

https://dspace.org/

The frequency and quality of graphs in annual reports: a South African analysis of graph disclosure in listed entities

Varachia, Zakiyyah

2020
https://hdl.handle.net/10539/31450

Downloaded from a DSpace repository. https://dspace.org/

ABSTRACT

Although the use of social media is an integral part of society, its regulation is a relatively new concept within the South African labour law sphere. However, it is a rapidly growing phenomena within the international arena. Recent global examples have shown the far-reaching reputational and financial consequences that an employer may suffer as a result of derogatory or negative social media posts made by its employees. In some instances, this harm is caused to an employer irrespective of whether an employee makes such posts in her personal or official capacity.

In terms of our law, both employees and employers are afforded fundamental rights to fair labour practice under s 23 of the Constitution as well as the right to privacy under s 14 of the Constitution. Employees are further afforded the right to dignity under s 10 as well as the right to freedom of expression under s 16 of the Constitution. The question posed is in what circumstances can an employee's right to freedom of expression and privacy be justifiably limited resulting in dismissal?

The object of this research report is to investigate the delicate balance between an employees' individual rights against the rights and expectations of an employer in cases where social media use results in misconduct by examining domestic case law within the labour law context, with the aim to draw lessons, in order to identity instances when freedom of speech and the right to privacy are no longer afforded constitutional protection. Comparative examples will be taken from the United Kingdom from which to draw lessons.