

The Legality of Traditional Healers' Sick-Notes in South Africa

Untalimile Crystal Amenda Mokoena

*University of Venda, School of Law, Department of Public Law, Private Bag X5050,
Thohoyandou 0950, Limpopo Province, South Africa
Telephone: 015 962 8221(O), 084 836 1554(P),
E-mail: crystal.mokoena@univen.ac.za*

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ABSTRACT The South African law relating to sick leave is regulated by the Basic Conditions of Employment Act 75 of 1997. This statute gives an allowance that one may be absent from work as a result of sickness, and in order to avoid abuse of this law, it further states that such an employee has to provide a medical certificate from a medical practitioner as evidence of the alleged incapacity. South Africa being a country of diverse cultures and beliefs, employers have had employees producing medical certificates from traditional healers. The purpose of this paper is to analyse whether these kinds of medical certificates should be legally accepted or not, that is to check whether employers are obliged to accept these certificates. This paper has been motivated by the controversial judgment of the case of *Kievits Kroon Country Estate (Pty) Ltd v Mmoleli and others*, where the Labour Appeal Court ruled in favour of the medical certificates from the traditional healers.