

Professor Tammy Cohen

List of other publications

Recent Publications:

- Article entitled 'Workers with family responsibilities: a comparative analysis to advocate for the legal right to request flexible working arrangements in South Africa' (co-authored with Lisa Dancaaster) published in SAJLR 2010(1)
- Article entitled 'Family responsibility discrimination litigation – A non-starter' (co-authored with Lisa Dancaaster) in Stellenbosch Law Review (2009) Vol 20(2) 221
- Article entitled 'Implying fairness into the employment contract' ILJ 2009
- Article entitled 'Placing substance over form – Identifying the true parties to an employment relationship (2008) 29 ILJ 863
- Article entitled 'When common law and labour law collide – Some problems arising out of the termination of fixed-term contracts' SA Mercantile Law Journal (2007) 19 (1) 26
- Article entitled 'Compensation and Forum shopping' accepted for publication in SALJ in 2005 Vol 3
- Case-note entitled 'Another view on HIV/AIDS testing at the workplace - PFG Building Glass (Pty) Ltd v CEPPWAWU' accepted for publication in Obiter in 2005 Vol1
- Article entitled "Procedurally fair dismissals - losing the plot?" accepted for publication in SA Mercantile law Journal in 2005 Vol 1
- Street law: Educators Manual (2ed) ((D Mc Quoid-Mason ed)(2005) with L.Lotz, L. Coetzee, U. Jivan, S. Khoza) Part 6 Labour Law p 289 - 317
- Case-note entitled 'Understanding unfair labour practices: NEWU v CCMA and Others (2003) 24 ILJ 2335 (LC)' (2004) 20 SA Human Rights Journal 482.

Recent Papers Delivered:

- Paper presented at Work-Family Symposium (Cape Town) (November 2009) entitled 'The legal right to request flexible working arrangements for SA employees'.
- Paper presented at Annual Labour Law Conference (August 2009) – Implying fairness into the employment contract.
- Paper presented at Conference Equality in the workplace: Reflections from South Africa and Elsewhere (Stellenbosch) (September 2008) – Family responsibility discrimination: A non-starter?
- Paper presented at Annual Labour Law Conference (July 2008) - Developments in trade union law

Books

- Labour Relations Law (2015) (Lexis Nexis) Du Toit et al
- Labour Law through the Cases (Du Toit et al) (2003- present) LexisNexis. Trade Unions and the Law (2009) co-authored with Prof A Rycroft and Ms B Whitcher.
- Labour Law in context (2016 2nd edition) Van der Walt, Le Roux (eds) (Pearsons)
- Re-inventing Labour Law Le Roux and Rycroft (eds) Chapter entitled ' The relational contract of employment' 2012 (Juta)
- Laws Against Strikes 2015 (Hepple, Sciarra and Le Roux eds) (Franco Angeli – Italy)

- Labour Law through the Cases (with Prof Du Toit, Winnie Everett, Marion Fouche, Shane Godfrey, Anton Steenkamp, Mandy Taylor, and Piet van Staden): (2003) LexisNexis Butterworths . Updated bi-annually.

- Consumer Law In South Africa (D Mc Quoid-Mason ed) (1997) with T. Woker, L. Greenbaum, I. Konyyn, C. Lakhani) Juta Publishers

- Street law: Practical law for South Africans ((D Mc Quoid-Mason ed)(2004) with L.Lotz, L. Coetzee, U. Jivan, S. Khoza) Part 6 Labour Law

- Street law: Educators Manual (2ed) ((D Mc Quoid-Mason ed)(2005) with L.Lotz, L. Coetzee, U. Jivan, S. Khoza) Part 6 Labour Law p 289 – 317

Chapters in Books

‘The constitutionalisation of labour law: A jurisdictional quagmire?’ in Constitutional Democracy in South Africa - 1994-2002 (2004) (Max du Plessis and Stephen Pete (editors)) with Jolyon Ford, Andrea Gabriel, Karthy Govender, Anton Katz, Patrick Lenta, Ronald Louw, Tshepo Mongalo, Judy Parker, Stephen Pete, Angus Stewart, Lee Steyn and Murray Wesson (Lexis nexis Butterworths)

Sapse accredited articles

1995

- Case- note entitled ‘Motor Vehicle Accidents - Conveyance for Reward and Conveyance in the Course of the Owner's Business' in the SA Merc Law Journal (1995) 7 p257 – 262

1996

- Article entitled ‘The Insurance Ombudsman - an alternative dispute resolution forum for the insurance industry’ in the SA Merc Law Journal (1996) 8 p252 - 262

1997

- Article entitled ‘Regulation of Insurance Brokers - Time to tighten the Reins’ in SA Merc Law Journal (1997) 9 SAMLJ p30 -41

1998

- Case-note entitled ‘The enforceability of restraint provisions within a wrongfully terminated contract of employment’ South African Merc Law Journal 1998 Vol 10 (3) p383 – 391

2000

- Article entitled ‘Justifiable discrimination - Time to set the Parameters’ (2000) 12 SA Merc LJ 255 -268

2002

Article entitled ‘Worth the paper they are written on? A look at the new probation provisions’ Law Democracy and Development Vol 6 2002(1) p57-70

2003

- Article entitled ‘Collective dismissal – a step towards combating shrinkage at the workplace’ (2003) 15 SA Merc Law Journal 16
- Article entitled ‘Exercising a Judicial Discretion – Awarding Compensation for Unfair Dismissals’ 2003 ILJ (24) 737.
- Article entitled ‘The ‘reasonable employer’ test - creeping in through the back door?’ SAMLJ Vol 152 192 -206

2004

- Article entitled ‘Dismissals to enforce changes to terms and conditions of employment – automatically unfair or operationally justifiable?’ ILJ 2004 October Vol 25 p 1883 -1893
- Case-note entitled ‘Understanding unfair labour practices: NEWU v CCMA and Others (2003) 24 ILJ 2335 (LC)’ (2004) 20 SA Human Rights Journal 482

2005

- Article entitled ‘Compensation and Forum shopping’ in South African law Journal 2005(3) 614
- Case-note entitled ‘Another view on HIV/AIDS testing at the workplace – PFG Building Glass (Pty) Ltd v CEPPWAWU’ Obiter 2005 Vol11
- Article entitled ‘Procedurally fair dismissals – losing the plot?’ SA Mercantile law Journal 2005 (1) Vol 17 32 - 48
- Case note entitled ‘Premature Termination of a fixed term-contract: Buthelezi

v Municipal Demarcation Board (2004) 25 ILJ 2317 (LAC) in 2005 (26) ILJ 1186

2006

- Article entitled 'Termination of Employment Contracts by Operation of Law' published in Stellenbosch Law Review 2006 Vol 17(1) p91 -104
- Article entitled 'When common law and labour law collide – Some problems arising out of the termination of fixed-term contracts' accepted for publication in SA Mercantile Law Journal 2006
- Case note entitled 'Limiting retrospective reinstatement - CWIU and Others v Latex Surgical Products (Pty) Ltd [2006] 2 BLLR 142 (LAC)' accepted for publication in Oct 2006 ILJ.

2007

- Case note entitled 'Onus of proof in automatically unfair dismissals – Janda v First National Bank (2006) 27 ILJ 2627(LC) in July 2007 ILJ 1466
- Article entitled 'When common law and labour law collide – Some problems arising out of the termination of fixed-term contracts' SA Mercantile Law Journal (2007) 19 (1) 26

2008

- Article entitled 'Placing substance over form – Identifying the true parties to an employment relationship (2008) 29 ILJ 863

2009

- Article entitled 'Family responsibility discrimination litigation – A non-starter' co-authored with Lisa Dancaster in Stellenbosch Law Review (2009)

Other publications

2008

- Co-authored Country note: South Africa in the International Review of Leave Policies and Related Research 2008 Department for business, enterprise and regulatory reform Employment Relations Research series No 100

2009

- Co-authored Country note: South Africa in the International Review of Leave Policies and Related Research 2009 Department for business, enterprise and regulatory reform Employment Relations Research series