

**MARITIME TRANSPORT & SERVICES INDUSTRY SUB-  
SECTOR CODE FOR BBBEE**



**REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA**

**DEPARTMENT OF TRANSPORT**

**MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR  
BBBEE**

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB- SECTOR CODE FOR BBEE**

### **TABLE OF CONTENTS**

<b>ABBREVIATIONS .....</b>	<b>3</b>
<b>1. SCOPE OF APPLICATION.....</b>	<b>4</b>
1.1 Delineation of the Sector .....	4
1.2 Exclusions .....	4
<b>2. LONG TERM VISION.....</b>	<b>4</b>
2.1 Overarching long-term vision .....	4
2.2 Developing a World Class Industry .....	5
2.3 Undertakings by all Stakeholders (to achieve this vision): .....	5
2.4 National Government Undertakings (to achieve the vision): .....	6
2.5 Labour Undertakings (to achieve this vision):.....	7
2.6 TETA undertakings (to achieve this vision): .....	8
<b>3. INDICATORS OF EMPOWERMENT .....</b>	<b>8</b>
3.1 Introduction.....	8
3.2 Ownership .....	8
3.3 Management Control .....	11
3.4 Employment Equity .....	12
3.5 Skills Development .....	14
3.6 Preferential Procurement .....	16
3.7 Enterprise Development .....	17
3.8 Socio-Economic Development .....	19
<b>4. MARITIME TRANSPORT &amp; SERVICES INDUSTRY B-BBEE SCORECARD ..</b>	<b>20</b>
<b>5. QUALIFYING SMALL ENTERPRISES B-BBEE SCORECARD .....</b>	<b>25</b>
<b>APPENDIX A: COMMITMENT EVALUATION MATRIX .....</b>	<b>26</b>

## MARITIME TRANSPORT & SERVICES INDUSTRY SUB- SECTOR CODE FOR BBEE

### ABBREVIATIONS

<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>ABET</b>	Adult Basic Education and Training
<b>ABMOSA</b>	Association of Black Maritime Organisation of South Africa
<b>ASGISA</b>	The Accelerated and Shared Growth Initiative of South Africa
<b>BCEA</b>	Basic Conditions of Employment Act
<b>CIPRO</b>	Company Intellectual Property and Registration Organisation
<b>DBSA</b>	Development Bank of South Africa
<b>DOL</b>	Department of Labour
<b>DPE</b>	Department of Public Enterprises
<b>DTI</b>	Department of Trade and Industry
<b>EAP</b>	Economically Active Population
<b>EE</b>	Employment Equity
<b>EEA</b>	Employment Equity Act
<b>EMEs</b>	Exempted Micro Enterprises
<b>GDP</b>	Gross Domestic Product
<b>GDS</b>	Growth and Development Summit
<b>HDSA</b>	Historically Disadvantaged South Africans
<b>IDC</b>	Industrial Development Corporation
<b>JSE</b>	Johannesburg Securities Exchange
<b>JIPSA</b>	The Joint Initiative for Priority Skills
<b>KPI</b>	Key Performance Indicators
<b>MSA</b>	Moving South Africa
<b>MT &amp; SI</b>	Maritime Transport & Services Industry
<b>NDOT</b>	National Department of Transport
<b>NEF</b>	National Empowerment Fund
<b>NEPAD</b>	New Partnership for Africa's Development
<b>NSDS</b>	The National Skills Development Strategy
<b>NSF</b>	National Skills Fund
<b>NPAT</b>	Net Profit After Tax
<b>PIC</b>	Public Investment Commissioners
<b>PIPO</b>	Public Industry Port Operations
<b>PPPFA</b>	Preferential Procurement Policy Framework Act
<b>PSA</b>	Proudly South African
<b>QSEs</b>	Qualifying Small Enterprises
<b>RDP</b>	Reconstruction and Development Programmes
<b>SAMSA</b>	South African Maritime Authority
<b>SATAWU</b>	South African Transport and Allied Workers Union
<b>SETAs</b>	Sector Education and Training Authorities
<b>SMMEs</b>	Small Micro and Medium Enterprises
<b>TEO</b>	The Enterprise Organisation
<b>TETA</b>	Transport Education and Training Authority
<b>TNPA</b>	Transnet National Ports Authority
<b>TPT</b>	Transnet Port Terminals
<b>WSP</b>	Workplace Skills Plan

## MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBBEE

### 1. SCOPE OF APPLICATION

#### 1.1 Delineation of the Sector

The Maritime Transport & Services Industry (MT & SI) is often associated with shipping lines involved in the carriage of cargo and associated service providers. More specifically, economic activities in South Africa which share a relationship with the sea include the following:

- 1.1.1 Enterprises concerned with the marine transport of cargo and services ancillary to such transport;
- 1.1.2 Enterprises concerned with the manufacture, provision, maintenance and repair of marine equipment, including marine craft;
- 1.1.3 The commercial ports system and authorities responsible for the provision and operation of navigational aids, including lighthouses;
- 1.1.4 Institutions concerned with rescue, salvage and anti-pollution operations;
- 1.1.5 Government departments and agencies concerned with international maritime relations, administration of maritime safety, the protection and conservation of the marine environment and law enforcement within South Africa's offshore jurisdiction; and
- 1.1.6 Institutions concerned with marine and maritime education, training and resources.

#### 1.2 Exclusions

The following activities, which constitute part of the Maritime Transport & Services Industry, broadly defined, **are excluded** for the purposes of developing a Broad-Based Black Economic Empowerment (B-BBEE) Charter, as appropriate policies are formalised for these entities by other Government Departments:

- 1.2.1 Enterprises concerned with the exploitation of renewable and non-renewable marine resources (Departments of Minerals and Energy and Environment and Tourism, for fishing);
- 1.2.2 The Marine Tourism Industry (Department of Environment and Tourism); and; and
- 1.2.3 Naval defence (Department of Defence).

### 2. LONG TERM VISION

#### 2.1 Overarching long-term vision

- 2.1.1 Our overarching long-term vision is to develop South Africa to become one of the world's top 35 maritime nations by the year 2014. South Africa's sea-borne trade during this period amounted to approximately 135 million tonnes. This level of trade closely matches some of the countries featuring in the top 35 merchant fleet owners.
- 2.1.2 Our vision is to substantially increase the number of SA flagged vessels and develop new South African shipping companies that are globally competitive, not only in trade between South Africa and the rest of the world. These companies must eventually be able to compete with other merchant navies operating on other lucrative international trade routes, e.g. the Far East and Europe and America.

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

### **2.2 Developing a World Class Industry**

2.2.1 Our vision is to develop a world-class industry, based on seamless integration of all modes and multiple networks that will grow in size stimulate economic growth and development, facilitate trade, comply with international safety standards and deliver efficient and quality services to customers. Our industry seeks to achieve a significant increase in black participation in ownership, management and employment in companies throughout the industry value chain. We will pursue a growth strategy that prioritises the retention and creation of quality jobs, most of which are on landside operations.

2.2.2 To make this vision become a reality will require a deliberate strategy to increase access to skills, capital and economic opportunities and, therefore, raise the economic value added (or productivity) of every employee and enterprise in the industry. This will require all stakeholders to recruit new black people into the industry and increase their skills (and those of existing employees) to best-practice international levels, while creating a supportive culture for their talents to thrive. It will also require all stakeholders to facilitate the creation of new black entrepreneurs (and the development of existing ones) who can participate in economic opportunities throughout the MT & SI value chain.

2.2.3 The signatories to this document believe that every company in South Africa must embrace Broad-Based Black Economic Empowerment (B-BBEE), recognising that it is a constitutional, legislative and economic imperative to secure a prosperous future for all our country's citizens and, therefore, a larger market in which to trade. We commit ourselves to embark on a major communications and marketing campaign that will take this B-BBEE Sub-Sector Code for the Maritime Industry to every company within our industry to ensure maximum participation by all stakeholders.

2.2.4 Accordingly, all private sector stakeholders, who commit themselves to this Charter, will agree to have their B-BBEE achievements (in terms of the indicators in the balanced scorecard) verified by an independent B-BBEE verification agency that is accredited by an appropriate verification body.

### **2.3 Undertakings by all Stakeholders (to achieve this vision):**

2.3.1 To promote a collaborative relationship with organisations such as Proudly South Africa (PSA) and stakeholders in the mining and liquid fuels industries through the Ship South African Campaign to persuade local cargo owners to increase the cargo carried on South African ships<sup>1</sup> to 25% of the total within the next five years. South African companies, with particular focus on B-BBEE compliant companies, should broker 25% of all cargo handled by brokers within the next five years, subject to review.

2.3.2 The new mining and liquid fuels industry leadership should place shipping on the agenda as part of their strategic level discussions on export and

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<sup>1</sup> As defined and amended in the Ships Registration Act. Please refer to Appendix (A) Definitions

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

import programmes. These industries are well positioned to facilitate the utilisation of black shipping service providers in joint ventures with established companies. What we are calling for is a clear strategy or plan that will result in the bulk of cargo going through South African ports to be carried on South African ships.

- 2.4 National Government Undertakings (to achieve the vision):**
- 2.4.1 Over and above the above, Government is committed towards developing South Africa into a leading maritime nation by adopting a more active stance and increasing its advocacy around maritime matters and the proposed Ship South African Campaign.
- 2.4.2 Continue to create an environment that is conducive for the country to substantially increase its trade (exports and imports) with the rest of the world. Recognising that the level of trade is the main driver of growth and, therefore, job creation in our industry. Key elements of an enabling environment for trade include: trade promotion; enhancing feeder and inland transport connections; improving the quality of available maritime infrastructure & superstructure and restructuring to ensure reliability and cost effectiveness of port operations.
- 2.4.3 Resolve legislative and fiscal restrictions, which have a negative impact on the competitiveness of the South African Maritime Industry.
- 2.4.4 Use its leverage in the industry to incentivise all stakeholders to achieve the objectives of this Sub-Sector Code.
- 2.4.5 Set up structures that will ensure inter-governmental co-ordination between departments to align their programmes with the Transport sector wide and MT & SI B-BBEE Sub-Sector Code processes. Examples of cross-cutting issues that require interventions across government departments and agencies include:
- 2.4.5.1 The Department of Trade & Industry's (DTI) Maritime Industry Strategy;
- 2.4.5.2 Discussions with the National Treasury to address fiscal issues e.g. tonnage tax;
- 2.4.5.3 Department of Foreign Affairs – Free Trade Agreements.
- 2.4.5.4 The Department of Labour and the Transport Education and Training Authority to monitor compliance with the Employment Equity and Skills Development Act;
- 2.4.5.5 The countrywide shortage of engineers and artisans across all disciplines; and
- 2.4.5.6 Increasing awareness within the transport sector about available government investment incentives and grants.
- 2.4.5.7 Monitoring of stakeholder achievements in terms of the indicators in the MT & SI Scorecard.
- 2.4.6 Convene a stakeholder forum to investigate the scale of B-BBEE opportunities in the MT & SI. The stakeholder forum will also:
- 2.4.6.1 Engage public and private funding institutions to highlight opportunities in the sector;

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 2.4.6.2      Make proposals on financing mechanisms; and
- 2.4.6.3      Investigate, together with stakeholders in other Transport sub-sectors, the feasibility of setting up a Transport Sector Bank.
- 2.4.7      Engage public and private sector funding agencies to develop innovative funding mechanisms for B-BBEE compliant or black-owned enterprises seeking to invest in the sector. This will require a high-level workshop with these agencies and major black-owned and B-BBEE compliant companies to inform them about opportunities that will emerge in the MT & SI following the adoption of this Sub-Sector Code.
- 2.4.8      Increase awareness among B-BBEE companies in the transport sector about investment and matching grants, tax allowances and other incentives that are provided by the DTI and The Enterprise Organisation (TEO) and investigate the possibility of motivating for new products that take into account the unique nature of the maritime industry.
- 2.4.9      Ensure that the restructuring of Ports to effect new institutional arrangements and to increase the international competitiveness of ports, port operations and services must proceed in a manner that results in an increase in black participation at all levels – in ownership, management, employment and the procurement of services and goods and to increase the international competitiveness of the ports, port operations and services. The restructuring of port operations must not result in a reversal of B-BBEE gains made by the Transnet National Ports Authority (TNPA) and Transnet Port Terminals (TPT). Public sector contributions to B-BBEE will be measured against the Public Sector Sub-Sector Code.
- 2.4.10      Enforce and monitor compliance with existing legislation that may impact on B-BBEE such as the Employment Equity, Skills Development and Competition Acts.
- 2.4.11      Publish an annual report on B-BBEE within the MT & SI that consolidates various reports and information from all stakeholders. Stakeholders will use this report to review progress at an annual Transport Industry B-BBEE Forum.
- 2.5      Labour Undertakings (to achieve this vision):**
- 2.5.1      Encourage employers to first look towards their own employees when considering options for achieving black equity participation.
- 2.5.2      Investigate opportunities to establish collective investment vehicles (including employee share ownership schemes) that will make investments in the sector. These investment vehicles must ensure the empowerment of workers to develop the skills required to own and manage companies in the industry.
- 2.5.3      Ensure that workers are empowered through skills development and create opportunities to deploy them into management positions.
- 2.5.4      Mobilise members to ensure compliance with existing legislation e.g. the Employment Equity, Skills Development, Labour Relations and Basic Conditions of Employment Acts. Non-complying companies must be reported to the Transport Charter Council to take further action by inspecting the causes for non-compliance and reviewing performance targets as necessary.

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 2.5.5 Mobilise members to monitor the performance of their employers in implementing the Growth and Development Summit (GDS) agreement on promoting local content and/or procurement and supporting the Proudly South African campaign.
- 2.5.6 Monitor the impact of procurement/outsourcing on job creation and report findings to the Transport Charter Council and MT & SI Steering Committee.
- 2.6 TETA undertakings (to achieve this vision):**
- 2.6.1 Play a more interventionist role to influence training priorities in the Maritime Chamber.
- 2.6.2 Assist stakeholders with the analysis of people in a particular skills set (or job category) broken down by race and gender.
- 2.6.3 Continuously conduct analysis and update statistics about the future demand of critical skills sets and the supply side of the equation.
- 2.6.4 Continuously conduct an analysis of the quantity, quality and nature of MT & SI training that companies are doing.
- 2.6.5 Commit to this B-BBEE Sub-Sector Code and strive to achieve the targets set (where applicable) as per the indicators (Ownership, Management Control, Employment Equity, Skills Development, Preferential Procurement, Enterprise Development and Socio-Economic Development) in the B-BBEE Scorecard both internally and with specific reference to service providers.
- 2.6.6 Align its mission and vision with the imperatives of B-BBEE and assist with the implementation and monitoring of the B-BBEE Sub-Sector Code.

### **3. INDICATORS OF EMPOWERMENT**

#### **3.1 Introduction**

This "Broad-Based BEE Sub-Sector Code for the Maritime Transport & Services Industry seeks to encourage all stakeholders to pursue transformation agenda according to the broad guidelines set out in the BEE National Strategy and B-BBEE Act 53 of 2003. It is also necessary to set different targets and timeframes for the public and private industry because the two are at different stages of the transformation process.

This Sub-Sector Code shall remain in effect until amended, substituted and repealed under Section 9 of the BBBEE Act, or with the parties to this Sub-Sector Code process agreeing to do so. The Transport Charter Council that will be established pursuant to this gazette will review this Sub-Sector Code following the end of the 5<sup>th</sup> year after its gazetting and despite the aforementioned, it shall be reviewed on an annual basis for monitoring purpose.

#### **3.2 Ownership**

##### **3.2.1 Guiding Principle**

- 3.2.1.1 Stakeholders commit to increase black participation across the entire spectrum of the domestic MT & SI value chain in ownership, management control and operational involvement and design appropriate funding



## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

mechanisms to facilitate the process. The ownership component will be measured against the exercisable voting rights and the economic interest that the black equity participants are entitled to.

- 3.2.1.2 This principle is linked to the long-term strategy of growing the domestic Maritime Transport & Services Industry so as to ensure that B-BBEE does not become a zero-sum game.
- 3.2.1.3 The ownership contribution by enterprises in the MT & SI refers to direct ownership and is specifically aimed at any enterprise that has a MT & SI domestic asset base. There is also a need to measure the level of net economic interest that is possessed by the black equity participants. Net economic interest is the unencumbered equity stake that the black shareholders hold.
- 3.2.2 Foreign Ownership**
- 3.2.2.1 Foreign companies, which have an asset base in South Africa, will implement B-BBEE strategies in accordance with the guidelines provided by this Charter. They will be encouraged to sell equity in their local operations.
- 3.2.2.2 The standard ownership target and measurement methods outlined below will apply as long as there is non-existence of the global practice that disallows the sale of equity to local investors. If such a global policy can be evidenced, the company that holds the asset will be encouraged to contribute to ownership by making an application to the DTI for the implementation of an Equity Equivalent Programme.
- 3.2.2.3 Multinationals should give the necessary attention to the creation and development of black owned and controlled enterprises within the MT&SI. The beneficiary enterprises of such programmes should have black people having more than 50% of economic interest and voting rights and/or black women having more than 30% of the economic interest and voting rights.
- 3.2.2.4 Other programmes that can be supported through the Equity Equivalent programmes are such that they are supportive of the following programmes:
- 3.2.2.4.1 The Accelerated and Shared Growth Initiative of South Africa (ASGISA);
- 3.2.2.4.2 The Joint Initiative for Priority Skills (JIPSA); and
- 3.2.2.4.3 The National Skills Development Strategy (NSDS).
- 3.2.2.5 Equity Equivalent Programmes may also take the form of socio-economic development initiatives, particularly with reference to companies that have ownership structures where more than 50% of the economic interest and exercisable voting rights in the hands of black people, and/or more than 30% of the economic interest and exercisable voting rights are in the hands of black black-women. Or black people who are rural-dwellers, youth, unemployed or disabled own more than 50% of the economic interest and exercisable voting rights.
- 3.2.2.6 Companies that choose to include enterprise development or socio-

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

economic development initiatives as Equity Equivalent Programmes will not be able to earn points for those initiatives under any other element on the B-BBEE Scorecard of the Sub-Sector Code.

- 3.2.2.7 The value of the contributions, measured against the value of the domestic asset or South African operations, using a standard valuation method, will be used to calculate the equivalency percentage and this will be applied to the stated targets for ownership in order to score points for ownership.
- 3.2.2.8 Ownership fulfilment will occur once the black equity participants are free from any third party financial obligations relating to the share acquisition as well as any financial obligations to the principle entity.
- 3.2.3 The Private Industry commits to:**
- 3.2.3.1 Broaden the ownership base of their companies and ensure that a minimum of 25% of economic interest is in the hands of black people and 10% is earmarked for black women;
- 3.2.3.2 25% +1 vote voting rights, or equivalent thereof, are in black hands, with a minimum of 10% earmarked for black women;
- 3.2.3.3 A minimum of 3% for black people who are rural-dwellers, youth, unemployed or living with disabilities, within the next 5 years. The first option will be extended towards employees when considering options for achieving this ownership target; and
- 3.2.3.4 Ensure that the net economic interest of the black equity participants is 100% of their acquired share of the business within 5 years. If this is achieved, it will be deemed that Ownership Fulfilment has been achieved.
- 3.2.3.5 For Qualifying Small Enterprises (QSEs) as defined in this Sub-Sector Code will also commit to:
- 3.2.3.5.1 Increase the ownership base of their companies and ensure that a minimum of 25% of economic interest is in the hands of black people
- 3.2.3.5.2 25% +1 vote voting rights, or equivalent thereof, are in black hands,
- 3.2.3.5.3 Ensure that the net economic interest of the black equity participants is 100% of their acquired share of the business within 5 years. If this is achieved, it will be deemed that Ownership Fulfilment has been achieved.
- 3.2.4 Funding Mechanisms**
- 3.2.4.1 Facilitate through creative financing mechanisms the acquisition of equity in their operations by B-BBEE companies so as to ensure the sustainability of the investment by black shareholders and to maximise their net economic interest.
- 3.2.4.2 Increase awareness about the industry amongst the traditional banking institutions as well as Public Financing Institutions.

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

### **3.2.5 Measuring Principles and the Application of the Charter**

- 3.2.5.1 Measurement principles associated with the ownership element is contained in Statement 100 of Code 100 of the Generic Code of Good Practice.
- 3.2.5.2 The formulae required in the determination of the ownership score is contained in Annexure 100 (c) of Statement 100 of Code 100 of the Generic Code of Good Practice.
- 3.2.5.3 The recognition of the sale of assets under the ownership element has the same meaning as that contained in Statement 102 of Code 100 of the Generic Code of Good Practice. The targets as contained in the ownership element of this Sub-Sector Code will apply.
- 3.2.5.4 The recognition of the equity equivalent programmes for multinational has the same meaning and interpretation as that contained in Statement 103 of Code 100 of the Generic Code of Good Practice.
- 3.2.5.5 The formulae required in the determination of the ownership score based on equity equivalent contributions are contained in Annexure 103 (A) of Statement 103 of Code 100 of the Generic Code of Good Practice.
- 3.2.5.6 Measurement principles relating to the ownership element for QSEs are contained in Statement 801 of Code 800 of the Generic Codes of Good Practice.

### **3.3 Management Control**

#### **3.3.1 Guiding Principle**

- 3.3.1.1 Our guiding principle is to increase the participation of black people on MT & SI company boards and similar governing structures to create decision-making structures that truly represent the racial, ethnic and gender diversity of our country. This involves the promotion of the appointment of black people to board of directors, executive positions, and top management positions. The appointment of black women to these positions is an integral part of this guiding principle. The industry will be transparent, endeavour to eliminate unscrupulous business practices including misrepresentation and fraud, and adopt best-practice corporate governance policies as outlined in the King II report.

#### **3.3.2 The Private Industry commits to:**

- 3.3.2.1 Recruit onto their boards and similar governing structures black directors (who do not necessarily own equity) to reach a target of at least 50% within 5 years. 50% of these targets, which is equal to 25% of the total for both number of black women directors with exercisable voting rights.
- 3.3.2.2 Recruit onto their boards black directors to constitute 50% of executive directors. 25% of the number of black executive directors should be earmarked for black women.
- 3.3.2.3 Recruit into senior top management structures in enterprises black people

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBBEE**

such that a target of 40% of the total number of senior top management positions, such as a Chief Executive Officer, Chief Financial Officer or Chief Investment Officer, will be occupied by black people.

- 3.3.2.4 20% of senior top management positions should be earmarked for black women.
- 3.3.2.5 Recruit into other top management structures in enterprises black people such that a target of 40% of the total number of other senior top management positions, such as a Marketing Director/Manager, Human Resources Director/Manager, IT Director/Manager.
- 3.3.2.6 20% of other top management positions (e.g. Divisional managers) should be earmarked for black women.
- 3.3.2.7 Endeavour to recruit black people living with disability at management levels, where they should constitute 3% of total executive management.
- 3.3.2.8 If the measured entity does not differentiate between senior top management and other top management; senior top management and the other top management can be collapsed into one indicator-top management. The target remains 40%, and the weighting will be the sum of the senior top management and other top management weighting.
- 3.3.2.9 QSEs within the sector commits to recruiting black people at Top Management positions, where they should constitute 50.1% of total Top Management.
- 3.3.2.10 Recruiting black women at Top Management level; where they should constitute 25% of all such positions.
- 3.3.3 Measurement Principles and the Application of the Charter**
- 3.3.3.1 Measurement principles associated with the management control element are contained in Statement 200 of Code 200 of the Generic Code of Good Practice.
- 3.3.3.2 The formulae required in the determination of the management control score are contained in Annexure 200 (A)-B of Statement 200 of Code 200 of the Generic Code of Good Practice. The Adjustment Recognition for Gender will not apply Annexure 200 (A)-A.
- 3.3.3.3 Measurement principles needed for the application of the Sub-Sector Code with regards to the management control element for QSEs are contained in statement 802, Code 800, of the Generic Codes of Good Practice.
- 3.4 Employment Equity**
- 3.4.1 Guiding Principle**
- 3.4.1.1 Our principle is to increase the participation of black people in senior management, middle management and junior management in the Maritime Transport & Services Industry to create a workforce that truly

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

represents the racial, ethnic and gender diversity of our country.

- 3.4.1.2 This will require that all stakeholders create a supportive culture within their organisations to be an 'Employer of Choice', attract new talent, facilitate the development of existing employees, and accelerate their progress into key positions within the industry.
- 3.4.2 Private Industry commits to:**
- 3.4.2.1 Increase the representation of black people in senior management positions so that a minimum of 60% of people at this level are black within 5 years. 50% of the 60% should be black women.
- 3.4.2.2 Increase the representation of black people in middle management positions so that a minimum of 75% of people at this level are black within 5 years. 50% of the 75% should be black women.
- 3.4.2.3 Increase the representation of black people in junior management positions so that a minimum of 80% of people at this level are black within 5 years. 50% of the 80% should be black women.
- 3.4.2.4 Increase the representation of black people living with disabilities in the workforce of the enterprise so that a minimum of 3% of people at this level are black living with disabilities within 5 years. 50% of the of the 3% should be black women.
- 3.4.2.5 If the measured entity does not differentiate between top management and senior management, the top management indicator can be collapsed into the senior management. The senior management target – 60% will apply and the target will be the weighting will be the sum of the top management target and senior management weighting.
- 3.4.2.6 Measured entities falling within the QSE threshold commit 40% of all management staff is black within 5 years. 50% of the 40% should be earmarked for black women.
- 3.4.2.7 QSE within this sector commit to all 60% of all staff should be black within the 5 years. 30% of all positions should be occupied by black women within 5 years.
- 3.4.2.8 Ensure total compliance with the Employment Equity Act (EE Act), presenting accurate figures and statistics on EE to the Department of Labour (DoL). These targets will set in the EE Plans within the set period. Due regard should be paid to the composition of the Economically Active Population (EAP) figures published by Stats SA from time to time. These figures serve as targets for the composition of the workforce of enterprises. Any enterprise which does not evidence compliance with the EE Act will be deemed not to comply with the EE element of the MT & SI B-BBEE Charter
- 3.4.3 TETA commits to:**
- 3.4.3.1 Play a significant role in monitoring and supporting stakeholders to meet their EE targets. The Sub-Sector Code Steering Committee on an annual basis will report on this role.
- 3.4.4 Labour Standards**
- 3.4.4.1 Guiding Principle**
- 3.4.4.1.1 Our guiding principle is to develop an industry that is characterised by fair

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBBEE**

labour practices.

- 3.4.5 All Stakeholders commit to:**
- 3.4.5.1** Implement fair labour practices across the board in line with the requirements of the Basic Conditions of Employment Act, the Employment Equity Act and the Skills Development Act. Seafarers employed by South African owners and operators will be afforded the same rights as other workers.
- 3.4.5.2** Ensure non-discrimination against employees living with HIV/AIDS and allocate funds and resources towards initiatives aimed at HIV/AIDS education, counselling and treatment in maritime communities in conjunction with international best practices.
- 3.4.6 Measurement Principles and the Application of the Charter**
- 3.4.6.1** Measurement principles on the employment equity element, is contained in Statement 300 of Code 300 of the Generic Code of Good Practice.
- 3.4.6.2** The formulae required in the determination of the employment equity score are contained in Annexure 300 (A)-B of Statement 300 of Code 300 of the Generic Code of Good Practice. The formula for the determination of the Adjusted Recognition for Gender – Annexure 300 (A)-A will not apply.
- 3.4.6.3** Measurement principles for the determination of the Employment Equity score for QSE are contained in Statement 803 of Code 800 of the Generic Codes of Good Practice.
- 3.5 Skills Development**
- 3.5.1 Guiding Principle**
- 3.5.1.1** Our vision is to substantially increase the economic value added (or productivity) of every employee in the Maritime Transport & Services Industry through best practice human resource and skills development policies and to increase the scale of initiatives aimed at developing black professionals and technical experts. This will be facilitated by training black people, including black women and black people living with disabilities.
- 3.5.2 Private Industry undertakes to:**
- 3.5.2.1** Invest at least 5% of payroll or the leviable amount (whichever is applicable) on skills development initiatives within the next 5 years. The target is inclusive of all associated costs and the current 1% skills development levy. Fifty percent - 50% of the beneficiaries of these initiatives should be black women.
- 3.5.2.2** Invest at least 0.5% of payroll on skills development initiatives for black people living with disabilities, over and above the 1% skills levy within the next 5 years. 50% of the beneficiaries of these initiatives should be black women living with disabilities. Black employees having participated in

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

Learnerships or Category B, C or D programmes being 5% of the total employees - 50% of the beneficiaries of these initiatives should be black women.

- 3.5.2.3 Identify within and outside their companies a talent pool of black people for accelerated development through:
  - 3.5.2.3.1 International assignments that provide high-quality operational and managerial exposure, where appropriate;
  - 3.5.2.3.2 Mentorship programmes;
  - 3.5.2.3.3 Learnerships;
  - 3.5.2.3.4 Intra-industry exchange and internship programmes; and
  - 3.5.2.3.5 Higher education and training.
- 3.5.2.4 Measured entities qualifying as QSEs to invest 2% of the leviable or payroll whichever is applicable on skills development expenditure on learning programmes for black employees. 50% of this amount to be spend on learning programmes for black women employees.
- 3.5.3 TETA commits to:**
  - 3.5.3.1 Conduct research to identify scarce management (generic) and professional (maritime-specific) skills that the industry will require over the next decade and map out future demand-supply scenarios in the detailed skills audit.
  - 3.5.3.2 Conduct research on the supply side of the skills development equation i.e. the institutions that will provide the required management, professional and technical skills. The research will determine whether the identified institutions have the capacity to meet the expected demand and whether their curricula meet the needs of industry. It will make proposals on how to increase the capacity and relevance of existing institutions and establish whether there is a need to establish a dedicated institution that will focus on developing skills for the Maritime Transport & Services Industry.
  - 3.5.3.3 Introduce, after consulting stakeholders and completing the skills audit, new categories of learnerships, in management, technical and professional occupational categories, to help public and private sector organisations to achieve their employment equity targets.
  - 3.5.3.4 Collect and publish detailed and aggregated statistics on the EE profile of the industry according to occupational level and occupational category. Also, to monitor the industry's progress in meeting its targets and publish an annual report on the EE Profile of the industry according to occupational level and category.
  - 3.5.3.5 Assist in unlocking the funds from the National Skills Fund (NSF) for Management and Learnership Programmes in the identified areas.
  - 3.5.3.6 Together with the South African Maritime and Safety Authority (SAMSA), continuously benchmark training programmes against international best practice.

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.5.3.7 Expand the number of learnerships available based on the sector's skills requirements identified in the sector skills plan and the demands of the industry.
- 3.5.3.8 Facilitate easy access to finance learnerships and eliminate bottlenecks and bureaucratic procedures in accessing grants. This would entail streamlining processes and developing user-friendly procedures that encourage companies to participate in learnership programmes.
- 3.5.4 Measurement Principles and the Application of the Charter**
- 3.5.4.1 Measurement principles associated with the skills development element is contained in Statement 400 of Code 400 of the Generic Code of Good Practice.
- 3.5.4.2 The formulae required in the determination of the skills development score are contained in Annexure 400 (A)-B of Statement 400 of Code 400 of the Generic Code of Good Practice. The formula for the determination of the Adjusted Recognition for Gender – Annexure 400 (A)-A will not apply.
- 3.5.4.3 The measurement principles required in the determination of the skills development score for QSEs are contained in Statement 804 of Code 800 of the Generic Code of Good Practice.
- 3.5.4.4 The Learning Programme Matrix: Annexure 400 (A) of statement Code 400 the Generic Codes of Good Practice will apply.
- 3.6 Preferential Procurement**
- 3.6.1 Guiding Principle**
- 3.6.1.1 Our guiding principle is to accelerate procurement from black-owned and B-BBEE compliant enterprises, thus creating opportunities for the establishment of new enterprises and the development of existing ones that will grow the industry and create jobs.
- 3.6.2 The Private Industry commits to:**
- 3.6.2.1 Commission, together with other stakeholders, a study to establish current levels of procurement from B-BBEE companies and identify areas where they can achieve "quick wins" to accelerate B-BBEE. The research report will be discussed by Transport Charter Council and communicated to relevant stakeholders.
- 3.6.2.2 Procure a minimum 70% of total procurement spend from B-BBEE compliant suppliers, as defined by the B-BBEE Recognition Levels articulated in the B-BBEE Codes of Good Practice, within the next 5 years.
- 3.6.2.3 Procure at least 15% of total procurement spend from B-BBEE Compliant QSEs and EMEs within the next 5 years. The B-BBEE Recognition Levels articulated in the B-BBEE Codes of Good Practice will define the level of recognition of each Rand spent.



## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.6.2.4 Procure a minimum of 12% of total procurement spend from 50% black owned suppliers.
- 3.6.2.5 Procure a minimum of 8% of total procurement spend from 30% black women-owned enterprises within the next 5 years.
- 3.6.2.6 QSEs within this sub-sector commit to procuring a minimum of 40% of total procurement from B-BBEE compliant suppliers.
- 3.6.2.7 Adopt the guidelines on Accounting for Affirmative Procurement that will be set by the Transport Charter Council.
- 3.6.3 Measurement Principles and the Application of the Sub-Sector Code**
- 3.6.3.1 Measurement principles associated with the preferential procurement element is contained in Statement 500 of Code 500 of the Generic Code of Good Practice.
- 3.6.3.2 Pass through third party procurement for a third party or a client that is recorded as an expense in the third party or client's annual financial statements but is not recorded as such in the Measured Entity's annual financial statements will be excluded. In this regard, only the commission portion paid to agents will be recorded as under procurement.
- 3.6.3.3 Maritime related services however will be included within total procurement spend. These include, but are not limited to:
- 3.6.3.3.1 Chandelling; and
- 3.6.3.3.2 Tallying.
- 3.6.3.4 The formulae required in the determination of the preferential procurement score for measured entities are contained in Annexure 500 (A) of Statement 500 of Code 500 of the Generic Code of Good Practice.
- 3.6.3.5 Measurement principles required in evaluating the preferential procurement contributions made by QSEs within this sector are contained in Statement 805 of Code 800 of the Generic Codes of Good Practice.
- 3.7 Enterprise Development**
- 3.7.1 Guiding Principle**
- 3.7.1.1 Our principal objective is to help set up, nurture and grow viable B-BBEE enterprises in the Maritime Transport & Services Industry that are majority-owned by black operators while developing existing companies. We aspire to increase investment in black-owned and empowered enterprises as a proportion of net asset value.
- 3.7.2 Private Industry commits to:**
- 3.7.2.1 Pro-actively seek opportunities to enter into creative joint ventures, provide discounts, give preferential credit terms and other forms of support, with B-BBEE compliant and black-owned enterprises

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.7.2.2 Facilitate the development of new enterprises by the sharing of knowledge and expertise with beneficiary entities, which will be B-BBEE compliant or black owned enterprises.
- 3.7.2.3 Aspire to contribute to enterprise development which amount to 3% of net profit after tax (NPAT) evaluated annually over the next 5 years.
- 3.7.2.4 QSEs within this subsector aspire to make contributions to enterprise development, which will amount to 2% of NPAT evaluated annually over the next 5 years.
- 3.7.3 TETA commits to:**
- 3.7.3.1 Develop training programmes specifically designed for entrepreneurs in the Maritime Transport & Services Industry. The Transport Charter Council will monitor the progress of this commitment. The number of successful entrepreneurs that have undergone training under the TETA accredited programmes will measure the success, over time.
- 3.7.4 Measurement Principles and the Application of the Charter**
- 3.7.4.1 Measurement principles associated with the enterprise development element are contained in Statement 600 of Code 600 of the Generic Code of Good Practice.
- 3.7.4.2 Qualifying contributions for the enterprise development element are contained in Annexure 600 (A) – Benefit Factor Matrix of the Statement 600 of Code 600 of the Generic Codes of Good Practice.
- 3.7.4.3 The formulae required in the determination of the enterprise development score are contained in Annexure 600 (A) of Statement 600 of Code 600 of the Generic Code of Good Practice.
- 3.7.4.4 Measurement principles required in evaluating the enterprise development contributions made by QSEs within this subsector are contained in Statement 806 of Code 800 of the Generic Codes of Good Practice.
- 3.7.5 Sector Specific Targets**
- 3.7.5.1 Job Creation - Guiding Principle**
- 3.7.5.1.1 There has been significant growth in the container and bulk industry over the past decade with huge increases in volumes of imports and exports, but the growth in these areas of trade has not been accompanied by a similar increase in employment. Our vision is to ensure the retention and creation of quality jobs.
- 3.7.5.1.2 The guiding principle for job creation shall be related to growth in the overall South African economy, industrial production and enterprise development. To this end a certain percentage in economic growth should at least create a significant number of jobs in our Industry.

## **MARITIME TRANSPORT & SERVICES INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.7.5.2 All Stakeholders therefore commit to:**
- 3.7.5.2.1 Supporting any ED initiatives that will lead to job creation. Any enterprise development contributions leading to the creation of jobs will be enhanced by a factor of 1.25
- 3.8 Socio-Economic Development**
- 3.8.1 Guiding Principle**
- 3.8.1.1 The maritime industry is well placed to make a contribution towards the development of local communities. Our aim is to increase the impact of companies within the MT& SI value chain on local communities. The beneficiaries of such projects must be 75% black people.
- 3.8.2 All Stakeholders commit to:**
- 3.8.2.1 Participate in social development projects as identified by historically disadvantaged employees, which can include HIV/AIDS treatment and prevention, education, community development and maritime awareness.
- 3.8.2.2 Spending 1% of NPAT for the private sector on the social development projects articulated in the above guiding principle.
- 3.8.2.3 QSEs within this sector contributing a minimum of 1% of NPAT evaluated annually to socio-economic development initiatives over the next 5 years.
- 3.8.2.4 Social development contributions leading in the following key focus areas will be enhanced by a factor of 1.25. The key focus areas are:
- 3.8.2.4.1 HIV Aids Programmes;
- 3.8.2.4.2 Education;
- 3.8.2.4.3 Community Development; and
- 3.8.2.4.4 Maritime Awareness.
- 3.8.3 Maritime Awareness - Guiding Principle**
- 3.8.3.1 Given the lack of awareness about the impact and contribution of the Maritime Transport & Services Industry in our economy, it becomes an imperative to embark on a comprehensive Maritime awareness campaign.
- 3.8.3.2 All Stakeholders commit to:**
- 3.8.3.2.1 Develop an industry-wide awareness campaign to showcase the MT & SI and its interrelated activities and demonstrate its impact on the economy through facilitating trade, economic growth and development, B-BBEE and job creation.
- 3.8.3.2.2 The awareness campaign should target all South Africans, the African region as well as the international community. Targeted campaigns to be spearheaded at government departments (Department of Trade and Industry, Department of Transport and National Treasury), schools, tertiary institutions and financial Institutions.