

# Imraan Mahomed

Director



Imraan Mahomed is a Director in our Employment Law practice. Imraan joined the practice in late 2020 having led a lateral team move of employment lawyers to CDH.

With over 20 years' experience, Imraan advises on all aspects of employment law ranging from transactions, litigation, regulatory to compliance matters impacting employment and workplace investigations both in South Africa and across other parts of the continent. His input is also sought regularly by the media on current labour law issues. He has acted as a Judge of the Labour Court on various occasions.

Imraan has vast experience in dealing with issues affecting employers in contentious and non-contentious matters and provides strategies at collective and individual level. He has also been involved in matters related to immigration litigation as well as advising senior executives on aspects related to their employment, directorships, and shareholding. Imraan has also been the lead attorney in various precedent setting employment related cases.

## About Imraan

Imraan Mohamed joined Cliffe Dekker Hofmeyr as a Director in 2020 having led a team of employment lawyers after the restructure of the Johannesburg office of Hogan Lovells. He has practiced in the field of employment law representing business for over 20 years. Imraan commenced articles at Deneys Reitz (now Norton Rose Fulbright) in 2001 and became a Director in its employment department and practiced with the legacy firm. He left in 2007 to join Routledge Modise to expand its employment law offering where the firm at some point rebranded as Hogan Lovells in South Africa, and eventually Lawtons Africa. Imraan has also advised clients in various jurisdictions across Africa on employment and business crime related matters.

## Credentials

### Education

- BCom LLB (cum laude), Nelson Mandela University
- LLM (Labour Law), University of Johannesburg
- Cer Adv Admin Law, University of Witwatersrand
- Cert Pension Fund Law II, University of Witwatersrand
- Year of admission as an attorney: 2003
- Registered with the Legal Practice Council

## Contact Imraan

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## Expertise

[Employment Law](#)

[Pensions & Employee Benefits](#)

[Corporate & White Collar Investigations](#)

[Government and State-Owned Entities](#)

[Mining & Minerals](#)

[Public Law](#)

[Healthcare & Pharmaceuticals](#)

[Technology & Communications](#)

## Location

Johannesburg

## Language

English

Afrikaans

## Memberships

- The South African Society for Labour Law (SASLAW). Gauteng Chapter Committee member and member of the SASLAW national committee.

## Experience

- Imraan has vast experience in dealing with all issues affecting employers in contentious and non-contentious matters. He provides clients with effective strategies on all employment related matters, both at collective and individual level. He advises and does training across various industries. Imraan has a keen interest in post-employment restrictive law and has been the lead attorney in a number of restraint of trade. Imraan regularly advises executive management on their strategic and business critical employment related issues.

Imraan has also lead a number of business due diligence exercises, across various industries, with a focus on issues related to employment, retirement funds and immigration.

- Imraan has over the years also built an expertise which extends to dealing with business crime preemptively as well as where it becomes contentious in representing businesses. Imraan has also represented senior executives in director, shareholder and employee related matters and conducted numerous workplace investigations. He has also advised across various industries on business restructures and strategies on managing union relationships as well as dealing with picket lines disputes and other forms of industrial action disputes.
- Imraan has been the lead attorney on a number of employment related disputes which are reported judgements of the Labour Court, Labour Appeal Court and the Supreme Court of Appeal. Imraan was also consulted and provided input on a precedent setting case on anti-discriminatory workplace conduct, which was heard in the Constitutional Court.

## News

### Political parties' involvement in workplace affairs

It has become a common feature in South Africa for political parties to want to become embroiled in workplace issues. This initially gained prominence with the Economic Freedom Fighters (EFF,) a well-known opposition national political party. The Labour Court has, however, already taken a strong stance against the EFF in two reported judgments: *Calgan Lounge v EFF and Others* 40 ILJ 342 (LC) a matter in which Cliffe Dekker Hofmeyr (CDH) represented Calgan Lounge in 2018, and *Gordon Road Spar v The Economic Freedom Fighters and Others* 42 ILJ 1953 (LC) which was subsequently overturned by the Labour Appeal Court (LAC) in 2023 for technical legal considerations. We reported on these judgments in our 12 November 2018 , 4 October 2021 and 24 January 2022 Employment Law Alerts. The Gordon Road Spar judgment, however, needs to be heeded by employers who are faced with a similar dilemma and who intend to engage the assistance of the court.

### Are employers that hire equipment and machinery in the civil industry covered by the Bargaining Council for the Civil Engineering Industry?

The world of civil engineering and its scope of work is vast and varied. This is because it encompasses everything from construction and infrastructure projects to land and sea defence works. The complexity of the industry in the world of employment law often leads to interpretation disputes over demarcation with reference to the specific nature of work being carried out by employers.

### South African labour laws: Foreign and remote workers, crossing swords

With the global village having also transformed into a 'global workplace', it is necessary to consider whether remote workers or employees who work for South African employers outside the country may access the Commission for Conciliation, Mediation and Arbitration (CCMA) or Labour Courts. In some instances, an employer may be located in South Africa only to have a part of its workforce spread across other parts of the world.

### [Can the Pension Fund Adjudicator ignore a response to a disputed death benefit?](#)

An employee who is a member of a retirement fund would have a death benefit that is payable to their dependents when they pass away. Importantly, the benefit does not form part of the deceased member's estate and is not subject to deceased estate processes. The trustees of the fund are responsible for allocating the death benefit under section 37C of the Pension Funds Act 24 of 1956 (Act).

### [Re-employed or re-instated after a dismissal: Who is liable for the arrear retirement fund contributions](#)

An award won by a dismissed employee for re-employment or reinstatement after an unfair or unlawful dismissal would generally have different effects on past retirement fund contributions. Typically, the rules of a retirement fund would provide for the termination of membership on the dismissal of the employee. Also, the obligation of the employer for payment of contributions would cease from the date of dismissal.

## Videos

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

### [Can South African employers impose mandatory COVID19 vaccination policies](#)

Employment Law Director Imraan Mahomed joined eNews Channel Africa's Live at Lunchtime with Jeremy Maggs to discuss whether South African employers can impose mandatory COVID-19 vaccination policies as a pre-requisite to return to work or as a precondition for employment.

## Podcasts

### [The EEA Amendments & Draft Regulations: The impact and why employers must submit representations](#)

Imraan Mahomed led the discussion with JJ van der Walt on the expected, yet rather uncertain, impact of the imminent promulgation of the EEA amendments and the recently published draft regulations proposing eighteen economic sectors and numerical targets determined by the Minister.

### [Union Representation: It's my union and I'll cry if I want to](#)

Unions have extensive rights under South African law. The rights of a union to bargain was however in 2020 curtailed by the Constitutional Court when the court found that a union was restricted to organising within the scope of its constitution. But can a union represent its members in litigation processes? This is where the members are employed in an industry which falls outside the scope of the unions constitution. The Labour Appeal Court has recently considered this question which is discussed in this podcast

### [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.

### [Is 2021 bringing about a change? A consideration of mandatory vaccinations in the workplace](#)

With businesses preparing to resume as near to "normal" operations, as is possible, and with the rollout of covid-19 vaccinations worldwide, it is unlikely that the government will impose a mandatory vaccination program across the country. The question of mandating inoculation within the employee population will therefore need to be determined by individual employers on a case by case basis. A decision to be made sooner rather than later.

### [Employment state of play](#)

Employment Director Imraan Mahomed joined Bruce Whitfield on The Money Show on Talk Radio 702 to discuss the complexities of Treasury's decision and commitment to cut the public service wage bill. The matter is before the Labour Appeal Court on 2 December 2020

[All news by Imraan Mahomed →](#)

## Recognition

- Chambers Global 2021–2024 ranked Imraan Mahomed in Band 2 for employment and in Band 3 from 2014–2020.
- The Legal 500 EMEA 2020–2024 recommended him for employment.