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Employment Discrimination and its Constitutional Context in South Africa

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Abstract

The change in the South African constitutional order in 1994 and again in 1996 entailed laying down the broad parameters against society – representing a significant departure from the previous dispensation. The relationship between the obligation on employers not to unfairly discriminate and the obligation to take affirmative action measures continues to give rise to litigation.Section 6 of the Employment Equity Act, 1998 contains the main thrust of the Act's prohibition against unfair discrimination. The subject of AIDS and sexual harassment has the potential to be a highly controversial issue in the workplace. However, in the light of South African legislation, an employee or potential employee who is HIV positive or sexually harassed has the same rights as any employee or potential employee. The mere fact that an employee has been diagnosed as HIV positive or even suffering from the full-blown AIDS is not a justifiable reason for dismissal.Discrimination in employment is unfair if it is reprehensible in terms of society's prevailing norms. Whether or not society will tolerate discrimination depends on what the object is of the discrimination and the means used to achieve it. The object must be legitimate and means proportional and rational. Dismissals on the basis of HIV/Aids, pregnancy and refusing to cut off dreadlocks are also discussed. The mere fact that an employee has been diagnosed as HIV positive or even suffering from the full-blown AIDS is not a justifiable reason for dismissal.

Keywords: Discrimination, Affirmative Action, Unfair, Dreadlocks, Dismissals and Sexual Harassment**.**

1. . Introduction and background

Work constitutes the biggest single activity in most people's lives. Up to 60% of one's life can be devoted to work including travelling and work from home after hours, therefore for most people; it is a means of survival (Basson *et al*., 2005).

Discrimination is a form of differentiation on illegitimate grounds. The equality clause (section 9 of the Constitution, 1996) does not prohibit discrimination but rather unfair discrimination. The important implication of this terminology is that not all discrimination is unfair (Currie & De Waal, 2008). Fairness is a moral concept that distinguishes legitimate from illegitimate discrimination (Albertyn, 2002).

The relationship between the obligation on employers not to unfairly discriminate on grounds for example of race or gender and the obligation to take affirmative action measures continues to give rise to litigation.

Two research questions will be discussed below namely: What type of questions in job interviews are evidence of unfair discrimination and when is the reason for a dismissal decent to be unfairly discrimination against an employee? Dismissals on the basis of HIV/Aids, pregnancy and refusing to cut off dreadlocks are also discussed.

2. Affirmative action in appointment decisions

Section 6(1) of the employment Equity Act 55 of 1988 ('the EEA') provides that no person may unfairly discriminate against an employee in any employment policy or practice on ground such as race or gender. However section 6(2) provides that: "it is not unfair discrimination to take affirmative action measures consistent with the purpose of this Act"; and chapter 111 of the EEA imposes a positive obligation on designated employers to implement affirmative action measures for people from designated groups.

In NEHAWU and another v Office of the Premier, Province of the Eastern Cape and Another [2011] 7 BLLR 681 (LC) the applicant employee before the court was an African male who had been rated third of four shortlisted candidates during the interview for a promotion post. A coloured female was rated fourth. She was appointed and he was not. He alleged that he had been unfairly discriminated against.

The woman had been appointed with a view to addressing the gender balance in the relevant division. The interview panel had recommended the woman's appointment because of gender and race considerations. It seems that coloured employees were under-represented too.

The applicant's case was mainly based on a contention that an irregular process had been followed. The successful female candidate had not applied by the cut-off date. The employer had been concerned that the existing pool of candidates was likely to lead to failure to meet its equity plans and for that reason had approached the woman after the cut-off date and requested her to submit her curriculum vitae. The applicant pointed out that the job advertisement had clearly stated that late applications would not be allowed and argued that the employer's approach to the woman was contrary to its own recruitment policy.

The Court dismissed the applicant's claim and found that the affirmative action policy of the employer was rational and the goal directed and also found that this had made the targeted recruitment in the circumstances of the case appropriate. It dismissed an argument that they targeted recruitment had been effected in breach of the recruitment policy (which was in the form of a collective agreement). In view of the fact that the Labour Relations Act promotes collective bargaining and that it recognizes the considerable importance of collective agreements, these instruments are of pivotal importance in determining what terms

and conditions of employment apply to an employee (Basson *et al.,* 2005). It pointed out that the policy specifically permitted headhunting to seek suitable candidates for positions. The Court was clearly sympathetic to headhunting as a legitimate technique in meeting affirmative action targets.

Though this was not important to the outcome of the case, it is of interest to note that the Court, after citing the Constitutional Court's leading unfair discrimination judgment, *Harsken v Lane NO and Others* 1997 (11) BCLR 1489 (CC), commented on that judgment: "…has been interpreted as saying that the remedial measures are not necessarily beyond the bounds of scrutiny to determine its fairness."

The differences between fair and unfair discrimination was discussed in the Constitutional Court in *President of the Republic of South Africa v Hugo* 1997 (4) SA 1 (CC) is quite instrumental and illustrative (Mubangizi, 76). Only where President Mandela granted remission of sentence to all mothers in prison who had children under the age of twelve years and not to a farther with a child under twelve years. The respondent argued that the President's act unfairly discriminated against him on the basis of gender. The Court held that the discrimination was not unfair. The Labour Court held in *Harmse v City of Cape Town* [2003] 6 BLLR 557 (LC) that affirmative action goes much further than being a "shield" or a defence for an employer. But the Court added that if one takes into consideration the fact that the EEA requires an employer to take measures to eliminate discrimination in the workplace, it is also a "sword" for an employee.

This issue is also touched on in the Labour Appeal Court's in UNISA v Reynhardt [2010] 12 BLLLR 1272 (LAC) where a complaint of unfair discrimination was brought by a white candidate that the appointment of a black candidate rather than him as a dean of a faculty constituted unfair discrimination. The white candidate (Pofessor Reynhardt) had served as dean for a fixed period and had been nominated for the post again. The majority of the selection committee had proposed his appointment, finding the black candidate not to be appointable. The black candidate had nonetheless been appointed by UNISA, on the basis of employment equity, in line with a minority view within the selection committee. The university's target ration of 70% blacks and 30% whites for senior appointments (that include deans) had been met before this particular appointment decision. The university's argument was that, were it to have appointed Professor Reynhardt rather than the black professor, it would no longer have met this target and that this justified it in making the appointment that it did. Both the Constitution and the EEA are sensitive to the operational needs of the employer. There is a fundamental recognition that equality through equitable representation (the goal of affirmative action) depends on healthy employers and that healthy employers depend, in the first place, on efficiency (Basson *et al.,* 2005).

Section 5 and 6 of the EEA are poorly drafted and must be construed in a manner which is compliant with the Constitution. It referred to *Minister of Finance and Another v Van Heerden* 2004 (6) SA 121 (CC) in which the Constitutional Court had considered the constitutionality of restitutionary measures.

The Labour Appeal Court highlighted the following passage at paragraph 44 of the *Van Heerden* judgment in respect of the third requirement above; "the long-term goal of our society is a non-racial, non-sexist society in which each person will be recognized and treated as a human being of equal worth and dignity. … In particular, a measure should not constitute an abuse of power or impose such substantial and undue harm on those excluded from its benefits that our long term constitutional goal would be threatened".

The Labour Appeal Court accepted that the UNISA's case was based on the commendable aim of addressing historical imbalances. However, a clause of its own employment equity programme provided that, where a unit had achieved a satisfactory

demographic profile, the principle of preferential treatment in view of affirmative action considerations *shall* not apply. First, there was another vacancy for a position of dean in a different faculty. In the event that the racial composition of deans and vice deans had fallen below the targeted ratio when that appointment came to be made, UNISA would have been required again to apply the principles of its equity programme. Secondly, UNISA's own policy announce to all its employees that remedial measures would no longer apply in the making of further appointments once the target had been achieved. It had therefore failed to correctly implement its own programme.

The remedy the Labour Court had directed UNISA pay the equivalent of 12 month' salary on the dean's salary scale as an award of compensation that reflected a punitive element.

In *Minister of Safety and Security & Another v Govender* (2011) 32 ILJ 1145 (LC) a black male senior superintendent raised a complaint before the Labour Court that he was the victim of unfair discrimination in various promotion decisions. The claim failed on jurisdictional grounds. No conciliation had taken place after referral of the dispute to the bargaining council deprived the Court of jurisdiction. In unfair dismissal cases governed by section 191(5) of the LRA, it is clear that the fact of the referral is sufficient and that the absence of conciliation is irrelevant. Section 10(6) of the EEA provides that a discrimination dispute may only be referred to the Labour Court if it remains unresolved after the conciliation and the question was whether this different wording meant that discrimination cases are different. 'I do not believe it was the intention of the EEA that a dispute could fester at the conciliation stage indefinitely merely because the conciliation process had not been attempted, any more that it was the intention of the LRA. It therefore dismissed this objection on the part of the employer'.

3. Discrimination in the interview process

In *Allpass v Mooikloof Estates (Pty) Ltd* [2011] 5 BLLR 462 (LC) the employee had not disclosed during his job interview that he had long been HIV positive and on anti-retroviral drugs. The Labour Court pointed out that the code of good practice on the key aspects of HIV and AIDS in employment contains detailed guidelines on disclosure and confidentiality and provides that there is no legal duty on employees to disclose their HIV status to their employer or to other employees.

In *Swart v Greenmachine Horticultural Service (a division of Sterikleen (Pty) Ltd)* (2010) 31 ILJ 180 (LC) the Court stated: "It is trite that a pregnant employee has no legal obligation to disclose her pregnancy other than as required for the purposes of the Basic Conditions of Employment Act 75 of 1997". Discrimination and stigmatization must be protected against and other steps taken in the workplace to support persons who voluntarily disclose their HIV status (Landis and Gosssett, 2005).

What comes through clearly in both of these cases is a warning by the Labour Court to employers to formulate their interview questions carefully and in a manner that does not evidence unfair discrimination (Landis and Gosssett, 2005).

4. Discriminatory dismissals

Section 187(1)(f) the LRA provides that a dismissal is automatically unfair if the reason for the dismissal is that the employer discriminated against the employee, directly or indirectly, on arbitrary ground, including various listed grounds.

4.1 HIV/Aids

In the *Allpass* case (above), the employee had been HIV positive for some 18 years before he was appointed manager on a three month contract subject of renewal of the

employer's equestrian centre. At his interview he was asked about his health and he answered that he was in good health. Shortly after he had commenced his duties he was requested to complete a personal particulars form. He answered that he was HIV positive and on anti-retroviral drugs, suffered from asthma and from deep vein thrombosis and was allergic to penicillin. There is no legal duty on an employee to inform his/her employer that he/she is HIV positive, provided he/she is still capable of doing the work for which he/she was employed (Grossett, 2002).

On the following day a confrontation took place between the employee and a manager, in the course of which the employee was dismissed. The employer contended that the reason for dismissal was fraudulent misrepresentation during the interview; the employee contended that he had been dismissed because of his HIV status. The Court found that the real reason for the dismissal, or at least the dominant reason, was the employee's failure to disclose his HIV status at the interview. It held that this constituted discrimination on an arbitrary ground prohibited by section 187(1)(f) of the LRA and that it was therefore an automatically unfair dismissal.

The Court held that an inherent job requirement defence which places in issues the unfairness of discrimination. The Court also held on the evidence that the employer had not shown that the employee's penicillin allergy precluded him from carrying out his duties.

The employee sought relief in this case only in respect of an automatically unfair dismissal but also in respect of unfair discrimination in terms of section 691 of the EEA. Part of his EEA claim related to the humiliating manner in which he had been evicted by a security guard from the employer's premises. The employee was free to pursue a civil claim in delict before another forum.

The Court held that, had the employee not been on a temporary three month contract, he would have been entitled to the maximum compensation of 24 months remuneration. Twelve months remuneration was ordered, reflecting both restitution as well as a punitive element for unfair discrimination on the grounds of HIV status.

1.2 Pregnancy

In the *Swart* case (above) the employee was appointed to a supervisory and administrative post in a firm rendering horticultural services. About a month after she had been employed she disclosed to a fellow employee that she had just undergone a pregnancy test and had been advised by her doctor that she was pregnant. The fellow employee discloses this to the manager. Ultimately several disciplinary and poor performance charges were proffered and, after an enquiry, the employee was dismissed.

The fundamental issue in dispute was whether the employee had been dismissed on the basis of her pregnancy or a reason related to it, rendering her dismissal automatically unfair in terms of section 187(1)(e) of the LRA. The employer denied this and alleged instances of gross insubordination and poor performance and sought to downplay the fact that one of the disciplinary charges against the employee, for which she had been dismissed, was her failure to disclose at the time of application for employment the fact that she was pregnant. The Court found that the employer's argument that this charge was incidental was not borne out even by its own evidence. It was clear to the Court that this was the reason why the relationship had declined. The Court found that the employee had been dismissed for her pregnancy or a reason related to her pregnancy.

The Court had no sympathy with the argument that the employer's loss of trust in the employee as a consequence of her failure to disclose that she was pregnant was justified. It noted the manager's concession that, if she had known at the time of her appointment that the applicant was pregnant, she might not have appointed her to the position. The Court did not

consider it necessary to make a specific finding as to whether there had, as alleged, been a gross dereliction of duty on the part of the employee. It referred to the evidential burden on the employer, once the employee has shown a credible possibility that an automatically unfair dismissal had occurred, of providing that the dismissal was not automatically unfair as referred to *Kroukam v SA Airlink (Pty) Ltd* (2005) 26 ILJ 2153 (LAC). The Court held that, even if I were to accept the employer's argument that there were other reasons for the dismissal, it had not been able to show that these were unconnected to the employee's pregnancy: "On the legal causation test set out in Kroukam, the Applicant has discharges the onus of proving that the on-disclosure of her pregnancy was the dominant or most likely cause of her dismissal".

The employee did not seek reinstatement. Taking into account the employee's brief period of service, the Court order the employer to pay 12 month's remuneration as compensation, plus costs.

1.3 Dreadlock hairstyle

In *Department of Correctional Services and Another v POPCRU and Others* CA 6/2010the issue of dismissing employees for refusing to obey an instruction to cut off their dreadlocks.

Five male officers at Pollsmoor Prison refused to cut their dreadlocks when ordered to do so and as required by the applicable dress code. Three of them had embraced Rastafarianism and refused to cut their dreadlocks on the ground that this was incompatible with their religion. The employees also asserted discrimination on the basis of gender, because the dress code prohibited male officers from wearing dreadlocks but did not prohibit female officers from doing so. The claims of religious and cultural discrimination failed in the Labour Court but the claim of gender discrimination succeeded. Although the Labour Court accepted that the employees wore dreadlocks because of their religious or cultural beliefs, it found that they had never brought it to the attention of the employer that the instruction was in conflict with their religious and cultural practices: and found that this had the effect that there was no discrimination on religious or cultural grounds in their dismissals. Nonetheless the employees succeeded before the Labour Court on the basis that the employer had not shown that the gender discrimination in the dress code was fair.

When the matter came before the LAC, it disagreed with the reasoning of the Labour Court, holding that, in addition to the gender discrimination claims, the religious and cultural discrimination claims should have succeeded. The LAC noted that the employees' testimony that their unwillingness to cut their dreadlocks was base sincerely held religious beliefs and cultural practices had not been contested. It held that the Labour Court's finding that there had been no discrimination because the employees had not asserted their rights was both factually incorrect and conceptually erroneous. The Court referred to section 187(1)(f) of the LRA which categories a dismissal as automatically unfair if the *reason for the dismissal* is unfair discrimination on a specified or analogous ground. The Court held: "In the present case the reason for their dismissal was that the respondents wore and refused to cut their dreadlocks. But for their gender, religion and culture, they would not have been dismissed. The evidence establishes beyond question that the reason for their dismissal was discrimination on the grounds of gender, religion and culture".

The LAC held that employers should, wherever reasonably possible, seek to avoid putting religious and cultural adherents to the burdens and choice of being true to their faith at the expense of being respectful of the management prerogative and authority. It held that the suggestion that short hair offered greater protection against assaults by inmates by leaving them with less hair to grab during an assault could not be entertained seriously. It was also not persuaded that the prohibition of lock hairstyles contributed positively to the issues of

discipline, security, probity, trust and performance. There was no rational connection between the ban on dreadlock hairstyles and the achievement of greater probity and security and there was no rational basis to the apprehension that Rasta Hairstyles lead to ill-discipline.

5. Employer liability for discriminatory conduct of employees

Employees who had been subjected to discriminatory conduct by fellow employees succeeded with compensation claims against their employers, essentially on the basis of the employers' failure to take adequate steps to protect them against such conduct. In *Biggar v City of Johannesburg, Emergency Management Services* [2011] 6 BLLR 577 (LC) where racist abuse were repeated to which a black fireman was subjected by his colleagues as a residential complex in a fire station under the employer's control. The employee brought an unfair discrimination claim in terms of section 6 of the EEA against his employer. The fundamental question was whether the employer could be held liable for the racist abuse by the employees by virtue of section 60 of the EEA. Subsection (1) of section 60 provides that alleged discriminatory conduct by fellow employees must immediately be brought to the attention of the employer. Subsections (2) and (3) then provide: (2) The employer must consult all relevant parties and must take the necessary steps to eliminate the alleged conduct and comply with the provisions of this Act. 93. If the employer fails to take the necessary steps referred to in sub-section (2) and it is proved that the employee has contravened the relevant provision, the employer must be deemed also to have contravened the provision.

The case came to the Labour Court by way of an application for default judgment. The employee's evidence showed a series of incidents in which the employee and his family were subjected to racist abuse and threats by his colleagues at a fire station residence. The Court noted that, in terms of section 6(3) of the EEA harassment of an employee is a form of unfair discrimination and held that the employee and his family were the direct objects of sustained racial harassment at the hands of his fellow employees. Unfair discrimination was quite clear. The question on which the employer's liability turned was whether after the employee brought the harassment to its attention; it had taken the necessary steps to eliminate this harassment.

A warning had been issued to two employees and initially senior staff did attend to matters when incidents occurred. But the Court found that the employer had not followed through on any of the initiatives to try to achieve a lasting solution. It was remarkable that no disciplinary action was ever instituted against the perpetrators of the racial abuse directed towards the employee and his family. The employer's inconclusive and ad hoc responses to the systematic pattern of racial harassment were in the Court's view not adequate in the circumstances.

The Court went on to consider whether the employer should escape liability on the basis that the harassment did not take place when the employees were at work. The labour courts have long acknowledgement that disciplinary action may be taken against an employee for conduct committed outside of the workplace if it has a bearing on the employment relationship. It held that the residential circumstances of the perpetrators and the employee were so closely linked to their employment as emergency fire personnel that, for all intents and purposes, they remain at the workplace when they were off duty at their residences on the employer's premises situated at the fire station.

The plaintiff in *Mokone v Sahara Computers (Pty) Ltd* (2010) 31 ILJ 2827 (GNP) was a woman who alleged that she has been sexually harassed by a manager. She sued her employer in delict for its unlawful and negligent omission to create a safe working environment within which she would not be sexually harassed.

The High Court held that the employee had succeeded in proving that Mtethwa had sexually harassed her. It held following *Media 24 Ltd and another v Grobbelaar* 2005 (6) SA 328 (SCA)) that the employer had a legal duty to protect her against sexual harassment at the workplace. The question was whether the employer had negligently breached that duty. The Court found that after the complaint to human resources had acted reasonably as far as the sexual harassment was concerned. The Court noted that it was not the employee's case that the employer was liable for Stenekamp's negligence. The court Continue: "It is, however, her case that the defendant failed to create a safe environment wherein she would not be sexually harassed. In my view the fact that her complaint to the manager did not adequately address the sexual harassment, ground an inference that the defendant's management and disciplinary structures were insufficient to do so. …The defendant should have had management and disciplinary structures that would immediately and effectively have dealt with the plaintiff's complaint. For instance, Stenekamp should have been obliged immediately to have referred the complaint to Human Resources. There is no doubt that it reasonably was within the defendant's means to create the necessary structures. In my view the defendant acted unreasonably when it failed to do so. Moreover' by reporting to Stenekamp, her manager, the plaintiff bought the sexual harassment under the defendant's attention. Failing to act to protect the plaintiff in the circumstances was unreasonable. I conclude that the plaintiff had succeeded in proving negligence on the part of the defendant." In *Moues v Legend Security (Pty)Ltd* (2005)16(1*) SALLR* (CCMA)the question was in fact, addressed by the arbitrator *in casu* who contended that applicant had in fact been negligent in failing to act expeditiously in the sexual harassment case.

The Court went on to hold that the employee had suffered an injury that needed to be addressed by way of psychiatric treatment, and awarded her general damages.

6. Conclusion

It is acknowledge that the employer has a duty to provide safe working condition for his/her employees, but this may be qualified by saying that the employer has a duty to provide reasonably safe working conditions for his/her employees, as opposed to absolutely safe conditions (Grossett, 2002). It is imperative to establish the nature of the work relationship so that the legal remedies are available to the parties to a dispute.

The subject of AIDS and sexual harassment has the potential to be a highly controversial issue in the workplace. However, in the light of South African legislation, an employee or potential employee who is HIV positive or sexually harassed has the same rights as any employee or potential employee. The mere fact that an employee has been diagnosed as HIV positive or even suffering from the full-blown AIDS is not a justifiable reason for dismissal.

Substantive fairness is concerned with the reason for, and the sufficiency of the disciplinary action imposed on an employee. Employers should, wherever reasonably possible, seek to avoid putting religious and cultural adherents to the burdens and choice of being true to their faith at the expense of being respectful of the management prerogative and authority.

The relationship between management and labour in South Africa is extremely conflictual, and it will take a fair amount of time to begin to achieve a more co-operative relationship between capital and labour. The problem seems to lie primarily with the overall culture of confrontation, and the question still resolves around how the parties to conflict can move away from the confrontational to the co-operative. South Africa needs to spend the bulk of its energy focusing on conflict avoidance, rather than on conflict resolution.

References

[1] Albertyn, C. and Cheadle, H. et al. (2002) Equality in South African Constitutional Law: The Bill of Rights. Juta and Company Ltd.

[2] Basson A et al. (2005) Essential Labour Law, 4th combined edition, Labour Law Publications.

[3] Currie, I. and de Waal, J. (2008) The Bill of Rights Handbook, Juta and Company Ltd.

[4] Grossett, M. (2002) Discipline and Dismissal, 2nd edition, Oxford University Press.

[5] Landis, H. and Grossett, L. (2005) Employment and the Law: A practical guide for the workplace, 2nd edition, Juta and Company Ltd.

[6] Mubangizi, J.C. (2004) The Protection of Human Rights in South Africa A legal and Practical Guide. Juta and Company Ltd.

[7] Rudd, C. (2005) Van Zyl, Rudd's Annual Labour Law Review, Van Zyl, Rudd &Associates (Pty)Ltd.

Cases

[1] Allpass v Mooikloof Estates (Pty) Ltd [2011] 5 BLLR 462 (LC) Biggar v City of Johannesburg, Emergency Management Services [2011] 6 BLLR 577 (LC)

[2] Department of Correctional Services and Another v POPCRU and Others CA 6/2010

[3] Harmse v City of Cape Town [2003] 6 BLLR 557 (LC)

[4] Harsken v Lane NO and Others 1997 (11) BCLR 1489 (CC)

[5] Kroukam v SA Airlink (Pty) Ltd (2005) 26 ILJ 2153 (LAC)

[6] Media 24 Ltd and another v Grobbelaar 2005 (6) SA 328 (SCA))

[7] Minister of Finance and Another v Van Heerden 2004 (6) SA 121 (CC)

[8] Minister of Safety and Security & Another v Govender (2011) 32 ILJ 1145 (LC)

[9] Mokone v Sahara Computers (Pty) Ltd (2010) 31 ILJ 2827 (GNP)

[10] Moues v Legend Security (Pty)Ltd (2005)16(1) SALLR (CCMA)

[11] NEHAWU and another v Office of the Premier, Province of the Eastern Cape and Another [2011] 7 BLLR 681 (LC)

[12] Swart v Greenmachine Horticultural Service (a division of Sterikleen (Pty) Ltd) (2010) 31 ILJ 180 (LC)

[13] UNISA v Reynhardt [2010] 12 BLLLR 1272 (LAC)

Legislation

Basic Conditions of Employment Act 75 of 1997

The Constitution of the Republic of South Africa, 1996

Employment Equity Act 55 of 1988

Labour Relations Act 66 of 1996