

**The Director General Department of Health
Dr SSS Buthelezi**

15th February 2024

Dear Doctor Buthelezi

Thank you for your communication dated 31st January 2024 regarding our concerns about the uniform policy for nurses that prohibits Muslim nurses from wearing headscarves while on duty.

We note, amongst the reasons provided for your policy regarding banning headscarves for nurses on duty, that hygienic, medical, clinical or infection control are not amongst them.

As you know, millions of Muslim nurses over the world and nuns who are nursing sisters all wear headscarves permanently. We would like to clarify that for Muslim women, the wearing of the scarf is not a religious nicety, it is compulsory for a Muslim women to wear a headscarf outside of her home and to cover the hands up to her wrists.

You mentioned in your letter, consultations with various stakeholders in the nursing field by the department were undertaken. We know that no Muslim theological bodies were consulted nor was the Islamic Medical Association of South Africa, as the representative body of Muslim healthcare professionals. It will help us to know which Muslim nurses were consulted or who provided input to your department as far as Muslim religious headgear is concerned.

You state that Muslim nurses could wear a headscarf from home to work and then take it off during work hours and then again wear it after work. However, this still does not comply with Islamic law that the head scarf being worn all the time outside of the house for Muslim women.

1. Your primary argument for disallowing headscarves refers to colours worn by different religious groupings. We are quite sure that Muslim nurses will not have a problem wearing a headscarf that complies with the colour requirements of the uniform. Muslim women working in private nursing facilities all wear the headscarf according to the colour requirements of the employer, as do Muslim women in the SANDF etc.

You further state that if you accommodate Muslims, who will definitely adhere to the colour that you stipulate, then you may have to accommodate others. Well, is that not what democracy is all about and is that not why we have a Constitution that guarantees in the bill of rights the freedom of religious belief and practice? That is the beauty and strength of our diversity and rainbow nation.

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We do not believe that by allowing people to wear headscarves, it will, as you say, “prevent the standardisation of uniforms”.

2. You cannot pre suppose that other religious or cultural communities will not adhere to the colour coding as you state. This is a huge assumption and to therefore deny a fundamental right of Muslim women to wear a headscarf based on an assumption, that others may or may not comply, without implementing and testing, it is not the right way to approach this issue. Who knows, you may well find that other communities too have no issue with adhering to specified colours of a uniform code.

The employer has the right to develop a dress code but it must make reasonable provision for mainstream established religious practice.

3. The rights of patients weighed against individual and personal rights. The wearing of the headscarf in no way infringes on any rights of the patient, other staff, or the health facility, and there are definitely no medical or clinical reasons that the headscarf should not be worn on duty.

We reiterate our belief that the present uniform policy infringes on our constitutionally guaranteed right of religious practice. We do not believe the reasons furnished about uniform colour and having to accommodate others is a good enough reason to deny our Muslim nurses wearing the headscarf. We do not believe the Muslim community is being unreasonable in this request to change the policy to allow freedom of religious belief and practice.

We believe that proper consultation with the right stakeholders in such an important matter would have cleared up this from the onset. We also believe that the present policy as our previous correspondence as indicated, will deter Muslim women of all races and women from other established mainstream faith groups, who want to wear a headscarf from joining the nursing profession and it will also force Muslim nurses employed by the state to seek employment elsewhere. We already have a shortage of nursing staff and should not be discouraging people from joining the profession, especially with the proposed introduction of NHI.

We are quite happy to meet with you and/or the Minister to discuss this further.

Thanking you

Regards

F I Suliman

DR F.I. SULIMAN – PRESIDENT – ISLAMIC MEDICAL ASSOCIATION OF SOUTH AFRICA

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