

DEPARTMENT ORDER NO. 102-10  
Series of 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 WORKPLACE 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 8504 and the ILO Code of Practice.
  - b. Job applicants or workers must not be asked to disclose HIV-related personal information. Co-workers must not be obliged to reveal such personal information about fellow workers.
  - c. HIV/AIDS-related information of workers should be kept strictly confidential and kept only on medical files, whereby access to information should be strictly limited to medical personnel or if legally required in accordance with the provisions of RA 8504 and its IRR.
  
3. Work Accommodation and Arrangement
  - a. Employers should take measures to reasonably accommodate the workers with AIDS-related illnesses.
  - b. Through agreements made between the management and workers, work accommodation measures to support workers with HIV and

AIDS is encouraged through flexible leave arrangements, rescheduling of working time and arrangement for return to work.

C. Diagnosis, Treatment and Referral for other services

1. If feasible, establishments shall provide preventive, diagnostic and treatment services for sexually transmitted infections to minimize the risk of HIV infection.
2. If preventive, diagnostic, treatment and other health services for STI are not available in the establishment, management shall provide access to these services. A referral mechanism shall be developed for workers to access the services of the nearest social hygiene clinics, and/ or private and government health service providers, and positive community/ HIV support groups.
3. Voluntary Confidential Counseling and Testing (VCCT) for HIV
  - a. Compulsory HIV testing as a precondition to employment, and/ or provision of any kind of service, is unlawful.
    - i. Management shall encourage positive health-seeking behavior which shall include VCCT
    - ii. Management shall provide the referral procedure for VCCT and the list of service providers. (See Annex DOH and HVI support groups)

#### **IV. ROLES AND RESPONSIBILITIES OF EMPLOYERS AND WORKERS**

A. Employers Responsibilities

1. Each employer, together with workers/ labor organizations shall develop, implement, evaluate and fund HIV and AIDS prevention and control in the workplace policy and program.
2. Each employer, together with workers/ labor organizations, company focal personnel for human resources, safety and health personnel,

shall address all aspects of implementing the workplace HIV and AIDS prevention and control in the workplace policy and program.

3. Each employer shall ensure that their company policy and program shall be made known to all workers.
4. Each employer shall ensure that their policy and program, is in adherence to existing government legislations and guidelines, including provision of leaves, benefits and insurance.
5. Each employer shall provide information, education and training on HIV and AIDS for its workforce; if not available within the establishment, then provide access to information.
6. Each employer shall maintain confidentiality of all information and records pertaining to HIV and AIDS status of their workers.
7. Each employer shall not force or condone forced disclosure of HIV status of workers.
8. Each employer shall ensure non-discriminatory practices in the workplace.
9. Each employer, together with the company focal personnel for human resources and safety and health, shall provide appropriate personal protection equipment to prevent HIV exposure, especially for those handling blood and other body fluids.
10. Each employer shall continue to improve the program by networking with government and organizations promoting HIV and AIDS prevention and control

#### B. Workers Responsibilities

Workers, as their individual responsibility, shall contribute to the formulation and abide by and support the company HIV and AIDS Prevention and Control Policy and Program.

1. Labor unions, federation, workers organization association are required to take an active role in educating and training their members

on HIV and AIDS including its prevention and control. The IEC program must also aim at promoting and practicing a healthy lifestyle with emphasis on high risk behavior and other risk factors that expose workers to increased risk of HIV infection.

2. Workers shall practice non-discriminatory acts against co-workers.
3. Workers and workers' organizations should not have access to personnel data relating to a worker's HIV status. The rules of confidentiality should apply in carrying out union and organization functions.
4. Workers shall comply with universal precaution and the preventive measures.
5. Workers living with HIV may be encouraged to inform the health care provider such as company physician, on their HIV status, that is, if their work activities may increase the risk of HIV infection and transmission or put the HIV positive at risk for aggravation.
6. Workers are enjoined to share information on prevention and control of HIV and AIDS to their families and communities.

## **V. IMPLEMENTATION AND MONITORING**

- A. Within the establishment, the implementation of the policy and program shall be monitored and evaluated periodically; the safety and health committee or its counterpart shall be tasked for this purpose.
- B. The Department of Labor and Employment (DOLE) through its Regional offices, in collaboration with the Department of Health (DOH), Department of Interior and Local Government (DILG) and local government units (LGUs) shall oversee and monitor the HIV and AIDS Prevention and Control in the Workplace Program for private establishments and dissemination of information on HIV and AIDS Prevention and Control in the Workplace Program.
- C. The Occupational Safety and Health Center (OSHC), members of the IAC on HIV and AIDS and the Regional AIDS Assistance Teams (RAATs) shall

provide preventive services and technical assistance in the implementation of the HIV and AIDS in the workplace program.



D. The Bureau of Working Conditions (BWC) through the DOLE Regional Offices shall enforce this Guidelines, related OSH Standards and other related policies and legislations.

VI. Consequences of Policy and Program Violations shall be subject to the pertinent provisions of RA 8504.

VII. Effectivity

This Order shall be effective fifteen days after publication in a newspaper of general circulation.

  
**MARIANNO D. ROQUE**  
**Secretary**

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