

Mr. X v. Mr. Jakobus Brink & 3 Ors.

In the aforementioned case, Lawyers Alert partnered the Southern Africa Litigation Centre, SALC. The case was to seek justice for Mr. X based on his loss of employment owing to his HIV status. Mr. X was compelled by his employers to undergo a medical test which test revealed that he was HIV positive and based on the results, his employers terminated his employment. Owing to this, Mr. X contacted Lawyers Alert and a suit was filed against his employers. This case was heard and determined at the National Industrial Court and Judgment was delivered on the 26th of September 2018. The judgment of the court prohibits employers from coercing prospective employees to undergo HIV testing and that dismissing employees on the basis of their perceived or actual HIV status is unlawful and discriminatory. The court further awarded monetary damages to the total sum of 4,200,000 nairas (11,500 USD). An anonymity order was also obtained in this action. The court pronouncement, in this case, has been instrumental on the issue of HIV discrimination, especially at the workplace.

