You think business; we think people.
Our horizons are as broad as your business vision.
Our Firm

Bowman Gilfillan Africa Group is a leading Pan-African law firm. Our track record of providing specialist legal services, both domestic and cross-border, in the fields of corporate law, banking and finance law and dispute resolution, spans over a century.

With eight offices in six African countries and over 400 specialised lawyers, we are differentiated by our geographical reach, independence and the quality of legal services we provide.

We draw on our unique knowledge of the African business environment and in-depth understanding of the socio-political climate to advise clients on a wide range of legal issues. Our aim is to assist our clients in achieving their objectives as smoothly and efficiently as possible while minimising the legal and regulatory risks.

Our clients include corporates, multinationals and state-owned enterprises across a range of industry sectors as well as financial institutions and governments.

Our expertise is frequently recognised by independent research organisations. We have been named Africa Legal Adviser by DealMakers for the last two consecutive years (2014 and 2015). Most recently we won the Competition and Regulatory Team of the Year and the IP Team of the Year Awards at the prestigious African Legal Awards hosted by Legal Week and the Corporate Lawyers Association in 2015.

Our Footprint in Africa

We provide integrated legal services throughout Africa from eight offices (Antananarivo, Cape Town, Dar es Salaam, Durban, Gaborone, Johannesburg, Kampala and Nairobi) in six countries (Botswana, Kenya, Madagascar, South Africa, Tanzania and Uganda).

We work closely with leading Nigerian firm, Udo Udoma & Belo-Osagie, which has offices in Lagos, Abuja and Port Harcourt, and have strong relationships with other leading law firms across the rest of Africa.

We provide coverage of francophone OHADA jurisdictions across the continent (including Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo Republic, Democratic Republic of Congo, Gabon, Guinea, Ivory Coast, Mali, Mauritania, Niger, Rwanda, Senegal and Togo) from our office in Madagascar.

Our Kenyan, South African and Ugandan offices are representatives of Lex Mundi, a global association, with more than 160 independent law firms in all the major centres across the globe. This association gives us access to the best firms in each jurisdiction represented.
Our Employment Law Practice Group

The Bowman Gilfillan Employment Law practice group comprises over 40 lawyers (including over 20 partners and 28 other fee earners) based in Johannesburg and Cape Town. Former alumni of the practice group have served, or are currently serving as, judges in the Labour Court, Labour Appeal Court and the Constitutional Court. A number of the practice areas’ current partners have, in the past, also been requested to act as judges in the Labour Court and on the panel of various tribunals and forums.

Members of the practice group are regular contributors to employment law publications, publish books and articles on a wide range of employment law issues, provide training nationally and internationally, and present lectures in their fields of expertise in a variety of forums.

Our practice group, which represents, amongst others, state-owned enterprises, local government institutions, development corporations as well as major listed and unlisted domestic and international corporations, benefits schemes, bargaining councils and employers’ organisations, has been at the forefront of employment law in South Africa for many years and has been involved in the development of employment law jurisprudence.

Collectively, our team of employment lawyers offers a breadth and depth of experience and knowledge in the fields of employment law and employee benefits which we believe is unmatched by any other firm in South Africa. We are in a strong position to continue our tradition of being leaders in this field.

Bowman Gilfillan is the exclusive South African representative of the Employment Law Alliance, the world’s largest and most important network of labour and employment lawyers. By virtue of our firm’s membership in the Employment Law Alliance (ELA), we have the capability and resources to handle all of your employment and labour law needs in every US state and in more than 125 countries.

Rankings & Recommendations

The Bowman Gilfillan Pension Law Practice Group was awarded the Imbasa Yegolide Pension Law Firm of the Year for the second year in a row.

Legal 500 EMEA 2016 recommended Bowman Gilfillan a Top-tier firm in Labour & Employment.

Chambers and Partners 2016 ranked our Employment Practice area Band 1 and our Dispute Resolution Practice Area Band 2.

Chris Todd and John Brand have achieved CEDR Mediator Accreditation from the Centre for Effective Dispute Resolution, London. CEDR is the premier dispute resolution organisation in the United Kingdom. John has also been certified by the International Mediation Institute. He is only the second mediator from Africa to achieve this distinction.

Betsie Strydom and Mieke Krynaw have been accredited by the Centre for Effective Dispute Resolution as accredited mediators. They now join John Brand, Chris Todd, Penwill Maduna, Tim Gordon-Grant, Brigitte MacDonal, Sheila Tyacke, Jonathan Sahli, Natasha Reel, David Geral, Frans van Hoogstraten and Kase Mahliako as CEDR accredited mediators.
Appreciating the bigger picture. Applying a neutral legal mind.
Public Sector

Employment law in the public sector presents distinct challenges to employers and their lawyers. Collective bargaining structures are typically rigid, many conditions of service are antiquated, and collective bargaining takes place against the backdrop of highly regulated financial and budgeting processes. Many workers are employed in essential services. Disputes frequently have strong public law overtones and play themselves out in the civil courts, applying administrative law principles. Confusion among practitioners about overlapping jurisdiction between labour courts and civil courts and contradictory court decisions on this issue are a regular feature of the practice.

Although not practicing exclusively in this client segment, our Public Sector Group has extensive experience and expertise in all areas of employment law in the public sector.

Areas of Practice

The practice group offers a wide range of services to its clients. Broadly speaking, our practice area is broken down into the following areas of specialisation:

Private Sector

Our Private Sector Group, one of the largest of its kind in South Africa, offers comprehensive, effective, progressive and innovative employment advice and services to a large and growing number of major local and international clients in all areas of business and industry.

The reach and depth of our Private Sector Group, which comprises 12 partners and over 20 lawyers in total, means that we are able to offer timely, effective and expert advice on all aspects of South African employment law.

Our areas of expertise include, amongst others: dispute resolution and litigation, restructuring and reenforcement planning, the employment consequences of transfers of businesses, disciplinary investigations and enquiries, dismissals for incapacity (poor performance and ill health), mutually agreed terminations, employment discrimination law, employment equity, occupational health and safety, data protection and privacy in the workplace, labour broking services, the use of contract labour (fixed term employees and independent contractors), the development and drafting of wide ranging policies, procedures and employment contracts, restraints of trade, collective bargaining and strike management, and all existing and new employment related legislation.

The lawyers in the Private Sector Group also work in close co-operation with their corporate law colleagues in ensuring comprehensive legal advice on corporate transactions. In particular, we advise on the employment aspects of corporate transactions including privatisations, mergers and acquisitions, takeovers and outsourcing exercises. We regularly conduct due diligence exercises on employment-related aspects of corporations.

With the increasing expansion of businesses into Africa, the Private Sector Group is well positioned to assist with coordinating and obtaining country specific employment advice from its large network of law firms throughout the continent.

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Although not practicing exclusively in this client segment, our Public Sector Group has extensive experience and expertise in all areas of employment law in the public sector.

Clients of the practice include departments of national and provincial governments, municipalities, major state owned entities, tertiary institutions and a range of other companies and institutions established by law. We are committed to providing carefully thought through strategic advice to assist clients to achieve their objectives. A particular feature of our advisory and dispute resolution work in the public sector is an emphasis on avoiding costly and inefficient dispute processes wherever possible and focusing attention on the essence of the issue on which our advice is sought. Efficient and effective advice should enable government and other public institutions to focus on and apply their resources to core service delivery objectives.

Our Public Sector Group comprises four partners and ten lawyers in total. The specialist employment law advice that we provide to public sector clients is a key component of the firm’s general public law practice.
Litigation & Alternative Dispute Resolution

A major function of both the Private and Public Sector Groups of the practice area is the handling of disputes arising out of the employment relationship. In addition to disputes regarding dismissals, we also handle litigation arising out of alleged discrimination, strikes and lock-outs, the review of CCMA arbitration awards, wage and collective bargaining disputes, and disputes over medical and retirement benefit funds. We assist and represent parties throughout the process of dispute resolution.

The commitment that our dispute resolution lawyers give to clients, including in relation to collective bargaining and individual employment disputes, is wherever possible to identify and pursue the most effective means possible of avoiding or resolving disputes. In this regard, Alternative Dispute Resolution (ADR) refers to a wide range of alternative processes that may be called upon to give effect to this commitment. ADR processes include:

- Arbitration (in its various forms)
- Judicial appraisal
- Expert determination
- Ombudsman services
- Neutrul fact finding
- Early neutral evaluation
- Mediation (in its various forms)
- Executive tribunals
- Independent interventions
- Assisted stakeholder dialogue
- Brokeder talks
- Independent review
- Relationship building

ADR is flexible, and specific processes can be designed to suit complex disputes in almost any situation in which conflict or disputes may arise, including the employment relationship. Our dispute resolution lawyers believe that where there is willingness to resolve a dispute or to take the necessary steps to prevent a dispute from arising, there is always a process that can be found or designed that is suitable to achieve that end (and with it hopefully avoid costly and protracted litigation).

John Brand and Chris Todd, partners in the firm’s employment law practice group, are both recognised as leaders in the field of employment related ADR.

Employee Benefits

Our Employee Benefits Group provides specialised and expert legal support to employers in the context of retirement funding, medical insurance and subsidies, group insured benefits and equity-linked incentive schemes. We offer compliance and best-practice advice on effective governance and administration, the effective resolution of benefits-related disputes that arise around retirement, medical and group risk benefits for employees, and post retirement medical aid benefits.

As the largest and most experienced practice of its kind in South Africa, we have well-established relationships with regulators, adjudicators, service providers and leading counsel, which keeps us in touch with recent and prospective developments and best practice.

We regularly assist clients in dealing with complaints from employees and pensioners, and in making representations to the Pension Funds Adjudicator, Financial Services Board, Labour Court, High Court, Equality Court and other forums or tribunals as necessary.

We advise employers on their engagement with service providers in respect of these benefits, also in their capacity as participants in arrangements of this kind, and of course in relation to employer-employee interactions and disputes.

We assist clients in the drafting and interpretation of rules for retirement funds, medical schemes, share incentive schemes, empowerment schemes and the like.

We are regularly involved in due diligence exercises and the drafting of warranties, indemnities and contractual arrangements in relation to the management or transfer of benefits arrangements.

We offer general and specific, customised training on pensions and medical benefits to all.

For a comprehensive understanding of what we can help you with please have a look at our Pensions and Medical Scheme booklets or do not hesitate to contact one of our specialist attorneys.

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In addition to hosting regular seminars on developments in employment and employee benefits law in South Africa, the employment law practice group offers hands-on training to managers, human resources officers, and in-house lawyers in relation to all the areas of employment and employee benefits law referred to above.

We have a close association with Conflict Dynamics CC. Conflict Dynamics CC’s training programmes and seminars are highly respected and are presented by persons who have expertise in the various fields of employment law. Members of our practice area participate regularly in the presentation of these training programmes and seminars.

We have designed adult focused training modules on pension fund law and are trained and equipped to customise training courses on pension and medical schemes governance and investments as well.

Our practice area has also been involved with facilitating a relationship-building exercise in the peace process in Northern Ireland, the training of International Labour Organisation mediators, and the training of mediators and arbitrators in several developing countries including Namibia and Mauritius.

For further information on any of the above do not hesitate to contact Graham Damant, the head of the Firm’s employment practice area.
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