

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPRREME COURT OF APPEAL

Date: 28 November 2007

Status: Immediate

**The MEC for Education, Western Cape Province v E Strauss**

On 28 November 2007 the Supreme Court of Appeal gave judgment in *MEC for Education Western Cape v Edith Strauss* upholding a special plea against the claim of an educator at the Paarl Girls' High School who was injured while she was engaged in training learners at the school to throw the discus. Her claim was dismissed in so far as it was based on section 60 of the South African Schools Act 84 of 1996 which renders the State liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such public school would have been liable but for the provisions of the section. Ms Strauss was at the time of the incident in the employ of the school and in terms of section 35 of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 a claim arising from an accident such as occurred in this case against an employer by an employee is excluded and the employee's claim is limited to compensation under this Act. The SCA expressed no view on the merits of Ms Strauss' claim against the Member of the Executive Council for Education in the Western Cape based on the Member's own failure to provide a safe school environment where she could perform her duties as an educator including sports training or coaching of learners in terms of her employment contract without any undue risk of harm befalling her.

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