

of cooperatives as distinct from capitalist businesses or state controlled enterprises. In this regard Cosatu's role in securing this framework through national policy-making processes and international engagements are crucial. This includes ILO processes which produced a revised standard for cooperatives encapsulated in Recommendation 193 (2002).

To make the post-apartheid cooperative framework work the assumptions underpinning it have to be realised. As implementation is taking place short-comings are also coming through. In this regard, training for co-op managers and more specialised training for cooperatives is not provided for. These needs for cooperatives are getting lost in the

SETA system and therefore there is a need to enhance the policy support framework through a national cooperatives college, for example. In addition, the racial integration of the cooperative sector is inhibited by the BEE approach. In many instances the cooperation pattern from below between black and white cooperatives challenges a 'BEE approach' from the standpoint of 'cooperative empowerment'. Also tax reform for post-apartheid cooperatives has to be seriously thought about to improve what we have.

CONCLUSION

There are many positive opportunities and exciting challenges facing worker and non-worker cooperatives in post-

apartheid South Africa. Increasingly our debates about cooperatives must speak to these opportunities and challenges while being informed by history and the ongoing struggle to defend the identity of coops. Trade unions and the working class more broadly, need to claim the post-apartheid cooperative development framework as theirs, grounded in the experiences of the NUM cooperatives and more. In doing this we have to recognise that cooperatives have both strengths and weaknesses. Philip has a lot to teach us about these, but she also has a lot to learn as we struggle to deepen the conditions for successful post-apartheid cooperative development. LB

Unlocking labour laws

Workplace discrimination and HIV/AIDS

The questions in this edition come from people who are worried about issues of discrimination in the workplace when a worker is living with HIV/AIDS. The **AIDS Law Project** answers these questions and suggests ways to make the workplace more friendly, supportive and safe for people living with HIV/AIDS and for those working with them.

I work at a fast food outlet selling fried chicken. My sister told the other workers that I am HIV positive. Now they won't eat with me and they insult me. I complained to my manager and he

said he would deal with this but he has done nothing? What can I do?

Employees discriminating against a worker living with HIV/AIDS should face disciplinary action. Also, the employer cannot dismiss

you as it is unlawful to dismiss a person living with HIV, even if other employees are unhappy about working with that person.

Grievance procedures: are you being treated fairly?

All workers, including Andile, who are living with HIV should be able to lodge grievances if they are unfairly treated. Instances of HIV/AIDS discrimination should be approached in a sensitive way in the same way that sexual harassment grievances have to be treated sensitively.

One of the best things you can do to deal with fear, discrimination and prejudice in the workplace is to



develop a workplace policy on HIV/AIDS, and a programme of action including education.

The first step in developing a workplace policy is to approach the employer and begin developing a policy together. Union representatives should ask the employer to form a committee. This committee should have representatives from the workers, supervisors, the human resources department, the finance department and a senior manager with authority to implement the agreed policy or programme.

The committee should get expert advice, and follow the guidelines set out in the Department of Labour's *Code of Good Practice: Key Issues of HIV/AIDS and Employment*.

The committee should draw up a draft policy, then consult with the trade union and the employer. Every department should discuss the draft policy and make changes. The committee should agree on a final

policy, and a programme to implement the policy.

There should be a budget for the programme. The committee should discuss the effects of the programme on the workplace such as time off. It should also make any changes needed to the policy, for example, including workers living with HIV/AIDS on the committee once they feel safe to reveal their HIV status.

Policies gathering dust in a drawer are useless. Call for ongoing programmes to combat the spread of HIV such as condom distribution and education. These programmes should be monitored and evaluated at regular intervals, and reach beyond the workplace and into the community and workers' families. A programme of action should include education.

Unions need to suggest to management that prevention of the spread of HIV and management of workers living with HIV will improve if all workers (including casual

workers) are well-informed. They need to know where to access treatment and support, and be confident that their rights will be protected and their status will be kept confidential.

Key tools for managing and educating around HIV in the workplace include:

- using peer educators
- training shop stewards and supervisors
- consulting workers living with HIV.

The following are a guide to what issues the workplace policy should cover:

- Discrimination: how can we prevent this?
- Many workers living with HIV in smaller workplaces still experience discrimination. Workplace policies should call for workers living with HIV who are well to be treated like all other workers. Workers living with HIV who are sick should be treated like any other worker with a chronic illness.
- Workers living with HIV have the right to equality, and cannot be treated differently with regard to any employment policy or practice.
- Workers living with HIV need to continue working. Most workers can be treated with anti-retroviral medicines, available at state hospitals and clinics (to find the closest ART site for each area, contact the Treatment Action Campaign at 011-3398421 or the AIDS Law Project at 011-3564100). Most workers on anti-retroviral medicines will be fit to work in two months or less.

We want to encourage people at our workplace to take HIV tests but how can we ensure a worker's HIV status remains confidential until they choose to disclose it?

Employers cannot force workers to take an HIV test. If you agree to take part in an anonymous prevalence

Tough and determined

survey, you must be given counselling before and after your test, and your results must be confidential. No one, including medical staff and any manager who comes to know your HIV status, may disclose this information to anyone else without your permission.

Some people at my work are afraid of getting HIV/AIDS from other workers. Is there anything we can do to stop their fears?

Yes you can make your work environment safer. The only possible HIV transmission risk at work is through accidental direct exposure to blood, semen, vaginal fluid or breast milk; or an incident involving rape or sex at work. Employers should provide a first aid box containing disposable gloves for treating any cut or injury at work. Also workers living with HIV are vulnerable to contracting tuberculosis (TB) or opportunistic infections like pneumonia at work. Employers should take reasonable steps to guard against the employee getting sick in this way and at the same time the employer will be protecting other workers against getting sick.

If a worker does contract HIV at work (which is very rare), for example, a health worker with a needle-stick injury, he or she can claim compensation under the Compensation for Occupational Injuries and Diseases Act (COIDA). You must report this accident or incident to your supervisor if you want to claim.

Employers should provide post-exposure prophylaxis (PEP) for workers who are exposed to HIV at work. This is a short course of anti-retroviral medicines, which will reduce the risk of HIV infection if they are taken within 72 hours of the accident. Employers should also help workers to get counselling and support.

If you are raped at work or anywhere else, you can get PEP from your nearest hospital.

I am a shop steward and one of the workers told me he is afraid to tell the employer that he is HIV positive because he thinks he may lose his benefits. Is this possible?

An employer can't unfairly deny workers living with HIV access to any employee benefits. Insurance industry associations have recently taken a policy decision not to test applicants, and group life policies which do not discriminate against people living with HIV are available. Medical aid schemes also cannot discriminate against members on the basis of their health status, and must provide the prescribed minimum benefits to workers living with HIV, including anti-retroviral treatment and treatment for opportunistic infections such as TB. LB

Women of Zimbabwe Arise

As Zimbabwe's economy and governance collapse, some stay silent but others make their voices heard in the call for social justice. **Mary Ndlovu** of *Women of Zimbabwe Arise* charts the formation and progress of this vibrant and brave organisation.

Women in Zimbabwe are suffering. Few are employed but all are working. They work in their homes to cook, wash, clean and care for children, and they work outside their homes to raise money for daily living. In rural areas they carry water, they fetch firewood and they work in fields. Some have the assistance of husbands, fathers, brothers, sons but the majority do not.

In Zimbabwe in 2007 this means they lead a difficult life. They eke out a living, finding opportunities through luck, connections, or sheer perseverance, not infrequently engaging in illegal activities. In a collapsed economy and a corrupt political environment where the strong prey on the weak it takes all their energies to survive from one day to the next. Children are excluded from school if fees are not paid, health care is unavailable or unaffordable, food is short, and motorised transport is replaced by "footing". But we are prohibited by law from voicing our concerns, our fears, and our anger over what our government has done to our country. Repressive legislation makes it illegal to gather to protest, unless the police approve, which they never do. It makes it illegal to publish material