



NEHAWU KZN TO TAKE LEGAL ACTION AGAINST THE DEPARTMENT OF HEALTH ON THE UNLAWFUL AND ANTI-WORKER DRESS CODE POLICY

Thursday March 26, 2026

The National Education, Health and Allied Workers' Union [NEHAWU] in KwaZulu-Natal strongly condemns the Department of Health's unilateral implementation of HRM Circular 6 of 2026, which introduces a restrictive and unlawful dress code policy for workers.

NEHAWU had formally written to the Head of Department demanding the immediate withdrawal of this policy. The union made it clear that should the Department fail to comply, it will pursue all available legal avenues to defend the rights and interests of its members.

The union is deeply concerned that the Department has proceeded with the implementation of a policy that was previously rejected at the relevant Chamber level in December 2025. Despite clear objections raised during consultation processes, the Department has arrogantly retained all contentious provisions without meaningful engagement or rectification. This conduct undermines established collective bargaining processes and reflects a blatant disregard for worker representation.

NEHAWU is particularly alarmed by provisions within the policy that seek to restrict the wearing of union regalia. The policy limits the wearing of union attire to shop stewards during specific activities, effectively denying ordinary members the right to express their affiliation. This provision is both irrational and unlawful. Labour Court jurisprudence has consistently affirmed that the wearing of union t-shirts constitutes a lawful activity protected under the Labour Relations Act. Any attempt to prohibit this, especially under threat of disciplinary action, amounts to unfair prejudice and an infringement of constitutionally protected rights. The union maintains that preventing workers from wearing union regalia constitutes a direct attack on freedom of association and organizational rights, which are fundamental pillars of South Africa's labour relations framework.

Furthermore, the policy imposes unreasonable restrictions on items such as blue denim jeans and tekkies without providing any justifiable rationale. It fails to distinguish between employees who receive uniform allowances and those who do not, thereby placing an unfair financial burden on workers.





NEHAWU KZN TO TAKE LEGAL ACTION AGAINST THE DEPARTMENT OF HEALTH ON THE UNLAWFUL AND ANTI-WORKER DRESS CODE POLICY

The Department has also failed to demonstrate that these dress code requirements qualify as inherent job requirements. Labour Appeal Court rulings have made it clear that such requirements must be strictly interpreted and must be essential to the performance of a job, not based on arbitrary or cosmetic considerations. By disregarding these legal principles, the Department is effectively enforcing a policy that is discriminatory, irrational, and disconnected from the lived realities of workers.

NEHAWU also notes with concern that the policy superficially references workplace diversity while failing to meaningfully accommodate cultural and customary expressions. This omission is inconsistent with constitutional values and established legal precedent that recognize and protect diversity in the workplace. The union had given the Department until 06 February 2026 to withdraw the unlawful provisions of the dress code policy and to date the department has not responded hence the decision by the union to escalate the matter through legal channels as well as mass organizational action.

NEHAWU remains resolute in its commitment to defend the dignity, rights, and economic realities of its members. The union will not allow any erosion of workers' rights under the guise of administrative policies. We are making a clarion call to all our members and shop stewards to continue to wear their union regalia as permitted by the law, particularly on the 27th of March 2026 in keeping with our NEHAWU Friday tradition. Let this day be a visible show of unity, defiance, and organizational strength and a clear message that no unlawful directive will silence or erase the presence of unions in the workplace.

END

Issued by NEHAWU KwaZulu-Natal Secretariat Office

For more information, please contact: Ayanda Zulu (Provincial Secretary) at 081 758 5199 or email: Ayandaz@nehawu.org.za or Ntokozo Nxumalo (Provincial Deputy Secretary) at 0815255983 or email: Ntokozo@Nehawu.org.za
Visit NEHAWU website at www.nehawu.org.za

