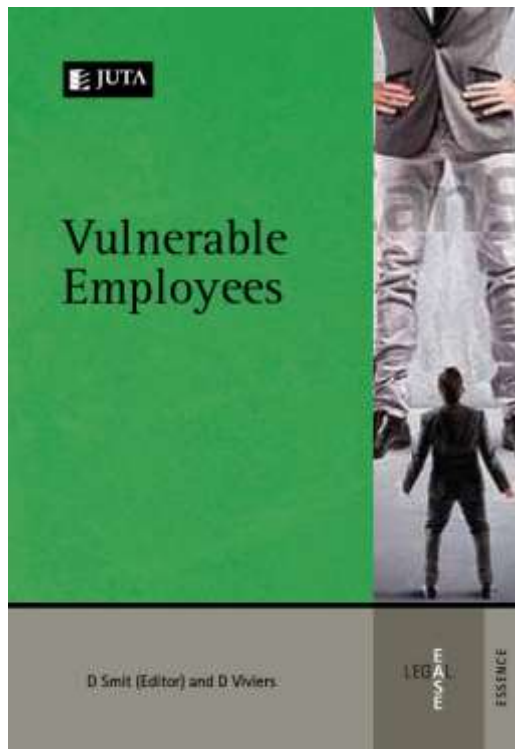


## **Book Review**



## **VULNERABLE EMPLOYEES**

by Denine Smith (Editor)  
& Damian Viviers

(313 pages)

Juta & Co (Pty) Ltd  
[www.jutalaw.co.za](http://www.jutalaw.co.za)

***"Which of us is to do the hard and dirty  
work for the rest – and for what pay?  
Who is to do the pleasant and clean  
work, and for what pay?"***

– John Ruskin (1884-1946)

Accommodation of diversity in places of work, the need to ensure equal treatment of employees, and effective measures to prevent unfair discrimination and victimisation are all challenges confronting employer and employee alike.

South African law has extensive measures in place to govern the duties of employers in the workplace. The fundamental rights granted by the Constitution, and their interpretation by the courts, have led to the development of significant jurisprudence relevant to employers, workers and their representative bodies. Common law rights to a safe and healthy work

environment underscore a sheaf of labour legislation such as the *Employment Equity Act of 1998*, the *Promotion of Equality and Prevention of Unfair Discrimination Act of 2000*, and the *Protection from Harassment Act of 2011*. And of course, individual contracts of employment can and do provide enforceable rights, obligations and remedies.

There are many categories of vulnerable workers in South Africa, including those who are sexually harassed, those stigmatised by the Aids pandemic, foreigners suffering xenophobic attitudes, the physically disabled, and rural farmworkers in remote areas.

This book places under its microscope certain selected categories of vulnerable workers, but in setting out the principles of law applicable to those vulnerable work categories, it provides a template to dealing with others as well.

The authors explore the way in which these workers should be managed and their vulnerability addressed. Useful guidelines and draft policies are set out. Basic psychological principles on which to base defensible and fair legal and managerial decisions are analysed. Many readers may come to realise as a wake-up call the value of this book in exposing the extent and ambit of worker vulnerabilities which are so often simply overlooked or discounted in the robust atmosphere of the workplace environment.

Separate chapters deal with specific situations including workplace bullies, appearance-based prejudice, body weight in the workplace, mental health, post-traumatic stress disorder, and gender variance. Each of these are examined with explanatory icons giving definitions, examples, tips and challenges. There are examples from actual cases, an informative glossary explaining terms and concepts, tables of insightful statistics, an extensive bibliography of local and international sources and commentary, including articles, magazine features, and institutional websites, all lightened by spot-on graphics and illustrations.

The co-authors, Denine Smit B.Iuris LLB LLM LLD (Editor), an advocate and senior lecturer, and Damian Viviers LLB LLM LLD, research fellow, both at the University of the Free State, have produced an excellent guide to this complex but crucial field of law for legal practitioners, judicial officers, human resource managers, trade union representatives, employers, recruiters and students. The clear and lucid style and the format adopted not only illuminates the problems and solutions but also the practical implications and consequences of the mismanagement of these categories of workers.

With the publication of this book, the co-authors and publisher Juta have laid the groundwork for further research and focus on other specific and general categories of vulnerable workers. Employers are having to get to grips with a whole new classification of identities way beyond racism and sexism – "lookism", "weightism", "ageism", "ethnicism", and plenty more. This handbook, which deftly combines principle with practicality, will be an indispensable guide.

*Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.*