

# YOU CAN SUE YOUR UNION FOR INEPTITUDE



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The Constitutional Court held in **Food & Allied Workers Union v Ngcobo N.O (CCT50/13)** that a union does not enjoy special protection from damages claims by members that it represents. The Food and Allied Workers' Union (FAWU) applied for leave to appeal a lower court judgment – upheld by the SCA – that awarded two FAWU members damages.

## **The damages claim arose when FAWU failed to represent the employees in an unfair dismissal dispute!**

The court noted the union's argument had 'constitutional colouring, but no constitutional substance'. Justice Cameron added: 'it also misreads its own constitution... nothing in it suggests that a union may pursue its own interests with impunity when it has injured the interests of a member by failing to represent him or her properly'.

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