

Minutes of LAB-SAPTU EXCO/AD HOC Meeting held 08 May 2008.

Present: LAB Management: COO,NOE,HRE,LRE,LRO  
SAPTU: General Secretary Van Der Walt  
A.Paries,M.Calitz; E. Moodley

Apologies: P.Brits,

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1. Administrative Staff Salaries

**SEE ATTACHED WORKING DOCUMENT MARKED ADDENDUM A**

SAPTU prepared a working document and SAPTU is concerned that Admin staff are frustrated, especially those with long service at LAB.

SAPTU indicated that benchmarking was not done and SAPTU was not consulted with JEG Committee. SAPTU requested a review of their salaries and the salaries of Paralegals and other non-legal professionals like procurement officers. Some Admin staff

started recently at LAB and earn the same as Admin staff with long service. Some inconsistent motivation as new recruits are placed in higher salary notches. Admin Managers

also approached SAPTU about their packages and benefits.

HRE: There is a project plan and Addendum A was explained with reference to stages and different processes. Grading must take place to determine the alignment of posts

and salary notches must be compared to other sectors.

NOE: Compared to some sectors the LAB is competitive with salary dispensation for Admin staff. Staff who are unhappy leave and can be replaced.

COO: The OSD curve should talk to a to be determined curve for Admin staff. Must be clear that this project and its outcome does not necessarily mean salary increases for

Admin staff. After the service provider is appointed and it presents its report, then recommendations to the LAB BOARD.

SAPTU: Agreed, however it must be done urgently as Admin staff are frustrated and feel betrayed. SAPTU must be involved at every stage and would also like to make submissions to the independent service provider before the final report is compiled. Perhaps the salaries of Senior Management Executives classified as ADMIN staff are competitive. October 2008 is the cut off date and Admin staff cannot wait longer as food and petrol prices increase every week..Some Admin staff

members want to develop a career at the LAB and what about staff retention strategies.

To lose staff is to lose staff with skills which the LAB trained and empowered.

LAB is not a good brand name in the work sector as an employer, if high staff turnover and constant inexperienced staff. Staff who leave the LAB and join other

stakeholders in Justice, endorse negative branding as they criticise the LAB because they were told to leave or because of bad labour relations.

Sometimes a Magistrate or Chief prosecutor who was previously employed by the

LAB criticise the LAB in the press or at courts, because they were treated badly when they worked for the LAB.

### 2.3. Salaries of Legal Professionals

COO: LAB Exec has been in meetings with the DPSA, DG and DOJ and the final document has not been signed off. The Funds are not available. We are aware that legal staff are frustrated and that they will gain the most when OSD is implemented. LAB Management is in a state of readiness to implement when OSD is finalized. We are not opposed to a separate salary run to pay OSD Payments. There will be information sessions so that each legal professional will understand how the OSD affects him/her. As per the last Communique and there is nothing more to add. The Minister of Public Service signed. Minister of Justice still to issue letter of extension to determine salaries for LAB. On her desk already and have to wait, but it is not an unreasonable time period yet.

SAPTU: What more can be done to get implementation going? Why can't staff have the final document as it is on the Minister's desk just for signing. The DOJ has started

roll-out and their salary scales are available. A long wait for lawyers and OSD is a laborious process. SAPTU members impatient and very poor.

COO : We can't tell the Minister of JUSTICE when she must sign. We don't meet with her.

Chairman of LAB Board does. We will continue to press on and I am sure the union can consider its own devices. DOJ final salary scales are not LAB scales and can

be released. You could draw conclusions but non-specific.

SAPTU: There is talk about the performance system changing with OSD and modifiers

more

individual with notch increases 1,5% increases or two notches as per good performance. Performance contracts now don't reflect this and will this prejudice members?

COO : Performance Contracts must be signed because nothing official yet from OSD. Organisation cannot operate in a vacuum and staff performance must be measured.

Individual Modifiers will be considered later.

SAPTU: Still 14th cheques then for members this year and OSD even though retrospect, not

applicable this year. What percentage for Managers as compared to staff? Individual

Modifiers not understood by staff as like with many other templates as line managers

cannot explain it to staff. It is just communicated that an individual Executive wants it

implemented. Line managers are told off just to do it, and they in turn pass this autocratic approach on. An image of a villain with a dashboard demanding

more, more

and more reports and information. Employees below do not understand and don't buy

into these instruments.

NOE: Individual Modifiers are the prerogative of managers to manage employees.

These modifiers are instruments for managers to address weaknesses of employees and measure them accordingly. For instance the lateness of reports penalizes my accountability to outside stakeholders. So I will introduce

modifiers

to penalize managers who submit their reports late from any of the 60 Justice

Centres.

Executives meet and there are sometimes marathon meetings to thrash out differences.

Like the survey recently introduced was a measurement to determine the condition of

LAB service delivery. For instance 37% HCU practitioners have not been observed

by their managers at courts. There are also employees who are just negative about

everything in the workplace, who are slow to change and who have their own ideas

and will not be convinced by others.

SAPTU: Modifiers are not always negative, but employees must understand it. The 360 degrees

one is good for assessing labour relations at Justice Centres and in the Regions. Employees providing feedback about their Managers and labour issues is good tool for OCP programmes feedback, labor relations and People development. These are some concerns not addressed in the last phase of the MTEF alignment strategy. It is startling to note that in the DOJ 2008 financial report, the LAB is still categorized as an auxiliary service in the same category as the Public Protector and Human Rights Commission. LAB should be up there in the category of NPA and State Legal Services. May employees volunteer to submit reports about their managers as it may be manipulated by Managers?

NOE: That modifier was a test and it cannot be manipulated as the manager can nominate and his/her Manager can nominate another two to monitor the performance. Managers may be able at first to nominate their lackeys at first , but they can't nominate the same a second time. They must elect other subordinates.

SAPTU: There are enough lackeys to go around for years for managers to manipulate their reports.  
Should the IDP not be considered with the individual modifier?

NOE: If employees are allowed just to volunteer, then if they have axe to grind, they can manipulate it to.

### **3. OVERTIME:**

**LRE:** Submitted report to M Exco. BCEA stipulates 45 hours per week and higher if agreed to by employee. Employees earning under R149K per annum qualify for overtime. Overtime only paid if pre-authorized.

SAPTU: Members report that they drive to Satellite courts and leave at 06h00 and return to office at 19h00. Some lawyers have complicated cases which require long hours of preparation. Admin staff sometimes forced to capture after hours as AI is

slow or

it is off line during the day. Must capture for the next court day.

NOE;  
driving  
have

Should not be case. National footprint enlarged. Employees should not be more than 75 km to courts. It must be reported if it is not the case. Vehicles have satellite tracking to monitor this as well.

required.  
Manager

I must submit reports and other Executives sometimes after hours work. However other days if employee requires time off as exception, then is flexible with employee who has good track record of work.

**Admin staff** should be able to capture within the official designated working hours.

#### 4. AIPF Medical Scheme

**COO:** I have engaged top level Management of AIPF and GEPP. I am in contact with Treasury and have sourced documents in this regard. The investigation continues and Peter B is also seized with this matter.

**SAPTU:** Peter B convened a meeting with pension fund experts referred by SAPTU and legal people were drawn in by him. A month has passed and the minutes of that meeting was not submitted to COO and SAPTU. There is a surplus in the fund and if AIPF moves to GEPP the surplus will be swallowed in by GEPP. SAPTU submitted a parliamentary question about withdrawal from the AIPF to Trevor Manuel. The response was that a task team must be set up to facilitate the amalgamation of AIPF with GEPP.

#### 5. Parking in CBD and at Justice Centres

**SAPTU:** Parking is a national problem for employees working in CBD. In Cape Town parking costs no less than R500-00. The LAB parking policy is unclear. Why do Managers park in LAB Pool car bays? Currently in Cape Town there is a grievance about this as Managers use LAB parking while employees must pay for parking.

It is unsafe and expensive for vehicles to park outside court. Lawyers are in court and are concerned about their vehicles while Litigating. This is not good. At national office there are bays for Mercedes

but what about Mazda's? SAPTU requested intervention from Peter B and met with him. The minutes of this meeting is also not available since March 2008.

HRE: PeterB indicated that he will look at revising the policy by June.

COO: Parking is a problem and there are two main aspects here:

a) AT COURT -The DOJ will be contacted by executives as to alignment of employees with NPA and Magistracy. LAB lawyers should also be provided with parking at courts.

b) AT OFFICE- At National office we attempted to resolve this problem by finding parking across the road for staff who requested. It was agreed that all will pay even those who park at Legal Aid House to subsidize others who have to pay. When implemented then employees could not afford it. Maybe after OSD employees will have more vehicles, more petrol then a problem again.

SAPTU: If no LAB policy then in the interim LAB parking free for all in CBD. If vacant whoever arrives first? Unfair at present that those who can least afford pay for parking while others who earn competitive salaries with other additional benefits don't have to pay.

COO: Peter B looked at policy considering hierarchy at office, disabled employees, employees who form lift clubs etc.  
In the interim ***SOME ANIMALS ARE MORE EQUAL THAN OTHERS.***

SAPTU: **PARKING FOR FAT CATS.**

Perhaps when leases expire for Justice centres in CBD areas, then sufficient parking should be consideration with renewal of lease or with new premises to provide parking for employees and visitors.

SAPTU thanked COO for presiding over the meeting and for the arrangements.

Meeting closed by COO

Disclaimer: This is a record of SAPTU's version of the meeting.  
Next meeting in June 2008.

# LEGAL AID BOARD



## REPORT TO M/EXCO ON SALARY BENCHMARKING PROCESS PROJECT

23 April 2008

### 1. PURPOSE

The aim of this report is to propose and outline the Salary Benchmarking project Plan and obtain funding for it.

### 2. BACKGROUND

The LAB Benchmarking process was started in 2005/06 but was never completed and therefore the salary scales data that may be on record is obsolete, i.e salary scales change every 12 months. In the March 2008 M/Exco meeting HR was asked to come with a Project Plan to resuscitate the Salary Benchmarking process.

### 3. FINANCIAL IMPLICATION

R160 000 service fee to the appointed service provider to do the Salary Benchmarking.

### 4. RECOMMENDATION

It is recommended that M/Exco consider the project plan and approve it and recommend funding for the project as there is no funding for this project in 2008/09 budget.

OBJECTIVE	ACTIVITIES	COST	TIME FRAME	RESPONSIBLE
Obtain M/Exco approval	a. Present the Salary Benchmarking Project Plan to M/Exco. b. Confirm jobs to be benchmarked c. Confirm similar organisations to be benchmarked d. Obtain funding for the project e. Obtain M/Exco approval on project		April 2008	HRE
Contract service providers	a. Scope the Salary Benchmarking out-puts. Brief service providers and obtain quotes. b. Appoint service provider	R160 000	May – June 2008	HR
Review salary scales	a. Obtain final OSD Salary Levels from DPSA. b. Obtain Salary Level for Administration / Support staff. c. Analysis of all completed gradings.		July –September 2008	HR & Service Provider
Establish pay rates	a. Analysis of grading profiles. Analysis of Benchmarking results. b. Ensure alignment to the market trends. c. Submit the results to M/Exco		July –September 2008	HR & Service Provider
Work on salary	a. Identify shortfall were applicable and cost it. Recommend a strategy to address the shortfalls. Integrate results in the retention strategy.		October 2008	

AN RESOURCES DEPARTMENT