29 October 2026

Media Release

Equality Court restores dignity of WC truck driver after suffering racial abuse at his workplace

The Equality Court sitting in George, Western Cape, handed down a victorious judgment for a truck driver, restoring his human dignity after he suffered racial abuse from a co-worker in November 2024.

This matter was heard on 6 May 2026 and judgment delivered on 25 June 2026. The applicant in this matter expressed that “since the incident, I felt a suffocating heaviness and felt trapped under the weight on my shoulders. The judgment brought an overwhelming sense of relief as my dignity and self-respect are now restored”.

On 29 November 2024, the applicant was going to the truck at his workplace when his co-worker stopped next to him and proceeded to use several derogatory terms including repeated use of the “k-word”. The co-worker drove off and the applicant immediately felt belittled, demeaned and in severe emotional distress. The applicant reported the incident to his employer and disciplinary measures were taken against the co-worker which led to the termination of their employment.

The applicant continued to feel stripped of his human dignity and decided to approach the Equality Court and applied for legal aid representation. Civil Legal Practitioner Lurine Piek was assigned to the matter and speedily issued a witness summons to obtain video footage of the incident. From the video footage, the derogatory statements of the respondent were clearly audible and Lurine proceeded to submit video footage as evidence in court.

Lurine argued that section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000 (PEPUDA) prohibits “words based on a prohibited ground that could reasonably be construed to demonstrate a clear intention to be hurtful, harmful or to promote hatred”.

She further argued that unfair discrimination occurs where conduct based on race impairs human dignity. The Constitutional Court recognises dignity as the central interest protected by the right to equality and the PEPUDA adopts this substantive approach.

Following her argument, the court ruled that the respondent must make a formal written apology to the applicant which must also be submitted to the clerk of the court; pay an amount of R25,000 to the applicant and attend anti-racism and sensitivity training at an NPO in George or an alternative recognised institution.

Lurine commented that “the “k-word” has been recognised by the courts as a deeply degrading racial epithet and quintessential hate speech. It is trite law and the Equality Courts consistently classify racial slurs including the “k-word” as hate speech due to the inherent humiliation and assault on dignity they inflict”.

Issued by the Communication Department (Northern Cape/Western Cape) of Legal Aid South Africa.

For more information and interview opportunities, contact Legal Aid South Africa Provincial Communications Practitioner Mr Boitumelo Boshupeng on 060 531 3246 or email BoitumeloB@legal-aid.co.za

Visit our website at www.legal-aid.co.za or call the Legal Aid Advice Line on 0800 110 110 or send a Please Call Me to 079 835 7179

Please be reminded that the name of our organisation Legal Aid South Africa is correctly abbreviated as Legal Aid SA and not as LASA. We respectfully request that you use the correct abbreviation Legal Aid SA which is representative of our mission to deliver quality legal aid services to the indigent and vulnerable in South Africa.