

THE BLACK SASH ADVICE OFFICE

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THE BLACK SASH Cape Western Advice Office Annual Report 1995

OFFICE HOURS: MONDAY - THURSDAY 9 a.m. - 1 p.m. • 2 p.m. - 4 p.m. CLOSED ON FRIDAYS

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

Integrate *vb.* (inti,greit) 1. to make or be made into a whole; incorporate or be incorporated. 2. (*tr*) to designate (a school, park, etc.) For use by all races or groups; desegregate. 3. To amalgamate or mix (a racial or religious group) with an existing community.

The Collins Concise Dictionary, second edition, Collins, London and Glasgow, 1988

"Whether social democracy and a social charter can be achieved depends ultimately on those still holding power in South Africa. The dismantling of apartheid has brought the ANC into government, but it is unlikely that the formerly disenfranchised will hold power in the immediate post-apartheid era."

Heribert Adam and Kogila Moodley: page 214 in: *The Negotiated Revolution: society and politics in post-apartheid South Africa*. Jonathan Ball, Johannesburg, 1988.

Introduction

Integration in a country where the power is still practically held by the past government, is difficult. In this post-apartheid time in South Africa, the Black Sash Advice Office still finds itself dealing with a host of problems which would indicate that the "formerly disenfranchised" are nowhere nearer seeing the result of their hard won vote. Those who "still hold power" in South Africa both in private and state spheres have not willingly desegregated and incorporated the majority of South Africans, who now live in a democracy which is constitutionally testable to be "free and fair", in accordance with international standards.

One of the most integrative documents in the history of this country has to be the interim constitution. We have discovered that there are various clauses in its Bill of Rights which have enabled our advice seekers to claim their rights for themselves, without having to go to a court of law first. This is very encouraging practice and this report reflects it in the section on administrative justice.

Administrative injustices abound. There is no evidence of the RDP having any effect in the Western Cape, no reporting of public works programmes. There is no evidence of a move to real, meaningful integration in state departments, although this has often been done on paper. It's effect can be seen in the current welfare system reported by our advice seekers. When looking at the private sector it is obvious that the new South Africa is not touching the ground yet. The fact that we have 11 official languages has not reached many drafters of forms. The right for a person to be addressed in their own language and be made to understand contracts that way - is sorely lacking. And our caseworkers get to see the results.

Integration for the Black Sash happened this year. We bade a sad farewell to our membership organisation and integrated our members as "associates" of the Black Sash Trust. There will no longer be a subscription for associates and they are being encouraged to continue with the work in each region. For the Western Cape this means that the former Knysna (Southern Cape) branch will be discontinued and the Knysna office will be considered a region in its own right. The great changes brought about by new structures saw many associates freed from management responsibilities, which were handed over to professional management, with the appointment of a National Director (Mary Honey) and a refined National Strategic planning meeting. (see the strategic plan section for details of 1996 projects). Co ordinators jobs have been changed to those of Regional Directorships with greater management responsibilities.

We believe that these changes will assist us in streamlining our campaign work and enable us to provide a human rights advisory service which empowers people to take up their own rights as laid down in the constitution.

People

CAPE WESTERN ADVICE OFFICE

Paid Staff

Hilda Boikanyo	Caseworker, Maintenance Project Officer
Bastienne Klein	Advice Office and Campaign Co-ordinator & Bookkeeper (5/7) (full time from June)
Ndileka Madyosi	Caseworker/Interpreter (from March)
Nomahlubi Nabe	Advice Office Organiser
David Viti	Caseworker/interpreter (4.5 hours)

Volunteers/Associates

Di Andrews, Monica Bates, Helena Broadbridge, Betty Davenport, Sue Cooke, Anne Greenwell, Beulah Greshoff, Trudy Haeck, Carol Lamb, Cameron McConnachie, Sue Philcox, Noel Robb, Wendy Roos, Lou Shaw, Gail Strong, Jane Teixeira, Anna Zieminski, Esther Zwarenstein.

Our office has continued interest in it from outside visitors who come to do a six week stint - or sometimes stay for as long as six months. We thank them all for their time and devotion to our cause. For many years volunteers have been the originators of and kept our advice office going. However, particular mention must be made of Betty Davenport, Sue Philcox, Noel Robb, Lou Shaw, and Sue Cooke for their devotion to the meetings and management processes which they ensured were happening. It was only due to their efforts that we were able to run at all. They are still available to us and this time it is with energy for other kinds of work - we hope! A big thank you to all our volunteers who kept up a high standard of advice giving and support.

Our staff complement increased this year in that Bastienne Klein and Ndileka Madyosi were made full time employees. This helped ease stress points in the office and helped us cope with the case load and administration. We were honoured by receiving the Danish peace prize and Nomahlubi Nabe from our office accompanied Mary Burton and Thisbe Clegg on a European funding tour.

Nomahlubi writes:

"First I would like to thank the BLACK SASH and my colleagues for motivating that I should go with Mary to receive the peace prize. I really felt honoured. All I can say it was "MAGIC" for me. I grew up during the trip and it was also an educational experience, meeting people of different cultures, giving speeches seeing different buildings.

In the countries we visited people are not security conscious at all as we are in S.A. One woman said to me she is only afraid of being hit by a car otherwise she feels free to everywhere at anytime. One of the highlights on our last day was when we visited the Swiss parliament. We went to the House to observe and thereafter we were going to address other parliamentarians in another room. As we were leaving the room, a man followed us calling us back to the House. We went back and were made to sit in a special place where the whole house could see us. We were introduced and our purpose for being there was being stressed the whole house gave us a standing ovation. That was wonderful and thereafter we went to address the women parliamentarians. "GIRLS YOU WERE GREAT" .

Our staff found themselves in some precarious situations this year. Mary Honey reports:

"Ndileka saved a young woman from near certain rape, in Langa, Cape Town one December Saturday. Ndileka was visiting a neighbour saw a young girl being dragged away forcefully by three young men. Despite verbal and physical threats, Ndileka managed to pull the screaming child away and return her to her mother. The following Monday someone 'phoned asking for "the lady who stays in Langa who saved the young girl from being raped". The girl's mother and her employer thanked Ndileka and noted that "Black Sash is not just in the offices, but also with the people in the townships"."

Hilda Boikanyo continued the invaluable project which our region is proud of - the maintenance campaign. Her intervention and advice has caused the staff complement in Home Affairs to change!

David Viti continues to report on some of the most devastating dismissal cases - and assists caseworkers with translation and solving the cases.

Volunteers from Schools

It was gratifying to see the school sector starting partnership programmes with NGO's in this country. Thisbe told us about how in Denmark, scholars poured into the NGO exhibitions "but in South Africa you'd need Michael Jackson to get that type of a crowd". Well, things are changing!

We began an internship programme with two scholars from Zonnebloem Nest High School. The two Standard nine interns were released for 6 hours a week in the afternoons to learn about their a chosen NGO. Their project concerned learning about the organisation through a programme of "going through the systems".

Resource Centre

Jane Teixeira (PE researcher Lynne Teixeira's sister) is sorting out our resource centre. We have decided to archive a certain amount of material in the UCT archives, such as press clippings, and have decided to keep issue related material that we can use for research purposes.

Statistics 1995

In 1995 we saw a total of 5900 advice seekers which is 652 less than the 6552 we saw in 1994. However the staff have pointed out that this has lessened only because there are more verbal advice giving sessions, which we have not recorded as yet. Our telephonic queries also increased this year and we referred many people to other agencies, for example, domestic workers who are dealt with more effectively by the South African Domestic Worker's Union.

We also had a workshop in which examined how many people we felt we saw as opposed to the real numbers and readjusted our queue numbers with a cut off point at 35 advice seekers on a first come first served basis. This cutback was necessary to enable the staff to work on campaigns and other programmes.

Of these 5900, 2375 were new advice seekers and 3525 whom we'd seen before. The trend for the past few years remains that we are seeing more men than women. We saw 1174 new women advice seekers, and 1201 new men advice seekers. We saw 1651 returning women and 1874 returning men advice seekers. The returning cases are more due to the constant interest of advice seekers in their claims, which this year were mostly the result of destitution and administrative injustices.

The statistics (see pages 4&5) show the nine highest categories and percentages to be: disability grants (19%), private pensions (12.6%), parental maintenance (child support) (12.1%), state maintenance grants (11%), pay/conditions of service (7.2%), Compensation for Occupational Injuries and Diseases (COIDA) (6.7%), dismissals (5.7%), unemployment insurance fund (UIF) (5%), old age pensions (OAP)(4.3%).

The State and the Private Sector

The problems as listed can be seen in two groupings:

The state (disability grants, maintenance grants, parental maintenance, COIDA, UIF, OAP) and the private sector (private pensions, pay/conditions of service, dismissals).

In relating and analysing the casework in both instances through the nine highest categories, this report attempts to provide a picture of how people at the poorest level of our society in this province have not experienced any form of integration or relief. The statistics show that we may have changed the people in power, but that "the formerly disenfranchised" have no power in exercising their rights in this "immediate post-apartheid era" as Adam an Moodley forecast in their book (quoted in the beginning of this report). We may have a Government of National Unity, but integration of the bureaucracy has not happened.

How Women are Affected

Looking at the top nine categories reveals that women are mostly affected by bureaucratic inefficiency, amongst other things. In the Advice Office's experience we know that Black women are still being treated differently to their counterparts in other groups on the basis of the colour of their skin. Most of the Black women we see are unemployed and have no resources. Hence the high category numbers when it comes to maintenance grants and child support problems, relating to the fathers of children. Women and their families' resources are affected when their men are retrenched or dismissed or are unable to get any form of social security. Those women who do manage to get a state old age pension are often subject to long waits and administrative injustices. The reasons? They live in "Black areas" and, as one official put it to Bastienne Klein one day, "Listen lady, they'll just have to wait until we've decentralised our offices into the townships. We have a five year plan to solve all the problems".

Our advice office is committed to addressing the injustices which (especially) black women experience.

Annual Statistics 1995

5900 total clients
 2375 new clients 3525 old clients
 2825 women clients 3075 men clients
 1,174 new women clients 1651 old women clients
 1201 new men clients 1874 old men clients

ANALYSIS OF CATEGORIES FOR ALL CASES

	Abuse	1	0.0%
Accidents/injury claims/assault	141	2.4%	
Applications for new/duplicate ID documents	2	0.0%	
Assaults/abuse by employers	8	0.1%	
Assaults/abuse by police	3	0.1%	
Bank problems/financial management	24	0.4%	
Changes/mistakes in name	6	0.1%	
Changes/mistakes in dates	3	0.1%	
COIDA/Mines & Works claims	395	6.7%	
Consumer problems/finance/credit	15	0.3%	
Death benefits	38	0.6%	
Disability grants	1129	19.1%	
Dismissals	335	5.7%	
Domestic workers	6	0.1%	
Education	4	0.1%	
Electricity bills	1	0.0%	
Estates	14	0.2%	
Evictions	5	0.1%	
Extended UIF benefits	3	0.1%	
Family problems	46	0.8%	
Farm workers	4	0.1%	
Foreigners	1	0.0%	
Foster care grants	76	1.3%	
Funeral benefits	73	1.2%	
General housing problems	55	0.9%	
Health	2	0.0%	
Hire purchase purchase/lay-by	18	0.3%	
Housing	1	0.0%	
Identity Documents	1	0.0%	
Illness benefits	7	0.1%	
Insurance	41	0.7%	
Legal	21	0.4%	
Long Service queries	11	0.2%	
Maintenance grants	653	11.1%	
Maternity benefits	17	0.3%	
Miscellaneous	108	1.8%	
Old Age Pensions	251	4.3%	
Parental maintenance	716	12.1%	
Pay/conditions of service	426	7.2%	
Prison problems	18	0.3%	
Private Pensions	741	12.6%	
Problems with lawyers	11	0.2%	
Rape/sexual abuse	9	0.2%	
Referred to lawyers	2	0.0%	
Rents	2	0.0%	
Resignations	8	0.1%	
Retrenchments	73	1.2%	
Returnees/refugees	2	0.0%	
Small Claims Court	3	0.1%	
Tax	31	0.5%	
Temporary workers	1	0.0%	
Unemployment	2	0.0%	
Unemployment benefits	289	4.9%	
Welfare Referral	23	0.4%	
Widows pensions	67	1.1%	

ANALYSIS OF CATEGORIES FOR NEW CLIENTS

Abuse	23	1.0%
Accidents/injury claims/assault	52	2.2%
Applications for new/duplicate ID documents	1	0.0%
Assaults/abuse by employers	7	0.3%
Bank problems/financial management	6	0.3%
Changes/mistakes in name	4	0.2%
Changes/mistakes in dates	3	0.1%
COIDA/Mines & Works claims	82	3.5%
Consumer problems/finance/credit 4.03	8	0.3%
Death benefits	18	0.8%
Disability grants	458	19.3%
Dismissals	200	8.4%
Domestic workers	3	0.1%
Education	4	0.2%
Electricity bills	1	0.0%
Estates	8	0.3%
Evictions	2	0.1%
Extended UIF benefits	2	0.1%
Farm workers	1	0.0%
Foreigners	1	0.0%
Foster care grants	31	1.3%
Funeral benefits	28	1.2%
General housing problems	30	1.3%
Health	1	0.0%
Hire purchase purchase/lay-by	5	0.2%
Housing	1	0.0%
Illness benefits	4	0.2%
Insurance	12	0.5%
Legal	13	0.5%
Long Service queries	5	0.2%
Maintenance grants	243	10.2%
Maternity benefits	9	0.4%
Miscellaneous	56	2.4%
Old Age Pensions	84	3.5%
parental maintenance	272	11.5%
Pay/conditions of service	215	9.1%
Prison problems	8	0.3%
Private Pensions	249	10.5%
Problems with lawyers	5	0.2%
Rape/sexual abuse	4	0.2%
Referred to lawyers	2	0.1%
Rents	1	0.0%
Resignations	7	0.3%
Retrenchments	45	1.9%
Returnees/refugees	2	0.1%
Small Claims Court	2	0.1%
Tax	13	0.5%
Temporary workers	1	0.0%
Unemployment	1	0.0%
Unemployment benefits	128	5.4%
Welfare Referral	13	0.5%
Widows pensions	16	0.7%

ANALYSIS OF CATEGORIES FOR OLD CLIENTS

Abuse	1	0.0%
Accidents/injury claims/assault	89	3.7%
Applications for new/duplicate ID documents	1	0.0%
Assaults/abuse by police	3	0.1%
Assaults/abuse by employers	1	0.0%
Bank problems/financial management	18	0.8%
Changes/mistakes in name	2	0.1%
COIDA/Mines & Works claims	313	13.2%
Consumer problems/finance/credit	7	0.3%
Death benefits	20	0.8%
Disability grants	671	28.3%
Dismissals	135	5.7%
Domestic workers	3	0.1%
Estates	6	0.3%
Evictions	3	0.1%
Extended UIF benefits	1	0.0%
Family Problems	23	1.0%
Farm workers	3	0.1%
Foster care grants	45	1.9%
Funeral benefits	45	1.9%
General housing problems	25	1.1%
Health	1	0.0%
Hire purchase purchase/lay-by	13	0.5%
Identity Documents	1	0.0%
Illness benefits	3	0.1%
Insurance	29	1.2%
Legal	8	0.3%
Long Service queries	6	0.3%
Maintenance grants	410	17.3%
Maternity benefits	8	0.3%
Miscellaneous	52	2.2%
Old Age Pensions	167	7.0%
Parental maintenance	444	18.7%
Pay/conditions of service	211	8.9%
Prison problems	10	0.4%
Private Pensions	492	20.7%
Problems with lawyers	6	0.3%
Rape/sexual abuse	5	0.2%
Rents	1	0.0%
Resignations	1	0.0%
Retrenchments	28	1.2%
Small Claims Court	1	0.0%
Tax	18	0.8%
Unemployment	1	0.0%
Unemployment benefits	161	6.8%
Welfare Referral	10	0.4%
Widows pensions	51	2.1%

Integration of Departments

We saw a case which illustrated the extent of the problem regarding the racial integration of government departments. We see many advice seekers who travel from the ex "homeland" states, to see us about their administrative problems. The bureaucracy in the Western Cape may seem bad enough when you realise that most of our case load is administratively related. The following case illustrates the complexity of integrating the administration of the TBVC states. We are expecting that not only corruption will be exposed in those areas but also the lack of a competent administration.

Noma reports:

"Mrs N came all the way to us from Ngqeleni in Transkei. Her husband was working for the Rustenburg Platinum Mine in "Boputhatswana" then. He died whilst on duty in 1992. She first received a lump sum from Workmen's Compensation (as it was called then) and was told that she will get a dependents grant every month from W.C.A. which she never received.

She wrote to them and they never responded. We 'phoned Rustenburg and I was referred to their Head Quarters in Mafeking (Bop) and they told me that everything has been sent to the Pretoria Office. The woman I spoke to in Pretoria said they have all the "TBVC" state files and they have not put them on the computer yet, but I can just write to them bearing in mind that it's quite a long process and Mrs N. will just have to be patient and wait."

Reintegrating into society is also a hard process; those who have served time in prison suffer too, from bureaucratic problems, and demonstrates how fragmented South Africa's administrative systems are:

Noma reports:

"This month we have seen quite a lot of men who have been released from prison. Unfortunately they are mostly verbal cases because they come after our cut off time. Their problems are parents who have died whilst they were in prison and now want: the death benefits of their fathers, maintenance grants which they applied for their children whilst they were in prison and others have housing problems: they can't trace their families because they have been in prison for 15 to 20 years."

1. Disability Grants

This was our highest category. We saw 1 129 cases (representing nearly a fifth of our total). This is an increase of 288 cases in this category since 1994. Of these 458 cases are new and 671 returning clients. This is clearly a "mask" for destitution as most of these advice seekers have no recourse to other state welfare grants.

Looking at the statistics and some of the disability grant cases which are presenting themselves in the office, a trend is emerging: many of the applicants fall short of the 50 % permanent disablement qualification needed to get a grant. On further questioning it becomes apparent that most of them do not qualify for any other welfare grant, UIF or past job benefits. It would appear that the disability grant category is the best one to try and get some form of support.

This is a dangerous trend. It puts pressure on the already stretched disability grant fund, and those who correctly qualify for them are queued for ages because the administrative system is trying to cope with the huge backlog in applications, here in the Western Cape. Applicants are never explained the law, or their rights by counter service officials, and so they apply in the hope that they will receive a grant if they have filled in the form and answered any questions they may have, correctly. The injustice done to this group of people is immense, when one considers that they have an extra burden to carry.

We read with disdain that the White Paper on welfare is not considering welfare as a short term solution to many problems. However, nothing to date is happening on the ground RDP wise, or employment wise. We are dealing with people who have few skills and little education whose rights were eroded under apartheid law. They fall into that awful crack of not being able to get a state grant and of not being able to get work. Welfare may have to be a short term solution to help people like this.

Nomahlubi Nabe reports: "We have seen a lot of disability grants which have been rejected. Others applied in 1992 and are told time and again to come back the next month. When we phone the CPA community services we are told they have been rejected and on the computer screen it is wiped off even if they reapply several times.

Miss M. Is still very helpful and she asks us to send them to her but the snag is that she's upstairs and they don't reach her. They meet the clerks downstairs and are not sent upstairs to her with their fresh medical certificates to put the matter right.

For example: Mr AS (a disabled person with epilepsy) applied on 12.03.92 - was rejected
2nd application 22.07.92
3rd application 16.09.93
4th application 10.02.94
5th application 14.07.94

The District surgeon wanted more information on how many fits per month he has and what his mental state is. The 6th application 06.09.94: the doctor still wanted more information. Mr AS is still waiting."

Cameron reported on how the CPA processes DG applications, after an investigative visit to the Department of Welfare:

"The age of the applicant was very important with the older applicants standing a better chance. We thought this was probably done so that those receiving would only get for a limited time before they automatically turned into OAP recipients. Whether the applicant received the right medication was also considered. If the treatment helps the person, the less likely they are to receive a grant. She said that if there are any administrative errors on the application it will often be delayed or rejected and told to reapply. This seems extremely unfair since it is usually the CPA clerks who fill out the forms and make the mistakes. Mrs M. also said that the CPA doctor often asks for more information from the District Surgeon, making the applicant take another trip to the District Surgeon. It seems that there needs to be better communication between the two doctors."

With the growing number of dismissals, retrenchments and labour disputes it is becoming clear to me that people are being driven to one of the few resources left to them - state grants. People who can hardly be called disabled are applying in the firm belief that they are and that they will receive a grant. This desperate drive for survival overloads officialdom and district surgeon alike. We believe that many people with disablement are able to do certain jobs. They should be prioritised in state public works programmes, to bring relief. Many of them want work, and express that no-one will take them because of their disablement.

2. Private Pensions

We saw 741 cases in this category, 249 new and 492 old advice seekers. This is 109 cases up on last year's 632 cases. We attribute this rise in the statistics to the growing number of (mostly) men, who are retrenched, pensioned off early, who come to retire to the Cape or elsewhere and are faced with the problem that they are unaware of what they are owed or how this should be paid to them.

This group of problems reflects no change in the private pension world of addressing pensioners in their own language, or providing simple to read forms. People are far from the offices where these forms originate (usually Johannesburg).

Nomahlubi reports:

"We are getting mine workers from the Gauteng and Northern Province who say they never claimed their benefits because they left because of faction fights and strikes. We are seeing quite a lot of men who have been working for Iscor in Vanderbijl Park and have run away from the factions fights in Sebokeng. They are claiming their pension contributions. We have managed to get the forms for them from Iscor but we still have got to phone confirming that there is money due to them because others left a long time ago.

If they don't have a savings account the money is sent to the magistrate's office and one of our cases' money was sent to the Cape Town magistrate's Court and we were not notified until we 'phoned them. When we 'phoned them Cape Town was angry because they didn't even know why the money was sent to them and I had to go and explain to them and also asked them please to 'phone us if they have such letters because we might have the addresses of the people concerned."

Women are particularly affected by this problem when dealing with provident funds/widow's benefits. Often, as in this case, there are large amounts at stake.

Nomahlubi reports:

"In October 1994 Mrs M came to us because she had difficulty in getting her widow's benefits from metal Industries Provident fund. We discovered the problem was that her husband had changed his surname three times and she herself has got a South African I.D. and an old Ciskeian book of life with different names.

We helped her with affidavits; she was totally destitute and had five children to support. Every time she came to check the progress of her claim she always left in tears. After all the efforts we managed to get her R101,152.67 which was forwarded to her savings account. We have not seen her since."

3. Parental Maintenance (Child Support)

This year we saw 716 cases which is down 96 cases from last year. Of these 272 were new cases and 492 were cases we'd seen before. Hilda Boikanyo, maintenance worker, attributes this lower number to indicate that women have become fed up with using the state to claim maintenance, and are simply going for state maintenance grants instead (and thus, maintenance grants become the fourth highest category!). She also attributes some of this to the success of the regional maintenance campaign. Most of the cases in this high category are women and again demonstrates the vulnerability of women in their struggle to support their children. This problem centres around using the justice system to claim maintenance from the fathers of children. In this province, Black women have to endure a double injustice: many of them still have to go through the old Home Affairs departments, (because they live in "black areas" and are badly treated there, by all accounts. The integration of a supportive maintenance system is crucial to the survival of children who are now constitutionally protected with rights to basic health and nutrition. There is no evidence of such integration here.

However we are experiencing some successes. Hilda reports:

"Although we are still having problems with Home Affairs male maintenance officers the two women officers (whom Sash insisted they appoint) are doing their best to solve the cases.

While problems in administration abound. Hilda reports:

Since the clerk of the court at Mitchell's plain maintenance court was promoted to prosecutor, things are going badly at the court. Files are requested by the new clerk and disappear. We were 'phoned by one of the lady officers at home affairs who asked the Sash to help solve this situation by lodging a complaint with The chief magistrate, Mr G. We had a similar case too. This advice seeker came to our office because her file was not found at Home Affairs. When we 'phoned Home Affairs we were told that the file was requested by Mitchell's plain court and they do not know why, when they requested the court to return the file they did not respond. It is on this incident that they want us to back them up by writing and complaining to the Chief Magistrate. Home Affairs has already written to him."

another (unusual) example:

"Mr N came to our office in November, 1993 reporting that his wife left him 3 months ago leaving him with their 5 children whose ages range from 16 to 5 years. We referred him then, to Social Workers at Fezeka.

In May 1995, he came to tell us that his wife came back to the house in February 1995 coming back for the first time since she left him with 5 children in August 1993. She has chased him out the house, which belongs to her mother

and he is presently staying in a shack. Although she has taken back her children, they are still visiting him and are supported by him. She is suing him now for child support maintenance.

The case was transferred to Mitchell's Plain maintenance court on the 19th April 1995 and postponed to the 18th May 1995. He came to us because he feels this is unfair to him as he has been and is still supporting these children. He is being sued for R500,00 per month. We advised him to go to court on the said date and appeal to the clerk of the court to take the case to the magistrate and he must produce the affidavit made in 1993 when his wife left him, and defend himself"

The question of increments in maintenance money always poses problems for women, especially for children who are still dependent and who can find no employment:

"Mr L.C. has been paying R60,00 per month for the maintenance of their 19 year old daughter. In September 1994 Ms NJ applied for an increment at Home Affairs and he refused to pay it. The case was then referred to the court in October 1994 and the case was closed on the grounds that the child is overage. From my understanding as long as the child is dependent on the parents whether she is 19, 20, or 21 the parents should pay maintenance. The court ruling is really unfair. Who is going to take care of this child especially at this expensive age?"

The Maintenance Project

The maintenance project is still continuing with 54 trainees. The current workshops have proved a very positive and empowering part of this campaign. They have helped women to know their maintenance rights and has helped them campaign against the maladministration of the continuing racist system of Home Affairs and problems with the courts. These women have, in turn, helped other women in the areas in which they live using workshops, visits to church groups and individual visits to women with questions. We wish to continue this work.

4. State Maintenance Grants

We saw 653 cases this year compared with 543 cases last year, which shows an increase of 110 cases. Of these 215 cases were new and 410 were ongoing. Hilda Boikanyo attributes this increase to the number of women who are trying this avenue, rather than pursuing child support through the courts to get the fathers of their children to pay them.

This type of grant is inextricably linked to the child support mothers try to claim from fathers. The parent trying to claim a maintenance grant has to be able to prove that they are not working and are unable to find employment and have to prove that they are trying to get employment while receiving the grant. The "missing" parent has to be located and this is always problematic with the State police services not always being helpful or successful. Sometimes, a woman will have gone through all the legal channels, with no luck, and with no income for herself and her children for that period of time. Social workers hardly ever check up the details of such cases and often women and men are able to defraud the system because of the lack of monitoring. Often, those who cannot prove that the father/s of their children really have disappeared are the ones who will be denied a maintenance grant.

At a conference on social security we heard with alarm that economists are advising that state maintenance grants should be one of the grants to be cut in future budgets. This particular category is mostly represented by women who are seeking support for themselves and their children. Not all women will be channeled into public work programmes and the RDP. This category is vital and to remove the existence of such a grant should be weighed up with a child's basic right to social security as outlined in the current constitutional Bill of Rights.

While the Justice system needs to put more person-power in correcting the problem, the administration needs to be more effective in dealing with these grants.

Consider the case of Ms. B.W.

"In 1993 Ms BW applied for child support for her 11 year old twins. Father is a pensioner in Ciskei and claims he is not the father. Both parents went to the counter services where he denied paternity yet again. In January 1995 she applied for a Maintenance grant. By August 1994 she hadn't received anything. In February 1995 she was awarded a maintenance grant and received R4168,00 in back pay."

Caseworker Ndileka Madyosi points out: *"another thing that seems to confuse people is the means test because they can't make ends meet with what they are getting, so that is why they apply for a state grant, for an extra income. It is also clear that a lot of people would not reapply if they were given reasons for being rejected."* If these reasons are in writing, the advice seekers persist in finding somebody to explain it to them. However, the current system is not geared to providing reasons - to Black applicants. Another instance of a lack of integration with other departments.

5. Pay/conditions of service

This category has risen surprisingly high this year. We saw 426 cases this year, 74 more than last year. Of these 215 were new cases and 211 were returning cases.

One of the worst culprits in the business world, are security guard employers. They are notorious for not explaining rights to employees, and treat them unfairly as well as not giving UIF cards when requested. It is these cases which have made this category increase this year. Take the case of Mr BM for example:

Esther Zwarenstein reports:

"Mr BM states he worked as a security guard for this firm for six years earning R900,00 per month. He and others were summarily dismissed for allegedly stealing things. Mr M was not aware if he had been paid in full and whether he was dismissed correctly. He does not know if he has been paid leave pay. He states that he did not take leave in all the six years he has worked for them. Mr R. of the company said when contacted, that Mr M had only worked for five years for the company and not more. Mr M. still doesn't know his rights or whether he has been paid out anything. The case has been referred to the Labour department to take up. Mrs M came to see us on her husband's behalf and the case continues as we try to chase up the Labour department's progress."

Wherever possible our caseworkers try to contact the employers and make them aware of their need to inform their employees of their legal rights - particularly with regard to UIF cards, which are mostly not supplied. We also try to educate the advice seeker for the next time s/he gets employment.

6. COIDA

We saw 395 cases this year, which is up by 65 cases since 1994. Of these, 82 were new cases and 313 were cases we'd seen before. The number of returning cases shows the lack of administrative care and integration in sorting out these problems. Our phone bill bears testimony to the long distance calls to Pretoria, which is the place where these queries are (inefficiently) dealt with. The compensation for illness, death and disease is often the money which keeps families alive.

The systems are still working in a disintegrated fashion, as most of the applicants battling with this are black men and women. Women are usually hardest hit, when their men are not able to claim these benefits, as Nomahlubi reports: *"Mrs G. came to see us in connection with her husband's compensation problem. He died in 1991 while working for AH in Alberton. The company paid for his funeral expenses. She was then asked to fill in forms which she did but did not know what those forms were for."*

After a year of waiting for the forms to come back she contacted the WCA office in Pretoria, enquiring about the forms. She got a reply saying she must fill in new forms because the others were incorrectly filled in. We wrote a letter to the WCA head office and helped her to fill in new forms which went to Pretoria. After a long struggle writing letters and phoning we got hold of a Mrs S at the head office who was very co operative."

In December 1994 we received a cheque for her R1,000 and two others in February worth R19,567 and R485,51 which will be her monthly payment. We advised her to open a Bank account so that her monthly cheques should be paid in. She thanked us for all that we did for her saying what if we were not here."

7. Dismissals

We saw 335 of these cases this year, which is down by 236 cases of last year. Of these, 200 were new cases and 135 were old cases. Dismissals are always depressing cases to handle as one is aware that often an entire extended family suffers when this happens. Often they are the results of an employer not working within the framework of the law and employees are often too frightened to take up their rights. The following is an extreme case of unfair labour practices on all fronts:

David Viti reports:

"Mr P.G. started working for the a security firm as a security guard, seven days a week for twelve hours per night, earning R944,00 per month. He was assaulted by a senior inspector while on duty after which he was dismissed without a hearing at the firm, but was re-employed again and was not paid for the number of days that he was off work. When the employer was 'phoned her said that "they do not owe Mr G. anything so what he must do - he must look after his job"."

Our intervention helps on some occasions, especially when we make employers aware of the law, as in the following case reported by Di Andrews:

"Mr ZH quarreled with a 'coloured' colleague at work. A fight ensued. Boss did not ask what happened - just assaulted Mr H with an iron bar, and fractured Mr H's hand and told him to leave. Mr H had worked there for 9 months. He reported the assault to the police station who referred him to another police station with a note. Has heard nothing further. He was not given an unemployment card. Phoned employer: fight not his problem. Says Mr H went to see him on Friday and he gave him R100,00. Says he will do something about the UIF card tomorrow. Urged him to follow up on charge laid."

8. UIF

We saw 289 cases which is 22 cases down on 1994's numbers. We saw 128 new cases and 161 old cases. In this category of cases, both employer and employee are mostly unaware of their rights and often of the existence of an unemployment insurance fund itself. Take the case of Mr JK who was employed by a state department - the police services.

David Viti reports:

"Mr JK last worked in 1990 as a special constable. He states that when he was dismissed he was not given his UIF card. He was only given it last year in October 1994. When he applied for benefits that the time had expired, and he wants to know what to do. "

This fund still does not catch people who are unable to find work - and are not entitled to get a state grant.

David Viti reports:

MR EM (58 years) states that he last worked in December 1994. He says that wherever he goes to look for a job that he is too old. He has received his UIF benefits. Advised him to apply for an extension of benefits."

It is hoped that the RDP will also have spaces for people like this who fall into these "cracks" which the social security system is not able to catch up with at present.

9. Old Age Pensions

it is with some pride and relief that we can report that we saw 251 cases this year which is 91 less than in 1994. We helped 84 new cases and attended to 211 returning cases. We believe that much of this decrease is due to our pressure and meetings with the current administration that has enabled the old age pensioners to receive their grants, and be helped with their queries. We started using the constitution to help applicants claim their entitlement. (See the section on administrative justice)

The following cases reveals some of the runaround the department gives applicants/recipients:

Reported by David Viti and Ndileka Madyosi:

"Mr M.L. (aged 75) had been receiving a pension since 1991. He last received it in July 1994 after he informed the counter services that he wanted his payment method to be changed to a banking account. Since then he has not received anything. Ms M at the welfare department claims that Mr M only collects his money "sometimes". Mr L instructed to fill out a form again for backpay and resumption of his pension. Mr L reports in November 1994 that he still returns to the pay point but receives nothing. In March 1995, Mr L's pension gets reinstated, money has been available and he is assured of backpay. Reports to us in May 1995 that no money is available. In July 1995, on enquiry, the "computer has broken down". By September 1995, the pension was still not available."

After applying the administrative justice clause in the new constitution, Mr Lamani's reinstatement was successful.

It is still very clear to us that the old age pension category is used by pensioners to support other members of their families - as in the following case (which contains housing and crime problems as well!) dealt with by Bastienne Klein:

"A Red Cross Hospital social worker referred a case to us. Ms X's sons had been punished for an offence and her local civic street committee saw fit to punish them even further by demanding that she pay them a monthly amount of money for their crime. She is a pensioner, supporting her grandchild. Furthermore, that particular street committee is still advocating that residents should continue with the rent boycott and she is not paying rent for her council house for fear of recriminations.

We intervened by advising her that she did not have to pay any money of her pension if her children had already been punished. We also made her aware of the consequences of not paying her rent. We also thought of contacting trained mediators from her community who could assist and intervene. Since then the social worker 'phoned to tell me that the case has worked out successfully. She went back to the street committee and argued her case with them. They won't give her payments back, but they are no longer harassing her and she has her pension back for herself."

Administrative Justice

Section 24 of the Bill of Rights in the Interim Constitution

In one of our most positive breakthroughs this year, we used the administrative justice clause to assist advice seekers to either get reasons for refusals for grants, or be awarded the grants.

Ndileka and Cameron report:

"A letter was written to the provincial minister of Health and Social Services, Mr Rassool, by Bastienne. The letter voiced complaints about the way applicant's social grants are administered by their department. We gave them three cases, all OAP, and demanded that they respond within ten working days or else legal action would be taken. We demanded that they either make the payments available or furnish written reasons as to why their applications have been delayed, using section 24 of the Bill of Rights in the interim constitution. The cases were a Mr N., who applied in Jan '95, a Mr L. who applied in Nov '94, and a Ms M. who also applied in January '95.

After four days we were overjoyed to hear that the money was ready and would be delivered to our offices on Thursday the 31st of August. Two representatives arrived with the cheques. They looked a bit embarrassed but we were delighted. On their way out of the office we pointed out to them that the 20 or so people sitting in the Brian Bishop room were all welfare cases, most of whom had queries with their department. They replied, "hmmmmmmmm"!!

We photographed the three recipients as we handed them their money. Everyone was happy. We are now preparing the next cases to send in the same manner."

A visit to the bureaucracy by Cameron and Ndileka revealed details about the way in which Disability Grants are administered. What they discovered was quite alarming.

"On Wednesday the 23rd of August, Cameron and I visited Mrs M. at the CPA offices in Goodwood. Our main purpose was to understand how the procedure in their office works, and to meet Mrs M. in order to improve our relations with her. The meeting lasted for about an hour and a half and she was friendly and helpful. She first showed us their filing system and how it functions. There were 40 000 files there, 2000 of which were waiting to be sent for processing.

She also told us that problems exist with Maintenance Grant cases because the regulations governing decisions are in the process of changing and are very vague. Decisions do not seem to be consistent from one case to the next.

In summary, it became quite obvious that Mrs M. doesn't really understand the system herself and that she has great difficulties working with a computer system that cannot deliver the information needed to answer inquiries. There are obviously big problems at the welfare department."

We intend to continue using section 24 to assist advice seekers in obtaining a fair and just administration.

Local Government

At the last Advice Office workshop we decided not to focus on this issue other than in rudimentary ways. This includes assisting advice seekers to fill in registration forms, educating them on the importance of registering, and doing basic voter education after registration is over.

The staff reported that many people were scared of what impending local government would mean in their own communities and whether or not this level of government could address real community problems..

Nomahlubi reports:

"Our queues are still long by the end of this October. The Local Government video gives rise to quite a few questions and lots of interest is shown by the viewers. People are also worried about the crime rate in the townships and they are not sure whether it's because of the elections or for other reasons. Last week on our way to work, we saw an (uncovered) body lying next to the dumping area at Langa. This was a frightening experience, especially for us Langa residents."

In the Western Cape the elections have been put off until March 1995.

Networking

National Nutrition and Social Development Programme

Somewhere in the dark distant past, we set as one of our objectives, the monitoring of this project. In the recent desperation about destitution Bastienne telephoned the NNSDP offices in Belville and asked for assistance. Nomahlubi, Ndileka and Bastienne met with Patrick Sikweza, who is the field worker for the Western Cape.

The NNSDP seemingly only gives money to NGO's in communities who supply food and other essentials to the destitute. The criteria differ from township to township, and Mr Sikweza has to ascertain the needs after a visit to those applying for help. The three categories which the NNSDP will consider, are: Pregnant and lactating women, Women with children under six years of age, and families in crisis. The nature of "crisis" has not been defined clearly enough; individuals are not considered. All requests for help will be followed up and assessed, but help is not always promised. They are then told of the NGO's in their areas which will help them - soup kitchens, etc, and they are then referred by the NNSDP to those organisations.

Rural Advice Training Forum (RAT)

The only issue which stayed on the agenda this year was that of the updating of the Para-legal manual, and issues around translation and fundraising for it.

The RAT group approached Jutas with the idea of a co-publishing venture. Essentially, Black Sash and LEAP (Legal Education Action Project - at UCT) would be the co-publishers, advised by an editorial committee, consisting of two members of the co-publishers, a writer/researcher, and three other members of RAT. The writer/researcher would be selected by the co-publishers, but employed by Jutas.

After months of negotiating, Jutas have agreed in principle, to the contract which was drawn up to facilitate Advice Offices getting the manual and its updates at cost price. This is a very exciting move as it allows for input into the manual by advice offices, but Jutas get all the schlep work done! The Black Sash Advice Office and LEAP (at UCT) will remain the co-publishers.

Legal Resources Centre

We maintain a wonderful relationship with our local LRC who provide us with the legal backup in our constitutional cases, in particular. They have also remained on the RAT forum and have given us help with the contract for the para-legal manual. We refer many cases to them where they are in the public interest to do so.

Legal Education Action Project

We keep in contact with LEAP with the issues around the para-legal movement and where it is heading to. They are also represented on the RAT forum and are co-publishers of the manual with us. We hope to look at urban training issues with them next year.

Lawyers for Human Rights

Lawyers for Human Rights consulted with us on the issue of access to justice in Boland towns. We participated in the debate with them and the Legal Aid Board in pursuing the goal of getting state funding for para-legals in the Boland. We also did training in social welfare issues for their para-legal training courses.

Advice Offices in the Western Cape

The Western Cape para-legal (Peninsula Advice Office Forum - PAOF) forum was finally launched on 28 April 1995. The Black Sash was invited telephonically - the day before! It was held in Paarl and we are on their mailing list. We have attended some of their meetings where we witnessed the closing down of many advice offices due to lack of funding.

The Pension Forum

We continued to chair and attend these forum meetings, which are liaison between the Welfare services and the pensioners and NGO's. The frustration experienced by applicants is expressed here (sometimes for hours on end) and the state officials have, on occasion - simply broken down with the confession that the system is a mess and they have no power to do anything to change this. They need more staff and more vehicles.

In order to address this problem, Cameron McConnachie initiated a monitoring programme with Ndileka Madyosi and Helena Broadbridge, which entailed visiting all the local pension offices which are still situated and staffed according to racial boundaries. His report is in process, but already reveals that the old "white offices" are overstaffed - with applicants experiencing no problems, and that "coloured" applicants don't experience problems as their Black counterparts do. This information will hopefully inform a constitutional action using the equality and administrative justice clauses, to obtain parity in delivery.

At the forum we heard of the "forensic audit" which was taking place to uncover fraud both by officials and grant holders concerning welfare payments. The NISEC company who is privately contracted by the state (a subsidiary of DENEL who are linked to ARMSCOR) to pay grants, has helped speed up the payments of grants immensely. Despite this, there are still problems with the connections between the help desks which are staffed by the welfare departments. We were also alarmed when we heard that the leaders of the pension committees (about 30 of them) are being paid R100,00 per month for what used to be their "voluntary service". Since then the committee leaders have had nothing but praise for NISEC and the Black Sash has been criticised for their concerns at this arrangement. It weakens the forum's position on possible instances of fraud by NISEC.

We will continue to attend the forum in 1996 and hope to use our monitoring information to inform our course of constitutional action.

Strategic Plan 1996

In our staff discussions it became clear that our plan for 1996 needs to focus on a restructuring of our staff (through job descriptions and reassigning of associates' tasks) with the changing of management structures. Apart from attending to these matters, the following give an idea of what we want to achieve in 1996.

❖ **Space Considerations:** at present, four caseworkers and up to four volunteers per time with a Sharp Xerox machine share one office. There is no confidentiality for advice seekers. Advice seekers wait in a cramped "waiting room" which also houses six filing cabinets. We hope to move into new offices by April 1996. We have shared office space with the National Office bearers and when we move, we may not be moving together with them. While some feel that this will isolate National from the Advice Office work, others feel that it will give the Advice Office more independence.

❖ **Technical Resources:** we hope to have new computer systems in place early in 1996, and we will be going on another learning curve as we manage the new equipment and programmes, and not, the other way around!

❖ **Daily Work:** in order to facilitate our capacity to continue seeing the current growing queue numbers as well as requests for outreach work we are strategising to make the following changes:

- * that caseworkers should not have to work as interpreters, unless in unusual circumstances where the staff deem it necessary;
- * that associates who can speak the language of the advice seeker are welcome to continue with individual casework;
- * that associates who cannot speak the language of the advice seeker could continue with follow-up work, campaigns related to the casework and to the region's other planned campaigns, especially the maintenance campaign; other campaign work could include the proposed outreach work and human rights workshops, which need to be developed, with and for, our current queues;
- * to see all new problems on a one to one basis;
- * to assign follow-up work and the development of a new follow-up system to one job and to make this a full time activity;
- * to assign those who are coming to see us on all future occasions to come to an organised workshop (group work) about their rights on their specific problem;
- * to assign the follow-up worker to report on the progress of their cases to those who come to these group workshops.

❖ Outreach Work:

We are becoming acutely aware of the needs of the peri-urban communities which surround Cape Town. Our advice office has received two written requests and one personal/telephonic request from Site 5 community (which at present has a non-existent government infrastructure), a Sir Lowry's Pass community and the Hermanus community - respectively. All have asked for assistance with rights related information, for example, state grants in particular, maintenance grants. We plan to involve our staff and associates in the following goals:

- * to go out to help people to help themselves to advocate their human rights, in response to expressed requests;
- * to prepare and supervise an outreach worker to respond to requests in a structured manner;

❖ Non-support Maintenance

This region has a project which is Cape Western based. This region is also responsible for co ordinating the Sash work nationally on this issue.

- * **Training Workshops:** in line with the daily AO strategic plan - to see women (first timers) with this problem on a one-to-one basis;
- * for the maintenance caseworker (being extended to outreach worker) to continue identifying women from the queue and from communities who contact us, as potential trainees for maintenance workshop training;

- * to continue monthly training sessions at the Sash offices in Mowbray and to provide transport bursaries for those women who cannot afford those costs;
- * to assist women with workshop costs (hire of hall, rental, etc)
- * to channel the numbers of returning women who appear in our daily advice office queue with this problem to workshops where they live, or alternatively, at our offices;

Maintenance Pamphlet: despite the upcoming commission on maintenance by the welfare department, we will publish the maintenance pamphlet (in 6 South African languages) which deals with why fathers and mothers are responsible for the maintenance of their children. It is aimed at how mothers should argue for their children's right to maintenance, and how to deal with the state's maintenance grant system.

Maintenance Video: the Vukhani Makhosikazi video which is used for local maintenance workshops, needs updating. This video is in National demand, although it only services the Western Cape area. We recognise that it is necessary to produce another video (for National use, encouraging debate on the issue) along very similar lines, in up to six South African languages, using the same process which the Grahamstown Advice Office used successfully for the local government video.

Photographic exhibition:

For the past year, Sash associate Anna Zieminski has, at our Advice Office's request, been documenting the issue of non-support maintenance in Black and White slide film. She has also been following the training programme we have set up, to document the Black Sash's profile in this work. The envisaged result is to have a traveling exhibition of the photographs, with accompanying text in appropriate South African languages.

❖ Administrative Justice Campaign

As our goal for this campaign, we hope to implement the following:

- * all caseworkers to encourage advice seekers to use current section 24 rights in interim Bill of Rights;
- * use constitutional action, if necessary
- * using the current law in conjunction with the constitution to achieve administrative justice in individual cases;
- * use casework to feed into the national campaign

❖ Unorganised Labour (Sub-contractors)

Our advice office sees many workers with problems with sub-contractors, who deny them most of their rights. Two associates have chosen to work on this project with the following goals:

- * to correct malpractice by sub-contractors in the Western Cape;
- * to become more knowledgeable about the labour market and to lobby firms who employ sub-contractors and others (especially those who take no responsibility for their labourers);
- * feed results into the National Labour campaign;
- * learning more about up and coming and existing legislation (SMME bill) through Alison Tilley and Legi-watch;
- * writing up report on evidence, to be used for interviews with employers and chambers of commerce and industry;
- * interview the labour department re: what is happening in the industry;
- * interviews with building contractors & metal industry employers/people who employ sub-contractors;
- * draft a leaflet to go out to all labour intensive employers;

❖ Income Retrieval

We hope to continue projects which could benefit the region financially and involve associates, by doing the following:

* ongoing sales of the commemorative cloth, reviving the t-shirts, wrapping paper and other creative items. These could be used in publicity drives (e.g. at craft markets) or at other Sash occasions;

Conclusion:

The new government has given the voteless the vote. But the power of this GNU still lies in the hands of an apartheid administration with no sense of urgency of the need for integration of a fragmented system based on the colour of one's skin. To be made whole, means that all racial groups need to be incorporated into a system that works for the good of the whole. This is what the Black Sash Advice Office has been striving for.

Overheard in the corridors of "power": Noma reports:

"The other day a woman came and asked "Hey, vertel my what is so special about 5 Long Street Mowbray? Because at coloured affairs corridors mense praat baie van julle mense""

The staff and associates of the Black Sash are very special people. They stare into the reality of the underlying legacy which Apartheid has left us with: poverty; and they believe that people have the right to be assisted in their survival - where Apartheid has systematically squeezed them out.

We believe that the Black Sash will continue to give them something to talk about - for a long time to come!