



Human and Social Sciences: HSSC4

LESSON 11

Unit Standard: 115477 SO3

Week Ending: 26

Theme: The role of advice offices in respect of social justice.

Topic: The role of advice office in making social justice accessible.

Introduction

I wish to welcome you again in our HSSC4 lesson. We are continuing with our previous unit standard on the structures supporting democracy. I hope you still remember that social justice, human rights and democracy are fully supported by structures such as the Public Protector (**PP**), South African Human Rights Commission (**SAHRC**), Commission for Gender Equality (**CGE0**), Auditor –General (**AG**), Independent Authority to Regulate Broadcasting (**IAB**), as well as Protection for the promotion and Protection of Cultural Religious and Linguistic Communities. However, our focus will not necessary be on the structures stated above but on the role of advice offices in making social justice accessible.

It is important to note that issues that advice offices deal with include: *abuse of women, justice, consumer rights, maintenance, farmworker's rights, housing rights, land rights, children's rights, farm evictions, social security, child abuse, labour rights, domestic violence and social grants*. What then are the different types of advice offices?

Different types of advice offices

You will remember that our democracy promotes social justice. Remember that social justice is the idea that everybody should have justice in every aspect of life. There should be fair treatment and equality to all. You need to be aware of your rights so that you know whether those rights have been violated (denied /not respected) or not. If your rights have been violated, it means you have not been fairly treated. You will therefore, need to report them to the office within your community. You therefore, need an advice on what to do if you have been unfairly treated. You will have to get to the **Community Advice Offices** (CAO).

Community Advice Office.

They are small community based organisations that offer (give) free basic legal and human rights information to poor people whose rights have been violated. They deal with labour issues, domestic violence and civil claims (e.g. claiming money from another person)etc. A poor woman who lives with an abused husband may report him to any CAO that deals with abuse matters. The woman may be advised to seek legal help or to get a court order (court interdict) against her husband. If the problem needs legal help (the court has to be involved), the woman may get to the **Legal Aid Clinic**.



Legal Aid Clinic.

A Legal Aid Clinic is a paralegal office. In South Africa, legal Aid clinics are set up by various universities. They are run by a trained attorney with senior law students from the university who work in the clinics as part of their training. They provide legal services to very poor people who cannot afford a lawyer. Before help is provided to the person who has wants to open a case, the person has to pass a '**means test**'. A means test is a test (investigation) to prove how much a person earns.

Advice office and the legal System

A **Paralegal** is a person who has basic knowledge of how the law works. A paralegal is not a lawyer (attorney) but works closely with lawyers. He/she knows how to solve problems. The most important work of the Paralegal is to put people in touch with the right assistance to help them. This could be a government department or NGO that specialises in that area such as child welfare, the CCMA, organisations against women and child abuse or the maintenance officer of the court.

The abused woman will then be told of her rights that have been violated. She may also be assisted get a lawyer. If somebody has occupied your place and you want him /her out (evict), the Legal Aid Clinic will have somebody as a paralegal who will help you to get an eviction letter from the court. If you have problems with your employer, the paralegal will help you to get your problems solved with the help of the CCMA (Commission for Reconciliation, Mediation and Arbitration). **Mediation** is getting people who are arguing to get together to settle their differences (make peace) by themselves and reach an agreement. **Conciliation** is getting people to settle their differences but with the help of the conciliator.

These occur after the two parties have reached a deadlock. **Deadlock** means that after trying to negotiate, the two parties still can't solve the problem. A legal disagreement that is settled in an easier and cheaper way with the help of lawyers or Paralegals without going to court is called **Arbitration**. The arbitrator acts as judge to decide the dispute (disagreements). Under the Labour Relations Act (LRA), the arbitrator is the commissioner from CCMA or Bargaining Council. After hearing what both parties have to say, the commissioner can make a ruling that is legally binding and must be accepted by both parties.

Activity



- 1.1 Name the Advice Office represented on the picture.
- 1.2 What kinds of people are being assisted? Give evidence from the picture.
- 1.3 The Advice office is a paralegal. What is paralegal?
- 1.4 What role do you think is the paralegal performing?
- 1.5 Name any two rights that are commonly violated to people on the picture.

I hope you will continue to study! Study! and study.....! See you again in lesson 12

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Google, pictures.