Clientèle LEGAL

Know the LAW

The superior newsletter from Clientèle Legal

Issue No. 27 – 2024

In this issue

ACTUAL CLIENTS TRUE STORY **ACTUAL CASES**

"The moment Clientèle Legal got involved, the **problem was solved**".

It can be very daunting to challenge a large institution on a contractual issue, as Lucia Yini found out when a prestigious university defaulted on an agreement she had with them.

Lucia Yini, actual client

After being intimidated by their attitude and given the run-around, Lucia called her lawyer at Clientèle Legal. **The matter was solved promptly and the university honoured their agreement.**

"There was a stage where I thought this matter could not be solved," says Lucia Yini. "I was actually in tears, the people from the university's finance department were very unhelpful". Lucia was trying to get the university to pay back deposit fees owed to her brother, but hit a dead end. What made the matter worse was that the deposit was paid with her mother's money. Her mother works as a domestic worker and money was tight for the family. "I would not have been able to afford the legal fees if I was not insured with Clientèle Legal. Their premiums are very low. That money would have been lost forever. They were also very professional and treated me like I was part of their family".

Clientèle Legal asked for all the correspondence and contracts and contacted the university on Lucia's behalf. What helped her case a lot was that she had all the paperwork available. Johannes Terblanche from Clientèle Legal says clients are often overwhelmed by the paperwork and don't keep it, which makes their jobs a bit harder.

After corresponding with the university, the matter was settled in Lucia's favour and her deposit was refunded.

Contractual dispute?

Let your lawyer sort it out.

"Make sure your contract is properly drafted, as this offers more protection than a verbal agreement".

Johannes Terblanche, Clientèle Legal

Lawyers **Tip**

TOP 3 THINGS
TO KNOW

Restraint of Trade

Restraint of trade refers to a former employer's right to prevent you from working in the same industry after you leave. It is a common clause in many employment contracts. Enforcing a restraint of trade agreement can be enforced by a court ruling. The court will consider the following:

1. Trade secrets

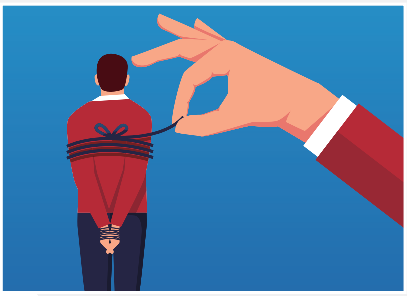
Is there a protectible interest, like a product formula, operating system, designs or customer lists, the employer has created with an interest in safeguarding? If so, an employee cannot actively use those against the company after leaving the employer.

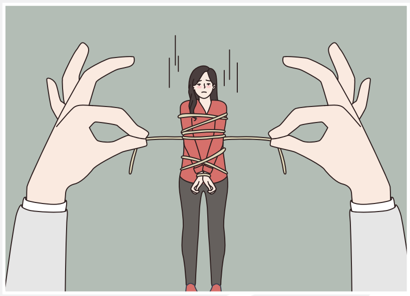
2. Is there a threat?

Will the employee threaten the company's operations by working freely in the market? Companies must prove there is harm or potential of serious harm if the (former) employee is allowed to trade freely in the marketplace. The details of the case will determine the outcome.

3. Is it reasonable?

Shorter durations of restraint of trade and smaller geographical areas are considered more reasonable. A two years' restraint for the whole country might be considered less reasonable than expecting 6 months in the province the company is more active, for instance.





STRANGE LAWS
AROUND THE WORLD

Something Fishy

According to Section 32 of the Salmon Act (UK), it is an offence to handle salmon under suspicious circumstances.

(This strange law seems to have been passed mainly to prevent illegal fishing.)

IN THE NEWS

Gender Based Violence and the Law?

South Africa recorded 10,512 rape cases in the first quarter of 2023.* The rate at which women are killed by intimate partners in this country is five times higher than the global average.

Gender-based violence (GBV), a widespread and common occurrence in SA, is deeply ingrained in homes, workplaces, cultures and traditions. This pandemic, because of unequal power between genders, has far-reaching effects that go on beyond the violence itself. Gender-based violence manifests in various forms that include physical, emotional, psychological, financial or structural harm usually perpetrated by intimate partners, work colleagues, strangers and even institutions. However, documenting, reporting, intervening and preventing GBV is currently a major health challenge. Gender-based violence is recognised by the World Health Organization as a major public health problem. Not only is it a direct cause of injury, morbidity and death, but women's health is affected indirectly through unwanted pregnancies and accompanying health risks, as well as mental illness, sexually transmitted diseases…" (Excerpt from *South African Family Practice article: "Gender-based violence – An increasing epidemic in South Africa"* published in NIH National Library of Medicine).

The South African president, Cyril Ramaphosa has made GBV a personal priority and has helped expedite legislative processes to help solve this problem. An amended Domestic Violence Act (DVA) came into operation in April 2023. The aim was to strengthen the fight against gender-based violence and offer greater support and protection to survivors.

The biggest changes introduced to the DVA is an expansion of the definition of 'Domestic Violence' to the Act to include concepts like 'coercive behaviour', 'controlling behaviour' and 'spiritual abuse'. There were also changes to technical and procedural issues which will make it easier for victims to report cases of GBV, including the possibility of applying for a protection order via email or online portals. It will also be mandatory for certain functionaries, i.e. medical practitioners, healthcare personnel, social workers, educators and care-givers, who suspect that an act of domestic violence has been committed against a child, a disabled person, or an older person to report it to a social worker or the SAPS. This mandatory obligation also extends to all adults. Bail conditions for alleged perpetrators of GBV will also be tightened. The Criminal Law Amendment Act will also create a new offence of 'sexual intimidation'. It will mean it is a criminal offence to threaten someone with certain sexual acts.

Dedicated GBV desks have also been rolled out to police stations across the country and training of SAPS members is under way to treat these special cases in a more humane and efficient way.

Too many people, visiting or calling the police can be frightening. Here, a legal framework can be helpful. You can ask your lawyer how to apply for a protection order under the DVA. Legal action using the protection from Harassment Act can also be considered. The first important step when in a situation of domestic violence is to get help in a safe way. Clientèle Legal is standing by to guide you through the process.

The new Domestic Violence Act has 52 definitions whereas the old Act had 24. The section has also been renamed as 'Definitions and interpretations'.

** Source: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10839210/#*

DID YOU KNOW?

You can have a lawyer available to you **24 Hours a day.**

Yes, there is justice in South Africa – simply pick up your phone and call your lawyer. We have a 24 hour legal helpline, our professional Lawyers are standing by to assist you. This service is available for emergency related queries.

You are not alone – your Clientèle Legal lawyer is right behind you.

KNOW YOUR LAWYER

Johannes Terblanche Clientèle Legal Lawyer.

"I come from a long line of farmers. I am the first one to step outside that mould and enter a profession. I've known that I wanted to work in the legal environment since after school, but was not sure whether I was more suited to a corporate or private application – so I tried both! Before joining Clientèle Legal as a specialist in family law, I was the head of the legal department for another insurance brand, so I am well suited for my management position at Clientèle.

My passion for people inspires me to practice law. I love to help people. The environment at Clientèle Legal is positive and affirmative and it allows me to not only help clients, but share my knowledge with the newer and younger attorneys".

Clientèle LEGAL

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

A FREE loyalty programme for Clientèle loyal policyholders.

Clientèle royalty Rewarding Loyalty

Clientèle is rewarding all loyal Legal, Funeral, Savings, Health and Perks policyholders with a FREE loyalty programme offering a wide range of monthly benefits. Clients get access to savings & discounts on Groceries, Movies, Travel, Fashion, Entertainment, Fast Food, Education vouchers and so much more!

Royalty Tiers

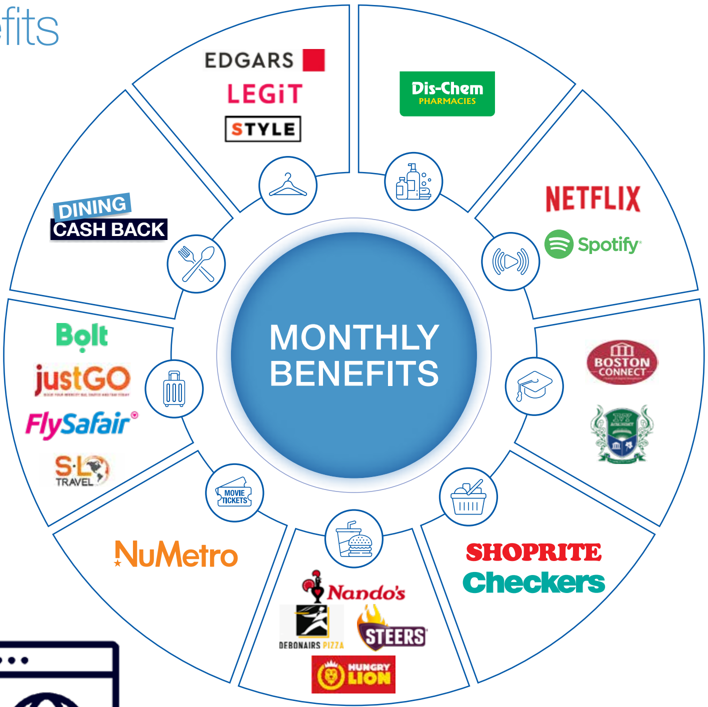
Simply pay all of your premiums every month and get access to all of these amazing benefits and discounts. Clientèle Royalty is based on a 5 Tier model with simple entry requirements. Clients qualify and will move up or down Tiers based on the following criteria:

* New clients have until end of June 2024 to DebiCheck & pay all of their premiums & could qualify for December is on us!

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
Active Policy	✓	✓	✓	✓	✓
DebiCheck or Salary Deduction	✓	✓	✓	✓	✓
Consecutive Paid Premiums	1-2 months*	3-5 months	6-11 months	12-23 months	24+ months
Additional Policy				✓	✓

Clientèle Royalty Monthly Benefits

Selected categories are available for Tiers 1 - 4, Tier 5 has access to monthly benefits from all of the categories. Refer to the Tier benefit table to see how your benefits increase within each category as you Tier up. Simply DebiCheck or pay via Salary Deduction all of your monthly premiums and you will qualify to move up the Tiers. Get immediate access to these benefits by visiting the Clientèle App and click on "Royalty" or visit www.clientele.co.za.



Click here to download the App or scan the QR code

Click here to download the Clientèle Royalty brochure

Click here to access Royalty on the Clientèle website

Clientèle Royalty

SPIN & WIN

Don’t miss out on a chance to **win** your share of **R10 million in prizes!***

Everyone can be a winner with Clientèle Royalty. You stand a chance to Spin & Win from the 10th of every month, remember by progressing up the Tiers you unlock more spins and this increases your chances of winning. You could be a lucky winner, so don’t miss out!

Stand a chance to win these prizes:

- R10,000 CASH
- TECH: A cellphone (hp shop, garnish)
- GROCERY: Grocery gift vouchers from SHOPRITE, Checkers
- FAST FOOD: Fast Food vouchers from STEERS, fishaways, BURGER KING, KAUAI
- ENTERTAINMENT: Movie tickets, Entertainment and Streaming vouchers from NETFLIX, NuMetro, Spotify
- RETAIL: Retail vouchers from incredible connection, Toys R Us
- TRAVEL: Travel vouchers from justGO, SL TRAVEL, Bolt
- ADVENTURE: Adventure vouchers from IMPACT Adventure, ACROBRANCH
- WELLNESS: Wellness vouchers from Mangwanani, PLAYBOX, OUTSCHOOL, MEDELLIN

And so much more!

Make sure you are part of Clientèle Royalty to experience the royalty treatment where you get to stand a chance to win your share of R10 million in prizes, December could be on us and also enjoy the monthly savings and benefits. A loyalty programme that gives you all this value for free.

Spinning is guaranteed every month, visit the Clientèle App or www.clientele.co.za to spin.

Retailers and prizes are valid as at July 2024 and are subject to change. For full and updated Terms & Conditions visit www.clientele.co.za. *Terms and Conditions apply.

DEC PAID

Your December is on us!

If you DebiCheck and pay all of your premiums, Clientèle could pay your December premium for you (applicable to Clientèle Legal, Funeral, Health and Perks policies if you are on Tiers 3, 4 and 5).*

*Terms and Conditions apply.

For more information call: 011 320 3000