

NEHAWU WELCOMES LABOUR COURT JUDGEMENT AGAINST SOS CHILDREN'S VILLAGE OVER UNFAIR DISMISSALS OF OUR MEMBERS



MEDIA STATEMENT FOR IMMEDIATE RELEASE

Friday September 19, 2025

The National Education, Health and Allied Workers' Union [NEHAWU] welcomes the Labour Court judgement on the matter between the union and SOS Children's Villages in South Africa over unfair dismissal dispute of our members.

The matter was heard on the 18th – 20th August 2025 and judgement was delivered on the 12th September 2025.

The Labour Court found the retrenchment of 21 members of the union at SOS Children's Village SA to be both substantively and procedurally unfair, ordering the employer to pay 12 months' compensation to each affected employee.

The judgement follows a long protracted battle against SOS Children's Village after they had unfairly dismissed our members on the 21st December 2015.

As NEHAWU, we are vindicated by the judgement, as our bone of contention was that the dismissals were substantively and procedurally unfair, as the company had bypassed the union in the section 198 process and had not consulted the union and provided the necessary information required. Instead, the employer embarked on individual meetings with employees instead of the union as the recognised union and concealed material information.

The Court found that SOS Children's Village had bypassed the union in section 189 processes by issuing individual "consultation" invitations and proceeded to meet with employees without the union. Equally the employer repeatedly relied on an "EOH report" to justify restructuring, but the document turned out to be an RFQ (request for proposals) for an organisational review, not the underlying restructuring report that the union had consistently requested to engage meaningfully. The Court held this breached section 189(1)(d) because the employer failed to consult the registered trade union whose members were affected.

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This judgement as it sends a clear message to employers that gone are the days where employers would bypass the law in section 189 processes, the law requires employers to consult with the recognised union not individual employee meetings. The judgement compels employers to have meaningful consultation which needs meaningful information.

Lastly, the union welcomes this court order as it protects workers from employers who abuse their powers. We call on the SOS Children's Village to comply with the judgement and immediately pay the 12 months' compensation as per the directive of the court.



Issued by NEHAWU Secretariat.

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