Praxis Note No. 40

Making HIV/AIDS Policy Work

Experiences from South Africa

Project Empower

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INTRAC
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Fears and dreams

Developing an HIV/AIDS policy is not as complicated and costly as many CSOs fear. These fears hold back many from starting the process of policy development. An HIV/AIDS policy is simply writing down how an organisation has decided it will respond to HIV/AIDS in the workplace.

But nor is an HIV/AIDS policy the panacea to solve all workplace ills related to HIV/AIDS as some donors dream. Having an HIV/AIDS policy is an important step in building organisational resilience to HIV/AIDS.

This Note describes Project Empower's experience of running policy development processes in the Eastern Cape, South Africa. It shows that HIV/AIDS policies do not always have to allow for costly services and benefits to be available for staff affected by HIV/AIDS. Rather, the policy development process can be about defining and working towards creating an organisation with a positive culture that is supportive of its staff and volunteers. Initiating such policy discussions creates space for members to build a common view of the issues and responses.

Donor infatuation

For many donors having an HIV/AIDS policy is considered to be the minimum response to HIV/AIDS in the workplace. Some Dutch NGO donors have set a target of 80% of their partners having an HIV/AIDS policy. There is a danger that focusing on a formal policy (because this is easiest to measure) will lead to a cosmetic response from partner CSOs. If HIV/AIDS policies are forced onto partners, they may not 'own' the policy. They may simply borrow someone else's template. This severely reduces the likelihood of implementation.

In order for HIV/AIDS policy development to be meaningful, we have to unearth and overcome the fears people have.

NGO fears

'Policy provides guidelines but we have no control on the outcome. It also doesn't tell us what to do on a day-to-day basis. It is open to interpretation and it is the interpreting that sometimes creates a problem.'

Developing a policy can be a daunting process because:

- Policy documents are expected to be phrased in technical and legalistic language and hence need specialists to draft them.

- Best practice often discusses expensive ARV provision and organisations' lack the resources to provide a complete package of benefits for staff.
- Developing the policy implies that there is a problem in the organisation.
- Policy development takes time and processes can be laborious for staff, distracting them from 'core' duties.
- Policy is binding on the organisation and there is often insecurity about whether there will be enough resources to support the policy provisions.

Working with policy

But it is vital to discuss with staff how an organisation is to respond to HIV/AIDS in the workplace. These decisions amount to a policy. For many agencies these discussions and decisions do not take place until after a crisis hits and are not always written down.

> There are many unwritten policies and sometimes the unwritten policies are used more than the written.
> Usually the unwritten policies talk about the culture of the organisation.

There are good reasons for making HIV/AIDS policies explicit before a crisis hits. Once a staff member is infected, the issue may become too personal and sensitive to discuss.

The costs of the response should be budgeted for in advance, so that the funds are already there and do not have to be diverted from other budget lines.

What is policy?

People understand policy differently:

> A policy is:
>
> A guideline that gives organisation the direction to achieve their goals. Both parties (staff and board) should be involved in drawing up policies.
>
> A set of systems and procedures governing the organisation. Policy draws out what you do and how you do it.
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> Documents which guide and regulate the behaviour, work and processes that every employer and employee has to adhere too.
>
> A professional instrument which serves as a behavioural guideline for a particular institution. Similar words include guidelines, rules, principles, conditions, procedure, law.

When Project Empower worked with a group of small CSOs based in the Eastern Cape, a different understanding emerged. These organisations are poorly resourced and unable to provide even basic benefits for their staff, let alone ART.

For them, policy was an agreement between the organsiation and its members around how the mission of the organsiation should be achieved; a guideline that informs the way people relate to each other, that outlines the responsibilities that the organsition has towards its staff members and the responsibilities of staff members towards achieving the aims of the organisation.

Policy is not only a written document. People and organisations build habits and it is these habits that tell us about the culture of the organisation. Recognising those habits, understanding why they have been

developed, and understanding how they affect our work is important. It is often the unwritten parts of policy – the organisation's habits – that have a significant impact on our ability to respond to HIV/AIDS.

Why is policy helpful?

> Policy isn't the final solution but one of the options in a whole range of solutions.

Policy is necessary because it provides all members of the organisation with a common reference point. It sets out minimum acceptable standards and is a contract that outlines our rights and responsibilities in our relationship with our organisations. It tells us what the organisation can or cannot do for us and what is expected of us. It tells us what we can expect and what support the organisation should give us. Finally it tells us who is responsible for enforcing and ensuring that things outlined in the policy are adhered to. Policy sets limits for both the staff and the organisation. Policy though, is not a final solution as it must also be embedded in an organisational practice and culture that supports it.

What are the foundations?

The policy response of any organisation has to be based on an understanding of the potential impact of HIV/AIDS on the organisation. Policy development has to be contextualised by the experience and material conditions of individual organisations. It is fine for an organisation to develop a best practice policy, but it is important to remember that policy can only be implemented if sufficient resources are available to support it.

Policy also has to be contextualised by the legal framework of the country in which the organisation operates. Every effort should be made to refer to existing law, rather than attempting to write 'ideal' policy from scratch. HIV/AIDS workplace policy should also take into consideration the organisation's existing policy framework and, wherever necessary, refer to other policies rather than repeat or contradict existing provisions.

What are the limits of policy?

Policy needs to be adaptable and flexible – to shift to meet the changing needs of the organisation. Policy should be reviewed and updated regularly to make sure it keeps pace with the changing needs of the organisation. These changes include both the external environment (treatment regimes, national legislation, etc) and the internal environment (staff attitudes, changing resources)

Having a policy does not guarantee that an organisation will be able to respond effectively to HIV/AIDS, because policy is limited by:

- the availability of resources
- organisational power and relationships
- changes in the external environment
- staff members' attitudes

> **Policy:**
>
> - cannot guarantee benefits – sometimes it is difficult to address and offer these because they rely on funding
> - cannot provide a cure
> - cannot guarantee that you would have a job
> - doesn't determine your attitude, e.g. compassion
> - doesn't have a human touch
> - doesn't tell you what to say and how to relate to another person
> - cannot force disclosure of status
> - doesn't provide counselling and doesn't ensure confidentiality
> - cannot control personal behaviours, although it can guide an organisation's response to certain personal behaviour
> - cannot control what people do or say after working hours.

How should policy be developed?

Policy development should be an inclusive process involving the whole organsiation. Members must be given the opportunity to comment and make input into the policy. Although consultative processes can be time consuming, they are valuable in that they allow a space in which a group of people can work together to define and agree to the policy that will govern their joint work. Processes create consensus and allow all members of the organisation to own the final policy. This is critical when the policy has to be enforced.

Once policy is developed it needs to be made generally available to all staff. The document should be accessible – both in terms of the way it is written and its physical location. All staff should be familiar with the contents and provisions of the policy and be able to use the systems and procedures that support it.

> **Policy development – a process**
>
> - Consultative and inclusive process – facilitated to get everyone's input into the process.
> - Involve staff – everyone who works for the organisation, management committee, Board for review and adoption, volunteers.
> - Agree before the process begins about how decisions should be made in the case of disagreement – be careful of becoming stuck.
> - Understand the culture, values, structure and ways of working, and available resources of the organisation.
> - Review existing policies and also look at the legal framework.
> - Decision making around how resources can be used should ideally be done collectively.

Implementation

When policy is developed and adopted, it needs to be applied with consistency. The use of policy has to fair, and perhaps more importantly, must be seen to be fair and consistent. Consistency in application will mean that:
- anyone in the organisation has the right to refer to and use it
- all policy provisions apply to all staff members
- processes used are transparent, clearly defined and agreed to
- decisions, and the reasons for taking them, are communicated effectively and appropriately to the organisation.

Policy should also be supported by ongoing education and awareness raising and discussions about the issues of HIV/AIDS in the workplace and how it impacts on people's lives. HIV/AIDS should be 'normalised' in the organisation. The fit between policy and the culture of the organisation is a major determinant of success.

Learning from implementation is critical. It is also important that processes used and decisions taken be recorded and the impact of these decisions monitored. The measure of impact should look at both the tangible impact (on the resources) and the intangible impact (on the relationships and culture of the organisation). If, and when, policy is altered it is this information and experience that will inform the change.

> As policy is implemented it changes. We need to capture those changes and the decisions made so that when time comes for review, we are able to include these adaptations.

Conclusion

Some organisations have not yet experienced any direct impact of HIV/AIDS or they are choosing to ignore the warning signs. HIV/AIDS will affect the vast majority of CSOs in sub-Saharan Africa. We must prepare for that eventuality.

Policy and systems to respond to HIV/AIDS should be in place before a crisis occurs. Developing a policy when there is no immediate threat gives space and time to reflect together on what the possibilities are – both in terms of impact and our responses. Policy should not be developed as knee-jerk response to someone getting sick. It should be a considered and participatory process that is forward looking, that anticipates and plans for HIV/AIDS in

the workplace. The inclusive way in which it is done may be as important as the policy itself.

We have accepted what is realistic and sustainable in relation to our available resources, the external environment, our individual needs and the obligations of achieving our mission. We should keep any policy process and document as simple as possible.

Because we see policy as a contract between the members and the organisation itself, this means that there is negotiated agreement on the rights and responsibilities of each party. It is not about any party abdicating responsibility to the other.

Policy development is a vital process to find a balance between a range of interests. This accepted balance is necessary to ensure the organisation to continue to exist and meet the needs of the communities it serves.

Further information

Project Empower
Room E304 Diakonia Conference Centre
20 St Andrew's Street/Diakonia Aveneue
Durban, 4001
KwaZulu-Natal
South Africa
info@projectempower.org.za