

## Communiqué No. 10

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### Introduction

As the first Communiqué for 2019, I trust it has been a great year so far. I am more than happy to highlight some of the headway achieved for pro bono.

With special thanks to Nic Preston of CDH, Nic and I worked on drafting various Labour Court templates to be used at all SASLAW pro bono advice offices. These included templates for review applications, statement of case for referrals, application for default judgment, and contempt of court applications. Also included were accompanying templates such as service affidavits, pre-trial minute (for referrals) etc. The templates are presently in circulation to all SASLAW pro bono chapters for comment.

Furthermore, at our last national committee meeting, I proposed formulating a flow chart to briefly encapsulate the Labour Court processes to be used as a guide by SASLAW pro bono litigants. With the much appreciated help of one of my candidate attorneys at the time, John Noble of BCHC, who also assisted with its formatting, we managed to accomplish the first draft of the flow chart. This has also been circulated to all SASLAW pro bono chapters for comment. I believe there are plans to have the flow charts translated into other languages to expand on its coverage.

Together with the valued assistance of SASLAW pro bono (participating) panel attorneys, I sincerely look forward to the rest of 2019 and to express gratitude to those assisting the SASLAW pro bono advice offices. The Directors are extremely grateful to Cliffe Dekker Hofmeyr for their wonderful and generous donation to the project at the end of 2018. This has enabled the purchase of the online system - see below under Johannesburg. Bowmans very kindly made a donation to the project in January, and the Directors are very grateful to them for their annual contributions.

Venolan Naidoo - Pro bono portfolio - National Committee

## Advice Office Updates

### Durban

The Durban chapter hosted a very successful end of year event to raise funds for the project. The Directors are grateful to the sponsors and guests who supported the event.

Our 2019 at the KZN Pro bono office has gotten off to a smooth start. We have had good attendance from the attorneys on the roster as well as a good number of matters taken on by various firms. The introduction of the Precedents and Flow Charts have been extremely well received by all and it will really make a huge difference to the running of the office.

We are gathering some CV's for student participation between the university semesters in April to June and hope to have 2 to 3 students in place for this period and the end of year period.

We still have a steady stream of around 10 to 15 clients per week, although not all of these are able to get assistance due to not having gone to CCMA or Department of Labour. The Durban Labour Court and Registrar continues to fully support the project and ensure we are well looked after.

We have approached Legal Aid in DBN for possible funding from their disbursement fund to cover costs as indicated in the attached email from ENS regard the matter between Bright Hlatshwayo and MEP Security. Adv Somo at Legal aid has indicated that he has referred the matter.

Diane Cochran

### Cape Town

The SASLAW Western Cape Pro-Bono office is operating on full capacity with an average of 16 clients seen per week which excludes e-mail requests that we receive. We roster two attorneys per week who consults with clients and based on the matter very often ask that we try to find a contingent attorney to represent the client. Western Cape has in the past few months had a very good response from members who cannot engage the physical time at the

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pro-bono office but is very willing to assist clients from their offices. This has also increased the number of clients assisted through the pro-bono office per month.

We have seen a steady increase in matters regarding settlements from the CCMA where clients report that they were forced into settlement on their matters. Clients are also not aware of time processes and thus try to engage in legal advice and many times these matters are out of time. There has also been an increase in review applications and enforcements.

Western Cape Pro-Bono office is grateful for the commitment and support from participating attorneys.

### Johannesburg

Three volunteers have been assisting at the advice office since 15 January 2019: Zeanele, Tshanda and Khutso. Zeanele was admitted as an attorney in June 2018 and has volunteered to increase her experience in Labour Law. Tshanda and Khutso have completed their LLB degrees. All three ladies are getting their teeth into the work, have shown a willingness to learn and have diligently applied themselves to the assignments they have been given. Zeanele assisted Adv Andre Landman in preparation for and attendance at a trial on 15 February 2019. Tshanda has recently been offered articles at Naidoo Attorneys. Adv Landman continues to assist in court on a weekly basis, often coming in more than once a week to assist pro bono clients in court. We really appreciate his time and dedication. Many advocates are volunteering their time to represent in court, undertake merits assessments and draw heads of argument in matters where there are merits, and for this we are most grateful. Without the assistance of all role players, the advice office would not be able to deliver the level of service that it does. Thank you to all.

The banner wall, website and boards have all been updated in the Johannesburg office. The Joburg team has been investigating the implementation of an online client management system. This will assist with managing the client files more efficiently and allow for a better recording of advice given by the attorneys. It is hoped that the system will be up and running by May this year.

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Shiralee Taylor-Bravi and Helen Sithole

### Port Elizabeth

2019 in the Eastern Cape chapter has started off quite well with the committee being on board to help build the society with new members and students. The pro bono office has seen a lot of clients each Monday some with basic advice just needed to be given. There are two matters that are being looked into which could potentially have prospects of success however due to being out of the correct time frame attorneys are trying to find the best way forward. Unfortunately, most of the matters have no prospects of success. Posters have been put up around various court and offices to try catch the eye of those interested in Labour law to join the society.

Stacey-Lee Bell

### Canadian Support of the Pro bono office

SASLAW pro bono NPC has contracted with the University of Toronto through their Summer Fellowship programme, for three students to visit South Africa from June and September this year. The Canadian Labour Law community has collaborated and successfully raised CAD30 000 for the 2019 programme, which will be granted to the Pro Bono project, and will fund the project for the year. SASLAW Pro bono NPC are very grateful to Chris Albertyn for heading this initiative and encouraging the Canadian community to donate funds. Several firms in Johannesburg has been approached to host these students for 11 weeks, for 3 days per week. The other two days will be spent at the Pro bono office in Braamfontein. In week 12, the students will travel to Durban and be hosted by 2 firms there, before attending the 22<sup>nd</sup> Annual conference. Thanks to the firms and their representatives who will hosting the student over the 12 weeks.

The Directors of the NPC have offered Chris Albertyn Patronage of the Society, to thank him for his sterling work and ongoing support and energy to the fund raising project.

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## Statistics

SASLAW PRO BONO STATISTICS - NATIONAL 1 February 2011 - 8 March 2019					
Region	Cape Town	Durban	Johannesburg	Port Elizabeth	Total
Clients seen	3452	3237	16 051	632	23372
Hours spent in office	1481	2394	10910	835	15620
No of attorneys	42	58	131	17	248
No of firms	26	32	67	11	136
No of matters taken on by attorneys	648	627	682	72	2029
No of matters taken on by Legal Aid	183	224	876	3	1286
No of new clients seen by the Permanent Attorney in the Johannesburg Advice Office			299		299

## Success Stories

Samuel Nkomo was a gardener for 7 years. His boss fired him when he fell ill. He won his case at the CCMA and received maximum compensation. The employer reviewed the award. Moni Attorneys together with Adv Sarajulie Swartz defended the matter and client was paid his compensation. Client never took my measurements, he made the outfits himself as a thank you for saving his life. Unbeknownst to him he had kidney problems and with his compensation he was able to afford treatment.

Muzi Vilakati vs Misys International Systems; Attorney : Gael Barrable & Advocate : Linda Erasmus

Judge Prinsloo presided over the matter. Client was awarded compensation via settlement to the amount of R240 000.

Shumani Thelma Nmutudi vs Checkout Supermarket; Attorney : Shiralee Taylor Bravi & Advocate: Andre Landman. Judge Van Niekerk presided over the matter. Client was offered R20 000 settlement which she accepted.

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The Durban office has several good news stories that are almost at completion and will be reported on in the next communique.

Thank you for your wonderful contributions in time and energy to the project around the country.

If you have any questions, or wish to participate in the project, or make a donation and receive a Section 18A certificate, please contact Clare.

## Directors

SASLAW Pro Bono NPC

March 2019

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