

# Mohsina Chenia

Executive Consultant



Mohsina Chenia is an Executive Consultant in our Employment Law practice. She has vast experience in employment law and related fields (including litigation and dispute resolution) and acts for various employers both in the public and private spheres, within diverse industries including corporate, local government, education and SOE's. She also acts for many clients within the Road Freight Industry. Mohsina has lead teams in many ground-breaking matters which have been heard before the Constitutional Court. Mohsina has been appointed as an Independent Chairperson of the Human Rights Committee of the North West University Council.

## About Mohsina

Mohsina began her career in employment law in 1993 at PSN Attorneys. She joined Cliffe Dekker Hofmeyr as a Director in 2013 and now practices in our Employment Law practice as an Executive Consultant.

## Credentials

### Education

- BA LLB, University of the Witwatersrand
- Certificate in Advanced Labour Law, University of South Africa
- Certificate: Arbitrations, University of South Africa
- Admission as an attorney: 1993
- Registered with the Legal Practice Council

### Memberships

- SASLAW

## Experience

- Advising on restructuring of companies and business transfers in terms of Section 197 of the Labour Relations Act.
- Consulting and advising Corporates on all aspects of Industrial Relations and Human Resource Management including employee benefits.
- Collective bargaining.

## Contact Mohsina

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[Mohsina on LinkedIn](#)

## Expertise

[Employment Law](#)

## Location

Johannesburg

## Language

English

- Employment equity and discrimination disputes.
- Management of Industrial Action and strike related disputes.
- Labour court, labour appeal court and CCMA and Bargaining Council appearances.
- Retrenchments and redundancies. Strategising on all employment related matters including negotiations and facilitations.
- Training on various aspects of labour relations and legislation including performance management, general workplace discipline, amendments to legislation, etc.
- Acting Judge at Labour Court.

## News

### [Reason over ransom: National Union of Metal Workers of South Africa and Others v Aveng Trident Steel \(a division of Aveng Africa \(Pty\) Ltd\) and Another 2020 ZACC 23](#)

The Constitutional Court (CC) has handed down judgment in the long awaited case of National Union of Metal Workers of South Africa and Others v Aveng Trident Steel (a division of Aveng Africa (Pty) Ltd) and Another 2020 ZACC 23 (in which CDH successfully represented the Second Respondent). The CC dismissed an appeal by the National Union of Metalworkers of South Africa (NUMSA) (acting on behalf of the second to further applicants) against the judgment of the Labour Appeal Court (LAC), where the LAC held that the dismissal of the second to further applicants (the employees) was not automatically unfair in terms of section 187 (1)(c) of the Labour Relations Act 66 of 1995 (LRA). The CC confirmed that the employees had not been automatically unfairly dismissed as a result of failing to accept a demand in respect of a matter of mutual interest between them and the employer; but were instead fairly dismissed as a result of the employer's operational requirements pursuant to a bona fide retrenchment process.

### [WEBINAR | Annual Employment Law Conference](#)

The COVID-19 pandemic saw a dramatic shift in the world of work as we knew it. It raised new challenges, forced us to think of new solutions to old problems, and demanded adaptability and novel ways of operating in the "new normal". Our Employment team hosted an annual webinar where they provided an overview of the year in review, the latest case law, newly promulgated and upcoming legislation and best practices in the new work order.

### [When are the winds of change justified? Determining dismissals where employees refuse an employer's proposal](#)

With the recent amendments to the Labour Relations Act, No. 66 of 1995 (LRA) there has been much anticipation as to how the application of the newly amended sections would ultimately be interpreted and implemented by the courts. In the case of National Union of Metalworkers of South Africa (NUMSA) obo members and Aveng Trident Steel (A division of Aveng Africa (Pty) Ltd) (2019) (Aveng) the courts were tasked with determining the application of the amended provision of s187(1)(c) of the LRA, setting precedential headway on whether an organisational restructure, culminating in amendments to terms and conditions of employment, will always be automatically unfair if dismissals ultimately ensue.

### [Smoke signals for employers](#)

On 9 May 2018, the draft Control of Tobacco Products and Electronic Delivery Systems Bill was published for public comment.

### [Intra-trade union conflicts: Can employers assist in resolving intra-union disputes?](#)

As a general rule, the Labour Relations Act, No 66 of 1995 (LRA), cannot be used by employers as a tool to quell strife internally within trade unions. There are, however, circumstances where an employer may, as an external party, have an interest in these internal conflicts, especially where this hampers bargaining between the employer and employees or if this results in its employees being effectively unrepresented.

[All news by Mohsina Chenia →](#)

## Recognition

- Who's Who Legal
  - Who's Who Legal: Labour & Employment 2018 named Mohsina as a leading lawyer.
- Legal 500 EMEA
  - Legal 500 EMEA 2010 to 2014 recommended Mohsina in Labour and Employment.