

# Traditional Healers

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# TRADITIONAL HEALERS

## When Cultures, Customs Clash

Recent case law illustrates that employers, employees and the legal fraternity still find it difficult to handle situations which involve cultural/religious beliefs and customs in the workplace. This is mainly due to the fact that labour law is Eurocentric and doesn't properly cater for these cases. This means that employers and employees need to navigate carefully around these issues if they are to avoid unnecessary conflict and achieve desired outcomes.

In order to handle these situations effectively, employers need to make an effort to understand their employees' cultural beliefs and customs. One area that causes conflict in the workplace is that of employees absenting themselves from work in order to attend **traditional healers**.

To understand why employees still choose to visit traditional healers when they have modern medical facilities at their disposal, one must look at the roles that ancestor worship, witchcraft and death play in African culture.



Sangoma.

### RELIGION-ANCESTOR WORSHIP

As in all cultures, religious beliefs are open to interpretation. In the traditional African culture, religion plays a central role as does marriage, death and kinship obligations.

God is referred to as the original ancestor, known as uNkulunkulu. He is not directly worshipped since it is believed that because he died so long ago, people have forgotten his praises, and are unable to communicate with him. The actual welfare of the individual and his family is believed to lie in the hands of the spirits of the ancestors, known as Amadlozi.

When a family member dies they are not regarded as being 'dead' in the Western sense of the word, but rather to have 'disappeared from sight' or in isiZulu, Ushonile. They then take the role of ancestor where they assist in influencing the destinies of their descendants by interceding with uNkulunkulu on their behalf. These spirits demand that their descendants honour kinship obligations and can become angry should a descendant misbehave. In such event they may punish the offender by causing him misfortune, such as illness or bad luck.

By the same token, good fortune is believed to be brought about by the spirits, to whom sacrifices must be made. For this reason an African worker must, from time to time make arrangements to go home in order

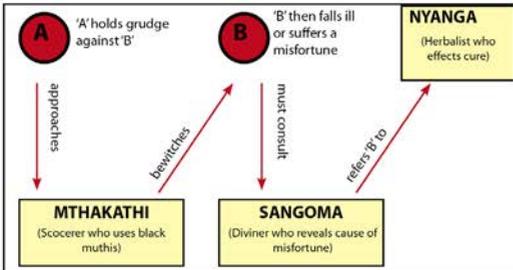


to take part in the ritual of slaughter of a goat, sheep or beast. After the sacrifice, a piece of skin from the sacrificial animal is displayed on the wrist as a token that a sacrifice has been made to the ancestors. These are known as isiphandla.

Employers in the catering industry, sometimes experience problems when workers refuse to remove these bracelets which cannot be allowed for hygiene reasons. The best way to handle these situations is to educate the employees concerned and possibly purchase plastic wraps which serve to cover the bracelet while the employee is at work.

## WITCHCRAFT

In African culture illnesses are not taken at face value. It is believed there is always a reason why someone falls ill. It could be that he has offended a spirit, or that someone has brought on the illness through witchcraft.



Steps taken in a Typical case of Witchcraft.

In order to be cured the injured party will need to consult a diviner or iSangoma who will ‘smell out’ the guilty party. The diviner in turn, will refer those bewitched to a herbalist or iNyanga for treatment. If however, the misfortune had been caused by an angry spirit, and not through witchcraft, the sangoma would point this out to the individual and instruct him on how he should go about appeasing the spirit.

Some Africans feel that, while Western medicine is able to cure illness, it is unable to get to the root cause of the illness. For example if a wall were to collapse on an individual and break his leg, a medical doctor could set it, but he would be unable to explain why the man was standing at that particular place at that particular time only a diviner could do this.



### PSYCHO-SOMATIC ILLNESSES

Similarly, a medical doctor or psychiatrist is unable to cure izifo zabantu illnesses. These usually take the form of mental disorders which are caused by the spirits or through witchcraft.

One such illness is idlozi or ubizo which is brought about by the spirits when they want to call an individual to become a diviner. This is a complicated process which may take months to complete and is often very traumatic for the individual.



Initiates undergoing training to be Sangomas.

Should an employee be stricken with this particular illness he is likely to resign from his job or be absent without official leave, regardless of his position or length of service. No amount of counselling by the employer will make him change his mind since he believes that if he does not undergo the necessary training he will vex the spirits who may eventually bring about his death through the illness.

### DEATH

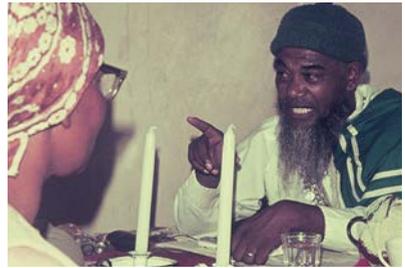
In the case of death, members of the deceased's entire extended family are considered to be in a state of misfortune. Therefore according to custom, all activity, including work, has to cease. It is important that when an African employee suffers a death in the family he is given compassionate leave, since not only will he be in mourning, but at the back of his mind he is likely to be thinking, "I am going to be injured or suffer further misfortune because I am working with this dark cloud of bad luck around me."

There are a number of ceremonies following the funeral which are just as important as the funeral itself.

In each case, an animal is slaughtered to appease the spirits and all members of the family are expected to attend the ceremony. This is particularly so in the case of the Ukubuyisa (bringing back of the spirit) ceremony, held approximately a year after the death. This ceremony is intended to welcome the wandering spirit back into the home and to ask for its blessing.

An African employee who has suffered a death in a family usually shaves his head, sometimes wears a black tag or mourning armband and acts in an introversive manner – which can be mistaken for surliness.

African customs can be complex but from this basic understanding, employers need to accept that some employees will show a preference to traditional healers rather than Western doctors. While they are obviously subject to the same rules as anyone else, some latitude is required in dealing with these employees. More particularly, everyone needs to be made aware of the fact that while the employer may show sensitivity to employees' customs, standard policies and procedures still apply. They need to know that to be granted sick leave, they must choose to attend a traditional healer who is registered with the SA Medical Dental Council and they are still required to produce a medical certificate.



## TRADITIONAL HEALERS

The problem usually arises when an employee attends or wishes to attend an unregistered traditional healer. There are a lot of charlatans out there who will promise all things to all people. Employees are often the victims of these people and, in the process, make it the employer's problem.

It is essential therefore to ask questions if an employee asks for time off to visit a traditional healer or absents himself and then claims to have been to a traditional healer.

The employer needs to establish the nature of the 'illness', the type of traditional healer and the treatment given. More specifically, employers need to determine if the employee was suffering from a psycho-somatic illness or a physical one. This is important as some employees may take advantage of the employer's ignorance.

Physical illnesses should be distinguished from psycho-somatic illnesses. Generally physical illnesses can be treated by modern medicine but the employee may feel that the root cause of the illness still needs to be determined. In such event he may still go to a diviner to determine the root cause. Such cases should not be complicated and can be handled according to standard procedures.

In the case *Lebereko vs Metrorail*, the applicant, a security guard, was dismissed after being absent without leave for about three weeks. He eventually returned to work after being served with two 'abscondment letters'. He claimed he had been attending the services of a traditional healer and had not informed his employer because the 'rules of the spirits' did not allow him to do so.

According to the commissioner the pivotal issue was whether the applicant had a valid reason for his prolonged absence. The applicant admitted to being aware that he should have informed the employer of his absence and the reasons thereof, and that he failed to do so.

He had simply abandoned his job therefore repudiating his contract of employment. On these grounds the employee had, accordingly, been dismissed for a valid reason. **If employees attend the services of a traditional healer it does not mean that they are exempt from notifying the employer and from producing a medical certificate as required by the BCEA.**

In a similar case *Lushozi vs Amber Bay Investments (Pty) Ltd* (unreported) the applicant was employed by the respondent as a setter in their Ready Made Frames Department. She was dismissed for being absent without leave but claimed that the reason for her absence was due to an injury on duty.

At the disciplinary enquiry she was found guilty of unauthorised absence and failure to respond to communications from the employer. She claimed that the reason for her absence was an injury sustained at work some nine months earlier. She had earlier produced a note from an unregistered traditional healer.

She had also requested for two weeks off work to allow her to stay with the traditional healer in order to receive treatment. She thereafter had various sporadic unauthorised absences which amounted to over 30 days with medical certificates accounting for 4 days. She also failed to notify the employer of her absences which ultimately lead to her dismissal.

The matter was eventually settled by the employer agreeing to pay her an additional one month's pay instead of having to go through with the arbitration which would have meant a lot of lost time as there was considerable documentation and a number of witnesses. The employer would however have probably won the case due to the following facts:-

- Her 'illness' was not psycho-somatic – there was no claim that she would have died had she not taken time off work. She claimed to be suffering from a sore leg caused by picture frames having fallen on her almost a year previously. She had not however, reported an accident and she was unable to provide any proof of having been injured or that she attended a medical practitioner at the time;

- She had, in the previous year, produced a sick certificate indicating that she was unfit for work due to sciatica (a pinched nerve in the back resulting in leg pain);
- She had a poor record including counselling, warnings and a final warning for intermittent absence.

What is interesting about this case is that prior to her absences, the employee had been diagnosed with sciatica by a clinic where she had received treatment. The pain in her leg was merely a symptom of the real problem – a pinched nerve in her vertebra. Sciatica is normally treated by physiotherapy, by manipulation or by surgery. This is significant, bearing in mind that lower income employees cannot afford chiropractors and physiotherapy. They also have often to wait for long periods for surgery at Government Hospitals.

In the employee's mind, she undoubtedly did have a sore leg but this was not caused by anything falling on her leg. It was as a result of a pinched nerve in her back, which had nothing to do with her employer. Her claim regarding being injured at work was dishonest and she had no valid reason for failing to report her whereabouts.

These cases illustrate that employees may try to push boundaries and employers need to keep their wits about them. Employers need to inform employees on the policies and procedures relating to traditional healers so that everyone knows where they stand. Unfortunately, even with rules in place, psycho-somatic illnesses are not so easy to handle.

## ANCESTRAL VOICES

Psycho-somatic illnesses are psychological illnesses that manifest in the physical. In African culture these could result from what the individual believes is ubizo a 'calling' or the belief that he or she has been bewitched or ukuthakathwa. For either of these causes an employee may request extended leave to attend the services of a traditional healer.

The employee may believe that their lives are under threat and for this reason these cases need to be handled carefully.

In the well documented case of *Kieviets Kroon Country Estate (Pty) Ltd v CCMA* the employee, occupied a senior position as chef de partie. She requested permission from her employer to be granted a month's unpaid leave to attend a ritual ceremony for sangoma training. A certificate from her traditional healer was submitted and other supporting documents but her request was turned down. She went on leave without permission which led to her dismissal.

At the CCMA the dismissal was found to be substantively unfair. This was largely based on the idea that the employer ought to have shown greater sensitivity towards the employee. The employee truly believed that failing to attend the ritual ceremony would have resulted in serious misfortune or even death. According to the arbitrator the defining question was whether the employee had a valid reason for her absence, 'she had to satisfy the commissioner that her absence from duty was necessitated by circumstances beyond her control to be absolved of blame'. The employee truly believed she had the calling to become a sangoma and that it was imperative for her to attend the ritual ceremony.

Evidence was lead to the effect that ignoring the calling may have resulted in her death. Because an individual places great value over their lives more than anything else, the employee was faced with two evils and she chose the lesser evil. She chose to act against the employer's wishes rather than risk the wrath of the ancestors.

The commissioner concluded that the employee was justified in choosing a course that would save her life. Evidence also indicated that her absence would not have caused irreparable damage to the employer. The commissioner ultimately concluded that the employee absented herself from duty due to circumstances beyond her control. She was justified in disregarding her employer's instructions to attend the ritual ceremony for her sangoma training. Further stating that the employer's instruction and refusal to grant her unpaid leave was unreasonable as this would have put her life at risk. The commissioner concluded that the employee's dismissal as substantively unfair and she was entitled to the reinstatement she sought.

This is a classic case of what happens when cultures clash in the workplace. We have an employer who cannot afford to allow an employee extended leave because of operational requirements, while on the other hand we have an employee who believes she has the calling to become a sangoma. She believed that ignoring the calling would have grave consequences, including death.

One of the objections from the employer was that it was a peak business period and the employee occupied a senior position. She was therefore needed at work and she had used up her leave anyway. Surely the employer was justified in denying the employee's request? On the other hand, there are many cases of deaths related to ubizo.

In the case, the commissioner ruled that the employee truly believed her life was under threat and her decision was influenced by the human instinct of self-preservation.

This dilemma clearly illustrates the complexities of such cases which includes:

- It is difficult to prove that there is a threat.
- Employees may require leave longer than that to which they are entitled.
- The employer sometimes cannot afford for employees to take extended leave because of operational requirements.
- Labour legislation does not necessarily take into account different cultural practices.

Finding a solution becomes that much more difficult and therefore each case needs to be approached on its merits. There is no 'one size fits all' solution. Employers are therefore faced with a juggling act between being sensitive to cultural beliefs while at the same time meeting the operational requirements of the business. In dealing with these cases employers need to:

- Try to understand and acknowledge cultural/religious differences;
- Seek advice from professionals (including legal and cultural/religious authorities) before refusing requests or dismissing employees;
- Ask questions to establish whether the employee is genuine or is merely seeking an excuse for his or her irresponsibility;
- Treat employees with culture/religious requests carefully and with respect;

- Take cognisance of labour legislation and the way that the CCMA and the Courts are likely to view a dismissal;
- Keep an accurate paper trail of incidents and actions taken.

Do not forget the human aspect of the working relationship. Sometimes all employees want is someone to understand and be sensitive to their needs and what they believe in.

We should never forget the 'human' in human resources.

### **NKULULEKO MTHIYANE**

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**Reference:** *Know your African Worker* by JB Magwaza and Bruno Bruniquel - *People & Profits* 1975

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