

## Jeremy Raizon

Call 2012 (South Africa); 2023 (England and Wales)

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Jeremy is an accomplished, dual-qualified, employment and public lawyer.

He joined 42BR in May 2024 and is eager to build a practice across chamber's areas of expertise.

Jeremy specialises in employment law, public law and human rights. He also has substantial experience advising on matters at the intersection of public and private law, for example the role of good faith in the law of contract, principles of procurement and questions of affirmative action and positive discrimination.

For the past ten years he has practised in South Africa and appeared there in the High Court, Labour and Labour Appeal Courts and the Constitutional Court (the country's highest court), as well as in complex, lengthy commercial and public-sector arbitrations. Clients included the Office of the President, government departments, political parties, regulatory bodies, unions, NGOs and large corporates.

Prior to joining the Bar, Jeremy was a Visiting Researcher and Teaching Fellow at Harvard Law School. There, in addition to post-masters' research, he assisted in formulating the syllabus for a course on Law and Social Movements and tutored in that course. Jeremy has tutored constitutional law, administrative law and human rights at the University of Cape Town and at Harvard Law School.

From 2008 to 2010, Jeremy was a Judicial Assistant at the Constitutional Court of South Africa, working for Chief Justice Ngcobo and Justice Skweyiya for one year each respectively. Jeremy was a member of the joint task team charged with establishing the Office of the Chief Justice (South Africa's first independent administrative arm for the Judiciary) in consultation with the Ministry of Justice.

Jeremy was, from 2006 to 2007, Aide to the Deputy Minister of Health. He focussed on the drafting of position papers, policy statements and speeches, facilitated the Deputy Minister's interaction with civil society and provided legal advice on various matters.

Key representations have included:

- Advising the Office of the President on legislative and other measures to achieve economic transformation of the cannabis sector
- Counsel for Minister of Police when he dismissed the head of the Independent Police Investigative Directorate. Matter was heard by the Constitutional Court
- Counsel for senior prosecutor dismissed for pursuing corrupt government officials
- Legal counsel for government in the longest running public arbitration concerning remuneration benefits
- Act for Minerals Council of South Africa and two gold mining companies in the first of its kind unfair wage discrimination claim brought by unions
- Consulting for various levels of the South African government and advising Premiers and members of Cabinet

- Advising CEOs and boards of listed and unlisted companies on the public law aspects of significant projects and transactions

## Employment

Jeremy is building a busy practice across all areas of employment law.

A UK employment judge has described Jeremy's written submissions as "elegantly crafted and impassioned" and commented that Jeremy cross-examines "skilfully".

He has recently run two disability discrimination trials, one of which, *Carl Borg Neal v Lloyds Bank*, received wide international and national media attention. There, the ET held that Lloyds Bank acted unreasonably in dismissing an employee for using the N-word in full when asking a question at race sensitivity training. The bank also discriminated against Jeremy's client on account of his dyslexia.

Jeremy is currently acting for a South African NGO in contemplated applications to the Court of Arbitration for Sport and the European Court of Human Rights on the legality of race quotas in netball.

Important South African employment cases in which Jeremy has appeared include:

- *AMCU v Harmony Gold and Others*, ongoing. Jeremy acts for the Minerals Council of South Africa and two gold mining companies in the first of its kind unfair wage discrimination claim brought by unions
- *South African Airways (SOC) Limited (In Business Rescue) and Others v National Union of Metalworkers of South Africa obo Members and Others 2021 (2) SA 260 (LAC)* (whether an employer may commence retrenchment processes before publishing a business rescue plan)
- *Transport and Allied Workers Union of South Africa v PUTCO Limited 2016 (4) SA 39 (CC)* (whether it is permissible to lock-out all employees even if only members of the majority union are on strike)
- *McBride v Minister of Police and Another 2016 (2) SACR 585 (CC)* (powers of the Minister to dismiss the head of Independent Police Investigative Directorate)

## Public law, judicial review and human rights

Jeremy is looking to build a public law practice in the UK.

He has acted in cases involving rights issues like equality, the right to free and fair elections, religious practices in public schools, the right freely to assemble and demonstrate, the right to basic education and the right to land reform and the question of the expropriation of property.

He appeared in South Africa's Constitutional Court on three occasions (led) where the Court delivered judgment (i) explaining the meaning of the word "debt" in the Prescription Act, 1969; (ii) on whether it is permissible to lock-out all employees even if only members of the majority union are on strike; and (iii) the powers of the Minister of Police to dismiss the head of the Independent Investigative Police Directorate.

Important public law cases in which he has appeared include:

- *Chang v Minister of Justice and Correctional Services and Others; Forum de Monitoria do Orcamento v Chang and Others* 2020 (2) SACR 70 (GJ) (South Africa's extradition, constitutional, and administrative law obligations concerning the former minister of finance of Mozambique)
- *Porritt v Head of JHB Medium Correctional Facility and Others; In Re: S v Porritt and Another* [2020] ZAGPJHC 266 (30 January 2020) (Awaiting trial prisoner's access to legal representation)
- *Mpungose Traditional Council and Others v MEC for Education, KZN Province and Others* [2019] 3 All SA 817 (KZP) (access to education for learners; injunction to build and provision a school; enforcement of a public promise and legitimate expectation)
- *Gray Moodliar Inc v Nelson Mandela Bay Metropolitan Municipality and Another* [2019] 10 BLLR 1163 (ECG) (interplay between contract, administrative and municipal law)
- *Organisasie vir Godsdiens-onderrig en Demokrasie v Laerskool Randhart and Others* 2017 (6) SA 129 (GJ) (Constitutionality of religious observances in South African schools)
- *Off-Beat Holiday Club and Another v Sanbonani Holiday Spa Shareblock Limited and Others* 2017 (5) SA 9 (CC) (the meaning of "debt" in the Prescription Act, 1969)
- *Transport and Allied Workers Union of South Africa v PUTCO Limited* 2016 (4) SA 39 (CC) (whether it is permissible to lock-out all employees even if only members of the majority union are on strike)
- *McBride v Minister of Police and Another* 2016 (2) SACR 585 (CC) (powers of the Minister to dismiss the head of Independent Police Investigative Directorate)