

Effective as from 1 January 2017

PRIVATE WORK POLICY

1. General

DEFINITION: "Private work" is work that potentially falls within the remit and ambit of the work undertaken by the Legal Assistance Centre (LAC), alternatively work which requires a level of commitment which could potentially impair services rendered to the LAC and which is subsequently undertaken by an employee of the LAC after application and approval under this policy.

- 1.1 Private work is allowed by the LAC to develop the expertise and interest of staff members in work that is not generally undertaken by the LAC.
- 1.2 All employees undertake to deal with private work in an open and transparent manner and with a high degree of loyalty and good faith towards the LAC.
- 1.3 Private work which would fall within the mandate of the LAC and is being contemplated by an employee must first be offered to the LAC. Employees who are unsure as to the applicability of this proviso are encouraged to discuss this issue with the relevant Coordinator or the Director.
- 1.4 No employee should submit a quotation, offer, expression of interest, communication or tender for private work which could potentially be in competition to the LAC. It is specifically recorded that in the case of a tender, the relevant work must first be offered to the LAC by the employee prior to the submission of the tender by such employee.
- 1.5 Employees of the LAC are to ensure that the interests of the LAC are served professionally and are not detrimentally affected by an employee doing private work.
- 1.6 Any private work undertaken may not be contrary to the overriding interest of the LAC and should not be contrary to the mission statement and values of the LAC. Any breach will warrant strict disciplinary action. In the event of disciplinary action being taken under this policy, the employee charged will not be permitted to undertake any private work until such disciplinary proceedings have been finalized.
- 1.7 No private work should be undertaken in circumstances where, in the opinion of the Director, such private work could create a conflict of interest between the relevant employee and the LAC.



- 1.8 It is specifically recorded that *pro bono* private work done for staff members or friends or family of staff members, whether litigious or non-litigious, may only be done with the express permission of the Director (or in case of such private work done by the Director, by the Chairperson of the Board of Trustees or his or her nominee).
- 1.9 Should an employee be found guilty in a disciplinary hearing of doing private work without the necessary permission, a possible sanction may be that such employee is banned forthwith from doing private work whilst employed at the LAC alternatively for a specific period of time. Such sanction is specifically within the discretion of the Director or the Board of Trustees and is in addition to any other sanction prescribed by the disciplinary hearing.
- 1.10 If a specific unit has private work available which could be done by an employee in another unit within the LAC, such private work will only be offered to such individual in his/her personal capacity and not to his/her unit, if his/her coordinator does not require such private work to be done by the individual for and on behalf of the unit, for considerations of the financial situation of the employee's unit.

2. Maximum working days allowed

- 2.1 Employees undertaking private work can do same during annual leave periods. It is specifically recorded that private work may not be undertaken during working hours.
- 2.2 Employees who are eligible for sabbaticals may utilize such sabbatical period for private work. All other employees shall on application to the Director be allowed a maximum of 10 days unpaid leave per annum to undertake private work. This unpaid leave is not an entitlement and may only be taken with the prior consent of the employee's direct Coordinator and the Director.
- 2.3 Private work can also be undertaken after hours and during weekends provided that this does not impact negatively on the employee's services to the LAC.

3. Application procedure

- 3.1 All employees shall apply to Director on the prescribed form attached for permission to undertake any form of private work and the Chairperson of



the Legal Assistance Trust shall grant permission to the Director to undertake private work.

- 3.2 Consent to do private work will always be subject to the demands of the workload of the office.
- 3.3 Any employee aggrieved by any decision taken in terms of this policy, may appeal such decision to the next level of management, be it the Director or a Trustee.

4. Use of LAC equipment and facilities

- 4.1 All employees engaged in private work shall complete such work outside of normal working hours and shall ensure that it does not interfere with the normal LAC operations.
- 4.2 The Director may permit the reasonable use of LAC facilities and equipment, with the exception of vehicles, at a reasonable cost and on terms and conditions which shall be determined by the Director.

5. Validity of private work policy

It is specifically recorded that this private work policy will be reviewed after a period of two years has passed from the date of inception and every two years thereafter.

APPROVED BY THE BOARD OF TRUSTEES ON 9 DECEMBER 2016



APPLICATION TO UNDERTAKE PRIVATE WORK

Name:

Department

I hereby apply for permission to undertake the following private work:

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under the following terms and conditions:

Topic:.....

Duration:.....

Dates:.....

Interest to the LAC?.....

If there is interest, please motivate why you should be permitted to proceed.

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Use of office equipment requested:

Computers..... Photocopies..... Other

Sabbatical period remaining / unpaid leave days remaining.....

Signed:..... Date:.....

Signature by Coordinator to indicate support of application :

Approved/Declined..... Date:.....

