



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal  
Date: 7 September 2010  
Status: Immediate

*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.*

\* \* \*

**DR B M RAWLINS v DR D C KEMP t/a CENTRALMED**

Twelve years after the event the Supreme Court of Appeal (SCA) today dismissed an appeal against a finding by the Labour Appeal Court that a medical doctor who had been dismissed was not entitled to compensation.

The case arose when a Bloemfontein medical doctor was dismissed from her employment in the practice of another medical doctor. She approached the Labour Court, which awarded her compensation equivalent to twelve months' remuneration. On appeal the Labour Appeal Court (LAC) found that she had unreasonably refused an offer by her employer of reinstatement that was made shortly after she had been dismissed. Had she accepted the offer, the LAC found, she would have suffered no loss at all, and she was accordingly not entitled to compensation. She appealed to the SCA.

The SCA expressed concern at the course that the matter had followed, pointing out that the Labour Relations Act specifically requires disputes of that kind being to be resolved expeditiously. It also reiterated that the SCA will be slow to interfere with a value judgment made by the Labour Appeal Court, which was established especially to develop labour jurisprudence. The appeal against the finding of the LAC was dismissed.