

United Nations Global Compact

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Communication on Progress





Table of Contents

1. Statement of continued support
by the Chief Executive Officer
2. Human Rights Principles
3. Labour Principles
4. Anti-Corruption
5. Environmental Principles

"As one of South Africa's leading and largest law firms, we acknowledge that our success goes hand-in-hand with a responsibility to our people, our communities and our country."

► 1. Statement of continued support by the Chief Executive Officer

As one of South Africa's leading and largest law firms, we acknowledge that our success goes hand-in-hand with a responsibility to our people, our communities and our country.

At the risk of sounding overly cynical, acknowledging such a responsibility is the easy part. Fulfilling it, on the other hand, is rather difficult. To do so requires the people working within the entity to take ownership of that duty too. How have we set about achieving this? At every opportunity, we have emphasised our firm's values, encouraging our people to rely on these principles to guide everything they do. Furthering the cause, we have celebrated value champions, identifying those who live our ideals, holding them up as examples worth emulating. In these efforts and many others, the weight of our collective responsibility to our people and our communities and our country has landed on the individuals that make this firm whole. Communicating our commitment to the UN Global Compact and staying true to its core tenets claims pride of place within this agenda.

This year marks our fifth Communication on Progress – a significant milestone for our firm. Such an occasion presents an opportunity to reflect on the commitment we first expressed in our letter dated 16 September 2011; and an opportunity to assess, with as much objectivity as possible, whether that commitment remains as strong.

Taking stock of the last few years and our progress within each, I truly believe that our commitment to the 10 principles of the UN Global Compact is stronger than it ever has been. Our actions and initiatives in the last 12 months support this opinion and the pages that follow document it.



**Brent Williams, Chief Executive Officer,
Cliffe Dekker Hofmeyr Inc**



▶ 2. Human Rights Principles

Assessment, policy and goals

As a responsible corporate citizen CDH is sensitive to the broader socio-economic context within which it conducts business and is committed to respecting and promoting human rights both internally in its relations with its employees and externally through its engagement with clients and communities. In 2013 as a manifestation of the firm's commitment to human rights CDH adopted a Human Rights Statement. In that statement we record as follows:

- We are cognisant of the social context within which we operate as a law firm, and we are committed to respecting the rights entrenched in the Constitution of the Republic of South Africa, 108 of 1996 (the Constitution), and in particular the Bill of Rights.
- We confirm that we support upholding the rights entrenched in the United Nations Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the core conventions of the International Labour Organisation (ILO).
- We confirm our commitment to respecting the ten principles of the United Nations Global Compact.
- We communicate our commitments as set out in this Human Rights Statement to our clients, employees and other stakeholders.

In 2011 as part of its commitment to human rights, CDH adopted a Pro Bono Policy and set up a dedicated Pro Bono and Human Rights Practice (the Pro Bono Practice) whose mandate is to assist vulnerable and

disadvantaged people to access justice and to forward human rights and constitutionalism through public interest work. The Pro Bono Policy provides that:

- The firm has adopted and maintains a Pro Bono Policy independent of any legislation or regulation requiring mandatory pro bono work.
- The firm is committed to the involvement of its practitioners and staff members in pro bono work.
- All CDH practitioners and staff members acknowledge that they have a role to play in assisting and supporting the firm in fulfilling these commitments.

CDH has also adopted a Corporate Social Responsibility (CSR) policy and has set up a Social and Ethics Committee, as well as a CSR Committee.

Implementation

Our work in promoting human rights

We strive on a continued basis to realise our human rights commitments in various ways.

First, we dedicate significant time and effort to ensuring in our everyday conduct that we promote and respect the rights and interests of all of our employees by means of adherence to the precepts of our Constitution and our domestic labour, employment equity, occupational health and safety and other relevant legislation. In this regard we recognise the need to continuously work at promoting a more inclusive and diverse work culture in which the equal rights of all are advanced and employees are encouraged to raise any grievances in accordance



with our grievance policy. Our ongoing progress in this regard is outlined in more detail below in the section of this COP dealing with the Labour Principles.

Second, through the implementation, as described below, of our Pro Bono Policy. Our dedicated Pro Bono Practice continues to provide thousands of hours of pro bono assistance each year in the implementation of this policy, to numerous people and organisations who are unable to afford to pay for these services.

In the period under review our small but dedicated Pro Bono Practice has made a material contribution to promoting social justice by providing access to legal services to a number of people who would not have been in a position to enforce their rights without the aid of pro bono assistance.

Through some of the new cases that it has taken on during the period under review, our Pro Bono Practice has also made an important contribution in advancing the human rights causes of some particularly vulnerable and marginalised groups of people and has worked to extend the boundaries of our human rights and constitutional protections. It has also contributed towards advancing awareness and education on various human rights issues through the hosting of key events, participation in other partner organisation / stakeholder initiatives, and through special project work.

Our Pro Bono Practice has also encouraged and assisted members in other practice areas in the firm to make pro bono contributions. Many practitioners in numerous different practice areas in our firm both at our Johannesburg and Cape Town offices have given generously of their time over the 2017 year and have provided invaluable assistance to countless clients.

Third, through the firm's ongoing commitment to corporate social responsibility, we continue to dedicate significant financial and human resources to various social investment projects, vehicles and causes. A summary of some of our key corporate social responsibility projects and activities for the period under review is provided below.

Pro Bono and Human Rights work in the period under review

We are proud to report that during the period under review CDH as whole donated over 8,000 hours / in excess of R16 million in free legal services to deserving individuals and organisations.

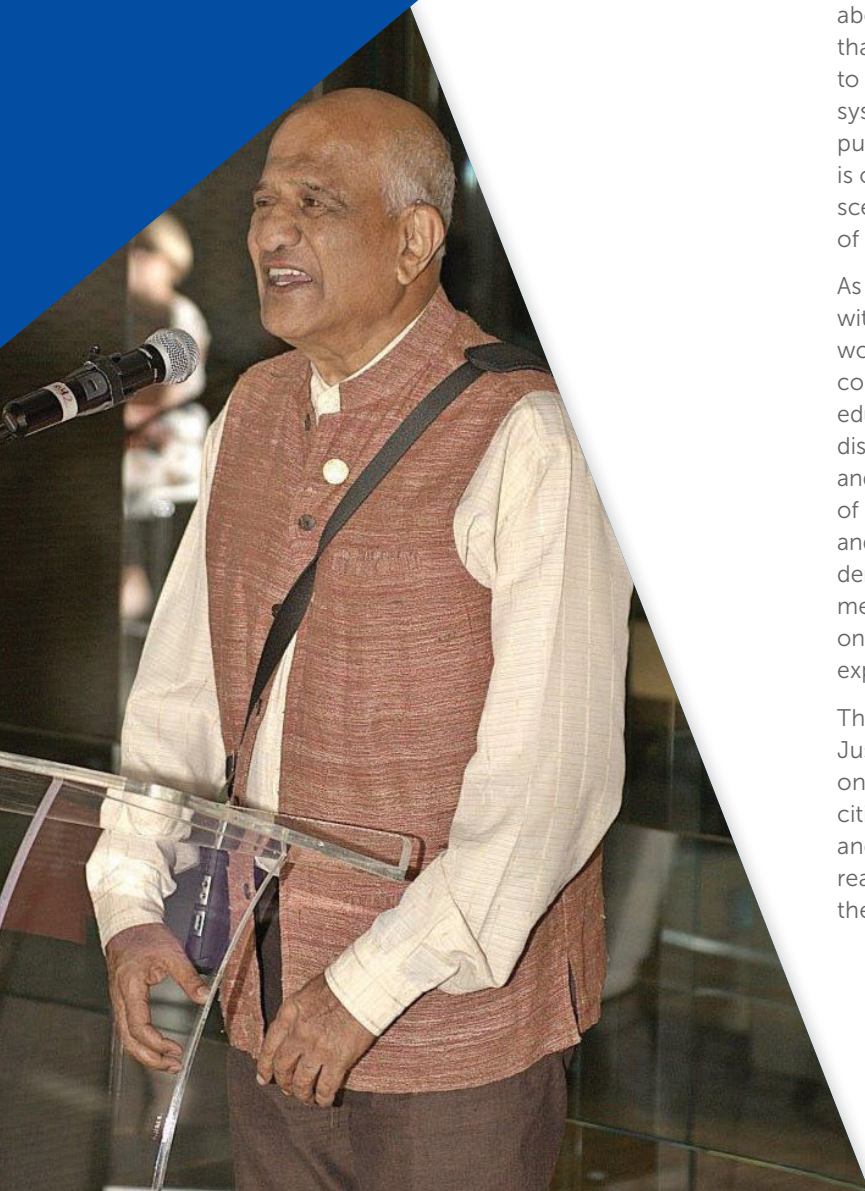
We summarise some of the highlights of our pro bono and human rights work below, and outline our CSR activities for the year.

Human Rights awareness and training initiatives

NSMCC

Led by the Pro Bono Practice, CDH continued to provide extensive support for the National Schools Moot Court Competition (NSMCC) in 2017.

The NSMCC is an annual schools moot court competition which began in 2011. It is a joint-initiative of the University of Pretoria, the Foundation for Human Rights, the Department of Justice and the Department of Basic Education, amongst others. Learners from all secondary schools in the country are encouraged to participate in the Competition which involves two stages – an



essay writing elimination round and various oral rounds culminating in a final round argued before a panel of adjudicators at the Constitutional Court.

The aim of the NSMCC is to create greater awareness and understanding among schools and communities about the Constitution as well as the rights and values that it embodies. In addition, the Competition aims to provide young people with exposure to the legal system and profession, and encourage them to consider pursuing a career in law. Each year the moot problem is one which involves fictional learners faced with a scenario in a school environment implicating various bill of rights issues.

As part of CDH's 2017 contribution, our firm in conjunction with the University of Pretoria, facilitated a training workshop for about 72 learners preparing for the oral component of the Competition, together with their educators. The seminar included presentations and panel discussions on various topics including an introduction and overview of the legal profession as well as the role of the South African Human Rights Commission (SAHRC) and other state institutions supporting our constitutional democracy. A moot demonstration was held by the members of the University of Pretoria's mooting club and one of the previous finalists in the Competition shared her experience with the learners.

The high point of the workshop was a keynote address by Justice Mbuyiseli Madlanga who addressed the learners on transformative constitutionalism and the need for all citizens to take responsibility for ensuring that the rights and values underpinning the Constitution become a reality for all. To view highlights of the speech click on the following link: <https://youtu.be/qYCw2GXn3CU>.

The evening concluded with a dinner hosted at our offices. Many members of the firm also assisted with the adjudication of the preliminary, quarter final and semi-final rounds of the Competition.

As has been the case with previous years, the standard of learners participating in the national rounds of the Competition and the level of dedication and determination displayed was impressive. CDH is once again offering a generous bursary to the four learners of the winning team (should they choose to study law).

I DECIDE = I AM EXHIBIT

CDH was proud to partner with the Centre for Human Rights, Faculty of Law, University of Pretoria, in its initiative to reproduce the Exhibition "I Decide = I Am" by the Bulgarian Centre for Not-For-Profit Law Foundation in South Africa. The provocative exhibition is authored by Nadezhda Georgieva (a Bulgarian illustrator), and Yana Buhrer Tavanier (award winning journalist and human rights activist) and aims to create awareness through the distinctive narratives of sixteen persons (whose legal capacity was painfully renounced) about the human rights impact that the deprivation of legal capacity has on affected persons. The exhibition held at CDH also featured emotive art works by South African artist Daniel Mosako which recount the recent Life Esidimeni tragedy in which 143 patients died in 2016 after being transferred by the Department of Health from the Life Esidimeni hospital to unlicensed, under - funded NGOs with little to no experience in caring for persons with severe psychosocial, intellectual or cognitive disabilities. The ill conceived and inhumanely executed transfer was effected allegedly in order to cut costs and as part of a programme to deinstitutionalise care for those with psychosocial and intellectual disabilities.

"The event provided legal professionals, colleagues, clients and the business community as a whole with an opportunity to view the exhibition and to reflect on the issues."

The I Decide = I Am exhibition is a creative and emotive vehicle for raising awareness of the many forms of discrimination faced by persons with psychosocial or intellectual disabilities. It further calls for law reform in accordance with Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (CPRD) which affirms unequivocally that all persons with disabilities have full legal capacity and are entitled to equal recognition before the law – which right is indispensable to the exercise of the right to access to justice guaranteed by Article 13.

The travelling exhibition was launched in South Africa at an opening event held at the offices of the SAHRC in June 2017, and made its way to CDH's offices in October 2017. In order to celebrate the opening of the exhibit at our Sandton offices and to create awareness about Article 12, CDH hosted a cocktail evening on the evening of 16 October. The event provided legal professionals, colleagues, clients and the business community as a whole with an opportunity to view the exhibition and to reflect on the issues.

Former Constitutional Court Judge, jurist and struggle stalwart, Justice Yacoob, gave a keynote address at the cocktail event and shared many insights in his capacity as a respected judge and lawyer on the topic, as well as a substantial amount of wisdom from his personal experience as a person living with a disability. To view Justice Yacoob's speech click on the following link: https://www.youtube.com/watch?v=i30sDu_0AbQ&feature=youtu.be.

Presenting at Disability Rights in Africa conference

During November 2017, the Disability Rights in Africa conference was hosted by the Centre for Human Rights, University of Pretoria. The conference theme was 'Domesticating the Convention on the Rights of Persons with Disabilities (CRPD) in the Africa region: A focus on access to justice and legal capacity'. The conference was well attended by NGOs, academics, intergovernmental organisations and state officials across Africa. Director and National Practice Head of the Pro Bono Practice, Jacquie Cassette presented at the conference.

The topics of discussion were many and varied. They included strategies for the effective implementation and domestication of the right to access to justice and the right to equal recognition before the law of the CRPD, communication accommodations in the justice system, provision of support to exercise legal capacity, the interaction between persons with intellectual and psychosocial disabilities and the justice system, legal capacity and law reform, the role of non-state actors in advancing access to justice for persons with disabilities, theoretical underpinnings of Articles 12 and 13 of the CRPD, inaccessible justice systems and accessing justice in particularly challenging contexts.

Jacquie's paper was titled 'Supported decision making in an African context – An examination of comparative and international models with a view to law reform in South Africa'. Key points that emerged from her presentation were that like in many other African countries, persons with disabilities, and in particular, persons with psychosocial and intellectual disabilities constitute some of the poorest and most vulnerable members of South



African society. Not only do they struggle to access social and other basic services, but they also battle with persistent deep stigmatisation, and in many instances serious abuse and gross violations of their rights. She emphasised that South Africa needs to urgently move forward in its initiatives to put in place domesticating legislation to implement the rights in the CRPD, including Article 12.

One of her recommendations was that in order to make equal recognition before the law a reality for persons with psychosocial and intellectual disabilities, South Africa needs to put in place a comprehensive statutory framework to cater for a continuum of support mechanisms to assist affected persons. She also observed that as the recent Life Esidimeni tragedy has shown, initiatives to deinstitutionalise and move towards community based care (one of the goals of Article 12), need to be properly planned, properly co-ordinated, properly resourced, properly regulated, and properly implemented. They need to be phased in over time with appropriate monitoring, and only after bona fide, proper, meaningful consultation with all stakeholders.

CDH staff tour of the Constitutional Court

On 21 March South Africa celebrates Human Rights Day. As part of a Human Rights Day awareness campaign rolled out during the month of March, on 24 March 2017, the Pro Bono Practice arranged for CDH to take 40 of its support staff (joined by the Pro Bono Practice) to go on a memorable tour of the Constitutional Court, the Old Fort Prison and the Constitutional Hill precinct.

This was an opportunity for CDH to recognise the invaluable contribution that our support staff make to our firm and to provide them with a morning to reflect on our painful history and appreciate the immense strides we have made in transitioning to a constitutional democracy in which the human rights of all are protected. The tour was the culmination of a period of introspection for our staff facilitated by the Pro Bono Practice. As part of an awareness campaign, we conducted a survey of all staff to see whether people were aware of the rights afforded to them in the Bill of Rights, and what those rights mean to them. We also provided them all with copies of the Bill of Rights in all 11 official languages.

Of the support staff that responded to the survey, a group was selected to join the tour. Those who could attend came away with an unforgettable experience. We were able to laugh, to cry, and to reflect together on our hard fought and hard won Human Rights.

Some of the staff who attended had the following to say:

"This was a great experience. I have never been to the Constitutional Court. It was shocking to see what people went through in the prison. We were able to see it live with our own eyes."

"It was just amazing to see such history as I have never imagined. I can honestly say that if this opportunity had not arisen for me, I may never have known to do the Tour on my own and I would have been the poorer for it. I learnt so much from our Guide. It was both informative and humbling. I have recommended it to all my friends."

"The Constitutional Hill is a miracle rear view mirror that tells us where not to go as a nation."



"It was touching but at the same time sad to see what our forefathers went through. The prison was not a nice place to be. Imagine a cell meant for two people with eight people crammed into it. There was no privacy. There was no dignity. Their Human Rights were undermined. I learnt that the people in those days really had it hard. It made me thankful for the freedom that we now have."

"This was a very important trip as a generation that must learn how the previous generation lived under the iron fist rule and the difficulties that they experienced in their lives. We as the coming generation have to come together to build anew. Now as the Rainbow Nation, with our Human Rights, things have changed. Each person must know their rights, especially their rights to Human Dignity, Equality and Freedom. We need to start our own journey. We must build a new South Africa together. We need to combine and build a strong non-racial and non-sexist nation. We must work together to build a happy Rainbow Nation."

"First of all, I would like to say thank you for this opportunity to do the tour, it does not come often. I am more aware of my Human Rights than I was before. The tour made me sensitive to the fact that all Human Rights should be respected, regardless of age, race or gender. Human Rights must be respected at all costs. A lot of people are not aware how it was before, we need to educate people to respect Human Rights. I am very appreciative of the lessons that we all learnt on the tour. I am very lucky to have had this experience."

Refugee Law Award

In September 2017 our Pro Bono Practice was honoured to win the ProBono.Org award for the category of refugee law. ProBono.Org is a pro bono clearing house which many law firms and advocates partner with in order to carry out valuable pro bono, human rights and public interest work. The organisation hosts an awards ceremony each year to acknowledge the pro bono contributions of the many attorneys and advocates who dedicate their services to assisting indigent and vulnerable people in need of legal assistance.

The award recognises the extensive contribution that our Pro Bono Practice has made in assisting refugees and promoting refugee rights.

Overview / year under review

In the year under review our Pro Bono Practice has been working tirelessly on matters for a number of clients many of whom hail from the Democratic Republic of Congo and Angola. Having been unlawfully denied formal refugee status and asylum papers at the Refugee Reception Office (RRO) upon entering South Africa, our clients have sought our legal assistance with the appeal of these RRO decisions. The Pro Bono Practice assists with appeals against these decisions before the Refugee Appeal Board (RAB). Extensive and intensive client consultations, sometimes with language barriers, the drafting of papers and liaising with the relevant government entities are all in a day's work for this team. Members of our Practice also represent clients during arduous hearings before the RAB.



More often than not, the decisions of the RAB require review as they often have no basis in law or in fact. Here, the Pro Bono Practice assists with the institution of the required legal action, covering the ground work as well as instructing highly regarded counsel for argument before the courts of law in deserving matters.

As was highlighted by the guest speaker at the Awards Ceremony, former Minister of Finance Pravin Gordhan, in a society which according to the latest Gini – coefficient, is one of the most unequal in the world, and in which people's statutory and constitutional rights are sadly regularly being flouted, pro bono lawyers play an important role in assisting the poor to enforce their rights and to hold institutions accountable. In so doing not only do they assist in promoting the dignity of those affected, they assist in promoting the very stability of society.

Mr Gordhan emphasised that against this backdrop, activism in the form of pro bono work retains its relevance and its significance. It is an equalising force. When the most vulnerable in society are assisted by the law, they are more likely to trust the law and the basic tenet of 'no one is above the law' becomes a reality rather than a hoped-for ideal.

Refugee Law Clinic guide

One of our Pro Bono Practices' key contributions to the field of refugee law during the year under review was its work in producing a guide to be used, together with other guides produced by other law firms, by the refugee law clinic run by ProBono.Org.

The Pro Bono Practice, which regularly staffs the refugee law clinic, was requested by ProBono.Org to assist in producing a Guide on Judicial Review (the Guide) in the context of the refugee / asylum seeker adjudication

process. The Guide has been completed and forms part of a larger project undertaken by ProBono.Org that aims to equip other attorneys from partner law firms that assist with the refugee law clinic with a basic overview of refugee law and related matters in order to enable them to more effectively advise clients at the clinics.

The Guide was officially launched in June 2017.

Notable Pro Bono and Human Rights cases

Helping refugees born and living in South Africa for more than 18 years to apply for citizenship

The Pro Bono Practice is currently assisting two brothers who were born in South Africa (SA) and who are over 18 (and have lived all their lives in SA) to apply for citizenship in terms of s4(3) of the Citizenship Act, No 88 of 1995 (the Citizenship Act). Section 4(3) of the Citizenship Act provides that people who were born in SA to parents who are neither citizens nor permanent residents, and who have lived in SA continuously until the age of majority are entitled to apply for citizenship, provided that their births were registered in accordance with the Births and Deaths Registration Act, No 51 of 1992.

The brothers' parents are Angolan citizens who fled Angola in 1995 and who sought and were granted refugee status in SA from 1997 until 2014 – when their refugee status was withdrawn as a result of the Angolan refugee repatriation process entered into by our government in 2013. The two brothers were born in SA in 1996 and 1997 respectively and were also granted refugee status until 2014 when their status was also withdrawn together with that of their parents.

“The Pro Bono Practice assisted a member of the South African Police Services (SAPS) to bring proceedings in the Equality Court to obtain redress from a member of the public accused of committing serious acts of racially motivated hate speech against him.”

Both brothers who have never been to Angola, were in high school at the time that their refugee status was withdrawn and had to apply for temporary study permits in order to remain in the country.

No application forms have been promulgated by the Department of Home Affairs (DHA) for s4(3) applications. The Pro Bono Practice, on behalf of the brothers, made applications to the DHA in terms of s4(3) by way of affidavit. No meaningful response was received from the DHA.

As a result, the Pro Bono Practice instituted legal proceedings in the High Court on 8 June 2017. The relief sought is, *inter alia*, the granting of citizenship to the brothers. The respondents only filed their answering papers in October 2017, long after they became due. This means that the hearing of the matter will have to be deferred to next year.

In the interim, the Minister has granted the brothers, together with their mother and younger brother permanent residence for four years in respect of the exemption application which they made under the Immigration Act, No 13 of 2002. The brothers, together with their mother and younger brother have completed their applications for the residency permits and now await to receive same from the DHA. Their rights and interests will accordingly we hope be protected in the interim.

Defending a victim of racist hate speech

The Pro Bono Practice assisted a member of the South African Police Services (SAPS) to bring proceedings in the Equality Court to obtain redress from a member of the public accused of committing serious acts of racially motivated hate speech against him.

During February 2016 our client was in a marked SAPS vehicle patrolling in and around Johannesburg. As he was driving, he noticed a civilian vehicle flashing its lights at him. Our client, accompanied by two of his colleagues from the SAPS, pulled over in order to assist the driver of the vehicle (the respondent in the Equality Court proceedings). The respondent – who claims she had just been the victim of a smash and grab incident – refused to be assisted by a black police officer and thereafter verbally attacked our client in a prolonged spate of racial abuse.

Shocked and traumatised by the incident, our client approached the South African Human Rights Commission (SAHRC) for assistance in seeking redress. Proceedings were instituted in the Equality Court. The SAHRC was joined as the second applicant in the matter because of its special statutory mandate in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000 (PEPUDA).

The Equality Court awarded damages in the amount of R100,000 (one hundred thousand Rand) in favour of our client. Further, in what seems to be a first, the respondent was ordered to attend a programme of integrated community service and sensitivity training. The programme will be administered by the SAHRC, together with affiliate organisations such as the Ahmed Kathrada Foundation. As part of the programme, the respondent will be required to visit the Apartheid Museum, attend SAHRC community outreach and advocacy programmes, and attend Race Sensitisation Workshops conducted by the Ahmed Kathrada Foundation.

The respondent was also ordered to make an unconditional written apology to our client, and that this apology should incorporate an unequivocal retraction

"The respondent was also ordered to make an unconditional written apology to our client, and that this apology shall incorporate an unequivocal retraction by her of all or any racial and / or discriminatory and / or abusive remarks amounting to hate speech made against black persons in general."

by her of all or any racial and / or discriminatory and / or abusive remarks amounting to hate speech made against black persons in general. This apology was ordered to be published on Twitter and Facebook, as well as the SAHRC's website.

This robust order is welcomed and it is hoped that it will send out a strong warning that racist hate speech, which is inimical to our constitutional values and which threatens the very foundations of our young democracy, will not be and cannot be countenanced. It is also hoped that the novel order of requiring the respondent to attend a specially designed sensitivity training / community service programme under the auspices of the SAHRC, will usher in a mechanism that can be made available on a more widespread basis going forward to help address some of the root causes of racism.

The respondent is now in the process of appealing the Equality Court's judgment. We will be opposing the appeal.

Obtaining Court – ordered reinstatement of the refugee status of an Angolan family

One of our Pro Bono Practices' most satisfying victories of the year was our success in assisting a family of Angolan nationals whose refugee status had been unlawfully withdrawn as part of the Angolan repatriation process in 2013, to have their refugee status reinstated. This has enabled the family to once again access much needed health care, and step out each day without fear of arrest, detention and deportation.

Our client and his children were granted refugee status in the early 2000s. In 2013 the DHA announced a cessation of all Angolan refugees in terms of which the refugee

status of Angolan refugees was withdrawn. The Standing Committee for Refugee Affairs (SCRA), a statutory body created by s9 of the Refugees Act (one of whose statutory duties and powers is to determine if and when a person's refugee status should be withdrawn), however decided that an exemption from repatriation should be facilitated for Angolan refugees with a serious medical condition. Our client and three of his children fell into this category. He has a serious heart-related condition while three of his children suffer from sickle cell disease, a genetic blood disorder with the potential to cause severe pain and permanent damage to vital organs in the body. They all require urgent ongoing medical treatment.

Our client's representations, in which he explained his and his children's medical conditions and circumstances (even though received by the DHA) were never forwarded to or considered by the appropriate decision makers. As a result, although they fell within the exemption for persons with serious medical conditions determined by the SCRA, the family's refugee status was unlawfully withdrawn.

Despite the SCRA having acknowledged that their status should not have been withdrawn, with the help of an NGO called Scalabrini, the family fought for years with no success to try and have their refugee status reinstated. In the meantime, the DHA refused to renew their refugee permits and the children who required ongoing medical care struggled, and at times were unable to receive, the necessary ongoing medical care that they require. The eldest son, despite having managed to secure funding, was also unable to apply to study at university. The family as a whole was perpetually vulnerable to arrest, detention and deportation because they were unable to secure the necessary papers affirming their status.

"In another matter that illustrates a failure on the part of state institutions to comply timeously with their statutory and constitutional obligations, we are assisting a family to have a long outstanding claim for restitution of land in terms of the Restitution of Land Rights Act finalised."

Eventually, Scalabrini reached out to the Pro Bono Practice for help in taking the matter to court. Armed with a legal opinion from three very able counsel (including senior counsel) we managed to get the SCRA to revoke its incorrect decision. Disconcertingly, however, the DHA unlawfully refused to comply with the SCRA's decision and refused to reissue the family with the relevant refugee permits. We were accordingly forced to bring an urgent court application to order the DHA to issue them with the necessary papers.

The application which was heard on 5 September 2017 was successful and the family was eventually granted written recognition of their reinstated refugee status in October and they were, needless to say, overjoyed. The family no longer faces an imminent risk of arrest and deportation, the ill family members can now access much needed medical treatment and the eldest child has now been able to apply to study at university.

Assisting a client with a Long-Outstanding Land Restitution Claim

In another matter that illustrates a failure on the part of state institutions to comply timeously with their statutory and constitutional obligations, we are assisting a family to have a long outstanding claim for restitution of land in terms of the Restitution of Land Rights Act finalised.


Our client's uncle submitted the claim on behalf of the family back in 1997 in respect of a property in Durban which the family was dispossessed of pursuant to the Group Areas Act (one of the pillars of Apartheid legislation that deprived black, coloured, Indian and

other persons designated by the Apartheid machinery as "non-whites" of their homes and property and resulted in their forced relocation). Our client's father, who was one of the original claimants, has since passed away and our client who is his lawful heir has now become entitled to a portion of the proceeds of the claim. The claim is being dealt with by the KZN Regional Claims Commissioner (RLCC).

After many years of waiting, the RLCC made our client and his family a monetary offer of settlement in terms of s42D of the Restitution of Land Rights Act, which our client and the other family members accepted. Despite having been promised that payment was imminent, for reasons that have yet to be explained, the client and his family simply never received payment of the amount due to them under the settlement agreement.

Eventually in 2015, after attempts to have the matter resolved via the Public Protector's Office failed, the client approached the Pro Bono Practice for assistance.

In response to our interventions, the RLCC very recently made a new higher offer of settlement to the family based on a renewed valuation of the property. The new offer has been accepted by the family. However, a few months have intervened and we are still awaiting feedback on whether the settlement offer has been approved by the Minister as is apparently required. We are in the process of briefing counsel to assist with a court application to compel the Minister and the RLCC to finalise the matter and make payment, should we not receive feedback soon.



Assisting a non-profit institution specialising in HIV healthcare to defend itself against accusations of defamation

In March 2017 judgment was handed down in a matter in which our Pro Bono Practice had assisted an organisation of healthcare workers (the Society) on a pro bono basis, to defend a defamation application launched against it by a doctor who had developed and marketed a sexual lubricant gel in a manner it considered to be irresponsible and unlawful. The doctor sought to interdict the Society from publishing any “future defamatory material” of him on its website and to remove published (allegedly) defamatory material from its website. In an important victory for the organisation, the High Court found that there had been no defamation and dismissed the application with costs. In its judgment the Court emphasised the importance of the watchdog roll of the Society.

The organisation, which is a powerful and independent voice on HIV Aids in Southern Africa, strives to support and strengthen the capacity of its members to deliver high quality, evidence-based HIV prevention, care and treatment services through publications, conferences and guidelines. Advocacy is especially important as the Society promotes only the highest quality of care for people living with HIV.

Given the Society’s mandate and the nature and extent of HIV in South Africa, it was concerned that based on the marketing and packaging of the gel, that the public would view the gel as a potential substitute for condoms to be used to prevent the transmission of HIV and other sexually transmitted diseases. The Society considered this to be irresponsible because not only was the gel not registered as a medicine in terms of the Medicines and Related Substances Act, there was also no proof that the gel could be used safely, or had any clinical benefits.

In order to prevent further sales and marketing of the gel, the Society wrote a letter to various authorities (including the Department of Health, the Medicines Control Council (MCC) and the Advertising Standards Authority), which was later referred to in a newsletter to its members, and posted on its website. The content of this letter and newsletter was seen to be defamatory by the doctor in question.

Relying on the expert evidence of the three experts tendered by the Society (all of whom were in agreement that given the antibacterial, antifungal and antiviral claims made in the marketing, the gel was a medicine which by law had to have been registered with the MCC before being sold or marketed) the Court held that the gel should have been registered as a medicine prior to being brought to market. It also found that an effective microbicide to prevent HIV infection has yet to be developed anywhere in the world, and that the advertising claims made in respect of the gel were likely to result in it being used in the place of acceptable, already-proven HIV prevention methods by the unsuspecting public – in the mistaken belief that it would prevent HIV infection.

The Court held that the doctor’s view that the Society had intended to injure his reputation through its publications was misconceived. It found that the Society’s intention was not to defame the doctor by means of the published correspondence, but rather to pursue its objects of ensuring that the public was not exposed to untested medicines. Also that the fight against HIV was a national one and that all interested parties including the Society had the right to voice their concerns whenever there were suspicions of irregularity. The Court therefore held that statements relied on by the doctor constituted an honest expression

"In another matter against the DHA, we are assisting a client who has despite her best efforts, for the better part of two decades, been unable to obtain a replacement Identity Document after her ID was stolen in a burglary at her home."

of fair comment, were made in the public interest and were therefore not defamatory or unlawful. The Court also found that the Society had every right to raise its concerns about the product with the relevant regulatory and professional bodies.

The doctor has filed an application for leave to appeal the judgment. We will be opposing the application. There have been lengthy delays in establishing a set down date for this application to be heard and we still await the finalisation of such date.

Long-overdue redress for a citizen without legal status in her country of birth

In another matter against the DHA, we are assisting a client who has despite her best efforts, for the better part of two decades, been unable to obtain a replacement Identity Document (ID) after her ID was stolen in a burglary at her home.

Over the course of the last seventeen years, our client has made multiple applications with various offices of the DHA for a new ID, but with no success. Many years into the process, it emerged that someone else on the population register had been given the same ID number as her and so she had been removed from the population register. She was instructed to renounce her previous ID number and to reapply to be registered on the population register. She faithfully followed all instructions from the DHA officials, including attending various interviews with a committee tasked with verifying her identity, together with family members who have attested to her South African identity, but to no avail. She even lodged a complaint with the SAHRC.

Despite all of this, the DHA has failed to meaningfully assist her and she remains without legally recognised status in the country of her birth. The consequences of

living without documented status have been devastating for both her and her youngest daughter. As a result, she has not been able to vote, to get formal work or obtain a birth certificate for her daughter, who as a result has been unable to attend a public school or be admitted to a public hospital. She currently resides in a shelter for abused women together with her daughter.

After many attempts to engage with the DHA we recently launched an urgent application on behalf of our client and her minor daughter in the High Court in which we asked the Court to review the DHA's failure to process her applications and order the DHA to register her birth and provide her with an ID book.

While the Court was concerned by the indefensible conduct of the DHA in failing to resolve our client's predicament, it gave the DHA one more chance to comply with its constitutional and statutory obligations on an urgent basis, failing which it ordered that our client would be entitled to re-approach the Court for an order compelling the DHA to do the necessary to register her and provide her with an ID.

The DHA has since failed to comply with the deadline imposed by the Court and we accordingly returned to the Pretoria High Court on 28 November 2017 where an order has finally been granted in favour of our client. The DHA was ordered to grant our client's application for late registration of birth and register her on the population register within 10 (ten) days of service of the court order.

The DHA was also ordered to issue our client with a birth certificate and an ID in the form of a smart ID card within 15 (fifteen) days of service of the court order.

Our client is overjoyed by this and it fills her with hope that she will soon be able to reclaim the rights she is entitled to in terms of the Constitution of South Africa.



Assistance with the staffing of law clinics

Refugee Law Clinic

Our Pro Bono and Human Rights Practice staffs this clinic on a monthly basis and provides much needed advice on the asylum seeker process. Assistance is also given in relation to the Refugee Appeal Board hearings and High Court reviews.

Inner City Housing Clinic

Our Real Estate Practice staffs the Inner City Housing Clinic on a monthly to bimonthly basis. This clinic runs on a weekly basis and individuals from all walks of life visit the clinic in order to obtain assistance / advice on an array of issues including the rectification of title deeds, transfer of ownership, endorsements, cancellation of bonds and drafting of various agreements.

Master's Legal Clinic

Our Trusts and Estates Practice staffs the Master's Legal Clinic on a monthly basis. Indigent individuals can obtain advice on all aspects of deceased estates at the clinic.

High Court Help Desk

Our Litigation Practice helped staff the High Court Help Desk. This clinic runs on a weekly basis and indigent individuals can obtain advice on instituting and defending matters in the High Court.

SASLAW Clinic

Our Employment Practice staffs this clinic on a weekly basis and provides advice on all aspects of South Africa's labour law to indigent persons unable to pay for legal services.

In 2017, the Employment Practice received the Johannesburg Firm Award from the South African Society of Labour Law for its contribution to the SASLAW Pro Bono NPC. The SASLAW Pro Bono NPC is a non-profit organisation formed by SASLAW to administer the Pro Bono projects in the four Labour Courts in South Africa, namely Johannesburg, Durban, Cape Town and Port Elizabeth.

For the past five years, the Employment Practice has managed to dedicate more hours than any other law firm at the Pro Bono Advice Centre. Since its inception, the SASLAW Pro Bono Advice Centre has assisted over 17,000 clients with high quality advisory and labour law services to those who otherwise would not have had access to such legal services.

Skills Development Initiatives

We assist the Southern African Litigation Centre, which develops legal resources for human rights litigators in countries of Southern Africa, outside South Africa.

We continue to be active in practical legal training in commercial work for black lawyers through the Black Lawyers Association (with the American Bar Association) and through the South African Law Society (with the Irish Law Society).

WOLELA (Women Leading In Law)

CDH is a proud sponsor of a Women Lawyers Network known as WOLELA (Women Leading in Law) in 2017. The network came about at the closing of South Africa's first Women in Law & Leadership Summit hosted by UCT Law @ work in partnership with the Centre for Integrative



Law held in 2015, titled Finding New Ways for Women to Lead in Law. Terry Winstanley, Director & National Head of CDH's Environmental Law Practice was one of the speakers at the 2015 summit.

At the close of the summit, the desire was expressed by many of the delegates to be part of an ongoing community of women lawyers focused on personal and professional development. It was agreed that the conversations begun at the summit had to be continued and out of this agreement, WOLELA was born.

A firm's sponsorship of WOLELA allows for lawyers to join the network and demonstrates a firm or company's commitment to the advancement and retention of women in law. Members are afforded the opportunity to learn from women in other firms about what's working and what's not and they can also network with potential new clients from a range of industries via in-house counsel WOLELA members and top-ranked attorneys and advocates.

Sponsorship also facilitates a firm's access to the pioneering space WOLELA holds within the global Integrative Law movement and the leaders in touch with the network who are developing more conscious, humane and client centric ways to practise law.

Current CDH members of WOLELA include Anelisa Mkeme, Nonhla Mchunu and Zanele Ngakane in the Johannesburg office and Gabi Mailula and Samiksha Singh from the Cape Town office. CDH's commitment to the personal and professional development in law is pronounced in what one of the members had to say:

I find the WOLELA sessions very helpful and empowering. I have even found ways of applying the useful skills and tools in my everyday work and personal life. The ladies at the sessions are warm

and welcoming and it is genuinely a safe space to share experiences and solutions to the everyday challenges that women face. – Zanele Ngakane

CSR Initiatives

CDH remains committed to discharging its corporate social responsibility (CSR) obligations through continued enforcement of its Corporate Social Responsibility Policy, as overseen by the Corporate Social Responsibility Committee. It is actively involved in a number of corporate social responsibility initiatives and projects and also continues each year to make significant donations to various charitable causes. Some of the main projects and initiatives with which CDH was involved over the reporting period include:

Santa Shoebox

CDH began participating in the Santa Shoebox Project in 2014 – an initiative of the Kidz2Kidz Trust which aims to share the joy of giving over the festive season. The project involves the co-ordination, collection and distribution of personalised gifts to underprivileged children who would otherwise not receive gifts over Christmas. In 2017, CDH contributed about 140 boxes.

Come Together Home

As part of a longstanding tradition at the firm, CDH will be hosting a Christmas party for the Come Together Home during the course of December 2017. The Christmas party provides an opportunity for the children and staff at the Home to enjoy an afternoon with CDH staff filled with entertainment, treats and games. In 2017, funds will be raised at the firm's annual Pub Quiz and same will be given to the Home to cater for its needs in 2018.



Casual Day

CDH assisted with the selling of 'Casual Day' stickers in order to support persons with disabilities. The QuadPara Association of South Africa visited CDH to provide information and education on the reality of persons living with physical disabilities like quadriplegia and paraplegia. The information session involved activities which allowed the participants to experience a moment in the life of a person living with a physical disability.

CANSA Shavathon

2017 marked the 14th year of the annual Cancer Association of South Africa (CANSA) #Shavathon. Alongside the shaving and / or spraying of hair, the Cape Town team set up a fun photo booth and conducted a raffle while the Johannesburg team prided itself on the scrumptious sweet and savoury snacks it had on offer. All of this was in a bid to raise as much funds for the cause as possible, raise awareness and create a platform for CDH to rally behind those affected by cancer.

The efforts paid off – the event was attended by countless supporters and a total of about R23,000 was raised between the two CDH offices! This is indeed a testament to the priority CDH places on its corporate social responsibility. Contributions made in all shape, manner and form made a valuable difference.

Hout Bay | Imizamo Yethu

On Saturday 11 March 2017, 7500 people in the small township of Imizamo Yethu in Hout Bay, Cape Town, were left homeless after crippling fires swept through the area in the early hours of the morning, destroying thousands of houses in the process. The devastating blaze is said to be one of the largest fires to have ever

occurred in the Western Cape. While thousands of people managed to save the little they had, others lost everything.

A plan of action was formed for the week and within the space of two days, CDH managed to donate boxes of grocery hampers, including blankets, 5-litre bottles of water and several non-perishable food items to some of the affected families in Imizamo Yethu. In addition to this, special boxes were also donated to the families with babies under the age of three years old. With the support and leadership of our CEO Brent Williams and Cape Town Managing Partner Gasant Orrie, arrangements were made to make this an ongoing project as opposed to a once-off donation.

Nelson Mandela Day

CDH honoured the legacy of Nelson Mandela by participating in Mandela Day initiatives at our Johannesburg and Cape Town offices. Each of us can make every day a Mandela Day by choosing to do something sustainable that will help South Africa eradicate poverty and ensure we each realise the ideal of a dignified life. Aligned to this theme of #ActionAgainstPoverty, CDHers created hygiene care packs for the youth at Abraham Kriel Childcare, a registered NPO providing care and skills development for traumatised children and youth in need in the greater Johannesburg area. In Cape Town, similar packs were delivered to the Homestead Child and Youth Care Centre which provides a daily programme for children living, working and begging on the street. The Centre assists these children to settle into a routine life by ensuring they get the support they need to transition off and away from the street life.



Nelson Mandela Month in Cape Town

In celebration of Mandela Month, Christmas came early for the 24 youth at the “The Launch Pad” of the Homestead Child and Youth Care Centre.

The CDH teams that participated this year were allocated a youth to sponsor and had to create a fun-filled care pack including the following items: toothpaste, soap, deodorant, face cloths, socks, underwear stationary and snacks. On the 28th July, CDH staff gathered together in their respective teams and decorated and personalised their care packs to the beat of the African drum. After a session filled with ribbons, wrapping paper, glue and far too much glitter, 24 beautifully wrapped care packs were created with home-made cards including an inspirational message. The money collected from salary deductions was used to buy pyjamas for each of the youths.

The best part was yet to come and on 2 August, all the packs were delivered to the Homestead Centre. CDH were finally able to put a face to a name as they handed out the packs, watching the children’s faces light up as their names were called. Staff also met Paul Hooper, the Director of the project and were given a tour of the Centre and provided with more information about what exactly the Homestead does for these children.

The Centre provides a daily programme for children living, working and begging on the street and assists such children in settling into a routine life by ensuring they get the support they need to transition off the street and away from street life. The Centre wishes to chip away at all the pain, anger and developmental delays that define chronically neglected, abused and

unwanted street children until eventually the healed, beautiful child is revealed. The Centre works with a purpose to heal, develop and educate these children; to put the trauma of their past aside; and to ensure that they have an empowered future.

Legal Education Advancement Fund Project (LEAF)

CDH, in partnership with Juta, hosted a very successful and insightful legal writing training workshop for the LEAF (Legal Education Advancement Fund) recipients from the University of Johannesburg and the University of the Witwatersrand.

The aptly named ‘Legally Right Programme’ is a two-day workshop (20-21 July) formatted as an interactive writing course designed for future lawyers. One of the fundamental reasons for hosting the students is that in addition to assisting them financially, CDH is also providing them with the opportunity to upskill their legal writing abilities. The workshop exemplifies CDH’s interest in both the students’ growth, and their future in the legal sector. The workshop helped equip the students with the necessary skills and knowledge to take their legal writing to the next level. CDH will continue to roll the workshops out in 2018, in both Johannesburg and Cape Town.

Subsequent to the workshop, and with year-end exams underway, CDH hosted study sessions for the students at our Johannesburg office. Students formed study groups with their peers, discussed relevant study materials and exchanged notes while having access to CDH resources including our library, printing facilities and the internet to ease their studying environment.

"CDH established collaborative relationships with a number of small, black owned law firms in Johannesburg. We share information, knowledge and expertise on a regular basis through training sessions and seminars at CDH, and the distribution of our internal publications and marketing materials."

Advocates for Transformation (AFT) Initiative

As one of its enterprise development initiatives CDH has established a project with Advocates for Transformation (AFT). An agreement was concluded between CDH and AFT, in terms whereof CDH financially supports AFT, for the benefit of new Black advocates, at the start of their careers, to enable them to overcome the barriers to entry to that profession presented by the need to self-support for a considerable period of time during training, and while establishing a practice. In addition, the agreement entails the framework for further interactions to establish and cement relationships between the beneficiaries of the support (as well as other young Black and female advocates) and CDH's professionals, to encourage a change in exclusionary briefing patterns between attorneys and advocates.

Professional Collaboration

CDH established collaborative relationships with a number of small, black owned law firms in Johannesburg. We share information, knowledge and expertise on a regular basis through training sessions and seminars at CDH, and the distribution of our internal publications and marketing materials.

Pocket Guides Donation

With 4th year law students at the University of the Western Cape unable to afford prescribed textbooks and pocket statutes needed for assessment and exam purposes, CDH donated 100 of the Companies Act pocket guides to the Law faculty.

The pocket guides will be made available during assessments and exams to students who are unable to afford to buy them.

National Schools Moot Court Competition and Bursary Scheme

As has already been mentioned above, CDH provides extensive and varied assistance to the NSMCC, including the provision of generous bursaries to the four winning students (should they decide to study law).

Ikamva Labantu

CDH is committed to supporting Ikamva Labantu, a well-respected non-profit organisation whose primary objectives are to redress the damaging effects of South Africa's apartheid past. The organisation works with seniors, orphans and vulnerable children.

Our Cape Town office provides Ikamva Labantu with ongoing pro bono legal assistance, including providing advice on various legal and governance matters, as well as helping with the registration of its properties.

Measurement of Outcomes

While the firm's policies do not commit it to a specific total pro bono or CSR spend each year, CDH takes pride in ensuring that every year it makes a significant and valuable contribution to forwarding the human rights of others through its pro bono and human rights related work and CSR activities.

As the above summary of our work throughout the reporting period illustrates CDH made a material contribution to forwarding the rights of many through pro bono work, training and awareness building and through various CSR special projects.

The total hours spent on pro bono by the firm in the period under review exceeded 8,000 and this we believe demonstrates a strong level of dedication and commitment. This amounts to a monetary spend of in excess of R16 million during the period under review.

A particular emphasis was placed by the firm during the period under review on supporting and promoting the rights of some of the most vulnerable groupings in our society, including young people, people with disabilities and refugees.

Over and above this, sizable new CSR projects were rolled out by the firm during the period under review aimed at transforming the legal sector. Significant financial and human resources were dedicated to these projects.



3. Labour Principles

Assessment, policy and goals

South Africa is a member state of the International Labour Organisation (ILO), and ILO standards find their way into local law. Both ILO instruments that are binding on South Africa, and those to which the country is not a party, are used as tools of interpretation in a South African context. This is specifically required by the Constitution and has been confirmed by the Constitutional Court. These principles therefor inculcate the local legislation and case law.

CDH is committed to the fostering of social and economic progress for all South Africans, irrespective of individually defining characteristics, in accordance with the prescripts of applicable legal principles.

A comprehensive set of employment policies have been designed by CDH, to give effect to its commitment to respecting the dignity and equality of its employees, business partners and clients, while maintaining the professional standards and ethics expected of a leading South African law firm. These policies are available to all employees on an internal electronic platform, as well as in writing. Employment practices are tested against the employment policies, read with employment legislation and relevant codes of good practice.

Implementation

The work of the CDH Employment Equity Committee (EEC), a widely representative employee body constituted in accordance with the requirements of the Employment Equity Act, No 55 of 1998 (EEA), results in periodic

Employment Equity Plans (EEP) being created. Under these EEP's, annual goals are set, designed to remove under-representivity of designated groups (Black people (as defined in the EEA), women and people living with disabilities) in every level of the organisation. These goals do not function as absolute barriers to employment or advancement of non-designated, or already fully represented groups of employees, however, are guides that inform employment decisions, in a conscious effort to remove areas of under-representivity of the designated groups. Under-representivity is established by a comparison between actual employee numbers, per prescribed category, with an ideal position, typically either the national economically active population, and / or the regional economically active population, as may be appropriate.

Employees receive formal and informal feedback from their EEC representatives, on the work of the EEC. This work includes (amongst others) the identification of training needs on issues of employment equity, equality, and the respect for human dignity. Training on issues of sexual harassment and gender sensitivity is conducted regularly, and all levels of the organisation are exposed to such training.

The EEC further identifies barriers to employment or advancement of designated groups, and works to remove such barriers. This includes for instance ensuring that reasonable accommodation is made for people with disabilities; bringing employment barriers to the attention of HR or the EEC; and engaging with their constituents to ensure that an avenue is available to employees to

“Over the past year Transcom has met extensively, and has done an exhaustive evaluation of past and existing transformation initiatives, including an evaluation of its failures and successes.”

raise concerns. Individual grievances are raised and dealt with in accordance with the firm’s disciplinary code and grievance procedures, while issues of wider concern, such as an employment policy or practice that may have a discriminatory effect, may be considered by the EEC before any further action is taken.

All new trainee lawyers (candidate attorneys) entering the organisation must participate in formal prescribed training, which includes Gender Law, Constitutional Law, and Labour Law training. Such training includes training on CDH’s policy regarding discrimination, sexual harassment and respect for the dignity of others in the organisation.

CDH has a Transformation Committee (Transcom), comprised of firm leaders (director level). Transcom reports directly to the CDH executive committee, and meets regularly to address transformation issues. Over the past year Transcom has met extensively, and has done an exhaustive evaluation of past and existing transformation initiatives, including an evaluation of its failures and successes. This has resulted in a report being presented to the firm’s directors, setting out the initiatives which the firm will embark on in the coming year, to progressively weed out actual or perceived prejudice resulting from race or gender.

Notable initiatives arising from Transcom’s work include the redesign of CDH’s mentorship programme, so as to offer greater support to junior professionals; adaptations to the firm’s remuneration structure to encourage increased briefing of colleagues who may not have otherwise had equal access to work, and, with that, advancement opportunities; formalised support to the advocates profession, to support the entrance into the profession of designated individuals; and a process of infusing interactions with and between employees with the principles of respect for, and celebration of, diversity.

Many of the initiatives envisaged by Transcom remain in the planning phase, for further development over the coming year(s), however many have already found implementation for example our AFT initiative (see discussion under CSR initiatives).

Outcomes of transformation initiatives are formally measured in two ways:

- *through a report to the Department of Labour; and*
- *through a formal evaluation of transformation initiatives in terms of the Broad-Based Black Economic Empowerment Act.*

Measurement of outcomes

Outcomes of transformation initiatives are formally measured in two ways. Annually, the EEC prepares a report, in prescribed form, for submission to the Department of Labour. This report constitutes a breakdown of employees' race, gender, and disability profiles across the firm, and tracks whether CDH has met the goals it set for itself in its EEP, to reduce under-representivity in designated groups.

The second formal evaluation of transformation initiatives is done in terms of the Broad-Based Black Economic Empowerment Act No. 53 of 2003. This legislation requires companies to obtain an annual certification of its BBBEE status. Certification is based on a detailed independent evaluation of many aspects of the company's transformation initiatives, and is not solely based on labour principles, although the under-representivity of designated groups in (especially) the higher categories of employee will adversely impact on a company's level. The BBBEE Act's purpose is to promote economic transformation in order to enable meaningful participation of black people in the South African economy, and to achieve a substantial change in the racial composition of ownership and management structures and in the skilled occupations of existing and new enterprises (amongst others).

CDH has consistently filed its EEP, and has never failed to meet the goals it set for itself, over the lifetime of its EEP (typically, 3 years). CDH's BBBEE level, for the year 2017, is level 3 (with level 1 being the highest possible level).

The firm further tracks internally whether any alleged violations of other employment legislation occurred. Any such alleged violations are resolved through our disciplinary and grievance procedures. We are again pleased to confirm that no awards have been made against us at any of the Courts or Tribunals with jurisdiction over us (ie the Commission for Conciliation, Mediation and Arbitration, or the Labour Court) since CDH's formation in 2008.



4. Anti-Corruption

Introduction

As always, maintaining the highest legal, professional and ethical standards remains a key part of CDH culture and the firm is committed to the fight against corruption and bribery. Anti-corruption initiatives at CDH are both internal and client facing to the extent that the firm runs anti-bribery and corruption seminars for its practitioners as well as clients.

A number of our attorneys continue to develop valuable expertise in advising on white-collar crime, bribery and corruption as well as the conduct of forensic audits and investigations. CDH has sought to formalise and coalesce this aspect of its service offering through a cross-disciplinary virtual practice in white collar crime and related advice made up of regulatory attorneys and litigation experts. New hires have bolstered our ability to offer specialist advice in this important field.

CDH's Pro-Bono Practice acts in support of the rule of law in its broadest sense, while other practices such as Competition Law contribute to advocating against corruption in the form of price-fixing and bid-rigging cartels.

South Africa's role in the global economy means that foreign legislation and treaty obligations also need to be considered, including obligations under the Organisation for Economic Cooperation and Development (OECD) Recommendations on Combating Bribery, Bribe Solicitation and Extortion; the UN Convention against Corruption and the African Union Convention Against Corruption; and more pointedly, the US Foreign Corrupt Practices Act and the UK Bribery Act.

Regrettably, corruption in public and private life remains part of the South African reality, and perhaps that of the world. In South Africa, ongoing allegations of state capture and an alarming number of corporate scandals have served to highlight risks in both the public and private sectors.

Nevertheless, from a due diligence perspective, an understanding of the anti-corruption compliance risks inherent in today's local, regional and global business climate is gaining prominence. An awareness of local and global legislation influences the way we conduct business and interact with our clients, associates and suppliers and we continue to take our obligations in this regard seriously.

Compliance

Through advice and advocacy, CDH supports compliance with a number of local laws that underpin anti-corruption enforcement in South Africa including:

- ▶ The Prevention of Organised Crime Act 1998;
- ▶ The Protected Disclosures Act 2000;
- ▶ The Financial Intelligence Centre Act 2001;
- ▶ The Prevention and Combating of Corrupt Activities Act 2004;
- ▶ The Public Services Act 1994;
- ▶ The Protection of Constitutional Democracy against Terrorist and Related Activities Act 2004; and
- ▶ The Companies Act 2008.

*Ethical conduct
remains a cornerstone
of the legal profession
and a fundamental
part of CDH's ethos.*

The Financial Intelligence Centre Act, 2001 (FICA) and the Financial Intelligence Centre Amendment Act, 2008, are geared towards combatting money laundering. The firm, as a registered "accountable institution" under FICA has comprehensive policies and procedures in place to comply with our obligations in respect of, for example, verifying the identify of clients, keeping records of business relationships and transactions and reporting cash transactions as well as suspicious transactions to the Financial Intelligence Centre. We have comprehensive internal rules in this regard, which are made available to all employees as part of compulsory training on our FICA policies and procedures.

A key development in CDH has been the appointment of a dedicated risk and compliance manager. Our risk and compliance manager is responsible, *inter alia*, for overseeing compliance with all local anti-corruption and bribery related legislation; formulating recommendations for improvements in line with international best practice and statutory objectives; providing an ad-hoc advisory service to the business in respect of queries relating to due diligence, money laundering, reporting responsibilities and for leading the implementation of internal policies, guidelines, procedures and training.

Regulation

Ethical conduct remains a cornerstone of the legal profession and a fundamental part of CDH's ethos. In terms of the Attorneys Act, 1979, our attorneys are registered with the relevant provincial law societies where they practice and comply with the rules in regard to professional conduct and ethics.

Training

CDH offers focussed anti-bribery and corruption training as part of formal career academies for professionals.

In addition and as part of the firm's in-house training programme, newly appointed candidate attorneys are required, in preparation for their admission examinations, to attend various training sessions on professional conduct and ethics, which includes, for example, a discussion of risk management, fraud, bribery and corruption as well as attorney-client privilege.

As part of the new practice management course for new directors which has been introduced by the Law Society of South Africa, new directors attend in-house training sessions on professional conduct, ethics and risk management.

This year, CDH has sought to formalise and update a number of initiatives related to driving its anti-corruption policies and procedures.

Other initiatives and policies

CDH adopts a zero tolerance policy on corruption, bribery and extortion. CDH recognises that anti-bribery and anti-corruption requires on-going vigilance from senior managers through to professional staff and other employees. The firm's internal guidelines on anti-corruption continues to be refined to take into account developing best practice in managing these risks and driving a culture of compliance at CDH and in relation to third parties with whom we work.



5. Environmental Principles

Relevance of environmental protection for CDH

The legal sector has a relatively small environmental footprint. However, CDH acknowledges that it has a responsibility to ensure its environmental impacts are minimised. We maintain that the greatest impact we can have on environmental sustainability is using our expertise in providing legal advice to our clients to help them understand and comply with environmental legislation and implement environmentally sound management, so as to respond to the environmental challenges facing the world.

CDH'S environmental policy

At CDH we continue to recognise the critical importance natural resources have on economic growth and sustainable development, particularly in Africa. We acknowledge the importance of reducing our environmental impact in all areas of our business and contributing to projects that support positive environmental outcomes.

Our commitment to operate in a responsible way remains focused on the following areas:

- Assessing and reporting on carbon emissions.
- Reduction and efficient use of water, energy and paper.
- Reduction, re-use and recycling of waste.
- Creating environmental awareness among staff, clients and business partners.
- Providing *pro bono* legal support to non-profit organisations (NPOs).
- Furnishing environmental legal services to clients.

Implementation

Carbon footprint

CDH conducted its annual carbon footprint to obtain a clear overview of all the greenhouse gas emissions it causes, including energy use. The footprint is attached to this COP.

CDH's total emission have increased in 2016 / 2017 by 13% from 2015 / 2016.

This increase relates to travel (commuting by private car; business car-hire and air travel); and electricity usage.

Electricity consumption makes up most of CDH's carbon footprint (68% of total emissions). The Sandton office has an electricity intensity of 43% less than the Cape Town office per full time employee (FTE).

Cape Town's electricity intensity reduced by 9% between 2013 / 2014 to 2015 / 2016 financial year due to proactive steps CDH has taken to reduce the Cape Town office's electricity intensity. It has however increased in 2016 / 2017 to 12605 kwh / per full time employee up from 10,546kWh per FTE in 2015 / 2016, being a 19% increase.

For CDH as a whole, emission intensity per square metre of office space has remained constant since 2014 / 2015 financial year due to steps taken by CDH to become more energy efficient.

Emission intensity per employee has also been constant since 2014 / 2015 but has increased by 19% in 2016 / 2017 financial year. As noted, this is largely due to increases in air travel, commuting by private car and electricity usage.

CDH's steps to decrease its footprint are discussed below.

"CDH conducted its annual carbon footprint to obtain a clear overview of all the greenhouse gas emissions it causes, including energy use. The footprint is attached to this COP."

Transportation

CDH used 'foot-messengers' for all inner-city deliveries (within a 1 – 4 km radius).

Our virtual meeting technology, installed in both our Cape Town and Johannesburg Offices provides an effective alternative to travel and is increasingly used.

CDH's increases in its carbon footprint however relate to transport (commuting by private car, car hire and air travel) and measures to reduce this portion of the carbon footprint will need to be considered in the next reporting year.

Reduction and efficient use of water and energy

The design of CDH's Johannesburg Office ensures the efficient use of water and energy. Solar panels on the roof generate hot water and evaporative cooling in the atrium controls the air temperature. The glass used extensively on the Office facades is a low e-glass, which emits low levels of radiant energy. The top basement levels are designed to allow for natural ventilation and the Office windows are designed to allow as much light in as possible. Double-glazing on vision panels and roof insulation allows for the conservation of natural energy.

Electrical energy consumption is reduced at the Johannesburg Office through movement sensors and timers for lighting systems. Timers have also recently been installed at the Cape Town Office. Energy efficient PCs and laptops are also used.

A large portion of the carbon footprint constitutes electricity usage in the Cape Town Office. CDH therefore conducted an energy efficiency audit on it in 2014. The findings of the Audit and the steps CDH has taken are set out below.

- *Lighting is believed to be the largest energy consumer, mainly due to some of the time schedules being set to extended hours. Adjusting the lighting operating hours and the installation of more efficient lighting will result in a saving of 24%.*

In 2014 / 2015 CDH piloted a process of adjusting the lighting timers for a certain period whilst it received feedback from employees that usually work later hours. The timers in the Cape Town Office are now set on all floors to turn off automatically at a set time.

In order to achieve significant savings, it is recommended that the lighting be replaced with more efficient lighting and that occupancy control in the individual offices be installed.

CDH previously installed more energy efficient LED globes in areas that are able to accommodate them. This project was not continued with in 2016 / 2017 and further steps will be taken in the next reporting year.

It is recommended that the operating hours of both HVAC and lighting be specialized to reduce wastage. Furthermore, the tenant equipment (mainly computer equipment) could be specialized by installing specialized software whereby the operating hours can be reduced.

CDH has not yet adjusted the timers on the HVAC system. This is now planned to occur in the next reporting year and will be piloted for staff feedback. This will however differ from the lighting adjustment, as the need varies per season.

Some proposals can be done internally without any additional costs (such as adjusting the air conditioning and lighting operating hours).



Our security contractor / guards continue to assist with monitoring and switching off unnecessary equipment during their hourly patrols at night.

In an effort to reduce and save energy consumption on a larger scale, CDH enlisted the services of a Company that deals primarily in assisting corporate companies with their energy efficiency (Winterbourne-Green Energy (Pty) Ltd) in the 2014 / 2015 reporting year. This project has been put on hold, as Winterbourne-Green Energy (Pty) Ltd is still in the process of enlisting more corporates for this initiative. When the Project is implemented, it will assist greatly in both the Cape Town and Johannesburg Offices becoming more energy efficient, while still operating optimally.

Reduction, re-use and recycling of waste

We remain committed to reducing paper use and recycling paper, plastics and other waste. Whilst Cape Town has increased its waste usage by 15%, Johannesburg has decreased by 17%.

CDH continues to utilise an accredited recycling company at its Johannesburg and Cape Town Offices. As with most law firms, paper constitutes the bulk of CDH's waste stream.

An employee of the recycling company is based permanently at the Johannesburg Office to separate waste streams for recycling purposes. In addition, paper recycling boxes are present in prominent positions in both the Cape Town and Johannesburg Offices.

Providing Pro Bono legal support to environmental NPOS

CDH has provided a wide range of pro bono legal services to the Endangered Wildlife Trust (EWT) since 2012. We are currently assisting them with a dispute concerning their lease agreement.

In 2015 / 2016 it has also provided corporate and employment *pro bono* legal services to Delta Environmental Centre.

Creating environmental awareness among staff, clients and business partners

The Environmental Law Practice provides seminars to other Departments, candidate attorneys and clients on various aspects of environmental law. It also frequently publishes articles on developments in environmental law and environmental rights in Africa, aimed *inter alia* at increasing awareness amongst its clients and the general public

Furnishing environmental legal services to clients

CDH continues to represent several clients with significant environmental impacts due to the nature of their operations, such as the mining, industrial, waste sectors and nuclear power generation. Through our Environmental Law Practice we advise our clients on all environmental aspects of their business, from environmental regulation and compliance to strategic environmental planning.



Monitoring

CDH's Social and Ethics Committee has an environmental representative, who is a Director in the Environmental Law Practice. She continues to report back on the extent and effectiveness of environmental strategies within the Firm and presents proposals on further reduction / mitigation strategies to reduce CDH's environmental impact.

Through the carbon footprint's outcome and data accumulated on our waste stream, we have a measurable baseline to set annual targets and objectives, enabling us to accurately track and report our progress and determine if our strategies are effective. Management regularly assesses the effectiveness of strategies that have been implemented and whether they successfully reduce the negative impact in the three key areas.

Goals

CDH is committed to further reducing our environmental impact in the three key areas identified in the carbon footprint assessment namely: energy efficiency, air travel and car travel. Measures to reduce our carbon footprint from air and car travel will be further considered.

Footprint and environmental impacts arising from our operations

The energy audit will determine where and how the Cape Town Office can become more energy efficient, thereby reducing our carbon footprint even further. For business air travel we are still formulating an appropriate travel policy. Regarding private car travel we continue to actively encouraging lift-sharing and the use of public transport. Lastly, in order to have an accurate carbon footprint, we have implemented the necessary data management processes and will continue striving to improve them.

CARBON FOOTPRINT REPORT



CLIFFE DEKKER HOFMEYR

Reporting Period: 1 April 2016 to 31 March 2017

TABLE OF CONTENTS

Acknowledgements	3
OVERVIEW OF CLIFFE DEKKER HOFMEYR'S 2016/2017 CARBON DIOXIDE EQUIVALENT (CO₂e) EMISSIONS	4
1. Introduction	6
2. Required information	7
2.1. Company description	7
2.2. GHG inventory boundaries	7
2.3. Reporting Period	8
3. Methodology	9
3.1. Carbon Dioxide Equivalent (CO ₂ e)	9
3.2. Emission Factors (EFs)	9
4. Carbon footprint Cliffe Dekker Hofmeyr	10
4.1. Scope 1 & 2 emissions	10
4.2. Relevant scope 3 emissions	11
4.3. Historical overview	12
4.4. Information on Offsetting	13
	14
5. Carbon footprint CDH Sandton Office	15
5.1. Scope 1 & 2	15
5.2 Relevant scope 3 emissions	16
6. Carbon footprint CDH Cape Town Office	18
6.1. Scope 1 & 2	18
6.2 Relevant scope 3 emissions	19
6.3 Comparison between Sandton & Cape Town office	21
Contact Persons	22

ACKNOWLEDGEMENTS

Franz Rentel from Climate Neutral Group would like to thank Sandra Gore and Beverley Winter for fielding all questions and coordinating the Cliffe Dekker Hofmeyr team for the carbon footprint.



OVERVIEW OF CLIFFE DEKKER HOFMEYR'S 2016/2017 CARBON DIOXIDE EQUIVALENT (CO₂E) EMISSIONS

REPORTING PERIOD: Financial Year 2016 / 2017 (1 April 2016 – 31 March 2017)

CONDUCTED ON: Sandton & Cape Town office

Basic Information

Total CDH employees:	602
Total square metres of space reported:	19,276

Scope 1 Direct Emissions

	Metric tonnes of CO ₂ e
Equipment owned or controlled (generators)	0.79
Company delivery vehicles	38.79
TOTAL SCOPE 1 EMISSIONS	39.58

Scope 2 Indirect Emissions

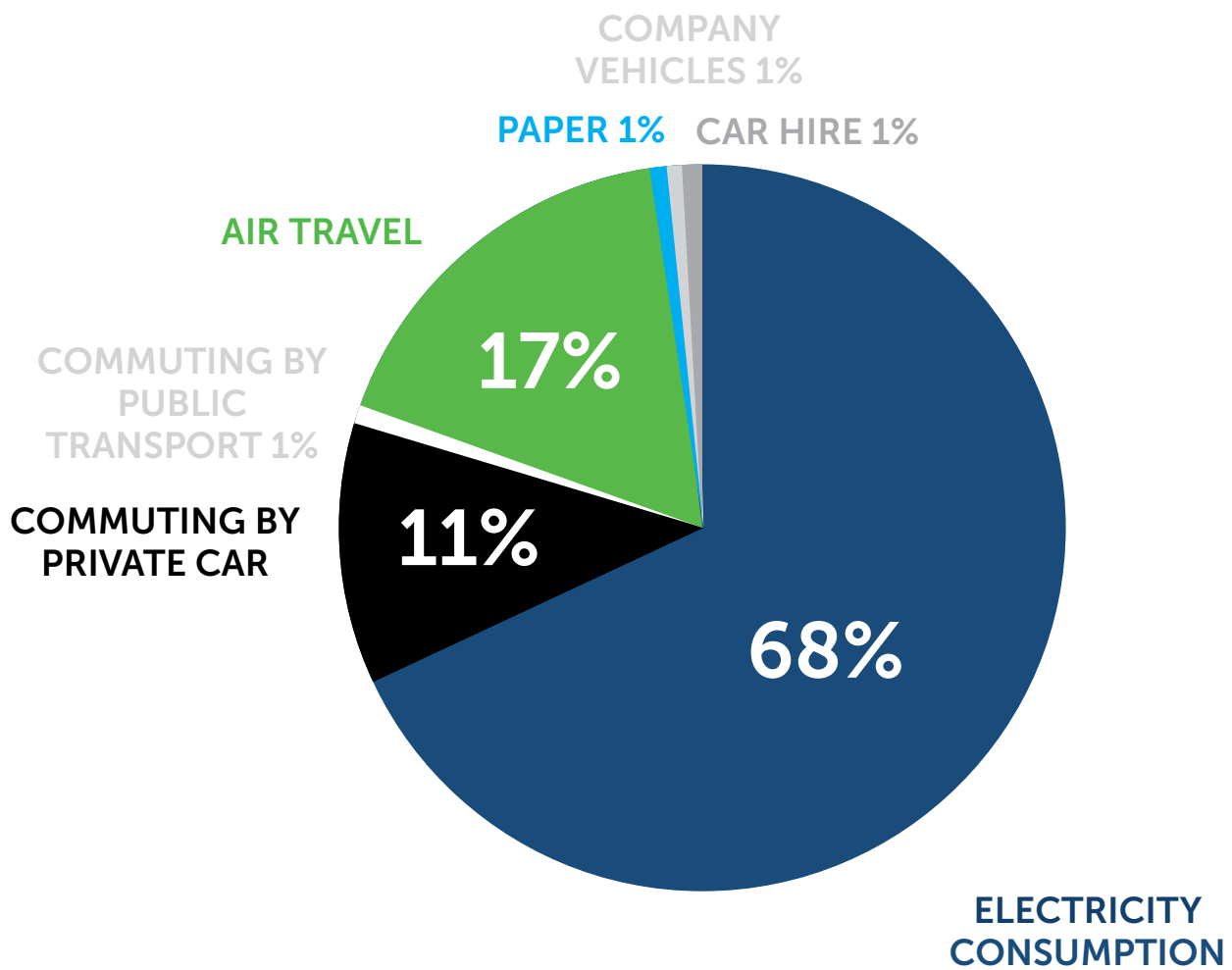
Electricity consumption	5272.47
TOTAL SCOPE 1 & 2 EMISSIONS	5312.05

Scope 3 Indirect Emissions

Commuting by private car	888.31
Commuting by public transport	54.05
Business travel in commercial airlines	1346.31
Business travel in rental cars	57.03
Business travel in hotels	24.88
Paper	56.12
TOTAL SCOPE 3 EMISSIONS	2426.69

TOTAL SCOPE 1, 2 & 3 EMISSIONS	7738.74
-------------------------------------------	----------------

Total emissions per full-time employee (tCO ₂ e/FTE)	12.86
Scope 1 & 2 emissions per square metre of space (tCO ₂ e/m ²)	0.28



EMISSION PER SOURCE IN THIS PERIOD



1. INTRODUCTION

An organisational carbon footprint serves as a starting point and foundation for your company's carbon management programme by providing you with a clear overview of all the greenhouse gas emissions caused by your operations, including energy use by your offices and processes. Gaining insight into your business or organisation's carbon footprint is the first step towards managing it. This will allow you to:

- disclose your carbon emissions to clients, government and other stakeholders
- prepare for future mandatory carbon reporting
- determine your carbon tax exposure
- realise potential energy and cost savings
- track and reduce your carbon emissions
- invest into carbon offsetting thereby linking your CSI mandate with your carbon strategy

This carbon footprint report is part of the standard service offering from Climate Neutral Group. It contains a brief description of the boundaries, scope and methodology used. The major part of the report gives a detailed account

of the carbon footprint, based on your reported data. This carbon footprint was determined in accordance with the Greenhouse Gas (GHG) Protocol Corporate Accounting and Reporting Standard methodology¹.

Climate Neutral Group has gone to all reasonable lengths to ensure that the primary information provided by you is correct but we take no responsibility for any inaccuracies that this information might contain. This report, in its entirety, is both material and complete and is intended for your company's internal use only. Information may, however, be extracted for reporting purposes, such as for submission into international and/or national greenhouse gas registries and sustainability reporting.

We hope that this carbon footprint report will provide you with the valuable insight you need to (further) limit your impact on the climate and/or demonstrate that any carbon reduction measures you might have taken in so far have had the desired effect. If you would like any advice on limiting your climate impact and/or how to offset (a part of) your footprint, please speak to one of our consultants.

¹ The GHG Protocol is a multi-stakeholder partnership of business, NGOs and governments led by the World Resources Institute (WRI) and the World Business Council for Sustainable Development (WBCSD). It is the best source of information about corporate GHG accounting and reporting, and draws on the expertise and contributions of individuals and organisations from around the world. The GHG Protocol is the most widely used standard for mandatory and voluntary GHG Programmes.



2. REQUIRED INFORMATION

2.1. COMPANY DESCRIPTION

Cliffe Dekker Hofmeyr (“CDH”) is one of the largest business law firms in South Africa with some 115 directors/partners and 200 qualified lawyers, located at offices in Sandton and Cape Town. The firm specialises in services covering the complete spectrum of business legal needs with dedicated sector-led teams.

This 2016/2017 Carbon Footprint Report constitutes the fourth consecutive carbon footprint commissioned by Cliffe Dekker Hofmeyr (“CDH”) and should be compared against the previous carbon footprint calculations. This report covers emissions resulting from business activities of CDH’s two South African offices: Sandton (Johannesburg) and Cape Town. This covers a staff complement of some 602 full-time employees (FTEs), excluding contracted intermediaries, and 19,276 square metres (m²) of total office space.

2.2. GHG INVENTORY BOUNDARIES

In accordance with the GHG Protocol, clear organisational and operational boundaries (including “scopes”) have to be defined before a carbon footprint can be reported. It is important to highlight that under the GHG Protocol, the reporting of both direct emissions and indirect emissions resulting from purchased electricity are compulsory (scope 1 and 2 respectively). All other indirect emissions (scope 3) are reported on a voluntary basis. However Climate Neural Group advises that any emissions from significant scope 3 activities that your organisation has an influence over should also be included (for example business travel). This provides you with a realistic carbon footprint which is the best basis to initiate effective carbon reduction plans and communicate transparently to stakeholders. Below is a short description about boundaries and scopes.

ORGANISATIONAL BOUNDARIES

Organisational boundaries determine which business units (core, subsidiaries, franchises, etc.), facilities, or physical places of operation, owned or controlled by the reporting company, are included in the carbon footprint. The more complex the company structure, the more important are the boundaries of an organisation for the clear definition and scope of the report.



Organisational boundaries are established on either the control approach or the equity share approach. Under the control approach, a company accounts for all emissions by entities and activities that are controlled by the organisation. Under the equity share approach, a company accounts for its GHG emissions from operations according to its share of equity in the operation.

Cliffe Dekker Hofmeyr reports on all emissions using the Operational Control approach. This includes South African offices managed and controlled by the firm for which Scope 1 (direct), Scope 2 (indirect electricity) and Scope 3 (indirect) emissions can be accounted for. The offices included in the boundary are the Sandton and Cape Town office.

OPERATIONAL BOUNDARIES

Operational boundaries determine the actual business activities of the reporting company that generate emissions, which of these activities should be included in the calculation, and how these activities should be classified (i.e. direct or indirect emissions).

The GHG-emitting activities covered by the report include direct emissions resulting from fuel used by company-owned or controlled equipment and fleet vehicles; indirect emissions from purchased electricity (referred to as Scope 1 and 2 emissions respectively); and selected indirect emissions resulting from your business travel activities, third-party vehicle fleet, employee commuting patterns and the consumption of office paper (referred to as Scope 3 emissions). Refer to Appendix B for a diagram to illustrate direct and indirect emissions and the different scopes of reporting.

Greenhouse Gas (GHG) emissions resulting from the following activities have been calculated:

Scope 1 (direct):

- Equipment owned or controlled by company (e.g. back-up Diesel generators)

Scope 2 (indirect – electricity):

- Consumption of purchased electricity

Scope 3: (indirect – other):

- Commuting of staff by private car & public transport
- Business Travel in rental cars, taxis, commercial airlines & hotel stays
- Paper use

2.3. REPORTING PERIOD

The reporting period of this report is for CDH's 2016/2017 financial year (1 April 2016 – 31 March 2017).



3. METHODOLOGY

3.1. CARBON DIOXIDE EQUIVALENT (CO₂e)

The root cause of climate change is the release of man-made greenhouse gases into the atmosphere which trap heat. The most important are carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). Due to the varying ability of greenhouse gases to trap heat in the atmosphere, some are more harmful to the climate than others. Each greenhouse gas has a “global warming potential” (GWP), which refers to its heat trapping potential relative to that of CO₂. Therefore, to provide a comparable final figure, all emissions are reported as a relative figure to CO₂, i.e. as CO₂e values.

3.2. EMISSION FACTORS (EFs)

Emission factors convert activity data (e.g. amount of fuel used, kilometres driven, and kilowatt hours of purchased electricity) into a value indicating carbon dioxide equivalent (CO₂e) emissions generated by that activity.

Default values are used by the GHG Protocol to assist businesses that are unable to develop accurate customised

values. These default values are representative averages based on the most extensive data sets available and are largely identical to those used by the Intergovernmental Panel on Climate Change (IPCC), the premier authority on greenhouse gas accounting practices at the global level.

The GHG Protocol recommends, however, that businesses should use customised values whenever possible, as industrial processes or the composition of fuels used by businesses may differ with time and by region. This report largely uses the latest emission factors provided by the UK government’s Department of Environment, Food and Rural Activities (Defra), May 2016.

In reporting emissions generated by the consumption of electricity purchased from Eskom, the emissions factor provided by the utility’s annual integrated report (2015) has been used to give local context accuracy.

It is important to note that emission factors from the relevant institutions are continuously updated in line with new developments. Sometimes this can make comparisons with a previous year’s carbon footprint less straight-forward. Therefore the changes you see in your footprint over time are not only caused by changes in your behaviour but also changes in emission factors.



4. CARBON FOOTPRINT CLIFFE DEKKER HOFMEYR

4.1. SCOPE 1 & 2 EMISSIONS

The following two tables outline all direct emissions under Scope 1 and indirect emissions from purchased electricity under Scope 2 for the 2016/2017 financial year.

TOTAL DIRECT SCOPE 1 EMISSIONS

Description	Units	Emission factors kgCO ₂ e/unit ²	Total consumption	Metric tonnes of CO ₂ e emissions
Fuel used in equipment owned or controlled (back-up generators)	Litres of diesel	3.04	259	0.79
Vehicle fleet	Litres of petrol	2.8	13,853	39.58
TOTAL EMISSIONS FROM VEHICLE FLEET				39.58

TOTAL INDIRECT SCOPE 2 EMISSIONS FROM PURCHASED ELECTRICITY

Description	Units	Emission factors kgCO ₂ e/unit	Total consumption	Metric tonnes of CO ₂ e emissions
Purchased electricity	Kilowatt hours	1.01 ³	5,220,269.6	5,272.47
TOTAL EMISSIONS FROM PURCHASED ELECTRICITY				5,272.47
TOTAL SCOPE 1 & 2 EMISSIONS				5,312.05

² Unless otherwise stated, all emission factors are provided by the UK Government Department of Environment, Food and Rural Affairs (Defra). Guideline to Defra's GHG Conversion Factors for Company Reporting; Annexes Updated May 2016.

³ Eskom emission factor per kilowatt hours of electricity generated in South Africa from Eskom was sourced from the Eskom 2015 Integrated Report.

4.2. RELEVANT SCOPE 3 EMISSIONS

The following table outlines major and relevant Scope 3 emissions generated during the 2016/2017 financial year. Employee commuting carbon emissions have been calculated by means of a staff survey carried out in November 2017 (details of the survey in Appendix C).

TOTAL INDIRECT SCOPE 3 EMISSIONS

Description	Units	Emission factors kgCO ₂ e/unit ⁴	Total consumption	Metric tonnes of CO ₂ e emissions
Employee commuting	tCO ₂ e/FTE	Various according to transportation mode	4,965,867 km ⁵	942.35
Business travel – air travel	km	Varies with distance	4,481,341 km	1346.31
Business travel – car hire	km	0.227	251,225	57.03
Business travel – hotel accommodation	Bed night	20.6	1208	24.88
Paper	ton	Various types	51.02	56.12
TOTAL SCOPE 3 EMISSIONS				2426.69

OVERVIEW OF RESULTS OF EMISSIONS BY SCOPE

Description	Metric tonnes of CO ₂ e emissions
Scope 1	39.58
Scope 2	5272.47
Scope 3	2426.69
ALL SCOPES	7738.74

⁴ Unless otherwise stated, all emission factors are provided by the UK Government Department of Environment, Food and Rural Affairs (Defra). Guideline to Defra's GHG Conversion Factors for Company Reporting; Annexes Updated May 2016.

⁵ An online commuting survey was completed on 21 November 2017. Total responses received: 150, representing 25% of full time employees. Appendix C contains details of the survey.



4.3. HISTORICAL OVERVIEW

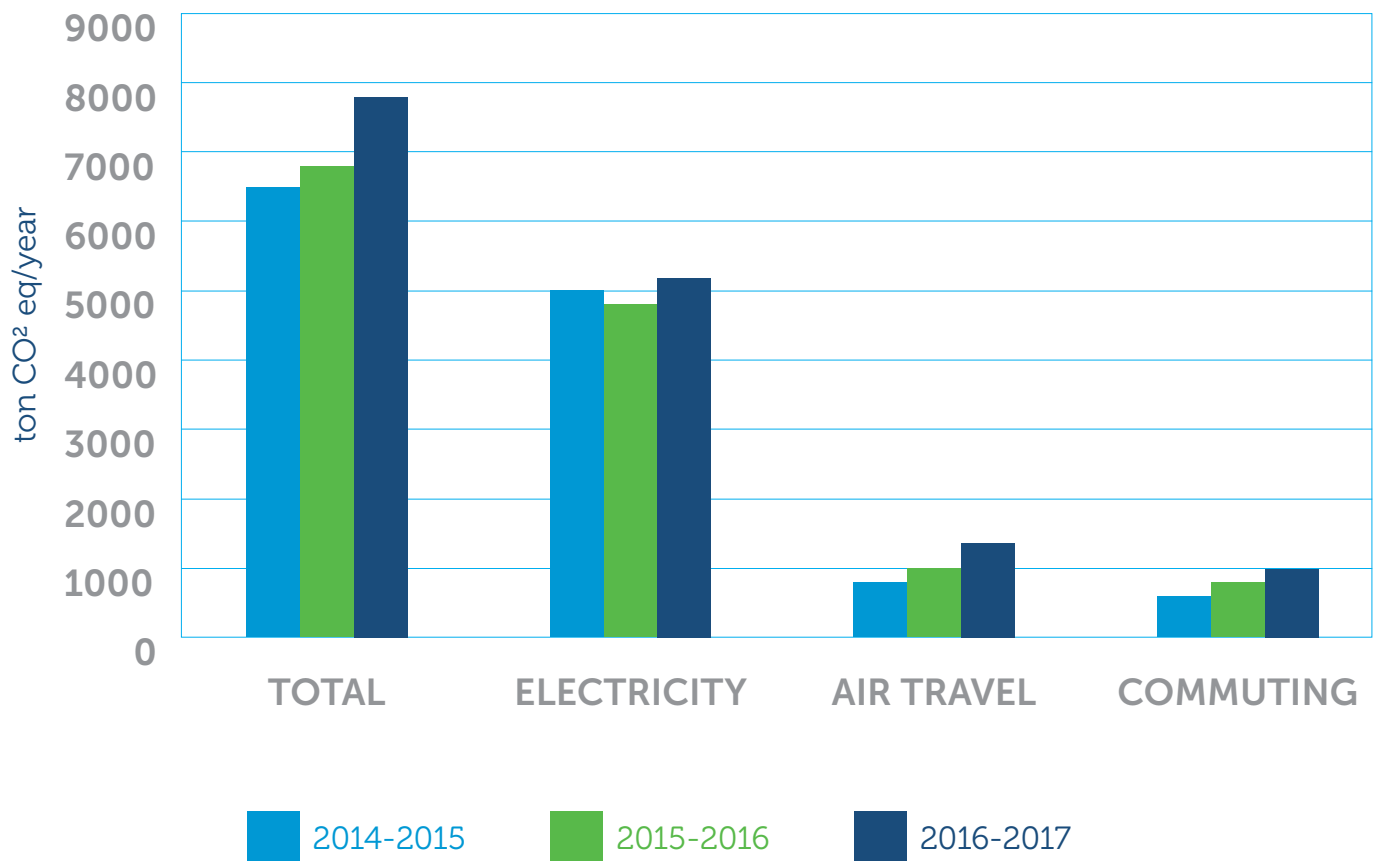
Cliffe Dekker Hofmeyr had initially set 2012/2013 financial year as its base year for the carbon footprint calculations. A base year is the historical year against which a company's emissions are tracked and compared over time. It is typically the earliest relevant point in time for which a company has reliable data. However, this has been adjusted to the 2014/2015 financial year due to unreliable electricity consumption data in 2013/2014 financial year. The table below compares CDH's carbon footprint over the past three financial years of reporting.

COMPARISON OF EMISSIONS AND INTENSITY

1 April 2014 – 31 March 2017

	2014/2015	2015/2016	2016/2017
BASIC INFORMATION			
Full-time employees (FTE)	601	630	602
Square metres (m2)	18,410	18,410	19,276
ACTIVITY (tCO₂e)			
Back-up generators for electricity generation	2.4	2.3	0.79
Company owned / leased vehicles	28.4	33	38.79
TOTAL SCOPE 1	30.8	35.4	39.58
TOTAL SCOPE 2 – Electricity	5006.6	4874.4	5272.47
TOTAL SCOPE 1 & 2	5037.4	4909.4	5312.05
Employee commuting by private car	547.8	744.2	888.31
Employee commuting by public transport	45	54.1	54.05
Business travel – commercial airlines	737.2	1044.3	1346.31
Business travel – car hire	No data	7.9	57.03
Business travel – hotel accommodation	No data	7.2	24.88
Paper	142	60.7	56.12
TOTAL SCOPE 3	1472	1918.5	2426.69
TOTAL GROSS EMISSIONS	6509.3	6827.8	7738.74
Carbon Offsets	0	0	0
TOTAL NET EMISSIONS	6509.3	6827.8	7738.74
Emission intensity per employee (tCO ₂ e/FTE)	10.83	10.84	12.86
Emission intensity per square metre office space (scope 1 & 2 tCO ₂ e/m ²)	0.27	0.27	0.28
Intensity: % tCO ₂ e from electricity	77	73	73
Kilowatt Hours consumed	4,908,411	4,825,724	5,220,270
Electricity intensity: kWh/FTE	8167	7660	8671

HISTORICAL OVERVIEW



4.4. INFORMATION ON OFFSETTING

Cliffe Dekker Hofmeyr has not (yet) offset any of its GHG emissions generated in the past five financial years by purchasing carbon offsets (credits).

Carbon offsetting offers a unique opportunity to make an immediate and significant difference to reducing your impact on the environment. Our projects not only reduce global greenhouse gas emissions, but also impact communities who benefit from the sale of carbon credits. Carbon offsetting can help your business to gain competitive advantage, build brand value, support your CSI policy, improve your BEE scorecard, motivate staff, and encourage reduction activities by setting an internal price for carbon.

Climate Neutral Group has several exciting offset projects in its portfolio that reduce greenhouse gas emissions and improve livelihoods. All our projects comply with the three most internationally recognised carbon credit standards – the Gold Standard, Verified Carbon Standard and the Clean Development Mechanism. Our projects combine energy, environment and developmental solutions into sustainable business opportunities.



A few examples of projects in our portfolio are (f.l.t.r.): household Biogas in Cambodia, efficient cookstoves in Uganda & Kenya, Wonderbags in South Africa, Municipal Landfill Gas in South Africa, Basa Magogo in South Africa

5. CARBON FOOTPRINT CDH SANDTON OFFICE

CDH's carbon footprint takes into account the GHG emissions of all your facilities and business activities as a whole (i.e. both CDH offices within South Africa). You have requested for us to produce individual sub-reports for each of your offices during this process. While this is not mandatory to satisfy the best practise in carbon accounting, it is beneficial from a carbon management point of view in order to track how the individual offices perform over time.

5.1. SCOPE 1 & 2 EMISSIONS

The following two tables outline all direct emissions under Scope 1 and indirect emissions from purchased electricity under Scope 2 for the 2016/2017 financial year for the Sandton office.

TOTAL DIRECT SCOPE 1 EMISSIONS – SANDTON OFFICE

Description	Units	Emission factors kgCO ₂ e/unit	Total consumption	Metric tonnes of CO ₂ e emissions
Fuel used in equipment owned or controlled (back-up generators)	Litres of diesel	3.04 ⁶	259	0.79
Vehicle fleet	Litres of petrol	2.8	8,603	24.09
TOTAL EMISSIONS FROM VEHICLE FLEET				24.88

INDIRECT SCOPE 2 EMISSIONS FROM PURCHASED ELECTRICITY SANDTON OFFICE

Description	Units	Emission factors kgCO ₂ e/unit	Total consumption	Metric tonnes of CO ₂ e emissions
Purchased electricity	Kilowatt hours	1.01 ⁷	3,077,306	3108.08
TOTAL EMISSIONS FROM PURCHASED ELECTRICITY				3108.08

TOTAL SCOPE 1 & 2 EMISSIONS				3132.96
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⁶ Unless otherwise stated, all emission factors are provided by the UK Government Department of Environment, Food and Rural Affairs (Defra). Guideline to Defra's GHG Conversion Factors for Company Reporting; Annexes Updated May 2016.

⁷ Eskom emission factor per kilowatt hours of electricity generated in South Africa from Eskom was sourced from the Eskom 2015 Integrated Report.



5.2. RELEVANT SCOPE 3 EMISSIONS

The following table outlines major and relevant Scope 3 emissions generated during the 2016/2017 financial year for the Sandton office. Employee commuting carbon emissions have been calculated by means of a staff survey carried out in November, 2017 (details of the survey in Appendix C).

TOTAL INDIRECT SCOPE 3 EMISSIONS

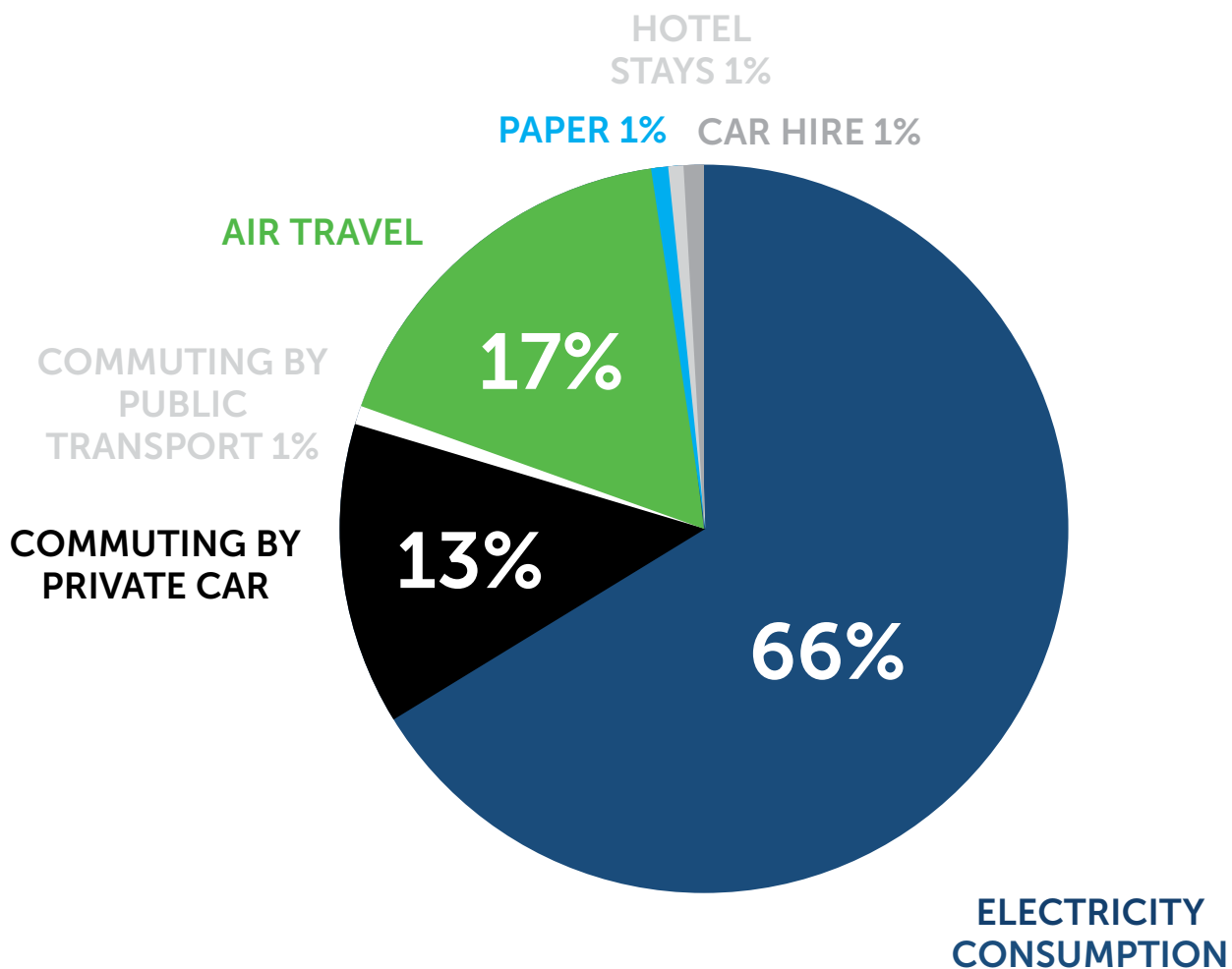
Description	Units	Emission factors kgCO ₂ e/unit ⁸	Total consumption	Metric tonnes of CO ₂ e emissions
Employee commuting	tCO ₂ e/FTE	Various according to transportation mode	3,381,758km ⁹	664.55
Business travel – air travel	km	Varies with distance	2,713,009 km	793.19
Business travel – car hire	km	0.227	246,443	55.94
Business travel – hotel accommodation	Bed night	20.6	1186	24.43
Paper	Tons	Various types	51.02	36.93
TOTAL SCOPE 3 EMISSIONS				1575.05

OVERVIEW OF RESULTS OF EMISSIONS BY SCOPE SANDTON OFFICE

Description	Metric tonnes of CO ₂ e emissions
Scope 1	24.88
Scope 2	3108.08
Scope 3	1575.05
All Scopes	4708.01

⁸ Unless otherwise stated, all emission factors are provided by the UK Government Department of Environment, Food and Rural Affairs (Defra). Guideline to Defra's GHG Conversion Factors for Company Reporting; Annexes Updated May 2016

⁹ An online commuting survey was completed on 21 November 2017. Total responses received: 150, representing 25% of full time employees. Appendix C contains details of the survey



EMISSION PER SOURCE IN THIS PERIOD



6. CARBON FOOTPRINT CDH CAPE TOWN OFFICE

6.1. SCOPE 1 & 2 EMISSIONS

The following two tables outline all direct emissions under Scope 1 and indirect emissions from purchased electricity under Scope 2 for the 2016/2017 financial year for the Cape Town office. Emissions associated with the operation of air-conditioning units and refrigerators have not been included due to unreliable data. .

DIRECT SCOPE 1 EMISSIONS - CAPE TOWN OFFICE

Description	Units	Emission factors kgCO ₂ e/unit	Total consumption	Metric tonnes of CO ₂ e emissions
Fuel used in equipment owned or controlled (back-up generators)	Litres of diesel	3.04	0	0
Vehicle fleet	Litres of petrol	2.8	5250	14.7
TOTAL EMISSIONS FROM VEHICLE FLEET				14.7

INDIRECT SCOPE 2 EMISSIONS FROM PURCHASED ELECTRICITY – CAPE TOWN OFFICE

Description	Units	Emission factors kgCO ₂ e/unit	Total consumption	Metric tonnes of CO ₂ e emissions
Purchased electricity	Kilowatt hours	1.01	2,142,964	2164.39
TOTAL EMISSIONS FROM PURCHASED ELECTRICITY				2164.39
TOTAL SCOPE 1 & 2 EMISSIONS				2179.09

6.2. RELEVANT SCOPE 3 EMISSIONS

The following table outlines major and relevant Scope 3 emissions generated during the 2015/2016 financial year for the Cape Town office. Employee commuting carbon emissions have been calculated by means of a staff survey carried out in November, 2017 (details of the survey in Appendix C).

INDIRECT SCOPE 3 EMISSIONS

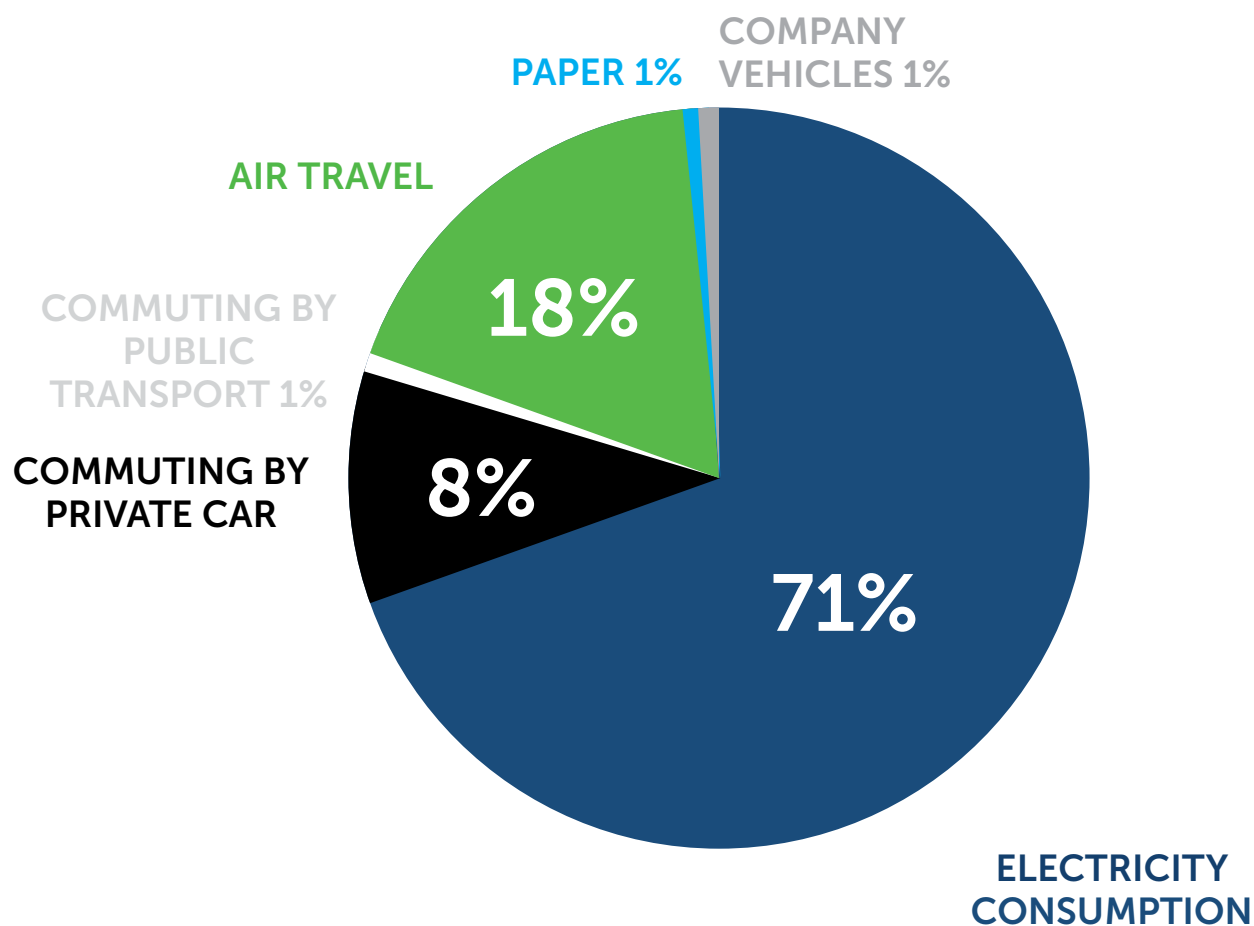
Description	Units	Emission factors kgCO ₂ e/unit ⁸	Total consumption	Metric tonnes of CO ₂ e emissions
Employee commuting	tCO ₂ e/FTE	Various according to transportation mode ¹⁰	1,584,110	664.55
Business travel – air travel	km	Varies with distance	1,768,332	793.19
Business travel – car hire	km	0.227	4782	1.09
Business travel – hotel accommodation	Bed night	20.6	22	0.45
Paper	Tons	Various grades	17.45	19.2
TOTAL SCOPE 3 TCO2E				851.65

OVERVIEW OF RESULTS OF EMISSIONS BY SCOPE CAPE TOWN OFFICE

Description	Metric tonnes of CO ₂ e emissions
Scope 1	14.7
Scope 2	2164.39
Scope 3	851.65
All Scopes	3030.74

¹⁰ An online commuting survey was completed on 21 November 2017. Total responses received: 150, representing 25% of full time employees. Appendix C contains details of the survey..





EMISSION PER SOURCE IN THIS PERIOD

6.3. COMPARISON BETWEEN SANDTON & CAPE TOWN OFFICE

To gain better insight into the carbon emissions and energy intensity between the two offices a direct comparison is provided in the table below. The biggest difference is the electricity intensity: Sandton's 4 Star Green Building has an electricity intensity of 7,123kWh per full-time employee whereas the Cape Town office is 12,605kWh per full-time employee.

**COMPARISON OF EMISSIONS AND INTENSITY CDH SANDTON & CAPE TOWN OFFICES
2015/2016 FINANCIAL YEAR**

	SANDTON	CAPE TOWN
BASIC INFORMATION		
Full-time employees (FTE)	432	170
Square metres (m ²)	12,748	6,528
ACTIVITY	Ton CO₂e	Ton CO₂e
Equipment owned or controlled (back-up generators)	0.79	0
Company owned vehicle fleet	24.09	14.7
TOTAL SCOPE 1	24.88	14.7
TOTAL SCOPE 2 – Electricity	3108.08	2164.39
TOTAL SCOPE 1 & 2	3132.96	2179.09
Employee commuting by private car	634.56	253.75
Employee commuting by public transport	30	24.5
Business travel – commercial airlines	793.19	553.11
Business travel – car hire	55.94	1.09
Business travel – hotel accommodation	24.43	0.45
Paper	36.93	19.2
TOTAL SCOPE 3	1575.05	851.65
TOTAL GROSS EMISSIONS	4708	3030.74
Carbon Offsets	0	0
TOTAL NET EMISSIONS	4708	3030.74
% change in emissions from previous reporting year	+3.8%	+32%
Emission intensity per employee (tCO ₂ e/FTE)	10.9	17.83
Emission intensity per square metre office space (scope 1 & 2 tCO ₂ e/m ²)	0.25	0.34
Intensity: % tCO ₂ e from electricity	66%	72%
Kilowatt Hours consumed	3,077,306	2,142,964
Electricity intensity: kWh/FTE	7123	12605



CONTACT PERSONS

Franz Rentel

Climate Neutral Group,
Country Director South Africa
franz.rentel@climateneutralgroup.com
Telephone: 021 202 6066
Website: www.climateneutralgroup.co.za

Wieb Miedema

Climate Neutral Group,
Carbon Footprint Specialist
wieb.miedema@climateneutralgroup.com
Telephone: + 31 30 232 6172
Website: www.climateneutralgroup.nl

Sandra Gore

Cliffe Dekker Hofmeyr,
Director - Environmental
sandra.gore@dlacdh.com
Telephone: 011 562 1433
Website: www.cliffedekkerhofmeyr.com

ABOUT CLIMATE NEUTRAL GROUP

Climate Neutral Group (CNG) aims to shape and promote the low-carbon agenda. We were established in 2001 in the Netherlands by the Doen Foundation and Triodos Bank. Since then we have grown to market leader in the Benelux thanks to our knowledge and experience in carbon management.

In 2012 we expanded operations into South Africa – a country with one of the largest carbon footprints in the world and increasing regulatory measures (such as the proposed carbon tax). Our expertise and services are well matched with the need for professional services that can ensure compliance and accelerate businesses' transition towards sustainability.

CNG is member of the International Carbon Reduction and Offset Alliance (ICROA), thereby helping to set standards for the carbon industry. Through our National Business Initiative (NBI) membership we engage with business leaders in shaping a low carbon future in South Africa.



APPENDIX A

ABBREVIATIONS AND GLOSSARY OF TERMS

A/C	Air-conditioning
Baseline year	An historical year used to compare preceding year's emissions.
Carbon Offset	A unit of carbon dioxide-equivalent (CO ₂ e) that is reduced, avoided, or sequestered to compensate for emissions occurring elsewhere
CO₂	Carbon dioxide
CO₂e	Carbon dioxide equivalent – standardisation of all greenhouse gases to reflect the global warming potential relative to carbon dioxide
Defra	United Kingdom Department of Environment, Food and Rural Affairs
Direct emissions	Greenhouse gas emissions from facilities/sources owned or controlled by a reporting company, e.g. generators, blowers, vehicle fleets
Emission factors	Specific value used to convert activity data into greenhouse gas emission values. Presented in specific units, e.g. kgCO ₂ /km travelled
FTEs	Full-time employees
GHG	Greenhouse gases
GHG Protocol	Greenhouse Gas Protocol – uniform methodology used to calculate the carbon footprint of an organisation
GWP	Global Warming Potential – an indication of the global warming effect of a greenhouse gas in comparison to the same weight of carbon dioxide
IPCC	International Panel on Climate Change
Indirect emissions	Greenhouse gas emissions from facilities/sources that are not owned or controlled by the reporting company, but for which the activities of the reporting company are responsible, e.g. purchasing of electricity
Offset	See "Carbon Offset"
Operational boundary	Determination of which facilities or sources of emissions will be included in a carbon footprint calculation
Organisational boundary	Determination of which business units of an organisation will be included in a carbon footprint calculation
Relevant emissions	Emissions generated as a result of the business activities of the reporting company
Required information	Information relating to emissions that are compulsory under the GHG Protocol, namely direct emissions and indirect emissions from purchased electricity
Scope 1 emissions	Emissions resulting from equipment owned or controlled by a reporting company

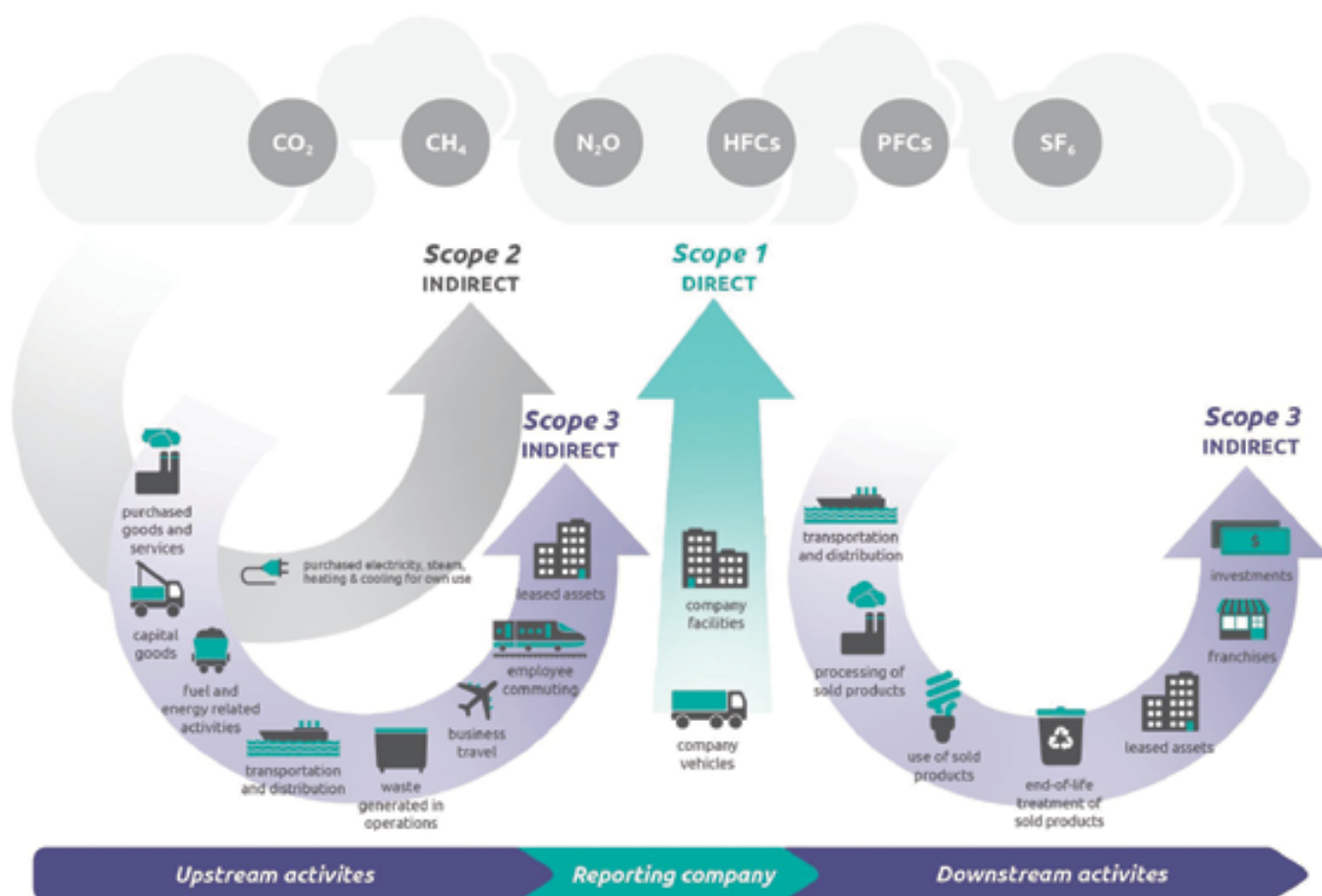


Scope 2 emissions	Emissions resulting from consumption of electricity purchased by a reporting company
Scope 3 emissions	Emissions resulting from other activities of a reporting company, such as commuting travel, business air travel, paper consumption
WBCSD	World Business Council for Sustainable Development
WRI	World Resources Institute



APPENDIX B

DIAGRAM ILLUSTRATING DIRECT VS. INDIRECT EMISSIONS



APPENDIX C

DETAILED RESULTS OF EMPLOYEE COMMUTING SURVEY 2017

RESULTS OF EMPLOYEE COMMUTING EMISSIONS SURVEY 2018

Description	Emission factors kgCO ₂ e/unit ¹¹	Total consumption		Metric tonnes of CO ₂ e emissions
		Sandton	Cape Town	
Private car – petrol	0.229	2,244,529	833,742	704.9
Private car – diesel	0.213	389,052	250,123	136.2
Private car – hybrid	0.146	0	0	0
Private car – electric		0	0	0
Carpooling	0.1145	329,198	83,374	47.2
Motorbike	0.107	0	0	0
TOTAL PRIVATE CAR				888.3
Minitaxi	0.0173	29,927	125,061	2.7
Taxi (Uber, metered)	0.229	29,927		6.9
Bus	0.117	59,854	125,061	21.6
Train	0.058	269,344	125,061	22.9
Walking / Cycling	0		22,526	0
TOTAL PUBLIC TRANSPORT				54.1
COMMUTING				942.4

¹¹ Unless otherwise stated, all emission factors are provided by the UK Government Department of Environment, Food and Rural Affairs (Defra). Guideline to Defra's GHG Conversion Factors for Company Reporting; Annexes Updated May 2016