

## **SALRC refutes claims of proposed cancellation of religious holidays**

The South African Law Reform Commission (SALRC) has noted with great concern a report that appeared on a copy of The Herald on 27 May 2015, under the headline: ***Last chance to save Easter and Christmas holidays.***

The report creates an impression that the SALRC has recommended the cancellation of the two religious holidays, Christmas and Good Friday, as paid holidays from the SA calendar. This is incorrect and the SALRC would like to request that the matter be captured correctly.

The South African Law Reform Commission would like to place it on record that it has not recommended the cancellation of the two religious holidays, Christmas and Good Friday, as paid holidays from the SA calendar.

The SALRC was mandated by Cabinet with the task of revising the South African statute book to identify and recommend for repeal or amendment of legislation or provisions in legislation that are inconsistent with the equality clause in the Constitution, are redundant or obsolete. Pursuant to this mandate SALRC released its Discussion Paper 133 on Project 25: Statutory law revision in respect of legislation administered by the Department of Home Affairs (other departments' Acts are also being studied) for general information and comment. On page 56 of the Discussion Paper 133 the Public Holidays Act 36 of 1994 is discussed and the SALRC recommends to the Department of Home Affairs that since there is an element of unequal treatment, the section should be reviewed. It is also suggested that either these holidays be reviewed or that equal weight be given to religious holidays of other faiths. There is therefore, no recommendation in the discussion paper for the cancellation of any religious holiday.

It must be stated categorically that the SALRC does not have the power to change or amend any piece of legislation. It can only study or analyse legislation and point out areas of conflict or transgression of Constitutional prescripts and then report back to the Department that administers that particular piece of legislation. The said Department can either accept and implement the recommendations or reject the recommendations.

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