

Section 187 of the Labour Relations Act (LRA)

187. Automatically unfair dismissals

(1) A dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 5⁴⁹ or, if the reason for the dismissal is:

(f) that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility;

(2) Despite subsection (1)(f)-

(b) a dismissal based on age is fair if the employee has reached the normal or agreed retirement age for persons employed in that capacity.