

KNOW YOUR RIGHTS: INFORMAL TRADE WORKERS



An information booklet prepared by the Legal Resources Centre, Durban Office





This publication is made possible by the Foundation for Human Rights and the Legal Resources Centre.

We also acknowledge our thanks to Mr. Dustin Klaudt for his assistance with this publication. Mr. Klaudt is an intern from the Canadian Bar Association Young Lawyers International Program, who has been assisting the Durban office of the Legal Resources Centre.



We also acknowledge our thanks to Asiyé Etafuleni for their assistance and support.



Know Your Rights: Informal Traders

This booklet is for persons who work as informal traders, public interest groups that work with informal traders, and other interested people. It is made with a special focus on the women who work as street traders within the eThekweni municipality. It explains some of the legal rules that guide informal trade, the rights of informal traders, and what to do if these rights are violated.

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Objectives

- To identify:
 - what is informal trade
 - the local situation for informal traders
 - who are informal traders
 - the role women play and difficulties associated with gender in informal trade
- To explain the legal rules that guide informal trade, including:
 - Acquiring a permit
 - Carrying out informal trade in compliance with the law
 - Preventing impoundment of goods
 - Recovering goods that are impounded
- To educate informal traders on their rights and responsibilities when dealing with government, specifically the Business Support Unit (“BSU”) and Metro Police (“Metro”)
- To show how informal traders have successfully defended their rights in the past
- To identify future opportunities and challenges facing informal traders
- To provide useful contact details for government departments and public interest groups, that can help informal traders to protect their rights and to successfully trade their goods and services.

What is Informal Trade?

Informal trade can include many activities. It most often occurs in public spaces. Informal traders are sometimes called street traders, street vendors, pedlars, or hawkers.

The most visible form of informal trade occurs on streets and at public markets, however, other forms of trade are regulated by informal trading laws.

This could include trading of goods in a stationary, temporary, or moving location. It could also include providing services such as washing cars, collecting waste, recycling, hair dressing, or photography.

Informal Trade Locally

Durban's local government (the "municipality") regulates and permits informal trade in public spaces. The municipality engages in a consultation process with informal traders, which, has in the past, led to the development of better infrastructure and local management of the Warwick Junction market.

Despite some improvements resulting from consultation process, there continues to be obstacles to traders' continued work and livelihood. They remain subject to abuse by authorities, such as police. Police have been known to improperly issue fines or seize goods. The municipality has also passed increasingly harsh bylaws targeting traders.

Despite unjustified stigma and poor conduct by the municipality towards traders, informal trading continues to be a large economic sector in South Africa, and is likely to continue to grow at a rapid pace in the future.

Who Are Informal Traders?: The Demographics of Informal Trade

In Durban, there were 49,739 street traders recorded (2009-2010 census). Street traders operate throughout the eThekweni municipality, with the largest numbers in inner city Durban. Average turnover was R300 per week. A 2003 survey found that 88 percent of street traders were the sole bread-winners in their families. Those families often have four to five members.

Women in Informal Trade

There are a disproportionate number of women working in informal trade. This means there are more women who work in informal trade, as compared to the gender balance in other occupations and the wider population.

Women employed in informal trade face a number of challenges unique to their sex and gender. Although there are often more women employed in informal trade, women tend to work in the areas of trade that are less lucrative. With greater competition there is evidence that women may get displaced or forced into more marginal areas of trade.

Women have also experienced difficulties in rising to leadership positions within trade organizations, despite more women working in informal trade.

Women also typically spend a greater amount of their earnings on household expenses than men do. They often have a greater number of dependents than men. Reductions in their incomes have substantial impacts on others. The primary responsibility for childcare also falls to women, which leads to further challenges in the balancing of childcare and informal trading. All of these factors together challenge the ability of women to succeed in informal trading.



What Laws Apply to Informal Trade?

There are a number of laws and policies, at both the national and local level, that regulate informal trade.

At the national level, there is the *Businesses Act 71 of 1991*, which defines the scope of the authority local governments have to regulate informal trade. The province of KwaZulu-Natal also has a *Policy For The Informal Economy of KwaZulu-Natal, Version 1.4*.

At the local level, there is the *eThekweni Municipality: Informal Trading By-law, 2014*. This is the law that spells out the specific details of the rules for informal trade in Durban. There is also the eThekweni municipality's *Durban's Informal Economy Policy, 2001*. This policy serves as a guide that local authorities will use in

interpreting and applying bylaws and in economic development regarding the informal economy. The local government also publishes tariff schedules. These schedules state fees to be paid to get a permit.

Available Online	
1. <i>Businesses Act 71 of 1991</i>	
Option 1 (direct link)	Option 2 (steps to follow)
http://www.saflii.org/za/legis/consol_act/ba1991143/	Go to the SAFLII website by typing in www.saflii.org → Click South Africa in the left hand tab saying “Browse by Country” → Click Current South African Legislation → Click on the “ B ” under “Legislation beginning with...” → Scroll down and click on Businesses Act 1991
2. KwaZulu-Natal Province: <i>Policy For The Informal Economy of KwaZulu-Natal, 2010, Version 1.4</i>	
Option 1	Option 2
	Type in http://wiego.org/resources/policy-kwazulu-south-africa-policy-informal-economy → Click on View this resource to download a .pdf
3. <i>eThekweni Municipality: Informal Trading By-law, 2014</i>	
Option 1	Option 2
	Type in www.durban.gov.za → Scroll down to the black banner at the bottom and click on Resource Centre → Scroll down and click on By-Laws → Scroll down to the By-Laws section and click on the “Informal Trading Bylaw” to download a .pdf (it is available in English and IsiZulu)
4. <i>Durban’s Informal Economy Policy, 2001</i>	
Option 1	Option 2
http://www.durban.gov.za/Resource_Centre/Policies/Documents/INFORMAL%20ECONOMIC%20POLICY%20FINAL%20DOCUMENT.pdf	Type in www.durban.gov.za → Scroll down to the black banner at the bottom and click on Resource Centre → Scroll down and click on Legislation and Policies → Scroll down to the Sustainable Development and City Enterprises section and click on the “Durban’s Informal Economy Policy” to download a .pdf
5. <i>Tariff Tables 2015/2016</i>	
Option 1	Option 2
http://www.durban.gov.za/Resource_Centre/reports/Budget/Documents/Final%20TARIFF%20TABLES%202015_2016.pdf	Type in www.durban.gov.za → Scroll down near the bottom of the page and click on “Tariffs” under the Quick Links

Interacting with Public Officials

Informal trading often requires interaction with government officials. You will deal with civil servants when registering for trading permits. You may also interact with police enforcing the informal trading bylaws.

Public officials are required by the Constitution (section 195) to be professional, ethical, and accountable. The government adopted standards for professional services called the *Batho Pele* “people first” principles. All government employees should follow this code of conduct.

All public servants in the eThekweni municipality, including the Business Services Unit (“BSU”) and the Metropolitan Police Service (“Metro”), are required to follow the following principles:

1. **Consultation:** Citizens should be consulted about the level and quality of public services they will receive, and wherever possible, should be given a choice about the services that are offered.
Note: You can tell any government department what you want from them
2. **Service Standards:** Citizens should be told what level and quality of public services they will receive so they are aware of what to expect.
Note: Insist that the government keep their promises
3. **Access:** All citizens should have equal access to the services to which they are entitled.
4. **Courtesy:** Citizens should be treated with courtesy and consideration.
Note: Don't accept insensitive treatment
5. **Information:** Citizens should be given full and accurate information about the public services they are entitled to receive.
6. **Openness and transparency:** Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.
7. **Redress:** If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy. When complaints are made, citizens should receive a sympathetic and positive response.
8. **Value for Money:** Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

Registering for a Permit to Trade

The Business Support Unit (“BSU”), is the municipal department responsible for issuing informal trading permits.

The BSU is responsible for drafting bylaws, the registration of traders, and for promoting a safe and healthy environment for traders and customers. It is the responsibility of traders to comply with the regulations in place. This compliance respects fellow traders, which will promote good market functioning.

The Benefits of a Permit

Permits give you exclusive use of a permitted area, which means no one else can trade in the area designated for you. The permit will prevent other traders from taking your space, or from trading too close to your space and blocking your customers.

Trading without a permit is illegal under the Bylaws. If you have a permit, and follow other laws, both BSU and Metro Police must respect your right to trade in your designated space.

The BSU tracks information on who is trading where and when. This allows the BSU to contact and to communicate with traders when problems happen and to keep the informal markets operating efficiently.

Permit Bylaws	
<i>Who Can Obtain A Permit</i>	
Section 12	
You can apply for a permit if you	<ul style="list-style-type: none">• Do not have an existing permit for another area, or an interest in another informal trading venture• Are unemployed• Are a South African citizen or have a valid work/refugee permit• Have under 10 employees
The municipality can consider in granting permits	<ul style="list-style-type: none">• Race• Unemployment status• Disability• Whether you are a first time informal trader or you are dependent on an existing permitted informal trader• The goods you intend to sell• Whether you were convicted of an offence for informal trading or a prior permit was suspended in the last two years• Your ability to meet required trading hours• Tax-payer status

<i>Permit Form</i>	
Section 12	
A permit will	<ul style="list-style-type: none"> • Contain a specified trading area marked by a number • Contain conditions like: <ul style="list-style-type: none"> ○ Minimum and maximum trading hours ○ Types of goods and services allowed to be traded ○ Expiry dates ○ Requirements for trading structures in your area • Allow you and a specified number of your chosen employees to trade in an area

<i>Procedures To Get A Permit</i>	
To get a permit you must first	<ul style="list-style-type: none"> • Review ads displayed for new trading areas in markets or the Metro eZaseGagasini online magazine • Apply using the BSU's standard form (this is available at their office) • Apply to the Health Department if you plan on selling perishable goods • Ensure that you will comply with any existing Informal Trading Bylaws • Pay the required permit fee (see the <i>Tariff Tables</i> pages 37 to 43 and section 13 of the Bylaw)
The municipality will then (section 12)	<ul style="list-style-type: none"> • Make a decision within six weeks, either to: <ul style="list-style-type: none"> ○ Approve your application (possibly subject to conditions) ○ Request supplemental information ○ Reject your application (Note: they must provide reasons for any rejection)
To transfer a permit (section 14)	<ul style="list-style-type: none"> • Get the municipality to approve a transfer, lease, or sale of a permit by: <ul style="list-style-type: none"> ○ Applying for such a step and providing any information the municipality reasonably requests ○ Comply with any additional conditions imposed

<i>Relocation, Removal, Suspension, and Renewal of A Permit</i>	
The municipality may temporarily relocate you to a different trading area if (section 16)	<ul style="list-style-type: none"> • You are given reasonable notice • You pay alternative rental fees, if any (Note that you are not entitled to compensation for a relocation)
The municipality may remove or suspend your permit if (section 15)	<ul style="list-style-type: none"> • You breach: <ul style="list-style-type: none"> ○ Any conditions of the permit ○ Any bylaw or other law • You are convicted of trading illegal goods or providing an unlawful service • You are found to have wilfully lied to the municipality • You receive reasonable notice
You must return your permit if (section 17)	<ul style="list-style-type: none"> • It expires • It is revoked • You cease trading for more than 25 days • You no longer wish to trade from your site • You are employed in the formal sector

Permit-Holders’ Employees

The bylaws contemplate use of the permits by permit holders’ employees. The number of allowed employees appears to be at the discretion of the BSU. If you leave your assistant in charge of your stand you should leave your permit with them. The failure of an assistant to provide proof of his permission to trade to a police officer was the source of the initial dispute in the Makwickana case. There the judge noted that there is no listed requirement in the *Informal Trading By-Law, 2014* to carry proof of a trading permit. All permit-holders should note that they might be held responsible if their employees violate the bylaws. You should provide a copy of the bylaws to your employees.



Recovering Property That Has Been Removed

The Metropolitan Police Service (“Metro”) is eThekweni’s local police force. They are not part of the South African Police Force (“SAPS”), however, SAPS and Metro often work together. Metro officers are known as ‘peace officers’ and are responsible for enforcing bylaws, traffic enforcement, and crime prevention. They can be identified by the blue and white checkered band on their hats.

If you are contravening the *Informal Trading By-laws, 2014*, or are trading illegally, Metro has the authority to initiate prosecution and to impound or confiscate your goods. Impoundment is the act of removing the goods from your custody. Confiscation means when the impoundment becomes permanent. Confiscation is typically done when the impounded goods are illegal goods.



Impoundment Bylaws	
<i>When Can Goods Be Impounded</i>	
A trader might be prosecuted or have their goods impounded if (section 37)	<ul style="list-style-type: none"> • They contravene the Bylaws or any other laws • They trade without a permit • They flee when and abandon goods when approached by Metro • They threaten, resist, interfere, or obstruct a Metro officer
What should a trader do if they are issued a fine	<ul style="list-style-type: none"> • Review the summons provided by the Metro officer <ul style="list-style-type: none"> ○ The summons must state: <ul style="list-style-type: none"> ▪ which bylaw was contravened ▪ how the bylaw was contravened • You can admit guilt and pay the fine <ul style="list-style-type: none"> ○ Fines of up to R5000 can be issued (section 38) • You can appear in court to contest the charge <ul style="list-style-type: none"> ○ Review the date issued on the summons ○ Prepare to appear and argue why you have been wrongfully prosecuted before the Magistrate Court <ul style="list-style-type: none"> ▪ Review the Bylaws and charges on the summons ▪ Collect supporting documentation ▪ Consult with groups like Asiye and the Legal Resources Centre for further assistance challenging the allegations in your summons or the way in which the summons was issued • Appeal in writing with your reasons to the municipal manager (section 41) <ul style="list-style-type: none"> ○ The appeal must be delivered within 21 days after receiving your summons and fine ○ The appeal must be forwarded to the appropriate committee and the appeal must be commenced within 6 weeks <ul style="list-style-type: none"> ▪ The decision may be confirmed, varied, or revoked ▪ Written reasons must be provided for the appeal ○ Note that even if you file an appeal you must still appear in court on the date listed on the summons ○ If you are convicted by a court you must follow the court appeal process and not this appeal process

<i>How Goods Are Impounded</i>	
What happens when a traders goods are impounded	<ul style="list-style-type: none"> • Metro may impound your goods no matter if you choose to pay the fine or to challenge it in court • Metro must issue a receipt which must: <ul style="list-style-type: none"> ○ Itemize the goods removed and impounded ○ State how to get the goods back <ul style="list-style-type: none"> ▪ The address where the goods will be kept ▪ The name and address of the contact to inquire about return of goods ▪ The period of impoundment ▪ What must be done to release the goods ▪ The impoundment fee to be paid ○ State when the goods will be sold or disposed if nothing is done by the trader • You should also insist that the impounding Metro officer list their name and rank, the time, date, and location of the impoundment • You should review the receipt, sign when satisfied, and receive a copy of the receipt • You should witness the Metro officer loading goods into a secure bag or bins and then seal the bag/bins <ul style="list-style-type: none"> ○ Note that perishables and non-perishables should be stored separately ○ The Metro officer should fill out another inventory to go with the goods when they are transported
When will goods be sold or destroyed	<ul style="list-style-type: none"> • After three days perishable goods will be destroyed <ul style="list-style-type: none"> ○ Perishables include fruit, vegetables, dairy and other items that are kept in refrigerated containers ○ A City Health Department official will declare the goods not fit for human consumption ○ The perishables will be loaded up and offloaded in a disposal site • The bylaws enable Metro police to sell impounded non-perishable goods after one month (section 35(7)), however, their practice is to store the goods for up to three months • After approximately three months the goods could be taken to the municipality's auction area in Electron Road <ul style="list-style-type: none"> ○ If goods are sold a receipt for the sale of the goods must be produced ○ A trader is entitled to the sale proceeds less any unpaid impoundment fees
How can a trader recover impounded goods	<ul style="list-style-type: none"> • By payment of the fine and impoundment fees <ul style="list-style-type: none"> ○ They must get a receipt for payment of the fine ○ Go to the Albert Park Metro Police to collect the goods by presenting <ul style="list-style-type: none"> ▪ The receipt showing payment of the fine ▪ The receipt given by the Metro officer who impounded their goods

<i>How Metro Police Must Act</i>	
What are Metro officers' core responsibilities	<ul style="list-style-type: none"> • Care- to perform duties with sensitivity and compassion • Respect- to be cordial, polite, and considerate at all times • Professionalism- to maintain good governance and honesty
What is reportable conduct by a Metro officer	<ul style="list-style-type: none"> • Ignoring criminal behaviour • Breaking the law • Using unnecessary violence or force • Threatening members of the public; • Taking or asking for money, gifts or favours; or • Engaging in self-help and officers putting their own personal interests above the public interest

The Makwickana Decision



Available Online	
Option 1 (direct link)	Option 2 (steps to follow)
http://www.saflii.org/za/cases/ZAKZDHC/2015/7.html OR	Go to the SAFLII website by typing in www.saflii.org → Click South Africa in the left hand tab saying “Browse by Country” → Scroll down to the Section “South African Courts, Tribunals and Journals” and click on “South Africa: Kwazulu-Natal High Court, Durban” → Click on the “ 2015 ” under “Decisions for the years...” → Scroll down to “February 2015” and click on <i>Mackwickana v Ethekewini Municipality and Others</i> (11662/13) [2015] ZAKZDHC 7; 2015 (3) SA 165 (KZD) (17 February 2015)

In 2014, the Legal Resources Centre represented John Mpini Makwickana in his dispute with the eThekweni municipality and one of its police officers. It is important to know that Mr. Makwickana brought the dispute in his own right but also as a representative of informal traders generally. Mr. Makwickana, a street trader, had his goods impounded by the police officer. His goods were impounded and later destroyed, even though Mr. Makwickana had a permit that allowed him to trade his goods at the corner of Bertha Mkhize and Fish Market Streets. While Mr. Makwickana was away from his stand, which was under the supervision of his assistant, the assistant briefly stepped away, and before his return the police officer was at the stand inspecting Mr. Makwickana’s goods. On the assistant’s return, the police officer issued a fine to the assistant for illegal trading contrary to the bylaws (even though he had an assistants’ permit) and impounded all of Mr. Makwickana’s goods without issuing a proper receipt. Mr. Makwickana later challenged both the eThekweni bylaws that allowed the impoundment, a provision of the bylaws that allowed the municipality to escape liability for impoundment (called an indemnity), and the actions of the police officer in impounding the goods.

Mr. Makwickana was successful in his challenge. In 2015, the Honourable Justice D. Pillay of the High Court of South Africa, KwaZulu-Natal Local Division, Durban, found that both the bylaws and the actions of the police officer violated Mr. Makwickana’s constitutional rights. In the result, the municipality was ordered to pay Mr. Makwickana back the value of his goods. Two of the city’s bylaws (sections 35 and 39) dealing with impoundment and the indemnity, were both struck down. The city was given approximately 3 months to fix the problem with their bylaws and make them constitutional. Both the municipality and the police officer were ordered to pay the legal costs of Mr. Makwickana as a result of their poor conduct towards him.

It is important to know that everyone has constitutional rights just as Mr. Makwickana had. If you or someone you know has encountered similar issues with the police or the municipality relating to your work as an informal trader, you have a right to challenge the police officer's and municipality's actions in court or in other complaints processes.

The South African Constitution and Informal Traders

The Constitution of South Africa says that all people are equal and have human rights. We all have human rights from the moment we are born. We do not have to do anything to earn these rights. These rights belong to us simply because we are all human beings. The government as well as all other people must respect your human rights, just as you have to respect the human rights of others.

The Constitution is the highest law in South Africa and everyone, including the government, must follow it. It is very difficult to change the Constitution or to take away someone's rights.

If the government or another person does violate your rights, you have the right to take them to court and demand that your rights are respected.

The Rule of Law

The Constitution, under section 1(c) requires that the government, its agents such as police officers, and even private individuals must have legality in the actions that they take. This is also described as the rule of law. No one is above the law and can exceed the scope of the laws passed and take the law into their own hands.

In the Makwickana case, the police officer impounded the goods where there was no law on record that permitted her to do so. The bylaws contained no permission for her to do so as Mr. Mackwickana had not committed an offence. The police officer's actions lacked legality, they were contrary to the rule of law, and they were therefore unconstitutional.

The Bill of Rights

The Bill of Rights is a list of human rights that is found in the Constitution. The Bill of Rights exists to protect all people from abuse and to make sure that their rights are protected.

Informal traders have the same rights as everyone else and these include the right to equality and to freedom from unfair discrimination (section 9), the freedom of trade, occupation, and profession (section 22), the freedom of association (section 18), the right to join a trade union (section 23), the right to own property (section 25), and the right to access the courts (section 34). All of these rights are of particular importance to informal traders who rely heavily on their personal

property and the income they derive from such to survive. These rights also allow the traders the ability to more effectively voice their concerns by joining their resources and efforts.

Available Online	
<i>Constitution of the Republic of South Africa</i>	
Option 1	Option 2
<p>In English http://www.saflii.org/za/legis/consol_act/cotrosa1996423/</p> <p>In isiZulu http://www.constitutionnet.org/files/ZULU.PDF</p> <p>In isiXhosa http://www.constitutionnet.org/files/XHOSA.PDF</p> <p>In Afrikaans http://www.constitutionnet.org/files/AFRIKAANS.PDF</p> <p>In Setswana http://www.constitutionnet.org/files/TSWANA.PDF</p> <p>In Sesotho sa Leboa http://www.constitutionnet.org/files/S-LEBOWA.PDF</p> <p>In isiNdebele http://www.constitutionnet.org/files/NDEBELE.PDF</p>	<p>Go to the SAFLII website by typing in www.saflii.org → Click South Africa in the left hand tab saying “Browse by Country” → Click Current South African Legislation → Click on the “C” under “Legislation beginning with...” → Scroll down and click on Constitution of the Republic of South Africa 1996</p> <p>Go to the Constitution Net website by typing in http://www.constitutionnet.org → Click on the RESOURCES tab at the top → Under “Search and Refine with Filters” click the drop-down for “Document Type” and then set to “Constitution” → Then click the drop-down for “Region/Country” and then scroll down and set to “South Africa” → Scroll Down and Click on Constitution of the Republic of South Africa, 1996 for your spoken language → Click on Download PDF on the left side of the page</p>

Moving Forward

Though progress has been made in the past through the consultation between traders and the municipality, traders need to remain vigilant in advocating for their rights. It is important that traders take up future opportunities to guide economic development throughout eThekweni municipality.

With regard to the actions of Metro and other officials, the impoundment provisions of the Informal Trading Bylaw are no longer in effect due to the Makwickana decision. To the extent that Metro or others continue to impound goods on the basis of the bylaw, they do so without legal justification. If the Informal Trading Bylaws are the cited reasons for any impoundment, this is unlawful. There is also a renewed opportunity for traders to engage with the municipality to ensure that any new bylaws respect their constitutional rights. At present, the municipality is reviewing the Informal Trading Bylaws and it is possible that future amendments to those bylaws may occur.

Traders should be aware that with the Informal Trading Bylaws' impoundment provisions no longer taking legal effect, until any new amendments are passed, the municipality may resort to other bylaws in order to justify their actions. Traders should be aware of recently enacted nuisance bylaws. The municipality may now attempt to use the new nuisance bylaws to prevent them from trading.

Available Online	
<i>eThekweni Municipality: Nuisances and Behaviour in Public Places By-law, 2015</i>	
Type in www.durban.gov.za → Scroll down to the black banner at the bottom and click on Resource Centre → Scroll down and click on By-Laws → Scroll down to the By-Laws section and click on the "Nuisances and Behaviour in Public Places By-law" to download a .pdf (it is available in English and IsiZulu)	

Nuisance Bylaw (effective March 11, 2016)	
<i>What Actions May Violate the Bylaw</i>	
A trader might be prosecuted for the offence of	<ul style="list-style-type: none">• Making excessive noise (section 8)• Littering (section 9)• Blocking pedestrians or motor vehicles (section 12)• Constructing a structure on municipal property (section 15)• Informal trade in municipal property that constitutes a nuisance (section 17)
What penalties could an informal trader face (section 22)	<ul style="list-style-type: none">• Fines up to R40,000• Imprisonment not exceeding 2 years



Contacts for Complaints

How to Complain	
When a trader has a complaint	<ul style="list-style-type: none"> • It should be submitted in writing <ul style="list-style-type: none"> ○ This should include <ul style="list-style-type: none"> ▪ Details of the complainant ▪ Full details of the incident or complaint ▪ The office or department you are complaining about ▪ The name and surname of any officials involved • There should be notice of any final decisions related to the complaint

Important Contacts	
<i>Government</i>	
1. Business Services Unit (“BSU”)	
How to Contact	<p>Main Office</p> <p>Room 1101, 11th Floor 75 Langalibalele Dube [Winder] Street Tel: 031 311 4500 Fax: 031 332 6408 Email: businesssupportreception@durban.gov.za</p> <p>Durban Central Office 22 Stratford Road Tel: 031 202 5785 or 031 202 2453 Fax: 031 202 5807</p>
Why Contact	<ul style="list-style-type: none"> • To obtain a permit • To hold meetings with committees on how to improve informal traders’ situation • To complain about the Hawker Unit of Metro, which are associated with the BSU • To provide verbal or written requests and comments to Area Managers • To provide submissions through trader organizations • To provide suggestions for discussion and resolution at the Informal Economy Forum.
2. eThekweni Health Department	
How to Contact	Tel: 031 311 3690
Why Contact	<ul style="list-style-type: none"> • To obtain permission to sell perishable or cooked goods
3. Metro Police	
How to Contact	<p>Durban Central Police Station Albert Park Station 65 St. Andrews Street, Durban 4001</p> <p>Complaints may be directed to: Ms. Rachel Sishi Tel: 031 322 4541 Fax: 031 306 0442 Email: SishiR@durban.gov.za All Hours Complaints Number: 031 361 0000</p> <p>You may also make complaints in person to Ms. Sishi at the Station</p>

Why Contact	<ul style="list-style-type: none"> • You have experienced or witnessed a Metro Officer abuse their position • Abuse can include officers <ul style="list-style-type: none"> ○ Ignoring criminal behaviour ○ Breaking the law ○ Using unnecessary violence or force ○ Threatening members of the public; ○ Taking or asking for money, gifts or favours; or ○ Engaging in self-help and officers putting their own personal interests above the public interest 	
4. eThekweni Ombudsperson and Head of Investigations- currently Bheki Mkhize		
How to Contact	<p>You may contact this office at:</p> <p>10th Floor Rennie House 41 Margaret Mncadi Avenue (Victoria Embankment) Durban, 4001 Tel: 031 311 4002 Hotline: 0800 20 20 20 Fax: 031 311 4005 or 031 311 4009 Email:ombudsperson@durban.gov.za</p>	<p>You may also send complaint forms directly to:</p> <p>P.O. Box 4452 Durban, 4000</p> <p>To access:</p> <p>1) English-- Type in http://www1.durban.gov.za/durban/government/ombud/complaint-forms/complaints_english.pdf</p> <p>2) IsiZulu-- Type in http://www1.durban.gov.za/durban/government/ombud/complaint-forms/complaints_zulu.pdf</p>
Why Contact	<ul style="list-style-type: none"> • You have a complaint against the BSU, Metro, or any other local public servant, and you do not trust the relevant municipal department to resolve the complaint internally 	
5. Office of the Provincial Commissioner- currently Betty Mmamonye (B.M.) Ngobeni Lt. Gen.		
How to Contact	<p>Servamus Building 15 Braam Fischer Street (Ordinance Road)</p> <p>P.O. Box 1965 Durban, 4000 Tel: 031 325 4825 Fax: 031 325 4746 Email: provincialcommissioner@saps.gov.za</p>	
Why Contact	<ul style="list-style-type: none"> • You have a complaint against an officer of the South African Police Service (“SAPS”) 	

6. Municipal Manager- currently Sibusiso Sithole					
How to Contact	<p>City Hall Dr Pixley KaSeme (West) Street Durban, 4000</p> <p>Tel: 031 311 2100 Fax: 031 311 2170 Email: dovec@durban.gov.za</p> <p>P.O. Box 1014 Durban, 4000</p>				
Why Contact	<ul style="list-style-type: none"> You want to appeal a decision made under the Informal Trading Bylaws, such as the denial of a permit or the impoundment of goods 				
7. Access to Information Requests-- Various Government Departments					
How to Contact	<p>The municipality has a guide on the requirements and appeals procedures involved in the access to information process.</p> <table border="1"> <tr> <td>Option 1:</td> <td>Option 2:</td> </tr> <tr> <td>Type in http://www.durban.gov.za/Resource Centre/Public Access Information/Documents/PAIA%20MANUAL%20AMENDMENTS%20%282%29.pdf</td> <td>Type in www.durban.gov.za → Scroll down to the black banner at the bottom and click on Resource Centre → Scroll down and click on Public Access to Information → Click on Public Access to Information to download a .pdf</td> </tr> </table>	Option 1:	Option 2:	Type in http://www.durban.gov.za/Resource Centre/Public Access Information/Documents/PAIA%20MANUAL%20AMENDMENTS%20%282%29.pdf	Type in www.durban.gov.za → Scroll down to the black banner at the bottom and click on Resource Centre → Scroll down and click on Public Access to Information → Click on Public Access to Information to download a .pdf
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Why Contact	<ul style="list-style-type: none"> You want the municipality to disclose information that is not widely available <ul style="list-style-type: none"> You want to see internal documents relating to a complaint or appeal that you have reported You wish to see internal documents relating to any new bylaws or policies relating to informal trade 				
Independent Organizations					
8. Independent Police Investigative Directorate (“IPID”)					
How to Contact	<p>3rd Floor, Marine Building 22 Dorothy Nyembe (Gardiner) Street Durban</p> <p>Tel: 031 310 1300 Fax: 031 305 8214 Email: Complaints.KwaZuluNatal@ipid.gov.za</p> <p>Complaint forms are available online. http://www.ipid.gov.za/sites/default/files/IPID_Complaints_Form-Form2.pdf</p>				

Why Contact	<ul style="list-style-type: none"> You have a complaint against a police officer related to serious assault or corruption You are a victim, witness, or representative and want an independent body to investigate your complaint 			
9. Traders Rights' Organizations				
Masibambasane Traders' Association ("MTA")	Traders Against Crime ("TAC")	South African Informal Workers Association	Early Morning Market Traders Association	Informal Traders Management Board
StreetNet International	Coordinator: Ms Pat Horn Postal Address: P.O. Box 61139, Bishopsgate Durban 4008, South Africa			
Women in Informal Employment: Globalizing and Organizing ("WIEGO")	WIEGO Secretariat Harvard University 79 John F. Kennedy Street Cambridge, MA, USA 02138 Tel: 1-617-496-7037 or 1-617-496-7037 Website: http://wiego.org			
10. Conference Organizers				
Legal Resources Centre	N240 Diakonia Centre 20 Diakonia Avenue (St Andrews) Durban, 4001, South Africa Tel: 031 301 7572 Fax: 031 304 2823 Website: www.lrc.org.za			
Asiye eTafuleni	127 Johannes Nkosi St, Durban, 4001, South Africa Tel: +27 (0) 31 309 3880 Email: admin@aet.org.za Website: www.aet.org.za			



www.lrc.org.za

DURBAN: N240 Diakonia Centre, 20 Diakonia Avenue, Durban, 4001

Tel: 031 301 7572 Fax: 031 304 2823

JOHANNESBURG: 15th Floor, Bram Fischer Towers, 20 Albert Street, Marshalltown, Johannesburg,

Tel: 011 836 9831 Fax: 011 836 8680

CAPE TOWN: 3rd Floor, Greenmarket Place, 54 Shortmarket Street, Cape Town, 8001

Tel: 021 481 3000 Fax: 021 423 0935

GRAHAMSTOWN: 116 High Street, Grahamstown, 6139

Tel: 046 622 9230 Fax: 046 622 3933