

IN THE LABOUR COURT OF SOUTH AFRICA

HELD AT DURBAN

CASE NO: D529/11

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The matter between

ANTHONY, ROBIN BRINK

Applicant

and

LEGAL AID SOUTH AFRICA

Respondent

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**RESPONDENT'S REPLY TO APPLICANT'S PRE-TRIAL ISSUES RAISED AT A  
PRE-TRIAL CONFERENCE HELD ON 26 OCTOBER 2011**

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**ISSUES THE RESPONDENT UNDERTOOK TO REVERT ON IN TERMS OF THE  
PRE-TRIAL MINUTE DATED 26 OCTOBER 2011**

**1. AD CONFIRMATION OF THE DATA AND PERCENTAGE CALCULATIONS  
OF LASA'S STAFF COMPLEMENT**

- 1.1. The Applicant requested that the Respondent confirm or deny the correctness of a summary of data extracted from the 2009/2010 and 2011 Annual Reports relating to 'TOTAL ESTABLISHMENT AND

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Funding Budget Proposal (page 67 item 7) annexed hereto and marked LA2.

**Para 5 of the PTA: Transfer of Northern Cape Senior Litigator Post to Mthatha**

- 2.4. The Respondent annexes hereto an extract of a resolution of the meeting of the Legal Services Technical Committee dated 24 March 2010, (as annexure LA3), read with the minutes thereof dated 24 March 2010 (page 4 item 4.1.7.) which resolved to transfer the Senior Litigator Post: Northern Cape to Mthatha.

**Para 6 of the PTA: the budget for Senior Litigator posts both filled and vacant**

- 2.5. The Respondent annexes a document indicating the Respondent's Budget allocation for the Senior Litigator posts both filled and vacant marked LA4.

- 2.6. The Respondent avers that there was no re-allocation of any budget between cost centres.

**Para 7 of the PTA: the Salary of a Senior Junior Professional Assistant**

- 2.7. The Respondent does not have the position of a Senior Junior Professional Assistant in its establishment.

31. Ad Paragraph 31.

31.1. Agreed.

31.2. It was Mr Nair who gave out the said instruction. This was, in any event, congruent with the cost cutting measures that the Respondent had begun including but not limited to the review of all recruitment processes.

32. Ad Paragraphs 32 and 33.

32.1. Agreed.

33. Ad Paragraph 34.

33.1. Disagreed.

33.2. The Respondent explained its silence regarding the entire process around that time and the decision to abort the recruitment was not taken a few weeks after the interviews in November 2009 but in July 2010 after the Board meeting.

34. Ad Paragraphs 35 and 36.

34.1. Agreed save that the recruitment process was not aborted a couple of weeks after the interviews.

34.2. The two persons referred to herein were eliminated early in the selection process and were not recommended for the second round of interviews. Accordingly, they were not entitled to any information that pertains to the second round of interviews.

46.1. Disagreed.

**Ad Paragraph 53.**

47.1. Agreed.

**Ad Paragraph 54.**

48.1. Disagreed.

48.2. The CEO only sought clarity as to the delay in handling the Applicant's application.

**Ad Paragraph 55.**

49.1. Disagreed.

49.2. The Applicant will have to prove this allegation.

**Ad Paragraph 56.**

50.1. Agreed.

**Ad Paragraph 57.**

51.1. Agreed save to clarify that District and Regional practitioner posts are not necessarily "Junior posts."

**Paragraphs 58 and 59.**

52.1. Agreed save to say that it was inherent in Brian Nair's responsibilities to inform candidates that the process has been aborted.

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v/v