

South African Medico-Legal Association (SAMLA)
Version 01: Transformation Policy

MAIN DOCUMENT DESCRIPTION	
Name	TRANSFORMATION POLICY
Contact (s)	Transformation Committee
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DOCUMENT APPROVAL	
By	Board of SAMLA
Issue date	
Place of publication	SAMLA website
DOCUMENT REVIEW	
Date: Last amended	July 2024
Date: Next review	<p>1.1 The policy document shall be reviewed and amended within the requirements of the South African legal framework.</p> <p>1.2 The policy document to be reviewed every five years and/or when there are changes in the South African regulatory environment.</p>
DOCUMENT ARCHIVING	
Master copy	Central SAMLA Files
Electronic copy	SAMLA Cloud & SAMLA website

1. Background

SAMLA is a Non-Profit Company with non-shareholding members incorporated in accordance with and governed by provisions of the Companies Act 71 of 2008, as amended, subject to any limitation, extension, variation, or substitution set out in its Memorandum of Incorporation and the provisions of the Memorandum of Incorporation.

SAMLA fully recognises that it has a social responsibility to the public and the development of the younger and older generation in the medico-legal practice to serve as a benefit for the public of South Africa. Ethical principles as declared in our code of conduct are thus a priority in medico-legal practices.

2. Objectives and Mission Statement of SAMLA

The objectives and mission statement of SAMLA are to “Advance the Inter-Relationships between Medicine and Law” and to “Promote Excellence in Medico-Legal Practice”, by “Promoting Dialogue and Mutual Understanding between Members of the Involved Professions”, guided by “Justice, Ethical Practice and Constitutional Values”. Information about SAMLA is accessible on the website www.medicolegal.org.co.za.

SAMLA has a broad multidisciplinary membership, which includes any persons who work in or who are interested in the medico-legal practice. All individuals who hold a primary professional registration with a professional body (legal, health and allied) as well as students and academics, may apply for membership. In addition, all persons who work within the medico-legal sphere but who do not hold a primary professional registration may apply for membership. Our members include a wide range of professionals including but not limited to judges, academics, legal practitioners including advocates and attorneys as well as candidate attorneys, medical practitioners in all branches of medicine, dentists in all branches of dental health, occupational therapists, speech-language therapists and/or audiologists, occupational therapists, nursing practitioners, psychologists in all branches of psychology, mobility specialists, actuaries, case managers, medico-legal mediators as well as forensic scientists.

In pursuit of its objectives, SAMLA has built constructive relationships with many medico-legal professionals and stakeholder organizations, including the National Department of Health, Various Provincial Departments of Health, Parliamentary Portfolio Committees, The Road Accident Fund, Various Professional Associations and Societies, Providers of Professional Indemnity Cover and Mediation Training Institutions.

3. Purpose Of The Policy

The purpose of the document is to outline a transformation policy and plan.

“Transformation” - shall mean the Company’s pursuit of surpassing excellence in its purpose and business which must include the promotion of ethical and competent practice; zero clinical negligence; the rule of law; Constitutional supremacy; dignity; equality and the achievement of freedoms in Medico-Legal Practice for the benefit of public interest as

contemplated in the founding values and Bill of Rights as specified in the Constitution of the Republic of South Africa, Act 108 of 1996(MOI 1.18).

4. Description of Terms

SAMLA	South African Medico-Legal Association.
NPO	Non-profit Organisation
HPCSA	<i>The Health Professions Council of South Africa</i>
Medico-Legal	Conduct involving or relating to all areas where healthcare and law interact (MOI 1.20)
Medico-Legal Practitioner	An amalgam of healthcare-, legal- and aligned practitioners and other stakeholders, who pool their expertise, knowledge, and experience within their areas of expertise, in furthering the cause of justice in both litigation and mediation, where healthcare and law interact (MOI 1.21)
Medico-Legal work	Generic term used by Medico-Legal Practitioners to describe a field of practice where the Healthcare Practitioners work with Legal Practitioners and Allied practitioners to resolve medical disputes and to further the cause of justice. (MOI 1.22)
MOI	Memorandum of Incorporation

5. Policy Statement on Transformation

SAMLA

- states the purpose and business of the Company as the promotion of ethical and professional medico-legal practice (MOI 3.2.7.5.1)

in the achievement of this purpose and pledges to,

- promote freedom of expression, particularly section 16(1)(b), (c) and (d) of the Constitution of the Republic of South Africa (MOI 3.2.7.5.2);
- strive to actualize the rights to dignity, life, bodily- and psychological integrity and healthcare as entrenched in sections 10, 11, 12(2), 27(1)(a), 28 (1)(c)(d) and 28(2) of the Constitution of the Republic of South Africa (MOI 3.2.7.5.3); and
- promote the Constitutional values of human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism, non-sexism, the supremacy of the Constitution of the Republic of South Africa and the rule of law (MOI 3.2.7.5.4).

SAMLA furthermore acknowledges that transformation is innate to its purpose and business (MOI 3.2.7.6) and therefore tasks its Ethics Committee to ensure that all Directors and Committees and by association, SAMLA activities, guarantee the promotion of ethical and professional medico-legal practice through a continuous transformation of all its structures and activities according to the ethical standards for good practice, namely

- respect for persons,
- beneficence,
- non-maleficence,

- autonomy,
- integrity,
- truthfulness,
- confidentiality,
- privacy,
- compassion,
- tolerance,
- justice,
- professional competence and
- the betterment of society.

6. Plan Of Action

SAMLMA is committed to transformation and shall:

Ensure in terms of its governance structures and operations-;

1. The Board, EXCO, and Committees shall include members across various racial groups, shall endeavour to include women as far as possible, shall include various medico-legal professions, whilst adhering to the processes of election as contained in its articles of association;
2. Continuously strive to improve demographic representation as it grows and develops as an organisation and work closely with universities, legal, health, and actuarial bodies who are the authority for medico-legal practitioners;
3. Align with the transformation-requirements asset by the Constitution;
4. Ensure that in all meetings, events, and interactions whether organised by SAMLMA or in which SAMLMA participates, there is an awareness and intentional effort made towards the needs and requirements of various groups
5. Through its leadership and delegations, shall show and live the values of transformation in the manner in which it interacts with external stakeholders;
6. Using appropriate language, engagement within SAMLMA structures needs to illustrate its continuous commitment to transformation.

Ensure in terms of its membership -:

1. To guide its membership in practical issues pertaining to transformation, including legal and policy frameworks, such as Employment Equity, BBBEE, skills development, diversity and human rights;
2. Facilitate transformation information sessions at general meetings of SAMLMA;
3. Listen to feedback from its membership as to how it can improve its transformational plan of action, and take corrective action where required;
4. Encourage its membership to participate in health and legal programmes aimed at supporting causes that address inequities in the legal and health systems.

Ensure in terms of its stakeholders -:

1. When appointing delegates, consider the representation of the SAMLMA delegation, consider the diversity of the delegates in terms of their skills, their racial profile and their profession;
2. When responding to proposed policy or legislative changes, consider the transformational imperatives within which such proposals might be made;
3. Encourage other associations when work is undertaken collectively, to consider transformational issues in responses.

Ensure in dealing with the South African public at large -:

1. That all persons are treated equally, and are awarded equal protection and entitlements, by SAMLA as an organisation and by its representatives, within the meaning of the South African Constitution;
2. Object against instances of unfair discrimination on any ground listed in the South African Constitution;
3. Act against instances of unfair discrimination or violations of dignity of others, which comes to its attention, and which relates to SAMLA's mandate as expressed in its constitution.

7. References

- SAMLA MOI (January 2021)
- SAMED Transformation Policy
- HPCSA Ethical Guidelines for Good Practice in the Health Care Professions
- <https://samla.co.za/about-us/>
- SAMLA Transformation Committee (2021)

Signed:



Prof E Stellenberg
SAMLA National Chairperson

Date: 24 January 2025