

ADAM CATZAVELLOS AND THE K-WORD

A video of Adam Catzavelos using the K-word to refer to black people whilst on holiday has caused outrage on social media and has resulted in a number of political parties, organisations and ordinary South Africans demanding that authorities take harsh action against him and rightly so.

The K-word is an offence in all senses and the reaction to Adam Catzavelos' use of the K-word has been almost instantaneous. To still have some white South Africans address their African compatriots as the K-word is absolutely unacceptable and requires a very firm and unapologetic response, especially from our courts.

A number of political parties, and civil society at large, have indicated that they intend lodging a complaint with the South African Human Rights Commission (SAHRC) and the SAPS. The EFF specifically, has already laid a criminal charge of *Crimen Iniuria* against Catzavelos, who will likely face the same fate as Vicki Momberg, who was the first person ever to be sentenced to imprisonment for using the K-word.

There are however, various speculations about whether or not Catzavelos can be subjected to legal action in terms of South African law when the act or offence was committed in a foreign country. The fact that the slur may not have been directed to anyone in particular has also sparked a debate as to whether or not Catzavelos will be successfully prosecuted for the crime of *Crimen Injuria*. And whilst these speculations may continue there can be no debate regarding the appropriateness of his dismissal.

The family business, St George's Fine Foods confirmed Adam Catzavelos has been removed from the board of directors and his dismissal with immediate effect will also see his shareholding in the business and other family business being unwound. The mere fact that Catzavelos was far away on a Greek beach when he made the racial slur, does not negate the fact that our courts have made it clear, and rightly so, that racism in the workplace cannot be tolerated.

One may ask what this might have to do with employers where an employee commits such acts whilst in their own free time, but it is important to note that employers may discipline employees for off duty misconduct where it has a material effect on the employer as it did in the current case. Catzavelos conduct or behaviour has had a detrimental impact on St. George's Fine Foods and its associated restaurant causing them to close for the time being. Many other businesses also proceeded to announce the termination of their contracts with St. George's Fine Foods because of the incident.

Likewise, any employer who finds that their employees have made derogatory or racist remarks and whose conduct may be attributed to them, should act decisively given the stance of our courts and the legislature in matters such as these: zero tolerance. Language of this nature has as its very purpose the debasing of other human beings and the injury of their dignity and should under no circumstances be condoned or tolerated in any manner or form by society in general and employers in particular.

It therefore comes as no surprise that the Constitutional Court in a recent judgment relating to SARS, held that where an employee is found guilty of racism it would be appropriate to dispense with the procedural aspects of the LRA and dismiss employees immediately, such is the egregiousness of racism within the workplace and society.

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