A SOCIAL JUSTICE SCORE CARD IN DISMISSAL PROTECTION

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Nelson Mandela said:

“For a revolution is not just a question of pulling a trigger; its purpose is to create a fair and just society”. (Mandela as cited per Inagist, 2013)

Today, South Africa boasts with “The Mandela University for Social Justice” sustaining Madiba’s legacy to create a fair and just society. It is then not surprising that concepts like social justice, human rights, fair treatment and equality have become part of a universal “language” Correspondingly, international organisations like the United Nations (UN), the International Labour Organisation (ILO), European Union (EU) and the Organisation for Economic Cooperation and Development (OECD) have made resolute endeavors toward social justice as a necessary world policy initiative.

Whereas these concepts are founded in almost every aspect of civilized society, these morals are of particular concern in terms of employment protections. Further, a judge in the South African Labour Court equated dismissal with a death sentence for an employee, emphasizing the nature and significance of morality and social justice vital in dismissal protections.

This paper is premised on the conviction that a generic social justice theory can assist in the identification and design of social justice indicators which reveal a social justice score card, capable of measuring and comparing social justice compliance inherent to a particular legal doctrine. The purpose of this paper is to develop such generic social justice theory and apply this theory to a selected doctrine namely, employment protections relating to dismissals.

This application exposes a customized social justice theory which demands the formulation and identification of a number of social justice indicators. Collectively, these social justice indicators reveal a score card competent of measuring and comparing social justice compliance in dismissal protections...
across divergent jurisdictions. This additionally necessitates, that the relation or interaction between social justice and human rights is exposed.

In this research paper the international notions on social justice and its place in the world of work are depicted. Three particular international organisations, namely the UN, the ILO and the OECD, have made resolute endeavors toward social justice as a necessary world policy initiative. These organisations and their perspectives were analysed and interpreted for contextual purposes in so far as they relate to the development of a measuring instrument that can measure social justice notions in dismissal protections and dispute resolution. In short, we argue that having successfully developed of a social justice score card foreign legal jurisdictions may be measured and compared in terms of their allegiance to social justice and with minor modification it can also be used inter alia by employers, to measure social justice compliance in company policies and procedures.