



FUND RAISING PROPOSAL

Introduction

The SASLAW Pro Bono NPC project at the South African Labour Courts serves to deliver a quality advisory service and defined Labour Law legal services to those who otherwise do not have access to justice.

About the Project

SASLAW Pro Bono NPC is a non-profit company formed by SASLAW - the SA Society for Labour Law - to administer the Pro Bono project in the four Labour Courts in Johannesburg, Durban, Cape Town and Port Elizabeth.

SASLAW was started in 1997 and is an association for those individuals who are involved in Labour Law in South Africa. The association has 1500 members, 6 chapters, 6 members of staff and is run by national and chapter committees. The committee members serve SASLAW and the Pro Bono NPC on a voluntary basis.

SASLAW is committed to the project and its general membership is committed to:

- ◇ assisting unrepresented and indigent litigants in gaining access to justice;
- ◇ using their knowledge in the field of Labour Law to perform pro bono work;
- ◇ assisting the Labour Court in addressing the backlog in its case-load and facilitating the efficient operation of the various Labour Courts.

The project assists the Labour Court with giving South Africans who cannot afford legal assistance, the right to have access to justice, and to receive advice on their labour matters from professional and qualified attorneys in a dignified and respectful manner.

History

The SASLAW Pro Bono NPC Project has been running since February 2011, when the then Judge President of the Labour court, Mlambo JP, asked SASLAW to consider running a pilot project in the Johannesburg Labour Court. In July 2011, the project was rolled out in Durban, Port Elizabeth and Cape Town. In November 2013, a separate non-profit company - SASLAW Pro bono NPC - NPC/2013/192122/08 was formed. This was to allow the entity to apply for Public Benefit status, and to ensure that the project becomes a stand-alone organisation, separate from SASLAW with regard to financial support. In March 2015, the NPC was granted Public Benefit Status from SARS. The project was accredited with Law Clinic status in November 2015, with the Law Society of the Northern Provinces.

The SASLAW Pro Bono project has now been established as an indispensable cornerstone of the administration of Justice at the four Labour Courts around the country. This fact is clearly demonstrated by the 27 000 clients who have been assisted since the inception of the project. If regard is had to these statistics, it appears almost inconceivable that the Labour Courts were able to function without this project. As recent events in certain sectors of the economy have demonstrated, a breakdown in the confidence in the rule of law is an issue which everyone with a Public Interest bias will immediately appreciate is of the gravest concern.

People

There are **seven directors** of the NPC - Richard Maddern; Nick Robb; Shamima Gaibie, Ludwig Frahm-Arp, Michael Yeates, Ebrahiem Abrahams and Lusanda Raphulu who serve the project on a voluntary basis.

The role of the co-ordination of the day-to-day operations of each pro bono advice office is the responsibility of a **SASLAW committee member** appointed in each of the four regional chapters, also in a voluntary capacity.

Four administrators run each of the regional offices at the Labour Courts

No of attorneys on the roster (national)	299
No of firms who participate (national)	172

The labour attorneys rotate daily and are drawn from the ranks of SASLAW Pro bono NPC members who meet the requirements as set out below and who volunteer to staff the advice office. A roster is drawn up on a monthly, three monthly or six-monthly basis in advance by the relevant SASLAW administrator who also co-ordinates the roster.

56 advocates participate in the project from the various bar councils. The attorneys brief counsel who then represent clients in court and build up their own pro bono hours - which should total 30 hours a year.

Operational information/How the project Works

The operating hours of the various advice offices are as follows:

- Johannesburg: 09h00 to 14h00 on Tuesday, Wednesday and Thursday
- Durban: 08h30 to 13h00, Wednesday
- Cape Town: 09h00 to 13h00, Friday
- Port Elizabeth: 09h00 to 12h00, Monday

The advice offices are staffed as follows:

- Johannesburg: The SASLAW administrator
The Professional Co-ordinator
Two labour lawyers and on Tuesdays an additional labour lawyer from Legal Aid South Africa
An interpreter from the Labour Court is called on when required
A permanent attorney
- Durban: The SASLAW administrator
Two labour lawyers
- Cape Town: The SASLAW administrator
One Labour lawyer
A paralegal from Legal Aid South Africa
- Port Elizabeth: The SASLAW administrator
One Labour lawyer

The labour lawyers are responsible for providing the following services to unrepresented litigants who visit or are referred to the advice office:

- Advice on procedural matters;
 - ◊ assessment of prospects of success;

- ◇ assisting litigants to draft the process (in their own name);
- appearing on their behalf in the Labour Court (at the instances of the labour lawyers or at the request of a judge); and
- advising such litigants of the acceptance or otherwise of a pro bono matter and in particular informing such litigant of any willingness on the part of such attorney to accept a mandate personally; or
- the submission of a pro bono brief to Legal Aid SA (“LASA”) should the matter involve enforcement of an award / order and enjoy reasonable prospects of success, and should the client meet the LASA means test.

It is a prerequisite for the acceptance of a pro bono client that a means test (at present gross household income \leq R7 500 per month) be undertaken to determine that the unrepresented litigant qualifies. This is a requirement of the Law Society of the Northern Provinces, the Cape Law Society and the KZN Law Society.

The SASLAW administrator in each office welcomes the client, completes a consultation form and ensures the client falls into the means test. The client is then seen by the attorney and given advice. The attorney dispenses advice, or advises the client that the case has merit, or that the case does not have prospects. The attorney may then decide to handle the matter outside of the Pro bono office, or may give the client advice on the next step in the Labour Court process. If the attorney feels the case does not have merit, the client is then given a list of other institutions to approach, if he or she wishes to proceed with the matter. The client has one opportunity to visit the SASLAW office, and no repeat clients are seen, unless directed by the attorneys.

The SASLAW administrators record the hours spent by an attorney in the office, and on matters taken up and this information is sent to the provincial Law Societies on a quarterly basis.

Our current Supporters

The Pro Bono project is currently funded by:

- ◇ SASLAW - % of sponsorship income raised through the annual conference
- ◇ Bowman Gilfillan supports the Cape Town office with ad hoc donations, furniture and signage
- ◇ The Gauteng Law Council up until 2018
- ◇ Legal Aid who funded the permanent attorney in the Johannesburg office from January 2017 to December 2019 but have ceased further funding due to their own budget cuts.

- ◇ Webber Wenzel is covering the cost of the Permanent Attorney for 2021

Current partners in the project are:

- ◇ Legal Aid
- ◇ Legal Practice Council
- ◇ Transcription Services
- ◇ The Labour Courts

The project requires R669 500 per annum to run its current operation which includes the contracting of a permanent attorney in the Johannesburg office, to draft documents for the clients.

SASLAW PRO BONO PROJECT - NATIONAL		2020
Auditing fees	R	8 000,00
Bank Charges	R	3 000,00
Consulting fees - Permanent attorney - JHB	R	240 000,00
Consulting fees - 5 administrators	R	360 000,00
Consumables	R	8 000,00
Equipment - Computers & Software	R	10 000,00
Insurance	R	7 500,00
Marketing & PR & Website & Signage	R	10 000,00
Petrol & Parking	R	6 000,00
Stationery & Printing	R	6 000,00
Telephone	R	8 000,00
Committee costs - meetings	R	3 000,00
Total	R	669 500,00

Statistics/What has been done so far

SASLAW PRO BONO STATISTICS - NATIONAL 4 February 2011 - 10 December 2020					
Region	Cape Town	Durban	Johannesburg	Port Elizabeth	Total
Clients seen	4406	3553	17 857	849	26665
Hours spent in office/online	1849	2819	12857	1266	18791
No of attorneys	47	56	179	17	299
No of firms	27	32	101	12	172
No of matters taken on by attorneys	736	696	779	94	2305
No of matters taken on by Legal Aid	209	229	925	3	1366
No of new clients seen by the Permanent Attorney in the Johannesburg Advice Office			1028		1028

What others say about the project

Quote from the Judge President of the Labour Court and Labour Appeal Court, Basheer Waglay:

“Respect for the rule of law and access to Courts of law are two sides of a coin. Respect for the rule of law promotes peace and stability and can only be warranted if the ordinary and the indigent have meaningful access to courts of law. The service provided by SASLAW is therefore indispensable in a community fraught with conflict. The more accessible the courts of law to the ordinary and the indigent guided by experts the more accepting will be the community of the rule of law. SASLAW must therefore be given all the support possible in its attempt to provide that access because industrial peace will and must equate to economic prosperity for the benefit of the nation”.

Quotes from participating attorneys

“The pro bono project is the perfect opportunity to utilise the skills transferred in the profession to assist individuals in need. It assists the pro bono client through the prompt resolution of disputes and gives the client an opportunity to get advice and assistance, which ordinarily will not be available to them. It is further an opportunity to fulfil a fundamental obligation, we as legal practitioners owe to the court. The experience is both intellectually stimulating and benevolent”

Preshni Govender - PG Attorneys, Johannesburg

Quote from a Partner

It was a pleasure for us to have worked with SASLAW - Johannesburg and Cape Town in the past year.

Fatima Laher - Pro Bono Manager Bowman Gilfillan

Quote from a Client

“Thank you for saving me. I have got my position back and am able to look after my family”

What we are looking for

The project currently requires secure funders to confirm a commitment for a period of 2 - 3 years, each contributing R80 000 per year. Currently the project is largely funded by the SASLAW Society and the University of Toronto Summer Fellowship programme until December 2021. The resource of the permanent attorney is to be secured in 2022, as this function has been a vital part of the offering at the Johannesburg Labour Court.

Please do not hesitate to contact us if you require any further information or would like to visit the pro bono offices in any of the Labour Courts around South Africa.

Thank you for your time in considering this proposal.

SASLAW PRO BONO NPC DIRECTORS December 2020

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