

# Thabang Rapuleng

Counsel



Thabang Rapuleng is Counsel in our Employment Law practice. He has experience in employment law - both as a practicing attorney and in house legal counsel. He also has experience in industrial relations across Africa including in South Africa, Botswana, Mozambique, Zambia, Zimbabwe and Tanzania.

## About Thabang

Thabang completed his articles at Maserumule Incorporated Attorneys and practised as an Associate specialising in employment law. He thereafter joined Hogan Lovells South Africa and was appointed as a Senior Associate in the employment law team in 2012. He was seconded to the SA Post Office to Head its Labour Law unit. He subsequently joined the Barclays Africa Group (ABSA) as a designated employment law legal counsel for Wealth, Investment Management & Insurance (WIMI) as well as the Corporate and Investment Bank (CIB). Thabang joined Cliffe Dekker Hofmeyr as a Director in 2017 from ABC Holdings Limited where he was a Regional Head responsible for industrial relations and employment law services across the African region.

## Credentials

### Education

- LLB, University of The Witwatersrand
- Post Graduate Diploma in Labour Law, University of Johannesburg
- Year of admission as an attorney: 2010
- Registered with the Legal Practice Council

### Memberships

- South African Society for Labour Law (SASLAW)

## Experience

- Thabang has extensive experience in acting as independent chairperson in internal disciplinary proceedings against junior and senior employees for clients in the various economic sectors where charges against the employee range from misconduct, incompatibility, poor performance and incapacity.
- Drafting of various court applications, opinions on all aspects of labour law.

## Contact Thabang

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[Thabang on LinkedIn](#)

## Expertise

[Employment Law](#)

## Location

Johannesburg

## Language

English

- Providing strategic advice to employers regarding collective bargaining, restructurings and section 197 transfers.
- Providing opinions to employers on all aspects of employment law.
- Advising clients on dismissals/unfair labour practice disputes.
- Advising on restraint of trades.
- Drafting of employment contracts and HR policies.
- Representing executives in dismissals/unfair labour practices.
- Chairing disciplinary enquiries and representing various company's at the CCMA and the Labour Court.
- Conducting employment audits.
- Compiling employment law packages for clients.
- Presenting to clients on various pieces of legislation.
- Drafting papers for urgent applications, unfair dismissals, retrenchments, transfers, prosecuting and opposing review applications, rescission application, and interlocutory application.
- Facilitation of urgent interdict applications relating to strikes.

## News

### Discrimination v differentiation: A remuneration dispute

In 2003, the City of Johannesburg Metropolitan Municipality (Municipality) took a decision to make use of fixed-term contracts of employment for certain positions. In doing so, the Municipality invited permanent employees to convert their contracts of employment to fixed-term contracts, albeit on equal terms (converting employees). As an incentive, the converting employees were offered a salary increase of between 5% and 10%, as well as payment of an annual performance bonus.

### Take note of your vows: A couple's transfer of employment and enforceability of restraint of trade agreements

In August 2020, CDH discussed the decision in *Slo Jo Innovation (Pty) Ltd v Beedle and Another (J737/22) ZALCJHB 212 ( Beedle )*, regarding the transfer of restraint of trade agreements in employment contracts. The court ruled that a restraint of trade agreement included in a contract of employment was transferable under section 197 of the Labour Relations Act 66 of 1995, as amended. The decision in *Beedle* was upheld by the Labour Appeal Court in *Beedle v Slo-Jo Innovations HubHub (Pty) Ltd JOL 60553 (LAC)*.

### A classic incongruent ruling on sanction

The matter of *National Lotteries Commission v Mafonjo and Another (JR 48/2020) ZALCJHB 184 (23 June 2023)* sets out what the Labour Court has termed an incongruent ruling on sanction.

### Is three years too long for a restraint of trade agreement? The court has answered

Employers can take comfort in knowing that their protectable interests are safeguarded by the courts in the event of a breach of a restraint of trade clause. In *Warwick Wealth (Pty) Ltd v Anderson and Others (C178/2023) ZALCCT (18 May 2023)*, the court had to consider the issue of a breach of restraint of trade clause between *Warwick Wealth (Pty) Ltd* (the employer) and *Ms Julie Anderson*.

### Harassment in the workplace: Risks, Regulation and Rights

The Employment Law team from CDH and Gateley hosted a webinar titled: *Harassment in the workplace: Risks, Regulation and Rights*.

## Videos

### [Retrenchments during COVID19](#)

Employment Director Thabang Rapuleng joined Newzroom Afrika to discuss measures employees and employers can take in their risk assessing methods amidst an impending retrenchment season, as business battle the economic pressures of COVID-19.

### [Employer vs employee's right to privacy](#)

Employment Law Director Thabang Rapuleng joined SABC's Morning Live to look at an employer vs employee's right to privacy.

### [Advice on what to do and not to do during the season](#)

Can an employer take disciplinary action for misconduct and what you post on your social media platforms during the festive season. Employment Director, Thabang Rapuleng discusses this further on Newzroom Africa.

### [Thabang Rapuleng discusses mental health in the workplace](#)

Thabang Rapuleng, a Director in CDH's Employment practice, recently joined The Rundown on eNCA to discuss mental health in the workplace.

### [Thabang Rapuleng discusses unemployment Rate of 29%](#)

Employment Director Thabang Rapuleng recently joined eNCA's Channel News Africa to discuss South Africa's increasing unemployment rate.

## Podcasts

### [The Code of Good Practice: Managing exposure to SARS-COV-2 in the workplace](#)

The Code of Good Practice: Managing exposure to SARS-COV-2 in the workplace, which was published on 15 March, empowers the continued enforceability of mandatory vaccine policies, subject to compliance with its provisions. Thabang Rapuleng, Director in the Employment Law practice, discussed the Code with SAfm.

### [Politics in an office context](#)

Whilst the local government elections have come and gone, the conversations regarding political parties are likely to linger on at the proverbial watercooler. Thabang Rapuleng, Director in our Employment Law practice discussed some of the boundaries to be mindful of in the workplace, with Smile FM.

### [Wage offer for public sector employees](#)

Thabang Rapuleng, Director in the Employment Law practice joined Cape Talk to discuss the wage offer for public sector employees. He explains that this is a compromise for government, workers and the unions.

### [Cape Talk - Returning to work in the new normal](#)

Thabang Rapuleng, Director in the Employment Law practice joined Cape Talk to discuss returning to the office and employment law for employers and employees in the 'new normal'. He unpacks the cornerstone of a good working relationship being honesty, trust and good faith on both the part of the employer and employees. Listen to the interview here (BITLY)

### [Domestic workers being covered by CODIA](#)

Thabang Rapuleng, Director in our Employment Law practice joined Kaya FM to discuss domestic workers being covered by CODIA, which is the Compensation for Injuries and Occupational Diseases Act. He explains the process, and what employers need to do to accurately register their domestic workers.

[All news by Thabang Rapuleng →](#)

## Recognition

- Legal 500 EMEA

The Legal 500 EMEA 2023 recommended Thabang for employment