

# THE BLACK SASH ADVICE OFFICE

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CAPE WESTERN REGION

1990 ADVICE OFFICE REPORT

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UNDER THE AUSPICES OF THE BLACK SASH AND THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

**BLACK SASH ADVICE OFFICE 1990**  
**CAPE WESTERN REGION**

**Advice Office Committee:**

Sue Philcox           Chair  
Frances Whitehead   Vice Chair  
Noel Robb  
Anne Greenwell  
Mary Burton  
Betty Davenport  
Lou Shaw  
Annemarie Hendrikz  
Nomahlubi Nabe  
David Viti  
Sue van der Merwe  
Jenny de Tolly       Ex Officio

**Volunteer Case Workers**

Roma Gottlieb  
Frances Biden  
Shirley Kaplan  
Noel Robb  
Bastienne Klein  
Sue Cornfield  
Joan Kilner  
Dl Andrews  
Thisbe Clegg  
Ann Stekhoven  
Mary Livingstone  
Betty Davenport

Frances Whitehead   "Volunteer in chief"

**Paid workers**

Lou Shaw	Bookkeeper
Nomahlubi Nabe	Case worker/interpreter
David Viti	Case worker/interpreter
Annemarie Hendrikz	Rural fieldworker - Boland
Thandi Gaqa	Trainee fieldworker
Sue van der Merwe	Co-ordinator

BLACK ASIAN ADVISORY OFFICE 1990  
CAPE WESTERN REGION

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Coordinator  
Traine Fieldworker  
Rural Fieldworker - Boland  
Case worker/interpreter  
Case worker/interpreter  
Case worker/interpreter  
Lou Shaw  
Annexure: Health  
David Vili  
Annexure: Health  
Traine: Gaps  
Sue van der Merwe

## INTRODUCTION

The focus of work in the oldest advice office in the country has ironically been on DEVELOPMENT. Perhaps because things happen first at the oldest place or perhaps because we take longer to change, being set in our ways! The 'results' of advice office work are rarely tangible which makes it difficult to sustain motivation and enthusiasm, particularly when glorious hopes become hard realities in one of the most extraordinary years in recent South African history. Development of the people in the advice office, of projects and ideas has been an exciting exercise, if exhausting.

Development has taken place at several levels. We have developed training programmes for ourselves and other advice offices; the rural training programme has taken on a new direction in response to changing circumstances and needs; the pension campaign launched at the beginning of 1990 took on a life of its own, driven by committed and energetic Black Sash volunteers and workers; and we developed our ideas on the future role we in the Black Sash advice offices have to play in the country.

We have achieved some 'successes' in these areas and have faced bitter disappointment as the plight of ordinary people remains unchanged or even worsens. Violence touches the lives of so many people we deal with, it has affected us all.

As uncertainty plagues the country we are looking at ways to focus our work by planning and developing on our skills and ways in which these can be used in the years to come.

## THE OFFICE

The office staff compliment as not changed this year, except for the welcome addition of Thandi Gaqa who has been appointed as Trainee fieldworker to work with Annemarie Hendrikz and be trained by her. She has been a breath of fresh air in our work and in our office and we welcome her most warmly. We had a spate of serious illnesses amongst the staff during August and were pleased that Nontsha Madliwa was able to step in and carry us through so effortlessly. We are also very pleased that all staff members have been restored to health.

It was decided early in 1990 to build on our work as a team, working together as much as possible and learning new skills as we go. Friday morning staff meetings have been very successful in building the team, sharing our problems and successes and communicating more effectively with one another. Since October, after the Black Sash National advice office workshop in Pietermaritzburg, we decided to close the office completely on Friday mornings to enable us to work on analysing our work more carefully. The advice office committee continues to meet monthly and the Administration committee as often as necessary.

We held two assessments at the end of 1990 - one for the volunteers and one for the staff and committee members together.

The volunteers assessment gave us the opportunity to reflect on the way we work and also the work we do. It was constructive and helped us lay plans for 1991. We will be running a series of skills training workshops for all volunteers on a bi-monthly basis starting with interviewing and counselling skills and followed by labour law update.

The assessment of the staff and advice office committee was done according to a specific appraisal model and the staff team was rated on its performance. This was the first time this model has been used in our office and will be reviewed and developed 6 monthly.

One of the problems identified from both assessments was the fact that we are able to draw in relatively few people from the general Black Sash membership. To address this problem we have started a programme whereby one member of the regional council is invited to attend the Friday morning staff meeting each week. Each meeting is then planned according to the portfolio interests of that councillor. We hope that this process will include regional council more fully in our work and extend into the main body of the membership.

We have all attended and given various training course during the year, the most interesting for us all was a morning workshop run by a Black Sash member for the Khayelitsha Advice Office on 'How to buy a house'. The workshop dealt with the process of buying a house and explanation of all the pitfalls. She gave us a check list of what to do and what to watch for which will make it easier in advising clients.

#### KHAYELITSHA ADVICE OFFICE TRAINING

The workshop mentioned above was one of a series requested by the KHAYELITSHA Advice Office steering committee. Black Sash members have been involved with the steering committee since its inception in 1987. We continue to provide a voluntary service to the advice office twice a week. A full time office worker was appointed in 1989 and our volunteers have provided in-service training for him. A more formal training programme started in September. The full time worker in the office and three volunteers attended the sessions held at a members house and later at the Catholic Welfare Bureau offices which also house the Advice Office in Khayelitsha.

Some of the workshops were led by Black Sash people and others by service agencies in Cape Town with whom we work e.g. LEAP did statement taking, Stellenbosch Advice office people did the labour law section etc. Besides the housing workshop, we covered basic administration subjects, para-legal work and social grants. The training is to continue in 1991 and is linked to in-house training.

We have included field trips in our programme with the Khayelitsha advice office for specific areas - in getting to grips with interviewing skills trainees conducted a survey of a variety of shops and retail outlets to establish the importance of attitude when dealing with the public; for researching skills we planned a trip to the SA Library to familiarise trainees with research methods and where Legislative records are kept, but were side tracked by a fascinating visit to the South African Museum which

## RURAL TRAINING PROGRAMME

The steering committee of this programme remains a group of organizations interested in training and development in rural areas and meets regularly once a month. It is a most rewarding committee. We have had constant participation from the same organizations for the past 4 years and we continue to receive numerous requests for training. The experiences of the fieldworkers who make up 2/3rds of the committee are invaluable in directing the programme.

In 1989 the training was directed at committees of advice offices and workshops took place regionally. Three were held: in the Southern Cape, Boland and the Karoo. Advice office workers in those areas then expressed a need for an in depth training course on 'content' subjects such as laour law, UIF, consumer law, how to take an assault statement etc. We ran a workshop in April in Cape Town on these subjects. Because of previous probelms of committees expectations of their workers and vice versa, fieldworkers arranged workshops on 'What does it mean to send a worker for training'. These were done with committees and workers together just prior to the course. The people who came were some of those whom we had worked with at the regional workshops but only those who had functioning committees. Our experience has shown that where supportive committees exist the advice office has a better chance of functioning well. The training was very well received and the next stage of training needs to be built onto that.

The Rural Training Programme group applied for and secured funding for this course. The following suggestion was made to us by the funders:

as we run workshops in bookkeeping and budgeting we should:

- + draw up our own budget per person including transport, accommodation, meals, course material, facilitators fees etc
- + submit these to advice offices that request training
- + the funding would then be applied for by each individual advice office or organization.

The viablitiy of this process will be investigated in the future.

As a follow up to the April course, we designed a system to work as follows:

- + Each fieldworker on the rural training group takes PRIMARY responsibility for one area.
- + Any training requests that come to fieldworkers would be co-ordinated by the person with primary responsibility.
- + Fieldworkers working in the same area would meet together to plan workshops which would be run regionally.
- + Appropriate 'experts' would then be called in where necessary to give training e.g. LRC on Labour Law etc.

This was planned to prevent duplication and confusion as many communities request training or resources from several different organizations simultaneously.

none of the trainees had ever visited. This part of the programme was very enthusiastically received and we plan to build in other field trips to future training programmes.

The training programme was delayed for two weeks because of a series of shooting incidents resulting in considerable extra work for trainees in the advice office. A march was organised on the 25th October by the ANC to show lack of support for the Local Authority. Police allegedly opened fire on marchers without warning killing several and injuring many more. The advice office acted as a crisis centre and an inter-organizational crisis committee was established as had been done in the past during a period of crisis. Statements were taken by office workers and volunteers as witnesses came forward.

The Khayelitsha advice office has experienced organizational problems like many other offices this year. Its role and its relationship to the ANC and to the broader community remain questions. The committee did not function at 'full strength' this year for many reasons one of which was that members found themselves pulled between political commitments and the need to organise on that level, and the advice office which seems to 'run itself'.

As far as the Black Sash's role is concerned, we continue to be actively involved in its running but seek to expand on our training role as an effective way to transfer skills.

#### RECURRING PROBLEM CASES: MAINTENANCE

These examples are typical of maintenance cases seen:

*Ms M came to our offices in May 1989 having had no maintenance since the order was issued in 1988. We managed to secure payments for her through deductions from the fathers' wages by the employer. In this case a lawyer from our panel acted pro-amico on her behalf. However, in June 1990 the man left his job and Ms M is now back to square one!*

*Ms V and her employer have tried for 5 years to secure maintenance for her children. They have tried every possible channel. A court in Cape Town incorrectly ordered her husband to pay maintenance in Cape Town when in fact he was living in the Ciskei. This mistake was discovered by Ms V and her employer only 18 months later when they complained that still no money had been received. The magistrate admitted error and the case was referred to a Ciskei court. Another order was given in Ms V's favour but still no money was forthcoming.*

*We wrote to the Director General of Justice on her behalf and in his reply he indicated that as the children are now self supporting there was nothing further that could be done except a civil claim against the father. We raised this with a Member of Parliament who has taken the matter to the Minister of Justice. He has asked the minister to investigate the damage caused by the negligent behaviour of the relevant magistrate.*

These cases and many others show how impossible the system of recovering maintenance is. In Ms V's case, the delays caused her to miss out on 5 years of payments. Sometimes there is a delay in the summoning, sometimes there is a computer delay at the maintenance court, often a delay between the maintenance office and the court (files frequently go missing), and always there is a delay at court. (We were told that there are some 20,000 outstanding maintenance cases at Wynberg court alone.)

The LAC in Cape Town have made submissions supporting the case for a garnishee order to be imposed on all employed maintenance dodgers, requiring that money be deducted from wages by the employer. This option was recently rejected in the standing committee on Maintenance Amendment Bill. We are investigating the pros and cons of this order and are planning a campaign in 1991.

## PENSIONS CAMPAIGN

Experiences with the maladministration of Social Grants was one of the main reasons that prompted the Black Sash to embark on the National Pensions campaign at the beginning of 1990.

Our campaign in the Western Cape began with a protest stand outside the residence of the Administrator of the Cape on the occasion of his bi-annual garden party to welcome Members of Parliament and diplomats to Cape Town. The protest was very powerful as 22 pensioners picketed at the entrance to the residence with posters. A letter was delivered requesting a meeting with the Administrator to discuss the problems we have dealt with. The meeting was granted and held. Black Sash representatives from East London and Port Elizabeth also attended this meeting as the Eastern Cape and border fall under the CPA's jurisdiction. The Administrator was accompanied by 5 members of his staff who work on pensions. Many points were clarified for us at this meeting and assurances were given that the situation would improve. However, problems continued. We had great difficulty getting responses to our queries and information in letters to us was often inadequate. The situation reached a climax in the case of Mr N. of Langa.

*This old man came to us first in April 1990. He told us he had not received his pension for the past 5 months. He had started receiving his pension first in 1988. He did not know why the money had stopped. On enquiry we were told that he had been claiming his pension on an old identity number initially and when he received the new ID number and presented this at the pay point, he was told there was nothing for him and the vouchers issued on the old numbers were returned to the office 'unclaimed' - (this despite the fact that the old number was written just above the new number in his book!). We were told he should re-apply. We wrote letters and tried to contact the CPA officials to rectify the payments and request that he be repaid for the missing months. In the mean time we approached the Legal Resources Centre to act on his behalf. We had no response from the CPA until 20th June 1990. In this letter they said that Mr N's pension had been re-instated and all the back pay owing to him would be paid at the July pay out. When we contacted Mr N to inform him of this we were told by his family that he had died.*

*The fact that they took 2 months to reply to our letter (addressed personally to the Director) is nothing short of scandalous, particularly in light of the consequences. If he had been alive to claim his money he would have waited a full eight months for his entitlement and through no fault of his own.*

The LRC then made preparations to take this case and another to the Supreme court. Both cases were eventually settled out of court. Mr N's family were informed through our offices that they would receive the FULL amount owing to him - over R1,000.

*The other case that LRC prepared for court was the question of Mrs NG who was listed as 'dead' on the CPA computer. The CPA settled her case (she received R2 810) before it came to court and this led to another meeting with LRC present and Black Sash advice office representatives and CPA*



The system involved a 4 stage basic training module which could be built on or revised as development occurred. The basic training starts with **statement taking**; then (not necessarily in this order), **pensions and social grants**, **basic labour law** (mainly to deal with farmworkers or unorganised workers) and **rents and housing laws**.

All these workshops were run regionally where requested and the hope was that more people could participate. We encountered many problems, no the least of which were communication problems. Arranging meetings at long distance and relying on transport and telephones caused havoc with the plan. Some workshops didn't happen at all, others were attended by very few people and yet others were a great success. Despite the problem we have decided to continue with this system in principle and back track where necessary to do the 'basic training' components and build on those where possible.

Some notable areas of need to be covered in the second stage are: workshopping skills, workshops on local authority structures and more concentrated in-house training to support the basic structure. Most of the fieldworkers do this as part of their jobs but we plan to consolidate and develop this system in 1991.

*In August the Fort Elizabeth Black Sash asked me to come and talk to them about our training programme and the lessons we have learned from it. They have since developed their own outstanding training programme which I am sure we will benefit from greatly in return.*

## WORK TOWARDS RECONSTRUCTION

### THE PARA-LEGAL CONFERENCE

Working with LEAP (Legal Education Action Project) as well as other service organizations and advice offices on the training programme and on other committees, it became clear how necessary it was to share information and resources with advice offices and resource centres throughout the country. At the same time we wanted to raise and debate the question of accessibility of the law and the role that para-legals can play in achieving access to the legal system. To promote these ideas, LEAP and Black Sash Cape Western, jointly organised a conference:

*'Working for Justice: The role of para-legals in South Africa'*

SEE APPENDIX A

The conference, generated much interest and some 200 delegates attended from throughout the country. One of the results of the conference was the request to develop a para-legal manual combining all existing resource material available to para-legals and filling in the gaps. Co-editors have been appointed to put the manual together. The information will deal with four basic areas:

1. Administration
2. Land and Housing
3. Social Welfare
4. Labour
5. General Legal Issues

The manual will be written in simple accessible English and the format will include information, common problems with questions and answers, check lists for dealing with problems plus workshop plans in all sections. The first sections of this manual should be complete by the middle of 1991.

A publication of the conference itself is also being produced. It is a compilation of the papers and workshops of the conference plus a list of the delegates and resource material presented at conference. It will be on sale from mid February 1991.

The conference was the first of its kind. It brought together people who are working as para-legals as well as lawyers, academics and trade unionists. We hope that the manual and the booklet of the conference will be useful material for community workers and para-legals and that the debates generated can be taken forward at every level.

### ANALYSING OUR WORK

The decision was taken at the September National Advice Office Workshop of the Black Sash that we would... 'commit ourselves to active involvement in the transformation of South Africa by adapting the advice offices to analyse information... and that Regional Councils should... take these issues further with regard to policy.' In Cape Town we are considering this in two ways:

1. to analyse our work through a gender perspective in line with the proposal of the UN Committee for the Elimination of Discrimination against Women. We will try to answer the questions put in the document- 'Assessing the Status of Women', through our experiences in the advice office. This

officials. At this meeting we requested the CPA to investigate the possibility of setting up a discretionary fund to deal with errors that occur so that pensioners are not subjected to these long delays. They agreed to look into this. The CPA officials expressed their concern that we should involve the press and go to lawyers for assistance! We assured them that we would do all in our power to assist the people who sought our help.

Since that our success rate has improved somewhat. Some R17,000 was been collected in two monthsthrough our intervention for pensioners. However, this does not address the real problems of maladministration. The officials at the pay points seem to be a real obstacle and attitudinal problems have not been effectively addressed. In addition to the pay point problems, the voucher system seems seriously flawed. If a voucher is missing the person is simply sent away. There are no explanations and no means of instant enquiry. The lap top computerised pay out system that was described to us at our meeting in March with the Administator, has not materialised despite the fact that a pilot system was promised for November. We were told that part of the machinery had not arrived. No-one can tell us when it will come.

The Pension campaign has been a most useful exercercise, not only in highlighting the plight of pensioners and the hopelessness of the system but also in focussing our minds on the problems and stimulating debate around solutions. If the government is to give credence to its "New South Africa" it MUST give parity in Social Pensions at the same level as white people and it must do this without delay.

will enable us to look analytically at the impact of current laws on women and to feed this into the world body if this seems appropriate.

2. to analyse more carefully our information on social welfare rights, how are they obtained, what are the obstacles, how do people survive where there is not welfare, how can a future government creatively address some of the problems?

We plan to extend these debates to the general membership and draw on our statistics and case work in the advice office as far as possible. The advice office led discussion on the social welfare issue at a general meeting in November and will follow this up with further debate at our Regional Conference. Prioritising expenditure will be a critical task of a new government and we feel it is important that social welfare rights and needs receive due consideration.

## CONCLUSION

It is difficult to imagine life without apartheid because between now and then life will go on; history will not evaporate. It is important for us in the advice office to transfer our skills so that they may be used in a constructive way in the future. We will be focussing more clearly on the 2 prongs of our work in 1991 - the analysis of our work in terms of how current laws affect women, and the analysis of our work in terms of social welfare rights and needs. We will be seeking to develop our work force, paid and voluntary and our membership into training teams who can respond appropriately to the requests we receive.

Our work in training and development is even more important now. If the development of the nation is to depend on the real needs and desires of the people, then there is a responsibility on organizations such as ours to ensure the expression of those needs.