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About Kelebogile

News

Labour Court declares the re-election of AMCU president unlawful

A trade union is an association of employees who are its members and is defined as such in the Labour Relations Act 66 of 1995 (LRA). Speaking to this fundamental tenet of organised labour in Nkosikho Joni v Association on Mineworkers and Construction Union and Others , the Labour Court was tasked with the question of whether AMCU's president could assume that role despite not being an employee in a sector that the trade union represents.

Refusal to testify in an arbitration may result in a fair dismissal

Employees have a duty to comply with the lawful and reasonable instructions of their employer. But would the failure to comply with an instruction to testify in an arbitration before the Commission for Conciliation, Mediation and Arbitration (CCMA) amount to insubordination and warrant dismissal? This is the question which the Labour Appeal Court (LAC) was required to decide in Kaefer Energy Projects (Pty) Ltd v CCMA and Others (LAC) (Case no: JA59/20), a judgment handed down on 26 October 2021.

Employee reporting obligations when seeking to hold an employer liable for sexual harassment in the workplace

While employers have a statutory obligation to eliminate unfair discrimination in the workplace, an employer cannot be held liable for sexual harassment perpetrated by one of its employees if the employee who seeks to hold the employer liable has not discharged their obligations under section 60 the Employment Equity Act 55 of 1998 (Act).

"Winds of change" to the face of the legal profession

" An examination of the legal profession as it has been in the past and as it still exists, reveals a number of problems and anomalies, namely: The legal profession does not represent the diversity of South African society. The number of black lawyers in private practice and in the public service sector is comparatively low, as is the number of women. Black people and women are almost entirely absent from the ranks of senior partners in large firms of attorneys and senior counsel at the Bar. They were, accordingly, also largely absent from the controlling bodies of the Bar Councils and Law Societies until recently, when steps were taken to make these bodies more representative. "

Contact Kelebogile

Location

Johannesburg

Language

English

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