



## **THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

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

**FROM** The Registrar, Supreme Court of Appeal

**DATE** 11 September 2014

**STATUS** Immediate

*Please note that the media summary is for the benefit of the media and does not form part of the judgment.*

#### ***THOMAS v MINISTER OF DEFENCE AND MILITARY VETERANS (506/2013) [2014] ZASCA 109 (11 September 2014)***

The SCA today upheld an appeal by Liesl-Lenore Thomas against the dismissal of her action against the Minister of Defence and Military Veterans in the Western Cape High Court. Dr Thomas claimed damages caused by her falling down stairs at 2 Military Hospital whilst employed as a medical registrar with the Western Cape Provincial Government: Department of Health. In a special plea, the Minister invoked the provisions of s 35(1) of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (the COIDA), which precludes an action by an employee against her employer where compensation is payable under the COIDA. The Minister argued that the State as a single entity was the

employer of Dr Thomas and that provincial departments were not regarded as separated employers for the purposes of s 35(1). The Supreme Court of Appeal held that individual departments were themselves employers, upheld the appeal and dismissed the special plea.