
COWAN-HARPER-MADIKIZELA

ATTORNEYS

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Experience. Skill. Solutions

COWAN-HARPER-MADIKIZELA

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About us

Our firm specialises in employment law, benefits, industrial relations, discrimination, commercial litigation, commercial corporate law, public law, risk, governance and compliance.

We are a highly experienced and skilled medium-sized firm. We approach each of our client's instructions with dedication, experience and skill gained over many years.

We have consciously adopted a problem-solving approach in order to attempt to resolve disputes at the earliest opportunity.

Our firm has successfully conducted numerous matters in South Africa's top legal fora including the Constitutional Court, Supreme Court of Appeal, Labour Appeal Court and the Labour Court.

We have also successfully conducted arbitrations in some of the world's leading legal fora such as the International Court of Arbitration and the Central China Economic Arbitration Forum.

Our attorneys have successfully run numerous reported cases, some of which are frequently quoted.

Our fee philosophy is to operate on a low-overhead, cost-effective basis in order to offer fees which are reasonable and more than competitive.

Our Services

Employment Law, Benefits, Industrial Relations and Discrimination

Some of the services offered by the Employment Law, Benefits, Industrial Relations and Discrimination Department include: -

Industrial Relations

- Strategic advice on collective bargaining issues;
- Collective bargaining and collective agreements;
- Strike management, interdicts, resolving strike disputes and strike prevention strategies;
- Drafting recognition and other collective agreements, including project labour agreements; and
- Advising on community demands and community involvement at the workplace.

Dispute Resolution

- Alternative dispute resolution, including negotiations with Unions;
- Managing discipline, grievances and workplace disputes;
- Performance management issues and disputes;
- Incapacity disputes and litigation;
- All employment-related disputes, including pre-dismissal arbitrations, private arbitrations, conciliation and arbitration proceedings at the CCMA and bargaining councils as well as Labour Court, Labour Appeal Court and Constitutional Court disputes;
- Disputes relating to unfair labour practices and benefits;
- Audits and investigations into cultural integration and avoidance of potential disputes and remedies;
- Disputes and litigation in the SADC countries;
- Advice on all labour statutes including the LRA, BCEA, EEA, Protected Disclosures Act, Pension Funds Act and COIDA;
- Advice on application of Occupational Health and Safety Act and the Health and Safety Regulations including the Construction Regulations and representing clients at Health and Safety enquiries;
- Drafting restraint of trade and confidentiality agreements;
- Restructuring and retrenchment exercises, including working with Business Rescue Practitioners;
- Advice on section 197 transfers of undertakings and services agreements;

Our Services

- Drafting advanced contracts of employment, disciplinary codes and procedures, grievance, performance and other policies and procedures;
- Drafting Labour Broker, service and sub-contractor agreements;
- On inter-related tax issues we work with leading tax advisors;
- Advice on retirement funds, medical aid and other benefits;
- Restructuring of benefits;
- Remuneration and bonus policies and structuring;
- Management of disputes relating to benefits.

EE, Discrimination, BBBEE and Other Specialisations

- Employment equity and affirmative action strategies, statutory compliance, and prosecutions under the Employment Equity Act;
- Employment discrimination disputes, including equal pay disputes;
- BEE “fronting” complaints and litigation;
- Sports law and disputes relating to employment law;
- Executive employment contracts and company bonus, incentive and productivity schemes and agreements;
- Banking issues in the employment law context, including FAIS and legislative inter-relationships; and
- Regulatory issues, governance and compliance.

Commercial Litigation

The Commercial Litigation Department deals with matters in the Magistrates Court, High Court, Supreme Court of Appeal, Constitutional Court, Arbitration fora and specialised fora in relation to: -

- Contractual issues;
- Rights and delicts;
- Insolvencies;
- Anton Pillar Applications;
- Constitutional litigation and civil rights issues;
- Commercial issues;
- Interpretation of statutes and contracts;
- Restraints of Trade and Confidentiality disputes;
- Negotiation of resolution of disputes; and
- Collections.

Public Law and Administration

Some of the services offered by the Public Law, Risk Governance and Compliance Department include: -

- Assisting clients in both the private and public sector to challenge and review administrative decisions;
- Advising on public procurement;
- Assisting clients in the formulation of bid documents and relevant service level agreements;
- Conducting risk management and regulatory compliance reviews through legal audits and provide regulatory compliance advice;
- Corporate Governance;
- Advising governing bodies in respect of their oversight responsibilities, the application of King IV and its governance guidelines;
- Forensic Investigations and legal audits;
- Opinion and report drafting;
- Conducting legal audits, working alone or in association with forensic investigators;
- Drafting and reviewing commercial agreements;
- Contract management, particularly in construction matters;
- Drafting supply chain documents;
- Monitoring compliance with the Protection of Personal Information Act, reviewing & drafting privacy policies;
- Representing clients in Competition law matters; and
- Litigation pursuant to all the above.

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Our team



Nobanzi Madikizela-Nyathi

Chairperson & Partner
Tel : +27 73 650 6720
nnyathi@chmlegal.co.za



Rod Harper

Partner
Tel : +27 83 253 1733
rharper@chmlegal.co.za



Lennard Cowan

Partner
Tel : +27 82 899 9548
cowan@chmlegal.co.za



Kerry Gantley

Partner
Tel : +27 83 373 3116
kgantley@chmlegal.co.za



Neil Coetzer

Partner
Tel : +27 72 280 1699
ncoetzer@chmlegal.co.za



Jayson Kent

Senior Associate
Tel : +27 76 731 8900
jkent@chmlegal.co.za



Nastassya Naudé

Associate
Tel : +27 83 337 9452
nnaude@chmlegal.co.za



Tanya Mulligan

Senior Associate
Tel : +27 76 981 8859
tmulligan@chmlegal.co.za



Mbulelo Ndlovu

Associate
Tel : +27 72 343 5267
mndlovu@chmlegal.co.za



Shahnaaz Bismilla

Senior Associate
Tel : +27 81 049 6261
sbismilla@chmlegal.co.za



James Horn

Associate
Tel : +27 72 960 8314
jhorn@chmlegal.co.za



Thato Matloko

Candidate Attorney
Tel : +27 81 886 7001
tmatloko@chmlegal.co.za



Jessica Fox

Candidate Attorney
Tel : +27 72 683 2162
jfox@chmlegal.co.za



Manala Rabothata

Candidate Attorney
Tel : +27 72 462 1861
mrabothata@chmlegal.co.za



Nonkululeko Zitha

Candidate Attorney
Tel : +27 81 532 9203
nzitha@chmlegal.co.za

CHM
COWAN-HARPER-MADIKIZELA



136 Sandton Drive, Sandhurst, Sandton, Johannesburg, South Africa | PO Box 318, Gallo Manor, 2052
Tel: 011 048 3000 | Fax: 011 784 1641 | Email: info@chmlegal.co.za | www.chmlegal.co.za

B-BBEE Level 1

Partners : N Madikizela-Nyathi BA HD LLB (Chairperson) | LP Cowan BA LLB | RAL Harper BA LLB |
K Gantley BA LLB | N Coetzer LLB LLM