



# KNOW THE LAW

The superior newsletter from Clientèle Legal



Farhana Aliass – Actual client

# Labour matter? Call your lawyer.

“When I came back from leave, I was called into a disciplinary hearing and given a final written warning. Just like that,” Farhana Aliass says. “There was no negotiation process or a chance for me to respond. On top of that, my employers tried to bully me into removing myself from my union duties. It was harrowing. If I wasn’t a Clientèle Legal member, I don’t know how I would have handled it myself.”

Wisdom Chauke from Clientèle Legal explains that “Farhana’s case was referred to the CCMA but conciliation failed. We appointed specialist labour attorneys to guide her through the Arbitration proceedings. Her disciplinary hearing was found to be both substantively and procedurally unfair. This means that the charges laid against her did not have substance and that they followed the incorrect procedure during her disciplinary hearing. We negotiated a settlement amount and the employer had to make an undertaking to refrain from victimizing our client in future.”

Farhana says she would recommend the services of Clientèle Legal to anyone: “There is justice in South Africa. Just pick up your phone and call Clientèle Legal.”

## LAWYER’S TIP

“An unfair labour practice must be reported to the CCMA / Bargaining Council within 90 days of becoming aware of the incident.”



Wisdom Chauke  
Clientèle Legal

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# Keeping your credit record clean

1



**All of us have the right to receive one free credit report in a twelve month period.**

Simply contact one of the Credit Agencies, such as TransUnion, Experian or XDS and they will give you your credit record. It is important to have a clear credit record that reflects good financial behavior otherwise bad debt might get you blacklisted. Many suppliers have access to our credit records and they can refuse to sell you something if they believe you won't pay them back.

2



**If you have been unfairly blacklisted because of a faulty report by a credit bureau, contact your lawyer.**

They will advise you on how to lodge the dispute and prove that your debt has been paid off and your record will be cleared. This must be done within 3 months of receiving the credit report.

3



**Most importantly, keep your credit record clean.**

If you think that you may not meet your payment obligations to your creditor, you should call them and attempt to negotiate a new payment plan.

## THE LIGHTER SIDE



### HEARD IN COURT

**Attorney:** Can you describe the individual?

**Witness:** Yes, he was medium height and had a beard.

**Attorney:** Was this a male or a female?

**Witness:** Guess.



## IN THE NEWS

# WATER CRISIS! RENTAL CRISIS?



The current drought in parts of the country and the resulting water restrictions have had an unexpected impact on the landlord and tenant relationship. Clientèle Legal received queries in which tenants ask whether they can hold their landlords accountable if the pool does not have water in it, for instance or the garden sprinklers have been switched off and their vegetable patch dies.

It is important to understand that a natural disaster, like a drought, is considered an 'Act of God' and no one can be held responsible for it. Therefore, a tenant would not be able to cancel their lease based on breach of the landlord's obligations, nor will they be successful in referring their landlord to the Rental Housing Tribunal for the termination of water when the restrictions are in place.

The landlord may not charge the tenant for any services that they cannot provide because of water restrictions such as access to a pool if it is not going to be filled, or for an automated sprinkler service.

If the lease agreement requires the tenant to maintain the garden or pool, the landlord cannot hold the tenant liable in the case of a drought where the water restrictions prohibit the use of

municipal water for those purposes, as he/she would be requiring the tenant to transgress the municipal by-laws.

If a landlord receives a fine for overuse of water, or the municipality orders a water management device to be installed on the property due to a tenant's non-adherence to water restrictions, he/she may be able to claim the costs from the tenant.

## TIP

If you are in an area with water restrictions, discuss the implications with your landlord and work together to save water.





## DID YOU KNOW?



**Clientèle**  
LEGAL

## We process about 10,000 new claims every month!

That means thousands of South Africans get affordable, professional legal assistance with their civil, criminal or labour matter.

**“You can now get up to R415,000 worth of superior legal services per year.”**

## LETTERS FROM OUR CLIENTS

### “DEAR CLIENTÈLE LEGAL”

*“I was defrauded at an ATM and the bank refused to refund all my money. I contacted Clientèle Legal and I got my money back. It was one man and his lawyer against a big bank – and I won.”*

*Shad Ketise*

*“Clientèle Legal helped me with my divorce. They were quick, tough and professional. I definitely got value for money. I did not pay anything extra, just my monthly premium.”*

*Laura Koen*

#### Clientèle Legal contact information

Tel: 0860 004 529 • Fax: 011 320 3133 • Email: [lawyers@clientele.co.za](mailto:lawyers@clientele.co.za) • Website: [www.clientelelegal.co.za](http://www.clientelelegal.co.za) • Mobisite: [www.clientelelegal.mobi](http://www.clientelelegal.mobi)

**If you would like to receive this newsletter send an e-mail to: [knowthelaw@clientelelegal.co.za](mailto:knowthelaw@clientelelegal.co.za) (please include your name and policy number)**

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