

M v S, 2016 Mbombela Magistrates Court (Equality Court)

The CGE Mpumalanga received a complaint in December 2016. The complaint relates to the unfair gender discrimination of the complainant who was employed as a security guard at "S", Nelspruit. The complainant was designated to work at "S", Nelspruit. On or about the 10th November 2016, the complainant was informed by the manager of "S" that she is no longer wanted as an employee because she is a lesbian. The manager of "S" allegedly indicated that the complainant is allowed to be lesbian outside the workplace but in the workplace, it's not allowed. Subsequent to this a notice to staff members was put at the staff entrance. Point 5 of the notice read that "gay lady to be replaced not allowed to search ladies". According to the complainant this notice was also visible to the members of the public and consequently led to her humiliation. The complainant was thus dismissed at work and is currently unemployed.

The conduct of "S" amounted to unfair gender discrimination and humiliation. The complainant in this matter sought damages of R120 000,00 and an apology. The CGE brought the matter before the equality court. The matter was settled out of court and the complainant was reinstated and received three months of salary. The perpetrator was subjected to a disciplinary hearing and further attended awareness workshop on human rights.

NB: The names of the parties are withheld due to a non-disclosure agreement entered into by the CGE and the Respondent's attorneys.