



THE REPUBLIC OF UGANDA



# HIV AND AIDS WORK PLACE POLICY FOR THE JUDICIARY 2018.





# FOREWORD

The burden of HIV and AIDS in Uganda stands at an estimated 1.3 million people living with HIV and AIDS. The Judiciary as an Institution is equally affected by the HIV and AIDS burden.

The impact of the HIV and AIDS epidemic on the Judiciary's Human Resource is felt in terms of productivity. The dispensation of Justice becomes slower than it would have been without AIDS.

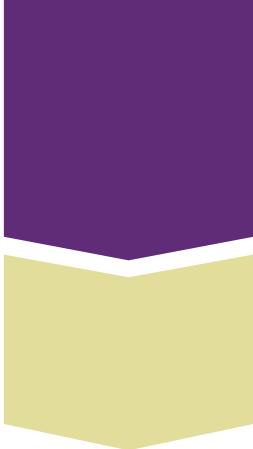
The Judiciary HIV and AIDS work place policy is intended to guide the management in the provision of interventions aimed at mitigating HIV and AIDS scourge in line with International and national strategies to end HIV and AIDS as a public health threat.

The Judiciary upholds the principles of equality, equal opportunities and affirmative action in respect to gender and other disadvantaged groups. Therefore, believes in an open and participatory approach towards the fight against HIV and AIDS.

For the successful implementation of this policy, I look forward to working with Judiciary staff and management.

Bart Magunda Katureebe

**CHIEF JUSTICE**



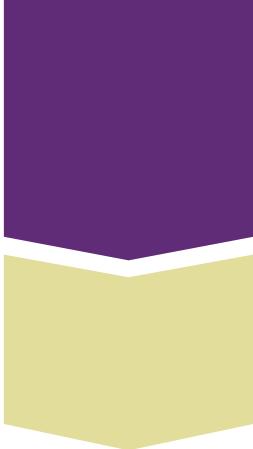
## ACKNOWLEDGEMENT

I wish to acknowledge with gratitude the various stakeholders and institutions for their contribution in the formulation of the Judiciary HIV/AIDS work place policy. The technical guidance from the Ministries of Public Service, Justice, Law and Order Sector and the Uganda AIDS Commission has been instrumental and is therefore highly appreciated.

I thank the technical team, led by Commissioner/ HRM, which worked tirelessly in the formulation of this policy.

I recognize the effort of the Judiciary HIV and AIDS Committee led by the Under Secretary for spear heading implementation of the HIV and AIDS response in the sector.

Pius Bigirimana  
**PERMANENT SECRETARY/SECRETARY TO THE JUDICIARY.**



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## ABBREVIATIONS AND ACRONYMS

<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>ARV</b>	Anti-Retro Viral
<b>HIV</b>	Human Immunodeficiency Virus
<b>HRM</b>	Human Resource Management
<b>ILO</b>	International Labour Organization
<b>IEC</b>	Information, Education and Communication.
<b>PLWHIV</b>	People Living with HIV
<b>UN</b>	United Nations
<b>UNAIDS</b>	United Nations Programme on HIV and AIDS
<b>VCT</b>	Voluntary Counseling and Testing
<b>MoPS.</b>	Ministry of Public Service
<b>M&amp;E</b>	Monitoring and Evaluation
<b>NSP</b>	National Strategic Plan

# 1.0

## INTRODUCTION

The HIV and AIDS epidemic threatens to erode all the benefits of an effective and efficient service, consequently draining the human resources. The Judiciary like other Institutions suffers the devastating effects of HIV and AIDS; this impacts negatively on the ability to provide timely justice.

This policy is therefore, derived from the recognition that recruitment, retention and motivation of high quality employees is an essential component in ensuring that the Judiciary is an effective arm of Government. The global trends on HIV and AIDS have shown that it is paramount for the Government to formulate relevant and critical policies that shall mitigate the impact of the epidemic at the workplace.

Underlying this policy is the need to protect and develop human resources in line with the principles of non - discrimination and respect for the basic human rights and dignity as per the Universal Declaration of Human Rights UN Charter (1948), the International Labour Organization (ILO) Code of Practice on HIV and AIDS and the World of Work (2001), the Constitution of the Republic of Uganda (1995) and the Uganda National HIV and AIDS Prevention and Control Act 2014, National HIV and AIDS Mainstreaming Policy 2017, National HIV and AIDS Strategic plan 2015-2016/2019-2020 and Public Service HIV and AIDS Policy of 2006.

This policy applies to all staff of the Judiciary across all the structures and it's complementary to the existing Laws and regulations in the Public Service.

In rolling out the National HIV and AIDS Mainstreaming guidelines and Presidential Fast Track Initiative for Ending AIDS as a public health threat by 2030 in Uganda, Judiciary set the interventions aiming at reaching the target of attaining UNAIDS target of 90% of people should go for testing and know their HIV status, 90% of those people identified as HIV positive be put on treatment and 90% of those people on treatment, their viral load should be suppressed to a level where they cannot infect others (90, 90, 90).

## 2.0

## SITUATION ANALYSIS

HIV and AIDS is still a burden and a substantial threat to Uganda's socio-economic development, imposing a heavy burden on individuals, families, communities and the nation. It is therefore paramount that Judiciary work place policy is developed and put in place to provide a framework for management in the protection and mitigation of the HIV response at the workplace.

HIV and AIDS is a workplace phenomenon not only because it has the potential to affect labour and productivity, but also because the workplace can play a vital role in the wider struggles to limit the spread and effects of the epidemic. There are still several bottlenecks that we need to jointly address including; reversing new HIV infections, AIDS related death, reduce stigma and discrimination among the staff.

According to the HIV interventions, it is estimated that 1% of staff are living with HIV and AIDS. Majority of Judiciary staff are within the active sexual age group of about 60%. Some of the key drivers fueling the HIV infections among the staff are extra-marital sex, multiple sexual partners, casual sex, alcoholism and drug abuse and low disclosure due to stigma and discrimination. There are limited programs addressing HIV prevention, care, and mitigation to support staff to cope with the effects of the epidemic.

## **3.0 RATIONALE**

The rationale for the Judiciary HIV and AIDS Policy is to;

- To provide a framework for planning, budgeting and management of HIV interventions.
- To ensure the health and wellbeing of staff.
- To promote and protect employee rights at work.

### **3.1 General objective**

The overall purpose of this policy is to provide an enabling framework for the management of HIV and AIDS in the Judiciary.

#### **3.1.1 Specific objectives**

To provide a supportive working environment that promotes prevention of HIV infection for all Judiciary staff;

- To eliminate stigma and discrimination.
- To manage and mitigate the impact of HIV and AIDS within the Judiciary.
- To promote care, treatment and support for staff living with HIV/AIDS within the judiciary;
- To promote partnership and multi-sectoral response.
- To build capacity and improve the coordination of key players on the epidemic.

## **4.0**

## **SCOPE OF THE POLICY**

This policy shall apply to all Judiciary staff

## **5.0**

## **PRINCIPLES OF THE POLICY**

The general principles of this policy are derived from provisions of the constitution of Uganda (1995) Article....., Universal Declaration of Human Rights Charter (1948), the International Labour Organization (ILO) code of practice on HIV/AIDS and the world of work (2001), and the Government Standing Orders. The following principles must be respected:

### **5.1 Non discrimination**

There shall be zero tolerance to discrimination and stigmatization of workers on the basis of known or perceived HIV status. This is applicable at recruitment, promotion, transfers, remuneration, career development or training, and disciplinary measures among others.

## **5.2 Confidentiality**

Confidentiality regarding the HIV and AIDS sero-status of any Judiciary staff shall be maintained. Breach of this principle will lead to disciplinary measures as stipulated in the Uganda Government Standing Orders and Administrative Instructions issued from time to time. (Uganda Government Standing Orders (2010).

## **5.3 Voluntary counseling and testing for HIV**

HIV counseling and testing is not a prerequisite for recruitment, access to training or promotion; Judiciary will promote and facilitate voluntary counseling and testing.

### **5.4 Greater and meaningful Involvement of Staff Living with HIV and AIDS**

There will be greater and meaningful participation and involvement of staff living with HIV in all Judiciary programmes, especially staff who voluntarily disclose their sero-status.

## **5.5 Gender responsiveness**

The Judiciary undertakes to provide necessary HIV and AIDS interventions regardless of gender.

## **5.6 Partnership**

The Judiciary will partner with other stakeholders in the management of HIV and AIDS interventions.

## 6.0

# HUMAN RESOURCES MANAGEMENT AND HIV AND AIDS

- 6.1** The Judiciary guarantees no restriction in the employment opportunities of People Living with HIV and AIDS as long as the applicant qualifies and is able to perform the assigned responsibilities established in the job description.
- 6.2** Part of the induction process of a newly hired staff will include sensitization and awareness about HIV and AIDS at the work place, the Judiciary guiding principles and policy interpretation. Furthermore, a copy of the policy will be given to newly recruited worker, together with the job description and any other related documentation.
- 6.3** In order to reduce the vulnerability of the staff, the Judiciary will decide on deploying or transferring workers considering minimizing the implications in the separation of married couples.
- 6.4** The Judiciary will ensure that no staff is transferred from one work station to another on account of his/her HIV status. Although, when transfers are in response to the Uganda Government Standing Orders, managers and supervisors shall consider that:
  - The station has easy access to medical care, treatment and support
  - The environmental conditions will not deteriorate the health of the staff.
- 6.5** The promotion of staff will be carried out based on merit and the staff living with HIV will not be discriminated against.
- 6.6** All staff will be given the same opportunities for training and development irrespective of their HIV status.
- 6.7** The Judiciary shall ensure that every worker or job applicant receives equal opportunities and treatment for all staff.
  - 6.7.1** Staff living with HIV and AIDS shall be granted special leave of absence in line with the provisions of the Uganda Government Standing Orders.

**6.7.2** A staff living with HIV and AIDS can be granted sick leave only on recommendation by a Government Medical Officer on full pay for up to ninety days during a period of twelve months. This period may be extended to one hundred and eighty days on full pay during a period of twelve months, if the Director General of Health Services or any Government Medical Officer designated by him/her is satisfied that the Officer will be fit to resume duty within a reasonable time.

**6.7.3** Staffs are expected to establish and maintain good working relationships with any employee who has HIV infection or AIDS. Depending on the gravity of the offence or misconduct, staff, who refuse to work with, withhold services from, harass or otherwise discriminate against a co-worker with HIV infection or AIDS will be subject to the same disciplinary measures which are applicable under section 6.0 of the Code of Conduct and Ethics for Uganda Public Service (2005)

**6.7.4** Retirement on medical grounds for staff living with HIV and AIDS shall be handled in accordance with the Uganda Government Standing Orders (2010). When the staff is unable to continue working, he/she may initiate the retirement on medical grounds.

### **6.7.5 Protection from harassment**

It is necessary to observe certain guidelines to ensure the prevention of sexual harassment or any other form.

### **6.7.6 Capacity building**

The Judiciary in her effort to support a coordinated and sustained response to HIV/AIDS commits to build capacity of staff and create partnership with other stakeholders at all levels.

### **6.7.7 Information, Education and Communication**

Staff will be provided with IEC materials and training which aims at reducing risk-taking behaviours and encourages responsible sexual behaviour for effective HIV/AIDS prevention and control among

# 7.0

## IMPLEMENTATION OF POLICY

The Permanent Secretary/ Secretary to the Judiciary supported by the HIV/AIDS Committee has the overall responsibility for interpretation and implementation of this policy. In particular, he/she is responsible for ensuring that the policy is widely disseminated and that its effectiveness is regularly monitored.

The content of this policy shall be made available to all workers of the Judiciary. Workers living with or affected by HIV infection and AIDS, and those who have any related concerns/questions about this policy or its interpretation are encouraged to contact the Human Resource Management Department or a member of the HIV/AIDS Committee to discuss their concerns and obtain the relevant information.

### 7.1 Monitoring and Evaluation (M&E)

A monitoring system will be introduced to measure the effectiveness of this policy.

The M&E system will assist to ensure accountability and transparency through participatory reviews of the Judiciary responses to HIV/AIDS.

The policy will be reviewed after three years in the light of changing circumstances

# **8.0**

## **PRIORITY INTERVENTIONS**

The Judiciary will undertake key interventions to address HIV and AIDS based on the National HIV Mainstreaming guidelines and NSP as follows.

### **8.1 HIV Prevention Interventions;**

- i Conduct HIV&AIDS sensitization at the workplace
- ii Conduct/refer clients for HIV testing and counseling services
- iii Promote Behavior Change Communication interventions including dissemination of Information Education Communication materials at the work place
- iv Promote HIV prevention interventions that focus on men
- v Promote condom education, distribution and correct/consistent use

### **8.2 Social support and Protection**

- i Promote psycho-social support for PLHIV at workplace and within the communities served including Home Based Care
- ii Establish PLHIV support groups at the workplace and in the communities served
- iii Establish and strengthen mechanisms to address stigma and discrimination of PLHIV at the workplace

### **8.3 Systems Strengthening;**

- i Establish and strengthen HIV&AIDS coordination structures at work place and in the communities served.
- ii Develop and operationalize HIV & AIDS workplace policy
- iii Prepare and submit periodic activity reports
- iv Conduct resource mobilization activities to ensure implementation of sector HIV and AIDS plans
- v Convene quarterly coordination meetings to review progress and planning of activities

## **8.4 Care and Treatment;**

- i Provide effective referrals of staff identified to be living with HIV to access ART.
- ii Support all staff and particularly staff LWHIV through provision of quarterly medical allowance etc.

## **9.0**

# **INSTITUTIONAL ARRANGEMENT AND CORDINATION**

There will be a Focal Point Officer for coordination and management of HIV/AIDS activities in the Judiciary.

## **9.1 Top management**

Role of Top management will include ;

- i. Approve the policy
- ii. Strategic guidance
- iii. Resource allocation
- iv. Monitoring

## **9.2 Focal Point Person**

There shall be a Focal Point Person who shall be responsible for the operationalization of the Judiciary HIV and AIDS policy statement and supporting procedures, as well as the maintenance of databases jointly with the HIV Committee members

## **9.3 Employees**

All staff will provide input in the policy during the development and also be responsible in ensuring they participate in the implementation of the policy both national and sub national levels

## **9.4 Policy Implementation Plan**

The HIV committee will derive the implementation plans and be approved by the Top management of the Judiciary.

## **9.5 HIV/AIDS Committee**

The committee members will be appointed by the Permanent Secretary/Secretary to the Judiciary consisting of 7 members from different Departments. The roles of the committee will be specified in the appointment instrument by the PS/SJ. The PS/SJ will nominate the chairperson of the committee.

## **10.**

## **SANCTIONS**

In case of violation of this policy, the existing disciplinary measures, detailed in the Uganda Government Public Service Orders, 2010 shall apply.

Where this policy may be obtained

This policy may be obtained from:

Courts of Judicature.

The Human Resource Management Department

High Court

Plot No.2 the Square

P.O.B 7085, Kampala - UGANDA.

Tel: +256 (0) 414-344 116

Fax: +256 (0) 414-344 110

This policy is also available on the internet at the following web site:

e-mail: [info@judicature.go.ug](mailto:info@judicature.go.ug)

website: <http://www.judicature.go.ug>