

Curriculum Vitae

Dr Johana Kambo Gathongo
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1 PERSONAL DETAILS

Marital status: Married
Nationality: Kenyan/ South African Permanent Resident
Languages: English (excellent); Xhosa (good);
Swahili (excellent); Afrikaans (fair)

2 CAREER OBJECTIVES

- To promote the need for specialised labour dispute resolution system in Kenya.
- To continue making significant contribution towards an in-depth knowledge of labour law and practice through comparative research.
- To promote the achievement of equity and social justice consistent with constitutional imperative and current societal realities.

3 EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

Qualification	: Doctor of Laws (LLD)	2017
Name of Institution	: Nelson Mandela University	
Thesis titled	: <i>Labour Dispute Resolution in Kenya: Compliance with International Standards and a Comparison with South Africa</i>	
Qualification	: Master of Laws (LLM) Labour Law	2014
Name of Institution	: Nelson Mandela University	
Treatise (<i>Cum Laude</i>) titled	: <i>Substantive and Procedural Limitations on the Constitutional Right to Strike</i>	
Qualification: Post Graduate Certificate in Labour Law Practice		2014
Name of Institution	: Nelson Mandela University	
Qualification	: Post Graduate Certificate: Practical Legal Training	2013
Name of Institution:	LEAD - Cape Law Society Law School	
Qualification: <i>Baccalaureus Legium</i> (LLB)		2012
Name of Institution	: Nelson Mandela University	
Qualification : Certificate	: Business Management	2006
Name of Institution	: Damelin College Satellite Campus	
Qualification	: Kenya Certificate of Secondary Education	2001
Name of Institution	: Kolanya Boys High School	
Qualification: Certificate Worldview Facilitator		2018
Name of Institution	: Worldview Academy	

Qualification : Certificate Supervisor Trainer 2015
Name of Institution : Supplemental Instruction National Office
Nelson Mandela University

Qualification : Certificate: Leader Trainer 2012
Institution: Supplemental Instruction National Office.
Nelson Mandela University

4 EMPLOYMENT HISTORY

Name of Institution : **University of Embu**
Position : **Dean, School of Law/ Lecturer**
Duration : **Permanent**
Responsibilities : Administrative and Academic head of the School of Law and the Chairman of the School Board.
: Ex-officio member of Departmental Boards within the School.
: Constitute and Chair a Postgraduate Studies Committee for the School.
: Chairman of the School Postgraduate Examination Board.
: Offer advice to the School and Departmental Boards/ Committees on matters concerning the development of the School.
: Make recommendations with respect to probation, renewal of contracts, advancement, promotion and disciplinary issues of academic and non-academic staff in the School including Chairmen of Departments.
: Represent the School on the appropriate University Committees and other bodies as per the University of Embu Statutes.
: Ensure adherence to the accreditation conditions specified by the Council of Legal Education.
: Ensure that proper and acceptable standards of teaching, examinations and research are maintained in the School.
: Submit the budget, procurement plans, annual reports and performance contracts return for the School.
: Attend to other duties as assigned from time to time by the Deputy Vice-Chancellors and Chancellor.

Name of Institution : **Nelson Mandela University, Faculty of Law**
Position : **Employment and Labour Law Research Associate**
Duration : **Until 2025**
Responsibilities : Conduct Research and Publication in peer reviewed Journals
: Supervise Labour Law Masters and PhD students
: Attend Labour Research conferences
: Community service.
Current employer: : On contract until 2025

Name of Institution : **African Nazarene University**
Position : **Adjunct Lecturer (School of Law & School of Business)**
Duration : **Two years**
Responsibilities : Teach Bachelor of Laws units (Business Law, Company Law and

- Law of Business Association)
- : Supervise Masters and PhD students
- : Conduct research in area of specialisation
- : Publish journal articles in peer reviewed journals
- : Attend research conferences
- : Develop and review curricula
- : Attend scheduled departmental meetings

Name of Institution : **Rhodes University**
Position: Senior Administrator: **Support, Projects and Legal Services**
Duration : **July 2018 – June 2019**
Responsibilities : Provide support and direction to Employment Equity & Employment Relations Office.
: Provide advice, legal opinion and direction on ER issues
: Responsible for conducting exit interviews of staff members who Resign or retire.
: Compile exit reports for presentation to relevant committees.
: Assist with benchmarking of policies.
: Review policies and keep register of all HR policies.
: Assist with Organisational Development related projects.
: Provide legal advice relating to the Skills Development Act.
: Assist in training and facilitation.
: Provide legal advice and support to the HR Director
: Conduct benchmarking exercises in preparation for projects.
: Investigate and analyse reports as and when requested by the HR Director.
: Assist with updating of Protocols and Policies.
: Drive projects in the office of the HR Director.
Current employer : Employment relationship still on-going.

Name of Institution : **Rhodes University**
Position : **Employee Relations Manager (Acting - SLA)**
Duration : **April 2015 – March 2018**
Responsibilities : Conducted thorough, confidential investigations of complex employee issues, provide written case summaries. Recommended course of action with effective resolutions that applied knowledge and understanding of HR guidelines and employment laws, ensuring employment compliance while reducing liability to the University. :
: Responsible for managing and conducting grievance and formal disciplinary hearing.
: Responsible for developing and maintaining positive working relationships with both management and union to foster harmonious Labour and Employee Relations environment.
: Handle all Labour Relations, internal and external legal matters at the CCMA.
: Coordinated and conducted Labour Relations trainings for University staff.
: Provided legal opinions on various ER matters.
: Reviewed and amended the university internal policies accordingly.
: Participated in the formulation of University policies and procedure.
: Advised on amendments to various labour legislation.
: Ensured adherence to the internal policies, labour & other related legislation.

	: Examined employment contracts to ensure legal compliance with amendments to various labour legislation.
	: Case management and regular reporting to the HR Director.
	: Developed and managed training programs regarding major policy changes, regulatory compliance such as Code of Conduct and Disciplinary Code and Procedure.
Reason for leaving	: Promoted to Senior Administrator: Support, Projects and Legal.
Name of Company	: DIMASTEPP (Pty) Ltd
Department	: Varsity Park Student Residence
Position Held	: Assistant Manager
Duration	: October 2014– December 2016
Responsibilities	: Carried out day-to-day management of the residence
	: Liaised with internal and external parties on matters relevant to the upkeep of the residence.
	: Ensured compliance with and enforcement of residence policies.
	: Provided residence orientation to new staff members.
	: Enforced discipline, rules and order of the residence.
	: Chaired internal grievance meetings in the residence.
	: Liaised with the management on matters arising from students House Committee.
	: Liaised with the students House Committee on students’ issues.
	: Ensured that high standards of cleanliness and hygiene are maintained in the residence whilst making sure that all operations comply with health and safety regulations
	: Supervised janitorial staff to ensure appropriate cleaning activities.
	: Market the Residence at the beginning of the year to attract new tenants.
	: Liaised regularly with Manager and Shareholders; submitted annual reports and necessary follow-up.
Reason for leaving	: Contract ended.

5 PUBLICATION RECORD

THESIS

JK Gathongo. *Labour Dispute Resolution in Kenya: Compliance with International Standards and a Comparison with South Africa*, PhD (LLD) Thesis. Nelson Mandela University, South Africa, November 2017.

JK Gathongo. *The Substantive and Procedural Limitations on the Constitutional Right to Strike*. Masters (LLM) Treatise Awarded (*Cum Laude*) **with distinction**, Nelson Mandela University, South Africa, November 2014.

6 ARTICLES IN REFEREED JOURNALS AND/OR SUBMITTED FOR PEER REVIEW

JK Gathongo Internship: A Bridge to Employment or A Trap to A Disguised Employment Relationship? *The Journal of Conflict Management and Sustainable Development* 2021 Vol 7 (1) 1-12.

JK Gathongo “Unequal Pay for Education of Equal Value: A Case of Non-Southern African Development Community (SADC) International Students in South Africa” and lessons from *Larbi-Odam and Others v MEC for Education (North-West Province) and another* (1998) 1 SA 745 (CC) - *The Journal of Conflict Management and Sustainable Development* 2022 Vol 1 (1) 1-12.

JK Gathongo “Sexual Harassment in the Workplace” 2019 Vol 39 No.5 *Journal of the Institute of People Management* 14-15.

JK Gathongo “Towards an effective Kenyan labour dispute resolution system: A comparison with the South African labour dispute resolution system and International Jurisprudence” 2018 Vol 2 *Obiter* 27.

JK Gathongo “Resolving Essential Services Disputes in Kenya: The 2017-2018 Doctors, Nurses and Clinical Officers Strikes Revisited - Lessons from South Africa.” *Potchefstroom Electronic Law Journal* 2019.

JK Gathongo “Towards a fair hearing for all Kenyan employees: A case of probationary employee’s right to be heard prior to dismissal.” 2018 Vol 2 *Obiter*.

JK Gathongo “Equality and Freedom from Discrimination: A Critical Evaluation of section 5(3) (a) Employment Act 14 of 2007 and the Proposed Amendment.” *The Journal of Law & Ethics* Vol 4 2019.

JK Gathongo. “The Future of Collective Bargaining in Kenya – Time for a different approach? Lessons from South Africa” (*work in progress*)

7 NON-PEER REVIEWED CONFERENCES & WORKSHOPS

JK Gathongo Contributor Annual Magazine on Women in Leadership. Dr Loshni Govender, Chief Editor and Director: HR, Rhodes University, South Africa.

JK Gathongo “*International Conference on Peer Assisted Study Sessions (PASS) or SI (Supplemental Instruction) international Leaders.*” Organised and hosted by the University of Manchester Teaching and Learning Support Office Directorate for the Student Experience, UK. Held on 4th – 6th November 2014 in Manchester, United Kingdom.

JK Gathongo “*International Conference UK PASS National Leader conference.*” Organised and hosted by the University of Edinburgh Teaching and Learning Support Office Directorate, Held on 7th – 9th November 2014 in Scotland, United Kingdom.

JK Gathongo “*The future of Peer Support: International Conference for UK Peer Assisted Study Sessions.*” Hosted by the University of Edinburgh Teaching and Learning Support Office Directorate. Held on 7th – 9th November 2014 at the University of Edinburgh, Scotland, United Kingdom.

Workshop “*Peer Reviewing Journal Articles*” by Prof Nonnie Botha on 31 May - 1 June 2017 from 08h00-16h00hrs. A workshop organised by Nelson Mandela Metropolitan University, Research Capacity Development (RCD) and held at Dolphins Leap Conference & Events Centre, Corner of La Roche Drive and Beach Road, Humewood, Port Elizabeth.

Workshop “*Introduction to Qualitative Research Methodology*” by Dr Janin Vansteenkiste on the 2829 October 2015 from 08h00 – 16h30hrs. A workshop organised by Nelson Mandela Metropolitan University, Research Capacity Development (RCD) and held at Protea Marine Hotel, between 5th and 6th Avenue, Marine Drive, Summerstrand, Port Elizabeth.

8 AWARDS

- Name of Institution : School for Legal Practice (PLT) - Cape Law Society Accredited.
Award : Post graduate academic merit award
Year : 2014
- Name of Institution : School for Legal Practice (PLT) - Cape Law Society Accredited.
Award : Certificate: Best overall performer in Constitutional Legal Practice
Year : 2013
- Name of Institution : School for Legal Practice (PLT) - Cape Law Society Accredited.
Award : Certificate: Best overall performer in the Introduction to Practice Management
Year : 2013
- Name of Institution : School for Legal Practice (PLT) - Cape Law Society Accredited.
Award : Certificate for the Introduction to Trial Advocacy
Year : 2013
- Name of Institution : School for Legal Practice (PLT) - Cape Law Society Accredited.
Award : Certificate for Effective Risk Management
Year : 2013
- Name of Institution : Nelson Mandela University
Award : Golden Key International Honour award
Year : 2006
- Name of Institution : Nelson Mandela University Campus Football League
Award : Winner of the Gold and Silver medallist award
Year : 2010

9 LIST OF REFERENCES

Justice Dr. Kibaya Imaana Laibuta

Position: Judge: Court of Appeal of Kenya
Phone:
Email: laibuta@adrconsultants.law

Dr. Muigua David Kariuki

Positions: Senior Lecturer School of Law, University of Nairobi *et al.*
Advocate of the High Court of Kenya.
Senior partner of Kariuki Muigua & Co. Advocates.
Environmental Consultant and Mediator.
(CIArb) Board of Trustees: Regional Trustee for Africa.
Phone: +254 722 789890 or (+ 254) 202210281/2245676.
Email: muigua@kmco.co.ke

Professor Adriaan Van Der Walt

Position: Head of Department, Mercantile Law & Social Security Unit
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Phone no: +27 (041) 504 2199
E-mail: Adriaan.VanDerWalt@mandela.ac.za