

ILO CONFERENCE ADOPTS UNPRECEDENTED NEW INTERNATIONAL LABOUR STANDARD ON HIV AND AIDS

GENEVA (ILO News) – Governments, employers and workers meeting at the annual conference of the International Labour Organization (ILO) today adopted a new international labour standard on HIV and AIDS - the first international human rights instrument to focus specifically on the issue in the world of work.

The new standard was adopted by a vote of 439 to 4, with 11 abstentions by delegates to the International Labour Conference, following two years of intense and constructive debate.

The standard is the first internationally sanctioned legal instrument aimed at strengthening the contribution of the world of work to universal access to HIV prevention, treatment, care and support and contains provisions on potentially life-saving prevention programmes and anti-discrimination measures at national and workplace levels. It also emphasizes the importance of employment and income-generating activities for workers and people living with HIV, particularly in terms of continuing treatment.

The Conference also adopted a resolution on its promotion and implementation that invites the ILO Governing Body to allocate greater resources to give effect to the new standard, requesting that a Global Action Plan be established to achieve its widespread implementation and regular reporting from ILO member States.

Dr. Sophia Kisting, Director of the ILO Programme on HIV and AIDS and the World of Work said that “with this new human rights instrument we can harness the strength of the world of work and optimise workplace interventions to significantly improve access to prevention, treatment, care and support. We cannot do it alone but this standard will, I believe, provide a major contribution to making the dream of an AIDS-free generation a reality.”

Ms Thembi Nene-Shezi (South Africa), who chaired the debates on the standard in the HIV and AIDS Committee, said “we have an instrument that should be a source of pride for the ILO and its constituents. We have no time to waste however. We must move forward and promote the standard. The engagement of those that have given birth to it – the governments, employers and workers – will be crucial to the development of national workplace policies anchored in human rights and directed at overcoming discrimination.”

The employer Vice Chair of the HIV and AIDS Committee, Mr Patrick Obath (Kenya) said “the standard brings everybody onto the same page and ups the ante in the fight against HIV and AIDS. The important thing now is to implement national workplace policies that support what some employers are already doing and that the whole national response is taken up a level.”

The worker Vice Chair of the HIV and AIDS Committee, Mr. Jan Sithole (Swaziland) said “we are proud to have in hand an unprecedented international instrument to deal with HIV and AIDS through the workplace. As long as we do not have a cure we have no choice but to use the content of this instrument at every level of society.”

The new standard is in the form of a Recommendation, one of two types of labour standards the ILO can adopt. While distinct from a Convention in that it does not require ratification, under Article 19 of the ILO Constitution, a recommendation must still be communicated to national parliaments and discussed in terms of how it might be implemented through national policies and legislation. The Recommendation augments the existing ILO Code of Practice on HIV/AIDS and the world of work adopted in 2001.

As is the case with the majority of ILO standards, its content was subject to two rounds of discussion at the ILO Conference in 2009 and 2010. During this year's discussion the draft text of the standard received amendments that strengthened its provisions in a number of areas including gender equality, reproductive health and rights, social protection, occupational health and safety, and measures to address vulnerable and marginalized groups such as transiting and migrant workers. It also covers armed forces and uniformed services.

“The Recommendation will not only be an important instrument to guide the work of the ILO and its constituents but will also enhance coordination in the international AIDS community. With strong provisions on prevention and social protection, the Recommendation will reinforce ILO's work in support of the UNAIDS ten priority areas”, added Dr. Kisting.

The final instrument is based on the following principles:

- the response to HIV and AIDS should be recognized as contributing to the realization of human rights and fundamental freedoms for all, including workers, their families and their dependants;
- HIV and AIDS should be recognized and treated as a workplace issue, which should be included among the essential elements of the national, regional and international response to the pandemic with full participation of employers' and workers' organizations;
- there should be no discrimination against or stigmatization of workers, in particular jobseekers and job applicants, on the grounds of real or perceived HIV status or the fact that they belong to segments of the population perceived to be at greater risk of or more vulnerable to HIV infection;
- prevention of all modes of HIV transmission should be a fundamental priority;
- workers, their families and their dependants should have access to and benefit from prevention, treatment, care and support in relation to HIV and AIDS, and the workplace should play a role in facilitating access to these services;
- workers' participation and engagement in the design, implementation and evaluation of national and workplace programmes should be recognized and reinforced;
- workers should benefit from programmes to prevent specific risks of occupational transmission of HIV and related transmissible diseases, such as tuberculosis;
- workers, their families and their dependents should enjoy protection of their privacy, including confidentiality related to HIV and AIDS, in particular with regard to their own HIV status;
- no workers should be required to undertake an HIV test or disclose their HIV status;
- measures to address HIV and AIDS in the world of work should be part of national development policies and programmes, including those related to labour, education, social protection and health; and,
- the protection of workers in occupations that are particularly exposed to the risk of HIV transmission.

The proposed standard has already drawn the support of UNAIDS and WHO during the ILC discussions.