

Will journalists be allowed to go back to work? SABC won't say

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The SABC will not say whether the four journalists who won their case in the Labour Court on Tuesday, 26 July 2016, will be allowed to return to work.



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In a resounding defeat for the broadcaster, the Labour Court on Tuesday ordered that four dismissed employees are entitled to return to work.

The four were dismissed for objecting to the public broadcaster's ban on the broadcast of violent protests showing the destruction of public property. The ban was widely condemned and found to be invalid by the Independent Communications Authority of SA (Icasa), which ordered the SABC to reverse it.

The reinstated journalists - Foeta Krige, Suna Venter, Krivani Pillay and Jacques Steenkamp - hope to return to work on Wednesday.

"The question will be, will we be allowed to go back because obviously the SABC can appeal and they can keep us outside until the appeal is heard," Steenkamp said. "We'll see tomorrow if we (are) allowed (back)."

Pillay said she was looking forward to getting back to work and was confident they would be allowed in.

"The courts have spoken and we have work to do. We are in the business of news and we've got a week to go to elections and we have a lot of work, not only to catch up on, but to get going," she said.

Labour Court Judge Robert La Grange found the journalists' dismissals to be invalid as they breached their contracts of employment, which entitled them to a formal hearing before being fired.

SABC spokesman Kaizer Kganyago would not comment on the judgment or say whether the journalists would be allowed back into the building on Wednesday.

"We (are) still studying the judgment. It's a long judgment. All they read was the order, therefore we need to study it, our lawyers are looking at it. We (are) not going to comment until we know what the way forward will be."

Trade union Solidarity, which represented the four journalists, said the SABC had to adhere to the judgment otherwise it would be in contempt of court.

"The order is quite clear. If the SABC does not adhere to this specific order "I we will then definitely go back to court. Contempt of court is a serious thing," CE Dirk Hermann said.

In his finding, La Grange referred at length to the journalists' argument that their dismissals breached their Constitutional right to freedom of expression.

He said in argument the journalists' counsel Steven Budlender had acknowledged that freedom of expression did not entitle employees to say whatever they wanted about their employer, which might put their employer in a bad light.

But the SABC had "exceptional features". It was the public broadcaster and "the public has an interest in how it is run". Journalists also had ethical and constitutional obligations, "which they must at least aspire to".

Codes of conduct that regulate the media required news to be reported truthfully, accurately and fairly, he said. These duties applied particularly to those journalists who worked at the public broadcaster, because of its special mandate.

La Grange also said the case was indeed urgent because "it cannot be reassuring" for journalists currently working at the SABC to know that their colleagues remained dismissed even while the SABC had agreed not to enforce the ban.

It was also important that the SABC's "will and ability to fulfil its mandate" would not be questioned "at a time when the role of the SABC will be in the spotlight in the course of the imminent local elections".

Solidarity said that if the SABC appealed the judgment, it would approach the court again on an urgent basis asking that the order stand pending the outcome of other legal proceedings.

Asked if the journalists were worried about being victimised by SABC management when they returned, Hermann said the union would keep an eye on this.

"The Labour Relations Act is very clear on victimisation and we will do everything in our power to make sure that we protect them."

Some of the journalists were emotional, shedding tears of relief after the order was handed down.

Eight journalists were suspended for questioning an editorial decision taken to ban the footage of violent protests where public property was being burned. Following this seven of the eight were fired.

The eight journalists are still proceeding with a Constitutional Court application. Steenkamp said the journalists would meet on Tuesday afternoon to discuss the way forward in the Constitutional Court matter.

Another three of the journalists - Lukhanyo Calata, Busisiwe Ntuli and Thandeka Gqubule - will challenge their dismissals in the Labour Court on Thursday.

Source: BDpro via I-Net Bridge

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