



NEHAWU WELCOMES LABOUR COURT RULING REINSTATING EMPLOYMENT OF OUR MEMBER AT NHLS



**NATIONAL HEALTH
LABORATORY SERVICE**

Thursday March 26, 2026

The National Education, Health and Allied Workers' Union [NEHAWU] welcomes the Labour Court ruling reinstating employment our member at the National Health Laboratory Service [NHLS].

In 2017, the NHLS dismissed our member, Comrade Grace Sethosa on allegations she had unjustifiably absented for a considerable period, despite evidence presented that our member was medically ill. The employer failed to reasonably assess the evidence put forward by our member and proceeded to dismiss her.

The union immediately launched an internal appeal for our member, which was rejected on 14 December 2017 and we thereafter approached the Commission for Conciliation Mediation and Arbitration [CCMA], which issued an arbitration award in favour of the NHLS on 30 July 2019. We then subsequently took matter on review. On the 9th February 2022, the Labour Court set aside the award and remitted the matter back to the CCMA for re-hearing in front of a different arbitrator.

On 8 November 2022, the commissioner issued an arbitration award finding that our members' dismissal was substantively unfair and awarding her twelve-months' compensation. Our member was not, however, reinstated.

We approached the Labour Court to review and set aside the arbitration award on the narrow basis that the commissioner committed a reviewable irregularity in awarding the employee compensation instead of reinstatement

Indeed, on the 24th March 2026, the court found that the arbitrator had committed a reviewable error by awarding compensation without sufficient evidence that reinstatement was not reasonably practicable. Accordingly, the Court set aside the compensation award and ordered that Comrade Sethosa be reinstated with effect from 1 July 2018.

Lastly, this is a commendable victory for the union and our member, as it has restored her employment following a protracted legal conflict with the NHLS.

END

Issued by NEHAWU Secretariat.

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