

SEX WORK PROJECT PRACTICE DIRECTIVES

1. HOURS

Paralegal must work eight hours a day, in total 40 hours per week. This includes four hours in the office and 4 hours participating in outreach.

1.1 Day Outreach

CT: Day outreach consists of 4 hours and is often from 11 am – 3 pm. Therefore paralegals are required to be in the office from 7 am – 11 am BEFORE they participate in day outreach.

JHB: Day outreach consists of 4 hours and is often from 12 pm – 4 pm. Therefore paralegals are required to be in the office from 08 am – 12 pm BEFORE they participate in day outreach.

1.2 Late

It is the duty of a paralegal to ensure that she is on time for work every day. If you will be late, you need to report to your attorney as soon as possible.

1.3 Absence

If you are ill and unable to attend work, paralegals should inform the attorney an hour before you are expected at work, unless it is due to a justified emergency. A sick certificate and relevant leave form should be submitted when you return to work.

2. OUTREACH

If WLC is participating in a partner organisation's outreach schedule, one paralegal in CT and JHB will be designated to assist the attorneys with the outreach schedule. The designated paralegal will follow up with SWEAT every Monday morning BEFORE WLC debriefing to confirm that outreach will take place, whether day or night, and to check if

there are any changes in the schedule. This will be reported to the attorneys during debriefing.

Attorneys are required to attend at least 1 day and 1 night outreach per month, with the paralegals.

3. HELPLINE PHONE

The paralegal must maintain and attend to the 24 hour helpline phone 7 days a week. This includes the weekend shift. Once the week is complete, hand the helpline phone as well as the charger to the next designated paralegal. Before handing it over, ensure that the helpline phone has sufficient airtime. If debriefing did not happen, it is the paralegals responsibility to hand it over to the next person.

3.1 Helpline Phone Responses

The calls must be answered immediately. If a call is missed, the paralegal must call back within 10-20 minutes. Paralegals must respond to text messages as soon as possible. If the client does not answer the phone, you are required to either leave a voice or text message which will notify the client of your intention to contact her/him.

3.2 Helpline Phone Record

Helpline phone record must be submitted to Stacey-Leigh Manoek every Monday morning. The paralegal must record all text messages and phones calls both outgoing and incoming.

4. QUESTIONNAIRE

A questionnaire exists for each cited law. Whenever legal advice is asked, the paralegal must fill out a questionnaire. Before proceeding with the questionnaire, consent must be signed and explained to the client. In addition, ensure that the contact details are clearly written next to contact information including name, address, phone number and email if available. If the client does not have a cell phone and stable address it is your responsibility to obtain the details of the next of kin.

4.1 Consent

The consent is at the bottom of the questionnaire and looks like this:

<p>Assent / Confidentiality</p> <p>Does the source give his/her assent to share the information (with the authorities, the media)?</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Can the source's name be used?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is it necessary for any information to be confidential?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Until when? Why?</p>

This form MUST be completed. It is important to show that we have permission to use and share the client's information for our purposes and so that we are able to assist her. If you consult with the client in person, please ask her/him these questions and let them sign at the bottom. If you consult with a client over the telephone, read out these questions and write at the bottom that you read it out to client and she/he understands and consents.

4.2 Questionnaire Procedure

1. Submit the new questionnaires to the secretary for a reference number.
2. Place the questionnaire in the attorney's "new questionnaires tray" at the beginning of each day.
3. The Attorney will contact the client and will either provide advice or written instructions.

4. The attorney will complete the “Work to Be Done / Follow up” form with clear instructions for the paralegal to follow up.
5. The attorney will place the questionnaire back in the Admin “update database tray” at the end of each day.
6. The administrator will update the database and will give the questionnaire to the paralegal with the attorney’s instructions.
7. If further instructions are given, the paralegals must attend to these instructions on the questionnaire.
8. Once a follow up is conducted, the paralegals should engage with the attorney so that she can seek further advice on the way forward.
9. All follow ups will be recorded NEATLY in file notes and attached to the questionnaire.
10. After a follow up is conducted and after the attorney has looked at the file, step 6 above will be followed in order to update the database.

4.3 Legal Advice

It is the responsibility of the paralegal to ensure that she provides the CORRECT legal advice to the client. In order to maintain our standards and to monitor the legal advice that is given to clients, we require the paralegals to list the legal advice that they gave clients in the relevant section of the questionnaire. If paralegals are unsure of the answer to a legal question, please research this and double check it with your supervising attorney.

4.4 Collate questionnaire and submit to partner organisation

It is WLC’s responsibility to ensure that our partner organisation, namely SWEAT receives a copy of all the questionnaires, where the client has consented that we can share her/his information with SWEAT. At the end of each month, paralegals should complete the “Sweat reporting template” and share with the partner organisation.

5. COURT ATTENDANCE

The Women's Legal Centre mandate is impact litigation. This means that we will only take on cases that will change the law, develop the law, and delete discriminatory laws, etc, that is in the interests of all women in South Africa. This means that in the sex work project we particularly focus on cases that involves violence against sex workers, health related discriminatory cases, and unfair labour practice cases. We would like to assist ALL sex workers who are in the court system, and this will be determined on the merits of each case.

When paralegals consult with clients who have to attend court, it is the paralegals duty to ensure that the client consults with an attorney at least 2 weeks before the court date.

The law, as it stands, only permits attorneys to represent clients in court. Therefore it is the attorney's responsibility to ensure that the clients have legal representation when they attend court. When the WLC decides on the merits, that we will not be able to legally represent a sex worker in court, paralegals will provide the court support to client. Court support means that you are there for the client emotionally and to answer any questions the client may have, NOT TO REPRESENT THE CLIENT before a prosecutor or magistrate.

When a paralegal or attorney attends court, the court attendance report must be completed. The file must then be handed to the administrator to update the database and to file. There should be 2 copies of the court attendance report: 1 for the questionnaire and 1 for the court attendance file.

All court attendances will be recorded as a calendar note. Paralegals should inform the administrators who will send the calendar notes to the paralegals and attorneys.

5.1 Appearances for fines

Women's Legal Centre will monitor implementation of by-laws. Paralegals will provide court support. Paralegals are not there to represent clients but to provide support them.

5.2 Process of court support regarding fines

1. Explain procedure to the client when completing the questionnaire
2. The week before the court date, the paralegal must follow up with the client to secure the clients attendance to court.
3. On the day of the court date, assist clients in completing the written representation form.
4. Complete court attendance form.

6. MAKING APPOINTMENTS WITH CLIENT / ATTORNEY FOR CONSULTATION

If a paralegal receives an instruction from the attorney to make an appointment with a sex worker. The following process should be followed:

1. Liaise with attorney and ask for her available dates and the length of the expected consultation. It is also preferable if the paralegal who consulted with the client also attends the consultation;
2. Contact the client to ask if the client is available. Record this interaction in a file note and remember to attach it to the questionnaire.
3. If the client agrees to the date, send the attorney a calendar note which will confirm the appointment.
4. A few days before the consultation, remind the client of her appointment with the attorney.
5. A day before the consultation, the paralegal should take out the questionnaire and put it on the attorney's desk.

7. COMMUNICATION

Paralegals must be able to communicate in a clear, understanding and respectful manner. Welcome people in a respectful manner. Give them undivided attention when they are telling their stories. Show empathy and understanding of their circumstances. Present advice seekers with options to solve their problems.

7.1 Verbal communication

Paralegals must refrain from swearing or using any abusive language.

7.2 Email correspondence

Paralegals must always CC project managers or supervising attorneys on all emails.

7.3 Written correspondence

Paralegals are not allowed to sign legal documents or letters. Prepare the letters and give it to the attorney to sign.

8. STATEMENTS

If the facts in a questionnaire can be used for an impact litigation case, the paralegal must transfer the information to a statement and submit it to the attorney as soon as possible. For information on how to draft a statement, refer to the paralegal manual.

9. BAIL

When proceeding with bail, the paralegals must retrieve the full names and address in the first consultation. If you receive the instruction via SWEAT helpline or peers or the client contacts the WLC helpline, it is the paralegal's responsibility to ensure that she obtains the client's full name, contact information and next of kin. When paralegals receive a query, the paralegal must:

1. Go to the police station
2. Identify the individual
3. Request to speak with the specific sex worker
4. Explain to the sex worker his or her legal rights
5. Retrieve address details as well as required information for the bail application
6. Speak to the Investigating Officer (IO) regarding the possibility of obtaining
7. Ask to release the client on a warning
8. Notify an attorney immediately
9. Submit a bail application form and a questionnaire as soon as possible. Make 2 copies of the bail application form, 1 must be attached to the questionnaire and the other must go to the bail application file.

10. TIME SHEETS

Paralegals must sign in and sign out on the time sheet every time they enter or leave the office.

11. WORK REPORTS

Paralegals must submit their completed work reports on the 25th of every month.

12. REFERRALS

WLC often receives clients via referral from SWEAT helpline or a peer educator. When we receive a referral, it is the paralegal's responsibility to ensure that we receive the referral form that has all the details of the client. When the paralegal consults with the client, you will complete a questionnaire and attached a copy of the referral form that we received from the helpline counselor or peer educator. Should the paralegal or attorney wish to refer the client to another service provider:

- you will complete the referral form,
- make an appointment for client,
- inform client of the appointment and
- follow up with client thereafter to see if she/he was duly assisted.

13. CREATIVE SPACE

Paralegals must host legal clinics, and prepare topics to present at creative space. Paralegals must complete the forms (creative space form, attendance register and evaluation forms with clients) and submit them to the attorney the following day. It is advisable that at the debriefing with SWEAT during the week of creative space, that you engage with them on the topic for creative space.

14. ADVANCE CLAIMS

If money is required in advance to travel to a client, one must complete the request form/ travel remittance form. Submit the form to the Attorney to allocate the budget line item. Hand the forms to the admins.

15. EXPENSE CLAIM

Expenses must be approved in a memo before it is claimed. Complete the expense claim form and submit it with proof of the expense. Hand the expense form to Stacey-Leigh Manoek to approve. Once it is approved then forwards it to the admins.

Name and Surname:			Date:		
Line Item	No. of Days	Per Diem rate	Amount	FUNDICENT PROJECT ALLOCATION	Expense attached
Toll fees			-		Yes No
Parking			-		
Taxi/Bus/Train fare			-		
Transfer			-		
Accommodation			-		
Travel Stipend - See workers			-		
Catering			-		
Telephone - Airtime <input type="checkbox"/> Data <input type="checkbox"/>			-		
Per diem			-		
Other - give details			-		
Other - give details			-		
Other - give details			-		
Other - give details			-		
			TOTAL	-	
REQUESTED BY:					
Applicant Signature			Date		
CHECKED AND REVIEWED BY					
Manager			Signature		Date
AUTHORISED BY:					
Director			Signature		Date

16. LEAVE FORM

All leave is calculated from the month of appointment of the Employee. The following categories of leave shall apply to annual leave, sick leave, maternity leave in the case of birth, maternity leave in the case of miscarriage/adoption, partner leave, family responsibility leave, unpaid leave, compassionate leave, study leave, sabbatical leave.

APPLICATION FOR LEAVE OF ABSENCE

Surname		Name		
Employee Code	Position			
Address during the Leave Period		Permanent Employee	Yes <input type="checkbox"/> No <input type="checkbox"/>	
WLC Office				
Date From		Johannesburg		
Leave Credit (HR)	Week	Use	Additional to leave credit (week)	
File No.				
SECTION A: For Periods covering full day				
TYPE OF LEAVE (TAKEN AS WORKING DAYS)		Start Date	End Date	Number of Working Days / Hours
Annual Leave	(Provide 3 weeks advance in case of more than 1 month in advance)			
Normal Sick Leave				
Unpaid Leave	(Provide Motivation)			
Family Responsibility Leave	(Provide Evidence)			
Study Leave	(Provide Evidence)			
Partner Leave (Child Birth)	(Provide Evidence)			
Overtime Compensation	(Max 2 days per month) - (Provide Evidence)			
TYPE OF LEAVE (TAKEN AS CALENDAR MONTHS)		Start Date	End Date	Number of Calendar Months
Maternity Leave	In the case of birth			
	In the case of miscarriage			
	In the case of adoption			
I hereby certify that I have acquainted myself fully available leave credits and with the rules governing the leave I have applied for. Further, I am certifying that the information provided is correct and that I have provided all the information in this regard to my supervisor.				
EMPLOYEE SIGNATURE		DATE		
Recommendation by Manager/ Director (Mark with X)				
Recommended	Not Recommended	Rescheduled		
REMARKS (If not recommended please state the reasons & the dates in the case of re-scheduling):				
MANAGER/DIRECTOR NAME		SIGNATURE		
Approval by Director / Chairperson of the Trust (Mark with X)				
Approved With Full Pay	Approved Without Pay	Not Approval		
REMARKS (If approved with a change in condition of payment or not approved, please provide motivation):				
DIRECTOR/CHAIRPERSON OF THE TRUST SIGNATURE		DATE		

* Applications in respect of sick leave of two or more days must be accompanied by a medical certificate issued by a registered medical practitioner. SICK / WLC RULE Leave taken within 6 weeks of previous leave must be accompanied by a medical certificate.

17. DEBRIEFING

Every Monday, paralegals must be available for debriefing. Debriefing can take up to an hour at the WLC and another hour for of debriefing at SWEAT, our partner organization. During the debriefing, the challenges, cases, and plans for upcoming activities will be discussed. All WLC paralegals should attend the debriefing at our partner organisation and Monday afternoon should report back to the attorney. At the debriefing all weekly forms such as the outreach form, telephone form, creative space form, bail application forms and court attendance forms should be printed and handed to Stacey-Leigh Manoek. For JHB, please scan and send these to Stacey every Monday morning. All paralegals will be required to sign the form showing that they submitted the forms.

When WLC paralegal attend the Sweat debriefing, you have to inform sweat of any court attendances or activities that we will be engaged in for the week that they may want to participate in. Paralegals will rotate with minute taking at the debriefing and will submit it on the same day to the attorney. The attorney will email the minutes to sweat weekly.

18. PROJECT MEETING

Paralegals must attend a project meeting every 2nd Friday for an hour.

19. OVERTIME

Paralegals will get time off in lieu of overtime. Before a paralegal works overtime, she needs to obtain permission from Stacey-Leigh Manoek, by submitting a memo for approval that will include information on the reason for the overtime and the expected outcome. Overtime must be recorded on the overtime form. When paralegals want to use overtime, one must complete the leave form and indicate that it is coming from overtime.



EMPLOYEE NAME AND SURNAME: _____
EMPLOYEE CODE: _____ MONTH: _____ YEAR: _____

DATE OF OVERTIME	REASON FOR OVERTIME	PERMISSION OBTAINED (YES/NO (Attach Proof), IF NO, WHY?)	TIME IN	TIME OUT	TOTAL NUMBER OF HOURS	DAY - SUNDAY / SATURDAY / PUBLIC HOLIDAY / OTHER?

EMPLOYEE SIGNATURE: _____ DATE: _____
MANAGER: _____ SIGNATURE: _____ DATE: _____
DIRECTOR: _____ SIGNATURE: _____ DATE: _____

1. Overtime must be worked by agreement with the Employee and the Director
2. Overtime will be paid one and a half times the Employee's wage per hour for overtime worked.



WOMEN'S LEGAL CENTRE
OVERTIME RECORD FORM

EMPLOYEE NAME AND SURNAME: _____
MONTH: _____ YEAR: _____

DATE OF OVERTIME	REASON FOR OVERTIME	PERMISSION OBTAINED YES/NO (Attach Proof, if NO, WHY?)	TOTAL NUMBER OF HOURS / DAYS	DAY - SUNDAY/ SATURDAY / PUBLIC HOLIDAY / OTHER?

EMPLOYEE SIGNATURE: _____ DATE: _____
MANAGER: _____ SIGNATURE: _____ DATE: _____
DIRECTOR: _____ SIGNATURE: _____ DATE: _____

20. PERFORMANCE ASSESSMENT

Disciplinary action become necessary when Employees fail to maintain standards of conduct and performance in accordance with their requirements, their contracts of employment, and the Centre’s Human Resources Policy and other applicable WLC Rules. Such action is designed to be corrective and to improve conduct or performance. Disciplinary procedure will be followed for the discipline of Employees whose work performance or behavior is unsatisfactory unacceptable or unlawful. In order to assess the paralegals’ ongoing work performance, she is expected to attend a performance assessment with Stacey-Leigh Manoek every quarter.

21. TRAINING

Paralegals should be trained by the attorneys once a month. Paralegals should inform the attorneys of the topic that they would like to focus on at least 2 weeks before the expected date of training. Where opportunities for training present itself at other organisations, is the paralegal’s duty to inform the attorneys timeously. Should the WLC become aware of training opportunities for paralegals, we will inform you and give you the opportunity to attend.

22. ATTENDANCE AT MEETINGS ON BEHALF OF WLC

Often paralegals will be asked to attend meetings on behalf of the WLC. At these meetings, paralegals are expected to act with the highest professionalism and will respect the opinions of others in these spaces. After the meeting, the paralegal is required to submit a written report and submit it to the attorney. This should also be recorded in the paralegals' work report. All materials collected at the meeting, should be shared with all and should be filed in the library.

23. MAINTAIN THE SEX WORK PROJECT SHARED FOLDER

The sex work project shared folder contains information relevant for all staff of the project. You are allowed to insert information in the folder as you deem fit. When saving documents ensure that you are inserting it into the correct folder and that when you save it, it is saved as follows: day, month, year and name of the document, e.g. 040515 Statement of XX.

24. PICTURES

Pictures are important to advertise our project, use in presentations, in our annual reports, research reports and newsletters. If staff of the sex work project takes pictures at creative spaces, special events, marches, court, of bruises where a sex worker was assaulted, you are required to OBTAIN WRITTEN consent of the sex worker whom you are photographing. No pictures can be published without the express consent of a sex worker. These pictures will be filed in the "Pictures" folder of the shared folder, create a new folder for the event and include the date.

END