

# Biron Madisa

Associate



Biron Madisa is an Associate in our Employment Law practice. Biron has experience in various aspects of litigation concerning Employment and Labour Law in forums such as the CCMA, MEIBC, Labour Court and Labour Appeal Court. Biron's sector specialities include employment litigation, individual labour law, collective bargaining, and Occupational Health and Safety in Mining and Minerals.

## About Biron

## Credentials

### Education

- LLB, University of Johannesburg
- Compliance certificate, University of Cape Town
- Registered with the Legal Practice Council

### Memberships

- The South African Society for Labour Law (SASLAW)
- The Compliance Institute Southern Africa (CISA)

## Experience

### • Employment Law

Advising clients on the Labour Relations Act, Employment Equity Act and Basic Conditions of Employment Act.

### • Employment law related matters

Drafting disciplinary hearing outcomes. Providing clients with legal opinions on a wide range of employment law related topics; and dealing with urgent applications, review applications and interlocutory applications.

### • Retrenchment

Advising on large scale retrenchment in terms of sections 189A of the Labour Relations Act,

### • Employment contracts

Drafting employment contracts and Codes of conduct for national and international client in respect of various African countries;

## Contact Biron

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[Biron on LinkedIn](#)

## Expertise

[Employment Law](#)

## Location

Johannesburg

## Language

English

isiZulu

Sepedi

Setswana

- Mining

Experience with conducting arbitration proceedings in the mining industry.

## News

### [How to bring an incarcerated employee to an internal disciplinary hearing](#)

Employers often face the practical difficulty of how an employee who has been incarcerated, typically awaiting trial (which on its own can take years), is to be brought to an internal disciplinary hearing.

### [Fraud unravels all, including contracts of employment](#)

The insidious effect of fraud permeates the entire legal system. This is because it renders contracts voidable at the instance of the innocent party; is a crime; excludes the effects of an ouster clause in legislation; and nullifies a contractual exemption clause which purports to exclude a party from the consequences of fraudulent conduct. Its effects are therefore far-reaching. This was recently illustrated in *Umgeni Water v Naidoo and Another (11489/2017P) ZAKZPHC 80 (15 December 2022)*, in the context of employment relationships.

### [Does a restraint of trade transfer with a business as a going concern under section 197 of the Labour Relations Act?](#)

On 10 August 2022 the Johannesburg Labour Court, for now at least, appears to have settled this contentious question.

### [An employer who is responsible for setting the rules in the workplace, must also abide by them](#)

That is the lesson from the Labour Court's ruling in *Mahonono v National Heritage Council and Others (J742/2022) 2022 ZALCJHB 188 (18 July 2022)*. In the workplace employers assume the responsibility of putting policies in place to regulate the relations between that employer and its employees. However, what happens when the employer decides not to follow the provisions of its own policies?

## Videos

### [Webinar Recording | Health and Safety in the Workplace webinar series: COIDA](#)

Health and safety is an important component of all workplaces. Watch the first webinar discussion of our Health and Safety series.

## Podcasts

### [Criminal charges laid by employer? An employer can still take disciplinary action!](#)

The Labour Court held that criminal charges laid by the employer against an employee can never stand in the way of that employer subjecting the employee to a disciplinary enquiry in the workplace in respect of the same charges.

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