for recruitment and deployment of staff. In particular, the Ministry and institutions shall:

- ensure that partners and spouses are not separated unnecessarily;
- promote effective succession and succession planning for managers and other staff;
- where possible, assist the redeployment of staff who need access to family or medical care; and
- improve provisioning systems for teachers and other staff to avoid loss of teaching time (determination of staff ceilings)

### **8.3 HIV testing and confidentiality**

There shall be no compulsory HIV testing in the workplace as a requirement for appointment or continued service. Voluntary testing for HIV at the request of an employee should be done:

- by a suitably qualified person in a suitable facility;
- with the employee's informed consent;
- in accordance with norms, medical ethical rules including confidentiality;
- with pre- and post-test counselling.

Voluntary disclosure by education sector employees and job applicants of their HIV status shall be encouraged, within a supportive environment in which the confidentiality of this information is protected and in which unfair discrimination on the basis of HIV and AIDS is not tolerated.

An employee is under no obligation to disclose his/her HIV status to their employer. However, where an employee voluntarily chooses to do so, he/she retains the right to confidentiality. Disciplinary steps consistent with relevant legislation and regulations, shall be taken against any education sector employee who discloses a fellow employee's status without consent.

HIV testing and access to PEP in all cases of rape, sexual abuse and intentional transmission of HIV virus will be referred to the relevant health and criminal justice authorities.

### **8.4 HIV/AIDS prevention, information and support programmes for employees etc**

Heads/managers of all education sector workplaces shall ensure that the contents of this policy are communicated to all employees and that they have access to copies of the policy.

Heads of all education sector workplaces shall ensure that all categories of employees are provided with appropriate HIV and AIDS education and prevention programmes without delay.

These programmes shall be designed and implemented in consultation with all levels and categories of employees. Programmes should include:

- Basic information about HIV and AIDS, how it is spread and how it can be prevented
- Promotion of positive living by people with HIV and AIDS.
- Promotion of non-discriminatory, supportive and sensitive attitudes towards people living with HIV and AIDS
- Information on sexuality and safer sexual practices including abstinence, faithfulness and use of condom correctly and consistently.
- Information on rights and services available in the workplace to employees living with HIV and AIDS, including employee benefits, counselling, condom distribution, peer education and any other support.
- Referrals: Information and contacts with HIV and AIDS services, organizations and networks that can provide further support to employees that are infected or affected.
- Information on universal precautions to prevent accidental HIV infection as well as provision of materials to implement these precautions.

Heads of all education sector workplaces shall establish and maintain communication channels to enable employees to raise concerns and grievances and access support concerning HIV and AIDS.

All education sector employees will be held responsible and accountable for complying with HIV and AIDS workplace policy and will be required to attend, seek support to and participate in HIV and AIDS prevention activities.

#### **8.5 Refusal to Study or Work with, Teach or be Taught by Persons Living with HIV and AIDS, or other Discriminatory and Disruptive Practices**

Learners shall not refuse to study, train with fellow learners, or to be taught or coached by an education sector employee on the grounds that they are living with, or perceived to be living with HIV or AIDS. Similarly, educators, managers, administrators, support staff or other employees shall not refuse to teach or interact with learners or colleagues on the grounds that they are living with, or perceived to be living, with HIV or AIDS.

All infectious and contagious diseases associated with HIV and AIDS shall be managed according to national and international guidelines and conventions.

#### **8.6 iii health and absenteeism**

All education sector institutions will actively promote all feasible means to maintain the health and performance of employees living with HIV and AIDS.

Employees with HIV and AIDS shall continue working as long as they have not been declared medically unfit by a competent medical authority. If employees are unable to continue their normal duties on medical grounds, employers and managers will act in accordance with existing legislation and regulations with respect to incapacity.

To reduce the negative effects of illness and incapacity on staff members and education delivery, the sector shall:

- take steps to improve access to medical care for staff;
- develop efficient systems for relief staff such as the introduction of flexible staff ceilings providing additional posts from which relief staff can be drawn;
- take steps to improve efficient processing of retirement applications;
- monitor and assess sick leave provisions and adopt them, where necessary.

General provisions relating to compassionate leave and funeral attendance will apply to all education sector employees directly affected by HIV and AIDS. Education sector institutions will review existing provisions where necessary to balance the interests of staff and service delivery in general, where teaching time is lost due to funeral attendance, an institution must make arrangements for learners to catch up, in accordance with service regulations.

Different caregivers' demands affected by HIV and AIDS shall be taken into account in policy and management decisions on compassionate leave.

### **8.7 Exposure at the workplace**

The heads of all education sector workplaces have the responsibility of ensuring a safe working environment and to minimize the risk of accidental HIV infection in the workplace.

An education sector employee who accidentally contracts HIV in the course and scope of his/her employment shall be entitled to immediate post-exposure prophylaxis (PEP) and follow-up in the form of compensation according to the prevailing law.

Higher education institutions shall make provision for accidental exposure in terms of institutional policy.

### **8.8 Sexual abuse**

In the context of HIV and AIDS, employees of education sector institutions have a responsibility to protect each other and particularly to protect children in their care from all forms of sexual abuse, including: harassment; sexual molestation; sexual exploitation and rape.

Employees who exploit their authority over children or other adults for sexual reasons will be subject to disciplinary procedures of the South African Council of Educators (SACE), institution specific Codes of Conduct and other legal sanctions determined by a court of law.

Employers and managers of education sector institutions shall have a responsibility to inform all employees of their rights, responsibilities and the sanctions applicable to sexually related misconduct.

### **8.9 Performance Management**

The education sector affirms the desire and the ability of HIV positive employees to work. It therefore guarantees that employees living with HIV or AIDS may continue to work as long as they are able to perform their duties in accordance with the requirements of their position.

HIV and AIDS shall be treated in the same way as any other disabling or terminal conditions. Education institutions are encouraged to use their Performance Management Systems to provide managers and supervisors with clear guidelines in dealing with all HIV and AIDS-related:

- Absenteeism;
- Sick leave;
- Family responsibility leave;
- Ill-health;
- Transfer to lighter duties;
- Early retirement;
- Dismissals;
- Employee counseling, and so on.

#### 8.10 Wellness Programmes

Education sector institutions shall, in collaboration with partners in the community, facilitate access to palliative care and support for employees living with HIV and AIDS, to ensure that they are able to continue working for as long as possible.

Wellness programmes shall:

- provide on-going counselling to infected and affected employees;
- provide information on positive living, including information on nutrition;
- provide information on treatments for HIV disease and opportunistic infections, including information on antiretroviral therapy; and
- provide information on and referrals for post-exposure prophylaxis following an occupational exposure or rape.

#### 8.11 Community Outreach

Recognising that schools are an important part of every community, with the potential to add value to broader HIV and AIDS responses, the ECDOE shall extend all appropriate parts of its HIV and AIDS programme into communities.

The objectives of the community outreach programme shall be:

- To link the HIV/AIDS workplace activities and the life skills programme, the initiatives for orphans and vulnerable children and all other elements of the broader departmental response to HIV/AIDS; and
- To include non-employees, particularly the families of employees, in selected workplace activities, such as education and counselling.



## **9.0 MANAGEMENT OF THE EDUCATION SECTOR RESPONSE TO HIV/AIDS**

### **9.1 Management and Coordination**

The ECDOE shall ensure that dedicated high level and full-time human resource capacity is in place at provincial level to manage and coordinate data collection, analysis, planning, resource management, implementation, dissemination, monitoring and evaluation.

The ECDOE HIV and AIDS Steering Committee, with representation from all key units, will be responsible for co-ordinating all departmental HIV and AIDS activities, including the HIV and AIDS workplace programme. An HIV and AIDS Unit, once established, will assume all relevant functions. The Unit will be responsible for ensuring co-ordination between IDHAC, the Office of the Premier, the ECDOE and institutions within the sector.

School level: Health Advisory Committees and district office personnel shall be strengthened in order to promote a multi-sectoral response at district and lower levels. Institutions shall have an appointed focal point person to represent their institutions on local committees.

Education sector institutions and managers shall actively participate in and support HIV and AIDS management and coordination structures at all levels, with particular emphasis on the planning, management and implementation of policy and programmes. These structures are expected to be responsive to the needs of all education stakeholders and publicly accountable in decision-making.

### **9.2 Planning**

The Directorate Planning shall be expected to support the national, district and institutional level HIV and AIDS management and coordination structures with planning related expertise and specifically mobilisation of internal and external resources to support the implementation of the education sector HIV and AIDS policy.

### **9.3 Research**

Attention will be given to research on levels of HIV prevalence, levels of orphanhood and vulnerability, access to education, the quality of education, the effectiveness of prevention programmes, impacts on the workplace and differential impacts on gender. Examples of good practice will be highlighted and replicated throughout the education.

All education sub-sectors and districts will be required to provide the necessary data, including key indicators of impact, for the development of a consolidated and accessible information system to support, inform and coordinate sector HIV and AIDS planning, resource allocation and management.

Universities are encouraged to undertake basic, preventive and curative research or enter into local or international consortia or partnerships for this purpose, as well as providing a budget to support research activities.

All external research and other organisations undertaking HIV and AIDS related research in the school system and other education institutions shall liaise with the Eastern Cape Department of Education and will provide copies of their findings for incorporation into a central information system in order to reduce duplication and enhance sector knowledge.

Education sector institutions shall identify and use other national and international opportunities for the dissemination of research findings on HIV and AIDS.

#### **9.4 Monitoring and Evaluation**

The sectoral HIV and AIDS Steering Committee, in cooperation with the Directorate Planning, shall plan and develop a system to measure and monitor an agreed set of HIV and AIDS impact indicators that is feasible and relevant in the education sector and consistent with EFA protocols and international good practice.

Management at all levels of the sector must integrate strategies and mechanisms for monitoring and evaluating the quality of HIV and AIDS programmes, responses to these interventions, the efficiency of resource utilisation in the sector and use this information for planning and management.

ECDOE and each education sub-sector and district shall endeavour to provide, or facilitate access to, sufficient resources to make such monitoring and evaluation successful.

#### **9.5 Human and Financial Resource Management**

All institutions in the education sector shall integrate the financial implications of HIV and AIDS impacts into regular budget processes ensure the availability of adequate resources to support a response to the epidemic.

ECDOE and other training institutions are expected to monitor, plan and develop projections to ensure an adequate sustainable supply of appropriately skilled human resources to meet the needs of every level of the sector.

Each education sub-sector and district and lower level will take the strongest measures to ensure appropriate recognition of HIV and AIDS-related training and develop career paths that encourage staff to work and remain in HIV and AIDS related fields.

Higher education institutions are encouraged to consider a dedicated budget for the integration of HIV and AIDS in teaching and training of academic staff within the context of institutional policy and planning.

#### **9.6 Partnerships**

Within the education sector, the HIV and AIDS Steering Committee will bring together sectoral partners to monitor progress on HIV and AIDS and plan the way forward together with the Department.

The education sector will strive towards creating an environment and working practices that are transparent, accountable and efficient in the handling of partnership agreements.

In cooperation with the national government, development partners and other institutions, the ECDOE will manage current and new resources to ensure that the sector is adequately covered, that resources are appropriately and effectively used and that the most vulnerable groups are targeted.

### 9.7 Advocacy

Education sector institutions/organisations will ensure that managers, administrators and leadership at national, district and institutional levels are knowledgeable and informed of the content of the Education Sector Policy on HIV and AIDS and committed to its dissemination.

ECDOE shall prioritise the dissemination of the policy and guidelines in partnership with other government agencies, development partners and other stakeholders at all levels of the education sector. Taking account of the diverse needs of stakeholders in the sector, ECDOE and its partners shall encourage user friendly and participative strategies.

The education sector and sub-sectors at national, district and institutional levels will develop specific advocacy strategies to support the implementation of the Education Sector Policy on HIV and AIDS.

### 9.8 Further Policy Development and Review

Following the development of consensus on the Education Sector HIV and AIDS Policy a process of implementation planning including legal review, development of regulation and costing will be initiated at the national and district levels.

This policy will be reviewed as the need arises to ensure that it remains relevant to the needs of the sector.

All sub-sectors are expected to develop and/or review their own specific policies on HIV and AIDS that are consistent with this sectoral policy.

