

Aadil Patel

Practice Head, Director



A recognised thought leader and business enabler, Aadil Patel heads up the Employment Law practice at CDH, while also serving as co-head of the Government & State-Owned Entities sector. According to Chambers Global, Aadil's "... knowledge of labour law, combined with his understanding of the corporate environment, level of service, responsiveness and business acumen, makes him an amazing professional." Aadil undoubtedly leads from the front, working across multiple jurisdictions in Africa and globally. He is a highly sought after speaker at industry seminars and webinars, is regularly quoted as the leading expert in the press and is a master at customising training workshops for the benefit of his clients.

Aadil has served as an Acting Judge of the Labour Court.

About Aadil

Aadil joined Cliffe Dekker (now Cliffe Dekker Hofmeyr) as a Director in 2006. He holds a B Proc LLB LLM and H Dip (Company Law), from the University of the Witwatersrand, and completed the DLA Piper Harvard Leadership Programme from the Harvard Business School in 2012.

Credentials

Education

- B Proc LLB LLM and H Dip (Company Law), University of the Witwatersrand
- Year of admission as an attorney: 1999
- Diploma in Pension Funds, University of the Witwatersrand (2012)
- Completed the DLA Piper Harvard Leadership Programme from the Harvard Business School in 2012
- Registered with the Legal Practice Council

Memberships

- The South African Society for Labour Law (SASLAW)

Experience

Contact Aadil

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[Aadil on LinkedIn](#)

Expertise

[Employment Law](#)

[Corporate & White Collar Investigations](#)

[Pensions & Employee Benefits](#)

[Government and State-Owned Entities](#)

[Healthcare & Pharmaceuticals](#)

[Industrials, Manufacturing & Trade](#)

[Mining & Minerals](#)

[Public Law](#)

[Technology & Communications](#)

Location

Johannesburg

Language

English

- **Independent chairperson in internal disciplinary proceedings**

Aadil 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.

- **ArcelorMittal**

Represented ArcelorMittal in a dispute involving s197 of the Labour Relations Act (LRA) (relating to transfers of businesses) which was the first case interpreting the Constitutional Court case on the same section (which, in turn, was also a case in which our employment team represented one of the involved parties).

- **Herholdt v Nedbank Ltd (2012) 33 ILJ 1789 (LAC)**

Appeared in the ground-breaking case of Herholdt v Nedbank Ltd (2012) 33 ILJ 1789 (LAC), for the successful party, in which the principles applicable to review applications were re-examined, and which case has since had great impact in the area of review applications.

- **Eskom**

- Successfully represented Eskom at the Supreme Court of Appeal (as well as in the courts a quo), in a far-reaching essential services dispute [ESKOM Holdings Ltd v NUM 2012 (2) SA 197 (SCA)].
- Represented Eskom in Eskom v Marshall and Others [2003] 1 BLLR 12 (LC). This case dealt with the issue of what a benefit is.
- Representing Eskom Holdings SOC Limited and the Airports Company of South Africa (ACSA) at the essential services committee regarding the conclusion of minimum services agreement.
- Advised Eskom for a considerable period of time in respect of the Central Bargaining Forum

- **Restructuring**

Assisted SAA, ArcelorMittal, Murray and Roberts Cementation with their restructuring.

- **Outsourcing transactions**

Advised various clients on their outsourcing transactions and in developing optimal staffing models with regard to the recent amendments to various pieces of labour legislation.

- **Absa**

Assisted Absa with its various outsourcing transactions.

- **SAP**

Acted for SAP regarding the application of several HR and employee policies in use in SA and in other African countries. The project covered the following jurisdictions: Angola, Nigeria, Kenya, and Morocco.

- **Total**

Acted for Total regarding the application of several HR and employee policies in SA and in other African countries. The project covered the following jurisdictions: Swaziland, Namibia, Botswana and Lesotho.

- **Coca-Cola**

Advised Coca-Cola on 'localising' their HR policies and employment contracts in Zambia, Zimbabwe, and Angola.

- **MacMillan**

Advised MacMillan on 'localising' their HR policies and employment contracts in Botswana and Namibia.

- **Dell Computers**

Advising and assisting Dell Computers (Pty) Ltd on internal disciplinary proceedings instituted against an employee in Nigeria on charges of misconduct including appointment of Nigerian correspondents and acting as liaison between client and correspondent.

- **Standard Bank of South Africa**

Advising and assisting Standard Bank of South Africa Limited with issues around the commencement of business and the employment and remuneration of staff in Ivory Coast.

- **Total South Africa**

Assisting and advising Total South Africa in its dealings with the Employment Equity Commission following charges instituted against it by the Commission including the appointment of a Namibia correspondent to assist client and acting as liaison and facilitator between client and correspondent.

News

[Boardrooms are not courts: The decriminalised approach to workplace discipline](#)

Misconduct is inevitable in every workplace, but not each instance of misconduct is always addressed as the disciplinary process can feel overwhelming.

[Two for one: The splitting of charges in disciplinary notices](#)

The criminalisation of our employment law has met the ire of our judiciary. South Africa's courts have warned parties not to seek to frustrate and prolong the disciplinary process.

[Are the establishment of picketing rules a requirement for lawful strike action](#)

On 21 April 2023, the Commission for Conciliation, Mediation and Arbitration (CCMA) published amended Rules for the Conduct of Proceedings Before the CCMA (Rules). One of these amended rules relates to the establishment of picketing rules prior to the issuing of a certificate of non-resolution in disputes relating to the right to strike.

[Corporate Investigations and compliance with POPIA](#)

The right to privacy must be upheld when corporate and workplace investigations are conducted.

[Webinar - Employment impact: State of national disaster: Electricity](#)

Employers need to consider the impact that loadshedding and increased disruptions in electricity supply may have on the workplace.

Videos

[Another draft Employment Equity economic sector targets: Have comments been considered?](#)

[Employment Equity Amendment Act updates](#)

On 14 April 2023, President Cyril Ramaphosa signed the Employment Equity Amendment Act 4 of 2022 into law.

[Public health strike action](#)

Aadil Patel, Practice Head in our Employment Law practice, spoke to SABC News regarding SA's healthcare services being disrupted due to the NEHAWU wage strike.

[Aadil Patel discusses the four day week](#)

Whilst a four-day work week is attractive, South Africa needs to move to a productivity-based work model, in order to achieve success; this according to Aadil Patel, Director and Practice Head in our Employment Law practice, during his interview with Newzroom Afrika.

[Employees not taking leave during the lockdown](#)

Aadil Patel, Director in our Employment practice joined eNews Channel African to discuss the challenge companies are faced with due to employees not taking leave during the lockdown

Podcasts

[Part 1 - The Employment Equity Act](#)

This is the first episode of a series of short podcasts where our Employment Law experts unpack the implications of the recent Employment Equity Amendments on employers. This episode features Practice Head Aadil Patel, and Professional Support Lawyer Nadeem Mahomed.

[Healthcare services disrupted as Nehawu wage strike](#)

Aadil Patel, Head of our Employment Law Practice, speaks to 702 regarding SA's healthcare services disrupted due to Nehawu wage strike.

[The next steps for employers, following the repeal of Regulations 16A, 16B and 16C](#)

Aadil Patel, our Practice Head in the Employment Law Practice discussed the next steps for employers, following the repeal of Regulations 16A, 16B and 16C relating to the Surveillance and the Control of Notifiable Medical Conditions. Listen to his insights on 702's The Money Show [here](#)

[Wearing of masks may be a thing of the past](#)

With a steady decline in infection rates, hospitalisations and deaths related to COVID-19, the Minister of Health has recommended a reconsideration of the COVID-19 regulations pertaining to the wearing of masks indoors, the limitations on gatherings and the regulations pertaining to entry requirements.

[Reflecting on 2021 and navigating 2022](#)

Our Employment Law team hosted their first webinar where they reflected on 2021 and identified key themes for 2022.

[All news by Aadil Patel →](#)

Recognition

- Chambers Global
 - Chambers Global 2024 ranked Aadil in Band 1 for employment.
 - Chambers Global 2015–2023 ranked him in Band 2 for employment.
- The Legal 500 EMEA 2021–2023 recommended Aadil as a leading individual for employment and recommended him from 2012–2020.