

17 August 2023

*Dr SSS Buthelezi*  
*Director General: Health*  
*c/o Nonhanhla.Makhanya@health.gov.za*

**Dear Director General**

Greetings of Peace and Mercy

I hope this message finds you well. I write on behalf of the Islamic Medical association of South Africa (IMASA) which represents over 2000 healthcare workers throughout the country. We are also a founding member of the international federation of IMAs comprising IMAs from 54 countries.

We appreciate the recent directive from the Department of Health to implement a new uniform dress code for nurses in all public hospitals. However, we have serious reservations about the prohibition of nurses wearing headscarves. While we understand the importance of maintaining a professional appearance in healthcare settings, we believe that these regulations overlook significant key considerations:

**1. Cultural and Religious Significance:**

Headscarves hold immense cultural and religious significance for many individuals, serving as symbols of identity, modesty, and personal faith. In our diverse and pluralistic society, it is essential that we respect and accommodate these beliefs, especially within professions as crucial and compassionate as nursing.

Denying nurses, the right to wear headscarves could potentially have negative consequences on the following:

**1.1. Diversity and Inclusion:** The nursing profession thrives on diversity, and by embracing the various cultural and religious backgrounds of its practitioners, it can better reflect the populations it serves. Prohibiting headscarves could discourage individuals from certain backgrounds from pursuing nursing as a career, thereby limiting the profession's growth in numbers and diversity, and reducing its ability to provide culturally sensitive care.

**1.2. Patient-Provider Relationship:** Patients often find comfort in the familiarity of shared cultural or religious practices with their healthcare providers. Allowing nurses to wear headscarves could facilitate stronger connections between patients and caregivers, leading to enhanced trust, communication, and patient satisfaction.

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**KWAZULU NATAL**

☎ 031 209 7838  
✉ [imakzn@baytulnur.org.za](mailto:imakzn@baytulnur.org.za)  
📍 P.O. Box 701063, Overport 4067

**GAUTENG**

☎ 011 837 6717 / 084 701 3208  
✉ [imasa.gauteng@gmail.com](mailto:imasa.gauteng@gmail.com)  
📍 P.O. Box 347, Crown Mines 2025

**WESTERN CAPE**

☎ 021 762 1414 / 079 612 9592  
✉ [imasa.wcape@gmail.com](mailto:imasa.wcape@gmail.com)  
📍 9 Quick Rd, Lansdowne 7780

## 2. Constitutional Right to Religious Expression:

Our nation's Constitution stands as a testament to our commitment to safeguarding the rights of all citizens, including the freedom of religious expression. Section 15 of the Bill of Rights upholds the right to practice one's religion freely, unburdened by discrimination or undue restriction. It is imperative that any regulations formulated respect and uphold this foundational principle that underpins our democratic society.

## 3. Precedent Set by Major Isaacs' Case:

The successful legal case of Major Fatima Isaacs versus the South African National Defence Force (Jan. 2021) provides a notable precedent that underscores the importance of accommodating religious practices within professional environments. This legal victory highlighted the need to recognize the rights of individuals to express their beliefs, even within their roles as public servants. Major Isaacs' case serves as a guiding example of how constitutional rights should be upheld within government institutions.

## 4. Empirical Evidence and Hygiene Concerns:

Amid concerns about hygiene and cross contamination, it is crucial to consider the empirical evidence surrounding headscarves in healthcare settings. There is no substantial evidence to suggest that headscarves pose an increased risk of cross contamination compared with not wearing headscarves or with other head gear or head pieces. Contrary to assumptions, it has been demonstrated that headscarves can provide protection against hair contamination similar to surgical caps used in theatre environments. Furthermore, headscarves are much easier to clean and disinfect than many other head gear or items worn by nurses. These points are borne by the fact that millions of nurses in many countries throughout the world routinely wear headscarves while on duty.

In light of the above we urge the Department of Health to reconsider the regulations prohibiting nurses from wearing headscarves. Embracing an approach that respects cultural diversity, religious expression, and empirical data can lead to regulations that maintain professional standards while upholding the values enshrined in our Constitution.

Thank you for your attention to this matter. We are hopeful that a thoughtful re-evaluation of these regulations will result in a solution that fosters an inclusive, respectful, and evidence-based environment within our healthcare system.

Yours sincerely



**Dr. M.I. Moosa**  
President IMASA

### KWAZULU NATAL

031 209 7838  
✉ [imakzn@baytulnur.org.za](mailto:imakzn@baytulnur.org.za)  
📍 P.O. Box 701063, Overport 4067

### GAUTENG

011 837 6717 / 084 701 3208  
✉ [imasa.gauteng@gmail.com](mailto:imasa.gauteng@gmail.com)  
📍 P.O. Box 347, Crown Mines 2025

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021 762 1414 / 079 612 9592  
✉ [imasa.wcape@gmail.com](mailto:imasa.wcape@gmail.com)  
📍 9 Quick Rd, Lansdowne 7780