

Thato Makoaba

Associate



Thato Makoaba is an Associate in our Employment Law practice.

About Thato

News

[Lock-out legitimised: The legality of lock-outs in negotiating employee benefits](#)

In the recent case of South African Commercial Catering and Allied Workers Union (SACCAWU) obo Members v Phala N.O and Others 2 BLLR 176 (LAC) the Labour Appeal Court (LAC) confirmed that a lock-out initiated by an employer during negotiations with employees over a new contract is lawful if it relates to disputes over benefits that have not yet been agreed upon or acquired. Such issues fall under the scope of mutual interest rather than rights disputes and may be resolved through industrial action

[A new era for traditional healers: A step towards formalisation and regulation](#)

In a significant step towards formalising the practice of traditional healing in South Africa, the Traditional Health Professional Regulations, 2024 (Regulations) were published in the Government Gazette for comment on 21 June 2024. The Regulations aim to formalise and professionalise traditional health practices in South Africa and are set to be implemented under the Traditional Health Practitioners Act 22 of 2007 (THPA) to ensure that traditional health practices are standardised and practiced safely across the country.

[Beyond status: Parameters of section 198D of the LRA, and competent relief for current and former employees](#)

Section 198D of the Labour Relations Act 66 of 1995 (LRA) contains general provisions applicable to sections 198A to 198C, and vests the Commission for Conciliation, Mediation and Arbitration (CCMA) or bargaining council with the power to conciliate and arbitrate any dispute related to the interpretation or application of these subsections. This includes disputes related to the status of the employment relationship between a temporary employee and the client of a temporary employment service (TES). Once the CCMA determines that the employee is deemed an employee of the client in terms of section 198A(3)(b), is the scope of section 198D wide enough to empower the CCMA to grant substantive relief? What about those who are no longer "employed" at the time of lodging a dispute?

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Expertise

[Employment Law](#)

Location

[Johannesburg](#)

Language

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[Is any agreement capable of enforcement under the Labour Relations Act?](#)

Under section 158(1)(c) of the Labour Relations Act 66 of 1995 (LRA), the Labour Court has jurisdiction to, inter alia, make an arbitration award or any settlement agreement an order of court. Over the years, there has been much debate and conflicting judgments on whether a wide or narrow interpretation of "any settlement agreement" should be adopted.

[Love all, trust a few – trust issues lead to no resolution](#)

Section 129 of the Companies Act 71 of 2008 (the Act) provides for the process of commencing voluntary business rescue proceedings and placing a financially distressed company under supervision by way of a board resolution.

Podcasts

[Should a sick note from a traditional healer be recognised at work](#)

Thato Makoaba, Associate in the Employment Law practice, recently joined Asanda Beda on Channel Africa to discuss 'Should a sick note from a traditional healer be recognised at work?'

[All news by Thato Makoaba →](#)