

# Kgodisho Phashe

Senior Associate



Kgodisho Phashe is a Senior Associate in our Employment Law practice. Kgodisho has experience in various aspects of litigation concerning Employment and Labour Law in forums such as the CCMA, BCCEI, MEIBC, NBCCI; Labour Court and Labour Appeal Court. He further has experience of providing up to date and relevant opinions to clients.

Kgodisho's sector specialities include employment litigation, individual labour law, collective bargaining, and Occupational Health and Safety in Mining and Minerals.

## About Kgodisho

Kgodisho joined CDH as a Candidate Attorney in 2019. He was promoted to Associate Designate and thereafter to Associate in 2021. Kgodisho is an admitted Attorney and Notary.

Kgodisho was promoted to Senior Associate in 2024.

## Credentials

### Education

- Bcom (Law) (Cum Laude), University of Johannesburg
- LLB (Cum Laude), University of Johannesburg
- Registered with Legal Practice Council

### Memberships

- The South African Society for Labour Law (SASLAW)

## News

### CCMA commissioners' authority to expedite dispute resolution under the LRA: A discussion of SAA v SACCA and NUMSA

In 2020, South African Airways (SAA) underwent a restructuring exercise, which involved large-scale retrenchments and significant changes to terms and conditions of employment, impacting approximately 4,700 employees.

## Contact Kgodisho

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[Kgodisho on LinkedIn](#)

## Expertise

[Employment Law](#)

## Location

Johannesburg

## Language

English

Sepedi

### [The over-sensitivities of an individual employee do not amount to harassment or unfair discrimination](#)

In the recent decision of *La Foy v Department of Justice and Constitutional Development and Others 1952/2017*, the Labour Court dismissed an application by an employee who sought relief as a result of alleged harassment by her employer, together with a plea for the reassignment of her job responsibilities, and a claim for compensation.

### [2023 amendments to the CCMA Rules](#)

On 21 April 2023, the Commission for Conciliation, Mediation and Arbitration (CCMA) published amended Rules for CCMA proceedings (Rules). These Rules include several new additions and alterations. We highlight some of the amendments which warrant attention below. The Rules came into effect on 24 April 2023. There are also fresh referral forms that now need to be used.

### [Non-compliance with the Labour Court Rules and Practice Manual vs Access to Justice: A balancing exercise](#)

In *Greater Taung Local Municipality v South African Local Government Bargaining Council and others ZALAC 1 (16 January 2023)*, the employer sought to review an arbitration award but was out of time when filing the record of the arbitration proceedings.

### [The first Labour Court judgment written in Sesotho – What is the future?](#)

In the introduction to his judgment in *Rahube v Rahube and Others 2019 (1) BCLR 125 (CC)*, Goliath AJ stated the following: "Batho botlhe ba tsetswe ba golosegile le go lekalekana ka seriti le ditshwanelo. All human beings are born free and equal in dignity and rights. Whether in Setswana or in English, this extract from article one of the Universal Declaration of Human Rights is powerful because until 24 years ago it was not true for the majority of South Africans."

## 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.

### [Possible disciplinary action against employees for conduct outside the workplace](#)

Kgodisho Phashe, Associate Designate in the Employment Law practice joined Newzroom Afrika to chat about possible disciplinary action against employees, if their conduct outside of the workplace can link back to the employer. He explains the importance of trust in an employment relationship.

## Podcasts

### [The EEA Amendments & Draft Regulations: Fines, liabilities and powers of the department](#)

Employment Law Director Hedda Schensema and Associate Kgodisho Phashe discuss the sectoral numerical targets, compliance, and the fines and liabilities in terms of the Employment Equity Amendments.

### [Can an employee be dismissed for refusing to obey an instruction to work overtime?](#)

Recently the labour court handed down a judgment in which it had to consider whether dismissal for insubordination was an appropriate sanction for employees who refused to obey an instruction to work overtime. The case raised important questions relating to overtime and highlighted an important aspect of section 10 of the BCEA. Employment Law experts Director Fiona Leppan and Associate Kgodisho Phashe, joined CDH Conversations to discuss the recent judgement.

### [Firefighter injured on Duty – A closer look into inherent job requirements and reasonable accommodation](#)

Recently, the Constitutional Court decided the case of *Adam Damons v City of Cape Town*, where an employee firefighter who was injured at work and sustained a disability (as a result of the employer's non-compliance with safety procedures) sought a position as a Senior Firefighter but was inhibited by the employer's Fire and Rescue Advancement Policy. The case raised important questions relating to unfair discrimination in the workplace, the place of the inherent requirements of the job defence and the scope of reasonable accommodation

[The effect a of resignation on the employment relationship](#)

Kgodisho Phashe, Associate in our Employment Law practice joined Smile FM to discuss the effect of a resignation on the employment relationship, and what happens if an employee changes their mind after they have resigned.

[Code of Good Conduct on the Elimination of Harassment in the Workplace](#)

Kgodisho Phashe, Associate in our Employment Law Practice unpacks practical steps for employers to take in order to comply with the Code of Good Conduct on the Elimination of Harassment in the Workplace.

[All news by Kgodisho Phashe →](#)