

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY v
ENGINEERING COUNCIL OF SOUTH AFRICA and ADRIANUS
JACOBUS WEYERS**

The Supreme Court of Appeal today handed down judgment in a case involving Mr Weyers, an employee of the Tshwane Municipality, who wrote a letter to the Department of Labour and the Engineering Council of South Africa concerning the possible employment in the Power System Control centre of system operators whom he regarded as not qualified to undertake the dangerous work attaching to those positions. The letter was written against an urgent need to employ additional system operators as the centre was understaffed and the existing operators were working dangerously high levels of overtime.

Mr Weyers was suspended and subjected to a disciplinary enquiry because he had distributed the letter to the two outside parties. He brought proceedings to interdict the municipality from imposing any disciplinary sanction on him arising from his distribution of the letter to the Department and the Engineering Council. He sought protection under the Protected Disclosures Act, which protects whistleblowers against disciplinary sanction arising from their whistleblowing activities.

The High Court in Pretoria granted Mr Weyers relief and the Supreme Court of Appeal upheld that decision. It held that the contents of the letter constituted a protected disclosure under the Protected Disclosures Act and that it had been written bona fide in the belief that its contents were true and not for personal gain. Accordingly the appeal was dismissed.